



# FAIRFAX COUNTY

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Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

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Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

August 21, 2003

Elizabeth D. Baker, Land Use Coordinator  
Walsh, Colucci, Emrich & Terpak, PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

RE: Special Exception Amendment Application Number SEA 78-D-098-3  
(Concurrent with PCA 83-D-050)

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on August 4, 2003, the Board approved Special Exception Amendment Application Number SEA 78-D-098-3 in the name of McLean Bible Church Trustees, located at 9011 Leesburg Pike, Tap Map 28-2 ((1)) 9, 10 pt., and 11 pt., to amend a previously approved church with a child care center with an enrollment of 150 children daily and a Youth Recreation Center with a maximum daily attendance of 300 children, and a recycling drop-off center, to permit an increase in land area, addition of a medical care facility which provides respite care and early intervention programs to children and young adults with special needs, parking, and to permit other site modifications, pursuant to Sections 3-104 and 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which are in addition to the development conditions approved with SEA 78-D-098-2 which continue to govern the church and all portions of Tax Map Parcels 28-2 ((1)) 10 and 11 which are not included in this application.

## GENERAL

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. A copy of the Special Exception Amendment Conditions shall be kept in the Director's office of the Special Needs Center and be made available upon request.

4. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans as may be determined by the Director, Department of Public Works and Environmental Services (DPW&ES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the Special Exception Amendment Plat entitled McLean Bible Church Special Needs Center prepared by VIKA, which was last revised July 31, 2003, and consists of 9 sheets, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance. Site plans shall include the entire Special Exception Amendment area which consists of 16.09 acres which shall be treated as one lot.
5. Limits of clearing and grading shall be strictly adhered to with no exceptions for the installation of utilities. Prior to any clearing and grading activities on the site, the limits of clearing and grading shall be fenced in accordance with Urban Forestry recommendations to prevent intrusions into tree save areas. Fencing shall remain in place until construction has been completed or until the Urban Forester gives permission for it to be removed.
6. Supplemental landscaping shall be provided in the transitional screening areas along the north and west to enhance the effectiveness of the screening generally as shown, subject to Urban Forestry approval. If determined necessary by the Urban Forester to provide effective year-round screening, additional plantings shall be provided. Along Route 7, as determined by the Urban Forester, supplemental landscaping consisting of evergreen and deciduous plantings shall be provided to the maximum extent feasible if the landscaping proposed is not adequate to screen the Special Needs Center and parking from Route 7.
7. Notwithstanding any notes on the Special Exception Amendment Plat, stormwater management and Best Management Practices (BMPs) shall be provided for the entire site as shown in an enhanced extended detention facility, as approved by DPW&ES. No additional clearing into the transitional screening area shall be permitted to construct the SWM/BMP facility. No encroachment of the facility into the transitional screening area which reduces the proposed landscaped area shall be permitted.
8. No vehicle maintenance or repair shall occur on the site. No inoperable or unlicensed vehicles shall be stored on the site. The parking lot shall not be used as a commuter parking facility.
9. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. No freestanding, pole-mounted signs shall be permitted.

10. The County recycling center shall be relocated as shown on Sheets 2 and 6; however, a landscape plan, which includes Eastern Red Cedar trees, to replace trees that will be removed shall be submitted to the Urban Forester for approval prior to its construction.
11. Additional plantings in the 3 foot high landscaped berm located in front of the parking garage shall be provided, as shown on Sheets 6 and 9, subject to Urban Forestry approval.
12. Prior to site plan approval for the medical care facility, a portion of an existing conservation easement located on Parcel 10, south of the Special Needs Center, shall be vacated and replaced with a conservation easement located along the western site boundary, as shown on the Special Exception Amendment Plat. The area shown as a conservation easement shall remain as permanent open space which, with the exception of the removal of dead and/or dying vegetation, which is deemed to be hazardous by the Urban Forester, and the planting of supplemental vegetation, shall remain as an undisturbed buffer for a minimum of twenty (20) years or for as long as the medical care facility occupies the subject property, whichever is longer. The conservation easement shall be recorded in a form acceptable to the County Attorney and shall run to the benefit of Fairfax County.
13. The wooden fence which has been installed around portions of the ring road on Parcels 10 and 11 shall be maintained in good condition by the applicant.
14. The playground shall be completely enclosed with a solid fence a minimum of 5 feet in height.
15. The facilities, including the grounds, shall not be leased to outside groups not part of the church.
16. To minimize visual impacts, the trash dumpster shall be screened with materials used in constructing the structure to be compatible. The dumpster shall be closed and secured when not in use. A gate shall be provided and kept closed when not being loaded or emptied. Trash pick up shall not occur before 7:00 AM weekdays or before 8 AM on Saturday. Trash pick up shall not be scheduled for Sunday.

**MEDICAL CARE FACILITY  
(SPECIAL NEEDS CENTER)**

17. The Special Needs Center shall be developed with a maximum of 47,000 square feet, not including cellar space.

18. The Special Needs Center shall be limited to the operation of a medical care facility providing respite care and early intervention services to children and young adults with special needs such as Downs Syndrome, cerebral palsy, autism, mental retardation, seizure disorders, developmental delays, learning disabilities, and physical disabilities. Normal child care of children without special needs shall not be permitted; however, siblings who are accompanying special needs children and adults may participate in respite care, as long as they are included in the total maximum number of children permitted at any one time, as described in development condition #19. Before and after school programs shall not be offered. The Center shall not be used as a drug or alcohol rehabilitation facility or as a treatment facility providing services to juvenile or adult offenders. The Center shall not be used as a full time residence or a boarding facility for children with or without special needs, as defined above. Use of medical and/or personal services provided within the center, such as dental, physical therapy, beauty/barber shop, shall be restricted to individuals with special needs, as described above, and who are enrolled in either the early intervention program or are receiving respite care.
19. The maximum number of employees/volunteers on duty during the major shift shall not exceed 48 for both respite care and early intervention programs.

#### **RESPITE CARE**

20. The maximum number of children/young adults utilizing respite care at any one time shall be 70, including a maximum of 17 siblings, as described under Development Condition #2 under Medical Care Facility.

Monday through Friday when school is in session, a minimum of 90% of participants, including siblings, shall be transported to and from the Special Needs Center by van or bus which will pick up and drop off children at school(s). Vans utilized shall be minimum 8 passenger, handicapped accessible vans operated by the applicant. Records on participants and method of transport shall be kept by the applicant and shall be submitted to the Dranesville District Supervisor's office 6 months after issuance of the initial Non-RUP and every 6 months after that. Records shall be available to the Fairfax County DOT, upon request.

Respite care shall generally operate between 2:00 p.m. and 8:00 a.m. the following day, Monday through Friday. Weekend and longer stays are permitted.

#### **EARLY INTERVENTION**

21. Early intervention programs shall provide services to pre-school children with special needs such as Downs Syndrome, cerebral palsy, autism, mental retardation, seizure disorders, developmental delays, learning disabilities, and physical disabilities. Enrollment of children without special needs shall not be permitted. The maximum



number of children enrolled in the early intervention program each day shall be 100. Early intervention services shall be provided during off-peak hours during weekdays only and shall begin no earlier than 9:00 a.m. and end no later than 2:30 p.m. No more than 40 children shall be enrolled in the 9:00 a.m. session. A schedule of session/class times and number of children enrolled shall be maintained by the applicant and shall be made available to the Fairfax County DOT upon request.

### **PARKING DECK**

22. Prior to the issuance of a Non-RUP for the portion of the parking deck that has not been constructed which is located near the front of the site, the applicant shall install EIFS panels into garage openings as shown on the Special Exception Amendment Plat.
23. Prior to approval of the site plan for the parking deck expansion, the applicant shall provide written verification that the Fairfax County Water Authority has approved any berm or landscape material shown on the Special Exception Amendment Plat to be planted within their easement. If determined appropriate by the Urban Forester, to provide more effective screening of parked vehicles, additional evergreen shrubs and/or trees shall be planted on or adjacent to the 3 foot berm.
24. All site lighting shall comply with the performance standards specified in Part 9 of Article 14. Prior to the issuance of a Non-RUP for the unbuilt portion of the parking parking deck, the applicant shall address the existing problem with glare from the existing parking deck onto adjacent residences by taking the following measures:
  - Existing 20 foot high light poles shall be relocated to the southern portion of the current deck and deck addition. New 15 foot high light poles shall be installed in locations depicted on Sheets 6 and 7 of the Special Exception Amendment Plat. The 15 foot fixtures shall be placed away from the perimeter of the parking deck to further reduce potential glare.
  - In order to further mitigate glare from upper level deck lighting, non-reflective baffle skirting shall be installed on the lights located on the western and southwestern sides of the deck, as determined necessary by the applicant and adjacent homeowners. Final determination shall not be made before late fall when leaves have fallen and lighting impacts can be assessed. Final results of this coordination shall be provided to the Dranesville District Supervisor's office.
25. No later than one-half hour after the end of church services or other activities, 75% of the upper deck parking lot lights shall be turned off.

26. The parking spaces located along the Route 7 side of the main travel aisle of the parking garage which are not under the deck shall be reserved for employee use only and shall be marked as such. Vans used for transport to/from the Special Needs Center shall be parked in the adjacent parking spaces where they are not visible from Route 7.
27. Except for emergencies, the parking deck shall not be utilized as a helipad for helicopter landing.
28. No telecommunications monopoles shall be located on the property. Any telecommunications equipment located on the respite care building shall be flush mounted.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The use shall be established when Phase I has been implemented as evidenced by the issuance of a Non-RUP for Phase I. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. 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.

**The Board also:**

- **Modified the transitional screening and waived the barrier requirements along the north and west in favor of the existing vegetation and proposed landscaping.**
- **Modified Paragraph 5 of Section 9-308 of the Zoning Ordinance, to permit the medical care facility to be located less than 100 feet from parcel 10 which is zoned R-1, which is the church.**

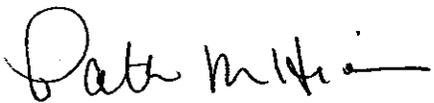
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- **To waive construction of the service drive along Route 7.**

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Patti M. Hicks  
Deputy Clerk to the Board of Supervisors

PMH/ns

cc: Chairman Katherine K. Hanley  
Supervisor Mendelsoh, Dranesville District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Enforcement Branch  
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB  
Audrey Clark, Director, BPRD, DPWES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Angela K. Rodeheaver, Section Chief, Tmsprt'n. Planning Div.,  
Charles Strunk, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPWES  
DPWES – Bonds & Agreements  
Department of Highways, VDOT  
Joyce Evans, Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools