

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CENTREVILLE ENGLISH CONGREGATION OF JEHOVAH'S WITNESSES, INC., SP 2011-SP-069 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to permit a place of worship. Located at 12901 Braddock Rd., Clifton, 20124, on approx. 4.18 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-2 ((2)) 3. (Admin. moved from 9/28/11, 11/30/11, 12/14/11, 1/25/12, 2/29/12, and 9/18/13 at appl. req.) (Continued from 3/14/12.) (Indefinitely deferred from 8/1/12 at appl. req.) (Reactivated on 6/5/13.) (Decision deferred from 10/30/13 and 1/15/14.) Mr. Byers 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 March 5, 2014; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-C and WS.
3. The area of the lot is 4.175 acres.
4. There were two separate occasions where four Board members went out with Zoning, Stormwater Management, the applicant's engineers, the concerned neighbor's engineer, and they walked the entire area. Additional board members also went out on their own and looked at this.
5. On separate occasions and in compliance with advertising from the standpoint of public meetings, at no time did more than two Board members go out to the site at any one time.
6. The Board tried to be as conscientious as they possibly could, and thinks they reviewed all of the facts.
7. The Board would note that there had been no complaints with regard to stormwater issues from the applicant's property.
8. The Board would also note that the applicant proposes an underground detention facility. They have voluntarily changed the discharge rate from their detention system to make absolutely certain that it does not discharge at the same time as the King's Chapel property.
9. The Board would note that based on what they saw, it is very difficult not to have stormwater management issues in that area just from the standpoint of the composition of the soil, and the underlying soil in this specific area.
10. The Board would note that along Doyle Road, on the other side of Doyle Road, that is an area where homes can in fact be built, and those are going to have to stand on their own applications, because, in fact, there could be issues with regard to stormwater management but not with regard to the applicant's property. The Board

thinks they did a good job from the standpoint of containing whatever runoff there would be.

11. The staff recommends approval, and the Board adopts its rationale.
12. The applicant is going to have to go through a very rigorous site-plan review, so they are going to have to be in accordance with all of the rules from the standpoint of Fairfax County.
13. From a zoning standpoint, the Board thinks this meets the criteria for approval.

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 applicant only, Centreville English Congregation of Jehovah's Witnesses, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 12901 Braddock Road, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Vitech Engineering, Inc., dated January 1, 2012 as revised through January 23, 2014 and approved with this application, as qualified by these development conditions, with the exception of Sheet 3.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and 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. 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 total seating capacity in the main areas of worship shall not exceed 328 seats.
6. The conceptual elevations may be modified with respect to building articulation by the applicant as part of final engineering and building design, provided that the modifications are in substantial conformance with the elevations shown on the special permit plat.

7. The conservation area as shown on the plat shall be preserved as undisturbed open space. The minimum area of undisturbed open space shall be 50%. There shall be no mowing of grass or other vegetation within the undisturbed open space, and only vegetation deemed hazardous by the Urban Forest Management Division may be removed.
8. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES (UFMD). The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead, with trunks 12 inches in diameter and greater located in the protected area within 25 feet of limits of clearing and grading, and within 10 feet of the limits of clearing and grading in the disturbed area. Trunk size shall be determined as measured at 4 ½ feet above grade at the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. The tree preservation plan shall provide for the preservation of existing trees in areas outside of the limits of clearing and grading shown on the special permit plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
9. The applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the certified arborist or landscape architect shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

10. The applicant shall conform strictly to the limits of clearing and grading as shown on the special permit plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the approved site plan, they shall be located in the least disruptive manner necessary as determined by UFMD. A replanting plan shall be developed and implemented, subject to approval by UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

11. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD.

12. The applicant shall root prune, as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
 - Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.

 - Root pruning shall take place prior to any clearing and grading, or demolition of structures.

- Root pruning shall be conducted with the supervision of a certified arborist.
 - A UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.
13. Any work that becomes necessary within areas protected by the limits of clearing and grading shown on the approved site plan shall be done by hand without heavy equipment and conducted as reviewed and approved by UFMD in a manner that does not impact individual trees and/or groups of trees that are to be preserved.
 14. During any clearing or tree/vegetation/structure removal, a representative of the applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.
 15. The Applicant shall provide supplemental planting to meet the intent of Transitional Screening 1. Proposed planting shall strive, based on available planting space, to provide the full complement of evergreen trees required by Section 13-303.3(2) of the Zoning Ordinance. Proposed plantings to increase transitional screening capacity shall be shown on the landscape plan to be reviewed by UFMD; however proposed trees shall be field located, in coordination with UFMD, to avoid conflicts with above and below ground portions of existing vegetation to maximize the survivability of existing and proposed trees and shrubs.
 16. Unless waived or modified by DPWES, Stormwater Management (SWM)/Best Management Practices (BMPs) shall be provided on site in accordance with Public Facilities Manual (PFM) requirements. The applicant should also consider the draft Stormwater Management Ordinance and proposed PFM amendments. Site plans approved after June 30, 2014, will be required to comply with the flood protection method.
 17. A maintenance schedule for the stormwater management facilities will be included in the approved site plan, and a maintenance agreement will be executed between the property owner and Fairfax County.
 18. Adequate outfall shall be provided for the site in substantial conformance with the special permit plat and the PFM. If the outfalls within the site's conservation area are found to be inadequate, channel improvements may be necessary. Irrespective of any improvements, the minimum area of undisturbed open space shall be 50%.

Level spreaders are not to be used to circumvent the PFM's adequate outfall provisions.

19. The applicant shall describe the adequacy and stability of the outfall to 100 times the site area, including channels downstream ending at the North Pond on the Twin Lakes Golf Course.
20. If grading improvements are needed immediately upstream of the triple 24-inch culverts, the limits of clearing and grading to perform these improvements must be depicted on the site plan.
21. At the site plan stage:
 - The minimum text size on the plan set will be 0.1 inches.
 - A storm drainage easement between the culvert under Doyle Road and the triple 24-inch culverts must be dedicated, and
 - Should the Detention Method be used, cross-sections of the channel through the open space must be included in the plan to demonstrate a bed-and-banks channel.
22. After completion of construction, the applicant will allow observation of their stormwater management facilities by DPWES staff to ensure no failures to occur.
23. Parking shall be provided as depicted on the special permit plat. All parking shall be on site.
24. Right-of-way up to 20 feet along the Doyle Road and 15 feet along the Braddock Road frontages as shown on the plat shall be dedicated to the Board of Supervisors in fee simple at no cost, at the time of site plan approval or upon demand, whichever occurs first.
25. Painted left and right turn lanes on Doyle Road to Braddock Road shall be provided, as depicted on the special permit plat, pursuant to Virginia Department of Transportation (VDOT) approval.
26. The applicant shall submit a traffic signal warrant to VDOT, if requested at time of site plan review, for the intersection of Doyle Road and Braddock Road. If the warrants have been met, the applicant shall contribute to the design and construction of a traffic signal, subject to approval by VDOT.

27. Pedestrian crosswalks and related directional signage for traffic entering, circulating and exiting the site shall be provided on site, pursuant to that depicted on the special permit plat.
28. All proposed lighting shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance, except as outlined below:
 - Outside lights shall be limited to parking lot lighting which shall only be of the low bollard type of lighting fixtures, no more than three (3) feet in height, measured from the ground to the highest point of the fixture;
 - The lights shall be of a design which focuses the light directly onto the subject property and does not create a nuisance or a glare off the property;
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the subject property;
 - The lights shall be controlled with an automatic shut-off device or timers, and shall be turned off when the site is not in use, except for security lighting;
 - There shall be no uplighting of features on the site.
29. The barrier requirement shall be waived along all lot lines.
30. The transitional screening requirement shall be modified along the northern and western property lines to permit the preservation and maintenance of the existing vegetation on site and proposed landscaping to meet the requirement.
31. A sign permit shall be obtained for any proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance. Pole mounted and pylon signs shall be prohibited with the exception of those signs permitted by Section 12-103 of the Zoning Ordinance. Notwithstanding what is shown on the special permit plat, no sign shall be located in the right-of-way. The sign must be located a minimum of 10 feet back from the right-of-way in an area shown to be cleared on the special permit plat.
32. The use of loudspeakers shall not be permitted outside the building.
33. The apartments within the building shall only be occupied as a rectory for the place of worship use.

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.

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 construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time 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 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. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals