APPLICATION ACCEPTED: May 16, 2018
BOARD OF ZONING APPEALS: October 3, 2018 @ 9:00 a.m.

County of Fairfax, Virginia

September 26, 2018

STAFF REPORT

SPECIAL PERMIT AMENDMENT SPA 79-D-141-03

DRANESVILLE DISTRICT

APPLICANT/OWNER: McLean Islamic Center
STREET ADDRESS: 8800 Jarrett Valley Drive, Vienna 22182
TAX MAP REFERENCE: 29-1((1)) 10A
LOT SIZE: 1.67 acres
FAR: 0.073
ZONING DISTRICT: R-1
ZONING ORDINANCE PROVISION: 3-103, 8-301

SPECIAL PERMIT PROPOSAL: To amend SP 79-D-141 previously approved for a place of worship to modify development conditions.

STAFF RECOMMENDATION: Staff recommends denial of SPA 79-D-141-03, pending receipt and analysis of additional information. However, should the Board choose to approve this application, staff recommends it do so subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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 days after the decision becomes final.

Heath Eddy, AICP

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia  22035-5509
Phone 703-324-1290  FAX 703-324-3924
www.fairfaxcounty.gov/planning-zoning/
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 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.**
SPECIAL PERMIT REQUEST

The applicant seeks to amend special permit SP 79-D-141, previously approved for a place of worship, to modify development conditions approved with SPA 79-D-141-02 in July 2015. There will be no new construction or exterior alterations to the existing building or to the previously approved parking area design.

This staff report reflects the information and analysis received as of the date of publication of this report. The applicant has indicated that a noise study has been prepared, however a copy of this study has yet to be provided to staff. In addition, the applicant’s traffic operational analysis has yet to be reviewed by VDOT (a review has been provided from FCDOT and is included in this report). Accordingly, staff advised the applicant to defer the public hearing until these elements of the application review could be completed; however, the applicant elected to proceed due to difficulties in re-scheduling their members who wanted to testify at the hearing. Staff anticipates publishing an addendum to this report which may revise the current recommendation once we have received and reviewed all information.

A copy of the special permit plat titled “8800 Jarrett Valley Drive, McLean Islamic Center” prepared by Hamid Matin, P.E., dated June 24, 2014, and revised through May 20, 2015, is included at the front of the staff report. A detailed description of the request begins on Page 3.

Figure 1: Subject property, the most recent available image which does not show the completed parking lot expansion. Source: ConnectExplorer 2017.
CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is developed with a single-story place of worship that contains 4,793 square feet of gross floor area and has an approved occupancy of 200 people, which was formally established via special permit in 1979.

The 2015-approved 92 space parking lot has been completed, and is located west and north of the building. There are two vehicular entrances into the parking lot from Jarrett Valley Drive. Evergreen vegetation is planted along the eastern perimeter of the site along Leesburg Pike. Deciduous and mature evergreen vegetation are located along the western perimeter, adjacent to the single-family homes on Broadstone Place.

A wood and stone fence is located along the southern property line and a wood fence is located along the eastern property line.

The subject property is a corner lot at the northwest corner of the intersection of Leesburg Pike and Jarrett Valley Drive. The surrounding land uses are listed in the following table:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Edgemore townhomes (8 units)</td>
<td>PDH-2</td>
</tr>
<tr>
<td>South</td>
<td>Single family detached residence (across Jarrett Valley Drive)</td>
<td>R-1</td>
</tr>
<tr>
<td>East</td>
<td>VDOT ROW for exit ramp from Toll Road</td>
<td>n/a</td>
</tr>
<tr>
<td>West</td>
<td>Carrington single family residential neighborhood and HOA open space</td>
<td>PDH-2</td>
</tr>
</tbody>
</table>

BACKGROUND AND HISTORY

The original building was constructed in 1959, when the establishment of places of worship was by-right under the Zoning Ordinance in effect at that time, and was occupied by the Ash Grove Church. A building addition was constructed in 1964. The Ash Grove Church sought to construct another addition in the late 1970s, which required special permit approval.

Below are the approved applications by the Board of Zoning Appeals for the subject property:

1. **S-141-79** was approved by the Board on July 31, 1979, to permit building additions to the existing church, to consist of a new roof on part of the building and a large addition. The addition was never completed; however, this Special Permit brought the church under special permit approval with development conditions. It appears that during this expansion the number of seats was increased to 200. The Zoning Administrator reported to the Board of Zoning Appeals at the time that “there will
be no change in the sanctuary capacity, which has seating for 200 persons". The
memorandum further states that the applicant must provide an additional 10
parking spaces as the zoning requirements had been changed to provide a ratio of
1 parking space per 4 seats instead of 1 parking space per 5 seats.

2. SPA 79-D-141 was approved by the Board on July 1, 2003, for the Berea Church
of Christ for a church with a child care center and nursery school for up to 21
children and a building addition. The maximum occupancy of the place of worship
was maintained at 200 seats. Construction never commenced and the proposed
use was not established within the 30-month deadline given (January 1, 2006).
The Board approved a time extension for the applicant on June 6, 2006, for one
year from the original deadline to January 1, 2007. However, there is no record of
the use being established by that time. Therefore, the development conditions
associated with SPA 79-D-141 expired and the restrictions for a place of worship
on this property reverted the previous approval of SP 79-D-141.

3. SPA 79-D-141-02 was approved by the Board on July 8, 2015. This approval
permitted a change of permittee to the McLean Islamic Center, permitted an
expansion of the parking area to include 40 additional parking spaces pending
completion of road improvements on Leesburg Pike, and approved development
conditions that pertained to the hours of operation. This amendment retained the
ultimate capacity of the building at 200 seats (or equivalent) within the sanctuary
space, and did not include any additional building space. This is the current
governing approval for the subject property.

The resolution of approval for SPA 79-D-141-02 is provided at the front of Appendix 4,
with the remainder of the approval history provided thereafter.

DESCRIPTION OF THE APPLICATION

The applicant is requesting modifications to the development conditions associated with
SPA 79-D-141-02 to modify the limitations on the hours of operation.

The applicant requests to amend the following conditions:

1. Development Condition #7, which current reads as follows:

   Friday prayer services shall occur between 11:00 a.m. and 2:30 p.m., with a minimum
   of 60 minute interval between each service. Start times for evening services for
   holidays and special events shall occur between 7:00 p.m. and 10:00 p.m. and ending
   by 10:30 p.m.

The applicant requests extension of the evening hours for special events to accommodate
shifts in the calendar. The applicant states that the Islamic calendar is 11 days shorter
than the Gregorian calendar, so the 10:30 p.m. end time for services can negatively
impact the applicant’s ability to hold special events, most notably the Ramadan holiday
month, where service start times must be after sunset and therefore can be very late
when this holiday falls in the late spring or summer. The applicant also states that there
are several special events/prayers throughout the year occurring between 2:00 a.m. and
4:00 a.m. which typically are small group prayers for which they request to keep the Center open for those who wish to pray on-site.

2. Development Condition #8, which currently reads as follows:

   Regular operating hours shall be from 9:00 a.m. to 11:00 p.m., seven days a week. No group worship activities shall be scheduled between 4:00 p.m. and 7:00 p.m., Monday through Friday. No organized worship services shall occur outside of these hours. The facility may be open for small groups for informal prayer prior to the 9:00 a.m. opening, not to exceed ten worshippers.

The applicant states that the pre-dawn prayer starts as early as 4:00 a.m., and that the original 10-person limit on informal prayer was based on their projected attendance. However, this prayer time has proven to be more popular for attendees than originally projected, so the applicant is requesting to either extend the normal operating hours or to increase the limit on the number of attendees for pre-dawn prayer. If the regular operating hours were amended to accommodate the request, they would be proposed as 4:00 a.m. to 12:30 a.m., 7 days a week, for formal services and prayer. In addition, the applicant requests keeping the center open from 12:30 a.m. to 4:00 a.m. for small groups for informal prayer. In addition, the applicant requests removal of the restriction prohibiting group worship activities between 4:00 p.m. and 7:00 p.m.

3. Development Condition #23, which currently reads as follows:

   The applicant may make its facility available for community uses typical of a place of worship. All such uses shall conclude by 11:00 p.m.

The applicant states that this condition as worded would not permit overnight groups and young adult sleep-overs the applicant wishes to conduct. The applicant is requesting removal of the restrictions on the closing time under Development Condition #23 similar to amending the hours of operation in #7 and #8.
The applicant also conducted a noise study of the property in support of its application. However, the study has not yet been provided to staff for review.

**ANALYSIS**

**Comprehensive Plan Provisions**

- **Plan Area:** II
- **Planning District:** McLean
- **Planning Sector:** Wolf Trap (M7)
- **Plan Map:** Residential 1-2 du/ac

The plan identifies this area as planned for residential development at 1-2 dwelling units per acre, and any infill should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

**Land Use Analysis (Appendix 5)**

Places of worship are often found in residential areas and use of these sites must be balanced with concerns about impacts such as traffic, noise, lights and glare. A place of worship or similar use with activities with extended hours requires particular attention and review. Staff’s review determined that the applicant’s request could negatively impact the surrounding neighborhoods in terms of noise and light from the parking area, since the possibility of groups arriving at and leaving the Center at all hours of the day could create
incidental noise (such as from car alarms, car locking systems, or conversations held outside). This review is preliminary as the applicant has not yet provided a noise study, which staff understands has prepared. Light impacts would be primarily glare from incoming headlights. Therefore, staff recommends mitigation to buffer the adjacent community from noise as much as possible, or to limit the amount of time these activities would be permitted to occur during overnight hours. Accordingly, staff recommends that the applicant install additional screening along the north and west side yards between the parking area and the barrier fences to provide additional noise reduction, and that the applicant limit the number of overnight events and the number of persons allowed on-site during those events.

**Transportation Analysis (Appendix 6 and forthcoming)**

The request to allow operation of the place of worship during the morning and afternoon peak periods raises concerns about access to the property through the already congested Jarrett Valley Drive/Leesburg Pike intersection.

Staff requested an operational analysis for review of the existing and proposed conditions, adding the anticipated traffic from the Center that would be expected between the hours of 7:00 a.m. and 9:00 a.m., and 4:00 p.m. and 7:00 p.m., which are the hours currently excluded under Development Condition #8. A traffic study in compliance with VDOT and FCDOT requirements was submitted on August 27, 2018. FCDOT reviewed this analysis and agreed that the overall impact on the intersection of Jarrett Valley Drive and Leesburg Pike would be minimal, and therefore the applicant’s request for use of the Center during the morning and evening peak periods of traffic was supportable. While VDOT has not yet responded with their own review – they require a 45-day review period per their policy – this application is exempt from Chapter 870 traffic impact analysis requirements. VDOT’s review is expected by October 12, 2018.

**ZONING ORDINANCE REQUIREMENTS (Appendix 8)**

The subject property is zoned R-1. The chart below provides the minimum bulk requirements in the R-1 District compared to the subject property.
### BULK REQUIREMENTS (R-1)

<table>
<thead>
<tr>
<th>STANDARD</th>
<th>REQUIRED (NONRESIDENTIAL USES)</th>
<th>PROVIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>36,000 sq. ft.</td>
<td>1.67 acres</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>175 feet (corner lot)</td>
<td>200 feet (Leesburg Pike)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>372 feet (Jarrett Valley Drive)</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>60 feet (excluding steeple)</td>
<td>36 feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>50° angle of bulk plane but not less than 40 ft</td>
<td>37 feet (Leesburg Pike)*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>51 feet (Jarrett Valley Drive)</td>
</tr>
<tr>
<td>Side Yard</td>
<td>45° angle of bulk plane but not less than 20 ft</td>
<td>70.8 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>45° angle of bulk plane but not less than 25 ft</td>
<td>225 feet</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>0.15</td>
<td>0.073</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>Place of Worship: 1 space per 4 seats x 200 seats = 50 spaces</td>
<td>92 space</td>
</tr>
</tbody>
</table>

*The original building was legally constructed in 1959, with a legal addition in the 1960s, prior to the effective date of the Zoning Ordinance, and prior to widening of Leesburg Pike. Pursuant to Sect. 2-405.1, the development is in compliance with the Zoning Ordinance because the widening of Leesburg Pike reduced the yard below the current Zoning Ordinance requirements.

### Special Permit Requirements

This special permit application is subject to the following provisions of the Zoning Ordinance and are provided as Appendix 8. Subject to the development conditions, the special permit must meet these standards.

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 Group 3 Standards

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit a place of worship on the subject property.

### General Standards for Special Permit Uses (Sect. 8-006)

**General Standard 1** states *that the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.* The Land Use Policy Plan of the Comprehensive Plan states that “Fairfax County should seek to establish areas of community focus which contain a mixture of compatible land uses providing for housing…institutional/public services…” The Plan also “encourages a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods.” Further the Plan “should seek to achieve a harmonious and attractive development pattern, which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.” (Fairfax County Comprehensive Plan Land Use Objectives 2, 8 and 14).
The Comprehensive Plan recommends low-density single-family residential uses in the vicinity of the site. Places of worship are permitted in residential areas with special permit approval. The existing place of worship, as previously approved, meets the required intent of the Comprehensive Plan in a residential district.

Because the applicant requests modifications to the hours of operation, staff had to evaluate any potential negative impacts to the surrounding neighborhoods, which primarily are traffic during the morning and afternoon peak period, and potential noise and glare impacts. Traffic impacts were addressed with the review of an operational analysis which FCDOT determined did not indicate more than a minimal impact on the Jarrett Valley Drive/Leesburg Pike intersection. To address noise, the applicant has recently completed a noise study, though staff has yet to receive this study. Until the study is reviewed, staff cannot, at this time, definitively conclude whether changes to the development conditions would be in harmony with the adopted comprehensive plan.

**General Standard 2** states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The R-1 District was established to provide for single-family detached dwellings and to allow other selected uses that are deemed compatible with the residential character of the district. A place of worship is a special permit use within the R-1 District. The applicant’s requested modifications would increase the availability of the Center for use by members and others to pray and conduct small group activities without restriction; the modifications would also provide additional latitude for special events, particularly the Ramadan holiday month.

A place of worship that has open doors at all times raises compatibility concerns with the surrounding residential neighborhoods because of incidental impacts such as noise and glare. Staff notes that the Noise Ordinance provides a significant ceiling that limits noise to a reasonable level during nighttime hours (defined as 10:00 p.m. to 7:00 a.m.). In addition, staff recommends that the applicant ensure visitors and members of the Center who use the facility during the evening hours comply with noise restrictions by conducting all activities, including conversations, inside the Center and not in the parking area. However, pending review of the applicant’s noise study, staff is not prepared at this time to definitely support the applicant’s requested modifications to the hours of operation, which should remain compatible with the residential character of the district and in harmony with the general purpose and intent of the R-1 District.

**General Standard 3** requires that 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.
The place of worship location remains the same as previously approved, and the applicant is proposing no changes to the exterior. The proposed screening is not yet complete, since the parking area was just completed in May 2018, so staff recommends a deadline of 60 days from approval for complete installation, of the Board approved the application. Further, as of May 2018, the applicant was in the process of installing the 6-foot barrier fence around the parking area. The posts for this fence are shown on images provided by the applicant in Appendix 2. The screening and barriers are critical elements to ensure that the continued and proposed worship activities are compatible with the surrounding residential uses. Staff believes there may be enough screening as is and is not recommending additional plantings at this time. With a modification to require a timeframe for installation of remaining screening, staff finds this standard has been met.

General Standard 4 states that 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.

One of the primary issues with this application is whether the local roadway network can accommodate additional traffic that would result from permitting unrestricted activities at the Center during the morning and afternoon peak period of traffic. An operational analysis submitted by the applicant indicates that the anticipated traffic from the property can be accommodated by the existing facilities at the intersection of Leesburg Pike and Jarrett Valley Drive. FCDOT staff determined that the impact on the morning and evening peak travel periods would be only marginally impacted by allowing the Center to remain open for organized activities including worship services. VDOT review of this study is still pending.

Pedestrian traffic from the Center will be minimal as most of the members of the Center are located outside of walkable distance. Nevertheless, the existing Center traffic does not create a hazard to pedestrian traffic in the area. Therefore, staff finds that this standard has been met.

General Standard 5 states that 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.

The applicant’s landscaping and screening plans were previously reviewed and approved by the Board. However, some of these materials appear not to have been installed as of this writing given the recent completion of the parking area in May 2018. Staff recommends a deadline of 60 days for complete installation of landscaping to ensure the creation of the expected buffer yards to mitigate impacts from the operations onsite. With this modification staff finds that this standard is met.

General Standard 6 requires that open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

There is no specific open space requirement in the R-1 District or for the proposed use; however, the applicant has committed to preserving 35 percent of the site as open space. Therefore, in staff’s opinion this standard has been met.
General Standard 7 requires that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking requirements are proposed to be in accordance with the provisions of Article 11.

The applicant has been approved for the on-site modifications for the parking lot expansion and changes to the stormwater management system with approval of minor site plan #9800-MSP-001-1. Off-street parking exceeds the parking required under Article 11. In addition, the 2015 approval included a Parking Management Plan (PMP) which has generally worked well to manage parking demand during Friday services; however, the PMP has elements that are not fully implemented, including neighborhood coordination and communications with homeowners associations for Carrington or Wolf Trap Woods. Retaining the PMP is a necessary condition for this application. Therefore, staff believes that Standard 7 has been met.

General Standard 8 requires that signs be regulated by the provisions of Article 12; however, the BZA may impose more strict requirements for a given use than those set forth in this Ordinance.

A development condition was previously approved stating that the requirements for signs for this use under Article 12 apply to any additional signage. The applicant installed a wall sign subject to a sign permit. This standard has been met.

With the approval and adoption of the Proposed Development Conditions, the general standards for all General Standards have been met.

Standards for all Group 9 Uses (Sect. 8-303)

Standard 1 states that all uses shall comply with the lot size and bulk regulations of the zoning district in which located.

No changes are proposed to the existing structure. The structure meets the zoning ordinance setbacks and bulk regulations with the exception of the northeast corner. The existing building is located 37.0 feet from the eastern property line along Leesburg Pike. The building was constructed in 1959, with an addition in the 1960s, and staff has confirmed this through aerial photography records. In addition, additional right-of-way for the Leesburg Pike widening project reduced the front yard to the point where the building is out of compliance through no action on the part of the applicant. The building preceded the widening of Leesburg Pike and therefore is considered compliant. Therefore, this standard has been met.

Standard 2 states that all uses shall comply with the performance standards for the applicable zoning district.

This use does not have any increased effect on performance standards applicable to a place of worship. The potential for noise impacts from late night visitors for prayers or overnight youth activities is regulated under the Noise Ordinance. These activities are recommended to be restricted to indoors during the evening hours. The applicant does
not propose outdoor lighting save for security lighting located directly on the building. Any additional parking lot lighting would require compliance with the lighting regulations in Article 14 and development conditions prohibit light poles. The proposed use complies with the performance standards in Article 14 of the Zoning Ordinance. This standard has been met.

**Standard 3** states that *all uses shall be subject to the provisions of Article 17, Site Plans.*

A proposed development conditions states that this use shall be subject to the site plan review process. This standard has been met.

**CONCLUSION**

Staff finds that although the requested modifications are relatively small or incremental changes to current operations, the location of the place of worship in proximity to residential uses increases the possibility that these changes could affect surrounding properties. The two central issues are late-night noise and peak-hour traffic. Staff was notified about a completed noise study prepared by the applicant but as of this writing has yet to receive it. However, limiting activities to the interior of the facility, including conversations by visitors, would aid in reducing potential exterior noise. Pending review of the submitted noise study, staff is not prepared at this time to fully conclude that changes to the hours of operation to allow overnight or pre-dawn activities are supportable, at this time.

The other key issue reviewed by staff was the potential impact of permitting activities to occur 7:00-9:00 a.m. and 4:00-7:00 p.m., activities that are currently restricted under the approved Development Conditions. An operational analysis submitted by the applicant indicates that the traffic impact should be small and will not cause a negative effect on the Leesburg Pike/Jarrett Valley Drive intersection. However, staff is still awaiting further confirmation of this conclusion from VDOT.

Given the outstanding items and analysis yet to be reviewed, staff is not yet prepared to support the applicant’s request for development condition modifications at this time. Once these materials have been received, staff will publish an addendum to this report which may revise our recommendation in whole or in part.

**RECOMMENDATION**

Staff recommends denial of SPA 79-D-141-03, pending review of additional information to be provided by the applicant. However, should the Board choose to approve this application, staff recommends it do so subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. These conditions are largely based on the previously approved conditions with additions and removals as recommended by staff.]
It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification and Photographs
3. Affidavit
4. Approval History
5. Land Use Analysis (EDRB)
6. Transportation Analyses (VDOT/FCDOT)
7. Traffic Study findings, submitted August 27, 2018
PROPOSED DEVELOPMENT CONDITIONS

SPA 79-D-141-03

September 26, 2018

If it is the intent of the Board of Zoning Appeals to approve SPA 79-D-141-03 located at Tax Map 29-1 ((1)) 10A, to amend SP 79-D-141 previously approved for a place of worship, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (*), while edits made to conform to current terminology or as a revision in response to the current conditions and the proposed appear as strikeouts and in bold.

*1. This approval is granted for the place of worship for the applicant only, McLean Islamic Center, at the specified location only, at 8800 Jarrett Valley Drive, and is not transferable to other land without further action of this Board.

*2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat (SPA plat) titled, “8800 Jarrett Valley Drive, McLean Islamic Center” prepared by Hamid Matin, P.E., dated June 24, 2014, and revised through May 20, 2015, and approved with this application as qualified by these development conditions. Notwithstanding Note 9 on the plat, the use shall must be connected to public sewer.

*3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) shall must 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) Department of Land Development Services (LDS). Any plan submitted pursuant to this special permit shall must be in substantial conformance with the approved SPA plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

*5. In conjunction with the implementation of Phase II, as defined herein, the applicant shall provide onsite storm water detention and best management practices in accordance with the requirements of the Public Facilities Manual unless waived or modified by DPWES. These facilities shall be constructed in the general locations shown on the SPA Plat. The location of these facilities shall not encroach into any required areas of transitional screening or result in the
displacement of any existing or proposed vegetation as shown on the SPA plat.

*65. Implementation of this use shall be divided into two phases. The applicant shall obtain an updated Non-Residential Use Permit (Non-RUP) to establish the use and commence Phase I. During Phase I, the maximum number of seats (or equivalent space for each worshipper) in the main worship area shall not exceed 100, and the minimum number of parking spaces provided shall be 52 as shown on the SPA plat. Thereafter, (Phase II) the maximum number of seats (or equivalent space for each worshipper) in the main worship area shall not exceed 200, and the minimum amount of parking spaces shall be 92 as shown on the SPA plat. Prior to the opening to traffic from the Route 7 VDOT bridge project over the Dulles Toll Road, including an extension of the left-turn lane from Leesburg Pike westbound to Jarret Valley Drive. Thereafter, (Phase II), the maximum number of seats (or equivalent space for each worshipper) in the main worship area shall not exceed 200, and the number of parking spaces shall be 92 as shown on the SPA Plat.

*7. Friday prayer services shall occur between 11:00 a.m. and 2:30 p.m., with a minimum of 60-minute interval between each service. Start times for evening services for holidays and special events shall occur between 7:00 p.m. and 10:00 p.m. and ending by 10:30 p.m.

*8. Regular operating hours shall be from prayer and worship services will occur between the hours of 9:00 a.m. to and 11:00 p.m., seven days a week. No group worship activities shall be scheduled between 4:00 p.m. and 7:00 p.m., Monday through Friday. No organized worship services shall may occur outside of these hours, except as otherwise permitted by these development conditions. The facility may be open for small groups for informal prayer prior to the 9:00 a.m. opening not to exceed ten worshippers.

7. Early morning worship activities are permitted between the hours of 4:00 a.m. and 7:00 a.m.

8. Times for evening services for religious holidays and special religious events, including but not limited to: Ramadan, the Islamic New Year, Ashura, Mawlid an-Nabi, Lalat al-Mi’raj, Laylat at-Bara’at, Eid al-Fitr, Days of Hajj, and Day of Arafah are permitted to extend beyond regular worship service hours. Due to the Lunar calendar, the dates during which these holidays may be celebrated may change with each successive year.

*9. The applicant shall will modify the transitional screening and barrier requirements in consultation with DPWES the Urban Forestry Management Division (UFMD) along the southern, northern and eastern property boundaries as shown on the SPA plat. In addition, the applicant shall install all transitional
screening and barriers as shown on the SPA plat prior to issuance of the non-residential use permit.

*10. The applicant **shall must** designate the 48-inch diameter maple tree at the northwest portion of the site for protection and preservation. Construction plans **shall must** clearly define the limits of clearing for construction, and any such clearing **shall must** be limited to the minimum area required for said construction. Tree protection fencing **shall must** be placed outside the drip lines of the Silver Maple Tree prior to commencing land-disturbing activities.

*11. Parking lot landscaping **shall must** be provided in accordance with Article 13 of the Zoning Ordinance. **All landscaping required to satisfy transitional screening or parking lot perimeter planting requirements must be installed within 60 days of the date of approval of this special permit amendment.**

*12. The applicant **shall must** restrict the easternmost vehicular entrance (approximately 90 feet from Route 7) on Jarrett Valley Drive to right-turn-in only and **shall must** reconfigure said easternmost entrance to include ingress-only, one-way entry signage, arrows and striping, as depicted on the SPA plat, during Phase 1 and Phase II.

*13. The applicant shall provide ancillary easements and right-of-way to the County or Virginia Department of Transportation, as appropriate, at the corner of Jarrett Valley Drive and Route 7, for transportation projects and noise wall purposes at the time of site plan approval.

*14. All parking for the special permit use **shall must** be located on the property. Parking for the special permit use on grassy areas on the property and surrounding streets **shall be is** prohibited. Use of the property for commuter parking purposes is prohibited.

*15. The applicant **shall must** comply with to the Parking Management Plan (PMP) dated July 2, 2015, and prepared by MCV Associates, Inc., attached as Attachment 1 to these conditions. A copy of the PMP **shall will** be kept on file with the Special Permit and Variance Branch of the Zoning Evaluation Division of the Department of Planning and Zoning and with the Dranesville District Supervisor’s Office, if requested. The Parking Management Plan, **which shall must** include, at a minimum, the following provisions:

- The applicant **shall must** appoint a transportation coordinator and volunteers to direct traffic.
- The applicant **shall must** provide the transportation coordinator’s name to the president of the Carrington and of the Wolf Trap Woods homeowners
associations, and to the office of the Dranesville District Supervisor, to whom any written comments may be submitted.

- The PMP may be amended, with the concurrence of the Zoning Administrator, so long as the above minimum requirements are maintained with the concurrence of the Zoning Administrator.

*165. Any new exterior lighting on the property shall must be in conformance with the Performance Standards for Outdoor Lighting contained in Article 14 of the Zoning Ordinance, and shall must be designed to prevent glare on adjacent properties and roadways. All parking lot fixtures shall must be low-impact “bollard-style” fixtures, and any building-mounted security lights shall must be fully cut-off and downward-directed to the interior of the property. All exterior lighting, with the exception of the low-level security lighting, will must be extinguished no later than 11:00 p.m. daily, except when the facility is being used for religious holidays and special religious events as provide in Development Condition #8, above.

*176. Use of loud speakers or outdoor amplification sound systems shall be is prohibited.

*187. No landscaping/mowing, deliveries, or trash removal will may occur before 9:00 a.m. or after 8:00 p.m.

*198. Wedding and funeral services are permitted; however, no wedding or funeral receptions may occur on the property.

*2019. Signage shall must be in accordance with Article 12 of the zoning ordinance. Illuminated signage shall be is prohibited.

*21. In conjunction with the implementation of Phase II, the applicant will install a 5-foot sidewalk connection, within the proposed right-of-way, between the intersection of Jarrett Valley Drive and Route 7 and the Property’s easternmost entrance.

*220. Vegetation and improvements on site shall must be maintained and kept free of debris at all times. The applicant will repair and maintain the wooden fence along the property’s Jarrett Valley Drive frontage.

*231. The applicant may make its facility available for community uses typical of a place of worship. All such uses shall conclude by 11:00 p.m. All such activities conducted overnight must be held indoors.

This approval, contingent upon the above-noted conditions, shall does 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 approval is effective upon a vote of approval by the Board of Zoning Appeals. This special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. 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 time requested and an explanation of why additional time is required.
PARKING MANAGEMENT PLAN
FOR
THE MCLEAN ISLAMIC CENTER
FAIRFAX COUNTY, VIRGINIA

Prepared For
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July 2, 2015
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I. INTRODUCTION

This Parking Management Plan ("PMP") was prepared for the McLean Islamic Center ("MIC") and supplements the traffic report titled "Traffic Impact Analysis for the McLean Islamic Center," dated December 24, 2014 and prepared by MCV Associates, Inc. (the "Traffic Study"), by identifying potential issues and developing strategies to reduce the potential for traffic impacts on neighborhood streets and the study intersection of Route 7 and Jarrett Valley Drive.

The Subject Property is located at 8800 Jarrett Valley Drive at the southwest corner of the intersection of Leesburg Pike (Route 7) and Jarrett Valley Drive (Route 8912), and is more particularly identified as Fairfax County Tax Map #29-1 ((1)) 10A. MIC has proposed to use the Subject Property as a place of worship designed to serve a maximum of 200 congregants during any given service.

Use of the Subject Property will be constrained by the availability of parking spaces. Consequently, development of the Subject Property will involve two phases: Phase I will utilize the existing 54 parking spaces; Phase II will involve an expansion of the existing parking lot to accommodate 92 parking spaces. At all times, parking on the Subject Property will be limited to the number of parking spaces shown on the approved site plan (e.g., 54 or 92 spaces), and commuter parking will be prohibited. Additionally, MIC will limit attendance for each prayer service based on available parking and the total number of worshippers per service permitted by Fairfax County (e.g., no more than 200 congregants).

As noted in the Traffic Study, three 30-minute prayer services are planned at the Subject Property each Friday between 11:00 a.m. and 2:30 p.m. The three prayer services will start at 11:00 a.m., 12:30 p.m., and 2:00 p.m. each Friday, with a 60-minute gap between each service. The 60-minute gap will minimize overlap between arriving and departing vehicles between the first and second prayer services, as well as between the second and third prayer services.

By way of example, if the first prayer service commences at 11:00 a.m. and extends for 30 minutes to 11:30 a.m., the second prayer service will not commence until 12:30 p.m., thereby allowing 60 minutes for all first prayer service congregants to exit the Subject Property and for new prayer service congregants to enter.

We note that the Traffic Study, and the trip generation utilized in the Traffic Study, assumed a "worst case" with overlaps between the three prayer services. However, by providing a 60-minute gap between services, the overlap would be eliminated. Therefore, the Traffic Study results should be a conservative estimate.
II. POTENTIAL IMPACTS

We have identified the following potential traffic impacts of MIC’s use of the Subject Property as a place of worship:

- The existing and proposed parking supply does not meet the projected demand on the Subject Property which may lead some worshippers to park on the neighborhood residential streets or Jarrett Valley Drive.

- Traffic volumes turning onto Jarrett Valley Drive from Route 7 are nearing available queue capacity and could result in additional blocking of vehicles in the westbound Route 7 left through lane.

- An increase in queue length for vehicles exiting Jarrett Valley Drive and turning left onto Route 7 could increase delays for the residents using Jarrett Valley Drive.

- An increase in the volume of turning movements on Jarrett Valley Drive could increase the likelihood of conflicts at or near the two site driveways.

III. PARKING MANAGEMENT PLAN GOALS

Given the potential impacts listed in Section II, and in particular response to concerns raised by the Carrington and Wolf Trap Woods communities, we propose the following goals to reduce traffic impact on neighborhood streets and the study intersection of Route 7 and Jarrett Valley Drive.

GOAL 1: Use of the Subject Property for MIC events will not exceed available on-site parking capacity in a parking lot approved on an approved site plan (54 parking spaces in Phase I; 92 parking spaces in Phase II; no parking on grassy areas).

GOAL 2: MIC congregants will not park off of the Subject Property on Jarrett Valley Drive or other neighborhood streets.

GOAL 3: Use of the Subject Property for MIC events will not result in excessive queuing on Jarrett Valley Drive during organized activities, including Friday prayer services.

GOAL 4: Use of the Subject Property will not result in excessive queuing beyond existing Levels of Service for westbound left turning traffic at the intersection of Route 7 and Jarrett Valley during Friday prayer services.
IV. STRATEGIES TO MEET GOALS

To achieve the goals listed in Section III, MIC will employ a series of separate, but synchronized parking management strategies. It is anticipated that implementation of the PMP strategies will lead to a reduced impact on neighborhood streets and the study intersection, as well as a measured and monitored traffic system in the vicinity of the Subject Property.

It is intended that day-to-day implementation for this PMP will be vested in a Transportation Coordinator, to be appointed by MIC. MIC will provide the Transportation Coordinator's name, phone number, and email address to the President of the Carrington and Wolf Trap Woods homeowners associations, and to the Office of the Dranesville District Supervisor. The Transportation Coordinator may appoint as many designees/volunteers as needed to assist with implementation of this PMP.

The Transportation Coordinator and/or his/her designees will be present on the Subject Property during all Friday prayer services and anytime more than 50 vehicles are anticipated to be present at the Subject Property (e.g., for weekend religious education classes, community meetings, etc.). A Transportation Coordinator contact shall be immediately available on-site and via phone during such events in order to immediately resolve any identified parking problems. The Transportation Coordinator will also advise the Carrington President or his/her representative via email, cell phone, or other preferred method of communication at least 48 hours in advance of any event at which more than 50 vehicles are anticipated to be present on the Subject Property.

If any written concerns are submitted to the Transportation Coordinator, a written response shall be provided to any identified concern within five business days with a copy provided to the Office of the Dranesville District Supervisor.

Further, the Transportation Coordinator will provide a biannual assessment of goal monitoring, including number of parking lot utilization, parking violations, and program attendance figures, to Carrington homeowners association and the Dranesville District Supervisor and, if the goals are not met, to review and implement additional measures in coordination with the Dranesville District Supervisor.

MIC will also establish a neighborhood liaison committee to meet with interested neighbors on a quarterly basis (or as needed) from Carrington Woods and Wolf Trap Woods to discuss and address neighborhood concerns regarding the operation of the Subject Property as it relates to impacts on the surrounding neighborhood. The neighborhood liaison committee shall annually publish a contact person and telephone number and provide the information to the President of the Carrington homeowners association and the Dranesville District Supervisor's office.

This PMP is not intended to prescribe any single strategy over any other, and these strategies may change as conditions dictate. The emphasis, though, is to ensure the realization of the goals contained in Section III.
- **Strategy 1: Minimum Vehicle Occupancy Requirement**

MIC will restrict parking on the Subject Property to vehicles with two or more occupants only, except for senior citizens or vehicles holding handicap/disabled parking placards or license plates. As noted in the Traffic Study, the survey at the Alexandria and Springfield prayer sites showed that the average vehicle occupancy to the sites was 1.44 persons per vehicle during the Friday prayer services. Restricting parking to two or more occupants will significantly increase the average vehicle occupancy to almost 2.0 persons per vehicle.

- **Strategy 2: Shuttle Bus Service**

MIC will provide a shuttle bus operating to and from designated pick-up location(s) near the Subject Property. The shuttle service is anticipated to consist of up to two 16-passenger vans which will operate under a schedule to allow for the time required for boarding and disembarking passengers, the travel time between the two locations, and start of each prayer service.

The shuttle service will be operated by a volunteer(s) possessing a valid Commercial Driver's License containing a passenger endorsement issued by the Virginia Department of Motor Vehicles. MIC or the individual driver(s), as appropriate, will be responsible for carrying motor vehicle insurance for the use and operation of the passenger vans. Pick-up locations for worshippers will vary depending on parishioner's work locations, and will be dropped off in the drop-off/pickup location depicted on the Special Permit Plat.

MIC will provide flyers to each attendee that will include advisory information on parking and shuttle service schedules. This information will also be available on the MIC website.

The shuttle bus will park on the rear (north) side of the Subject Property when not in use during the peak Friday prayer services. When in use (e.g., during the peak Friday prayer services), the shuttle bus would essentially be “on the road,” driving back and forth between the Subject Property and the designated off-site pickup location(s). Consequently, the shuttle bus would not require a parking space during this period.

- **Strategy 3: Monitoring of Vehicles Queuing on Jarrett Valley Drive**

Vehicular access to the Subject Property is provided by two entrances along Jarrett Valley Drive. Driveway 1 – the easternmost entrance – has an aisle width of 34 feet and is located approximately 100 feet from the intersection of Route 7 and Jarrett Valley Drive. Driveway 1 is currently used for ingress and egress purposes. Driveway 2 – the westernmost entrance – has an aisle width of 25 feet and is located approximately 310 feet from the intersection of Route 7 and Jarrett Valley Drive.
Valley Drive. Driveway 2 is currently used for ingress and egress purposes, but is mainly used to exit the Subject Property.

To prevent queuing on Jarrett Valley Drive, MIC will employ two strategies. First, for inbound traffic, MIC will modify Driveway 1 for ingress purposes only, while Driveway 2 will continue to serve as a two-way entrance (although it will be primarily used for egress purposes). MIC will install one-way entry signage and striping at Driveway 1 and will reconfigure the entrance to allow ingress-only traffic. Converting Driveway 1 into a one-way ingress entrance will facilitate an internal circulation pattern on the Subject Property, will prevent vehicles exiting the Subject Property from Driveway 1, and will reduce any conflicts with arriving congregants and shuttles. In the event traffic cannot enter the Subject Property at Driveway 1, the Transportation Coordinator, or his/her designee, will direct inbound traffic to Driveway 2.

Second, for exiting traffic, the Transportation Coordinator, or his/her designee will monitor and control exiting traffic at Driveway 2 to ensure that queues on Jarrett Valley Drive do not exceed 200 feet from the intersection of Route 7 and Jarrett Valley Drive. Such monitoring will ensure that vehicles exiting the Subject Property will not cause undue delays to nearby residents and non-congregant vehicles seeking to access the Route 7/Jarrett Valley Drive intersection at the driveway as they wait to join the queue.

- Strategy 4: Neighborhood Parking Monitoring Program

To ensure that congregants do not park along Jarrett Valley Drive or nearby neighborhood streets, MIC will implement and adopt a policy that prohibits congregants from parking on neighborhood streets when engaged in any activity on the Subject Property. At the request of the Carrington HOA, the Transportation Coordinator and his/her designees/volunteers will monitor surrounding streets on an as-needed basis to ensure that congregants do not park their vehicles in the neighborhood or are otherwise idling/waiting for prayer services to conclude. Any such infraction will be duly noted and brought to MIC’s attention, which will take appropriate action against the violators which may include, but will not be limited to, informing the offending party that they are not to park on neighborhood streets.

- Strategy 5: Information Dissemination

The Transportation Coordinator, or his/her designee, will be responsible for placing notices in conspicuous places inside the facility which encourage carpooling and state that the parking on neighborhood streets is prohibited. The Transportation Coordinator will also instruct attendees not to use Jarrett Valley Drive/Edgepark Road/Laurel Hill Road to access the Subject Property or Route 7.
V. CONCLUSION & MONITORING

MIC will implement and update this PMP as needed to ensure that the program is effective. Where needed, this PMP may be amended to incorporate additional measures or delete ineffective measures to meet the identified goals listed herein.
McLean Islamic Center  
Special Permit Amendment - Statement of Justification  
SPA-79-D-141-03  
April 27, 2018

Introduction:

The McLean Islamic Center (the “Center”) (the “Applicant”) is processing this Special Permit Amendment application for Fairfax County Tax Map #29-1-((1))-10A, (the “Property”) to modify certain Development Conditions pursuant to the existing Special Permit Amendment, SPA 79-D-141-02, approved on July 7, 2015. Below is a written statement from the Applicant demonstrating the reasons for the request, the operation of the mosque, and its continuing commitment to the Tyson’s community.

Client Statement:

For approximately three (3) years the Center has operated at 8800 Jarrett Valley Drive in Vienna as a steward for the Muslim community of the greater Tysons Corner area. As essentially the only Islamic place of worship within a ten-mile radius, the Center boasts a congregation of approximately 220 worshippers, hosts daily prayer services, educational seminars, interfaith programming, a Sunday school, enrichment classes for home-schooled children, boy and girl scouts, community service programs, and counselor-led youth groups. A diverse congregation from all walks of life calls the Center home. The facility attracts youthful energy and age-old wisdom to create a haven for Muslims and a place for dialogue for all faiths. The Center has three (3) full-time employees.

Since its establishment, the Center considers itself as part of the Tyson’s community. It has hosted numerous open houses to establish a sense of community, answers questions, educates people on the Islamic faith, and addresses neighborhood concerns. It has organized interfaith events to create opportunities for dialogue with other congregations. The Center has also forged relationships with several congregations by engaging in coordinated efforts to address community needs. For example, last December the Center served and donated meals for the homeless guests in partnership with the Immanuel Presbyterian Church during this winter’s FACETS hypothermia program. Last fall, the Center joined with other congregations at the Lutheran Church of the Redeemer to prepare meal packages for “Rise Against Hunger”. Last summer, the Center collected school supplies for low-income families in Fairfax County. The McLean Islamic Center is proud to be an active and engaged part of the Tyson’s community.

In keeping with the development conditions of SPA 79-D-141-02, the Center has gone above and beyond to be a courteous and respectful neighbor to the Carrington and Wolftrap Woods neighborhoods. It has diligently implemented its Parking Management Plan. As required, it appointed a community liaison to give its neighbors an easy means of contact and coordination with the Center. It assigned a traffic coordinator to facilitate programs when more than 50 participants were anticipated and it informed the neighbors of the potential for increased traffic flow and a larger number of visitors on such occasions. It has hired private security and off-duty Fairfax County police officers to manage traffic at Friday prayers and it has turned away violators of the Parking Management Plan. On April 8, 2018 it sent over 200 invitations, with contact information for those unable to attend, to invite neighbors to an open house.

In the spirit of complying with the development conditions relative to the pre-dawn prayer service, the McLean Islamic Center immediately suspended the congregation’s pre-dawn prayer upon verbal
notification of an alleged infraction by Fairfax County zoning inspectors. Prayer is a mandatory pillar of Islam and one of the most important obligations of the Islamic faith as ordained by God. Although the congregation was disheartened and distraught that one of the five mandatory daily prayers at the Center was suspended, the leadership believes it is best to resolve the matter through the proper channels rather than to manage an uncontrollable and imbalanced restriction on a basic tenet of its faith. A member of the McLean Islamic Center’s Board of Directors personally met with the site inspector shortly after to discuss the matter. The inspector acknowledged that the Center’s initiatives to monitor its activities relative to the development conditions were both commendable and effective. This was the one and only time the Center has been contacted in any form by the County regarding adherence to the development conditions.

Last year, during the month of Ramadan, special arrangements were made to have worshippers shuttled to the Center to prevent potential disruptions to the neighbors, and a secondary location was leased for this month-long event to ease demand at the Center. To regulate traffic, the Center has posted HOV-2 signs on its lot and instructions prohibiting parking on neighborhood streets. Vehicles are turned away and access to the building is denied when the parking / occupancy capacity has been reached. Regularly, the Center informs the congregation of its commitment to the development conditions of its permit and not to park on neighborhood streets. All of this has been done to foster a strong relationship with its neighbors and the community at large.

Request and Justification:

The Islamic faith mandates five daily prayers. The first occurs at dawn, the second at midday, the third in the afternoon, the fourth at sunset and the last in the evening. Each daily congregational prayer can last about one hour from the time the first worshippers arrive to the time they all leave. The dawn prayer occurs about one and a half hours before sunrise and the evening prayer occurs two hours after sunset. Islam follows a lunar calendar, so the Islamic year is about eleven (11) days shorter than the Gregorian calendar, and prayer times vary as the Islamic month’s cycle slowly through the different seasons. However, the first service, the Fajr (dawn) prayer, never coincides with morning peak rush hour at any point in the year.

The McLean Islamic Center requests their operating hours be amended to allow its congregation to comply with the basic tenets of its faith. Standard operating hours will be between 4 AM and 12:30 AM at full capacity, seven days a week. In addition, the facility will be open for small groups for informal prayer between 12:30 AM and 4 AM, seven days a week.

1. Early Morning Services.

Mindful of its responsibilities as a good neighbor, the Center seeks to establish morning services at dawn to the maximum capacity of the facility. The current limit of ten worshippers at informal morning services was based on then-current numbers in previous location and recorded several years ago. This February, the County was informed of an increased number of early morning worshippers at the Center. The County has already permitted the expansion of the Center’s parking lot to 92 spaces, consistent with the maximum capacity of worshippers permitted to the original Church building. That expansion is now almost complete. The Center is not asking for any further structural change, nor is the Center asking for increased building occupancy. The McLean Islamic Center humbly requests that the County allows them to use their house of worship to fulfill their mandatory religious obligations without burdensome restrictions.

As a congregation, the McLean Islamic Center seeks to minimize any disruptions from cars entering into the parking lot at dawn. The Center’s track record speaks for itself. In almost three (3) years since they opened their doors, despite their growth, there have been no complaints of noise or commotion in the
early morning, or at any other time of day. The Center intends to maintain this level of quiet. Already, consistent with County-approved landscape plans for its Phase 1 occupancy and Phase 2 parking lot expansion; the Center has erected robust landscape buffers per the requirements of the County’s Public Facilities Manual. They did this in order to limit noise, visual, and light impacts on their neighbors. They have also avoided traffic queuing issues on Jarrett Valley Drive; as the 2014 M.C.V. traffic study predicted, this has not been an issue either, despite the cars that daily enter and exit the Center. Traffic in the Carrington neighborhood will also benefit when VDOT opens the newly-added lanes on Route 7 over the Dulles Airport Toll Road and the extension of the westbound Leesburg Pike left-turn lane at Jarrett Valley Drive (VDOT’s expected date of completion, May 8, 2018). For all of these reasons the McLean Islamic Center is confident that it will manage early morning prayers smoothly.

A number of special events and prayers throughout the year take place in the very early morning hours (2:00 AM – 4:00 AM). These include the community Qiyaam prayers, Tahajud prayers, Itikaaf (spending time at the mosque for reflection and contemplation), and other such activities. Year-round and at all times, the mosque is a space for reflection and contemplation. Like every religious institution, it is a refuge to those who need one. The Center wants to accommodate these worshippers without violating its development conditions.

2. Operations Between 4:00 PM and 7:00 PM.

The Center also asks to revise the development condition restricting congregational worship between the hours of 4:00 PM and 7:00 PM on weekdays. Development Condition 8 prevents the Center’s congregation from gathering for compulsory Asr (afternoon) and/or Maghrib (sunset) prayers, which are an important part of the Islamic faith. These are two of the five obligatory prayers in Islam. Muslims are asked to preserve especially the Asr (‘middle prayer’), for it is another chance to remember God in Muslims’ daily affairs and to find patience and strength in faith in response to the strains of the day. Condition 8 thwarts the Center’s ability to offer these two prayers as part of its congregation, which impacts its ability to assist its congregants in practicing their faith.

Late afternoon prayers will not impact conditions on Jarrett Valley Drive. VDOT has just extended the westbound left-turn lane from Leesburg Pike and it has also added lanes to Route 7 over the Dulles Airport Toll Road. When they open to traffic, these improvements will ease the ability of Carrington Residents to turn onto Jarrett Valley Drive. The Center’s 2014 M.C.V. traffic study did not take into account these developments. However, it did evaluate the impact of the Center’s use of 92 parking spaces, and the study found no change to the existing level of service on Jarrett Valley Drive. The County endorsed this finding in its 2014 SPA resolution, stating that “traffic generated by this use will not cause the existing level of service to degrade; it will not exacerbate it.”

3. Evenings, Holidays and Special Events.

The McLean Islamic Center asks that the County extend the time permitted for evening services for holidays and special events to 12:30 AM. Islam follows a lunar calendar, so the Islamic year is about eleven (11) days shorter than the Gregorian calendar, and prayer times vary as the Islamic month’s cycle slowly through the different seasons. As a result, holiday and special prayer times may end by 10:00 PM in some years but they can also extend beyond 10:30 PM in others. Ramadan is a good example. Ramadan is a month-long special event for Muslims, a time when Muslims fast for thirty (30) days from sunrise to sunset, engage in self-reflection, perform extra acts of worship, contribute towards charitable causes and strive to serve their communities. It is a month when God’s blessings, forgiveness and guidance are ever near. In the evenings, Muslims make every effort to attend special Taraweeh prayers during which the entire Quran is read in congregation over the month. Taraweeh prayers typically end around midnight. So the current 10:30 PM closing time dramatically cuts short the congregation’s ability
to complete this time-honored reading of our holy book before month’s end, especially during the summer months when the evening prayer begins at approximately 10:15 PM.

The last ten (10) days of Ramadan are considered a particularly blessed time, and to many, these are the most important days of the year to attend mosque services. Muslims believe that the Quran was revealed on one of these ten (10) nights. As the Quran describes, it is a night that is “better than a thousand months.” For that reason, Muslims seek God’s blessings in prayer and contemplation throughout the nights of this ten (10) day period. Were it permitted, many would spend these nights at the mosque praying. From this perspective, then, the Center’s 10:30 PM closing time simply does not adequately accommodate our beliefs.


Development Conditions 8 and 23 not only burden the Center’s ability to offer prayer services, but also to run programs that area mosques and churches routinely provide to the surrounding community. For example, on weekdays, the Dar-ul-Hijrah Mosque (roughly 10 miles away in Falls Church) busses school students directly from school to the Mosque. These students then help pack food for area residents in need who come to the Mosque’s food bank the next day. Churches and area houses of worship routinely offer classes such as English as a Second Language to community members. The Center would like to do similar things but the terms of Condition 8 raise concerns about the permissibility of programs that would run on weekday afternoons. The ADAMS center (roughly 10 miles away in Sterling) runs late night meetings so that young adults can spend time together, bond, pray, talk, and engage in other social activities. In contrast, the Center’s boy scouts and girl scouts cannot run overnight ‘camping’ and other activities at the Center, because they must close their doors at 11:00 PM. The Center’s program directors are so mindful of the development conditions that they do not even consider running programs that might run afoul of the conditions of its permit. They do not consider hosting day-long weekday programs proposed by the Center’s interfaith and community partners. Instead, on one occasion, to ensure they honored the Center’s use limitations, they actively turned away dozens of volunteers who came to make sandwiches for Cornerstones, a social service organization that feeds and shelters the homeless.

Summary:

The McLean Islamic Center requests an amendment to the time constraints placed by the approved development conditions, consistent with its requests to change the terms of Conditions 7, 8 and 23. Similar to other houses of worship, the Center anticipates utilizing its facility for congregational prayers, reflection and community events. In compliance with the requirements of the Islamic faith, as well as the needs of community groups, these activities may not all conclude by 11:00 PM.

Compliance with § 8-006 General Standards:

1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

The Property has been used as a religious assembly for several years and this application does not propose to change the use of the Property, therefore this standard is satisfied.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The R-1 zoning district regulations permit religious facilities pursuant to approval of a special use permit, which has already been obtained. This permit amendment is requesting a modification to the Development Conditions and is not proposing a new use, therefore this standard is satisfied.

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.

No new development is proposed with this application. The existing use is already operating in harmony with the neighboring properties and 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.

The Applicant has implemented a Parking Management Plan ("PMP"), which has effectively managed the traffic associated with the Property and the Applicant will continue to implement the plan if and when the Development Conditions are modified.

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.

Landscaping and screening have been provided pursuant to the previous Special Use Permit and there is no construction associated with this application, therefore this standard is satisfied.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

Open Space has been provided pursuant to the previous Special Use Permit and there is no construction associated with this application, therefore this standard is satisfied.

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.

Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use were provided pursuant to the previous Special Use Permit and there is no construction associated with this application, therefore this standard is satisfied.

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.

All signs on the Property will be in compliance with Article 12 and, if applicable, Article 14, therefore this standard is satisfied.
Compliance with § 8-303 Standards for all Group 3 Uses:

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.

There is no construction proposed with this Special Permit. The building is existing and in compliance with the lot size and bulk regulations of the R-1 zoning district, therefore this standard is satisfied.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

The Applicant’s use of the Property has not changed and is in compliance with the performance standards specified in the R-1 zoning district, therefore this standard is satisfied.

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.

The Applicant has an approved site plan in accordance with the requirements of Article 17, therefore this standard is satisfied.

Sarah L. Buzby, Reed Smith LLP
Agent for Applicant

4/27/18
Date
H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Applicant's Signature

5/8/18 Date

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Applicant’s Signature

5/8/18 Date

RECEIVED
Department of Planning & Zoning

MAY 11 2018
Zoning Evaluation Division
Image 1 – Front of Center facility

Image 2 – View facing toward intersection of Leesburg Pike/Jarrett Valley Drive. Note 1-way pavement markings and gate across entrance.
Image 3 – View toward western corner of property across parking lot. Note preservation of specimen tree as per previous Development Condition #10.

Image 4 – View behind Center facility with Phase 2 parking expansion completed.
Image 5 – View toward southwest corner at Jarrett Valley Drive (left) from northern lot line.

Image 6 – View of same corner from across Jarrett Valley Drive.
Image 7 – View of Center property from southwest corner at Jarrett Valley Drive. Note gate at westernmost entrance, sidewalk addition at eastern end adjacent Leesburg Pike (as per previous Development Condition #21).
APPENDIX 3

County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 1200 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-7421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 5, 2018

TO: Heath Eddy, Staff Coordinator
Applications Acceptance Section
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sepideh Afshari Khosrowshahi, Paralegal
Office of the County Attorney

SUBJECT: BZA Affidavit
Application No. SPA 79-D-141-03

REF.: 145609

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant
McLean Islamic Center

Affidavit Date of Oath
3/29/18

Attachment

\S17FROLAWPGC01\Documents\145609\SAK\Affidavits\1085387.docx
SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 29, 2018
(enter date affidavit is notarized)

I, ____________________________, 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

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

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>RELATIONSHIP(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>McLEAN ISLAMIC CENTER</td>
<td>8800 Jarrett Valley Drive</td>
<td>Applicant/Title Owner of</td>
</tr>
<tr>
<td>Agents:</td>
<td></td>
<td>Tax Map 29-1 ((1)) 10A</td>
</tr>
<tr>
<td>Syed Umar Shahid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zafar Farooqi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sultan E. Chaudhry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rafay Hassan</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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).

FORM SP/VC-1 Updated (7/1/06)
Application No.(s): 

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

Special Permit/Variance Attachment to Par. 1(a)

DATE: August 29, 2018

(enter date affidavit is notarized)

(NOTE: All relationships to the application are to 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)

REED SMITH LLP
Agents:
Shane M. Murphy, Esq.
Grayson P. Hanes, Esq.
Sarah L. Buzby, Esq. (Former)
Meredith P. Hartley, Esq.
Louise (NMI) Zwicker

MCV ASSOCIATES, INC.
Agents:
Jawahar (Joe) Mehra
Reju Vijaya Radhakrishnan

ADDRESS
(enter number, street, city, state, and zip code)

7900 Tysons One Place, Suite 500
McLean, VA 22102

4605-C Pinecrest Office Park Drive
Alexandria, VA 22312

RELATIONSHIP(S)
(enter applicable relationships listed in BOLD above)

Attorneys / Planner / Agent

Traffic Consultant / Agent

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.
SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 29, 2018

(enter date affidavit is notarized)

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)

McLEAN ISLAMIC CENTER
8800 Jarrett Valley Drive
Vienna VA 22182

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)

NON-STOCK CORPORATION

Maqsood A. Chaudhry, Trustee
Zafar B. Farooqi, Trustee
Hashmat Ali, Trustee
Ahmed NA Elrefai, Trustee
Mohsin Alikhan, Trustee (Former)
Shahbaz A. Mian, Trustee

Sultan E. Chaudhry, President
Mohammed Hisham Naji, Vice President
Riad F. Muwakki, Treasurer
Allison H. Carpenter, Secretary

(enter first name, middle initial, and last name)

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 Attachment to Par. 1(b)

DATE: _______August 29, 2018______
(enter date affidavit is notarized)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
MCV ASSOCIATES, INC.
4605-C Pinecrest Office Park Drive
Alexandria, VA 22312

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Jawahar (Joe) Mehra

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

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

(continue on verso)

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.
SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 29, 2018
(enter date affidavit is notarized)

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)
REED SMITH LLP
7900 Tysons One Place
Suite 500
McLean, VA 22102
(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)

Abdalla, Tarek F.  Bettino, Diane A.  Box, M. Tamara
Alexander, Eric L.  Bhattacharyya, Gautam (NMI)  Bradley, Patrick E.
Allen, Thomas L.  Bickham, J. David  Breene, Paul E.
Amor, Gareth (NMI)  Binder, Justus (NMI)  Brennan, James C.
Andrews, Alexander T.  Binis, Barbara R.  Brocklesby, Nicholas (NMI)
Arnold, Roy W.  Birt, Steven James  Broughton, Kenneth E.
Astigarraga, Jose I.  Bishop, Martin J.  Brown, Bryan K.
Atallah, Ana (NMI)  Blefeld, Bruce A.  Brown, Claude (NMI)
Barber, William James Gresham  Bolden, A. Scott  Brown, Jon M.
Barzoukas, Nicolas G.  Boranian, Steven J.  Brown, Michael K.
Basu, Ranajoy (NMI)  Borg, Christopher (NMI)  Burke, Carol M. (Former)
Begley, Sara A. (Former)  Boutcher, David J.  Cahn, Jonathan D.
Beiersdorf, Oliver K.  Bovich, John P.  Calligan, David A.
Berman, Patricia Dandaville  Box, M. Tamara  Cameron, Douglas E.
Bernstein, Leonard A. (Former)

(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.

FORM SP/VC-1 Updated (7/1/06)
Application No.(s): ________________ (county-assigned application number(s), to be entered by County Staff)  

Special Permit/Variance Attachment to Par. 1(c)  

DATE: August 29, 2018  
(enter date affidavit is notarized)  

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, zip code)  
REED SMITH LLP  
7900 Tysons One Place  
Suite 500  
McLean, Virginia 22102  

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

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)  
Charot, Benoit (NMI)  
Chassman, Peter J.  
Cheung, Janet Bo Chun  
Clark, II, Peter S.  
Clulow, Jeb (NMI)  
Cohen, David R.  
Collet, Jean-Pierre  
Colman, Abraham J.  
Cooper, Steven (NMI)  
Cullis, John A.  
Currie, Delphine (NMI)  
Daubert, Gail L.  
Davis, James M.  
Dentice, Nathan P. W.  
Dermody, Debra H.  
Diana, Anthony J.  
DiFiore, Gerard S.  
Dillon, Lee Ann  
Dolan, Timothy P.  
Drew, Jeffrey R.  
Dubelier, Eric A.  
Duronio, Carolyn D.  
Edmonds, Shareena D.  
Ellis, Peter M.  
Ellison, John N.  
Enochs, Craig R.  
Eskilson, James R.  
Estrada, Edward J.  
Evagora, Kyriacos (NMI)  
Falkner, Robert P.  
Fawcett, David B.  
Fogel, Paul D.  
Fosh, Michael John  
Fox, Caspar L.  
Francis, Jr., Ronald L.  
Fredj, Marc (NMI)  
Frenier, Diane M.  
Fritton, Karl A.  
Gallo, Frank J.  
Gasparetti, Lorenzo E.  
Geist, Melissa A.  
Graumlich, Betty S.  
Green, Graham A.  
Grimes, David M.  
Gunn, Richard M.  
Gutowski, David J.  
Gwynne, Kurt F.  
Hagan, Jr., John F.  
Halbreich, David M.  
Hansson, Leigh T.  
Hardin, Julie A.  
Hardy, Peter A.  
Hartley, Simon P.  
Hartman, Ronald G.  
Hasselman, Scot T.  
Hawley, Terence N.  
Healy, Christopher W.  
Heeg, Peggy A.  
Heffler, Curt L.  
Hemming, Seth M.  
Hewetson, Charles M.  
Hill, Robert J.  
Hill, Thomas E. (Former)  
Hirsch, Austin L.  
Hitt, Leo N.  
Ho, Delpha (NMI)  
Hofmeister, Jr., Daniel J.  
Horrigan, Courtney C. T.  
Houston, Marsha A.  
Hones, Dwight A.  
Hryck, David M.  
Huenemann, Rolf (NMI)  
Hulquist, James T.  
Izower, Aron S.  
Jaskot, Paul J. (Former)  
Javian, Aaron G.  
Jeffcott, Robin B.  
Jenkinson, Andrew P.  
Johnson, Gary C.  
Jones, Tyree P.  
Jong, Denise (NMI)  
Juergens, Andreas (NMI)  
Kammel, Volkner (NMI)  
Karides, Constantine (NMI)  
Katsambas, Panagiotsis (NMI)  
Katz, Elizabeth H.  
Kaung, Alexander Wai Ming  
Kay, Rosanne Mary Beatrax  
King, Henry R.  
Kirk, Dusty Elias  
Kirkpatrick, Stephen A.  
Klett, Dr. Alexander R., LL. M.  

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

FORM SP/VC-1 Updated (7/1/06)
Application No.(s): _____________________________ (county-assigned application number(s), to be entered by County Staff)  

Special Permit/Variance Attachment to Par. 1(e)  

DATE: ___________ August 29, 2018 ________ (enter date affidavit is notarized)

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, zip code)  
REED SMITH LLP  
7900 Tysons One Place  
Suite 500  
McLean, Virginia 22102  

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

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

Korenblatt, Jeffrey S.  
Kozlov, Herbert F.  
Kugler, Stefan L.  
Kwuon, Janet H.  
Laffey, Casey D.  
Lai, Ivy (NMI)  
Landers, Daniella D.  
Layne, Robert J.  
Lazaroff, Michael S.  
Lee, Michael P.  
Levy, Marc (NMI)  
Li, Jianjun (NMI)  
Loepere, Carol C.  
LoVallo, Michael A.  
Lowell, Michael J.  
Lowenstein, Michael E.  
Lyons, III, Stephen M.  
Martin, James C.  
Martini, John D. (Former)  
Mateo, Daniel (NMI) (Former)  
Maurer, Christopher J.  
McAllister, David J.  
McCarroll, James C.  
McConnell, Stephen J.  
McDavid, George E.  
McIntyre, John M.  
McNair, James E.  
Meissner, Martin (NMI)  
Melodia, Mark S. (Former)  
Mercadante, James A.  
Metro, Joseph W.  
Miller, Edward S.  
Miller, Jesse L.  
Miller, Steven A.  

Minniti, Cindy Schmitt  
Mitchell, Jonah D.  
Moberg, Marilyn A.  
Mok, Francisca M.  
Mok, Kar Chung  
Moll, Stephen L.  
Moller, Charlotte (NMI)  
Moor, Michelle L.  
Morrison, Alexander David  
Mullins, Edward M.  
Napolitano, Perry A.  
Nguyen, Stephanie D.  
Nicholas, Robert A.  
O'Brien, Kathleen A.  
O'Donoghue, Cynthia (NMI)  
O'Neil, Michael (NMI)  
Paisley, Belinda L.  
Peck, Jr., Daniel F.  
Pedretti, Mark G.  
Pepper, Michael Ross David  
Petersen, Matthew J.  
Petersen, Kurt C.  
Philips, Robert N.  
Pitts, Paul W.  
Pollack, Michael B.  
Pryor, Greg J.  
Radley, Lawrence J.  
Raven, Ricky A.  
Reck, Belynda S.  
Reid, Graham M.  
Reinke, Donald C.  
Reynolds, Lesley C.  
Richthammer, Dr. Etienne (NM)  
Riviere, Francisco (NMI)  
Roberts, Diane (NMI)  
Roberts, Ronald G.  
Roberts, Samantha H.  
Robinson, Frederick (NMI)  
Roche, Brian D.  
Rock, Nicholas J.  
Rogan, Edward G.  
Rosen, Barry S.  
Rosenberg, Carolyn H.  
Rosher, Peter (NMI)  
Roth, Robert A.  
Rowan, Vincent B.  
Ryan, Catherine S.  
Rydstrom, Kristen R.  
Rymer, Philip .R.  
Samant, Prajakt K.  
Sanders, James L.  
Sanders, Mark Richard John  
Sanders, Michael (NMI)  
Sarcinella, Joseph A.  
Scalzo, John C.  
Schaffer, Eric A.  
Scheve, Stephen E.  
Schlecker, David M.  
Schmarak, Bradley S.  
Schraber, John W.  
Schwartz, Edward B.  
Schwimmer, Jodi E.  
Seamnn, Charles H.  
Sedlack, Joseph M.  
Seikaly, Katherine J.  
Sessa, Stephen E.  
Shapiro, Edward H.

(check if applicable) [✓] There is more partnership information and Par. 1(e) is continued further on a “Special Permit/Variance Attachment to Par. 1(e)” form.

FORM SP/VC-1 Updated (7/1/06)
Application No.(s): ______________

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

Page 3 of 3

Special Permit/Variance Attachment to Par. 1(e)

DATE: August 29, 2018

(enter date affidavit is notarized)

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, zip code)
REED SMITH LLP
7900 Tysons One Place
Suite 500
McLean, Virginia 22102

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

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

- Sharma, Asha Rani
- Shaw, Nicholas J.
- Sher, Lawrence S.
- Stilesinger, Amir (NMI)
- Short, Carolyn P. (Former)
- Shugruie, John D.
- Siev, Jordan W.
- Silver, Ingrid (NMI)
- Simons, Robert P.
- Jacob, Oliver P.
- Smersfelt, Kenneth N.
- Smith, Robert M.
- Snyder Bagnell, Nicole R.
- Sollee, Kyle O.
- Solomon, Jonathan (NMI)
- Solomon, Louis M.
- Spafford, Richard A.
- Springer, Claudia Z.
- Stainthorpe, Nick J.
- Stanley, David E.
- Stansfield, Wayne C.
- Stephenson, Leon (NMI)
- Stewart, II, George L.
- Stimpson, Barry P.
- Suddath, Thomas H.
- Suleman, Sakil A.
- Suss, Philipp T.
- Swinburn, Richard G.
- Tandler, James R.
- Tardif, Natasha (NMI)
- Tashman, Matthew E.
- Taylor, Andrew D.
- Taylor, Philip M.
- Teare, Peter A.
- Temple, Mark D.
- Thallner, Jr., Karl A.

- Theodorou, Demetris C.
- Thomas, Alexander Y.
- Toms, Jason M.
- Turner, Paul B.
- Underwood, Colin A.
- Vallejo, Andres (NMI)
- Veatch, William S.
- Vishneski, John S.
- Vitsas, John L.
- von Waldow, Arnd N.
- Walker, Gary R.
- Watt, Christopher B.
- Watterson, Kim M.
- Weiss, David E.
- Weissman, Sonja S.
- Weller, Charles G.
- Wellington, Donald E.
- Wells, Kristin I.
- Westcott Ortega, Alice V.
- Wilkins, Robert A.
- Wilkinson, James F.
- Winterfeldt, Daniel K.
- Wong, Ho Yin Patrick
- Woo, Anthony (NMI)
- Wood, Douglas J.
- Yan, Betty (NMI)
- Yan, Jay J.
- Young, Michael J.
- Yu, Cheuk Lun Desmond
- Zaman, Peter O.
- Zoeller, Lee A.
- Zurzolo, Tracy L. (Former)

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

FORM SP/VC-1 Updated (7/1/06)
SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 29, 2018
(enter date affidavit is notarized)

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.
SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 29, 2018
(enter date affidavit is notarized)

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:

[ ] Applicant [✓] Applicant’s Authorized Agent

Shane M. Murphy, Attorney / Agent

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

Subscribed and sworn to before me this __________ day of __________, 2018, in the State/Comm. of __________, County/City of __________.

My commission expires: __________

FORM SP/VC-1 Updated (7/1/06)
MCLEAN ISLAMIC CENTER, SPA 79-D-141-02 Appl. under Sect(s). 3-103 and 8-301 of the Zoning Ordinance to amend SP 79-D-141 previously approved for a place of worship to permit change in permittee and site modifications. Located at 8800 Jarrett Valley Dr., Vienna, 22182, on approx. 1.67 ac. of land zoned R-1. Dranesville District. Tax Map 29-1 ((1)) 10 A. Mr. Hammack 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 8, 2015; and

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

1. There is a favorable staff recommendation.
2. This site has been developed as a place of worship since 1959. It was established under the 1959 Ordinance as a matter of right, and it has been expanded to allow 200 worshipers at the site today. There is a traffic impact, but the development that has taken place in Tysons Corner and along Route 7 has overwhelmed this particular location since it was established originally.
3. This site has some real constraints on it. It does not lend itself to very much growth. It seems like there are a regular number of applicants come in and want to seek enlargements five or ten years later, but we would have to deal with such a request at that time.
4. As it is presented with a favorable staff recommendation, with the history of the use as a church, and with the request that it is a change of permittee, there will be an enlargement of the parking lot in phase 2, but there are no proposed changes to the structure on the site at this point, nor is there any request for an increase in the number of worshipers currently. The present church that is there is comparable in size and use. There will be some changes from maybe Sundays to Fridays and other days and perhaps slightly different hours, but given the history and the favorable recommendation and the size of the application, it is approvable with some changes to the proposed development conditions.
5. The proposed development conditions will mitigate to the extent possible the impact of traffic on the adjacent Carrington community, which is the most impacted by this.
6. There is a constant flow of cars doing a U-turn at Jarrett Valley. There are more cars doing a U-turn at Jarrett than going west on Route 7. The enlargement of the left turn lane before bringing in Phase 2 is very important.
7. The Parking Management Plan and the expansion of the parking lot (Phase 2) are both important to mitigate the impact.
8. If traffic studies are right, the traffic generated by this use will not cause the existing level of service to degrade; it will not exacerbate it.

9. The F.A.R. is 0.073 for this site. Under the Ordinance, it could be twice as much.

10. The applicant has read, understands, and concurs with the proposed development conditions.

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 for a place of worship for the applicant only, McLean Islamic Center at the specified location only, at 8800 Jarrett Valley Drive, and is not transferable to other land without further action of this Board.

2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment plat (SPA plat) titled, “8800 Jarrett Valley Drive, McLean Islamic Center” prepared by Hamid Matin, P.E., dated June 24, 2014, and revised through May 20, 2015, and approved with this application as qualified by these development conditions. Notwithstanding Note 9 on the plat, the use shall be connected to public sewer.

3. A copy of this special permit 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.

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 the approved SPA plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. In conjunction with the implementation of Phase II, as defined herein, the applicant shall provide onsite storm water detention and best management practices in accordance with the requirements of the Public Facilities Manual unless waived or modified by DPWES. These facilities shall be constructed in the general locations
shown on the SPA Plat. The location of these facilities shall not encroach into any required areas of transitional screening or result in the displacement of any existing or proposed vegetation as shown on the SPA plat.

6. Implementation of this use shall be divided into two phases. The applicant shall obtain an updated Non-RUP to establish the use and commence Phase I. During Phase I, the maximum number of seats (or equivalent space for each worshipper) in the main worship area shall not exceed 100, and the minimum number of parking spaces provided shall be 52 as shown on the SPA plat prior to the opening to traffic from the Route 7 VDOT bridge project over the Dulles Toll Road, including the extension of the left-turn lane from Leesburg Pike westbound to Jarret Valley Drive. Thereafter, (Phase II) the maximum number of seats (or equivalent space for each worshipper) in the main worship area shall not exceed 200, and the number of parking spaces shall be 92 as shown on the SPA plat.

7. Friday prayer services shall occur between 11:00 a.m. and 2:30 p.m., with a minimum of 60 minute interval between each service. Start times for evening services for holidays and special events shall occur between 7:00 p.m. and 10:00 p.m. and ending by 10:30 p.m.

8. Regular operating hours shall be from 9:00 a.m. to 11:00 p.m., seven days a week. No group worship activities shall be scheduled between 4:00 p.m. and 7:00 p.m., Monday through Friday. No organized worship services shall occur outside of these hours. The facility may be open for small groups for informal prayer prior to the 9:00 a.m. opening, not to exceed ten worshippers.

9. The applicant shall modify the transitional screening and barrier requirements in consultation with DPWES along the southern, northern and eastern property boundaries as shown on the SPA plat. In addition, the applicant shall install all transitional screening and barriers as shown on the SPA plat prior to issuance of the non-residential use permit.

10. The applicant shall designate the 48-inch diameter maple tree at the northwest portion of the site for protection and preservation. Construction plans shall clearly define the limits of clearing for construction, and any such clearing shall be limited to the minimum area required for said construction. Tree protection fencing shall be placed outside the drip lines of the Silver Maple Tree prior to commencing land-disturbing activities.

11. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.

12. The applicant shall restrict the easternmost vehicular entrance (approximately 90 feet from Route 7) on Jarrett Valley Drive to right-turn-in only and shall reconfigure
said easternmost entrance to include ingress-only, one-way entry signage, arrows and striping, as depicted on the SPA plat, during Phase I and Phase II.

13. The applicant shall provide ancillary easements and right-of-way to the County or Virginia Department of Transportation, as appropriate, at the corner of Jarrett Valley Drive and Route 7, for transportation projects and noise wall purposes at the time of site plan approval.

14. All parking for the special permit use shall be located on the property. Parking for the special permit use on grassy areas on the property and surrounding streets shall be prohibited. Use of the property for commuter parking purposes is prohibited.

15. The applicant shall comply with to the Parking Management Plan (PMP) dated July 2, 2015 and prepared by MCV Associates, Inc., attached as Attachment 1 to these conditions. A copy of the PMP shall be kept on file with the Special Permit and Variance Branch of the Zoning Evaluation Division of the Department of Planning and Zoning and with the Dranesville District Supervisor's Office, if requested. The Parking Management Plan, which shall include, at a minimum, the following provisions:

- The applicant shall appoint a transportation coordinator and volunteers to direct traffic.
- The applicant shall provide the transportation coordinator's name to the president of the Carrington and of the Wolf Trap Woods homeowners associations, and to the office of the Dranesville District Supervisor, to whom any written comments may be submitted.
- The PMP may be amended so long as the above minimum requirements are maintained with the concurrence of the Zoning Administrator.

16. Any new exterior lighting on the property shall be in conformance with the Performance Standards for Outdoor Lighting contained in Article 14 of the Zoning Ordinance, and shall be designed to prevent glare on adjacent properties and roadways. All parking lot fixtures shall be low-impact “bollard-style” fixtures, and any building-mounted security lights shall be fully cut-off and downward-directed to the interior of the property. All exterior lighting, with the exception of the low-level security lighting, will be extinguished no later than 11:00 p.m. daily.

17. Use of loud speakers or outdoor amplification sound systems shall be prohibited.

18. No landscaping/mowing, deliveries, or trash removal will occur before 9:00 a.m. or after 8:00 p.m.
19. Wedding and funeral services are permitted; however, no wedding or funeral receptions may occur on the property.

20. Signage shall be in accordance with Article 12 of the zoning ordinance. Illuminated signage shall be prohibited.

21. In conjunction with the implementation of Phase II, the applicant will install a 5-foot sidewalk connection, within the proposed right-of-way, between the intersection of Jarret Valley Drive and Route 7 and the Property's easternmost entrance.

22. Vegetation and improvements on site shall be maintained and kept free of debris at all times. The applicant will repair and maintain the wooden fence along the property's Jarrett Valley Drive frontage.

23. The applicant may make its facility available for community uses typical of a place of worship. All such uses shall conclude by 11:00 p.m.

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, 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.

Mr. Hart seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

[Signature]
Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals
PARKING MANAGEMENT PLAN
FOR
THE MCLEAN ISLAMIC CENTER
FAIRFAX COUNTY, VIRGINIA

Prepared For
THE MCLEAN ISLAMIC CENTER
1340 Old Chain Bridge Road
Mclean, Virginia 22101

Prepared By
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July 2, 2015
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I. INTRODUCTION

This Parking Management Plan ("PMP") was prepared for the McLean Islamic Center ("MIC") and supplements the traffic report titled "Traffic Impact Analysis for the McLean Islamic Center," dated December 24, 2014 and prepared by MCV Associates, Inc. (the "Traffic Study"), by identifying potential issues and developing strategies to reduce the potential for traffic impacts on neighborhood streets and the study intersection of Route 7 and Jarrett Valley Drive.

The Subject Property is located at 8800 Jarrett Valley Drive at the southwest corner of the intersection of Leesburg Pike (Route 7) and Jarrett Valley Drive (Route 8912), and is more particularly identified as Fairfax County Tax Map #29-1 ((1)) 10A. MIC has proposed to use the Subject Property as a place of worship designed to serve a maximum of 200 congregants during any given service.

Use of the Subject Property will be constrained by the availability of parking spaces. Consequently, development of the Subject Property will involve two phases: Phase I will utilize the existing 54 parking spaces; Phase II will involve an expansion of the existing parking lot to accommodate 92 parking spaces. At all times, parking on the Subject Property will be limited to the number of parking spaces shown on the approved site plan (e.g., 54 or 92 spaces), and commuter parking will be prohibited. Additionally, MIC will limit attendance for each prayer service based on available parking and the total number of worshippers per service permitted by Fairfax County (e.g., no more than 200 congregants).

As noted in the Traffic Study, three 30-minute prayer services are planned at the Subject Property each Friday between 11:00 a.m. and 2:30 p.m. The three prayer services will start at 11:00 a.m., 12:30 p.m., and 2:00 p.m. each Friday, with a 60-minute gap between each service. The 60-minute gap will minimize overlap between arriving and departing vehicles between the first and second prayer services, as well as between the second and third prayer services.

By way of example, if the first prayer service commences at 11:00 a.m. and extends for 30 minutes to 11:30 a.m., the second prayer service will not commence until 12:30 p.m., thereby allowing 60 minutes for all first prayer service congregants to exit the Subject Property and for new prayer service congregants to enter.

We note that the Traffic Study, and the trip generation utilized in the Traffic Study, assumed a "worst case" with overlaps between the three prayer services. However, by providing a 60-minute gap between services, the overlap would be eliminated. Therefore, the Traffic Study results should be a conservative estimate.
II. POTENTIAL IMPACTS

We have identified the following potential traffic impacts of MIC’s use of the Subject Property as a place of worship:

- The existing and proposed parking supply does not meet the projected demand on the Subject Property which may lead some worshippers to park on the neighborhood residential streets or Jarrett Valley Drive.

- Traffic volumes turning onto Jarrett Valley Drive from Route 7 are nearing available queue capacity and could result in additional blocking of vehicles in the westbound Route 7 left through lane.

- An increase in queue length for vehicles exiting Jarrett Valley Drive and turning left onto Route 7 could increase delays for the residents using Jarrett Valley Drive.

- An increase in the volume of turning movements on Jarrett Valley Drive could increase the likelihood of conflicts at or near the two site driveways.

III. PARKING MANAGEMENT PLAN GOALS

Given the potential impacts listed in Section II, and in particular response to concerns raised by the Carrington and Wolf Trap Woods communities, we propose the following goals to reduce traffic impact on neighborhood streets and the study intersection of Route 7 and Jarrett Valley Drive.

GOAL 1: Use of the Subject Property for MIC events will not exceed available on-site parking capacity in a parking lot approved on an approved site plan (54 parking spaces in Phase I; 92 parking spaces in Phase II; no parking on grassy areas).

GOAL 2: MIC congregants will not park off of the Subject Property on Jarrett Valley Drive or other neighborhood streets.

GOAL 3: Use of the Subject Property for MIC events will not result in excessive queuing on Jarrett Valley Drive during organized activities, including Friday prayer services.

GOAL 4: Use of the Subject Property will not result in excessive queuing beyond existing Levels of Service for westbound left turning traffic at the intersection of Route 7 and Jarrett Valley during Friday prayer services.
IV. STRATEGIES TO MEET GOALS

To achieve the goals listed in Section III, MIC will employ a series of separate, but synchronized parking management strategies. It is anticipated that implementation of the PMP strategies will lead to a reduced impact on neighborhood streets and the study intersection, as well as a measured and monitored traffic system in the vicinity of the Subject Property.

It is intended that day-to-day implementation for this PMP will be vested in a Transportation Coordinator, to be appointed by MIC. MIC will provide the Transportation Coordinator's name, phone number, and email address to the President of the Carrington and Wolf Trap Woods homeowners associations, and to the Office of the Dranesville District Supervisor. The Transportation Coordinator may appoint as many designees/volunteers as needed to assist with implementation of this PMP.

The Transportation Coordinator and/or his/her designees will be present on the Subject Property during all Friday prayer services and anytime more than 50 vehicles are anticipated to be present at the Subject Property (e.g., for weekend religious education classes, community meetings, etc.). A Transportation Coordinator contact shall be immediately available on-site and via phone during such events in order to immediately resolve any identified parking problems. The Transportation Coordinator will also advise the Carrington President or his/her representative via email, cell phone, or other preferred method of communication at least 48 hours in advance of any event at which more than 50 vehicles are anticipated to be present on the Subject Property.

If any written concerns are submitted to the Transportation Coordinator, a written response shall be provided to any identified concern within five business days with a copy provided to the Office of the Dranesville District Supervisor.

Further, the Transportation Coordinator will provide a biannual assessment of goal monitoring, including number of parking lot utilization, parking violations, and program attendance figures, to Carrington homeowners association and the Dranesville District Supervisor and, if the goals are not met, to review and implement additional measures in coordination with the Dranesville District Supervisor.

MIC will also establish a neighborhood liaison committee to meet with interested neighbors on a quarterly basis (or as needed) from Carrington Woods and Wolf Trap Woods to discuss and address neighborhood concerns regarding the operation of the Subject Property as it relates to impacts on the surrounding neighborhood. The neighborhood liaison committee shall annually publish a contact person and telephone number and provide the information to the President of the Carrington homeowners association and the Dranesville District Supervisor’s office.

This PMP is not intended to prescribe any single strategy over any other, and these strategies may change as conditions dictate. The emphasis, though, is to ensure the realization of the goals contained in Section III.
- **Strategy 1: Minimum Vehicle Occupancy Requirement**

MIC will restrict parking on the Subject Property to vehicles with two or more occupants only, except for senior citizens or vehicles holding handicap/disabled parking placards or license plates. As noted in the Traffic Study, the survey at the Alexandria and Springfield prayer sites showed that the average vehicle occupancy to the sites was 1.44 persons per vehicle during the Friday prayer services. Restricting parking to two or more occupants will significantly increase the average vehicle occupancy to almost 2.0 persons per vehicle.

- **Strategy 2: Shuttle Bus Service**

MIC will provide a shuttle bus operating to and from designated pick-up location(s) near the Subject Property. The shuttle service is anticipated to consist of up to two 16-passenger vans which will operate under a schedule to allow for the time required for boarding and disembarking passengers, the travel time between the two locations, and start of each prayer service.

The shuttle service will be operated by a volunteer(s) possessing a valid Commercial Driver’s License containing a passenger endorsement issued by the Virginia Department of Motor Vehicles. MIC or the individual driver(s), as appropriate, will be responsible for carrying motor vehicle insurance for the use and operation of the passenger vans. Pick-up locations for worshippers will vary depending on parishioner’s work locations, and will be dropped off in the drop-off/pickup location depicted on the Special Permit Plat.

MIC will provide flyers to each attendee that will include advisory information on parking and shuttle service schedules. This information will also be available on the MIC website.

The shuttle bus will park on the rear (north) side of the Subject Property when not in use during the peak Friday prayer services. When in use (e.g., during the peak Friday prayer services), the shuttle bus would essentially be “on the road,” driving back and forth between the Subject Property and the designated off-site pickup location(s). Consequently, the shuttle bus would not require a parking space during this period.

- **Strategy 3: Monitoring of Vehicles Queuing on Jarrett Valley Drive**

Vehicular access to the Subject Property is provided by two entrances along Jarrett Valley Drive. Driveway 1 – the easternmost entrance – has an aisle width of 34 feet and is located approximately 100 feet from the intersection of Route 7 and Jarrett Valley Drive. Driveway 1 is currently used for ingress and egress purposes. Driveway 2 – the westernmost entrance – has an aisle width of 25 feet and is located approximately 310 feet from the intersection of Route 7 and Jarrett Valley Drive.
Valley Drive. Driveway 2 is currently used for ingress and egress purposes, but is mainly used to exit the Subject Property.

To prevent queuing on Jarrett Valley Drive, MIC will employ two strategies. First, for inbound traffic, MIC will modify Driveway 1 for ingress purposes only, while Driveway 2 will continue to serve as a two-way entrance (although it will be primarily used for egress purposes). MIC will install one-way entry signage and striping at Driveway 1 and will reconfigure the entrance to allow ingress-only traffic. Converting Driveway 1 into a one-way ingress entrance will facilitate an internal circulation pattern on the Subject Property, will prevent vehicles exiting the Subject Property from Driveway 1, and will reduce any conflicts with arriving congregants and shuttles. In the event traffic cannot enter the Subject Property at Driveway 1, the Transportation Coordinator, or his/her designee, will direct inbound traffic to Driveway 2.

Second, for exiting traffic, the Transportation Coordinator, or his/her designee will monitor and control exiting traffic at Driveway 2 to ensure that queues on Jarrett Valley Drive do not exceed 200 feet from the intersection of Route 7 and Jarrett Valley Drive. Such monitoring will ensure that vehicles exiting the Subject Property will not cause undue delays to nearby residents and non-congregant vehicles seeking to access the Route 7/Jarrett Valley Drive intersection at the driveway as they wait to join the queue.

- **Strategy 4: Neighborhood Parking Monitoring Program**

  To ensure that congregants do not park along Jarrett Valley Drive or nearby neighborhood streets, MIC will implement and adopt a policy that prohibits congregants from parking on neighborhood streets when engaged in any activity on the Subject Property. At the request of the Carrington HOA, the Transportation Coordinator and his/her designees/volunteers will monitor surrounding streets on an as-needed basis to ensure that congregants do not park their vehicles in the neighborhood or are otherwise idling/waiting for prayer services to conclude. Any such infraction will be duly noted and brought to MIC’s attention, which will take appropriate action against the violators which may include, but will not be limited to, informing the offending party that they are not to park on neighborhood streets.

- **Strategy 5: Information Dissemination**

  The Transportation Coordinator, or his/her designee, will be responsible for placing notices in conspicuous places inside the facility which encourage carpooling and state that the parking on neighborhood streets is prohibited. The Transportation Coordinator will also instruct attendees not to use Jarrett Valley Drive/Edgepark Road/Laurel Hill Road to access the Subject Property or Route 7.
V. CONCLUSION & MONITORING

MIC will implement and update this PMP as needed to ensure that the program is effective. Where needed, this PMP may be amended to incorporate additional measures or delete ineffective measures to meet the identified goals listed herein.
The Regular Meeting of the Board of Zoning Appeals held in the Board Room of the Massey Building on Tuesday, July 31, 1979. All Board Members were present: Daniel Smith, Chairman; John Didigilian, Vice-Chairman; George Barnes; John Yaremchuk and Barbara Ardis.

The Chairman opened the meeting at 8:10 P.M. led with a prayer by Mr. Barnes.

The Chairman called the scheduled 8:00 P.M. case.

8:00 - BEREA CHURCH OF CHRIST, appl. under Sect. 3-103 of the Ord. to permit building additions to existing church, located 8817 Leesburg Pike, Ash Grove Subd., 29-1(111)10A, Dranesville Dist., 72,919 sq. ft., R-1, S-141-19.

Mr. Russell Jenkins of McLean, Va. represented the church. He stated that the church wished to build an addition to the existing building to make it more readily visible from Rt. 7. The addition would be built of brick with a wood trellis. Mr. Jenkins stated all they were doing was adding an A-roof over the flat roof to raise the building high enough to be visible from Rt. 7.

There was no one to speak in favor of the application and no one to speak in opposition.

Page 317, July 31, 1979
BEREA CHURCH OF CHRIST

RESOLUTION

Mr. Didigilian made the following motion:

WHEREAS, Application No. S-141-19 by BEREA CHURCH OF CHRIST under Section 3-103 of the Fairfax County Zoning Ordinance to permit building additions to existing church, on property located at 8817 Leesburg Pike, tax map reference 29-1(111)10A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on July 31, 1979; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-1.
3. That the area of the lot is 1.5506 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance, and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This special permit shall expire one year from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board’s approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. 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.
Rescue Church of Christ

(continued)

6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental Management.

7. The hours of operation shall be normal hours of church activity.

8. The number of parking spaces shall be 50.

Mr. Barnes seconded the motion.

The motion passed by a vote of 5 to 0.

8:10 - FIRST CHURCH OF GOD - HAPPY DAY CARE CENTER, appl. under Sect. 3-203 of the Ord. to permit an addition to an existing church and an existing day care center for education and fellowship space, located 4100 Hunt Road, Huntsville Village Subd., 58-A(11)198 & 19, Annandale Dist., 58, 620 sq. ft., R-1, 5-109-79.

FIRST CHURCH OF GOD, appl. under Sect. 18-401 of the Ord. to allow construction or addition to existing church to 15 ft. from side lot line and such that buildings will have P.A.R. of 0.20 (20 ft. min. side yard and 0.15 max. P.A.R. req. by Sect. 3-107) located 4100 Hunt Road, 58-A(11)198 & 19, Annandale Dist., 58, 620 sq. ft., R-1, 5-109-79.

Mr. Dennis Mitchell, Pastor, represented the church. He stated that they proposed to build a brick and frame addition which would blend in with the existing church. In response to questions from the Board, Mr. Mitchell stated that the day care center is limited to 57 children. He stated that they have an enrollment of 40 to 50 children and do not propose to increase the number of children. He stated 57 children was ample.

In justification for the variance request, Mr. Mitchell gave the Board the background. He stated that the church did a development study in 1974 when they needed more fellowship space and decided to replace the building. He stated that it was their belief it would be better to build new than to add to the existing structure. He stated that the church needs the parking and was not aware that the Ordinance would impose setbacks on their application. It was not until the special permit application was submitted that the church became aware of the need for a variance to the floor area ratio for both buildings. The existing church is substandard and does not meet any setbacks. It would be difficult for the congregation to replace the old buildings if they do not also increase the amount of space. Mr. Mitchell informed the Board that the church is zoned R-1. Some of the property along Hunt Road was rezoned but the church property was not. He stated that the new building would be a beautiful addition to the community. He indicated that the neighbors are willing to help and were present at the Planning Commission hearing.

Mr. Mitchell stated that they proposed to save the trees but also need all of the parking they can get. He stated that it would not enhance the area if they butted the parking area against the church building without any shrubs in between. Mr. Mitchell stated that if the church cut 5 ft. off the building size, it would cut the size of the classroom space. He stated that they believed that the plan as submitted is a good one and is taken into consideration the aesthetics and would serve the people. With respect to the staff report, Mr. Mitchell noted that the staff indicated that all trees within the 25 ft. setback be preserved. Mr. Mitchell stated that was not possible and still retain the water retention. He pointed out to the Board that the church has been in existence for some time. He drew the Board's attention to comments made by the Planning Commission that if the church property was zoned in keeping with the community that the variance would not be necessary.

In further response to questions from the Board, Mr. Mitchell stated that the day care center operates from 7 A.M. to 6 P.M., five days a week. In response to Chairman Smith, Mr. Mitchell stated that it was not possible to cut 5 ft. off the building or to move the building over 5 ft. and still keep the design layout of the parking with the shrubbery.

There was no one to speak in opposition of the application and no one to speak in favor of the applications.
July 1, 2003, (Tape 1), Scheduled case of:

9:00 A.M. TRUSTEES OF THE BEREAL CHURCH OF CHRIST, SPA 79-D-141 Appl. under Sect(s). 3-103 of the Zoning Ordinance for an existing church to permit a child care center, nursery school and building addition. Located at 8817 Leesburg Pl. on approx. 1.55 ac. of land zoned R-1. Dranesville District. Tax Map 29-1 ((1)) 10A.

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. John McBride, the applicant's agent, replied that it was.

Bill Sherman, Staff Coordinator, made staff's presentation as contained in the staff report. The applicant requested an amendment to SP 79-D-141, previously approved for a church and related uses, to permit the addition of child care center and nursery school uses and construction of a building addition. The proposed child care center and nursery school would have a maximum daily enrollment of 21 children, with maximum hours from 6:45 a.m. to 6:45 p.m., Monday through Friday. The building addition would consist of 4,730
square feet, increasing the size of the church from 4,792 to 9,522 square feet. There were no proposed changes to the number of seats or parking.

Mr. Sherman noted that revised development conditions and a revised affidavit were distributed at the hearing. He said staff concluded that the subject application was in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions and recommended the approval of the special permit amendment subject to the approval of the revised proposed development conditions dated July 1, 2003.

Mr. McBride presented the special permit amendment request as outlined in the statement of justification submitted with the application. He stated that the church had been located on the subject property since the late '50s and underwent an expansion to the existing development in the '60s. Since then, he said, the widening of Route 7 and the residential development to the west and south had impacted the church. Mr. McBride said he had spoken with the Board of Directors of the Carrington subdivision regarding their concerns about screening and buffering and the possibility of future expansion of the child care center beyond the proposed maximum daily enrollment of 21 children. He said the development conditions had been amended to reflect the provision of full transitional screening on the southwest border. He stated that the developer of the community, who was still on bond, was required to extend the existing board-on-board fence along the western border. Mr. McBride presented to the BZA a letter of support, a petition of support with 43 signatures, and a letter from the trustees and congregation of the church to the Carrington Homeowners Association stating the intent to have only a 21-child daycare center. He stated that the applicant agreed with the development conditions with one exception. He said that Development Condition 17 was vague, and he explained that the church had a decorative fence within the area of the proposed ancillary easement discussed in that condition that they wanted to preserve.

Mr. Pammel asked what the addition would be used for when not in use by the daycare center. Mr. McBride explained that the primary use was to enlarge the entrance and vestibule area to the church and to provide a sufficient number of handicapped restrooms for the congregation, additional office space for the minister and his assistants and Sunday school classroom space.

Mr. Hart asked Mr. McBride to indicate the location of the fence the developer was to add. Mr. McBride pointed out the location on the overhead and explained that it would be on the western boundary and would extend beyond the parking lot. He also pointed out the location of the full transitional screening on the property that the church had committed to provide.

Mr. Hart asked for an explanation regarding the reference of standard end-of-road signs in Development Condition 16. Mr. McBride said he understood that to be a reference to additional signage on the existing gates, but he suggested the question be directed to staff. Mr. Sherman explained that the Department of Transportation (DOT) requested the signage to avoid the situation where drivers would pull into a gated drive when the gate was closed and had to reverse back out.

Mr. Hart asked if the pedestrian connection from Jarrett Valley Drive that was referenced in DOT's memorandum had been added. Mr. McBride pointed out where the sidewalk connection was located on the special permit plat.

Mr. Hart asked what the purpose was of the ancillary easement referenced in Development Condition 17. Mr. Sherman replied that it was requested by DOT for a trail planned to be located on the southern side of Leesburg Pike. A brief discussion ensued regarding the use of more specific language in the development condition regarding the easement, the size of the easement, and the existence of a fence in that location.

In regard to Development Condition 1, Mr. Hart asked if the church would have to reapply for a special permit amendment if it leased out the daycare operation. Susan Langdon, Chief, Special Permit and Variance Branch, explained that the church would not have to reapply, but the church would be responsible for the enforcement of the conditions.

Mr. Ribble asked when the first part of the fence on the western boundary was constructed and why it was not completed. Mr. McBride replied that he did not know why it was incomplete, but that the first part was constructed when the Affordable Dwelling Units (ADUs) were constructed approximately two years prior to
the hearing. He said the developer had agreed to complete the fence, and he understood it was to be completed in the summer or fall of 2003.

Mr. Ribble asked what would happen if the developer did not complete the fence. Ms. Langdon replied that there would be a final inspection, and the developer's bond money would not be returned until he met the proffers or conditions.

Chairman DiGiulian called for speakers.

Shereen Abu Zobaa, 8810 Jarrett Valley Drive, Vienna, Virginia, came forward to speak in opposition to the application. She said her property was located adjacent to the church, and she had several concerns, which included an increase in traffic as a result of the daycare facility, the noise level of the children when outside for recreation and the children’s ability to wander off.

Mr. McBride stated, in his rebuttal, that the signalized intersection with a dedicated left-turn lane serviced all the properties and that it was safer than an un-signalized intersection. He said there was an ample stacking area for dropping off the children without stacking out onto Jarrett Valley Drive. He explained that a berm and a solid board fence was required for the small outdoor play area located on the western boundary for noise attenuation purposes from Route 7, and he said that he did not think 21 children would increase the noise to the single-family homes.

Chairman DiGiulian noted that the Board had received letters of opposition from Erin McComas and Mark Martin. Mr. McBride said Mr. Martin was the vice president of the Carrington Homeowners Association that he had spoken with, and that his letter was written prior to the discussions and resolution of the fence and landscaping issues. Mr. McBride said the issues in Ms. McComas’ letter were addressed at the hearing.

Mark Martin, Vice President of the Carrington Homeowners Association (HOA), came forward to speak. He stated that he was not formally in opposition because many of the concerns had been addressed, but he wanted to clarify that the HOA had received a letter from the church indicating the maximum enrollment of the daycare center would be 21 children and he wanted to confirm that the letter was entered into the record. He said he did not believe the kiss-and-drop issue had been resolved and that the 30 feet was not enough space for a reasonable backup that would be expected when dropping off preschoolers.

Mr. McBride stated, in his rebuttal, that the letter Mr. Martin mentioned was the letter he had entered into the record. He said there was a drop-off loop that was more than 30 feet, and along with the parking area, drop-off would not back into Jarrett Valley Drive. He stated that DOT staff did not request any special conditions or redesign of the plan.

Mr. Hart noted that a letter had been received from Ms. Snider in regard to using stone or iron fencing materials around the tot lot to be more in keeping with the neighborhood. Mr. McBride stated that he had not seen that letter, but that the tot lot would not be in sight from any of the single-family homes, from Route 7 or Jarrett Valley Drive.

Chairman DiGiulian closed the public hearing.

Mr. Pammel moved to approve SPA 79-D-141 for the reasons stated in the Resolution.

//

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF THE BERE A CHURCH OF CHRIST, SPA 79-D-141 Appl. under Sect(s). 3-103 of the Zoning Ordinance for an existing church to permit a child care center, nursery school and building addition. Located at 8817 Leesburg Pi. on approx. 1.55 ac. of land zoned R-1. Dranesville District. Tax Map 29-1 ((1)) 10A. Mr. Pammel 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 1, 2003; and

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

1. The applicant is the owner of the land.
2. The primary focus is not a 21-child daycare center, but primarily for the expansion of the church to accommodate handicapped bathrooms, a better access vestibule, offices for the administration, and Sunday school classrooms. The child care center is secondary. That element of the application was fairly justified.
3. The agent has worked with the community and has resolved the transitional screening issue.
4. The fence issue on the northwest boundary is not under our control. It is a bond issue, as staff stated, with respect to the developer of that portion of Carrington community.
5. With regard to traffic, ten vehicle trips in and out in the morning and the same in the afternoon is what would be anticipated with 21 students and single-car drop-offs spread out over a period of approximately three hours. The impact would be minimal. It would not impact the community or add further pressure on the left-turn lane.
6. The fact that there is a dedicated left-turn lane for access onto Jarrett Valley Drive is a feature that is not available for most applications before the BZA. That is a plus in the application.

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 Sect(s). 3-103 of 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 and is not transferable without further action of this Board, and is for the location indicated on the application, 8817 Leesburg Pike (1.55 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 Robson Group Architects, dated December 30, 2002, revised through June 5, 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. Parking shall be provided as shown on the Special Permit Plat. All parking shall be on site.

6. Upon issuance of a Non-Residential Use Permit (Non-RUP) for SPA 79-D-141, the maximum total daily enrollment for the child care center and nursery school shall not exceed 21 children.

7. Upon issuance of a Non-Residential Use Permit (Non-RUP) for SPA 79-D-141, hours of operation for the child care center shall be a maximum of 6:45 a.m. to 6:45 p.m. Monday through Friday.
8. Any proposed new lighting on the site shall be in accordance with the performance standards for outdoor lighting contained in Part 9 of Article 14 of the Zoning Ordinance except that the maximum height of the light poles shall be 12.0 feet.

9. Transitional screening shall be required with the following modifications:
   a. Notwithstanding what is shown on the plat, Transitional Screening 1 shall be provided along the entire length of both the northwestern and southwestern lot lines.
   b. Along all other lot lines, existing vegetation supplemented by additional plantings, as shown on the plat, shall satisfy the screening requirement.
   c. Size, number and species of plant material shall be provided as approved by the Urban Forestry Division.

10. The maximum seating capacity of the church shall be limited to 200.

11. The building shall be constructed in substantial conformance with the design depicted on Attachment A, Schematic Design.

12. The Applicant shall provide onsite storm water detention and best management practices in accordance with the requirements of the Public Facilities Manual unless waived or modified by DPWES. These facilities shall be constructed in the general locations shown on the Special Permit Plat. The location of these facilities shall not encroach into any required areas of Transitional Screening or result in the displacement of any existing or proposed vegetation as shown on the Special Permit Plat.

13. Foundation plantings shall be maintained around the existing church building and shall be planted around the new addition to soften the visual impact of the structure. The species, size and location of the plantings shall be approved by the Urban Forestry Division of DPWES.

14. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.

15. The board fence and berm shown on the plat adjacent to the play area shall be designed using materials and style intended to minimize sound impacts on the play area.

16. Signs compliant with the standard End of Road signs described in the Manual of Uniform Traffic Control Devices (OM-4-3) shall be affixed to and maintained on each of the four gates across the two entrances onto Jarrett Valley Drive.

17. The Applicant shall provide ancillary easements, to accommodate a sidewalk/trail, at no cost to the Board of Supervisors of approximately 15 feet in width along the Route 7 frontage.

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, 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.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Hammack and Ms. Gibb were absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on July 9,
July 1, 2003, TRUSTEES OF THE Berea CHURCH OF CHRIST, SPA 79-D-141, continued from Page 587

2003. This date shall be deemed to be the final approval date of this special permit.
September 27, 2004

David Sharon, P.E.
ADTEK Engineers, Inc.
3251 Old Lee Highway, Suite 405
Fairfax, VA 22030

Re: Interpretation for SPA 79-D-141, Berea Church of Christ; Tax Map 29-1 ((1)) 10 A: Transitional Screening

Dear Mr. Sharon:

This is in response to your letter of September 2, 2004, subsequently revised on September 20, 2004, requesting an interpretation of the Special Permit Amendment (SPA) Plat and the development conditions approved by the Board of Zoning Appeals in conjunction with SPA 79-D-141. As I understand it, the question is whether a revision to the approved transitional screening along the Jarrett Valley Drive frontage of the site would be in substantial conformance with the SPA Plat and development conditions. This determination is based on the plan attached to your letter of September 20, 2004, entitled “Landscape Interpretation Plan, Berea Church of Christ,” which is dated September 20, 2004, and prepared by ADTEK Engineers, Inc. Copies of the letters and a reduction of the plan are attached for reference.

You have stated that the trees shown on the SPA Plat fall within an existing 15 foot wide Dominion Virginia Power easement and that such planting is not permitted within the easement area. As such, you are proposing to move two trees from the area along Jarrett valley Drive closer to the proposed building. Development Condition 9b states in part: “Transitional screening shall be required with the following modifications: Along the other lot lines, existing vegetation supplemented by additional plantings, as shown on the plat, shall satisfy the screening requirement.” Additionally, you are proposing to provide shrubs between the walkway and the building as shown on your plan. No other changes to the open space, landscaping or parking are proposed.

It is my determination that the proposed revision would be in substantial conformance with the SPA Plat and the development conditions. This determination has been coordinated with the Urban Forestry Management Branch, DPWES and has made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Kul Sandhu at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

cc: Joan M. DuBois, Supervisor, Dranesville District
    Board of Zoning Appeals
    Leslie B. Johnson, Deputy Zoning Administrator, Permits Review Branch, DPZ
    Michelle Brickner, Director, Office of Site Development Services, DPWES
    Michael P. Knapp, Chief, Urban Forestry Management Branch, DPWES
    Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
    File: SPA 79-D-141, SPI 0409 030, Imaging, Reading File
ADTEK ENGINEERS, INC.
3251 Old Lee Highway, Suite 405, Fairfax, Virginia 22030 Telephone: 703-991-4060 Facsimile: 703-691-4056

September 20, 2004

Ms. Barbara Byron, Director
County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035-5309

Re: Special Permit Amendment to SPA 79-D-141
   Associated Site Plan #9800-SP-04-1
   Berea Church of Christ
   Letter of Interpretation
   ADTEK No. 0301.135

Dear Ms. Byron:

On behalf of the Trustees for Berea Church of Christ, ADTEK Engineers, Inc. respectfully requests an interpretation for a proposed landscaping modification to the above referenced approved Special Permit Amendment (SPA) Plat. The Fairfax County Board of Zoning Appeals approved the Special Permit Amendment on July 29, 2003. The approval allows the existing church to permit a child care center, nursery school and building addition.

As a condition of the SPA approval, the applicant is required to provide Transitional Screening as shown on the approved plat. However, there is an existing 15-foot wide Dominion Virginia Power easement located in this area. The existing easement is located along the entire frontage of the property, and adjacent to the right-of-way of Jarrett Valley Drive. The applicant was unaware of the existence of this easement at the time the SPA Plat was submitted and approved. After careful review of the legal document associated with the easement, and discussions with representatives of Dominion Virginia Power, we have learned that Dominion Virginia Power does not allow plantings to be placed within their easements.

To comply with Virginia Power requirements and still be within substantial conformance with the approved SPA Plat, we propose to shift the location of the two proposed trees along the frontage of Jarrett Valley Drive. These two trees are now shown on the enclosed Landscape Interpretation Plan to be relocated to the east side of the property, and near to the proposed handicap parking spaces. Additionally, the proposed shrub plantings proposed that were shown on the approved SPA Plat along the frontage of Jarrett Valley Drive will be relocated along the front of both the existing and proposed buildings.

A copy of the legal 'Right of Way Agreement' dated December 22, 1998, a copy of the approved Special Permit Plat, and a copy of the Landscape Interpretation Plan, are attached with this submittal. We appreciate your timely consideration of this request. If you have any questions or require additional information, please don't hesitate to contact me directly.

Sincerely,

David Sharon, P.E.
Civil Project Manager
September 2, 2004

Ms. Barbara Byron, Director
County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035-5509

Re: Special Permit Amendment to SPA 79-D-141
Associated Site Plan #9800-SP-04-1
Berea Church of Christ
Letter of Interpretation
ADTEK No. 0301.135

Dear Ms. Byron:

On behalf of the Trustees for Berea Church of Christ, ADTEK Engineers, Inc. respectfully requests an interpretation for the above referenced approved Special Permit Amendment Plan. The Fairfax County Board of Zoning Appeals approved the Special Permit Amendment on July 29, 2003. The approval allows the existing church to permit a child care center, nursery school and building addition.

As a condition of the SPA approval, the applicant is required to provide Transitional Screening as shown on the approved plat. However, there is an existing 15-foot wide Dominion Virginia Power easement located in this area. The existing easement is located along the entire frontage of the property, and adjacent to the right-of-way of Jarrett Valley Drive. The applicant was unaware of the existence of this easement at the time the SPA Plat was submitted and approved. After careful review of the legal document associated with the easement, and discussions with representatives of Dominion Virginia Power, we have learned that Dominion Virginia Power does not allow plantings to be placed within their easements and therefore, we respectfully request an interpretation of the transitional screening requirements along Jarrett Valley Drive.

A copy of the legal ‘Right of Way Agreement’ dated December 22, 1998, a copy of the approved Special Permit Plat, and a copy our latest Landscaping Plan, are attached with this submittal. We appreciate your timely consideration of this request. If you have any questions or require additional information, please don’t hesitate to contact me directly.

Sincerely,
ADTEK Engineers, Inc.

[Signature]

David Sharon, P.E.
Civil Project Manager
Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into this 22nd day of December, 1998, by and between

/\Berea Church of Christ/

("GRANTOR") and \Virginia Electric and Power Company, a Virginia public service corporation, doing business in Virginia as Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the sum of One Dollar ($1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE, its successors and assigns, the perpetual right, privilege and easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own telephone, television and other communication purposes; for lighting purposes; and for the attachment of the wires and facilities of any other public service company, including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as GRANTEE may from time to time determine, and all wires, conduits, cables, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection

Initials: WIL     RAS

This Document Prepared by: Virginia Electric and Power Company.

(Page 1 of 10 Pages)

VPIN No. 44-98-0138

Text Map No. 29-1

Form No. 728493A (Mar 98)

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Right of Way Agreement

therewith; the width of said easement shall extend FIFTEEN (15) feet in width across the lands of GRANTOR; and,

1. To construct, operate and maintain a pole line including without limitation all wires, poles, attachments, ground connections one or more lighting supports and lighting fixtures as GRANTEE may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said easement shall extend 15 feet in width across the lands of GRANTOR.

2. The easement granted herein shall extend across the lands of GRANTOR situated in FAIRFAX COUNTY, Virginia, as more fully described on Plat No. 44-98-0138, which is attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat, reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

4. GRANTEE shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safety and proper operation of its facilities. All trees and underbrush on the property of GRANTOR on the easement must be removed by GRANTEE.

5. For the purpose of exercising the right granted herein, GRANTEE shall have the right of ingress and egress from this easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement. GRANTEE shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

Initials: [Signature]

(Page 2 of 10 Pages)
Right of Way Agreement

6. GRANTEE shall repair damage to roads, fences or other improvements located on the boundary of the property of GRANTOR and shall repair or pay GRANTOR, at GRANTEE's option, for other damage done to GRANTOR's property caused by the use of the easement, or in the exercise of its right of ingress and egress, or in the construction, inspection, and maintenance of GRANTEE's facilities, or in the exercise of its right of ingress and egress, or in the exercise of its right of ingress and egress; provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.

7. GRANTOR, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE's exercise of any of its rights granted hereunder. GRANTOR shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, GRANTOR may construct on the easement fences and below ground obstructions as long as said fences and below ground obstructions do not interfere with GRANTEE's exercise of any of its rights granted hereunder. In the event such use does interfere with GRANTEE's exercise of any of its rights granted hereunder, GRANTEE may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by GRANTOR and acceptable to GRANTEE. In the event any such facilities are so relocated, GRANTOR shall reimburse GRANTEE for the costs thereof and convey to GRANTEE an equivalent easement at the new site.

8. GRANTEE shall have the right to assign or transfer, without limitation, to any public service company all or any part of the perpetual right, privilege and easement granted herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by GRANTEE contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: [Signature]

(Page 3 of 10 Pages)
VPIDNo. 44-98-0138

Form No: 22A083A (Rev 08)
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Right of Way Agreement

11. GRANTOR covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

12. The Trustees executing this Right of Way Agreement on behalf of GRANTOR church have been duly authorized to do so by order of the circuit court having jurisdiction hereof pursuant to Virginia Code Section 57-15 or its successor provisions.

IN WITNESS WHEREOF, the Trustees of GRANTOR church have affixed their signatures hereto on the date first above written.

Name of Church: BEREA CHURCH OF CHRIST

[Signatures of Trustees]

Trustee, PAUL GARDINER

Trustee, LEO GWYN

Trustee,

Trustee,

Trustee,

Trustee,

Trustee,

Tr

State of Virginia

City/County of FAIRFAX

The foregoing instrument was acknowledged before me this 12 day of February 1999, by the Trustees of BEREA CHurch OF CHRIST on behalf of the church.

My commission expires: 9-30-05

Notary Public

(Please sign)

(VPPNo. 44098-0138

Form No. 7265SF (Rev. 08) © Virginia Power/Carolina Power
CHURCH RESOLUTION

WHEREAS, Virginia Electric and Power Company desires to obtain from the BREA CHURCH OF CHRIST Church a certain easement extending over, under, through, upon and across the real property owned by the Church in fee simple that is situated in FAIRFAX COUNTY, Virginia; for which easement said Company has offered to pay to the Church the sum of $1.00; and,

WHEREAS, the members of said Church in a regular meeting assembled are of the opinion that the easement desired by Virginia Electric and Power Company should be granted to said Company for the consideration aforesaid.

NOW, THEREFORE, BE IT RESOLVED: That the Trustees of this Church be, and they hereby are, authorized and directed to execute and deliver a valid Right of Way Agreement to Virginia Electric and Power Company granting and conveying unto said Company, its successors and assigns, an easement over, under, through, upon and across the real property owned by this Church situated in FAIRFAX COUNTY, Virginia, as shown on Plat No. 44-98-0138, said Plat being attached to a copy of the proposed Right of Way Agreement which was presented to this meeting, a copy of which said Right of Way Agreement is attached to this Resolution as a part hereof.

THE FOREGOING IS A TRUE AND CORRECT COPY of the Resolution adopted at a meeting of the members of the BREA CHURCH OF CHRIST Church, FAIRFAX COUNTY, Virginia, held on the 24 day of January, 1997, at which meeting a quorum of the Church members was present for the transaction of business.

[Signature]
Church Clerk

[Signature]
Presiding Officer

(Page 5 of 10 Pages)

Form No. 7230278A(Mar 08)
© Virginia Power/ North Carolina Power
PETITION OF TRUSTEES FOR LEAVE TO GRANT AND CONVEY AN EASEMENT OVER THE LANDS OF THE CHURCH

COME NOW the undersigned petitioners, Trustees of the BEREA CHURCH OF CHRIST Church ("Church") and represent to the Court that:

1. The Church is the owner, in fee simple, of certain real property situated in FAIRFAX COUNTY, Virginia and within the jurisdiction of this Court.

2. The undersigned have been duly appointed as Trustees of the Church.

3. At a meeting of the members of the Church held on January 30, 1979, said members adopted a Resolution authorizing and directing the Trustees of the Church to execute and deliver a Right of Way Agreement, granting and conveying unto Virginia Electric and Power Company, a Virginia public service corporation ("Virginia Power"), an easement over the said real property. An attested copy of said Resolution, to which is attached a copy of the proposed Right of Way Agreement, is attached to this Petition as Exhibit A and is made a part hereof.

4. In the judgment of your petitioners, the consideration offered by Virginia Power to the Church for the said easement is just and reasonable and it is in the interests of the Church to convey said easement.

WHEREFORE, your petitioners pray that the Court, pursuant to Virginia Code, Section 57-15, or its successor provisions, authorize and empower the undersigned Trustees to grant and convey unto Virginia Power the easement described in this Petition.

Respectfully Submitted,

BILL CUMMINGS
Trustee

PAUL GARDNER
Trustee
IN THE CIRCUIT COURT OF COUNTY OF FAIRFAX

In the matter of the Petition of the Trustees of BEREA CHURCH OF CHRIST Church

For Leave To Encumber Church Lands

ORDER ENTERED PURSUANT TO SECTION 57-15 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED

ORDER

THIS MATTER came on this               day of                      , 19__, to be heard upon the Petition of the Trustees of BEREA CHURCH OF CHRIST Church and Virginia Electric and Power Company, Inc., this day filed herein, the Resolution of the congregation of said Church and the other exhibits filed herewith and upon evidence presented to this Court; and was argued by Counsel.

UPON CONSIDERATION WHEREOF it appearing to the Court pursuant to Section 57-15 of the Code of Virginia of 1950, as amended, that it is the wish of the congregation of said church and the Trustees thereof to encumber the property described in the petition and to grant and convey an easement to Virginia Electric and Power Company, Inc., as described therein, and

IT APPEARING TO THE COURT that it is proper so to do, this Court APPROVES and AUTHORIZES the Trustees of said Church to grant and convey said easement to Virginia Electric and Power Company, Inc., and to perform such acts and execute such documents as may be necessary to do so.

ENTER:

___________________________________________________________
JUDGE
WE ASK FOR THIS:

VIRGINIA ELECTRIC AND POWER COMPANY, INC.

By: 

G. BRADSTREET PEASELEY, VI
MAYS AND VALENTINE, LLP, Esquire
Counsel for Virginia Electric and Power Company, Inc.
VSB Number 12096

By: 

BILL CUMMINGS
Trustee

PAUL GARDINER
Trustee

LEO GWINN
Trustee

Trustee

Trustee

Trustee

Trustee

with plat attached

MAR 25 99
RECORD: FAIRFAX CO VA
TEST: I. PAG
CLERK
June 9, 2006

Alan D. Prescott, Agent
Vanderpool, Frostick & Nishania, P.C. Anaheim, Virginia 22308
9200 Church Street, Suite 400
Manassas, Virginia 20110

Re: Request for Additional Time
SPA 79-D-141, Trustees of the Berea Church of Christ

Dear Mr. Prescott:

At its June 6, 2006 meeting, the Board of Zoning Appeals APPROVED your request for additional time for the above-referenced application. The Board approved 12 months of additional time. The new expiration date is January 9, 2007.

If you have any questions, please contact your Staff Coordinator, Mary Ann Godfrey, at 703-324-1290.

Sincerely,

Paula A. McFarland
Deputy Clerk
Board of Zoning Appeals

cc: Leslie B. Johnson, Senior Deputy Zoning Administrator
Zoning Permit Review Branch & Zoning Administration Branch

Mary Ann Godfrey, Staff Coordinator
Zoning Evaluation Division, DPZ
VANDERPOOL, FROSTICK & NISHANIAN, P.C.
ATTORNEYS AT LAW
SUITE 400
9200 CHURCH STREET
MANASSAS, VIRGINIA 20110
703-369-4738
FAX 703-369-3653
E-MAIL INFO@VFLAW.COM

December 23, 2005

VIA HAND DELIVERY

William E. Shoup
Zoning Administrator
Department of Planning & Zoning
Fairfax County
12055 Government Center Parkway
Suite 250
Fairfax, VA 22035-5508

Re: Berea Church of Christ – SPA 79-D-141
Tax Map Ref: 29-1 ((1)) 10A

Dear Mr. Shoup:

On behalf of the Berea Church of Christ, I hereby request that you extend the period of time to implement SPA 79-D-141 (which is currently due on January 1, 2006) for one year until January 1, 2007. The Church has been unable to finance the building addition, because of the unusually high cost of construction in the current real estate market. Although Plan and Document Control approved the site plan and forwarded it to Bonds, Agreements and Administration for further processing on November 30, 2004 (see attached), the final building and site permits have not been obtained. Furthermore, because the childcare center and nursery school will not operate until the building addition has been completed, a Non-Residential Use Permit (Non-RUP) for this use has not yet been obtained. A one-year extension will permit the Church more time for its capital fund drive and obtain the necessary financing to implement the SPA.

Please call if you have any questions. Thank you for your assistance in these matters.

Sincerely,

Vanderpool, Frostick & Nishanian, P.C.

Alan D. Prescott

JLM/adv
cc: Paul Gardiner (via fax)
Request for Additional Time
Trustees of the Berea Church of Christ, SPA 79-D-141

Mr. Ribble moved to approve 12 months of Additional Time. Mr. Hammack seconded the motion, which carried by a vote of 7-0. The new expiration date was January 9, 2007.
DATE: September 21, 2018

TO: Tracy D. Strunk, AICP, Director
Zoning Evaluation Division, DPZ

FROM: Denise M. James, Chief
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis:
SPA 79-D-141-03, McLean Islamic Center

This memorandum, prepared by Erin Haley, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plans dated June 24, 2014, as revised through May 20, 2015. The extent to which the proposed use, intensity, and development plan are consistent with the land use guidance contained in the Comprehensive Plan, is noted.

DESCRIPTION OF THE APPLICATION

The applicant, McLean Islamic Center, is requesting a Special Permit Amendment (SPA) to permit modification of development conditions. The property is 1.54 acres located on Tax Map Parcel 29-1 ((1)) 10A in the Wolf Trap Community Planning Sector of the McLean Planning District. The applicant proposes a SPA to allow their operating hours to be amended as follows:

- To permit standard operating hours between 4:00 a.m. and 12:30 a.m., seven days per week.
- To permit small groups for informal prayer between 12:30 a.m. and 4:00 a.m., seven days per week.
- To remove restrictions which prohibit group worship activities between the hours of 4:00 p.m. and 7:00 p.m.
- To remove the restriction that community uses conclude by 11:00 p.m.

Currently, the hours of operation are limited by Development Conditions 7, 8, and 23 as provided below:

“7. Friday prayer services shall occur between 11:00 a.m. and 2:30 p.m., with a minimum of 60 minute interval between each service. Start times for evening services for holidays and special events shall occur between 7:00 p.m. and 10:00 p.m. and ending by 10:30 p.m.”
8. Regular operating hours shall be from 9:00 a.m. to 11:00 p.m., seven days a week. No group worship activities shall be scheduled between 4:00 p.m. and 7:00 p.m., Monday through Friday. No organized worship services shall occur outside of these hours. The facility may be open for small groups for informal prayer prior to the 9:00 a.m. opening, not to exceed ten worshippers.

23. The applicant may make its facility available for community uses typical of a place of worship. All such uses shall conclude by 11:00 p.m.”

LOCATION AND CHARACTER OF THE AREA

The subject property is developed with a single-story place of worship with an approved capacity of 200 people and a parking lot with 92 spaces. The property is located on the northwestern corner of the intersection of Leesburg Pike and Jarrett Valley Drive and is accessed by two entrances off of Jarrett Valley Drive. Surrounding property uses consist of townhouses and private open space to the north (zoned PDH-2), a single-family detached house to the south across Jarrett Valley Drive (zoned R-1), private open space and single-family homes to the west (zoned R-1), and the exit ramp from the Dulles Airport Toll Road to the east across Leesburg Pike. The Comprehensive Plan designates the subject property and surrounding properties to be developed with residential uses at 1-2 du/ac.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan Areawide Recommendations for the McLean Planning District may be accessed at:


In the Fairfax County Comprehensive Plan, 2017 Edition, Area II, Wolf Trap Community Planning Sector, as amended through July 31, 2018, on Pages 128-130 of the Plan, as applied to the application area, states the following:

“Land Use

The Wolf Trap sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

…
1. Low-density residential development at 1-2 dwelling units per acre is planned for the area east of Beulah Road.

…”
3. Land along the south side of Leesburg Pike should maintain the pattern of an average density of 1-2 dwelling units per acre, but permit cluster development so that land immediately adjacent to the highway would remain as open space and provide a buffer for the residential area.

4. To maintain the present scenic attractiveness of Leesburg Pike in this area, site plans for all developments should be encouraged to feature greater than normal setbacks from the highway and natural buffering as many developments have done. …

5. The Route 7 corridor is planned for and should continue to be reserved for residential development. Industrial, office, research and development (R&D), and retail commercial uses are not appropriate in the Route 7 corridor.”

**COMPREHENSIVE PLAN MAP:** Residential 1-2 du/ac

**LAND USE ANALYSIS**

The Comprehensive Plan identifies the subject property as appropriate for residential uses. Places of worship are permitted in residential districts by special permit approval. A place of worship has been located on this site since 1959 and therefore continuation and furtherance of this use is appropriate. The previous SPA approval in 2015 allowed expansion of the site in two Phases. Phase I limited the applicant to 100 worshippers and 52 parking spaces. Phase II allowed expansion to 200 worshippers and 92 parking spaces once VDOT finished construction of a bridge over the Toll Road which included widening Leesburg Pike and lengthening turn lanes onto Jarrett Valley Drive. Staff believed the transportation improvements would mitigate impacts from increased traffic and use of the site. The applicant also agreed to a parking management plan which demonstrates how they mitigate negative traffic impacts on the neighborhood. The property is a corner lot that is directly adjacent to two single-family residential neighborhoods to the north and west but is also buffered by some amount of privately-owned open space. As part of the 2015 SPA, the applicant was required to improve the landscaping and screening along the property lines to provide additional buffering between the place of worship and the nearby residences.

The place of worship already currently operates until 11:00 p.m., seven days per week. Extending the hours of operation to what is essentially 24 hours per day, seven days per week, could have increased impacts on nearby residential properties, particularly noise and light from traffic and use of the parking lot. For example, impacts could include glare from headlights and the slamming of car doors and other noise impacts from operations during hours when neighborhoods would typically expect quiet enjoyment of their properties. The Comprehensive Plan Land Use objectives 8 and 14 call for protecting and maintaining stability in established neighborhoods and minimizing impacts created by potentially incompatible uses. Allowing a 24 hour operation at this site without limitations could be incompatible with the existing established residential neighborhoods. Should FCDOT agree that the parking analysis conducted by the applicant shows that increasing their hours of operation will not negatively impact traffic in the area, the request could be appropriate with additional mitigation measures. Staff suggests an increase in the screening and buffering along the northern and western
property lines and limitations on the number of overnight events and the number of persons allowed on-site during those events.

CONCLUSION

Staff concludes that requested amendments to the application site could be deemed in harmony with the Comprehensive Plan provided that the proposed changes to the hours of operation do not exacerbate traffic in the area, as determined by FCDOT; that increased screening and buffering is installed along the property lines; and provided that there are some limitations on overnight events.


“COUNTYWIDE OBJECTIVES AND POLICIES

LAND USE PATTERN

... 

Objective 8: Fairfax County should encourage a land use pattern that protects, enhances and/or maintains stability in established residential neighborhoods.

Policy a. Protect and enhance existing neighborhoods by ensuring that infill development is of compatible use, and density/intensity, and that adverse impacts on public facility and transportation systems, the environment and the surrounding community will not occur.”

... 

Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses.

Policy a. Locate land uses in accordance with the adopted guidelines contained in the Land Use Appendix.

Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems.

Policy c. Achieve compatible transitions between adjoining land uses through the control of height and the use of appropriate buffering and screening.

... 

Policy l: Regulate the amount of noise and light produced by nonresidential land uses to minimize impacts on nearby residential properties.
Ms. Tracy Strunk  
Zoning Evaluation Division  
Fairfax County Dept. of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia  22035-5503

Re:  SPA 79-D-141-03, McLean Islamic Center

Dear Ms. Strunk:

VDOT has reviewed the above referenced special permit application and provide the following comments:

1. Remove the proposed high visibility pavement markings across the existing entrances  
2. VDOT maintain curb ramps (CG-12’s) need to fully be within the VDOT right of way  
   a. All curb ramps along frontage to be upgraded  
3. Please verify if the proposed asphalt trail by VDOT is intended to be county or state  
   maintain? State maintenance would require the trail to be fully within VDOT right of way  
   which would require dedication.

Please let me know if you have any questions or concerns. You can contact me at david.jordan@vdot.virginia.gov or (703) 691-6733. Thank you.

Sincerely,

David Jordan  
Land Use Engineer

cc: Fairfax Permits
DATE: September 24, 2018

TO: Tracy Strunk, Director
    Zoning Evaluation Division, DPZ

FROM: Marc L. Dreyfuss, Transportation Planner III
      Site Analysis Section, FCDOT

SUBJECT: SPA 79-D-141-03 – McLean Islamic Center
         Land Identification Maps: Tax Parcel Number 29-1 ((1)) 10

Site Description and Proposal

This department has reviewed the subject application, including special exception plat, dated May 20, 2018. The site is located along the north side of Jarrett Valley Drive west of Leesburg Pike (Route 7). The applicant is proposing to remove existing conditions of approval limiting hours of operation to times outside of the AM and PM peak hours and overnight hours.

Proposed Transportation Improvements

No transportation improvements are proposed with this application.

Outstanding Issues Summary

There are no outstanding transportation issues with this application.

Conclusion

FCDOT supports approval of this application. Staff has reviewed and approved the applicant’s operational analysis, dated August 27, 2018, evaluating forecasted transportation impacts of the proposed use during the AM and PM peak hours. Based upon this analysis transportation impacts forecasted to occur due to approval of this application would be negligible.

The operational analysis is still under a 45-day VDOT review with comments anticipated by October 12, 2018. It is noted that this study is not subject to Chapter 870 standards and that approval by VDOT is not required for the County to consider this application completed.

cc: Heath Eddy, DPZ-ZED
    Michael W. Garcia, AICP, Transportation Planner IV, FCDOT-SAS
    Jeffrey C. Hermann, AICP, Chief, FCDOT-SAS
TRAFFIC OPERATIONAL ANALYSIS
FOR
THE MCLEAN ISLAMIC CENTER
SPA 1979-D-141-03
FAIRFAX COUNTY, VIRGINIA

Prepared For
THE MCLEAN ISLAMIC CENTER
8800 Jarrett Valley Drive
Vienna, Virginia 22182

Prepared By
MCV Associates, Inc.
4605 Pinecrest Office Park Drive
Suite C
Alexandria, Virginia 22312
(703) 914 – 4850
Fax (703) 914 – 4865

August 27, 2018
INTRODUCTION

The McLean Islamic Center (MIC) is located at the northwest quadrant of the intersection of Route 7 (Leesburg Pike) and Jarrett Valley Drive (Route 7 is assumed to be running in the north-south direction). The site location is shown in Exhibit 1. MIC is currently permitted to operate from 9 AM to 11 PM only, with no group worship permitted to be scheduled between 4 PM and 7 PM. MIC has applied for the approval conditions to be amended to permit 24 hour operation of the center. This would mean that the center would be operating during both AM and PM peak periods, which is not currently permitted. Fairfax County Department of Transportation (FCDOT) has requested MIC to provide a trip generation forecast to determine how many trips would be added to the public road network during these peak periods if this use is permitted to operate during such times. Further, FCDOT has stated that MIC is requesting to add site-generated trips to the network during the AM and PM peak hours, therefore an operational analysis will be needed to determine the traffic impacts of this proposal. The study scope was developed in coordination with FCDOT and VDOT. The signed scoping document is included in the Appendix.

EXISTING CONDITIONS

Primary access to the site is off the two-lane Jarrett Valley Drive, which is classified as a secondary route. Route 7 in the vicinity of the site is a five-lane, divided roadway with a posted speed limit of 35 MPH and intersects Jarrett Valley Drive in the west and off ramp from the Dulles Toll Road in the east to form a signalized intersection. The following intersection was identified for study:

- Route 7 (Leesburg Pike) and Jarrett Valley Drive

Turning movement counts were conducted by Gorove/Slade on Thursday, June 21, 2018 at the study intersection during the hours of 6:30 AM to 9:30 AM and 4:00 PM to 7:00 PM for the 8600 Leesburg Pike Project. The turning movement counts data are included in Appendix A. A seasonal factor of 1.02 was applied by Gorove/Slade to the existing count at Leesburg Pike and Jarrett Valley Drive due to counts being conducted when schools were not in session. FCDOT and VDOT approved this methodology. MCV utilized this data and methodology for the MIC Traffic Operational Analysis. It was observed that the majority of the vehicles in the northbound left turn lane on Route 7 were making U-turns and not turning on to Jarrett Valley Drive. Motorists using the eastbound Dulles Toll Road take the toll free westbound off-ramp exit to avoid paying tolls on the eastbound Route 7 exit. These vehicles then make a u-turn at the intersection of Jarrett Valley Drive. The data collected was analyzed to determine the AM and PM peak hour and peak hour volumes. The AM and PM peak hour volumes are presented in Exhibit 2 along with the intersection geometrics. The synchro model (Version 9) was setup for the study intersection using the data provided by VDOT. The synchro model was utilized to determine the AM and PM peak hour capacity and levels of service for the signalized intersection. The levels of service worksheets are included in the Appendix. The levels of service results show that the eastbound and westbound movements operate at LOS F, while the northbound and southbound through movements on Route 7 operate at LOS C or better. The available storage length for the northbound left turn lane on Route 7 is 320 feet and is found to
be adequate, as the 95th percentile queue length of 262 feet does not exceed the available storage length. The 'levels of service and queue lengths are summarized in Exhibits 7 and 8, respectively.

**FUTURE CONDITIONS WITH MIC (24 HOUR OPERATION)**

The Institute of Transportation Engineers (ITE) Trip Generation Report does not have weekday AM or PM peak hour data for a mosque. ITE 10th Edition does have PM peak hour data for Friday and the rate per 1,000 gross floor area is 4.22. The MIC has 5,004 square feet area which would result in a total of 21 PM peak hour two-way trips on Friday.

A comparable Mosque (in size and operation) was selected to do a local vehicle trip generation study to develop weekday AM and PM peak hour trips. The site selected was the MUSTAFA Center, located at 6844 Braddock Rd, Annandale, VA 22003. They are open 24 hours a day and have a membership of approximately 500. The mosque has students that attend classes during the weekdays between the hours of 1 PM and 7 PM. Approximately 50 students attend each class that lasts for about 2 hours. The Mustafa Center would result in more conservative estimates since they have an extensive school schedule as well as prayers during the weekdays. On a comparative basis MIC has a paid membership of approximately 50. On a typical Friday, MIC attracts approximately 200 persons in a 24-hour period. MIC will have school activity but at a lesser scale than the Mustafa Center. A vehicle trip generation study was conducted on Wednesday, July 11, 2018 between the hours of 7 to 9 AM and 4 to 6 PM. The inbound and outbound vehicle trips, in 15-minute intervals, were as follows:

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<tr>
<th>Date: 7/11/2018</th>
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<td>OUT</td>
<td>TOTAL</td>
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<tr>
<td>04:00 PM</td>
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<td>9</td>
</tr>
<tr>
<td>04:15 PM</td>
<td>1</td>
<td>1</td>
<td>2</td>
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<tr>
<td>04:30 PM</td>
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<td>7</td>
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<tr>
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<td>2</td>
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<td>05:00 PM</td>
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<td>05:15 PM</td>
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<tr>
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<td>6</td>
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<td><strong>TOTAL</strong></td>
<td><strong>19</strong></td>
<td><strong>33</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>

The Mustafa Center did not generate any vehicle trips during the AM peak period. The primary reason is that the morning prayers occur before the AM peak hour at Mustafa Center as well as at MIC. The PM peak one hour inbound trips were 12 and outbound trips were 17, resulting in a total of 29 vehicle trips. Since these trips were higher than the ITE computed trips on Friday, the future analysis was based on the data collected at Mustafa Center. These trips were distributed on to Route 7 using the trip distribution patterns utilized in the approved traffic study conducted in 2014. The traffic study assumed that 75% of the traffic to and from MIC will be from the north on Route 7 and 25% of the traffic to and from MIC will be from the south on Route 7. The site trips are shown in Exhibit 3. These trips were added to the existing traffic data resulting in total trips with the MIC in 24-hour operation. These trips are presented in Exhibit 4. The Synchro Model was run again using the same traffic signal timing and other data. The results show that
the intersection continues to operate at the same levels of service as the existing conditions. The queue length of 287 feet does not exceed the available storage length of 320 feet. The levels of service and queue lengths are summarized in Exhibits 7 and 8, respectively.

HYPOTHETICAL SCENARIO

We also conducted a hypothetical scenario analysis based on the critical movement, which is the northbound left turn from Route 7 on to Jarrett Valley Drive. This hypothetical scenario looked at the maximum number of vehicles that can enter the MIC during the AM and PM peak hour, without exceeding the left turn lane storage capacity on Route 7 and maintaining the acceptable levels of service. The vehicle trip distribution for the hypothetical scenario is shown in Exhibit 5 and the total trips are shown in Exhibit 6. This hypothetical analysis showed that a total of 72 and 75 vehicle trips can be accommodated at the intersection of Route 7 and Jarrett Valley Drive without exceeding the left turn storage capacity or affecting the levels of service during the AM and PM peak hours, respectively. This shows that even if the PM peak hour vehicle trips to MIC double than the observations from Mustafa Center, the intersection would still operate at acceptable levels of service and the storage capacity will not be exceeded. The levels of service and queue lengths are summarized in Exhibits 7 and 8, respectively.

CONCLUSIONS

The operational analysis at the intersection of Route 7 and Jarrett Valley Drive was conducted at the request of FCDOT. The existing conditions and future conditions with the MIC operating 24 hours a day, including the AM and PM peak hours, were analyzed. A hypothetical scenario was also analyzed to determine the maximum number of vehicle trips (to MIC) that could be adequately accommodated at the intersection of Route 7 and Jarrett Valley Drive without exceeding the left turn lane storage capacity or lowering the intersection levels of service to unacceptable levels. The results showed the MIC traffic can be easily accommodated during the AM and PM peak hour. As a matter of fact, even if the MIC traffic is doubled, the intersection would continue to operate at acceptable levels of service.
SITE

McLean Islamic Center

Site Location
<table>
<thead>
<tr>
<th>Intersection Information</th>
<th>AM PEAK HOUR</th>
<th>PM PEAK HOUR</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2018 Existing Conditions</td>
<td>2018 Base Conditions</td>
</tr>
<tr>
<td></td>
<td>LOS</td>
<td>Delay (sec)</td>
</tr>
<tr>
<td><strong>1. Leesburg Pike &amp; Jarrett Valley Dr</strong></td>
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<td></td>
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<tr>
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<tr>
<th>Intersection Information</th>
<th>2018 Existing Conditions</th>
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<th>2018 MIC (hypothetical)</th>
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<td></td>
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<td>B (20)</td>
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Weekday AM and PM Peak Hour Levels of Service (2018)

Exhibit 7
### AM PEAK HOUR

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<th>Movement</th>
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<th>95th Percentile Queue (ft)</th>
<th>50th Percentile Queue (ft)</th>
<th>95th Percentile Queue (ft)</th>
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<td>2018 Existing Conditions</td>
<td>2018 Base Conditions</td>
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### PM PEAK HOUR

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Weekday AM and PM Peak Hour Queue Lengths (2018)
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.