



County of Fairfax, Virginia

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

June 25, 2010

Mr. Michael Lee
Development Manager/Owner's Representative
Korean Central Presbyterian Church
13003 Henson Ct.
Herndon, VA 20171-2939

Re: Interpretation for SEA 2005-SU-007, Korean Central Presbyterian Church: Non-RUP

Dear Mr. Lee:

This is in response to your letter of April 28, 2010, and supplemental information submitted on June 4, 2010, June 18, 2010 and June 24, 2010 (attached), requesting an interpretation of Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with the approval of SEA 2005-SU-007. As I understand it, the question is whether an interim Non-Residential Use Permit (Non-RUP) may be issued for certain limited church activities prior to the completion of certain transportation improvements. Landscaping and other related on-site improvements will be addressed in separate responses.

You have indicated that the completion of a second left turn lane and traffic signal on Lee Highway at the site entrance was delayed by the major snowstorms that occurred in February of this year. These improvements are currently under construction but will not be completed until July 9, 2010. In the interim, you seek to conduct limited church services as presented in an agreement by The Korean Presbyterian Church P.C.A., dated June 23, 2010, received by email in this office on June 24, 2010 and attached hereto.

In order to provide safe and adequate ingress and egress to the site for limited activities until the completion of the traffic signal and the left turn lane, you have presented and committed to a detailed traffic management plan that includes the following measures.

- Off duty police officers would be employed to control traffic movements for services on Sunday. An officer would be provided at the main site entrance, one at the auxiliary egress from the site, and one at the Pleasant Valley Road intersection.

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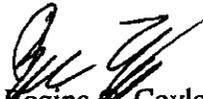


Mr. Michael Lee
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ments, including, the installation of landscaping, to permit full use of the site pursuant to SEA 2005-SU-007. This determination has been reviewed with the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT), and is subject to final approval by those agencies and the Department of Public Works and Environmental Services (DPWES). As indicated in the agreement, the requested limited use Non-RUP is contingent upon safe traffic operations, continued compliance with the commitments in the agreement and is subject to revocation at anytime by Fairfax County. The determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and addresses only the issue discussed above. Separate responses will be issued to the other interpretation questions raised in your request.

If you have any questions regarding this interpretation, please feel free to contact me or Kevin Guinaw at (703) 324-1290.

Sincerely,


Regina E. Coyle, Director
Zoning Evaluation Division

RCC/ /N:\Interpretations\Korean Central Presbyterian ChurchII.doc

Attachments: A/S

cc: Michael R. Frey, Supervisor, Sully District
John L. Litzenberger, Planning Commissioner, Sully District
Dorothy Purvis, Virginia Department of Transportation
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michael Congleton, Senior Deputy Zoning Administrator
Ken Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Chuck Almquist, Site Analysis, DOT
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SEA 2005-SU-007, SEI 1005 016, **Imaging**, Reading File



MYL Development & Services, Inc.
commercial real estate development advisors

RECEIVED
Department of Planning & Zoning

APR 29 2010

Zoning Evaluation Division

April 28, 2010

Ms. Regina Coyle
Director of Zoning Evaluation Division
Department of Planning and Zoning
County of Fairfax
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

**RE: Korean Central Presbyterian Church (KCPC)
Special Exception Amendment: SEA2005-SU-007
Site Plan: 9630-SP-004-2**

SUBJ: Letter of Interpretation for Development Condition #38.

Ms. Coyle,

We respectfully submit this Letter of Interpretation for the approval of allowing the Korean Central Presbyterian Church to install the required signal after issuance of the Non-RUP. The Development Condition No. 38 states;

"However, upon demonstration by the applicant that despite diligent efforts, the improvement has been delayed, the Zoning Administrator may agree to a later date for the installation of the signal."

We summarize below our diligent effort to install the signal within the proper timeframe and the causes of our delays, which we feel were outside of our control:

1. Based on the attached November 6, 2009 schedule from American Infrastructure, our site contractor, our targeted completion date was April 16, 2010. The critical path relates to cut and fill (300407.5), fine grade & stone (300407.9), paving (300407.10), and storm work (300407.6.1) along the south side or KCPC's side of Route 29/Lee Highway.
2. Prior to starting the cut and fill activity (300407.5), Level 3 Communications was required to relocate its main fiber line. The relocation work started January 20, 2010, a two week activity, but they did not complete the work until February 19, 2010. Level 3 Communication lost at least 2 weeks due to the exceptional amount of snow received during the month of February.
3. American Infrastructure mobilized on February 22, 2010 but spent the first two days clearing snow and lost at least another week due to the need of drying wet soil with lime. No dry, suitable fill material offsite was readily available at that time.



THE KOREAN CENTRAL PRESBYTERIAN CHURCH P.C.A.

June 23, 2010

와싱턴중앙장로교회

Ms. Regina Coyle
Director of Zoning Evaluation Division
Department of Planning and Zoning
County of Fairfax
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

**RE: Korean Central Presbyterian Church (KCPC)
Special Exception Amendment: SEA2005-SU-007
Site Plan: 9630-SP-004-2
Amendment to LOI submitted by MYL Development dated June 3, 2010**

SUBJ: KCPC Commitment Letter

Ms. Coyle,

For the purpose of clarifying and furthering our commitment on the contingent issuance of the Non-RUP for the Korean Central Presbyterian Church, we respectfully submit this letter to memorialize our commitments to Fairfax County.

Status of Project

The building has received its pre-occupancy approval from the Fire Marshal and its approval from the Health Department. We passed our final Building Inspection on June 16, 2010 but we are waiting for site inspection, which is contingent upon the completion of the roadwork.

The roadwork on Route 29 is progressing well as we still anticipate completing the second turn lane up to intermediate base by July 9, 2010. Our contractor has shifted traffic is currently working on the median placing storm structures and filling the median to proper grade. The signal poles and signal fixtures are installed and we are awaiting NOVEC to provide the power.

Outstanding Issues

The following is an updated list of remaining work previously detailed in our Amendment to the Letter of Interpretation:

1. Wood pedestrian bridge - Awaiting approval from the Zoning Department.

congested morning hours. Furthermore, the spirit of Development Condition #46 discussions, according to those involved in the negotiations, focused on cumulative traffic impact in the morning. This service has been and will be a very valuable component of our program as it specifically focuses on college students and young adults.

2. Distribution of members will be as the following:

- | | |
|---------------------------------------|----------------------------|
| a. 1 st Service (8:00am): | 400 - 500 church members |
| b. CCPC English Service (9:45am): | 120 members |
| c. 2 nd Service (10:00am): | 1100 - 1200 church members |
| d. 3 rd Service (12:00am): | 1000 - 1100 church members |
| e. 4 th Service (2:30pm): | 300 - 400 church members |

The above based on internal survey, which available upon request.

3. More than 730 member vehicles will take Exit 47B (Rt. 234 Business) on Route 66 for a right turn into the church, and therefore, significantly reducing the left turn traffic off of Lee Highway. The following is the approximate distribution of member vehicles taking this detour:

- | | |
|---------------------------------------|---------------------|
| a. 1 st Service (8:00am): | 100 member vehicles |
| b. CCPC English Service (9:45am): | 30 member vehicles |
| c. 2 nd Service (10:00am): | 275 member vehicles |
| d. 3 rd Service (12:00am): | 250 member vehicles |
| e. 4 th Service (2:30pm): | 75 member vehicles |

Of particular note, Gorove Slade's trip counts are based on 2,100 seats and the resulting vehicles taking a left turn into the church on Sunday at peak time is 645 vehicles. Gorove Slade's recommendation was to reduce the traffic count to 445 considering only one existing lane will be available. Hence, based on the member commitments alone, we have reduced the count down to 336 vehicles for our peak service time of 10:00AM.

4. Commitment signatures from the members are available upon request.
5. Restrict egress from the main entrance. Egress will only be from the auxiliary egress point.
6. Existing westbound single turn lane will be open for use all day Sunday.
7. The new eastbound deceleration lane is complete to intermediate base, striped and safely drivable. We will fully utilize this lane for eastbound traffic turning right into the church.

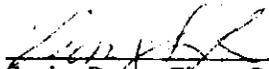
Reasons for Non-RUP Prior to Completion

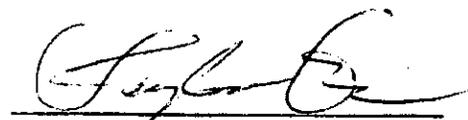
The urgency of our Non-RUP affects both the financial structure of our project and the stature of the church with its current members and potential members. Both urgencies are equally important. The underwriting of our project was based on the eventual capital injection from the sale of our Vienna properties. Without the ability to move the congregation to our new Centreville facility, we cannot close the sale of our Vienna properties. With the delayed capital injection, our lender is denying further funding of the project, which places the church in a desperate cash flow challenge as we have operational expenditures along with a myriad of contractors and consultants awaiting payments for the work performed on the project. In fact, current cash flow of the church has been depleted and is exposed to liens from various vendors. Furthermore, the delay affects the buyer of one our Vienna properties, another religious organization, as they are burdened with the continued extension of their current lease.

Equally important is the stature and standing of the church. As with any other organization, the continued confidence stakeholders/members place on the leaders is vital to the sustainment and growth of our organization. Our extended delays, rescheduling or canceling of programs, and repeated adjustments to our opening date erodes this confidence.

This letter in no way minimizes our commitment detailed in our Amendment to the Letter of Interpretation submitted on June 4, 2010 and in no way modifies our required compliance under the Special Exception Amendment: SEA2005-SU-007 and our approved Site Plan: 9630-SP-004-2. Moreover, KCPC fully understands that the issuance of the Non-RUP is contingent upon the continued compliance with all previous and current commitments herein and is subject to revocation at anytime by Fairfax County.

On behalf of Korean Central Presbyterian Church,


Senior Pastor Chang Soo Ro


Elder Tong S. Park

Coyle, Regina

From: Guinaw, Kevin
Sent: Thursday, June 24, 2010 7:44 PM
To: Coyle, Regina
Subject: Fw: KCPC Opening
Importance: High

Update FYI

From: Michael Lee <mlee@myldevelopment.com>
To: Kiefer, Meaghan
Cc: Purvis, Dorothy <DA.Purvis@VirginiaDOT.org>; Guinaw, Kevin; Tong Park <tspark4j@gmail.com>; Vision123 Group kcpc <vision123@kcpc.org>; Shin C Park <scpark@kcpc.org>
Sent: Thu Jun 24 18:52:26 2010
Subject: Re: KCPC Opening

Ms. Kiefer,

I spoke to Mr. Guinaw this afternoon and indicated that the church would be very pleased if we can have our first service on July 11 but having something in writing to confirm this by tomorrow. The urgency to obtain the occupancy by tomorrow is to allow the church to make the announcement this weekend. The pastoral staff is emphatic that we obtain written confirmation or the Non-RUP in our hands before making the announcement. We are deeply concerned that an announcement made on July 4th weekend will be ineffective as many of the members will be out of town or celebrating the 4th outside of the church.

Also of note, we are scheduled to complete the 2nd turn lane up to intermediate base by tomorrow and paint temporary striping this Saturday. Hence, the second turn lane can be opened to traffic by this Sunday/Monday.

Therefore, I trust that VDOT and the County, considering the progress of our roadwork and our preference to open on July 11, should be comfortable with issuing the Non-RUP tomorrow with the condition that the first service be held on July 11, 2010.

Please let me know if you need further clarifications or have further questions. Thank you.

Michael Lee
Development Manager

M Y L Development & Services, Inc.
13005 Highway Center
Herndon, VA 20171
Ph: 571-643-8010
F: 703-787-8163

From: "Kiefer, Meaghan" <Meaghan.Kiefer@fairfaxcounty.gov>
Date: Thu, 24 Jun 2010 16:39:15 -0400
To: Michael Lee <mlee@myldevelopment.com>
Cc: "Purvis, Dorothy" <DA.Purvis@VirginiaDOT.org>
Conversation: KCPC Opening
Subject: KCPC Opening

Is it your intention to hold services this weekend (6/27) or next (7/4)?

6/25/2010