

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on March 21, 2007, for a conditional use permit in accordance with Sections 18-209:216 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. Green Hedges has been a part of the Town of Vienna's learning environment since 1955. The school has grown steadily over the years with a number of conditional use permits (set out in detail in the staff's report to the Board of Zoning Appeals) being granted—the most recent in the year 2000 for the relocation and expansion of an athletic field.
- B. The Green Hedges School parcel is situated in northwest Vienna on some 4 acres of land that adjoins Windover Avenue, NW, and includes a number of parcels former used as single-family residences. The RS-12.5 zoned parcel is part of Block 17 in what was Solsbury's Windover Heights subdivision and is situated on a relatively-flat and elevated portion of the topography that ranges from 408 to 420 feet above sea level. The existing facility is comprised of four buildings: the administrative center or Kilmer House, the Stable, the Rice Arts Center and the School, or Kilmer Hall, itself. Parking, according to the 2000 plans, is provided for 56 vehicles. The subject property is completely surrounded by single-family residential dwellings with RS-12.5 zoning, save and except a 190-foot portion of the Vienna Commons townhouse development which is zoned RTH, situated on the southwest side of Nutley Street, NW, and is directly opposite of the existing entrance driveway into the private school.
- C. In conjunction with this development proposal, Green Hedges has received approval for a consolidation plat that adds the former residential lot at 227 Nutley Street, NW, into the overall Green Hedges property. This increased the lot area to 177,758 square feet or 4.08 acres. An easement plat (also an administrative action) was also filed with the Town to place a 15-foot wide easement along the centerline of an existing 8-inch water main that extends from Nutley Street, NW, to an existing fire hydrant on the south side of Kilmer Hall.
- D. Proposed construction narrative on page 2 of the plan set indicates that the project consists of demolition, utility installation and building and parking lot construction. This narrative indicates that the existing 3,830-square-foot one-story Stable building would be demolished along with the existing residence, shed and rear deck at 227 Nutley Street, NW, and new additions would be constructed on both one and two story platforms at the existing one-story Kilmer Hall (4,254 square feet on the first floor and 6,368 square feet on a new second floor as of the Planning Commission review date of February 28, 2007). Other proposed improvements include the new 8,964-square-foot two-story-tall underground athletic center that would be constructed at the northwest corner of the existing school (along with a proposed free-standing stairwell—partially above ground—some 65 feet away from the existing wall of Kilmer Hall), the 54-space parking lot would be realigned and restriped, and the existing athletic field would be relocated to the site of the former Nutley Street, NW, residence. Total gross square footage for all improvements—as of February 28, 2007—would increase from 25,718 to 41,508 square feet.
- E. According to information provided along with the initial submittal, the proposed expansion of existing facilities is envisioned to take place as part of a three-part process. This will include the demolition of existing structures and expansion of school programs into newly-configured or newly-constructed areas within Kilmer Hall. Staff notes that the current proposal for Kilmer Hall (main school building) contemplates a maximum height of 30 feet, 10 inches and a total area of 26,748 square feet.
- F. Sheet 2 of this same plan set clearly states that the maximum number of students—190—would not change as part of this proposal. The maximum number of staff is proposed to increase from the current 33 to 37. Similarly, staff notes that neither the existing Kilmer House (administrative) or the Rice Arts Center would experience any change in conjunction with this proposal.

- G. A new entry sign is proposed in the same general location as the existing sign near Nutley Street, NW. Page 15 of the plan set indicates that the 36-square-foot sign would be framed by brick pilasters and have a matching post on the opposite side of the brick driveway. The sign has been created with the provisions of § 18-185.F. of the Town Code in mind and will require Board of Architectural Review approval along with all proposed building and landscaping revisions.
- H. Lot coverage—a major issue in the 1997 approval—would decrease from 34.5 percent (as approved by the Mayor and Town Council in the 1997 submittal) to a proposed coverage of 32.2 percent.. This reduction is accomplished, in large part, through the consolidation of the subject tract and the aforementioned parcel that was addressed as 227 Nutley Street, NW. All other site plan provisions have been determined to meet the criteria of the Town Code as set forth in §§ 18-250:257 thereof.
- I. The placement of the athletic facility underground—with a proposed “new 12-inch woodcarpet play surface on drain mat on gym roof slab” (translated = playground)—benefits existing lot coverage calculations (as quantified at § 18-15F in the Town Code) on the subject property. Several mature trees near the northwesterly property line and around the existing residence to be demolished at 227 Nutley Street, NW, however, will have to be removed as a result. Tree coverage calculations, as found on page 11 of the plan set, indicate that the combination of existing trees to remain and newly-planted trees will provide the mandated tree canopy of 20 percent (after 20 years maturity) as set forth in § 18-252.E of the Town Code. A significant quantity of shrubbery is proposed along the southwest and northwest sides of the relocated athletic field to serve in part as a screen from adjoining properties. A proposed 4-foot tall chain line fence (requiring a separate fence permit) would also border these same two sides of the field and serve, we presume, to keep kicked balls and players from leaving school grounds.
- J. The proposed expansion/realignment of the Green Hedges “physical plant” requires the amendment of the existing conditional use permit in accordance with § 18-22 (by reference from § 18-13) and § 18-209:216 of the Vienna Town Code. All property previously outside the consolidated parcel must also be incorporated into the conditional use permit as a part of this approval process.
- K. The Planning Commission considered this matter at its regular meetings of June 28, 2006 and August 9, 2006. Upon the conclusion of some 7 hours worth of review during two separate meetings, the Planning Commission recommended denial of the proposed conditional use permit amendment by a vote of 6-2 (Attanasi and Chase voted nay; Commissioner Creed voted “present”). Proponents for Green Hedges then submitted a request that the matter be removed from the agenda of the Board of Zoning Appeals to permit time to address issues related to building massing, the underground athletic facility and rental activities.
- L. The Planning Commission again considered this matter at its meeting of February 28, 2007, and recommended approval of the request by a vote of 6-2 (Miller and Womack voting nay). Planning Commissioners also recommended the adoption of the following proposed development conditions:
1. Enrollment shall be limited to 190 students (no change).
 2. A maximum of 37 full-time employees shall be permitted.
 3. The hours of school activities shall be as follows:
 - For normal school activities, including daily physical education classes and after school classes - 7:00 AM to 6:00 PM Monday through Friday (this includes extended day, which ends at 6:00 PM).
 - For extracurricular activities, special school events, and similar infrequent or intermittent activities, the hours of use may be extended to 9:00 PM during the week and between 9:00 AM to 5:00 PM on Saturdays and 10:00 AM to 2:00 PM on Sundays. With

prior notification and approval from abutting neighbors, one-time events outside these time periods shall be permitted to continue on Sunday evenings.

4. The rental of the school's facilities, including the underground athletic facility, when completed, shall be limited to:
 - The hours from 3:30 PM to 9:00 PM during the week, and between 9:00 AM to 5:00 PM Saturdays and 9:30 AM to 2:00 PM Sundays.
5. The School shall continue to mitigate any negative impact on the surrounding neighborhoods from traffic and parking for all events and activities, including private groups or individuals renting the school's facilities.
6. Green Hedges will provide priority scheduling of facilities to neighborhood youth teams, clubs and organizations. Green Hedges will also charge a reduced, neighborhood rate to these groups.
7. Rental policies will be reviewed annually or on an as-needed basis with abutting neighbors and the Town's Zoning Administrator.
8. The maximum occupancy of the underground athletic facility shall be the lower of 375 individuals or the limit as set by the Fire Marshal.
9. Construction of improvements may be phased. The first phase of construction shall begin within 18 months of the approval of this conditional use permit.
10. Existing contracts shall remain in place until the end of the 2006-2007 school year.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

- AA. Granting of the requested conditional use permit—with the specified development conditions as noted in paragraph DD below—will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and will be in accord with the Master Plan of the Town of Vienna.
- BB. A majority of the Board determined that Green Hedges School reacted to a series of very real concerns through their planning process and had made an extraordinary effort to prepare a set of plans that will be compatible with the adjoining properties, an asset to the community and to the Town. The majority also determined that the surrounding neighborhood is changing through the construction of larger homes along with new home construction and the school needs to be more up-to-date as well through the provision of a gymnasium and improved classroom facilities. It was noted that this proposal would continue a sense of openness in this part of Vienna and—and through the removal of an existing dwelling—would provide useful and playable open space.
- CC. A minority of the Board determined that the identifiable problems associated with rental activities, potential damage to trees—both on the subject property and on adjoining properties, along with storm drainage concerns, prevented it from joining the majority in supporting the motion for approval.
- DD. The majority of the Board of Zoning Appeals approved the conditional use permit in accordance with the plan set as recommended by the Planning Commission at its February 28, 2007 meeting and as presented to the Board of Zoning Appeals on March 21, 2007, and in accordance with the following development conditions:
 1. Enrollment shall be limited to 190 students (no change).

2. A maximum of 37 full-time equivalent employees shall be permitted.
3. The hours of school activities shall be as follows:
 - Normal School Activities (including daily physical education classes and after school classes): from 7:00 AM to 6:00 PM Monday through Friday—including extended day, which ends at 6:00 PM.
 - Extracurricular Activities, special school events, and similar infrequent or intermittent activities: the hours of use may be extended to 9:00 PM during the week, and between 9:00 AM to 5:00 PM on Saturdays, and 10:00 AM to 2:00 PM on Sundays. With prior notification to abutting neighbors, one-time events, outside of these hours, may be allowed. The Board of Trustees meetings shall be permitted to continue on Sunday evenings.
 - The rental of the School's facilities, including the underground athletic facility, when completed, shall be limited to 3:00 PM to 9:00 PM Monday through Friday; from 9:00 AM to 5:00 PM on Saturday; and from 9:30 AM to 2:00 PM on Sundays.
4. The School shall continue to mitigate any negative impact on the surrounding neighborhoods from traffic and parking for all events and activities, including private groups or individuals renting the School's facilities. The school shall provide and enforce off-street parking for all such activities.
5. The School will provide priority scheduling for use of facilities to neighborhood youth teams, clubs and organizations. The School will also charge a reduced rate to these neighborhood groups.
6. Rental policies and one-time events will be reviewed annually, or on an as-needed basis with abutting neighbors and the Town's Director of Planning & Zoning.
7. The maximum occupancy of the underground athletic facility shall be 375 individuals, or the maximum limit as set by the Fire Marshal.
8. Construction of improvements may be phased; the first phase of construction shall begin within 18 months of the approval of this conditional use permit amendment.
9. Contracts for extracurricular activities or other use of the School's facilities may remain in effect until the end of the 2006-2007 school year.
10. Green Hedges School will use their best efforts to preserve the existing trees on neighboring properties.

IT IS, THEREFORE, ORDERED, this 22nd day of March, 2007, that the application as submitted by Green Hedges School, 415 Windover Avenue, NW, for a conditional use permit in accordance with the above-referenced Code sections shall be approved subject to the development conditions as set out in subparagraphs 1-10 of paragraph DD of the Conclusions of Law section above.



Robert W. Dowler, Vice-Chairman
Board of Zoning Appeals
Town of Vienna, Virginia