



**APPLICATION ACCEPTED:** December 8, 2006  
**PLANNING COMMISSION:** May 2, 2007  
**BOARD OF SUPERVISORS:** Not yet scheduled

# County of Fairfax, Virginia

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April 25, 2007

## STAFF REPORT

### APPLICATION SE 2006-MA-031

#### MASON DISTRICT

**APPLICANT:** The Most Reverend Paul S. Loverde,  
Bishop of the Catholic Diocese of Arlington & his successor in  
office.

**ZONING:** R-4

**PARCEL(S):** 71-1 ((9)) 7A

**ACREAGE:** 45.24 acres

**PROPOSED FAR:** 0.10

**OPEN SPACE:** 82% Priests Retirement Home Area (75% for the total SE area)

**PLAN MAP:** Public Facilities, Governmental and Institutional

**SE CATEGORY:** Category 3, Use 5.

**PROPOSAL:** To establish a congregate living facility and continue the use of  
an existing place of worship and private school of general  
education. There are no physical or operational changes  
proposed to the church or school with this application

#### STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-MA-031, subject to the proposed  
development conditions contained in Appendix 1.

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Report.doc*

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#### Department of Planning and Zoning

Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 or TTY 711 (Virginia Relay Center).



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

<b>Applicant:</b>	The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington & his successor in office.
<b>Location:</b>	4601 Ravensworth Road
<b>Proposal:</b>	To establish a congregate living facility, and continue the use of an existing place of worship and private school of general education. There are no physical or operational changes proposed to the church or school with this application.
<b># of Seats in Church:</b>	1254 seats
<b>Max number of Students:</b>	370 students
<b>Schools hours of Operation:</b>	7:45 a.m. to 7:00 p.m. Monday through Friday
<b>Waivers &amp; Modifications:</b>	No waivers or modifications have been requested with this application.

**LOCATION AND CHARACTER**

**Site Description:**

The 45.24 acre site, is located at 4601 Ravensworth Road between Braddock Road and Little River Turnpike. The site is zoned R-4 and currently contains a 1,254 seat church, rectory and a convent. Two school buildings with a maximum total enrollment of 370 students which were permitted with the approval of a Special Permit in 1962 are also located on the site. Surface parking lots are provided to accommodate parking for all these uses. There are no proposed changes to the existing structures or operations. The only changes taking place are located in the northwest corner of the property where the proposed priests' retirement home is planned to be placed. If approved, the entire site and all uses will be governed by this Special Exception.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Single Family Attached Residential Backlick Park	R-12 R-4, C-2	Residential, 8-12 du/ac Public Parks
<b>South</b>	Single Family Detached Residential	R-1	Residential, 0.5-1 du/ac
<b>East</b>	Single Family Detached Residential	R-1 R-4	Residential, 0.5-1 du/ac Residential, 3-4 du/ac
<b>West</b>	Single Family Detached Residential, Hope Luther Church Single Family Attached Residential	R-4 R-12	Residential, 3-4 du/ac Public Facilities, Governmental and institutional Residential, 5-8 du/ac

## **BACKGROUND**

- On December 16, 1959, a Non-Residential Use Permit (Non-RUP) was issued for the occupancy for the newly constructed St. Michael's Church.
- On January 9, 1962, the Board of Zoning Appeals approved an application for a Special Permit to allow the construction and operation of a parochial school. The school was constructed as approved and is still in operation. (See Appendix 4)
- The current application includes all of the existing uses on the site, along with the proposal to add the congregate living facility use to house retired and visiting priests.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area I

**Planning Sector:** Ossian Hall Community Planning Sector, Annandale Planning District. Land Unit E-1.

**Plan Map:** Public Facilities, Governmental and Institutional

**Plan Text:** No specific plan text for this site.

## **ANALYSIS**

### **Special Exception Plat (Copy at front of staff report)**

Title of SE Plat: Special Exception Plat Priest Retirement Home

Prepared By: Land Development Consultants, Inc.

Original and Revision Dates: February 17, 2006,  
revised thru April 13, 2007

### **Plat Description**

The SE Plat consists of 11 sheets.

**Sheet 1** is the cover sheet with bulk plane section, notes, legend and abbreviations, parking tabulations, vicinity map, zoning requirements, soils map and sheet index.

**Sheet 2** is the overall site illustration with both the existing and proposed conditions.

**Sheet 3** depicts the existing vegetation map. This sheet also contains existing site layout which depicts the 1,254 seat church in the center of the site; the junior school (grades K-4) just across the parking lot to the southwest; the convent which accommodates up to ten (10) nuns with (five (5) presently residing on site); and maintenance buildings directly to the south of the junior school. Directly to the east of the maintenance building is the senior school (grades 5-8) with the 105,088 square foot outdoor recreation area located directly to the north of the school building. On the western edge of the site, between the church and senior school are the rectory and parish office. Between the church's parking lot to the west and Ravensworth Road is an open field which is the proposed location of the priest's retirement home. Along the northern property boundary and the northern side of the church is a wooded area that contains an Environmental Quality Corridor (EQC).

**Sheet 4** shows the existing conditions map on the portion of the site where the priest's retirement home is to be located. This information includes the two foot contours and tree survey information.

**Sheet 5** depicts the approximate location of the stream, floodplain, Resource Protection Area (RPA) and frontage improvement plan.

**Sheet 6** shows the proposed site conditions including the building, parking, stormwater management pond and trail network.

**Sheet 7** contains the stormwater management and BMP narratives, drainage area and Chesapeake Bay Preservation Area maps.

**Sheet 8** shows the drainage divides map and impervious area calculations.

**Sheet 9** contains the stormwater management pond volume and phosphorus removal rate computations.

**Sheet 10** shows the landscape plan.

**Sheet 11** illustrates the architectural elevations of the proposed retirement home.

The existing church contains 1,254 seats and holds regular worship services. These services take place on Saturdays at 5:00 p.m., and Sundays at 7:45 a.m.; 9:00 a.m.; 10:30 a.m.; 12:00 noon; and 5:00 p.m. The church also holds special events such as weddings and funerals, and religious holidays. The church also hosts activities typically found in association with a place of worship such as religious education for both children and adults. Classes are typically held in the evening during the week.

The private school operates Monday through Friday between the hours of 7:45 a.m. and 7:00 p.m., with a maximum enrolment of 370 students.

The proposed priests' retirement home will function in coordination with the existing church and private school on the subject property.

- The maximum number of permanent residents is proposed to be twenty-one (21), including a staff member. There will be two (2) guest suites which will permit up to two (2) more persons to temporarily stay in the facility.
- One staff person will reside in the proposed priests' retirement home. Two (2) other employees will be full-time and one (1) employee will be part-time. These employees will provide services, such as cleaning, but will not live on-site.
- The general area to be served by the priests' retirement home is the Washington Metropolitan area.
- The place of worship and private school are constructed in a traditional architectural style, of masonry materials. There are no changes proposed to these existing facilities. The proposed priests' retirement home will be residential in appearance consisting of a two story, twenty-four (24) foot tall structure comprised of brick, siding and painted wood columns. The roof materials consist of some standing seam metal sections and asphalt shingles. These materials are in keeping with the existing buildings on the Subject Property.

The proposed priest's retirement home site is approximately 7.13 acres in size and is located in the northwestern portion of the larger 45.24 acre St. Michael's Church and School site. The entrance to the priests' retirement home site is located off the east side of Ravensworth Road, adjacent to Rawlings Road. The two (2) story retirement home is located approximately 167 feet to the east of the entrance off Ravensworth Road, and is separated from the road by a grassed

planted island with a focal statue located in the center. The driveway continues around the island with parking located on the northern side, drop off area in front of the building, and another driveway spur off toward the south that leads to additional parking and stormwater management pond access road. The access road leads to the proposed stormwater detention dry pond just to the south of the proposed priest retirement home. An additional four (4) foot wide asphalt trail that connects the retirement home to the existing church and school site is also located off this access road.

Along the northern portion of the site area is a 2.39 acre tree save area that will have a crushed stone trail placed throughout. The trail will be constructed to meander around trees, to eliminate tree loss. The crushed stone trail continues throughout the site, and passes through the proposed garden area on the eastern side of the proposed building.

### **Transportation Analysis** (Appendix 5)

#### **Issue:** Frontage improvements

Staff has requested that the frontage improvements to Ravensworth Road include the entire frontage of Tax Map Parcel 71-1 ((9)) 7A, not just the area along the proposed retirement home. These improvements include curb and gutter and a ten (10) foot wide trail. These improvements would require approximately fifty-five (55) feet from the centerline to provide a sixty (60) foot curb to curb typical section, and place the ten (10) foot wide trail within the VDOT right-of-way.

**Resolution:** The applicant has agreed to do the frontage improvements along Ravensworth Road from the northern parcel boundary to the northern side of St. Michaels Lane, the main entrance to the existing church and school, as conditioned. The applicant has agreed to dedicate the right of way needed for future frontage improvements across the entire frontage of the site. The applicant has been informed that the remainder of the frontage improvements will be required within the already dedicated right of way with any future improvements to the rest of Tax Map Parcel 71-1 ((9)) 7A.

#### **Issue:** Proposed Entrance off Ravensworth Road

Staff has requested that the proposed entrance off Ravensworth Road be realigned with Rawlins Road, the adjacent cross street.

**Resolution:** The applicant has made the requested alteration on the revised SE plat, and a condition has also been added to address the issue.

**Environmental Analysis** (Appendix 6)**Issue:** Proposed Stormwater Management Facility

Staff had raised some initial concerns regarding the proposed stormwater management facility. While the site already has an existing, county maintained pond located in the stream channel at the northern end of the property, the applicants are proposing to create a new pond to serve this development. It initially appeared that there might be an opportunity to upgrade the existing pond and eliminate the proposed new stormwater management pond to address runoff in this area.

**Resolution:** Based on the latest design for the proposed development, the new structure has been shifted to the south, making it impractical to utilize the existing pond to capture the runoff from the proposed new building. As such, a separate stormwater management pond will be required to account for runoff from this portion of the site. A final determination regarding the adequacy of stormwater management facilities will be made by staff in the Department of Public Works and Environmental Services (DPWES) at the time of site plan review.

**Issue:** Environmental Quality Corridor (EQC)

A small stream channel extends east from the area of the Resource Protection Area (RPA); this smaller channel did not appear on the original set of SE plats submitted for the proposed development. This channel would likely be classified as intermittent or ephemeral. The portion of the stream located on the subject property is located within a wooded area. While not associated with the area of the proposed development with this application, staff felt the stream channel should be noted on the plans and be appropriately delineated as an Environmental Quality Corridor (EQC).

**Resolution:** The latest plans depict the stream channel extending to the northeast boundary of the subject property. The plans appropriately delineate an EQC boundary for this channel; therefore this issue has been addressed

**Issue:** Tree Preservation

The original plans depicted a building location which would have resulted in the significant loss of existing trees in the northern portion of the site to accommodate the proposed new building. Staff had urged the applicants to shift the building to the south in order to preserve more of the existing trees in this area.

**Resolution:** The latest plans note a relocated building which should result in greater tree preservation in the area along the northern property boundary as requested by staff. A tree preservation condition has also been added to further address this issue.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards R-4</b>			
<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	8,400 sq/ft min.	45.24 acres	45.24 acres
Lot Width	70 feet	750 feet	750 feet
Max. Building Height	60 feet	29 feet	24 feet
Front Yard	35° ABP, min 25 feet (25 feet)	396 feet	167 feet
Side Yard	30° ABP, min 10 feet (14 feet)	53 feet	231 feet
Rear Yard	30° ABP, min 25 feet (25 feet)	55 feet	117 feet
FAR	0.30	0.064	0.10
Open Space	15%	80%	82% (75% for the total SE area)
Parking Spaces: Church* School* Rectory* Convent* Maintenance Bldg.* Congregate Living Facility (Proposed)	314 Spaces 46 Spaces 6 Spaces 7 Spaces 3 Spaces 13 Spaces Total 389 Spaces	382 Spaces (7 Handicap)	25 Spaces (4 Handicap) + 1 Loading space

\*Existing uses with no proposed physical or operational changes.

**Other Zoning Ordinance Requirements:****Special Exception Requirements** (Appendix 7)

General Special Exception Standards (Sect. 9-006)

Standards for all Category 3 Uses (Sect. 9-304)

Additional Standards for Congregate Living Facilities (Sect 9-307)

Additional Standards for Churches, Chapels, Temples, Synagogues or  
Other Such Places of Worship With a Child Care Center, Nursery  
School or Private School (Sect 9-314)

*General Special Exception Standards (Sect. 9-006)*

General Standard 1 states that the proposed use shall be in harmony with the adopted Comprehensive Plan. The proposed congregate living facility is to be

used by retired and current priests and staff. This congregate living facility is considered an institutional use, which is what the plan calls for on this site; therefore this standard has been met.

General Standard 2 states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. The site is zoned R-4 residential; a congregate living facility is permitted as a special exception. The area already contains the existing church and school which have existed for over forty years. The proposed priests' retirement home has been designed to set back from Ravensworth Road and the residential properties to the west, and has a large tree preservation area separating the site from the properties to the north. The proposed building is to be constructed at a maximum height of twenty-four (24) feet, which is less than many of the surrounding residential units, which helps the proposal fit into the existing residential area. As proposed and conditioned, this use is in keeping with the intent of the R-4 zone. In Staff's opinion, this standard has been met.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. This application is buffered from the existing residential uses to the north by a large tree save area and to the west by a proposed thirty (30) foot wide buffer strip containing a mix of deciduous and evergreen trees. The proposed building is also set back approximately 167 feet from Ravensworth Road. In Staff's opinion, this project, as proposed and conditioned, meets this standard.

General Standard 4 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. The proposed facility has a maximum of twenty-one (21) residents, including one live-in staff member. The number of vehicular trips generated from this use will be minimal. The applicant is providing both a ten (10) foot wide trail along Ravensworth Road and a network of onsite trails for the residents that will also help to minimize vehicular trips between the retirement home and St. Michael's church, and give pedestrians a safe area to walk. In Staff's opinion, this project, as proposed and conditioned, meets this standard.

General Standard 5 states that the BOS shall require landscaping and screening in accordance with provisions of Article 13. The applicant is providing all applicable transitional screening and barriers, so this standard has been met.

General Standard 6 states that open space shall be provided as required by the Ordinance. The applicant is providing 75% open space on the entire SE area. There is 82% open space being provided on the area of the priests' retirement home. This standard has been addressed.

General Standard 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11. The applicant has provided adequate parking for all of its uses as demonstrated in the Bulk Standards R-4 table earlier in this report. In Staff's opinion, this standard has been met.

General Standard 8 states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. The existing "St. Michaels Catholic Church" sign is proposed to remain at the northeast corner of the intersection on St. Michaels Lane and Ravensworth Road, with a second sign for the priests' retirement home which is proposed to be located approximately seventy (70) feet into the site from the edge of right-of-way at the entrance off of Ravensworth Road. Both the existing and proposed signs are outside the VDOT right-of-way, and will not block sign distances. The applicant has stated that all signage will conform to the Zoning Ordinance. In Staff's opinion, this standard has been met.

*Standards for all Category 3 Uses (Sect. 9-304)*

The proposed use and development as shown on the SE plat meets all of the Standards for all Category 3 Uses with the proposed development conditions.

*Additional Standards for Congregate Living Facilities (Sect 9-307)*

The additional standard for a Congregate Living Facility states that Congregate living facilities which are located in a building, which but for its institutional use would be a single detached dwelling, shall comply with the applicable single family detached minimum yard requirements of the zoning district in which located. Such facilities located in any other structure shall be located no closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-1 through R-4 District. Since this application is proposing its own multi-family structure, it will have to meet the setback requirements set forth in this standard. The building sits approximately 167 feet back from Ravensworth Road and 220 feet from the closest R-4 residential property; therefore this additional standard has been met.

*Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship with a Child Care Center, Nursery School or Private School (Sect 9-314)*

Standard 1 states that, in addition to the minimum lot size requirements of the zoning district in which it is located, the minimum usable outdoor recreation area shall be provided for each child that may be using the space at any one time. The applicant has provided 105,088 sq/ft of usable outdoor recreation/open space between the convent and senior school building on the site; therefore this requirement has been met.

Standard 2 states that the use shall comply with all the standards set forth in Section 9-304. This application meets all of the applicable Section 9-304 requirements as discussed earlier in this report; therefore, this standard has been met.

Standard 3 states that all private schools shall be subject to the provisions set forth in Par. 2 and 3 of Section 9-309. Those paragraphs include the following standards:

2. The site must have access to an existing or programmed street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use. This site is accessed off Ravensworth Road and there are no changes to the number of students permitted to attend the school with this application. There are no additional changes required to the Ravensworth Road access other than those discussed earlier in this report for the use to continue; therefore this standard has been met.
3. The site must have sufficient pick-up and delivery space for all uses on the site. The existing school buildings are set well within the site which contains a large amount of additional parking that can be used for the queuing for pick-up and delivery of all persons on the site, and the church has a dedicated drop off area located directly in front of the main entrance to the church; therefore this standard has been met.

### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

It is staff's judgment that the request for Special Exception approval to permit the addition of a congregate living facility to an existing church and school is in harmony with the Comprehensive Plan and is in conformance with all applicable Zoning Ordinance provisions with the imposition of the proposed development conditions.

### **Recommendation**

Staff recommends approval of SE 2006-MA-031 subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously approved SP information
5. Transportation Analysis
6. Environmental Analysis
7. Applicable Zoning Ordinance Provisions Checklist
8. Glossary

## PROPOSED DEVELOPMENT CONDITIONS

SE 2006-MA-031

April 25, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-MA-031 located at 4601 Ravensworth Road (71-1 ((9)) 7A) to permit a church with a private school of general education and to establish a congregate living facility pursuant to Sect. 3-404 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions; these conditions supersede all previous conditions for the subject property.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. 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 exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat Priest Retirement Home", prepared by Land Development Consultants, Inc. and dated February 17, 2006 and revised thru April 3, 2007, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The congregate living facility shall only be utilized for residential purposes by retired and current priests and staff.
5. Frontage improvements, as required by DPWES, shall be constructed along Ravensworth Road from the northern parcel boundary to the northern side of the St. Michaels Lane (the main entrance to the existing church and school.)
6. At the time of site plan approval or upon the demand of VDOT or Fairfax County, whichever occurs first, 28 feet of right-of-way measured from the existing centerline of Ravensworth Road shall be dedicated in fee simple to the Board of Supervisors.
7. The maximum number of church seats in the main area of worship shall be limited to 1,254. Parking shall be provided onsite as shown on the SE plat.
8. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. There shall be no uplighting on site, including any sign or building. The height of any fixture shall be measured from grade to the top of the structure.

9. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
10. The Applicant shall submit a tree preservation plan as part of all site plans. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management (“UFM”). The Applicant shall provide a copy of the Tree Preservation Plan to FCPA for review and comment, upon submission of such plan to DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater, located on the Application Property that are located up to 25 feet to either side of the limits of clearing and grading shown on the SE Plat. At a minimum, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation on the SE Plat. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
  - b. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM. The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.
  - c. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading in the areas of tree preservation marked with a continuous line of flagging prior to the walk-through meeting with the UFM to be held prior to any clearing and grading. During the tree preservation walk-through meeting, the Applicant’s certified arborist or landscape architect shall walk such limits of clearing and grading with an UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented; provided, however, that no adjustment shall be required that would affect the location and/or design of priests’ retirement home, including a requirement for additional retaining walls in excess of two feet in height.

Trees within the preservation areas that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

- d. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE plat, subject to allowances specified in these proffered conditions and for the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities
- e. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I & II erosion and sediment control sheets, as may be modified by Par. f below. All tree protection fencing shall be installed after the tree preservation walk-through meeting described in Par. c above, but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES and the Mason District Supervisor shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM
- f. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall

be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) root pruning shall be conducted with the supervision of a certified arborist; and (4) a UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

- g. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor on-site all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM. The Mason District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting described in Par. c. above.
- h. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 6 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective public improvement/site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.
- i. At the time of the respective public improvement/site plan approvals, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with Proffer 16. h. above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release the priests' retirement home, should any Bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the priests'

retirement home any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

- j. Native Plant Transplantation. The intent of this Par. is to facilitate an opportunity to rescue native plant species from areas of the Application Property to be cleared (but not from tree preservation areas) before the initiation of land disturbing activities. Except for the conditions identified below, the implementation of this proffer will in no way interfere with the land development process after approval of this Application. To that end, the Applicant shall work with the Fairfax County Urban Forest Management to coordinate an opportunity for the removal and transplantation of native plant species located outside tree save areas on the Application Property. In order to facilitate the rescue and transplantation of native plants prior to the initiation of land disturbing activities the Applicant will mark the general area of the tree save areas within 30 days after approval of this Application and will notify the Mason District Supervisor's office and provide reasonable opportunity for Urban Forestry Management and/or third parties under their direction to access the Application Property and remove vegetation that is not proposed to be saved. Such right of access shall be subject to the party seeking access maintaining reasonable insurance and providing indemnification to the Applicant and the landowners against all risk of loss, damage, injury or death resulting from such access and/or the transporting of vegetation from the Application Property. The Applicant will notify the Mason District Supervisor's office again at the time of second site plan submission for the first site plan/public improvement plan submitted for the Application Property. The marking of the tree save areas and provision of notice as required herein shall fully satisfy the Applicant's obligations under this proffer.
11. The limits of clearing and grading shall be strictly adhered to and shall disturb no more land than shown on the special exception plat. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including UFM, for review and approval. The extent of clearing and grading of construction shall be the minimum amount feasible as determined by DPWES. Prior to and land disturbing activities for construction, a pre-construction conference shall be held on-site between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days.
12. Any landscaping proposed on site, including the transitional screening, shall be approved by UFM and shall utilize native shrubs, trees and grasses, to the greatest extent possible, to provide a naturalized landscape environment.

13. Stormwater Management (SWM)/Best Management Practices (BMP) shall be provided as depicted on the SE Plat, as determined by DPWES.
14. The existing "St. Michaels Catholic Church" sign may remain. The applicant shall obtain a sign permit for any proposed new sign in accordance with the provisions of Article 12 of the Zoning Ordinance. Any illumination of the sign(s) shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
15. Upon issuance of the Non-RUP for this special exception, the total maximum daily enrollment in the private school of general education shall not exceed 370 students.
16. The private school of general education's maximum hours of operation shall be 7:45 a.m. and 7:00 p.m., Monday through Friday.
17. Prior to the issuance of the Non-RUP for priests' retirement home, the applicant shall construct the entrance off of Ravensworth Road into the site to align with the adjacent cross street as shown on the SE plat.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.