



County of Fairfax, Virginia

MEMORANDUM

DATE: October 18, 2016

TO: John R. Ribble, Chairman, Board of Zoning Appeals
Board of Zoning Appeals Members

FROM: Heath Eddy, AICP, Staff Coordinator
Zoning Evaluation Division, DPZ

SUBJECT: Revised Development Conditions
SP 2016-HM-021 Corporation of the Presiding Bishop of the Church of
Jesus Christ of Latter Day Saints

LOCATION: 1628, 1632, and 1636 Crowell Road, Vienna 22182

Following the completion of the public hearing for this application on September 21, 2016, the Board of Zoning Appeals deferred decision on the application request to permit the applicant additional time to meet with the local community to address issues raised by the community. In particular, the community was concerned with the proposed right in-right out access point onto Hunter Mill Road; the possibility of large group events at the site; and the timing of evening meetings at the site particularly with evening peak traffic on Hunter Mill Road. There were site issues raised that the applicant worked to address as well.

In concert with these discussions, the Proposed Development Conditions dated September 7, 2016 have been revised to address changes requested by the community and agreed to by the applicant. In addition, the applicant has provided additional comments in a letter dated October 18, 2016 (attached) to questions asked by the Board. A revised Special Permit Plat is also prepared to address the changes proposed.

Below are the revised Proposed Development Conditions, with all changes to the previous version marked with **bold/strikeout**. As previously stated, staff recommends approval of SP 2016-HM-021, subject to these conditions dated October 18, 2016.

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-HM-021****September 7, 2016 October 18, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-HM-021 located at Tax Map 18-4 ((5)) 1, 2, and 3 to permit a place of worship pursuant to Sect. 8-301 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, and is not transferable without further action of this Board, and is for the location indicated on the application, 1628, 1632 and 1636 Crowell Road (7.15 acres), and is not transferable to other land.
2. This special permit is granted only for the purpose, structure and/or use indicated on the special permit plat entitled "The Church of Jesus Christ of Latter-Day Saints - Crowell Road, Special Permit Plat," prepared by David T. McElhany, P.E., of Urban, Ltd., dated January 12, 2016, last revised ~~June 16, 2016~~ **October 14, 2016**, consisting of fourteen sheets (the "Special Permit Plat") and approved with this application, as qualified by these development conditions.
3. These conditions shall be recorded by the applicant among the land records of Fairfax County for this consolidated lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
4. A copy of this special permit, conditions, and the Non-Residential Use Permit (Non-RUP) 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.
5. The proposed church facility shall be generally consistent with the architectural renderings as shown in Attachment 1 to these conditions. Compliance shall be demonstrated at the time of building permit application.
6. 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.

7. The maximum number of seats in the sanctuary shall not exceed 292 seats
8. A ~~minimum~~**maximum** of 233 parking spaces shall be provided on site, as depicted on the Special Permit Plat. Such parking shall be located generally as depicted on the Special Permit Plat. **All parking shall be on site.**
9. The applicant shall provide two loading spaces in compliance with loading requirements in Article 11 of the Zoning Ordinance, unless waived at the time of site plan approval.
10. A maximum of three (3) separate church services shall be held on Sundays **congregations shall use the church building on Sundays. For the purposes of this condition, "congregations" shall mean a specific group of church members congregating at the church for scheduled three (3) hour time blocks.**
11. Prior to site plan approval for the proposed development, the applicant shall dedicate in fee simple the proposed right-of-way dedication area to the Board of Supervisors of Fairfax County (County), as shown on Sheet 6 of the Special Permit Plat.
12. Prior to site plan approval for the proposed development, the applicant shall reserve for future dedication in fee simple to the County a right-of-way reservation area (Reservation Area) as shown on Sheet 6 of the Special Permit Plat, at the intersection of Hunter Mill Road and Crowell Road. **This Reservation Area shall be for the construction of a roundabout by others.** The applicant shall dedicate the Reservation Area, along with ~~all the~~ necessary ancillary easements required to complete construction of potential transportation improvements, upon written request by the County or its representatives.
13. The final design, marking, signing and location of the 5-foot bike lane to be constructed on Hunter Mill Road on the northbound lane north of Crowell Road, shall be reviewed and approved by FCDOT and VDOT prior to site plan approval
14. The applicant shall construct a 10-foot wide trail along the length of the property frontage with Hunter Mill Road as shown on Sheet 6 of the Special Permit Plat. Said trail shall be built to comply with VDOT standards and approved by VDOT to be accepted for maintenance.

15. ~~The right in right out~~ **Subject to VDOT approval, the access to point on Hunter Mill Road shall be approved by VDOT prior to site plan approval right-in only and shall be signed as such. No exit shall be allowed from this access point.**
16. ~~The gate feature for the Hunter Mill Road right in right out access shall be located as identified on Sheet 6 of the Special Permit Plat, and restriction signs shall be posted in compliance with VDOT standards. These restriction signs shall state that the gate shall be closed Monday through Saturday except for special events on Saturdays only.~~
16. The applicant shall submit a Tree Preservation Plan and Narrative as part of the site plan submission. 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 UFMD.
17. All proposed landscaping shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD.
18. Interior parking lot landscaping shall be maintained in accordance with Article 13 of the Zoning Ordinance. Landscaping shall be maintained in a healthy condition and dead and/or dying plant materials replaced. Prior to the issuance of the Non-RUP, UFMD shall inspect the site and shall require replacement and/or new vegetation to meet the intent of the parking lot landscaping requirements. This condition may be modified as needed to reflect the time of year and an alternative time frame may be established upon recommendation by UFMD.
19. Pursuant to Sect. 13-302.6 of the Zoning Ordinance, the existing and/or proposed vegetation shall be deemed to fulfill the requirements for transitional screening as shown on the Special Permit Plat. Prior to the issuance of the Non-RUP, the applicant shall coordinate an inspection of transitional screening by the UFMD. Replacement plantings as recommended by the UFMD for any vegetation which is dead, dying or less than six (6) feet in height shall be installed in a timely manner, but dependent upon the season in an effort to maximize survival.
20. Stormwater Management Best Management Practices (BMPs) shall be provided as generally depicted on the Special Permit Plat or as approved by DPWES. The facilities shall be maintained as determined by DPWES.
21. All ~~new~~ lighting, including security lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. All **parking lot** lights shall be low intensity design, full cut-off fixtures, which focus the light directly onto the

subject property and does not create **to avoid creating** glare or a nuisance off the property. Lighting shall be controlled with an automatic shut-off device and shall be turned off when the **building/site** is not in use, ~~excepted~~ **but in no event later than 10 pm all days of the week, except** for security lighting directly adjacent to the building. There shall be no up-lighting of the proposed building **and no lighting, internal or external, on the steeple or spire.**

22. **The church building shall not be leased to groups not affiliated with the Church of Jesus Christ of Latter-Day Saints.**
23. **The Applicant shall appoint a liaison to the community who shall be available to interact with the community and address concerns regarding the impact of the Church on the community. The name and contact information for the liaison shall be posted in a conspicuous place on the outside or door of the church building and provided to the District Supervisor's office.**
24. **The Applicant shall make best efforts to coordinate regularly scheduled meetings at the church during the weekday evenings so as to limit the number of vehicles in the parking lot to no more than 100 with the exception of religious holidays that may fall during a weekday or special events such as funerals or weddings.**
25. **There shall be no outdoor sound amplification.**
26. **The applicant shall ensure adequate outfall for stormwater runoff is maintained under the requirements of the Public Facilities Manual (PFM) and Chapter 124 of The Code of the County of Fairfax at site plan.**

This approval, contingent upon 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.

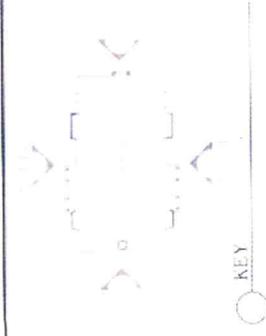
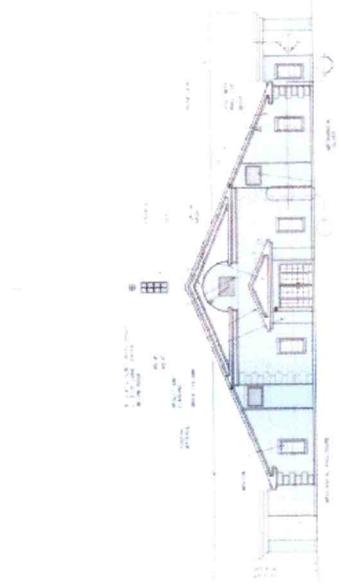
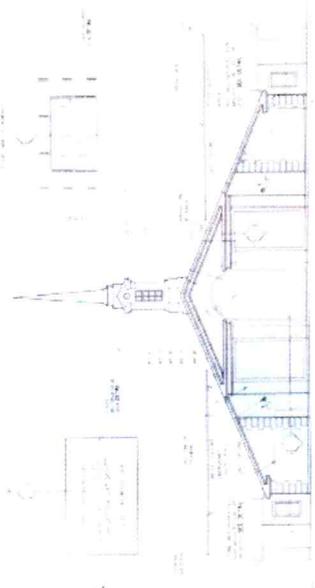
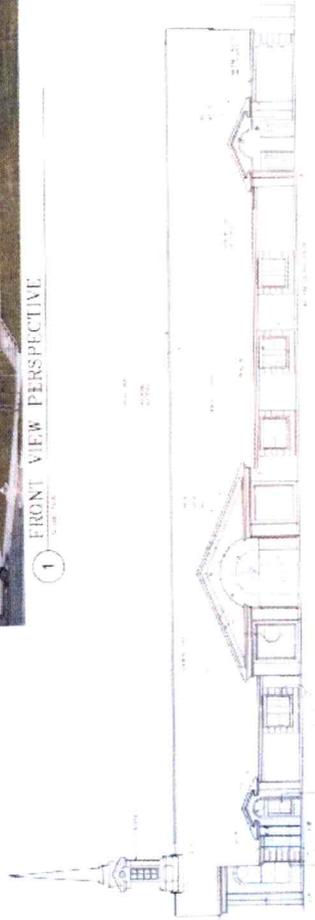
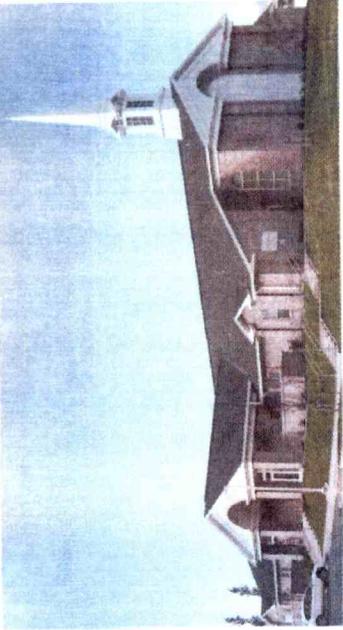
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional 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.

ATTACHMENT 1: Architectural Renderings for Proposed Place of Worship

FOR ILLUSTRATIVE PURPOSES ONLY

NOTES

1. CONCEPTUAL ELEVATIONS AND PERSPECTIVES PROVIDED BY JRC ARCHITECTURAL, INC.
2. CONCEPTUAL ELEVATIONS AND PERSPECTIVES ARE FOR ILLUSTRATIVE PURPOSES ONLY.
3. ALL DIMENSIONS, SUCH AS SPACING OF WALLS, CORNERS, OR BUILDING MATERIALS, SHALL
4. BE DETERMINED AT THE DISCRETION OF THE ARCHITECT.



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October 18, 2016

John Ribble, Chairman and Members of the Fairfax County Board of Zoning Appeals
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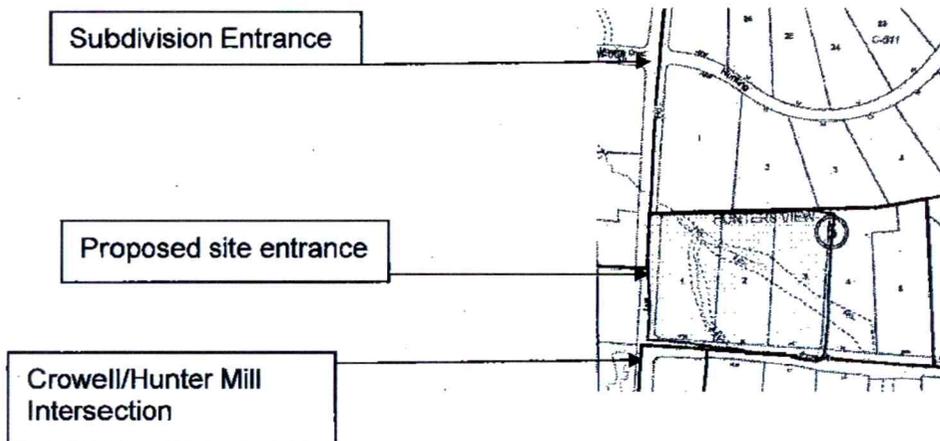
Re: SP 2016-HM-021, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints

Dear Chairman Ribble and Board of Zoning Appeals Members:

At the BZA meeting on September 21, 2016, the above referenced application was deferred for decision only to October 26, 2016, leaving the record open for written comments. The purpose of this letter is to: update you on revisions that have been made to the special permit plat, explain the new condition commitments that we have proposed and respond to the questions raised by the Board members at the hearing.

Hunter Mill Road Access

We met with some Board members representing the neighbors on Hunting Crest Lane, north of the property before the September 14th hearing and after the last hearing on September 21. The top concern that was voiced was the proposed access point on Hunter Mill Road. The residents were concerned that church members who wanted to ultimately travel south on Hunter Mill Road toward the Toll Road would make a right out of the site at that access point onto Hunter Mill Road and then make a u-turn at their subdivision entrance farther up Hunter Mill Road to avoid sitting at the future light at Crowell Road and Hunter Mill Road, to go south. The other issue regarding that access point was that, although sight distance was met per VDOT regulations, the citizens were concerned about the stopping distance from the access point to their subdivision entrance in case traffic was backed up at their entrance.



To alleviate this issue, the special permit plat was revised to show the access point on Hunter Mill Road as right-in only. The entrance will be signed and designed to not allow exits onto Hunter Mill Road. This will allow the church to retain the ability to efficiently manage traffic arriving to the Property while also preventing the issues that were of concern to the neighbors. The special permit plat was revised and submitted to staff.

Use of the Parking Lot

There were differing opinions at the hearing regarding the number of parking spaces proposed on the property. It was explained that there could be an overlap in the congregations that would use the building on Sundays and that, in an ultimate growth scenario, two congregations could be there at the same time. The church has a lot of experience with the number of parking spaces required to serve their congregations and believe that the proposed number of 233 is necessary. We have suggested that Condition 8 (of staff's proposed conditions dated September 7, 2016) be revised to indicate that 233 is a *maximum*, not a minimum number of spaces, and that all parking be provided on site.

Some members of the community were also concerned about the use of the church and associated parking during the weeknights. The church has proposed a condition which commits to making its best efforts to limit the regularly scheduled meetings during the week so that no more than 100 cars are in the parking lot at any one time on weeknights. The church also agreed to a condition that the building will not be leased to groups not affiliated with the church. This will facilitate a much larger degree of control on the part of the Church on the use of the building.

Operationally, if the church has a large event planned, they will typically utilize the Stake Center, which is the building on Hunter Mill Road in Oakton. That is a larger facility and geographically, fairly close to the Crowell Road property.

Lighting

The church has agreed to an automatic shut off device for the lighting and that the lights (except for those needed for security lighting) will be off when the building is not in use but in any event will be off by 10 pm. We also suggested adding to the lighting condition that there shall be no lighting of the steeple or spire.

Community Liaison

The citizens wanted a community liaison appointed by the church so that they could have a point of contact for any issues. The church has agreed to a condition to this effect.

Clarification of Reservation Area

Bruce Bennett submitted a letter and other documents after the hearing regarding the future round-about at the intersection of Hunter Mill Road and Crowell Road. He requested that the condition language be "clarified" to match the language on the special permit plat with respect to the area of reservation. The church will agree to the language proposed by Mr. Bennett.

Attached to this letter as Attachment 1 is a list of conditions that the church would agree to should the BZA decide to incorporate them. These conditions reflect the commitments discussed above.

Questions/Requests Raised by BZA Members

The following responses are to questions/requests that were raised during the September 21, 2016 motion to defer.

1. Provide additional information regarding the number of meetings, number of participants and the hours of the meetings during the week.

Weekday evening meetings will occur for groups such as the youth ministry, scouts or women's groups. Evening meetings are usually small and seldom last past 9:00pm. They generally start at 7:30pm to allow time for members to have dinner at home prior to the meeting. These meetings are typically scheduled on Tuesdays through Thursdays. The combined number of church members attending evening meetings on weekdays (Tuesdays, Wednesdays and Thursdays) is currently expected to be approximately 75.

On days when Fairfax County Public Schools are in session for students, a small group of teenagers (estimated to be 25-35 students and teachers) will meet at the church in the morning prior to school for religious education. These meeting end prior to the AM peak period.

The church does not employ "staff" so there will be no regularly scheduled daytime use during the week, except for occasional events like funerals. Friday night and Saturday activities are seldom and are generally limited to religious or family-themed gatherings, community service projects, and socials.

It is also important to note that the special permit is conditioned to the Applicant only so the operational aspects of the LDS Church discussed above are how the church building will be used.

2. Can the lights be turned off at a specific time?

The Applicant has agreed to a cut-off time of 10pm which was requested by the neighbors.

3. Provide more information on the capacity of the drainfield.

The church building will not contain a cooking kitchen or showers. The peak usage of the drainfield will be on Sundays. The church requested clarification from their septic consultants as to the required size of the drainfield and some more detailed testing was conducted. The size of the drainfield did change and such is depicted on the revised special permit plat. The rain garden also shifted slightly but the stormwater management system remains basically the same and still meets County standards. There is the appropriate setback of 20 feet between the septic field and the rain garden.

4. Explain why 233 parking spaces are necessary.

It is the policy of the LDS church to find a new location once the congregations at any one location are projected to reach 250 regularly attending members in size. It is a development condition that no more than 3 congregations use the church building. Each congregation uses the building for a 3 hour block each Sunday. The church members are assigned a particular congregation and a particular time to attend so the church knows the maximum number of people who could attend with any one congregation. When there are three congregations using the church, the service times typically would be 9am to noon, 11am to 2pm and 1pm to 4pm. With this schedule, there would be an overlap time where two congregations are in the building at the same time. This is why the number of parking spaces proposed are needed.

5. Does the 10 foot trail along Hunter Mill Road go all the way to the northern property line?

There is a gap between the end of the trail and the northern lot line. It is anticipated that at site plan, the Applicant would grant the necessary easements and potentially an escrow to have the trail completed. It does not extend to the northern lot line at this time because offsite easements would be needed to construct it to the lot line. Please note, too, that there is not a trail to the north to connect to at this time. The property to the north is a private lot.

Additionally, it was represented at the hearing that Oakcrest School is installing the bike lane on Hunter Mill Road. That is incorrect. Oakcrest School is providing a left turn lane from Hunter Mill Road to Crowell Road which necessitates expanding the pavement on Hunter Mill Road within the existing right-of-way toward the church property but the church is installing the 5 foot wide on-road bike lane on Hunter Mill Road that is recommended in the Comprehensive Plan.

6. Will there be outdoor amplification?

No. The church has suggested a development condition to this effect.

7. Can any of the parking areas be pervious pavers?

Since the parking areas will be utilized in the event two congregations are present at the same time, the maintenance of pervious pavers would not be feasible. The application meets all of the required stormwater management requirements with the systems as proposed.

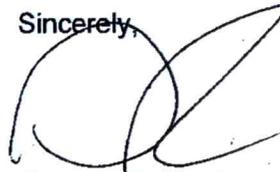
Conclusion

The Applicant respectfully requests the BZA to consider the following in your deliberations regarding this application:

- The LDS church has a predictable and definitive structure with respect to how the buildings are used and how congregations are established and the special permit is granted to the applicant only. It is an important tenet of the church to keep congregations small and once a certain size is reached/anticipated (typically 250), the church "subdivides" into a new location.
- The majority of the discussion regarding traffic in the area related to weekday AM and PM peak. The traffic study conducted by Wells & Associates projected 7 weekday AM peak trips and 8 weekday PM peak trips to be generated by the church use.
- Oakcrest School will be installing a traffic signal at the intersection of Crowell Road and Hunter Mill Road as required by their special exception. Installation is anticipated to begin this Fall. Wells' traffic study concludes that with the signal, during the Sunday peak hour, the intersection will operate at a level of service B.
- The commitments made in the Applicant's proposed conditions address the community's main concern regarding access onto Hunter Mill Road and other issues related to use of the church building.
- Fairfax County staff recommended approval of the application in their original staff report as well as in their addendum and they continue to do so with the modifications made to the special permit plat.

For the reasons stated in our original statement of justification as well as in this letter, on behalf of the Applicant, we respectfully request your approval of this special permit. I have enclosed a set of blacklined conditions which reflect the commitments discussed in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory A. Riegle". The signature is stylized with a large, circular loop on the left side and a long, sweeping stroke on the right side.

Gregory A. Riegle
McGuireWoods LLP