



July 6, 2016

STAFF REPORT

CONDITIONAL USE PERMIT  
CUP 2016-001

**Applicant:** True Faith Church

**Zoning:** B-1: General Business District

**Parcels (GPIN):** 8189-80-8982.01 and 8189-80-8293

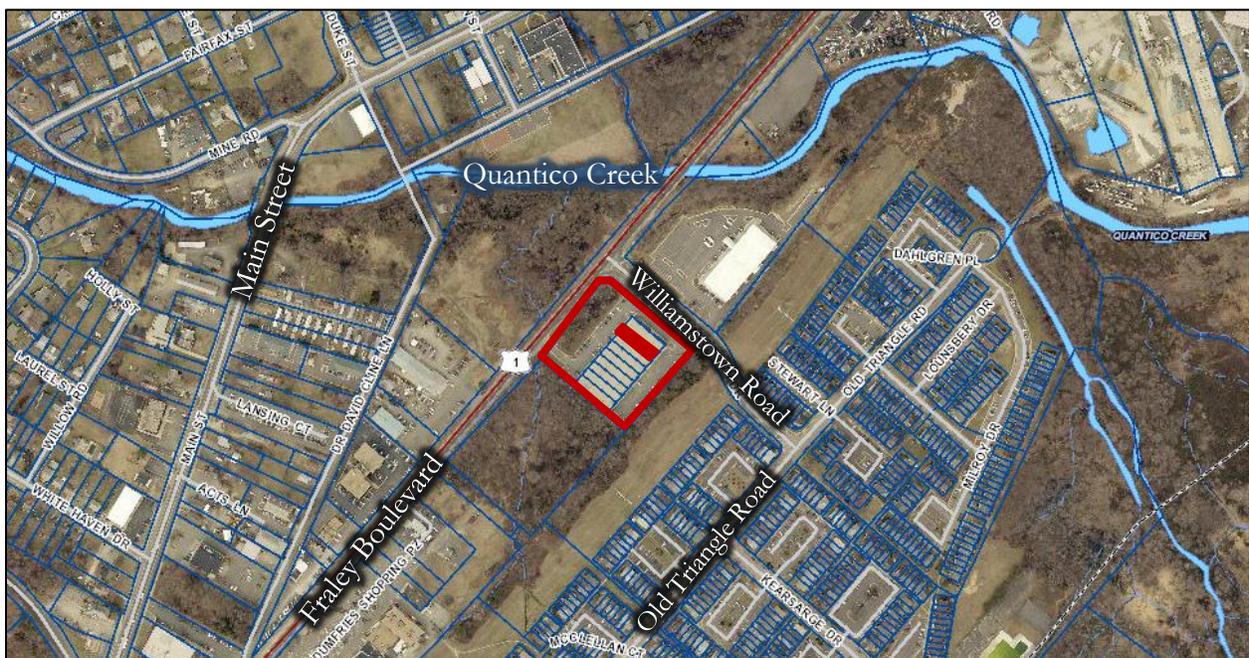
**Address:** 17861 Fraley Boulevard

**Site Acreage:** 2.94 acres

**Future Land Use Map:** Commercial

**Proposal:** To establish a church or place of worship in an existing commercial space at the Dumfries Commerce Center

**Staff Recommendation:** Staff recommends approval of CUP 2016-001, subject to the proposed conditions enclosed in Appendix 1.



## **APPLICANT'S REQUEST**

The applicant, True Faith Church, has requested a Conditional Use Permit (CUP) to establish church or place of religious worship at 17861 Fraley Boulevard. Section 70-247(B) permits churches in B-1 districts with the approval of a CUP from Town Council.

The proposed use would have hours of operation from 10:30AM-3:30PM on Saturdays, 11:00PM-1:00AM every other Friday, and on the first Sunday of every month for an unspecified period of time. Church attendees would park either on site in one of the commercial space's assigned parking spaces, or at the commuter parking lot on Route 234, Dumfries Road.

## **STANDARD OF REVIEW (§70-10)**

Conditional Use Permits may be granted by the Town Council for any of the uses for which a CUP is required by the Zoning Ordinance. In granting any such CUP, the Council may impose any such conditions in connection therewith as will assure that it will conform with the requirements contained herein and 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. A CUP shall not be issued unless the Council shall find that:

1. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.
2. The proposal as submitted or modified will conform to the Comprehensive Plan for the Town or to specific elements of such Plan, and the official policies adopted in relation thereto, including the purposes and the express intent of this chapter.

## **LOCATION AND CHARACTER**

The subject property is located at the corner of Fraley Boulevard and Williamstown Road. This is the location of the Dumfries Commerce Center, a nine-unit commercial condominium building constructed in 2005 according to Prince William County's Real Estate Assessments Office. The site has approximately 107 parking spaces. The applicants propose to occupy one of the condominium units. This unit, located at 17861 Fraley Boulevard, totals 4,170 square feet.

The subject property is located across Fraley Boulevard from the future location of the Parkside at Dumfries mixed use project. Town Council approved CUP 2015-001 on December 1, 2015. Grace Church has its primary location to the immediate northeast, while the property to the southwest is vacant. These aforementioned properties are zoned B-1. The acreage to the immediate east is zoned R-3 and serves as an electrical transmission line. The transmission line is located on acreage owned by the Williamstown Homeowners Association.

## **ZONING ORDINANCE PROVISIONS**

**CUP Criteria:** Based an examination of the criteria in §70-10, a church at this location would not create impacts that would adversely affect the health, safety or welfare of persons residing or working near the subject property. A church at this location would not be detrimental to public welfare or injurious to the property or improvements in the vicinity. Churches are a compatible use with the commercial designation of the property on the Comprehensive Plan's Future Land Use Map.

**Hours of Operation:** The proposed hours of operation are outside of customary Monday through Friday office hours, which would minimize parking conflicts with other tenants at the Dumfries Commerce Center. The proposed hours would only overlap on the first Sunday of the calendar month with Grace Church. Staff has recommended a condition that would require the church to adhere to the requested hours of operation from their statement of justification.

**Parking:** The applicant's parking needs have the potential to create parking congestion on site. Based on the proposed number of seats in the main place of assembly, the applicant would be required to support the proposed use with 20 parking spaces in accordance with §70-13 of the Zoning Ordinance.

According to the applicant, the commercial space is assigned 11 parking spaces. Additional parking would be provided with a shuttle service from the commuter parking lot at the intersection of Route 234 and U.S. Route 1. However, the Zoning Ordinance does not contain provisions that would permit the applicant to use satellite parking in this manner to meet the minimum parking requirements found in §70-13. Staff has recommended a condition that would require the church to secure an agreement with either the condominium owners association or another property owner on site to allow for the use of parking spaces not assigned to the owner of 17681 Fraley Boulevard.

## **RECOMMENDATION**

The applicant's proposal meets the applicable provisions of the Zoning Ordinance, and conforms to the future land use recommendations in the Comprehensive Plan. While the site has surplus parking that could be used by the proposed use, particularly during the weekend hours of operation with reduced commercial activity on site, the applicant must ensure that the church has permission to use this parking. Given that the applicant intends to have space in the main assembly area for up to 80 worship service attendees, staff strongly encourages the applicant to secure an agreement that provides parking availability that exceeds the minimum Zoning Ordinance requirement.

### **Attachments:**

1. Proposed Development Conditions
2. Applicant's Submission

**PROPOSED DEVELOPMENT CONDITIONS**

**CUP 2016-001**

**July 6, 2016**

If it is the intent of Town Council to approve CUP 2016-001, located at 17681 Fraley Boulevard, GPIN 8189-80-8982.01 and 8189-80-8293, for use as a church or place of worship or religious assembly pursuant to §70-247(B), staff recommends that Council condition the approval by requiring conformance with the following conditions:

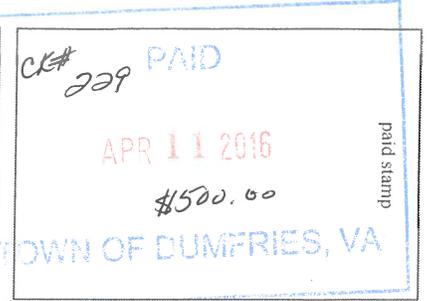
1. The maximum number of seats in the main place of assembly shall be 80. The Town of Dumfries Building Official shall establish occupancy loads for all habitable areas within the proposed commercial space prior to the issuance of a Certificate of Occupancy. If the Building Official's established occupancy load is less than 80 seats in the main place of assembly, the maximum number of seats shall be the number calculated by the Building Official.
2. Hours of operation shall be limited to Saturdays from 10:30AM-3:30PM, the second and fourth Friday of each calendar month from 11:00PM-1:00AM, and the first Sunday of each calendar month from 11:00PM-1:00AM.
3. Prior to the issuance of a Certificate of Occupancy, the applicant shall secure an executed agreement with either the condominium owners association or another property owner to demonstrate that the proposed use can meet the minimum parking requirements prescribed by the Zoning Ordinance during the aforementioned hours of operation on the subject property. The applicant may supplement the on-site parking with a shuttle service from an off-site parking location.



DUMFRIES, VIRGINIA

John Wilmer Porter Building  
17755 Main Street  
Dumfries, Virginia 22026-2386  
703-221-3400

www.dumfriesva.gov



Taxes current  Yes  No

APPLICATION FOR A CONDITIONAL USE PERMIT

Please refer to the fee schedule for applicable application fee  
The applicant is responsible for costs of public hearing advertisements (determined later)

Name of Business or Organization: TRUE FAITH CHURCH  
*If organization is a non-profit, please provide a copy of your 501(c)3*

Site address in Town: 17861 S. FRALEY BLVD, DUMFRIES, VA 22026

I hereby submit this request for a Conditional Use Permit in accordance with Section 70- 10 of the Town of Dumfries Zoning Ordinance, to:

MEET FOR CHURCH SERVICES. SEE THE ATTACHED FOR DETAILED DESCRIPTION OF THE FACILITY USAGE.

State specifically all activities and materials required by this proposed use, attach additional pages if necessary.

Type of business or use

- |                                  |                                     |                                     |                          |
|----------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Use with a drive-through window  | <input type="checkbox"/>            | Child care or adult day care center | <input type="checkbox"/> |
| Automobile sales or service      | <input type="checkbox"/>            | Convenience store                   | <input type="checkbox"/> |
| Church or charitable institution | <input checked="" type="checkbox"/> | Other                               | <input type="checkbox"/> |

- |   |   |   |
|---|---|---|
| Can customers or the public visit the site?                                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (SEE ATTACHED)            |
| Does the building contain assembly area (church, auditorium, or movie theater)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                           |
| Is equipment brought to the site?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No                |
| Does the business contain any equipment beyond desktop computers?               | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No (SEE ATTACHED) |
| Are vehicles larger than an SUV parked onsite?                                  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No                |

I hereby certify that I have the authority to make the foregoing application on behalf of the named business or organization, that the information given is correct, that I have read and I understand the applicable zoning ordinances for the zoning district, and that this project will comply with all applicable Codes and Ordinances of the Town of Dumfries and the State of Virginia.

Applicant

Name ELISHA OKYERE  
Please Print  
Address 3201 MOUNTAIN LAUREL LP  
DUMFRIES, VA 22026

Signature   
Phone 703-582-9869  
Email Delisha@yahoo.com

True Faith Church  
P. O. Box 361  
Dumfries, VA 22026

Town of Dumfries  
17755 Main Street  
Dumfries, VA 22026

RE: Addendum to the Application for Conditional Use Permit

Dear Sir/Madam:

True Faith Church is providing this addendum to provide additional information regarding the anticipated use of 17861 South Fraley Boulevard for church services. The church is trying to purchase the address above for church services.

**Usage:** The church meets weekly on Saturdays from 10:30AM through 3:30PM for bible studies, church service and leadership meetings (10:30AM – 11:30PM for bible studies; 11:30 -2:00PM for church service; and 2:00 -3:00PM for leadership meetings as necessary). The church also meets bi-weekly on Friday nights (11:00PM – 1:00AM) and monthly, usually on the first Sunday of every month, for prayers. The church does not use any noisy equipment or instruments to disrupt the peace and tranquility of the area. Our activities will be contained in the church premise; our voices through preaching or singing would not go outside of the premise to disturb any neighbor; not even the other tenants in the same building.

**Parking and Traffic Flow:** The premise has 11 assigned parking spaces. The church intends to allocate those 11 parking spaces for members with young children (10 years and below). The remaining congregants will park at the route 234 commuter parking lot and the church will use a shuttle bus to transport them to the church location. The church will have about 80 plastic chairs in the church premise in the meantime but expects the number to increase in the near future. Approximately 50 -60 attendees sit in the pews on Saturdays and the attendees for the non-Saturdays meetings are usually significantly lower than the Saturday roll. We believe that the parking spaces available to the church, and the church's plan to use shuttle bus to transport members to and from the 234 commuter lot, will allow the church to operate without any inconvenience to the community.

Since church activities are on weekends and Friday nights, we can assure you that we will not significantly impact the traffic flow in the neighborhood.

**Ties to the Community:** I, as one of the church pastors, reside at 3201 Mountain Laurel Loop, Dumfries, with my wife and children. The church has significant number of other people that live in either Dumfries or Prince William County. The members of the church are men and women of good reputation in their communities. The church activities do not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood of the church premise and will not be detrimental to public welfare in any manner.