




STAFF REPORT COVER SHEET

May 27, 2020

Addresses:	324 Nutley Street NW	Case Number:	PF-19-20-CP/MTC
Public Meeting Date:	5/27/2020	Applicant:	Fairfax County Public Schools
Board/Commission:	Planning Commission	Owners:	School Board of Fairfax County
Existing Zoning:	RS-12.5	Existing Land Use:	Governmental
Brief Summary of Request:	<p>Recommendation to Board of Zoning Appeals for a conditional use permit for continued placement of modular classroom associated with Louise Archer Elementary School. Recommendation to Town Council for continued use of two public use trailers.</p> 		
Site Improvements:	No improvements proposed.		
Size of Property:	8.13 acres		
Public Notice Requirements:	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	Advertisement for BZA meeting, scheduled for June 17, 2020, to be published on June 3, 2020 and June 10, 2020.	
	Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing	14 certified postcards to be sent on May 21, 2020 to adjacent, abutting and immediately across the street property owners/agents/occupants and subject property owners notifying them of the Planning Commission meeting as a courtesy.	
	Posting of the property at least ten days prior to the public hearing	One sign posted in front of lot along Nutley Street NW on May 15, 2020 with dates of Planning Commission meeting and Board of Zoning Appeals hearing.	
Brief Analysis			
PROPERTY HISTORY <p>The subject site consists of the existing elementary school, Louise Archer Elementary School, and associated fields.</p>			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN <p>The Future Land Use Plan shows the property as governmental. The Comprehensive Plan encourages renovations and additions to schools as opposed to use of trailers and modular classrooms (Page 102). Fairfax County Public Schools is moving in that direction but requires an extension of trailers and modular classrooms for the interim period.</p>			
COMPATIBILITY WITH THE ZONING ORDINANCE <p>Extensions of the modular classroom CUP and public use trailers is permitted by the Town Code, specifically sections Section 18-210.G and Section 18-152.2.</p>			
Attachments:	Justification Statement <input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Photos <input checked="" type="checkbox"/> 2016 and 2005 CUP Orders <input checked="" type="checkbox"/>		
Author: Michael D'Orazio, AICP, Deputy Director of Planning and Zoning			

ITEMS NO. 2 AND 3:

Recommendation by the Planning Commission to the Board of Zoning Appeals for conditional use permit for continued placement of one (1) modular classroom, located at Louise Archer Elementary School at 324 Nutley Street NW, in the RS-12.5, Single-Family Detached Residential zone.

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Recommendation by the Planning Commission to the Town Council for continued use of two public use trailers for an additional two years, located at Louise Archer Elementary School at 324 Nutley Street NW, in the RS-12.5, Single-Family Detached Residential zone.

Introductory Comments & Background:



Figure 1 - Existing public use trailers

Louis Archer Elementary School, addressed as 324 Nutley Street, NW is located on 8.13 acres of land on the west side of Nutley Street, NW, in the block between its intersection with Knoll and Orchard Streets, NW. The southerly and southwesterly lines of the parcel delineate the common boundary line between the elementary school and Madison High School, as well as the corporate boundary between the Town and Fairfax County. Adjoining properties include the Sons and

Daughters Cemetery to the west, and residential parcels along Orchard Street, NW, to the north of the school property. The property is zoned RS-12.5, Single-Family Detached Residential.



Figure 2 - Existing modular classrooms

On April 20, 2005, the BZA approved a Conditional Use Permit (CUP) for a modular classroom for a ten-year time period, with an evaluation of the usefulness and overall condition of the modular classroom to occur at the end of the term. The modular classroom building is 66-foot by 180-foot in size and is located to the south of the main school building. It provides additional capacity to alleviate the overcrowding at the school. The modular classroom has a gross floor area of approximately 11,880 square feet and includes ten classrooms, restroom facilities, maintenance space, and ancillary storage space. The applicant indicates that the life expectancy for the modular is 25 years, and that it is in good condition. The modular classroom replaced five of the then-eight existing classroom trailers located on the Property.

Concurrent with the BZA approval, the Town Council at their meeting on May 5, 2005, approved six site plan modifications associated with the CUP request for the placement of a modular classroom along with the continued use of two existing trailers which falls under a separate purview of the Town Council.

An extension of the conditional use permit was approved by the Board of Zoning Appeals on July 20, 2016 for a period of 5 years. The Board concluded the following:

“The Board voted 6-0 to approve the conditional use permit through July 20, 2020. The Board noted the applicant had clearly explained there was a continuing need for the modular classroom and questions concerning pest management and budget projections were adequately addressed. While it is the Town’s interest and desire to have a brick and mortar expansion done as soon as possible, it is also in the interest of the Town and the families who attend Louise Archer Elementary School to allow for the continued use of the modular classroom.

One Board member did voice disappointment that the conditional use permit would not be valid for 10 years and felt it was unnecessary to have the applicant back in five years. However, the rest of the Board felt it was important to give the Town the opportunity to revisit the item.”

On December 10, 2018, Town Council voted 6-1 to extend approval of the two trailers located near the back of the building for another two years from the date of August 22, 2018 (the previous expiration date). The trailers are currently approved through August 22, 2020.

Proposed Development Activities:

The agent is requesting continued use of the 66-foot by 180-foot modular classroom building, as well as the two public use trailers. The planning and design of the Louise Archer Elementary School renovation is currently underway with permitting expected to be completed by 2021. Construction is expected to occur between 2022 and 2025. Based on current enrollment for the school; the applicant requests approval to continue the use of the modular classroom during the proposed construction. Once school renovations are complete the modular and existing trailers will be removed from the Property.

Required Board Approvals / Planning Commission Recommendations:

Per Section 18-210-211, the Planning Commission is tasked with making a recommendation to the Board of Zoning Appeals for the request for the extension of the Conditional Use Permit for the modular classrooms.

Per Section 18-152.2, the Planning Commission is tasked with making a recommendation to the Town Council for the request of the extension of the two public use trailers.

Relevant Regulations:

Town Code

Sec. 18-209. - Use permit subject to certain conditions.

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will be in accord with the purposes of the Town's master plan.

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

Sec. 18-152.2. - Public use trailers and manufactured homes.

Notwithstanding the prohibitions set forth in section 18-152, a public use trailer or a public use manufactured home may be permitted to serve an interim need as part of a permitted public use subject to the following standards and procedures:

- A. The Town Council may approve, for a period of up to three years, a public use trailer or temporary public use manufactured home upon finding that such installation complies with the applicable provisions of this chapter and is consistent with the conditions of any permit for the principal use issued pursuant to section 18-209.
- B. For an existing public use trailer permitted pursuant to subsection A of this section or approved pursuant to this subsection B, the council, upon a finding that the public health, safety and welfare of the Town will not be thereby impaired, may extend the time allowed for a public use trailer for additional periods of up to two years each pursuant to section 18-256.
- C. All public use trailers must comply with all provisions of this chapter and be consistent with all conditions of any permit issued pursuant to section 18-209, unless such requirements are modified pursuant to section 18-256.
- D. Notwithstanding the provisions in subsections A through C of this section, the Town Manager may approve installation of a public use trailer or public use manufactured home in order to respond to exigent needs. Such approval shall be for an interim period, not to exceed one school year, pending satisfaction of the requirements of this section.

Virginia State Code

§ 15.2-2309. Powers and duties of boards of zoning appeals.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require

a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

Staff Analysis:

Conditional Use Permit

Modular classrooms are allowable as conditional uses (under public schools) in RS-12.5 zoning district and must meet criteria listed under Section 18-209. Staff finds that the extension of the modular classrooms for another five years through the construction of the renovation 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 purposes of the Town of Vienna Comprehensive Plan.

Public Use Trailers

Public use trailers are allowable under Section 152.2 of the Town Code. Extensions of the trailers are allowed for two-year periods. Staff find that the proposed extension of the trailers 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 purposes of the Town of Vienna Comprehensive Plan.