

## **RESOLUTION OPPOSING SE 2017-MV-012 (AMERICAN TUKONG)**

1. WHEREAS American Tukong submitted a special exception (SE 2017-MV-012) to construct a private karate school; and
2. WHEREAS the purpose and intent of a special exception is *to ensure that the use will be compatible with the neighborhood in which it is proposed to be located*; and
3. WHEREAS the *proposed use at the specified location shall be in harmony with the adopted comprehensive plan*; and
4. WHEREAS the Fairfax County Comprehensive Plan, 2017 Edition Mount Vernon Planning District, Amended through 3-20-2018 states in part that *“Development is planned to conform with the recommendations cited in the Gum Springs Conservation Plan and Redevelopment Plan as adopted by the Board of Supervisors;”* and
5. WHEREAS the Fairfax County Comprehensive Plan, 2017 Edition Land Use, Amended through 5-1-2018; policy objective 7 states in part that *“As the county matures, there will be an increasing need to preserve and revitalize older residential communities. It will be important to protect existing residential areas from the encroachment of commercial development;”* and
6. WHEREAS Section VI.B Land Use Provisions in the Gum Springs Redevelopment Plan states in part that *“residential development shall comprise no less than 70 percent of the land use;”* and
7. WHEREAS the current nonresidential percentage is 44%; and
8. WHEREAS the developer is incorrectly including the churches in Gum Springs as residential to circumvent and distort the residential calculation for the required residential percentage; and
9. WHEREAS a zoning change in lot 79A from residential to commercial use will further decrease the required residential percentage; and
10. WHEREAS the proposed development to change the classification use for lot 79A from residential to commercial is referred to as a “spot” zoning because that one commercial building would be isolated because it would be surrounded by residential property; and
11. WHEREAS spot zoning is the “process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners;” and
12. WHEREAS American Tukong is seeking more than one waiver to satisfy its special exception application:
  - a. A waiver to replace the trail with a sidewalk by proposing a \$40,000 proffer. The Gum Springs Neighborhood & Improvement Plan required a “re-establishment of the historic trail link between Gum Springs and Mount Vernon, as recommended by the County Park Authority.” This trail link is currently reflected in (grid 101-2) as a major paved trail that is linked to the major regional trail system (grid 110-3) which includes Mount Vernon is reflected in the 2014 Countywide Trails Plan. The \$40,000 is an insignificant amount for the cost of a sidewalk and undermines the intent for the trail link;
  - b. A waiver of lot size in order to build its commercial facility;
  - c. A *“reduction of the screening area to 15 feet in both the northern and southern screening areas.”* This request does not meet the criteria for Article 13 in the Zoning Ordinance;
  - d. A waiver of the loading space is being requested because all materials are brought to the site by the owners and instructors and no large deliveries are made to the site. The use of

“large” is subjective and it is reasonable to assume trucks may be used to deliver certain food, supplies and equipment; and

13. WHEREAS Section VI.B Land Use Provisions in the Gum Springs Redevelopment Plan states in part that *“All development will be considered in relation to the preservation of the historic nature of the community;”*
  - a. Gum Springs recently made the list to be considered a historic district;
  - b. American Tukong and its supporters initiated a petition campaign to usurp the character and history of the Gum Springs community by viewing Gum Springs merely as a viable location for a karate school;
  - c. The signatures on the American Tukong petition cannot be verified and/or have no investment in preserving Gum Springs as a historic district but rather view Gum Springs as a viable location for its business;
  - d. Certain community outreach services provided by at least one church in Gum Springs that is near the proposed karate school may be required to cease operation and certain individuals who benefits from that outreach service may be barred from the church should this special exception be approved; and
14. WHEREAS general standard #4 in the Zoning Ordinance 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);”* and
15. WHEREAS Embark will have a significant impact on property along the Route One Corridor to improve the circulation of traffic that may also affect neighboring communities; and
16. WHEREAS there will not be access to the American Tukong property traveling southbound on Richmond Highway; and
17. WHEREAS the Fairfax County Redevelopment Housing Authority and the Fairfax County Department of Planning and Zoning failed to comply with the Comprehensive Plan as required in the Gum Springs Redevelopment Plan; and
18. WHEREAS the *“Board [of Supervisors] shall have no authority to waive any of the regulations or standards prescribed for any use or purpose for which a special exception is required.”*

RESOLVED that the Mount Vernon Council of Citizens’ Associations oppose SE 2017-MV-012 because the application has not met the special exception criteria for its intent and use in the proposed location which is not compatible or in harmony with the comprehensive plan and the Gum Springs Redevelopment Plan,

BE IT FURTHER RESOLVED that the Mount Vernon Planning Commissioner and Mount Vernon Supervisor vote in the negative for SE 2017-MV-012 since the application does not meet all the regulations and/or standards required for special exception use.

***Passed unanimously by members of the New Gum Springs Civic Association meeting on June 12, 2018***