



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 10, 2010

Lynne J. Strobel
Walsh, Colucci Lubeley Emrich and Walsh
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Amendment Application SEA 95-S-038-02

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on March 9, 2010, the Board approved Special Exception Amendment Application SEA 95-S-038-02 in the name of the Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office. The subject property is located at 6398 Nativity Lane on approximately 10.18 acres of land zoned R-1 in the Springfield District [Tax Map 88-1 ((1)) 10]. The Board's action amends Special Exception Application SE 95-S-038, previously approved for a church with a private school of general education and nursery school to permit building additions, site modifications and associated modifications to development conditions with no increase in enrollment pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted for only the purpose(s) and/or use(s) indicated on the special exception plat approved with this application, as qualified by these development conditions which supersede all previous special permit and special exception conditions.*

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in conformance with the approved Special Exception plat entitled "Church of the Nativity", prepared by Bowman Consulting Group, Ltd., dated May 29, 2009 as revised through January 22, 2010, consisting of six sheets, and these conditions.
4. The maximum number of seats in the main area of worship shall be 800.*
5. The combined maximum daily enrollment of the private school of general education and the nursery school shall be 450. The school of general education shall be for grades K through 8. Upon issuance of a Non-RUP for this Special Exception Amendment, the nursery school shall have no more than 100 students enrolled at any one time and no more than 40 students on site at any one time.
6. The hours of operation for the private school of general education and the nursery school shall be from 7:00 a.m. to 10:00 p.m., Monday through Friday, and no later than 11:00 p.m. on weekends and holidays or special events.*
7. Activities associated with the place of worship shall conclude no later than midnight, exclusive of special services associated with religious holidays.
8. The number of children using the 44,800 square foot outdoor recreation area as shown on the SEA Plat at any one time shall not exceed that required by the standards set forth in Section 9-309 (Additional Standards for Child Care Centers and Nursery Schools) and 9-310 (Additional Standards for Private Schools of General Education and Private Schools of Special Education) of the Zoning Ordinance, which currently require the following: 100 square feet of outdoor recreation area per child using the space at any one time for the child care center; 200 square feet per child in grades K-3; and 430 square feet per child in grades 4-12.
9. Parking spaces shall be provided as shown on the special exception plat. However, parking may be reduced to 290 spaces, if necessary to reconfigure the entrance as required by development condition number 13, below.*

10. Transitional Screening shall be provided at a minimum width of seventy-five (75) feet along the western lot line from the northwest corner of the site to a point approximately 300 feet south of the northwest corner. In this area and along the southern lot line, existing vegetation may be used and/or supplemented to satisfy the requirement of Transitional Screening 1 as determined by UFM.*
11. In the fifty (50) foot wide vegetated strip located in the recreation area, high quality existing mature deciduous trees shall be saved and undergrowth removed and replaced with mulch or other appropriate material as determined by the UFM. The tree preservation in this area shall serve as additional screening for the use and shall provide shade for the recreational uses which may occur in this area.
12. In lieu of the barrier standards as set forth in the Zoning Ordinance, the six (6) foot high chain link fence (including a lockable personnel gate) as shown on the plat shall remain.
13. At such time as Old Keene Mill Road is improved to a divided facility by others, the applicant shall provide interparcel access to Lot 11 located to the immediate east, within a public access easement.*
14. Within 30 days of the approval of this Special Exception Amendment, the applicant shall submit a request to reevaluate the need for crossing guards, a painted crosswalk, signage and/or flashing warning lights on Old Keene Mill Road, to the Fairfax County Police Department, School Safety Section and VDOT. Any such safety features which are deemed necessary by the Police/VDOT shall be provided by the applicant expeditiously.*
15. A policy shall be created to encourage the use of a walking plan and/or a carpool drop-off plan for the students and parents of the school. This plan shall include procedures for supervised release of walking students at pre-determined points, recommended walking routes, and procedures for parents who drop-off or pick-up students.*
16. No amplified speakers/bells shall be used outside the school building. Hand bells and whistles may be used by administrators and teachers during organized activities.*

17. The nursery school shall be subject to the regulations of Chapter 30 of The County Code, (e.g., indoor recreation space), Title 63.2, Chapter 17 of the Code of Virginia and all other applicable County, State and Federal regulations.
18. The additional square footage for the school (approximately 15,000 square feet) shall not be regularly used by the place of worship during church services to ensure that the number of vehicle trips to the site is not increased during the peak operating hours of the place of worship, which is the principal use on the property.
19. Right of way up to fifty-one (51) feet from the centerline of Old Keene Mill Road along the entire Old Keene Mill Road frontage of the site shall be dedicated to the Board of Supervisors, in fee simple, at the time of site plan approval or within sixty (60) days upon demand by DPWES or VDOT, whichever occurs first. All ancillary easements along the Old Keene Mill Road frontage of the site shall be conveyed to the Board of Supervisors at the time of site plan approval or within sixty (60) days upon demand by DPWES or VDOT, whichever occurs first.
20. Prior to dedication as described in condition #18, a license agreement shall be entered into by the applicant with VDOT to permit the existing structures, landscaping, and parking areas to remain in the right of way along Old Keene Mill Road, including in the area to be dedicated on those roadways, as shown on the Special Exception Amendment Plat. If a license agreement cannot be obtained, or at such time as road improvements are made, the church shall be permitted to re-locate their sign, subject to the provisions of Article 12, out of the right-of-way, directly to the north/west of its current location, without the need for a special exception amendment.
21. New parking lot lighting shall be installed in accordance with the outdoor lighting standards as set forth in Section 14-900 of the Zoning Ordinance. The proposed parking lot light fixtures shall be fully shielded and International Dark Sky (IDA) approved. Exclusive of security lighting, outdoor lighting shall be turned off no later than 12:30 a.m. Motion detectors may be installed on parking lot and security lighting as a security measure.
22. Trash removal shall be scheduled to occur no earlier than 6:00 a.m.

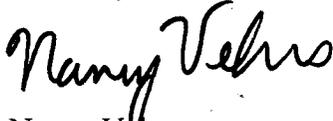
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established 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 as evidenced by the issuance of a new Non-Residential Use Permit. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors 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 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.

The Board also:

- Modified the transitional screening requirements along the southern lot lines and a portion of the western lot lines, as conditioned.
- Waived the barrier requirements along the southern, western, and northern lot lines, as conditioned.
- Waived the construction of frontage improvements along Old Keene Mill Road in favor of the right-of-way dedication, as shown on the SEA Plat, and as conditioned.

Sincerely,



Nancy Venrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Pat Herrity, Springfield District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Eric Teitelman, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 95-S-038-02
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

JUN 02 2009

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

Zoning Evaluation Division

APPLICANT	NAME The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia, and his successors in office	
	MAILING ADDRESS	
	PHONE HOME ()	WORK ()
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 6398 Nativity Lane Burke, Virginia 22015	
	TAX MAP NO. 88-1 ((1)) 10	SIZE (ACRES/SQ FT) Approximately 10.18 acres
	ZONING DISTRICT R-1	MAGISTERIAL DISTRICT Springfield
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A	
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 3-104; 9-301 et seq.	
	PROPOSED USE Amend SE 95-S-038 previously approved for a place of worship, private school of general education, and nursery school to permit building additions and site modifications.	
AGENT/CONTACT INFORMATION	NAME Lynne J. Strobel, Agent	
	MAILING ADDRESS 2200 Clarendon Boulevard, 13th Floor Arlington, Virginia 22201	
	PHONE HOME ()	WORK (703) 528-4700
	PHONE MOBILE ()	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	

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

Lynne J. Strobel, Agent

TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

Lynne J. Strobel

SEA 2009-0139

DO NOT WRITE IN THIS SPACE

Date Application accepted: 8/21/09

Application Fee Paid: \$3565.00

Virginia Ruffe

DEVELOPMENT CONDITION INFORMATION

DEVELOPMENT CONDITION STATEMENT DATE: 01-27-2010

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
CARPOOLS	01-01-0001	0	N/A	\$	01-01-0001
ENROLLMENT LIMITATIONS	01-01-0001	0	N/A	\$	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	\$	01-01-0001
INDOOR RECREATION	01-01-0001	0	N/A	\$	01-01-0001
INTERPARCEL ACCESS / NO ACCESS	01-01-0001	0	WRD CONSTRCTN	\$	01-01-0001
LANDSCAPING - ENVIRONMENT	01-01-0001	0	N/A	\$	01-01-0001
LANDSCAPING - OFF-SITE	01-01-0001	0	N/A	\$	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	\$	01-01-0001
NUMBER OF SEATS	01-01-0001	0	N/A	\$	01-01-0001
OTHER - ENVIRONMENT	01-01-0001	0	N/A	\$	01-01-0001
OTHER - LAND USE	01-01-0001	0	N/A	\$	01-01-0001
OTHER - TRANSPORTATION	01-01-0001	0	N/A	\$	01-01-0001
OUTDOOR PLAY AREA	01-01-0001	0	N/A	\$	01-01-0001
PARKING	01-01-0001	0	N/A	\$	01-01-0001
RIGHT OF WAY - DEDICATION	01-01-0001	0	N/A	\$	01-01-0001
SUBJECT TO SITE PLANS / SUBDIVISION	01-01-0001	0	N/A	\$	01-01-0001
TRAFFIC SIGNAL	01-01-0001	0	N/A	\$	01-01-0001
TRANSITIONAL SCREENING	01-01-0001	0	N/A	\$	01-01-0001
USE RESTRICTIONS	01-01-0001	0	N/A	\$	01-01-0001
WASTE CONTROL	01-01-0001	0	N/A	\$	01-01-0001
	01-01-0001	0	N/A	\$	01-01-0001
APPROVED FOR LOCATION/STRUCTURE	01-01-0001	0	N/A	\$	01-01-0001

WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS

WAIVE BARRIER REQUIREMENT

WAIVE FRONTAGE IMPROVEMENTS

WAIVE TRANSITIONAL SCREENING REQUIREMENT

SUPPLEMENTAL MOTIONS

SUPPLEMENTAL MOTIONS APPROVED
