

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CRILLEY WAREHOUSE, LLC & THE NOVA FIELD HOUSE LLC, SPA 2003-SU-012 Appl. under Sect(s). 5-303 of the Zoning Ordinance to amend SP 2003-SU-012 previously approved for commercial recreation use to permit change in permittee and modification of development conditions. Located at 14810 Murdock St., Chantilly, 20151, on approx. 4.10 ac. of land zoned I-3, AN and WS. Sully District. Tax Map 33-2 ((2)) 13C and 14. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 31, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The Board has a favorable staff recommendation.
3. The Board adopts the rationale in the staff report.
4. This is a very straightforward application with minor changes to the development conditions.
5. The applicant had also met with the Sully District Council Land Use Committee, and they had no objection to the request, including the request for a 24-hour operation.
6. If there is going to be something like this on a facility up behind the airport, it certainly is not going to bother anyone.
7. The applicant is in agreement with staffs proposed changes to the development conditions.
8. There will not be any significant impact on anyone.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the co-applicants, Crilley Warehouse, LLC, and Nova Field House, LLC, and is transferable without further action of this Board, and is for the location indicated on the application, 14810 Murdock Street, and is not transferable to other land.

2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Patton, Harris, Rust and Associates, P.C., dated April 6, 2003, as revised through May 20, 2003 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 is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted 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. All parking shall be on-site as shown on the special permit plat. If the proposed future entrance is constructed on Stonecroft Boulevard, a special permit amendment will not be required, provided the minimum number of parking spaces required by the Zoning Ordinance is provided.
6. A maximum of 400 patrons may be in the facility at any one time.
7. The athletic courts will be scheduled to allow all participants and spectators in a scheduled session to vacate the facility prior to the commencement of the following session.
8. All lighting shall be provided in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed eighteen (18) feet.
 - The lights shall be low intensity design, full-cut-off fixtures, which focus the light directly onto the subject property. Shields shall be installed, if necessary.
 - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use, except for security lighting directly adjacent to the building(s).
 - There shall be no plighting of the existing or proposed buildings.

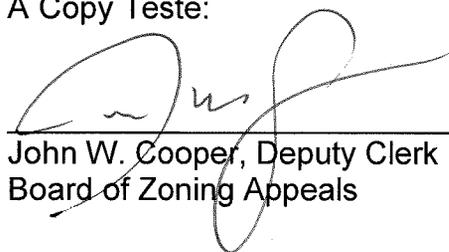
9. Any proposed signs shall comply with Article 12 of the Zoning Ordinance, notwithstanding however, there shall be no plighting of any signs.
10. Understory and foundation plantings, in addition to the plantings shown on the special permit plat to soften the appearance of the parking area and structure, shall be maintained adjacent to Stonecroft Boulevard and surrounding the building. The species, size, number and location shall be determined in consultation with the Urban Forestry Division of DPWES.
11. All landscaping shall be maintained in good condition. Any dead, dying and hazardous materials shall be replaced.
12. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be maintained as determined by the Department of Public Works and Environmental Management (DPWES). If DPWES determined that the SWM/BMP requirements cannot be provided downstream as proposed, they shall be provided on-site as determined by DPWES, however no additional parking spaces shall be deleted except as noted in Condition 6.

These conditions incorporate and supersede all previous conditions. 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 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, six (6) months after the date of approval **unless a new non-RUP has been obtained**. 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.

Mr. Byers seconded the motion, which carried by a vote of 6-0. Chairman Ribble recused himself from the hearing.

A Copy Teste:



John W. Cooper, Deputy Clerk
Board of Zoning Appeals