MEMORANDUM

DATE: 6/7/2021

TO: Distribution List

FROM: Tracy D. Strunk, AICP
      Director, Zoning Evaluation Division
      Department of Planning and Development

SUBJECT: Special Exception Application Analysis

REFERENCE: Application Number: SE 2021-SP-008 (Burke Community Church)

Case Information

Staff Coordinator: Emma Estes
Pre-Staffing Date: 7/19/2021  Staffing Date: 9/16/2021
Tentative PC Date: 12/8/2021  Tentative BOS: TBD

Memo Includes Full-Size Development Plans for Noted (☻) Addressees:  Yes ☐ No ☐

Attached for your review and comment is the zoning case information for the subject application. Action addressees are requested to provide written comments to the staff coordinator by (7/14/2021) to be considered in preparing staff's recommendation on this application. Information addressees may also submit any comments by the same date.

Action Addressees

☻ DPD Planning Division
   Chief, Env. & Dev. Review Br.
   Attn: Denise James

☻ VDOT
   Attn: Sid Siddiqui

☻ Fire Prevention Div
   Plans Review Section
   Attn: Mike Paruti

☻ Planning Commission
   Board of Supervisors
   Springfield District

☻ DPD-Community Revitalization Sec.
   Attn: Elizabeth Hagg
   "CRD/CRA only"

☻ DPD-Urban Centers Section
   Attn: Suzanne Battista
   "Reston or Tysons only"

Information Addressees

☻ Economic Dev. Authority
   Dir. Real Estate Services
   Attn: Curtis Hoffman

Planning Commission
   Executive Director
   Attn: Jill Cooper

Dept. of Transportation
   Transportation Planning
   Chief, Site Analyst Section
   Attn: Jeff Hermann

Clerk to Board of Supervisors
   Attn: Jill Cooper

Dept. of Information Technology
   Technology Infrastructure Div.
   Attn: Steve Brundage

Dept. of Health
   Div. of Environmental Health
   Technical Review and Information Resources
   Attn: Kevin Wastler

Northern Va Soil and Water
   Conservation District
   Attn: Willie Wood

DPWES Sanitary-Sewer
   Attn: Sharad Regmi

Dept. of Family Services
   Adult Aging Services
   AAA, B-3-708
   Attn: Jacqueline Woodruff

Fairfax County Park Authority
   Planning & Development Div.
   Plan Review Coordinator
   Attn: Lynne Johnson 4th fl

Dept. of Facilities Mgmt.
   Analyst, Property Mgmt. Div.
   Attn: Marguerite Guarino

DPD-ZED Division Director
   Attn: Tracy Strunk

DPD-ZED Asst. Director
   Attn: Suzanne Wright

DPD-ZED
   Attn: Branch Chiefs

DPD-ZED
   Conformance Review & Acceptance Br.
   Attn: Suzanne Wright

DPD-ZED
   Admin. Asst., Legal Notices
   Attn: Rachael Pendergraph

DPD Chief Zoning Inspector
   Attn: ZIB Mail- Roger Marcy

Southeast Fairfax Dev. Corp.
   Attn: Tony Fontana
   "MV or LEE only"
# APPLICATION FOR A SPECIAL EXCEPTION

**Department of Planning and Development**

**Zoning Evaluation Division**

12055 Government Center Parkway, Suite 801
Fairfax, VA 22035  (703) 324-1290, TTY 711

https://www.fairfaxcounty.gov/planning-development/zoning/application-package

<table>
<thead>
<tr>
<th><strong>APPLICANT</strong></th>
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</tr>
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<tbody>
<tr>
<td><strong>NAME</strong></td>
<td>Burke Community Church</td>
</tr>
<tr>
<td><strong>MAILING ADDRESS</strong></td>
<td>9900 Old Keene Mill Rd. Burke, VA 22015</td>
</tr>
<tr>
<td><strong>PHONE</strong></td>
<td></td>
</tr>
<tr>
<td>HOME ( )</td>
<td>WORK ( )</td>
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<tr>
<td>PHONE MOBILE ( )</td>
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<thead>
<tr>
<th><strong>PROPERTY INFORMATION</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>PROPERTY ADDRESS</strong></td>
<td>9900 Old Keene Mill Rd. Burke, VA 22015</td>
</tr>
<tr>
<td><strong>TAX MAP NO.</strong></td>
<td>88-1((1))7A</td>
</tr>
<tr>
<td><strong>SIZE (ACRES/SQ FT)</strong></td>
<td>12.65 AC</td>
</tr>
<tr>
<td><strong>ZONING DISTRICT</strong></td>
<td>R-1</td>
</tr>
<tr>
<td><strong>MAGISTERIAL DISTRICT</strong></td>
<td>Springfield</td>
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**SPECIAL EXCEPTION REQUEST INFORMATION**

<table>
<thead>
<tr>
<th><strong>ZONING ORDINANCE SECTION</strong></th>
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<tbody>
<tr>
<td>Sections 3-104 (3)(E) &amp; 9-301 (1)</td>
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<thead>
<tr>
<th><strong>PROPOSED USE</strong></th>
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<tr>
<td>Masters Programs in Theology</td>
<td></td>
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</table>

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<thead>
<tr>
<th><strong>AGENT/CONTACT INFORMATION</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>NAME</strong></td>
<td>John W. Farrell, Esq.</td>
</tr>
<tr>
<td><strong>MAILING ADDRESS</strong></td>
<td>11350 Random Hills Rd. Ste. 500 Fairfax, VA 22030</td>
</tr>
<tr>
<td><strong>PHONE NUMBER</strong></td>
<td></td>
</tr>
<tr>
<td>HOME</td>
<td>WORK 703-934-1182</td>
</tr>
<tr>
<td>PHONE NUMBER MOBILE ( )</td>
<td></td>
</tr>
</tbody>
</table>

**MAILING**

Send all correspondence to (check one): □ Applicant —or- ✓ Agent/Contact

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

John W. Farrell

**TYPE/PRINT NAME OF APPLICANT/AGENT**

**SIGNATURE OF APPLICANT/AGENT**

**DO NOT WRITE IN THIS SPACE**

Date application accepted: 5/24/2021  Application Fee Paid: $15,825.00
Special Exception
SE 2021-SP-008

Applicant: BURKE COMMUNITY CHURCH
Accepted: 05/28/2021
Proposed: COLLEGES/UNIVERSITIES
Area: 12.65 AC; DISTRICT - SPRINGFIELD
Zoning Dist Sect: 03-0104
Located: 9900 OLD KEENE MILL ROAD, BURKE, VA 22015
Zoning: R-1
Plan Area: 3,
Overlay Dist: 
Map Ref Num: 088-1-1/01/1007A

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Image: Map of the area with marked locations and labels.
Burke Community Church
Special Exception
Graduate Level Theology Courses
Statement of Justification
May 12, 2021

The applicant/owner of the land shown on Fairfax County Tax Map 88-1 (1) 7A, Burke Community Church, hereby submits this Statement of Justification in support of its application for a Special Exception to allow the addition of graduate level courses of instruction, leading to degrees in theology, to operate within its existing buildings. This application does not propose any changes to the structures or the grounds of the subject property. The programs would provide graduate school level theological instruction to students in preparation for becoming pastors and other church ministers.

The 12.65 acre subject property lies within the R-1 Zoning District and has been devoted to use as a house of worship for decades. The property accesses the public street system via Old Keene Mill Road. The subject property is bounded on the north by residential dwellings; on the east by Old Keene Mill Road; on the south by Fairfax County Parkway; and on the west by property owned by Fairfax County that is used for storm water purposes. Across Old Keene Mill Road from the subject property are additional residential dwellings. Across Fairfax County Parkway from the subject property is parkland.

The subject property is currently authorized as a house of worship with 1800 seats and related educational and administrative facilities housed in a masonry structure. The 15 full time and 15 part-time administrative staff members are on-site from 8:30-5:30 Monday through Friday. Burke Community Church worship services occur on Sundays at 8:00 am; 9:30 am; and 11:00 am. Another congregation uses the building for its worship services from 2-4:00 pm on Sundays. These uses are proposed to continue.

The proposed theology courses would have a maximum daily enrollment of 60 students and 5 instructors. Classes would be offered Monday through Saturday from 8:00 am to 8:00 pm. The attendees would be drawn from across the Metropolitan Washington Area. The small number of attendees and faculty would have no discernable impact on traffic in the area. According to the ITE Trip Generation Manual, estimated average daily trips for the masters program would be 148 with 49 trips during morning peak hour and 147 in the pm peak hour. The studies that inform these trip generation estimates rely on colleges/universities with much larger student and faculty staff numbers. It is therefore reasonable to anticipate that actual trip generation of this program will be lower than these estimates. According to the February 17, 2021 e-mail from Jeremy Ko of the Fairfax County Department of Transportation a Ch 870 TIA is not require for this use.
The existing 499 parking spaces on the subject property will be more than sufficient to accommodate the program attendees and faculty. Nevertheless, the applicant proposed to add 39 spaces by restriping the existing parking area.

No hazardous materials are present on the site. The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

The applicant proposes the following Development Conditions:

If it is the intent of the Board of Supervisors to approve a Special Exception for the property located a Tax Map 88-1 ((1)) 7A for graduate level theology courses and degree programs, the applicant recommends that the Board condition the approval by requiring conformance with the follow development conditions. These conditions carried forward from the existing special permit are marked with an asterisk.

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, 9900 Old Keene Mill Road (12.98), and is not transferable to other land.

2. This Special Permit is granted only for the purpose(s), structures and/or uses(s) indicated on the special permit plat prepared by Walter L. Phillips, Inc., dated November x, 2020 and approved with this application, as qualified by these development conditions.

3. A copy of this Special Exception 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 uses.

4. This Special Exception 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 exception may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The minimum number of parking spaces shall not be less than the number specified in accordance with Article 11 of the Zoning Ordinance, and the maximum shall not exceed 538 parking spaces, and shall be provided within the locations shown on the special exception plat. All parking shall be on-site.

6. Existing vegetation along the northern and eastern property boundaries shall be maintained as shown on the special exception plat. Existing vegetation along the eastern property boundary shall be deemed to satisfy the transactional screening requirements. The barrier requirements shall be waived except for the maintenance of the four-foot high wood fence in the northern portion of the site.

7. Any existing lighting for sidewalks or parking areas shall be in accordance with the following:
8. The maximum gross floor area shall not exceed 84,823 square feet.

9. The graduate level courses shall have a maximum attendance at any one time of 60 and a maximum faculty on-site at any one time of 5. The maximum hours of operation of the school shall not exceed 8:00 am to 9:00 pm, Monday through Saturday.

Respectfully submitted

John W. Farrell, Esq.

Attorney and agent for the applicant
PROPOSED RESTRIPING TO ADD 6 PARKING SPACES

EXISTING TREE SAVE AREA (TO REMAIN)
EXISTING 6' ASPHALT TRAIL (TO REMAIN)

EXISTING BUFFER AREA (TO REMAIN)

PROPOSED ONE-WAY STRIPING AND SIGNAGE (TYP)
SPECIAL EXCEPTION AFFIDAVIT

DATE: ____________________________
(enter date affidavit is notarized)

I, ________________________________, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[X] applicant’s authorized agent listed in Par. 1(a) below

in Application No.(s): ________________________________
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE,** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print 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.)

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>RELATIONSHIP(S)</th>
</tr>
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<tbody>
<tr>
<td>Burke Community Church</td>
<td>9900 Old Keene Mill Road Burke, VA 22015</td>
<td>Applicant/Property Owner</td>
</tr>
<tr>
<td>Dr. Marty Baker, President</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walter L. Phillips Incorporated</td>
<td>207 Park Avenue Falls Church, VA 22046</td>
<td>Civil Engineer</td>
</tr>
<tr>
<td>Aaron Vinson, Agent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>McCandlish Lillard, P.C.</td>
<td>11350 Random Hills Rd. Ste. 500 Fairfax, VA 22030</td>
<td>Attorney/Agent</td>
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(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued on a “Special Exception 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 SEA-I Updated (7/1/06)

16
SPECIAL EXCEPTION AFFIDAVIT

DATE: ______________________
(enter date affidavit is notarized)

for Application No. (s): ______________________
(enter County-assigned application number(s))

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:

(NO\5E: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Burke Community Church
9900 Old Keene Mill Road, Burke, VA 22015

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)

This is a non-stock corporation

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

FORM SEA-1 Updated (7/1/06)
SPECIAL EXCEPTION AFFIDAVIT

DATE: ________________________________
(enter date affidavit is notarized)

for Application No. (s): ________________________________
(enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

None

(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)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a “Special Exception Affidavit 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.
SPECIAL EXCEPTION AFFIDAVIT

DATE: ____________________________
(enter date affidavit is notarized)

for Application No. (s): ____________________________
(enter County-assigned application number(s))

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:

[X] 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 Supervisors, 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 Exception Attachment to Par. 2" form.
SPECIAL EXCEPTION AFFIDAVIT

DATE: ____________________________
(enter date affidavit is notarized)

Application No.(s): ____________________________
(county-assigned application number(s), to be entered by County Staff)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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 Exception 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:

[Signature]

(check one) [ ] Applicant [X] Applicant’s Authorized Agent

John W. Farrell, Agent

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

Subscribed and sworn to before me this 19th day of March 2021, in the State/Comm. of Virginia, County/City of Loudoun.

My commission expires: 2/28/22

FORM SEA-1 Updated (7/1/06)
Commissioned a Notary Public as "Margaret Clare Allen"
Special Exception Attachment to Par. 1(b)

DATE: ____________________
(enter date affidavit is notarized)

for Application No. (s): ____________________
(enter County-assigned application number (s))

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

Walter L. Phillips, Incorporated
207 Park Avenue, Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)

[X] 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)

Jeffrey J. Stuchel
Karen L. S. White
Aaron M. Vinson

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

McCandlish Lillard, P.C.
11350 Random Hills Rd. Ste. 500, Fairfax, VA 22030

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.
[X] 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)

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.