



APPLICATION ACCEPTED: July 23, 2009  
BOARD OF ZONING APPEALS: February 24, 2010  
MOVED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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February 17, 2010

## STAFF REPORT

### SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 78-S-276

#### BRADDOCK DISTRICT

**APPLICANT/ OWNER:** Most Rev. Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office/ St. Bernadette's Catholic Church/School

**STREET ADDRESS:** 7600 Old Keene Mill Road

**TAX MAP REFERENCE:** 90-1 ((1)) 1

**LOT SIZE:** 24.73 acres

**F.A.R.:** 0.07

**ZONING DISTRICT:** R-2 and PDH-3

**ZONING ORDINANCE PROVISIONS:** 3-203

**PLAN MAP:** Residential, .1 - .2 du/ac

**SPECIAL PERMIT PROPOSAL:** Amend previously approved special permit for a private school of general education and church to permit addition of a nursery school and child care center.

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 78-S-276, subject to approval of the development conditions listed in Appendix 1.

It should be noted that it is not the intent of 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.

*O:\SMCKN\SPA\ST BERNADETTE'S CATHOLIC PARISH - SPA 78-S-276\Staff Report\Staff Report St Bernadette's.doc Shelby Johnson*

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 Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

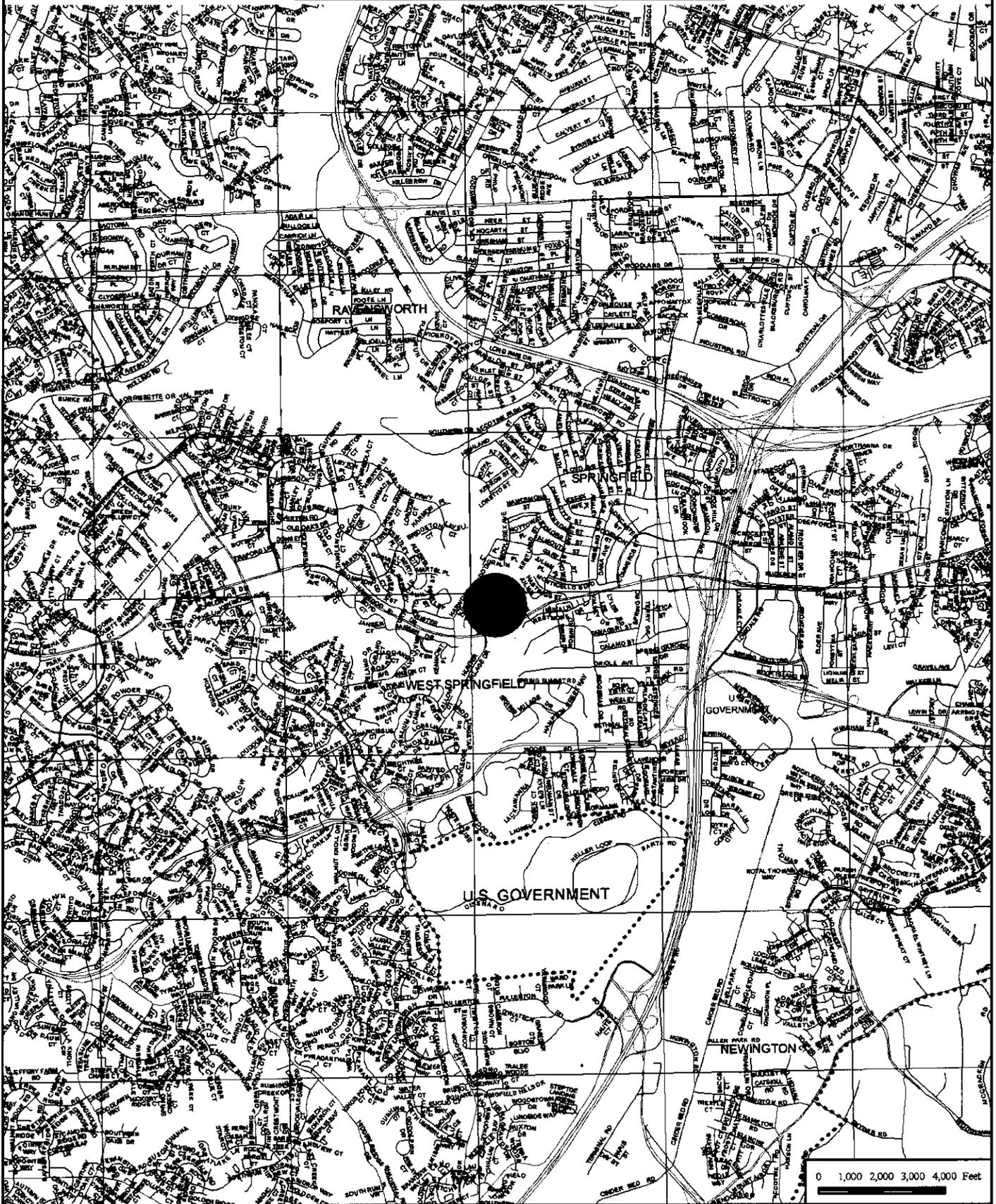
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**



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).

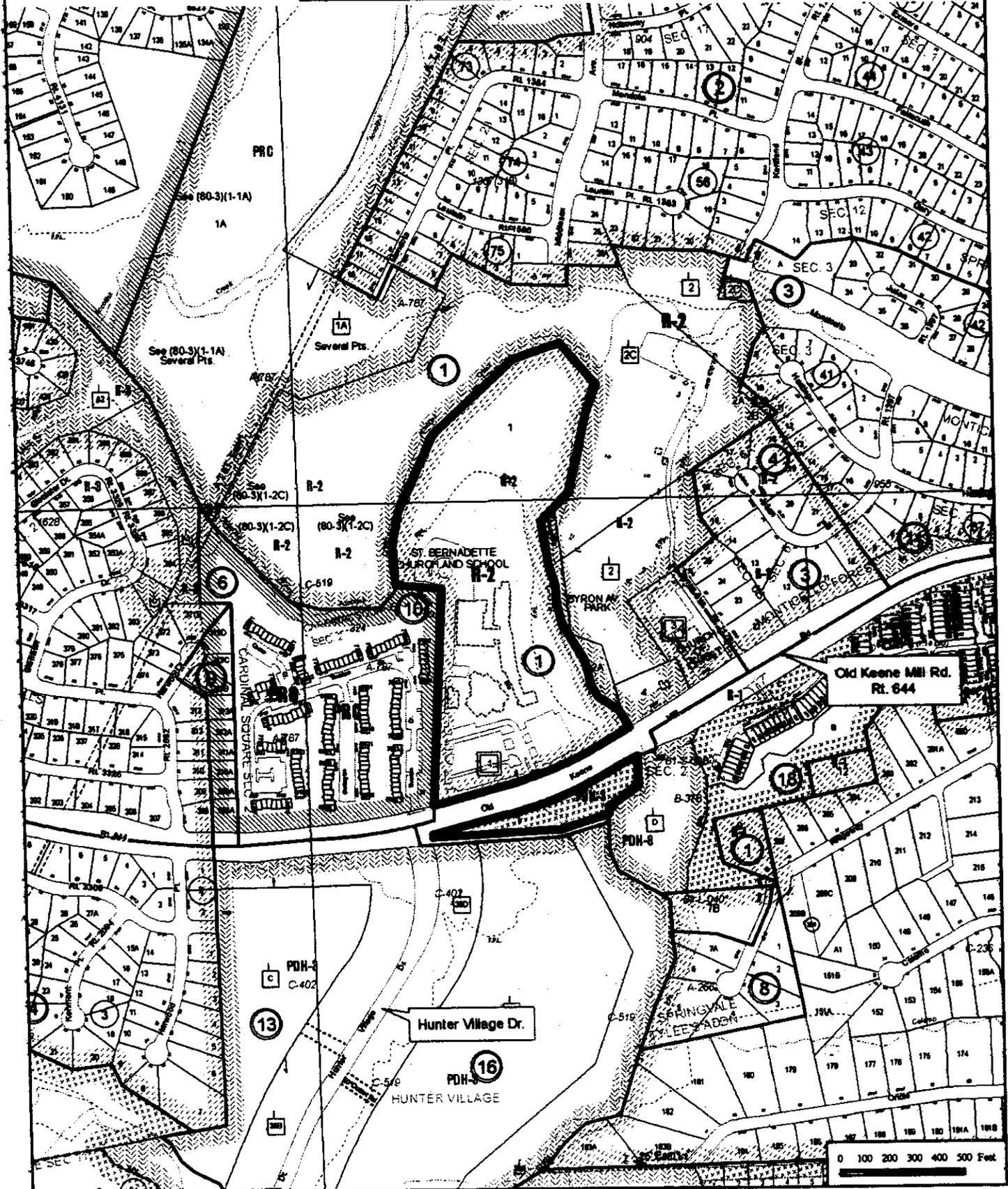
# Special Permit Amendment

SPA 78-S-276



# Special Permit Amendment

SPA 78-S-276



1. THE PROPOSED BRIDGE OVER ACCOTINK CREEK SHALL BE CONSTRUCTED TO THE FOLLOWING SPECIFICATIONS:
   
2. THE BRIDGE SHALL BE A TWO-SPAN STRUCTURE WITH A TOTAL LENGTH OF 150 FEET.
   
3. THE BRIDGE SHALL BE SUPPORTED BY TWO PIERS AND TWO ABUTMENTS.
   
4. THE BRIDGE SHALL BE CONSTRUCTED OF REINFORCED CONCRETE.
   
5. THE BRIDGE SHALL BE 20 FEET WIDE AT THE ABUTMENTS AND 18 FEET WIDE AT THE PIERS.
   
6. THE BRIDGE SHALL BE 10 FEET HIGH AT THE ABUTMENTS AND 12 FEET HIGH AT THE PIERS.
   
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THE MATERIAL IS NOT A  
 WARRANT TO ANYONE  
 FOR THE USE OF THE  
 PUBLIC SAFETY ENGINE.

SITE & BRIDGING PLAN

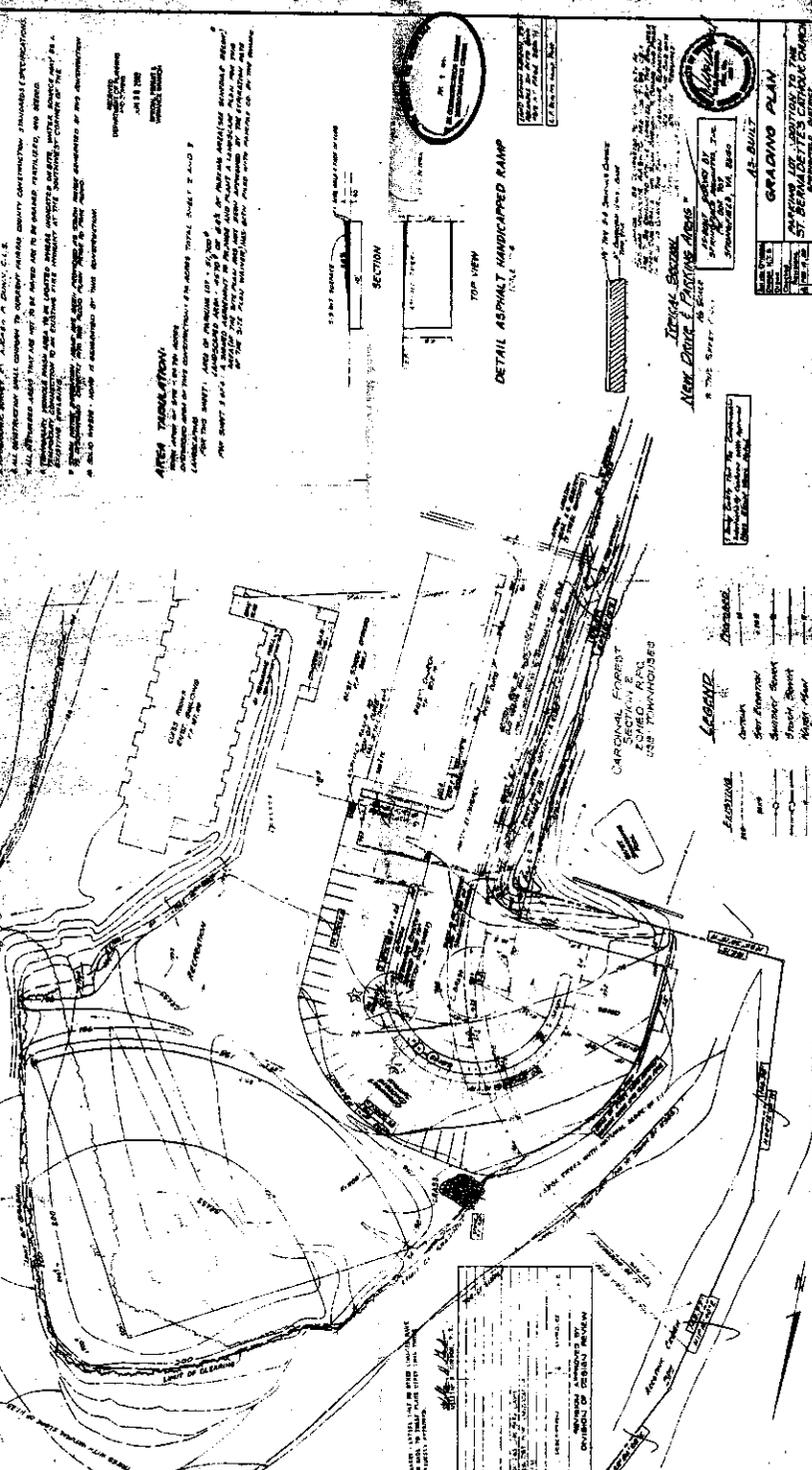
OLD KEENE MILL ROAD RTE. 646

337-SP-01-B-1

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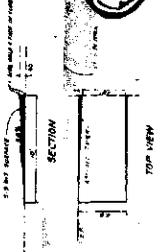
NO.	DATE	DESCRIPTION
1	10/1/58	PRELIMINARY PLAN
2	10/15/58	REVISED PLAN
3	11/1/58	FINAL PLAN

FOR THE CITY OF BOSTON  
 DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION



**AREA TOLERATION**

THE CITY ENGINEER HAS REVIEWED THE PROPOSED IMPROVEMENTS TO THE ASPHALT HANDICAPPED RAMP AND HAS DETERMINED THAT THE PROPOSED IMPROVEMENTS ARE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S POLICY ON AREA TOLERATION. THE CITY ENGINEER HAS THEREFORE GRANTED AN AREA TOLERATION FOR THE PROPOSED IMPROVEMENTS TO THE ASPHALT HANDICAPPED RAMP.



DETAIL ASPHALT HANDICAPPED RAMP

CATHOLIC FOREST SECTION 2  
 EXISTING APRIL  
 NEW DRIVE & PARKING AREAS

**LEGEND**

Symbol	Description
Circle with dot	Center
Circle with cross	Spot Elevation
Circle with 'x'	Station Point
Circle with 'y'	Right-of-Way
Circle with 'z'	Proposed
Circle with 'a'	Existing
Circle with 'b'	Proposed
Circle with 'c'	Proposed
Circle with 'd'	Proposed
Circle with 'e'	Proposed
Circle with 'f'	Proposed
Circle with 'g'	Proposed
Circle with 'h'	Proposed
Circle with 'i'	Proposed
Circle with 'j'	Proposed
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Circle with 'y'	Proposed
Circle with 'z'	Proposed

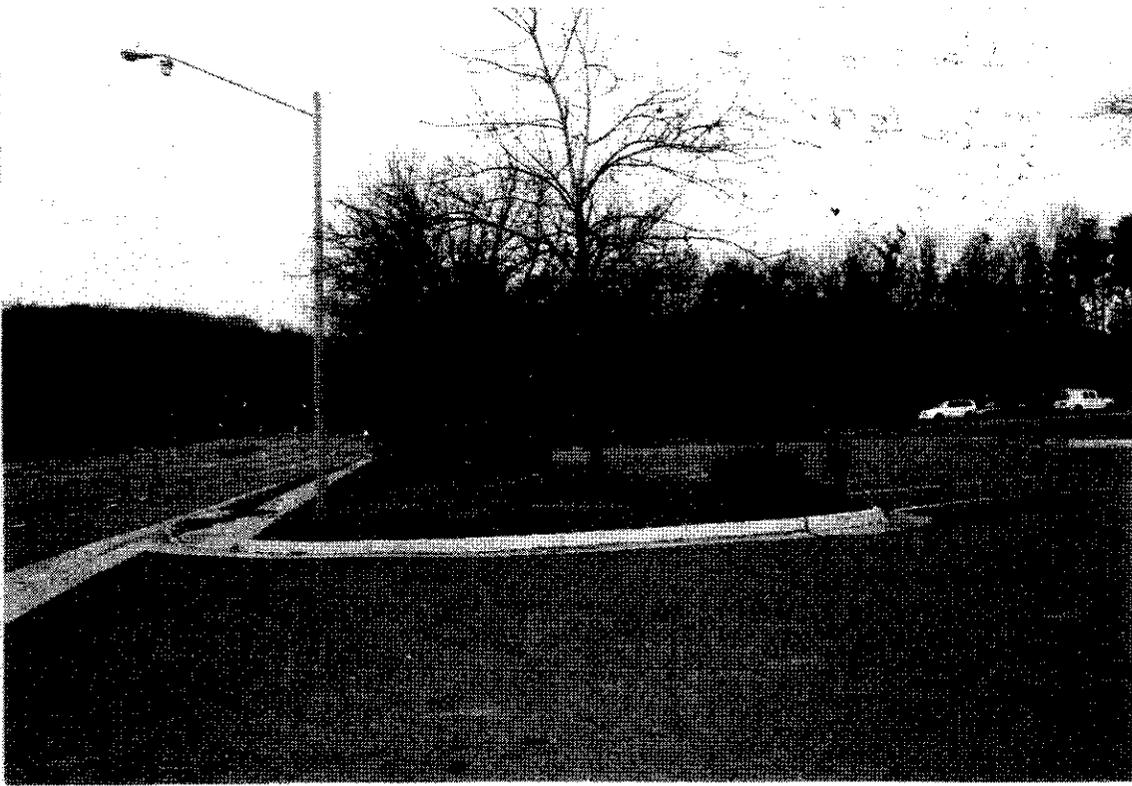
**GRADING PLAN**

CATHERINE L. LORICHIO  
 ST. BERNARD'S CATHOLIC CHURCH

DATE	10/1/58
SCALE	1" = 10'
PROJECT	NEW DRIVE & PARKING AREAS
LOCATION	CATHOLIC FOREST SECTION 2
ENGINEER	William J. Quinn
CHECKED BY	John J. Quinn
APPROVED BY	John J. Quinn

**PROPOSED IMPROVEMENTS TO THE ASPHALT HANDICAPPED RAMP**

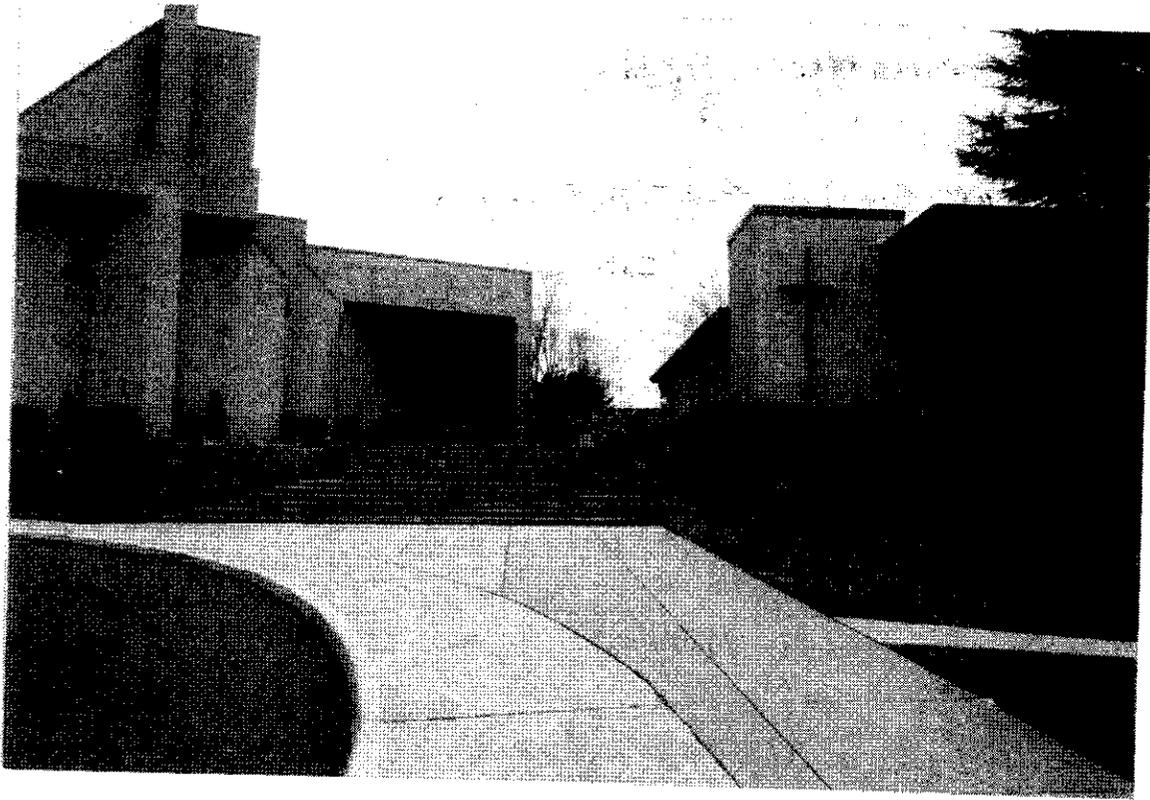
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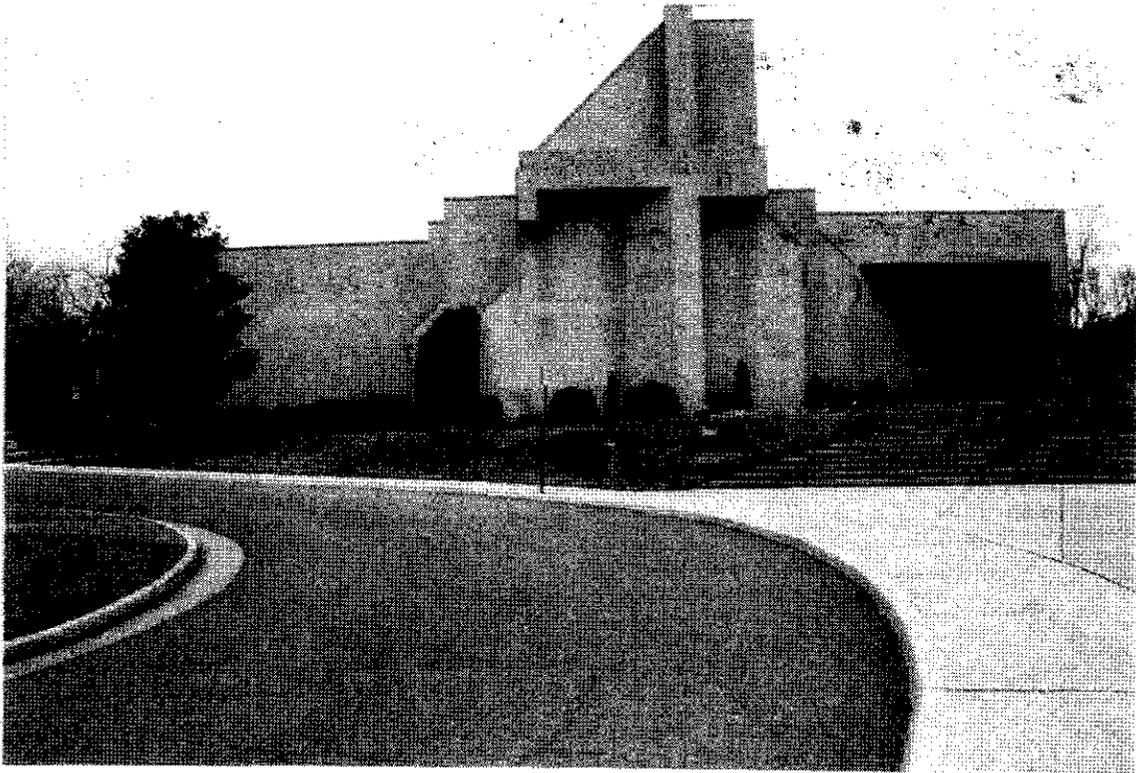
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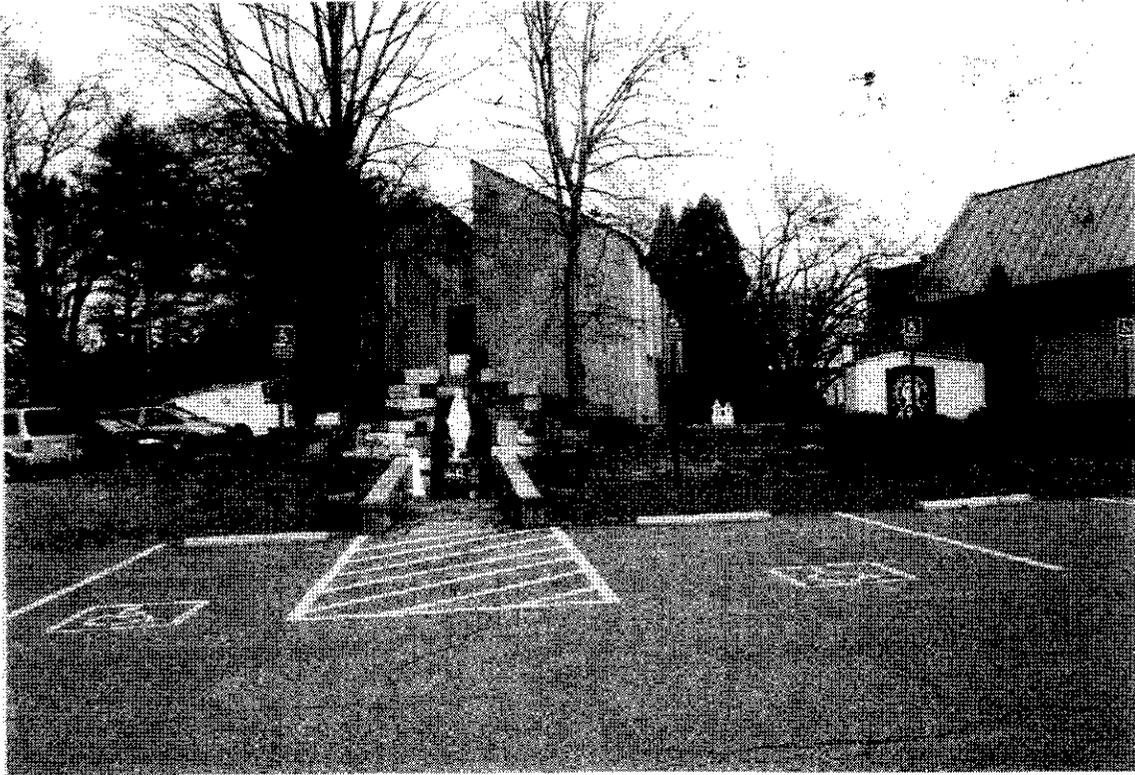


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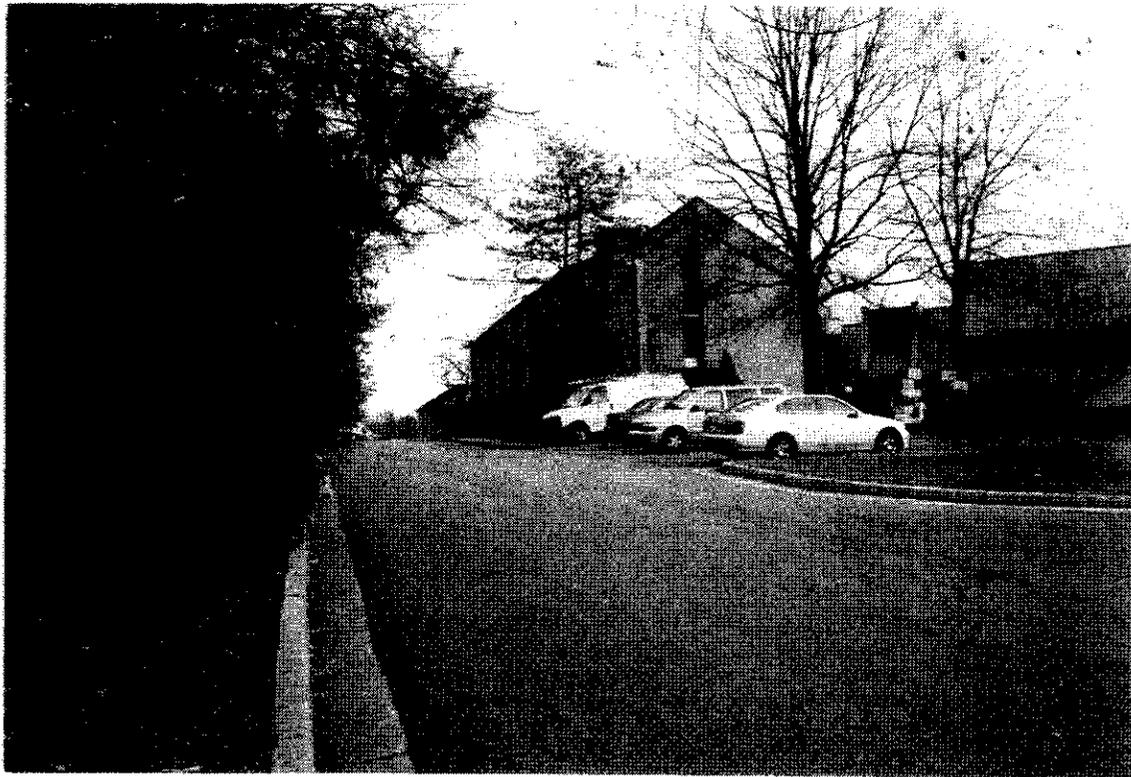


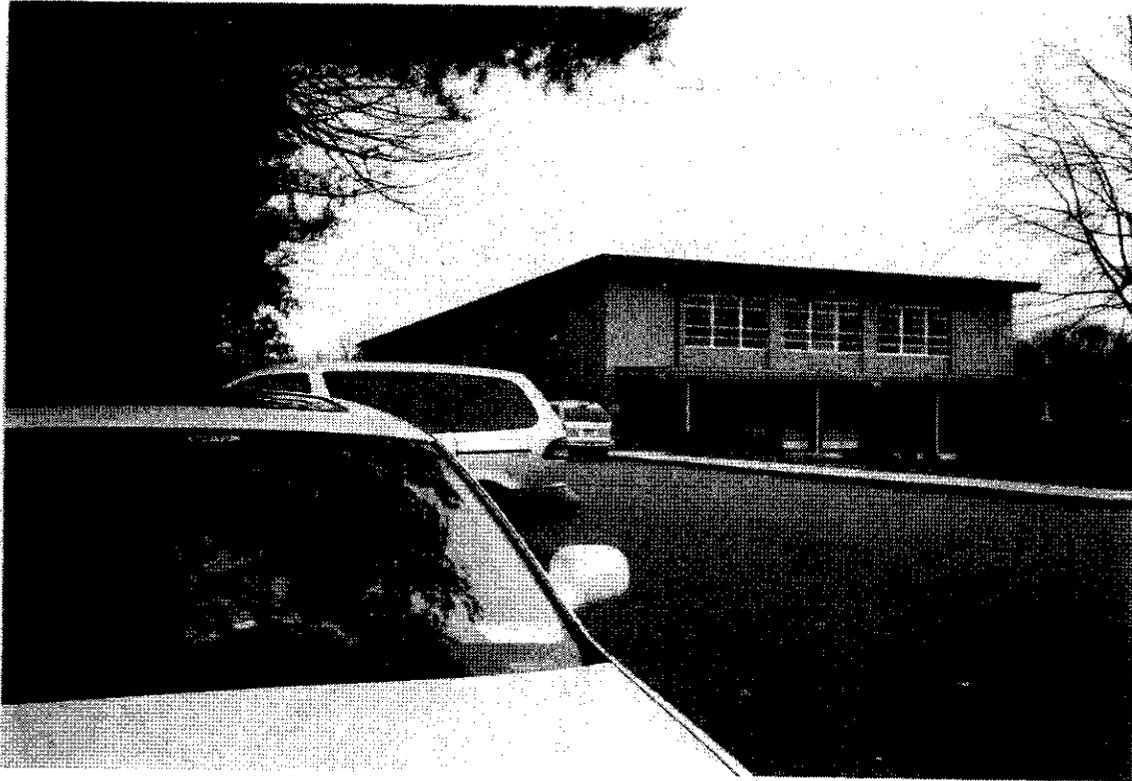
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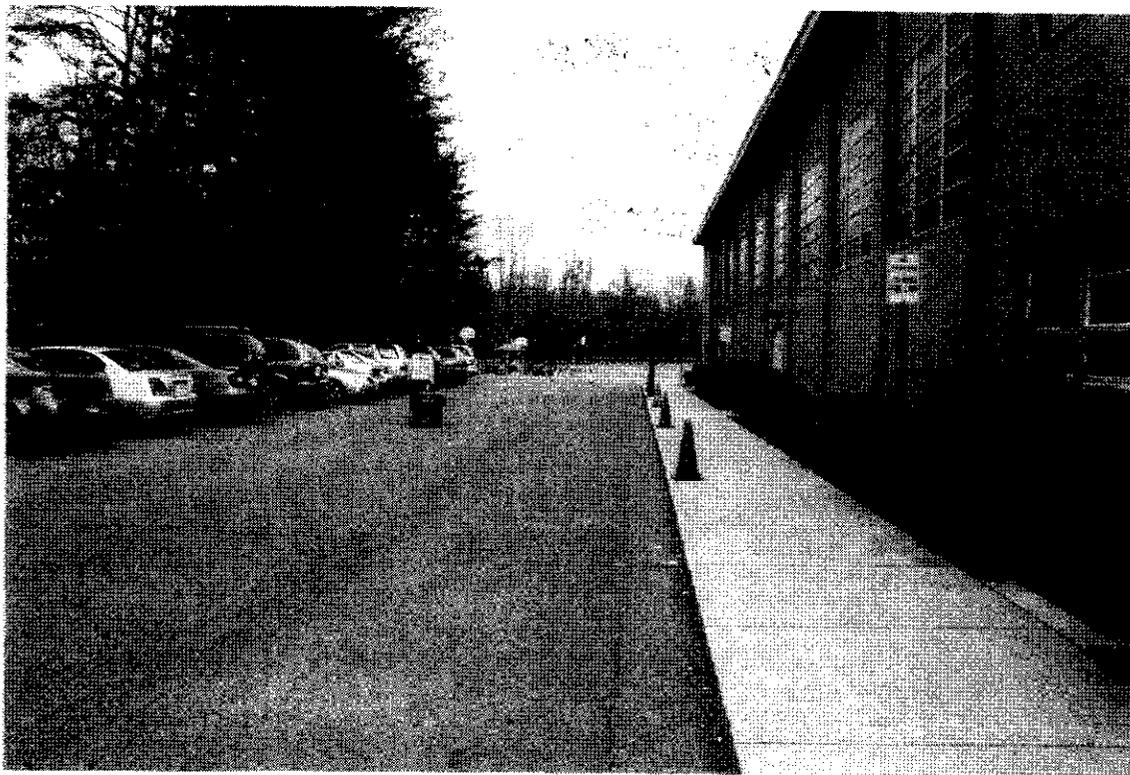


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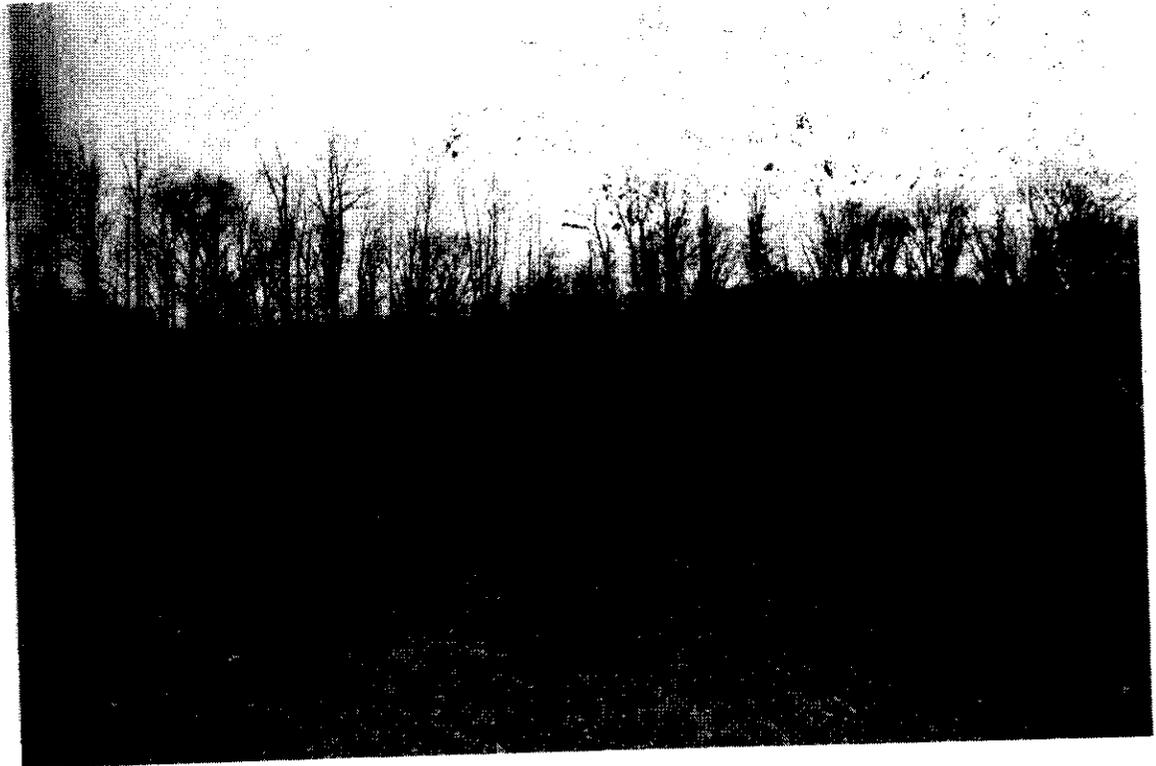
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**DESCRIPTION OF THE APPLICATION****Special Permit Request:**

The applicant seeks to amend S-276-78 previously approved for a private school of general education with a maximum daily enrollment of 540 students and a church with a seating capacity of 1,324 seats to permit the addition of a nursery school with a maximum daily enrollment of 40 children and a child care center with a maximum daily enrollment of 50 children. No exterior site modifications are proposed. The church operations remain unchanged.

Existing and/or Approved Under SP 78-S-276

**Size:** 24.73 acres (Site)  
Building – 21,500 sq. ft. (No changes)

**FAR:** 0.07

**Number of Seats in Sanctuary:** 1,324 seats (No changes)

**Parking:** 335 spaces (No changes)

**Hours of Operation:** Mass:  
9:00 a.m. – 9:30 a.m., Monday through Friday  
8:00 a.m., 5:30 p.m., Saturday  
7:30 a.m., 9:00 a.m., 10:45 a.m., 12:30 p.m., 3:00 p.m. and 5:00 p.m., Sunday

Confessions:  
4:00 p.m. – 5:00 pm., Saturday

Private School of Gen. Education:  
7:45 a.m. – 3:00 p.m., Tuesday through Friday  
7:45 a.m. – 2:30 p.m., Monday Dismissal

**Enrollment:** Private School of General Education:  
540 children, maximum daily enrollment

**Number of Employees/Staff:** Church:  
18 employees/staff, maximum at any one time

Private School of General Education:  
50 employees, maximum at any one time

Additional Uses Proposed Under SPA 78-S-276

- Hours of Operation:**
- Nursery School:  
8:30 a.m. – 11:15 a.m., Monday through Friday;  
12:00 p.m. – 2:45 p.m., Monday through Friday; no class  
after 11:00 a.m. on Monday
- Child Care Center:  
6:45 a.m. – 7:45 a.m. and 3:00 p.m. – 6:00 p.m., Tuesday  
through Friday 6:45 a.m. – 7:45 a.m. and 2:30 p.m. – 6:00  
p.m., Monday
- Enrollment:**
- Nursery School:  
20 children, maximum per session at any one time (Total of  
40 children on any given day)
- Child Care Center:  
50 children, maximum daily enrollment (All of these  
students are enrolled in the Private School of Gen Ed.)
- Number of Employees/Staff:**
- Nursery School:  
3 employees/staff, maximum at any one time  
(1 full-time Director\*, 2 part-time staff)
- Child Care Center:  
3 employees/staff, maximum at any one time  
(1 full-time Director\*, 3 part-time staff)  
Note: The full-time Director serves as director for both the  
Nursery School and Child Care Center.

**LOCATION AND CHARACTER****Existing Site Description:**

The application site consists of one lot that is divided by Old Keene Mill Road. The portion of the site that is located on the north side of Old Keene Mill Road, east of its intersection with Hunter Village Drive is zoned to the R-2 zoning district and contains all of the site improvements. The triangular portion of the lot that is located on the south side of Old Keene Mill Road is vacant and is zoned PDH-3. The 24.73-acre site is currently developed with a single-story, 21,500 square-foot church building previously approved for a maximum of 1,324 seats. This building is surrounded by a two-story brick building on the east and another two-story brick building on the west that primarily houses the existing private school of general education. The approved site and grading plan depicts 335 surface parking spaces on site, the majority of which are located at the front of the property fronting Old Keene Mill Road. The site is accessed via two existing curb cuts along Old Keene Mill Road. The eastern most

entrance is a full-access entrance that serves as the primary entrance to the site. A Resource Protection Area (RPA) and floodplain is located on a significant portion of the site. The floodplain line starts at the southeast portion of the property and extends north and west of the church buildings. The subject property is surround by Fairfax County Park Authority land to the north, east, south and a portion of the property to the west; single family detached dwellings (Monticello Forest Subdivision) zoned to the R-2 District are located to the north and east of the park land; Cardinal Square Townhouse development, zoned PRC, borders the front half of the northern portion of the application property to the west.

**Surrounding Area Description:**

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Park Authority	R-2	Public Park
<b>South</b>	Park Authority	R-2	Public Park
<b>East</b>	Park Authority; Residential – Single Family Detached Dwellings	R-2	Public Park; Residential: 2 – 3 du/ac
<b>West</b>	Park Authority; Cardinal Square Townhouses	R-2; PRC	Public Park; Planned Residential Community

**BACKGROUND**

On May 31, 1960, the Board of Zoning Appeals (BZA) approved Special Permit # 8086 for the St. Bernadette School to permit the operation of a private school of general education (kindergarten through 8<sup>th</sup> grade).

On December 5, 1978, the BZA approved Special Permit, S-276-78, subject to development conditions, to permit the addition of a church to the property.

On June 5, 1979, the BZA took action to amend the previously approved development condition #8 under S-276-78, to reduce the required on-site parking from 419 spaces to the minimum required by the Zoning Ordinance (331 spaces for 1,324 seats), but the approved site and grading plan dated 6/27/1980 depicts 335 spaces. A copy of the approved development conditions is included as Appendix 4.

On March 30, 1998, an interpretation was approved to add a two-lane running track to the school site in a cleared area to the north of the school building.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Area IV

**Planning Sector:** Springfield Planning District  
S1 – Cardinal Forest Community Planning Sector

**Plan Map:** Public Park, Public Facilities and Planned Residential Community (PRC)

## ANALYSIS

**Special Permit Amendment Plat** (Copy at front of staff report)

**Title of SPA Plat:** Site & Grading Plan, St. Bernadette's Catholic Church

**Prepared By:** William H. Gordon, P.E., William H. Gordon Associates

**Dated:** May 1978, as revised through February 13, 1980

### Proposed Use:

The applicant seeks special permit approval to add a nursery school and child care center use to the previously approved church with private school of general education uses. The private school has a maximum of 50 employees; the nursery school will have a maximum of three employees; and the child care center will have a maximum of three additional employees on site at any one time. The nursery school is proposed to operate in two sessions, a morning and an afternoon session, with a maximum daily enrollment of 20 children in each session, or 40 children per day. The child care center is proposed to provide before- and after-school care to existing students of the private school of general education and will have a maximum daily enrollment of 50 children. The director of the nursery school will also serve as the director of the child care center. Existing play areas and fields will be utilized as outdoor recreation area for the school, the proposed child care center and nursery school uses. No new construction or site modifications are proposed with this application.

### Land Use Analysis

The Comprehensive Plan recommends that infill development in this largely developed area of stable residential neighborhoods should be of a compatible use, type, and density and in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. The area is planned for public park, public facilities and Planned Residential Communities (PRC's). Staff believes the proposed uses and intensity are in harmony with the Comprehensive Plan recommendations for the area and there are no design or compatibility issues, as no additional on-site construction is proposed.

**Transportation Analysis (Appendix 5)**

The Fairfax County Department of Transportation (FCDOT) analysis of traffic and parking assessment data provided by the applicant indicates that the eastbound Old Keene Mill Road left turn storage lane which serves the application site will often reach maximum capacity. It would be desirable for the applicant to encourage transit usage by installing a concrete pad to accommodate a bus shelter located adjacent to the site’s western entrance (Stop 03075), or at a minimum, provide easements for the installation of a bus shelter by the County. The Transit Operations Division of FCDOT also requests the applicant to increase the size of the existing bus shelter pad (on the application site’s southern parcel (Stop 03076), across Old Keene Mill Road, and add a connecting sidewalk. The requested improvements and/or easements for future improvements would serve to encourage transit use and reduce traffic as well as bring the existing stops into compliance with the American Disabilities Act (ADA). The applicant has elected not to provide these improvements or easements to accommodate the future installation of said improvements.

The Virginia Department of Transportation (VDOT) has indicated that the western-most entrance to the application site is below minimum spacing standards set forth by VDOT Access Management Design Standards. Therefore, an access management exception form must be submitted for review and approval to maintain this entrance. As no additional on-site construction is proposed with this application, the site is not likely to undergo site plan review and there will be no additional review by VDOT to require this exception request. However, it should be noted that any future development on this site that requires site plan review would be subject to meeting VDOT standards in effect at that time.

**ZONING ORDINANCE PROVISIONS**

<b>Residential (R-2 ) District, Two Dwelling Units/Acre</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Lot Size	15,000 sq. ft. (minimum)	24.73 acres
Lot Width	100 feet (minimum)	505 feet
Building Height	60 feet (maximum)	28.7 feet
Front Yard	45° ABP but not less than 35 feet	178 feet
Side Yard	40° ABP but not less than 15 feet	45 feet (east) 40 feet (west)
Rear Yard	40° ABP but not less than 25 feet	336 feet
FAR	0.20	0.07

<b>Residential (R-2 ) District, Two Dwelling Units/Acre</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Parking Spaces	Church @ 1324 seats = 331 spaces Private School = 1/empl + 4 = 54 Child Care Center/ Nursery School (0.19/child x 70) = 14 spaces  Total = 399 spaces	335 spaces*
Interior Parking Lot Landscaping	5% (2,585 sq ft)	8.8% (4,570 sq ft)
Outdoor Recreation Area (Child Care Center/ Nursery School)	100 sq ft / child = 7,000 sq ft (70 children)	196,500 sq ft (maximum 1,965 children at any one time)
Outdoor Recreation Area (School of Gen. Ed. grades K-3)	200 sq ft /child	51,700 sq ft (maximum 258 children at any one time)
Outdoor Recreation Area (School of Gen. Ed. grades 4-12)	400 sq. ft / child	196,500 sq ft (maximum 491 children at any one time)
Transitional Screening (West)	TS 1: Min. 25 feet wide	Minimum 40 feet of existing vegetation
Barrier (West)	D, E or F	None

\* **Parking**

The applicant will be required to obtain a parking reduction for the church, private school of education (grades K – 8<sup>th</sup>), child care center and nursery school uses from the Department of Public Works and Environmental Services (DPWES). The required parking for a place of worship with 1,324 seats is at one space per four seats (or 331 spaces), private school of general education for grades K – 8<sup>th</sup>, 1 space per each employee plus 4 spaces (54 spaces) and a child care center/nursery school with less than 100 children is at 0.19 spaces per child (or 14 spaces); 399 total parking spaces are required.

## **WAIVERS/MODIFICATIONS REQUESTED**

### **Waiver/Modification:**

A modification of the western boundary transitional screening requirement and corresponding waiver of the barrier requirement are needed.

**Basis:** Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architectural and landscaping techniques. While the applicant has not requested a modification of the western boundary transitional screening requirement or a waiver of the barrier requirement, the existing vegetation along the western boundary measures at a minimum, approximately 40 feet in width and consists of densely wooded vegetation that would exceed the transitional screening requirements and meets the intent of these requirements. Since the proposal to add the nursery school and child care center uses does not include any additional construction to the site or exterior modifications, staff supports a modification of the transitional screening requirements and a waiver of the respective barrier requirements to permit the existing vegetation to satisfy these requirements.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (Appendix 6)**

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sects. 8-303)
- Additional Standards for Churches with a Nursery School (Sects. 8-308; 9-309)
- Additional Standards for Child Care Centers (Sects. 8-308; 9-310)

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

Subject to the proposed development conditions, all applicable standards have been satisfied.

## **CONCLUSIONS**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATIONS**

Staff recommends approval of SPA 78-S-276 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, 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 recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Resolution for SP S-276-78
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SPA 78-S-276****February 17, 2010**

If it is the intent of the Board of Zoning Appeals to approve SPA 78-S-276 located on property described as Tax Map 90-1 ((1)) 1 to amend S-276-78 previously approved for a private school of general education and church, to permit the addition of a nursery school and child care center, pursuant to Section 3-203 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (\*). Minor edits have been made to these conditions to conform to current terminology.

1. This approval is granted to the applicant only, Most Rev. Paul of the Catholic Diocese of Arlington, Virginia and his successors in office/ St. Bernadette's Catholic Church/School, and is not transferable without further action of this Board, and is for the location indicated on the application, 7600 Old Keene Mill Road, and is not transferable to other land.\*
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by William H. Gordon, Associates, dated through June 19, 1980 and approved with this application as qualified by these development conditions.\*
3. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) 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 use.\*
4. This special permit 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 the approved special permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.\*
5. The seating capacity in the main area of worship shall not exceed 1,324 seats.
6. The maximum total daily enrollment for the private school of general education shall be limited to 540 children, kindergarten through eighth grade.
7. The maximum hours of operation for the private school of general education shall be 7:45 a.m. to 3:00 p.m., Monday through Friday.

8. Staff/teachers for the private school of general education shall not exceed (50) school employees at any one time.
9. The maximum total daily enrollment for the child care center shall be limited to 50 children. All children enrolled in the child care center shall be students in the school of general education.
10. The maximum hours of operation for the child care center shall be 6:45 a.m. to 7:45 a.m., and 2:30 pm to 6:00 pm, Monday through Friday.
11. The maximum total daily enrollment for the nursery school shall be limited to 20 children per session with a maximum of two (2) sessions per day.
12. The maximum hours of operation for the nursery school shall be limited to 8:30 a.m. to 11:15 a.m., and 12:00 p.m. to 2:45 p.m., Monday through Friday.
13. No more than 258 students for the private school of general education shall occupy the designated outdoor recreation area at any one time.
14. The operator of the private school of general education shall designate a carpool coordinator to administer and encourage participation in a carpool program designed to reduce the number of vehicle trips to and from the school during rush hour periods.
15. Parking shall be provided as depicted on the special permit amendment plat, and shall consist of a minimum of 335 parking spaces. All parking shall be on site.
16. The applicant shall obtain approval of a parking reduction through the Department of Public Works and Environmental Services (DPWES) as required by Sect. 11-106.3 of the Zoning Ordinance, prior to the issuance of a new Non-RUP for the church, private school of general education, child care center and nursery school uses. If approval of a parking reduction is not obtained, the number of seats in the worship area and/or the number of children in the private school of general education, child care center and/or nursery school shall be reduced to meet parking requirements as determined by DPWES.

17. Transitional screening shall be modified along the western lot line to permit existing vegetation on site to meet the requirements of Transitional Screening 1 (TS 1). All vegetation shall be maintained in good condition and any dead or dying vegetation shall be replaced as determined necessary by Urban Forest Management Division (UFMD), DPWES.
18. The barrier requirement shall be waived along the western lot line.
19. All signs on the property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance.

These development conditions incorporate and supersede all previous development conditions. 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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 18, 2009  
 (enter date affidavit is notarized)

I, Mark Herrmann, atty-in-fact for Most Rev. Paul S. Loverde, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below      103419a

and that, to the best of my knowledge and belief, the following 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 must 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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Most Rev. Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and his successors in office	200 N. Glebe Road, Suite 914 Arlington, VA 22203	<b>Applicant/Title Owner</b>
St. Bernadette Catholic Church/School	7600 Old Keene Mill Road Springfield, VA 22152-2022	<b>Co-Applicant</b>
Rev. Mark S. Mealey, O.S.F.S.	200 North Glebe Road, Suite 914 Arlington, VA 22203	<b>Agent and Attorney-in-Fact for Most Rev. Paul S. Loverde</b>
Mark E. Herrmann, Esq.	200 North Glebe Road, Suite 914 Arlington, VA 22203	<b>Agent and Attorney-in-Fact for Most Rev. Paul S. Loverde</b>
Rev. Kevin J. Larsen	7600 Old Keene Mill Road Springfield, VA 22152-2022	<b>Agent</b>
Patricia V. Beeks	7600 Old Keene Mill Road Springfield, VA 22152-2022	<b>Agent</b>

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance 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).

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 18, 2009  
(enter date affidavit is notarized)

103419a

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:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

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

NOT APPLICABLE

**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)

NOT APPLICABLE

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance 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.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 18, 2009  
(enter date affidavit is notarized)

10349a

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

NOT APPLICABLE

(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**)

NOT APPLICABLE

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance 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.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 18, 2009  
(enter date affidavit is notarized)

103419a

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:

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 Zoning Appeals, 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 Permit/Variance Attachment to Par. 2" form.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 18, 2009  
(enter date affidavit is notarized)

10349a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, 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 Permit/Variance 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:**

*Mark Herrmann*

(check one)

Applicant

Applicant's Authorized Agent

Mark Herrmann, atty-in-fact for Most Rev. Paul S. Loverde  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of March 2009, in the State/Comm. of Virginia, County/City of Arlington.

*Miriam I. Flaim*

Notary Public

Registration No: 104053

My commission expires: October 31, 2010

Miriam I. Flaim  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #104053  
My Commission Expires 10/31/2010

JUN 30 2009

## STATEMENT OF PROPOSED USE

Zoning Evaluation Division

This is a statement of Proposed Use required by the Fairfax Zoning Ordinance by the Saint Bernadette Catholic Church and School.

**A. Type of Operation:****Catholic Church**

**Catholic School—Grades K-8.** We offer a full course of general elementary school instruction for grades Kindergarten-8 from September through June.

**Proposed Child Care Center** for families of children enrolled in St. Bernadette Catholic School, grades Kindergarten-8.

**Proposed Nursery School** for children ages 4-5.

**B. Hours of Operation:**

- **Catholic Church** with a Mass schedule Monday-Friday 9:00-9:30 a.m.; Saturday 8:00 a.m., 5:30 p.m.; Sunday 7:30 a.m., 9:00 a.m., 10:45 a.m., 12:30 p.m., 3:00 p.m., 5:00 p.m. Confessions are held every Saturday, 4:00-5:00 p.m.
- **Catholic School** hours are as follows: Tuesday-Friday, 7:45 a.m. arrival until 3:00 p.m. dismissal; on Mondays, dismissal is at 2:30 p.m. Instruction begins at 8:15 a.m. Monday through Friday
- **Proposed hours for Child Care Center:** 6:45 a.m. until 7:45 a.m., and 3:00 p.m. until 6:00 p.m., Tuesday through Friday. On Mondays, the afternoon hours would begin at 2:30 p.m. and end at 6:00 p.m.
- **Proposed hours for Nursery School:** Overall hours of operation are 8:15 a.m. until 2:45 p.m. Individual class hours are anticipated to be 8:30 a.m. until 11:00 a.m., Monday through Friday, and 12:00 p.m. until 2:30 p.m. Tuesday through Friday. No class on Monday after 11:00 a.m.

**C. Estimated Number of Students:**

- **Catholic Church**  
Seating capacity in the church: 1500 parishioners  
Total number registered parishioners: 9100
- **Catholic School**  
Total enrollment school year 2008-2009: 430  
Anticipated enrollment school year 2009-2010: 445
- **Proposed Child Care Center**  
There will be 30 full-time students enrolled in the total program. Part-time students will be admitted on a space-available basis.
- **Proposed Nursery School**  
There will be 52 students enrolled in the total program, never more than 20 in the building at one time.

**D. Estimated Staff:**

- **Catholic Church and School** has a full-time staff of 70.
- **Proposed Child Care Center** would have 1 full time Director and 3 part-time staff, as mandated by State license requirements.
- **Proposed Nursery School** would have 1 full time Director and 2 part-time staff members.

**E. Estimated Traffic Impact:**

- **Catholic Church:** The church parking lots can accommodate 403 cars.
- **Catholic School:** Morning arrival and afternoon dismissal is accomplished through carpools. In 2008-2009, approximately 132 cars arrived and departed each morning and afternoon, Monday-Friday due to carpooling.
- **Proposed Child Care Center:** It is certain that 100 percent of the students in the program arriving in the morning and departing in the afternoon/evening are enrolled in St. Bernadette Catholic School and will be arriving and departing by means of parent cars and carpools. The current school zoning allows for 1,080 trips per day with a total school enrollment of 540 students. The anticipated St. Bernadette School enrollment for 2009-2010 is 445. This number would generate a maximum of 890 trips per day. However, St. Bernadette School has a total of 304 families, thus reducing the total number of trips per day, due to carpools. As a result, the proposed Child Care Center will not add any additional traffic over that already generated by St. Bernadette School.
- **Proposed Nursery School:** It is estimated that the total traffic generated by the program will be 40 trips per day. Of the 52 students enrolled, approximately 40 of them will rideshare with other students. This is broken down as follows:  $40 \times 2 = 80$ ,  $\frac{1}{2}$  of  $80 = 40$ . It is estimated that more than  $\frac{3}{4}$  of the students will carpool with siblings enrolled in the current school (K-8) program. The current school zoning allows for 1,080 (if 540 students were enrolled) trips per day; 682 trips a day is the current use. The total school and preschool traffic impact would be 722 trips per day.

**F. Vicinity:**

- **Catholic Church boundaries:** Beginning at Beltway (I-495) and I-395—follow Beltway west to Southern RR tracks—West on tracks to Rolling Road—South on Rolling Road to Dominion Virginia Power power line—Southwest on power line to Pohick Creek—South and east along Pohick Creek to Fairfax County Parkway—east on Parkway to Rolling Road—South on Rolling Road to Pohick Road and I-95—I-95 north to Beltway.
- **Catholic School:** St. Bernadette School admits students from families of both parishioners and non-parishioners. These families come from the greater Springfield area, as well as from other areas, such as Lorton and Alexandria.
- **Proposed Child Care Center:** The Child Care center will only admit students who are registered in St. Bernadette School.

- **Proposed Nursery School:** The Nursery School will admit students from families who are both parishioners and non-parishioners, following the same guidelines as the school.

**G. Description of building façade:** There will be no building modifications or additions to the existing facility. All Child Care Center and Nursery School activities will take place in the existing St. Bernadette School facility. The existing buildings are brick and mortar, with rubber roofs. There is no new building or additions proposed.

**H. Hazardous Substances:** To the best of the applicant's knowledge, information and belief, there are no hazardous or toxic substances on the property nor any existing tanks or containers.

**I. The Saint Bernadette Parish and School conform to all the ordinances, regulations, adopted standards and any applicable conditions.**

R E S O L U T I O N

APPENDIX 4

Mr. Yaremchuk made the following motion:

WHEREAS, Application No. S-276-78 by ST. BERNADETTE'S CATHOLIC PARISH under Section 3-203 of the Fairfax County Zoning Ordinance to permit a church on property located at 7600 Old Keene Mill Road, tax map reference 90-1(1)1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and,

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on December 5, 1978; and

WHEREAS, the Board has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-2.
3. That the area of the lot is 24.7310 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses In R Districts as contained in Section 8-006 of the Zoning Ordinance, and

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

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 and is not transferable to other land.
2. This special permit shall expire one year from this date unless construction or operation has started and is diligently pursued or unless renewed by action of this Board prior to any expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit 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 use.
6. Landscaping and screening may be required and must satisfy Sect. 13-109 and Sect. 13-110 of the Zoning Ordinance except as qualified below.
7. The hours of operation shall be normal church uses.
8. The number of parking spaces shall be 419. - *Change - see attached letter*

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 5 to 0.

-----  
Page 33, December 5, 1978, After Agenda Items

APPROVAL OF MINUTES: Mr. Barnes moved that the Minutes of the Board of Zoning Appeals Meeting of June 20, 1978 be approved as amended. Mr. DiGiulian seconded the motion and it passed by a vote of 4 to 0 with 1 abstention as Mr. Andie was not a Board Member at this time.



# County of Fairfax, Virginia

APPENDIX 5

## MEMORANDUM

DATE: January 13, 2010

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver  
Site Analysis Section  
Department of Transportation

**FILE:** 3-6 (SP 78-S-276)

**SUBJECT:** Transportation Impact

**REFERENCE:** SPA 78-S-276; St. Bernadette's Catholic Parish.  
Traffic Zone: 1506  
Land Identification: 90-1 ((1)) 1

RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING

JAN 19 2010

SPECIAL PERMIT &  
VARIANCE BRANCH

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated May 1978, and revised through June 19, 1980. The applicant wishes to amend SP S-276-78 previously approved for a church and private school of general education to permit a nursery school and child care center. There will be 20 children enrolled in the nursery school in each of two shifts for a total of 40 children. The child care center will have a total of 50 children and all will be students enrolled in the private school of education. The results of the provided Traffic and Parking Assessment dated November 23, 2009, were deemed adequate.

- There should be a condition that all children enrolled in the child care center must be students in the private school of education.
- Information provided by the applicant indicates that the eastbound Old Keene Mill Road left turn storage lane which serves the site will often reach maximum capacity. Although the requested nursery school and child care center will generate trips at times which are different than the greatest site trip generation, it would be desirable for the applicant to encourage transit usage. In view of this, the Transit Operations Division of FCDOT has requested that the applicant install a concrete pad large enough to accommodate a bus shelter located close to the western entrance to the site, and provide easements for the installation of a bus shelter by the County; or install a bus shelter and maintain the shelter. Transit also requests the applicant to increase the size of the existing bus shelter pad on the south side of Old Keene Mill Road and add a connecting sidewalk. Bus shelter pads typically measure approximately 14 feet by 15 feet.

AKR/LAH/lah

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877 5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)







# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY  
ACTING COMMISSIONER

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

January 21, 2010

**To:** Ms. Regina Coyle  
Director, Zoning Evaluation Division

**From:** Peter K. Gerner  
Virginia Department of Transportation – Land Development Section  
703-383-2424

**Subject:** St. Bernadette Catholic School  
Traffic and Parking Assessment

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the subject study submitted on December 10, 2009, and received on December 15, 2009. The following comments are offered:

The study has addressed our concern regarding adequacy of the left and right turn storage lengths. However, violation of access management design standards remains a concern. The location of the western most entrance to the site is below minimum spacing standards set forth by VDOT Access Management Design Standards. The proper access management exception form must be submitted for review and approval.



# COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.  
COMMISSIONER

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

October 2, 2009

Ms. Regina Coyle  
Director of Zoning Evaluation  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: Saint Bernadette's Catholic Parish  
SPA 78-S-276  
Tax Map No.: 90-1((1))1

Dear Ms. Coyle:

We have reviewed the referenced plan as requested and offer the following comments:

1. Existing traffic generated by the church is more than the proposed traffic. Thus Sunday traffic drives the design for the left turn and right turn lanes. The existing turn bay lengths are adequate. However, physical constraints surrounding the site make further expansion to the turn lane lengths unfeasible. Therefore future applications for expansion to this site should be closely examined since the turn bay lanes are currently at or near capacity.
2. The western most entrance to the site is too closely spaced with the intersection to the west. This entrance is below minimum spacing standards and should be closed.

If you have any questions, please call me at (703) 383-2059.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter K. Gerner".

Peter K. Gerner, P.E.  
Transportation Engineer

cc: Ms. Angela Rodeheaver

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. 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.
4. 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.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. 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.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

**8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship with a Child Care Center, Nursery School or Private School**

Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.

**9-309 Additional Standards for Child Care Centers and Nursery Schools**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
  - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
  - C. Only that area which is developable for active outdoor recreation purposes.
  - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

<b>Number of Persons</b>	<b>Street Type</b>
1-75	Local
76-660	Collector
660 or more	Arterial

- 3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
- 4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

**9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
  - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
  - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
  - B. That area outside the limits of the required front yard.
  - C. Only that area which is developable for active outdoor recreation purposes.
  - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above.
  3. All private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above. If applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.