



APPLICATION ACCEPTED: August 31, 2012
BOARD OF ZONING APPEALS: November 28, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 21, 2012

**STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2012-HM-058
HUNTER MILL DISTRICT**

APPLICANT: Ekklesia, USA

ZONING: PRC

LOCATION: 11979 N. Shore Drive, Reston, 20190

ZONING ORDINANCE PROVISIONS: 8-308

TAX MAP: 17-2 ((15)) 36

LOT SIZE: 3.61 acres

F.A.R.: 0.117

PLAN MAP: PRC

SP PROPOSAL: To permit an existing church to add a child care center.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-HM-058 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

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Rebecca Horner

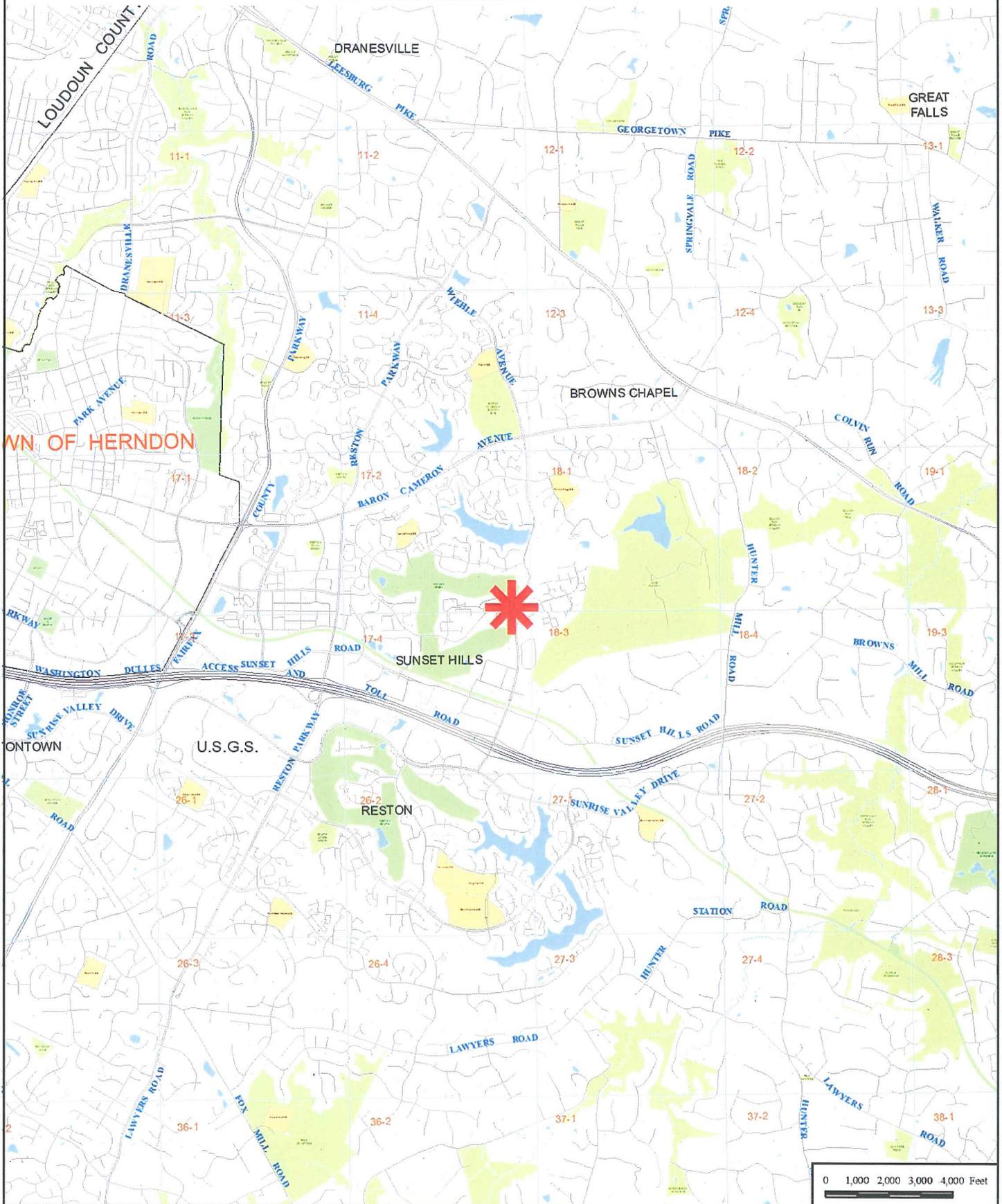


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-HM-058

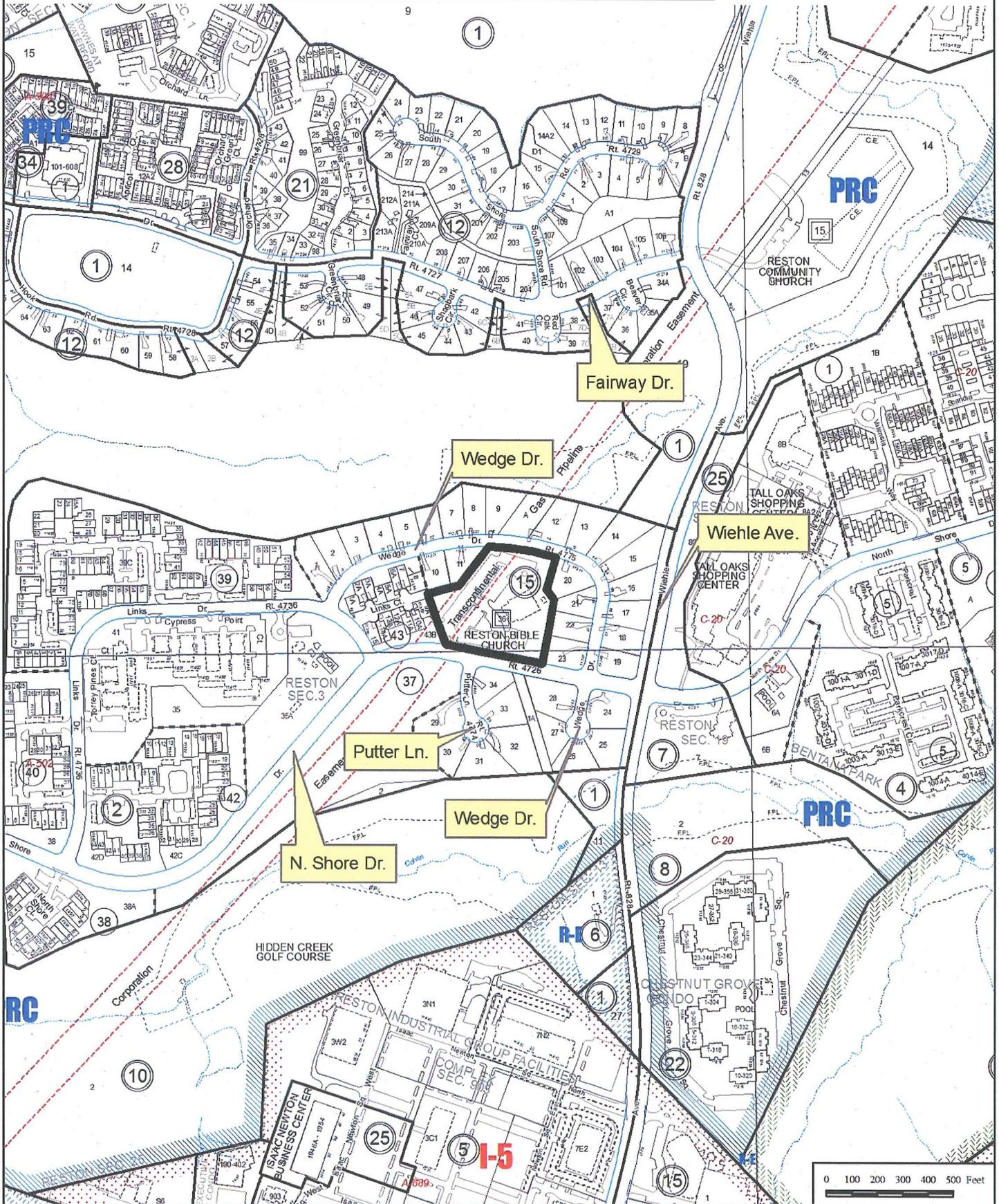
EKKLESIA USA



Special Permit

SP 2012-HM-058

EKKLESIA USA





NOTES:

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. FENCE LOCATIONS, IF SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
3. ACCORDING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FLOOD INSURANCE RATE MAPS THE HOUSE SHOWN HEREON APPEARS TO BE IN ZONE "X".
4. THE METES AND BOUNDS AND MERIDIAN SHOWN HEREON WERE TAKEN FROM DEEDS OF RECORD.
5. THE PARCEL SHOWN CURRENTLY STANDS IN THE NAME OF EKKELESIA USA AS PER DEED BOOK 21388 PAGE 18.
6. THE PROPERTY SHOWN HEREON IS SERVED BY PUBLIC WATER AND SEWER SERVICES.
7. THERE IS NO EVIDENCE OF GRAVESITES, BURIAL GROUNDS OR HISTORIC MARKERS ON THIS SITE.
8. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED PRC THE SETBACKS ARE AS FOLLOWS:
MINIMUM YARD REQUIREMENTS: FRONT: 16'
SIDE: NONE
REAR: NONE
9. CATV= CABLE TELEVISION
EP= EDGE OF PAVEMENT
IPF= IRON PIPE FOUND
FC= FACE OF CURB
SP= SPACES

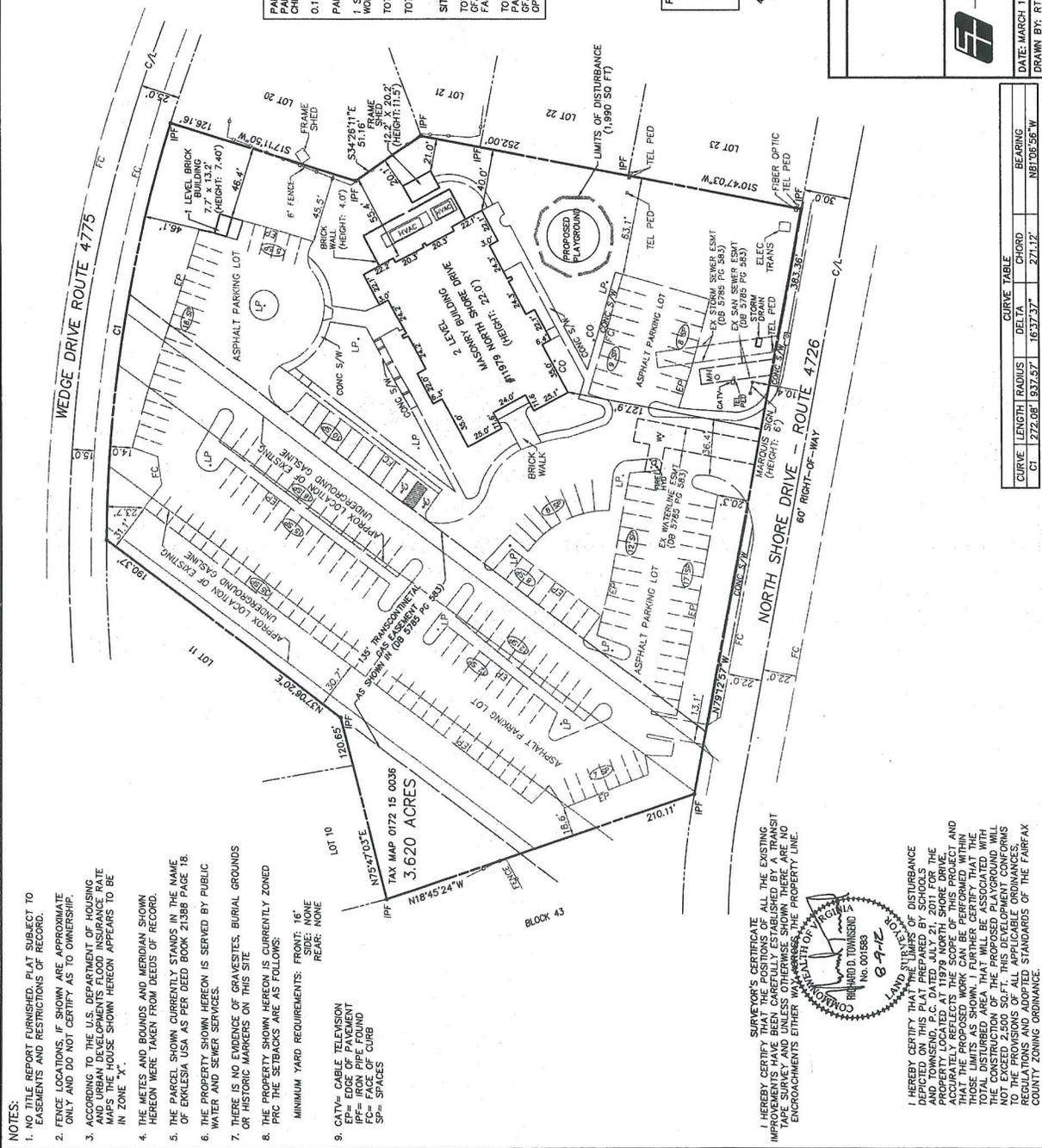
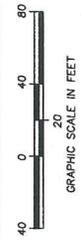
PARKING TABULATION FOR CHILD CARE CENTER WITH 99 CHILDREN OR LESS

0.19 SPACES PER CHILD = 19 SPACES REQUIRED
PARKING REQUIRED FOR CHURCH (660 SEATS)
1 SPACE PER 4 SEATS IN THE PRINCIPLE PLACE OF WORSHIP = 165 SPACES REQUIRED
TOTAL PARKING REQUIRED = 184 SPACES
TOTAL PARKING PROVIDED = 193 STANDARD SPACES
2 HANDICAPPED SPACES

SITE DATA:

TOTAL AREA 157,687 SQ FT
CFA 9,756 SQ FT
FA 6,188 SQ FT
TOTAL AREA 157,687 SQ FT
PARKING AREA 75,776 SQ FT
CFA 9,756 SQ FT
OPEN SPACE 72,155 SQ FT

PROPERTY DATA:
OWNER: EKKELESIA USA
(DEED BOOK: 21,388 PAGE 18)
ADDRESS: #1975 NORTH SHORE DRIVE
TAX MAP: 0722-15 (15) 0036
DATE: 07/26/00
ZONING: PRC



BUILDING LOCATION SURVEY
BLOCK 36 - SECTION 3
RESTON
(DEED BOOK 2798 PAGE 363)
HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCHOOLS & TOWNSEND, P.C.
ENGINEERS SURVEYORS
703-968-9001 • 431-2895 • FAX 703-968-9000
10000 WOODS STREET • MANASSAS, VIRGINIA 20110

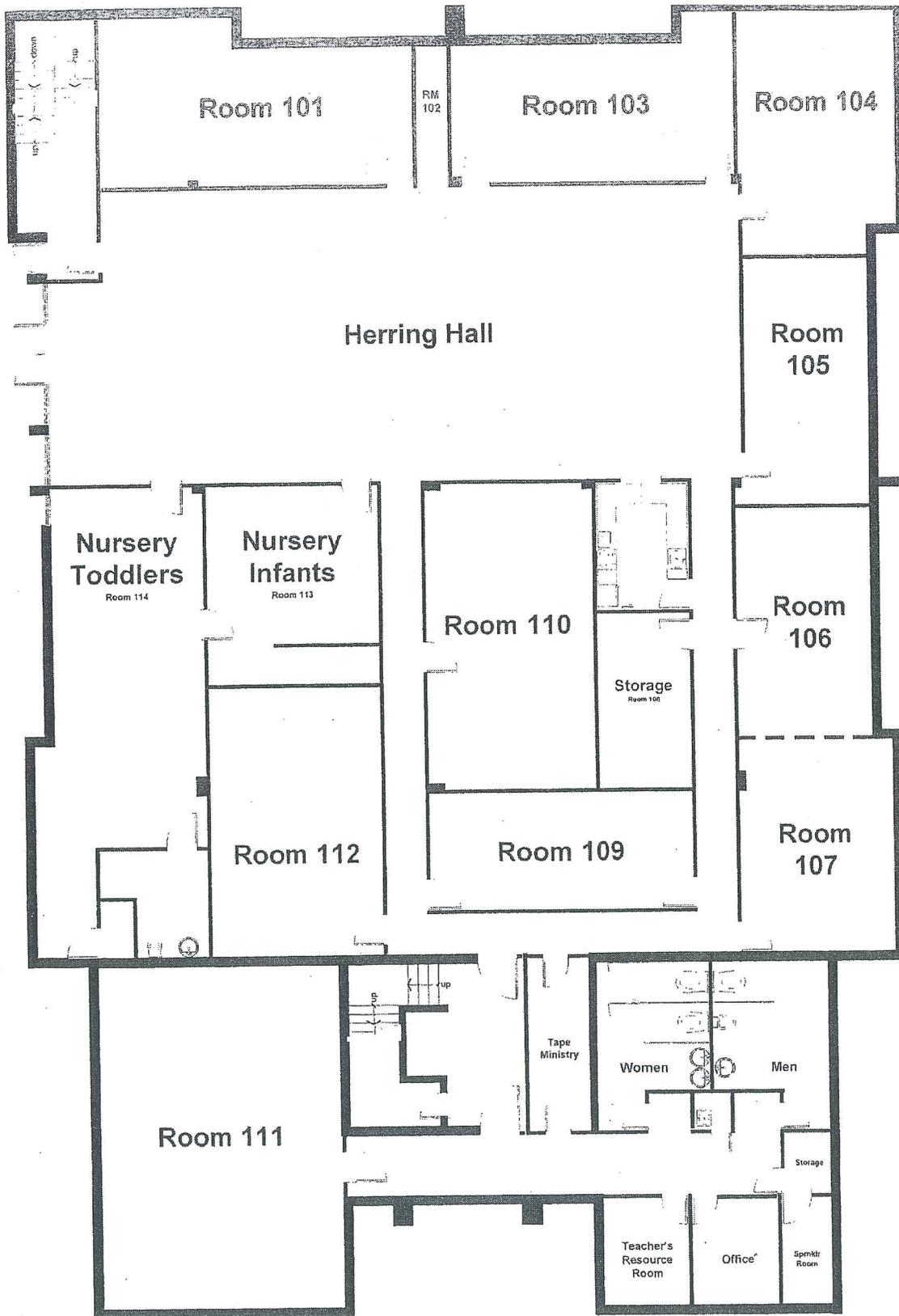
DATE: MARCH 10, 2012 SCALE: 1" = 40'
DRAWN BY: RT CHECKED BY: KH WO# 4-11-367
FR: 524 PG: 78

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
CI	272.06'	937.57'	16°37'37"	271.12'	N81°06'56"W

I HEREBY CERTIFY THAT THE SURVEYOR'S CERTIFICATE AND ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS EITHER WAY OR EITHER OF THE PROPERTY LINE.



I HEREBY CERTIFY THAT THE LIMITS OF DISTURBANCE DEPICTED ON THIS PLAT PREPARED BY SCHOOLS AND TOWNSEND, P.C. DATED JULY 21, 2011 FOR THE PROJECT OF THE PROPOSED CHURCH AND ACCURATELY REFLECTS THE SCOPE OF THIS PROJECT AND THAT THE PROPOSED WORK CAN BE PERFORMED WITHIN THOSE LIMITS AS SHOWN. I FURTHER CERTIFY THAT THE LIMITS AS SHOWN ON THIS PLAT DO NOT EXCEED THE CONSTRUCTION OF THE PROPOSED PLAYGROUND WILL NOT EXCEED 2,500 SQ.FT. THIS DEVELOPMENT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES TO THE ZONING ORDINANCE OF THE FAIRFAX COUNTY ZONING ORDINANCE.



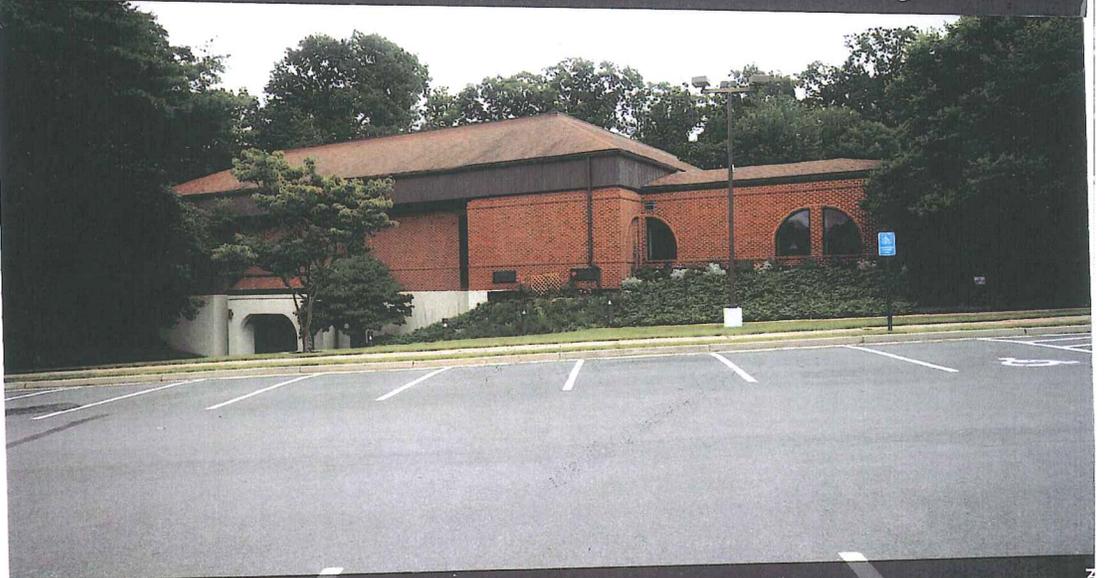
Main Campus Herring Hall and Downstairs



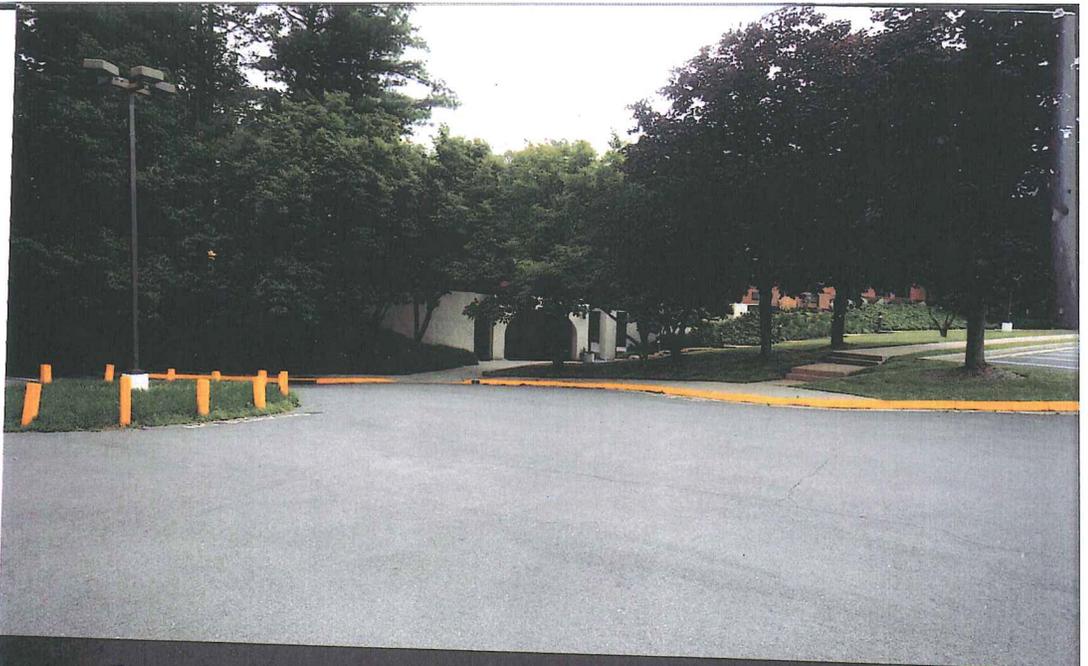
Picture taken from N. Shore Dr to the Left side of the Building



Picture taken from N. Shore Dr to the Front door of the Building



Picture taken from the Parking lot to the Right side of the Building



Picture taken from Wedge Dr. to the Right door of the Building (basement)



Picture taken from the neighbor's house to the Back of the Building



Picture of two storages located in the Back of the building



Picture taken from de righth door of the building (basement) to the Wadge Dr

7



Picture taken from de righth side of the building to the neighbor's house

8



Picture taken from the righth Side of the building to the Parking lot

9



Picture taken from the Front Side of the building to the Parking lot and N. Shore Dr

10



Picture taken from the Front Side of the building to the N. Shore Dr

11



Picture taken from the Left side of the building to the N. Shore Dr

12



Picture taken from the Left side of the building to the neighbor's house

13



Picture taken from the Left side of the building to the neighbor's house

14



Picture taken from the Back side of the building to the neighbor's house

15



DESCRIPTION OF THE APPLICATION

The request is to allow an existing 747-seat church to add a child care center for 99 children between the ages of 3 months and 12 years. The proposed child care center would be operated from 6:30am to 6:30pm, Monday through Friday. There are no new buildings or parking proposed. The school is proposed to be operated from the existing 18,592 square foot church building on site. A playground area will be added southeast of the existing church facility in an existing open area.

The child care center would utilize parking within the existing 192 stall, hard-surfaced, parking lot. The applicant must apply for administrative approval through the Department of Public Works and Environmental Services to allow shared parking between the church and the child care center.

WAIVERS AND MODIFICATIONS

Art. 13 requires a 25 foot transitional screen between the church and the single family dwellings. The church use was developed in 1981 and a landscape plan was approved. There are a number of existing trees and shrubs on the property and in some areas a 25 foot transitional screening exists.

Art. 13 also requires a barrier between the transitional screening and the adjacent use. There does not appear to be an existing barrier on the church property.

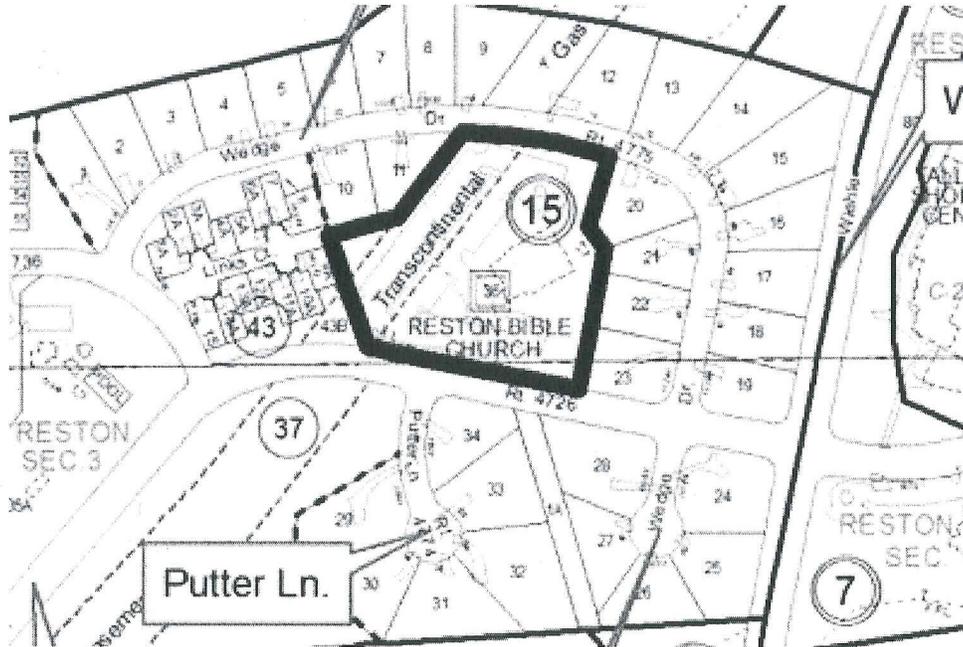
EXISTING SITE DESCRIPTION AND BACKGROUND:

The subject property is located in Reston, north of Sunset Hills Road and west of Wielhle Avenue. The PRC zoning allowed development of the site for a place of worship. The site was first developed with the Reston Bible Church in 1983. The site contains an existing church building, now operated by Ekklesia, USA with associated hard surfaced parking. The property was acquired by Ekklesia, USA in 2010 when a new Non-RUP was issued to Ekklesia, USA. There are several existing mature trees located on site which help buffer the existing church from the surrounding single family residential uses.



SURROUNDING AREA DESCRIPTION:

Direction	Use	Zoning	Plan
North	Single Family Residential	PRC	PRC
South	Single Family Residential	PRC	PRC
East	Single Family Residential	PRC	PRC
West	Single Family Residential	PRC	PRC



COMPREHENSIVE PLAN PROVISIONS

Plan Area: Upper Potomac Planning District, Area III
Planning Sector: UP-5 Community Planning Sector
Plan Map: PRC, Residential Planned Community

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Building Location Survey, Block 36 – Section 3, Reston

Prepared By: Schools and Townsend, P.C.

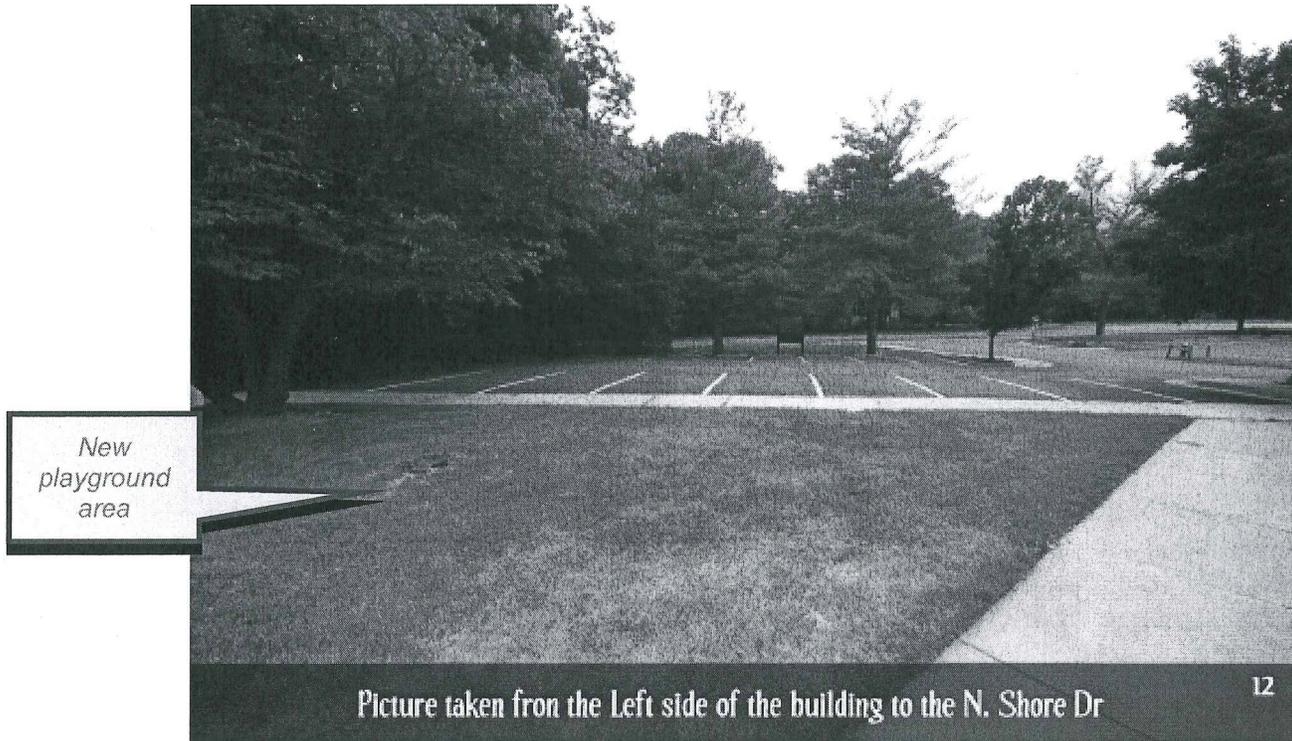
Dated: March 10, 2012, as revised through August 9, 2012

Proposed Use:

The request is establish a new child care center for 99 children within an existing church. Enrollment would be for ages 3 months through 12 years and would not exceed a total maximum daily enrollment of 99 children. The hours of operation would be from 6:30 a.m. to 6:30 p.m. The primary drop off time would be from 7:30 to 8:30 in the morning and primary pick up time would be from 4:30 to 5:30 in the evening. School age children are proposed to be driven to/from their respective school by a van.

The applicant proposes to install a new playground south and east of the existing church building. The playground will be accessed by two adjacent sidewalks on the

north and west. The equipment has not yet been selected; however the applicant indicates they intend to purchase playground equipment which may consist of slides and similar play structures. Children would be rotated to the playground by class. The applicant indicates they plan to fence the playground area but do not yet have details on the final fence design.



There is no increase in building size associated with the application. The child care center is proposed to be operated in classroom facilities in the lower level of the existing structure on the site.

There is parking on site to support the existing church use, however there is not enough additional parking stalls to be designated for all of the required child care center use; therefore the applicant needs to request administrative approval of a parking reduction. The two uses have dissimilar operating hours; therefore the County has a process to reduce the required parking for two uses on one lot when certain criteria are met. It appears the proposed child care center falls within the allowances of an administrative reduction and the applicant must pursue this through the Department of Public Works and Environmental Services (DPWES). DPWES will not finalize the reduction request until the BZA takes action on the child care center application.

Transportation Analysis (Appendix 4)

There are no transportation issues associated with this application. The Transportation Division indicated that an on-road bike lane will be striped along North Shore Drive in

the future, therefore FCDOT requests to be notified if the church plans additional work along their frontage of North Shore Drive.

ZONING ORDINANCE PROVISIONS

'PRC DISTRICT Bulk' REGULATIONS	REQUIRED	PROVIDED
Lot Size	No requirement	3.61 acres
Building Height	No requirement	22 feet
FAR '	No requirement	0.085
Parking Spaces	Church – 187 Child Care Center – 19 Total required for both uses: 206	194*

* Sect. 11-106 of the Zoning Ordinance requires that the Places of Worship provide (1) parking space per four seats in the sanctuary. The number of required parking spaces for the existing seating capacity of 747 is 187. The nursery school is required to have 0.19 spaces per student. Based on an enrollment of 99 the required parking for the nursery school is 19 spaces.

WAIVERS/MODIFICATIONS REQUESTED

Waiver/Modification: A 25 foot transitional screen yard between the church and the single family dwellings is required. The church use was developed in 1981 and a landscape plan was approved. There are a number of existing trees and shrubs on the property and in some areas a 25 foot transitional screening exists. Since the church has existed for many years, a significant amount of vegetation is present on site and the proposed use is contained within the existing church building, staff believes the waiver is justified.

Art. 13-304 requires a barrier between the transitional screening and the adjacent use. There does not appear to be an existing barrier on the church property. Again, since the church has existed on the site for many years, there are many mature trees and shrubs on site and there is no new construction proposed for the child care use, staff believes the waiver is justified.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 5)

General Special Permit Standards (Sect. 8-006)

Standards for all Group 3 Uses (Sect. 8-303)

Additional Standards for Churches, Chapels, etc. (Sect. 8-308)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-303 and 8-308 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SP 2012-HM-058 subject to the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Transportation Analysis
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

November 21, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2012-HM-058 located at Tax Map 17-2 ((15)) 36 for a child care center within an existing church under Section 8-308 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Ekklesia, USA, and is not transferable without further action of this Board, and is for the location indicated on the application, 11979 N. Shore Drive, consisting of 3.61 acres, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Schools and Townsend, P.C., dated March 10, 2012, as revised through August 9, 2012 by Richard D. Townsend, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the sanctuary shall be 747 seats.
6. Upon issuance of a new Non-Residential Use Permit, the total maximum daily enrollment for the child care center shall be 99.
7. The hours of operation for the child care center shall not exceed 6:30 a.m. to 6:30 p.m., Monday through Friday.
8. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. The lights shall be turned off when the site is not in use, except as reasonably necessary for security purposes, including cleaning services.
9. Existing vegetation on site, including trees and shrubs,

10. Transitional screening and barrier requirements shall be modified along all lot lines in favor of existing vegetation. Existing vegetation shall be maintained in good condition and dead, damaged and/or dying materials shall be replaced as necessary to maintain screening.
11. If provided, playground equipment shall be installed within the area designated as a proposed playground on the special permit plat.
12. The playground area may be fenced with no higher than a 6' fence.
13. All signs shall be in conformance with Article 12 of the Zoning Ordinance.
14. The use of loudspeakers shall not be permitted outside the building.
15. Four parking spaces located adjacent to the building containing the child care center shall be reserved for the pick-up and drop off of children only, during the hours of operation of the child care center.
16. Based on the size of the playground area, a maximum of 19 children shall be permitted on the playground at any one time.

This approval, contingent on the above-noted conditions, shall not relieve the applicant for compliance with the provisions of any applicable ordinance, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/15/11
 (enter date affidavit is notarized)

I, Pr. Carlos Peñaloza, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

114 503

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
EKKLESIA USA	11979 N. Shore Dr. - Reston, VA 20190	Applicant / Title owner
Pr. Carlos Peñaloza	11979 N. Shore Dr. - Reston, VA 20190	Agent
Ruth Soliz	14607 Stream Pond Dr. - Centreville, VA 20120	Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/15/11
(enter date affidavit is notarized)

114503

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

EKKLESTIA USA 11979 N. Shore Dr. - Reston, VA 20190

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

This is a "~~None-Stock~~" Corporation having no shareholders
"Nom-Stock" c/p

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____

12/15/11

(enter date affidavit is notarized)

114503

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N / A

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/15/11
(enter date affidavit is notarized)

114503

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/15/11
(enter date affidavit is notarized)

114503

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

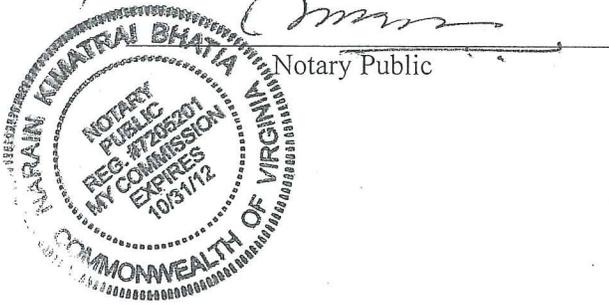
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature: _____
(check one) [] Applicant [x] Applicant's Authorized Agent

CARLOS PENALOZA, PASTOR
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15th day of December 2011, in the State/Comm. of Virginia, County/City of Reston/Fairfax

My commission expires: 10/31/2012





RECEIVED
Department of Planning & Zoning

DEC 22 2011

Zoning Evaluation Division

October 14, 2011

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

We are a Spanish Christian Church new in the area of Reston, we have a huge Children's Ministry on our Sunday School meetings, and since we count with a good group of Early Childhood Professional Teachers we are excited to open a Christian Child Daycare Center to serve the community of Fairfax County and their vicinities, expanding through this way the love of God that is going to help us to prepare boys and girls with confidence, security and purpose in their early lives, being formed with a good moral and character to make a positive impact in their communities.

Our hours of operation will be from 6:00 AM to 6:30 PM, with the maximum of 99 children, we are planning to have around 14 employees could be more could be less, depending on the individual and group needs based on the regulations and requirements for daycare centers. Our Church capacity holds 650 members on Sunday meetings and our parking accommodates around 190 parking spaces, we have an entrance and an exit with enough space to avoid traffic incidents, because of this we believe that drop off and pickup for the children during the week is going to have a minimum traffic impact.

The daycare will be occupying the Lower level of the church, that has 10 rooms around the main hall and we are not planning any new building additions for the moment.

No hazardous or toxic substances will be used in the lower level of the church building during daycare hours, unless it is required we could use disinfecting wipes and windex (glass and surface cleaner), and all the cleaning supplies have been stored and locked in a designated storage room where only the Cleaning People have access.

The lower level of our church is prepared with all the requirements for childcare, since we are already using these premises for the Sunday school classes, were we serve infants, toddlers, preschoolers, and school age children. Each room has furniture according to the age level; we offer a safe environment with enough toys and materials that compiles with the state regulations for licensing. We also have a big main hall for inside group activities in case the weather doesn't let us go outside. At this time we don't need any modifications. We believe that we are ready to open our Church for daycare services during the week and offer to the public a competitive place to choose from to give their children the best moments they need and, a good care showing and teaching them with love and professionalism.

Carlos Peñaloza
Senior Pastor Ekklesia USA

RECEIVED
 Department of Planning & Zoning

AUG 14 2012

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION



We are a Latin American Christian Church with 14 years of service to the community of DC metropolitan area; our vision is to spread the word of God bringing hope and love to those who are in need. One year ago we bought our own building in the city of Reston where we have our Sunday School Services for adults and children. During the week the administrative office is open and, in the evening some days we have meetings. Since we count with a good group of Early Childhood Professional Teachers we are excited to open a Christian Daycare Center to serve the community of Reston, Herndon, Leesburg, Fairfax, Vienna, expanding through this way the love of God, we believe we can help the families to prepare their children with confidence, security and purpose in their early lives, with a good moral and character to be a positive influence in their communities.

Our Church building has two levels, in the main level where the capacity is for 600 seats we hold our Sunday services, we have the main entrance and 3 emergency exits, in the same level are located the offices, library and the bathrooms. Downstairs are the cafeteria, kitchen, Media Center, storage rooms, bathrooms and 12 rooms completely furnished by the age group for Sunday school, and it has a direct entrance from the back of the building as well as the stairs that connect to the main level.

Description for all uses on site including Church:

	USES ON SITE CHURCH & DAYCARE CENTER	SUNDAY	MONDAY	TUESDAY	WEDNESDAY
TYPE OF OPERATION	CHURCH	Two Church Services in the main level and Sunday School Classes downstairs distributed by age level	CLOSED during daytime. CLEANING SERVICES AT NIGHT	1 st . Administrative Meeting 2 nd . Women's and Men's meeting	Administrative and Counseling
	DAYCARE CENTER	DAYCARE CLOSED	DAYCARE OPEN	DAYCARE OPEN	DAYCARE OPEN
HOURS OF OPERATION	CHURCH	1 st . 9 to 11 AM 2 nd . 12 Noon to 2 PM	8 to 11:30 PM	1 st . 10 AM TO 7 PM 2 nd . 8 to 10 PM	10 AM to 10 PM
	DAYCARE CENTER	CLOSED	6:30 AM to 6:30 PM	6:30 AM to 6:30 PM	6:30 AM to 6:30 PM

SUNDAY SCHOOL CLASSES ADDITIONAL INFORMATION



- GROUP 1 – INFANTS : 9 babies, 4 caregivers
- GROUP 2 – TODDLERS 1 year old: 6 children 3 caregivers
- GROUP 3 – TODDLERS 2 years old: 10 Children, 3 caregivers
- GROUP 4 – 3 and 4: 20 children, 1 Lead Teacher, 2 Assistants
- GROUP 5 – 5 and 6: 22 children, 1 Lead Teacher, 2 Assistants
- GROUP 6 – 7 and 8: 19 children, 1 Lead Teacher, 1 Assistant
- GROUP 7 – 9 and 10: 24 children, 1 Lead Teacher, 1 Assistant
- GROUP 8 – 11 and 12: 19 children, 1 Lead Teacher, 1 Assistant
- GROUP 9 – middle school: 17 Pre-Teens, 1 Teacher, 1 Assistant
- GROUP 10 – High School: 24 Teenagers, 1 Teacher, 1 Assistant

		THURSDAY	FRIDAY	SATURDAY
TYPE OF OPERATION	CHURCH	1 st . Administrative Church Offices 2 nd . Leadership Training 3 rd . Worship Group Rehearsal	1 st . Administrative Church Offices 2 nd . Men's, Youth's, teens' Ministry.	Prayer Meetings
	DAYCARE CENTER	DAYCARE OPEN	DAYCARE OPEN	DAYCARE CLOSED
HOURS OF OPERATION	CHURCH	1 st . 10 AM to 6 PM 2 nd . 8 to 10 PM 3 rd . 7 to 10 PM	1 st . 10 AM to 6 PM 2 nd . 8 to 10 PM	5:30 to 8 AM 9AM to 12 Noon
	DAYCARE CENTER	6:30 AM to 6:30 PM	6:30 AM to 6:30 PM	DAYCARE CLOSED
ESTIMATED NUMBER MEMBERS, PUPILS ETC	CHURCH	1 st . none 2 nd . 70 people 3 rd . 17 people	1 st . none 2 nd . 100 people	20 people
	DAYCARE CENTER	99 CHILDREN	99 CHILDREN	NONE
PROPOSED No. OF EMPLOYEES, TEACHERS, VOLUNTEERS, ETC.	CHURCH	1 st . 3 Pastors, 1 Secretary, 1 Accountant, 1 Bookstore Attendant 2 nd . 3 Teachers	1 st . 3 Pastors, 1 Secretary, 1 Accountant, 1 Bookstore Attendant 2 nd . 4 teachers and 10 musicians	2 Pastors
	DAYCARE CENTER	Director, 14 Teachers, Food Specialist, Driver	Director, 14 Teachers, Food Specialist, Driver	NONE
TRAFFIC IMPACT, AND DISTRIBUTION BY MODE	CHURCH	Regular no congestion	Regular no congestion	No traffic impact
	DAYCARE CENTER	See attached INFO	See attached form INFO	CLOSED



ESTIMATED NUMBER MEMBERS, PUPILS ETC	CHURCH	1 st . 250 people in the Temple, around 40 children distributed in 10 classes organized by age group. 2 nd . 500 people in the temple, 100 children in 10 classes organized by age group. (see additional information)	N/A	N/A 2 nd . 135 members	20 members
	DAYCARE CENTER	NONE	99 PUPILS	99 PUPILS	99 PUPILS
PROPOSED No. OF EMPLOYEES, TEACHERS, VOLUNTEERS, ETC.	CHURCH	10 Employees 23 Ushers 25 Teachers 11 Musicians 10 volunteers for other services	2	3 Pastors 4 Administrative personnel	1 st . 3 Pastors, 1 Secretary, 1 Accountant, 1 Bookstore Attendant 2 nd . 2 Pastors, 2 Teachers
	DAYCARE CENTER	CLOSED	Director, 14 Teachers, Food Specialist, Driver.	Director, 14 Teachers, Food Specialist, Driver	Director, 14 Teachers, Food Specialist, Driver
TRAFFIC IMPACT, AND DISTRIBUTION BY MODE	CHURCH	194 parking spaces are filled, the traffic impact is regular since we count with 6 volunteers who are controlling the traffic and helping the drivers to avoid any congestion. Upon requirements we use outside parking areas on North Shore Street.	No traffic	No traffic	Regular no congestion
	DAYCARE CENTER	CLOSED	See Attached INFO	See attached INFO	See attached INFO



Listing if known, of all hazardous or toxic substances:

No hazardous or toxic substances will be used in the Daycare, all the material for teaching is toxic free, and those are stored in high level cabinets where the children cannot reach. These materials are: crayons, markers, hand paints, fabric paints, and glitter. During Daycare hours we use Cleaning Wipes and Windex when it is required and this are stored and locked in a cabinet out of the rich of children. The disposable container for all of this material is located outside in a TRASH BIN far away from the children.

Statement that the proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards or, if any waiver, exception or variance is sought by the applicant:

We are not seeking any waiver exception or variance, since the premises of our church building are already being used for the Children's Ministry in our Sunday services; we believe we don't need any modification.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, because all the existing facilities in Ekklesia USA are suitable for the purposes of a Daycare Center; the general location counts with open space and recreation areas and a community park next to the church building, we also count with a professional landscaping services to preserve the trees and green areas in good conditions.

A handwritten signature in black ink, appearing to read "Carlos Peñaloza".

Carlos Peñaloza
SENIOR PASTOR



County of Fairfax, Virginia

MEMORANDUM

DATE: November 1, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-6(SP 2012-HM-058)

SUBJECT: SP 2012-HM-058; Ekklesia USA
Land Identification Map: 017-2 ((15)) 0036

This department has reviewed the special permit plat dated March 10, 2012. We have the following comment:

- An on-road bike lane will be striped along North Shore Drive in the future. FCDOT should be notified if additional work is expected to be done on the subject property's frontage.

AKR/AY

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship with a Child Care Center, Nursery School or Private School

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.