



County of Fairfax, Virginia

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

December 3, 2010

Inda E. Stagg
Land Use Coordinator
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

Re: Interpretation for SPA 93-P-046-02 Tax Map 40-3 ((1)) 7A and 9;
Trustees of St. Paul's Lutheran Church: Phasing, Commencement of Construction

Dear Ms. Stagg:

This is in response to your letter of October 15, 2010, requesting an interpretation of the development conditions and Special Permit Amendment (SPA) Plat approved by the Board of Zoning Appeals in conjunction with SPA 93-P-046-02. As I understand it, the question is whether the construction of initial minor improvements in Phase I will require the construction of frontage improvements on Idylwood Road. You also seek a determination that such construction would be considered commencement of Phase I to establish the improvements pursuant to the approved special permit amendment application. This determination is based on your letter and attachments, and subsequent documentation submitted, copies of which are attached.

On June 14, 2005, the Board of Zoning Appeals (BZA) approved SPA 93-P-046-02 to permit building additions, change in development conditions and site modifications. The approval was based on two proposed Phases of development. Phase I would include building additions to the sanctuary and accessible bathrooms, a covered connection to the existing education building, an expansion of the sanctuary, and a portion of the Family Life Center to provide space for fellowship activities and a half basketball court, as well as site modifications to include the addition of 37 parking spaces and a stormwater management/ Best Management Practices facility. Phase II would include the construction of an additional half-court basketball court to make a full basketball court, which is part of the Family Life Center. In total, you indicate the building additions would result in 27,928 square feet of improvements: 25,578 square feet in Phase I and 2,350 square feet in Phase II. The development conditions approved by the BZA include development condition #20 which states that:

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/

"The applicant shall construct frontage improvements along Idylwood Road with construction of Phase I and II of the building as shown on the special permit plat and as determined necessary by the Fairfax County Department of Transportation".

Additionally, Note 14 on the approved special permit plat states that:

"It is understood that this is a phased development and the proposed improvements will be phased. Improvements to Idylwood Road will be phased with construction. Improvements to the Idylwood Road frontage between the proposed northern entrance to the church and the southern boundary of the church property, as shown hereon, will be completed during the first phase of construction. The remainder of the required improvements will be completed prior to the completion of Phase II of the Family Life Center".

According to your letter, Phase I and II of the church's development include several sub-phases. You indicate that the church is now proposing to construct a "Phase I(a)", which would consist of 3,257 square feet of the overall Phase I improvements that are necessary to provide accessibility improvements and gathering areas on the same level as the existing sanctuary. Phase I(a) is proposed to include an expanded narthex, an elevator, accessible restrooms, a cry room and reception areas, and represents 12.7% of the approved 25,578 square foot "Phase I" gross floor area.

At staff's request, you have also provided subsequent materials showing the proposed improvements of Phase 1(a) with regard to the current site layout and documentation showing that a site plan was filed with Fairfax County in 2007 which depicted the frontage improvements to Idylwood Road. You indicate that due to a lack of funds for bond, you could not pursue approval of the submitted site plan. In discussion with the Fairfax County Department of Transportation, staff requested assurances that St. Paul's Lutheran Church would not potentially seek future "sub-phases" of development, while postponing frontage improvements to Idylwood Road. In a letter from Kim Follin, St. Paul's Lutheran Church, dated November 3, 2010, the church has indicated that they do not intend to request approval of further sub-phases prior to the full completion of Phase I construction and the construction of all transportation improvements that are associated with Phase I.

Therefore, it is my determination that the construction of Phase I(a) improvements to the church described above and the delayed construction of frontage improvements along Idylwood Road would be in substantial conformance SPA 93-P-046-02, provided that all transportation improvements associated with Phase I of the church development are constructed prior to completion of the Phase I church development as approved with the Special Permit.

Inda E. Stagg
Page 3

Additionally, you are requesting a determination that construction of Phase I(a) improvements would be considered commencement of Phase I of SPA 93-P-046-2 to establish the improvements that were approved pursuant to this special permit. As noted in the approved development conditions, it is stated that: "Commencement of Phase I shall establish the use as approved pursuant to this special permit." Therefore, it is my determination that the commencement of construction of Phase I(a) establishes the use as approved in SPA 93-P-046-2.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding these determinations, please contact Deborah Hedrick at 703-324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

O:\dhedri\Interpretations\St Pauls Lutheran Church.doc

Attachments: A/S

cc: Members, Board of Zoning Appeals

Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
Susan Langdon, Chief, Special Permits/Variance Branch, ZED, DPZ
File: SPA 93-P-046-2, Imaging, Reading File



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Inda E. Stagg
Land Use Coordinator
(703) 528-4700 Ext. 5423
istagg@arl.thelandlawyers.com

October 15, 2010

RECEIVED
Department of Planning & Zoning
OCT 15 2010
Zoning Evaluation Division

Via Hand Delivery

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

Re: Request for Interpretation
SPA 93-P-046-02 (the "SPA")
Trustees of St. Paul's Lutheran Church (the "Applicant")
Tax Map Reference 40-3 ((1)) 7A and 9 (the "Property")
Narthex Expansion Prior to the Construction of Frontage Improvements

Dear Ms. Coyle:

Please accept this letter as a request for an interpretation of the approval as it relates to the timing of the conditioned construction of Idylwood Road frontage improvements.

The Church is located in the northwest corner of Leesburg Pike (Route 7) and Idylwood Road, on the north side of Interstate 66 and east of the Capital Beltway. The Property is zoned to the R-1 and H-C Districts. On June 14, 2005, the Board of Zoning Appeals approved the SPA to amend the prior special permit to allow building additions in two phases to the sanctuary and accessible bathrooms, a covered connection to the existing education building, an expansion of the sanctuary, and a family life center to provide space for fellowship activities and a basketball court, as well as site modifications to include the addition of 37 parking spaces and a stormwater management/Best Management Practices facility. In total, the building additions resulted in 27,928 square feet of improvements: 25,578 square feet in Phase I and 2,350 square feet in Phase II. The SEA was approved subject to twenty (20) development conditions.

Development Condition 20 provides that,

"The applicant shall construct frontage improvements along Idylwood Road with construction of Phase I and Phase II of the buildings as shown on the special permit plat and as determined necessary by the Fairfax County Department of Transportation."

Note 14 on the plat approved with the SPA states:

“It is understood that this is a phased development and the proposed improvements will be phased. Improvements to Idylwood Road will be phased with construction. Improvements to the Idylwood Road frontage between the proposed northern entrance to the church and the southern boundary of the church property, as shown hereon, will be completed during the first phase of construction. The remainder of the required improvements will be completed prior to the completion of Phase II of the Family Life Center.”

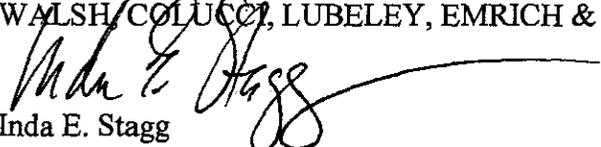
Phase I and Phase II of the Church's development include several sub-phases. The Church is proposing to construct Phase I(a), which is 3,257 square feet of the Phase I improvements that are necessary in order to provide accessibility improvements and gathering areas on the same level as the main sanctuary. Phase I(a) will contain an expanded narthex, an elevator, accessible restrooms, a cry room and reception area, and represents a mere 12.7% of the approved 25,578 square foot "Phase I" gross floor area. Phase I(a) will not require any changes to existing stormwater management or parking on site. Moreover, the contemplated improvements will not increase traffic to the Church, but will simply enhance the Church's current facilities.

Based on the minor contemplated improvements designated as Phase I(a) that comprises a relatively small amount of the overall Phase I square footage, and that neither Development Condition 20 nor Note 14 which, if any, specify that frontage improvements must be completed prior to the completion of Phase I, I request your determination that the construction of Phase I(a) improvements will not necessitate the construction of frontage improvements along Idylwood Road. Additionally, I request your determination that construction of the Phase I(a) improvements will be considered commencement of Phase I of SPA 93-P-046-02 to establish the improvements that were approved pursuant to his special permit.

Attached please find a copy of the Clerk's letter dated June 22, 2005, a copy of the tabs from the Special Permit Amendment Plat dated May 16, 2005, and a sketch of the Phase I(a) improvements. Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. I would appreciate a response at your earliest convenience.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.


Inda E. Stagg
Land Use Coordinator

Enclosures

cc: Kim Follin
Bill Gratz
Pr. Mark Shaltanis



FAIRFAX
COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5510

(703) 324-1280

Fax (703) 324-3924

V I R G I N I A

June 22, 2005

Lynne J. Strobel, Agent
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

Re: Special Permit Amendment Application SPA 93-P-046-02
Trustees of St. Paul's Lutheran Church

Dear Ms. Strobel:

At its June 14, 2005 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. The final approval date is June 22, 2005. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Paula McFarland, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated



American with Disabilities Act (ADA): This information will be provided in alternative format upon request with seven days advance notice. Please call 703-324-1334 (TTY 711 Virginia Relay Center).

COUNTY OF FAIRFAX, VIRG. A

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF ST. PAUL'S LUTHERAN CHURCH, SPA 93-P-046-02 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 93-P-046 previously approved for a church, nursery school and a waiver of the dustless surface requirement to permit building additions, change in development conditions and site modifications. Located at 7426 Idylwood Rd. and 7401 Leesburg Pi. on approx. 8.54 ac. of land zoned R-1 and HC. Providence District. Tax Map 40-3 ((1)) 7A and 9. (Admin. moved from 3/8/05 and 4/12/05 at appl. req.) (Decision deferred from 5/3/05 and 5/17/05) Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 14, 2005; and

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

1. The applicants are the owners of the land.
2. The application as presented and subsequently modified, meets all the standards and requirements of the Zoning Ordinance.
3. The applicants have done their best to preserve the area adjacent to the townhouse community with pulling the parking back and by reducing it by a space.
4. The application fully meets, and actually exceeds, the transitional yard requirements as prescribed by the Ordinance.
5. The applicants have proffered to a transitional screen that consists of a masonry wall between their parking area and the townhouse community.
6. Most of the trees will be preserved and where the parking area is located, the foliage consists of small or scrub trees and underbrush, which will be augmented with additional plantings of evergreens and deciduous trees.
7. There is a save tree area on both sides of the parking area.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 3-103 of the Zoning Ordinance.

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

1. This approval is granted to the applicant, Trustees of St. Paul's Lutheran Church, only and is not transferable without further action of this Board, and is for the location indicated on the application, 7426 Idylwood Road and 7401 Leesburg Pike, and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on

the special permit plat prepared by Dewberry and Davis, LLC, dated November 11, 2004, and revised through May 16, 2005, and approved with this application, as qualified by these development conditions.

3. 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.
4. This Special Permit Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with the approved Special Permit plat and these 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 of the main worship area shall not exceed 300. The transept (future phase) depicted on the plat, shall not be approved for additional seats.
6. The maximum daily enrollment for the nursery school shall not exceed ninety-nine (99) children.
7. The maximum hours of operation for the nursery school shall be limited to 9:30 a.m. to 12:30 p.m., Monday through Friday.
8. All parking shall be provided on site, as shown on the development plan. However, parking spaces may be removed, if necessary (number to be determined at site plan review), along the western lot line in order to save the oak trees identified as "tree save" and "potential tree save" on the plat. Further, parking at the rear of the property in proximity to the proposed Family Life Center may be phased with the phasing of building construction. The minimum number of parking spaces will be provided in accordance with the requirements of the Fairfax County Zoning Ordinance with each phase of the development.
9. Interior parking lot landscaping shall be provided as depicted on the plat.
10. The barrier requirement shall be waived along the northern, southern, and eastern lot lines. The barrier provided along the western lot line shall be constructed of materials which will provide a solid and continuous barrier, without gaps or cracks.
11. Transitional screening shall be modified along all lot lines to allow existing vegetation supplemented with, at a minimum, the number of supplemental trees and shrubs as depicted on the plat. The final number, size and location of new plantings shall be determined in consultation with Urban Forest Management, DPWES.
12. The limits of clearing and grading shall be strictly adhered to and shall be no greater than depicted on the special permit plat. Trees along the western and northern lot lines will be preserved through the use of retaining walls, as depicted on the plat. The oak trees identified as "tree save" and "possible tree save" at the southwest site entrance shall be preserved unless deemed unsafe by Urban Forest Management, DPWES. Parking spaces shall be removed and/or the island expanded as determined necessary by Urban Forest Management

to preserve the oak trees. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The 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 reviewed and approved by the Urban Forest Management Branch. 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 that are ten (10) inches or greater in diameter, and twenty (20) feet to either side of the limits of clearing and grading shown on the special permit plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the special permit plat, to include the oak trees located northwest of the southern entrance of the site, and other areas in which trees can be preserved as a result of final engineering. 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 trees to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

Prior to any land disturbing activities, a pre-construction conference shall be held between DPWES, including Urban Forest Management, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction. All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence. Tree protection fencing 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, shall be erected at the limits of clearing and grading prior to any demolition/clearing on site.

Methods to preserve existing trees may include, but not be limited to, the following: use of super silt fence, welded protection fence, root pruning and mulching. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the Urban Forest Management Branch shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the tree protection fencing remains in place and the trees protected by said fencing are preserved. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by the Urban Forest Management Branch.

13. Stormwater management and Best Management Practices facilities shall be provided as determined by DPWES. Notwithstanding that which is shown on the plat, the applicant shall work with DPWES at site plan review to determine appropriate design elements that will result

in the reduction in size of the stormwater management pond, such as moving the pond closer to the parking area and/or construction of retaining walls near the parking and driveway areas. In addition, the applicant shall utilize, if deemed appropriate by DPWES, low impact design elements, such as bioretention basins (rain gardens), infiltration trenches and/or cisterns for the purpose of reducing the size of the proposed dry pond. Any trees which are preserved as a result of the efforts to reduce the size of the pond shall be subject to the requirements of Condition #11, above.

14. Notwithstanding that which is shown on the plat, the area now depicted as a "possible interparcel connection" on the adjacent Lot 7 which terminates at Lot 6, shall be recorded as an access easement prior to site plan approval. If/when development occurs on Lots 6 and 7, access for these two lots will be obtained either through the access easement to Idylwood Road or through some means other than Leesburg Pike (Route 7).
15. All signs shall be in accordance with Article 12 of the Zoning Ordinance.
16. Any replacement lighting or new 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 new up-lighting of the buildings. The lights shall be controlled with an automatic shut-off device and shall be turned off when the site is not in use, except for security lighting.
17. The church building construction shall be generally consistent with the architectural elevations provided on page 5 of the plat. The building materials for the proposed additions shall be similar to the existing sanctuary and education buildings.
18. All materials and equipment associated with the landscaping business operating on Lots 7 and 7A shall be removed within ninety (90) days of approval of this special permit.
19. The applicant shall dedicate right-of-way along Leesburg Pike as shown on the special permit plat for the provision of a future right turn lane, to the Board of Supervisors in fee simple at the time of site plan review or upon demand, whichever occurs first.
20. The applicant shall construct frontage improvements along Idylwood Road with construction of Phase I and II of the buildings as shown on the special permit plat and as determined necessary by the Fairfax County Department of Transportation.

These conditions incorporate and supercede all previous 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.

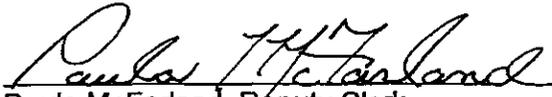
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval* unless the Phase 1 use has been established or construction has commenced and been diligently prosecuted. Commencement of Phase I shall establish the use as approved pursuant to this special permit. The Board of Zoning Appeals may grant additional time to establish the use or commence construction 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.

Mr. Hart seconded the motion which carried by a vote of 6-0-1. Chairman DiGiulian abstained from the vote.

This decision was officially filed in the office of the Board of Zoning Appeals and became final on June 22, 2005. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Paula McFarland, Deputy Clerk
Board of Zoning Appeals

- 10) WASTE MANAGEMENT WILL BE PROVIDED BY AN EXTENDED DETENTION DRY POND AS SHOWN HEREON.
- 11) AN EXISTING VEGETATION MAP IS PROVIDED UNDER SEPARATE COVER.
 - 12) THERE IS NO FLOOD PLAIN, ENVIRONMENTAL QUALITY CORRIDOR (EQC), OR RESOURCE PROTECTION AREA (RPA) LOCATED ON THE SUBJECT PROPERTY.
 - 13) PURSUANT TO PAR. 3 OF SECT. 13-304 OF THE ZONING ORDINANCE, A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE ROUTE 7 AND IDYLWOOD ROAD FRONTAGES IS REQUESTED IN FAVOR OF THAT SHOWN HEREON.
 - 14) IT IS UNDERSTOOD THAT THIS IS A PHASED DEVELOPMENT AND THE PROPOSED IMPROVEMENTS WILL BE PHASED. IMPROVEMENTS TO IDYLWOOD ROAD WILL BE PHASED WITH CONSTRUCTION. IMPROVEMENTS TO THE IDYLWOOD ROAD FRONTAGE BETWEEN THE PROPOSED NORTHERN ENTRANCE TO THE CHURCH AND THE SOUTHERN BOUNDARY OF THE CHURCH PROPERTY, AS SHOWN HEREON, WILL BE COMPLETED DURING THE FIRST PHASE OF CONSTRUCTION. THE REMAINDER OF THE REQUIRED IMPROVEMENTS WILL BE COMPLETED PRIOR TO THE COMPLETION OF PHASE II OF THE FAMILY LIFE CENTER.
 - 15) PURSUANT TO PAR. 12 OF SECT. OF 13-304 OF THE ZONING ORDINANCE, A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE ROUTE 7 AND IDYLWOOD ROAD FRONTAGES IS REQUESTED IN FAVOR OF THAT SHOWN HEREON.
 - 16) PURSUANT TO PAR. 12 OF SECT. 13-304 OF THE ZONING ORDINANCE, A MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE WESTERN PROPERTY LINE IS HEREBY REQUESTED.
 - 17) PURSUANT TO PAR. 3 OF SECT. 13-304 OF THE ZONING ORDINANCE, A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE PERIPHERAL, INTERIOR LOT LINES IS REQUESTED IN FAVOR OF THAT SHOWN HEREON.
 - 18) PURSUANT TO PAR. 4 OF SECT. 13-104 OF THE ZONING ORDINANCE, EXISTING VEGETATION ALONG THE NORTHERN PROPERTY LINE IS REQUESTED TO SATISFY THE BARRIER REQUIREMENT.
 - 19) THERE ARE NO UTILITY EASEMENTS IN EXCESS OF 25 FEET LOCATED ON THE SUBJECT PROPERTY.
 - 20) THE COMPREHENSIVE PLAN TRAILS MAP SHOWS A TRAIL ALONG BOTH THE IDYLWOOD ROAD AND ROUTE 7 FRONTAGES. THE PROPOSED DEVELOPMENT PROPOSES A FIVE (5) FOOT SIDEWALK ALONG THE IDYLWOOD ROAD FRONTAGE WHICH WILL TIE INTO THE EXISTING SIDEWALK ALONG THE ROUTE 7 FRONTAGE.
 - 21) THERE ARE NO GRAVES OR BURIAL SITES ON THIS PROPERTY WITH THE EXCEPTION OF THE EXISTING CRYPT.
 - 22) TO THE BEST OF OUR KNOWLEDGE, THE USES PROPOSED HEREON WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE OF ANY HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS, PARTS 116.4, 302 AND 355; ANY HAZARDOUS WASTE SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF HAZARDOUS WASTE MANAGEMENT VR 672.10.1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS, AND/OR ANY PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS, PART 280.
 - 23) A STATEMENT THAT CONFIRMS THE OWNERSHIP OF THE PROPERTY AND THE APPLICANT'S INTEREST IN SAME, IS SUBMITTED IN A SEPARATE ASSOCIATED DOCUMENT.
 - 24) EXCEPT WHERE NOTED HEREON, TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED DEVELOPMENT CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.

SCALE



9	05.16.05	gah	
8	04.29.05	gah	
7	04.14.05	gah	
6	04.06.05	GAH	
5	03.30.05	GAH	
4	03.11.05	gah	
3	02.28.05	GAH	
2	02.07.05	JTB	
1	12.13.04	GAH	
No.	DATE	BY	

REVISIONS

DRAWN BY GA
 APPROVED BY LAI
 CHECKED BY LAI
 DATE 11

TITLE

**ST. PAL
LUTHERAN C**

**SPECIAL P
AMENDM**

PROJECT NO. M-

2

St. Paul's Lutheran Church

7426 Idylwood Road
Falls Church, Virginia 22043
703-573-0295, fax 703-573-3273
www.stpaulsfallchurch.org



*A congregation of the
Lutheran Church--Missouri Synod*

Rev. Mark Shaltanis, Pastor
Rev. Chris Xinhong Yang 杨新虹牧师
Rev. Wayne Lehrer, Pastoral Assistant

Our mission is to share the life-changing good news of God's love for all people in Jesus Christ.

November 3, 2010

Debbie Hedrick
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Dear Ms. Hedrick:

St. Paul's Lutheran Church has submitted an interpretation to permit the construction of what we are calling Phase 1(a). As stated in the interpretation request, this sub phase only includes a very limited amount of the first phase of construction that was permitted pursuant to the approval of SPA 93-P-046-02. It is our understanding that the Department of Transportation is concerned that St. Paul's may request the approval of further sub-phases prior to the construction of improvements that were imposed pursuant to the SPA. I can assure you that St. Paul's does not intend to request the approval of further sub-phases prior to the full completion of the Phase 1 construction and the construction of all transportation improvements that are associated with Phase 1. We have no plans to "piecemeal" the rest of Phase 1, and it is still our plan to pursue and construct the rest of Phase 1 and Phase 2 as soon as it is financially feasible.

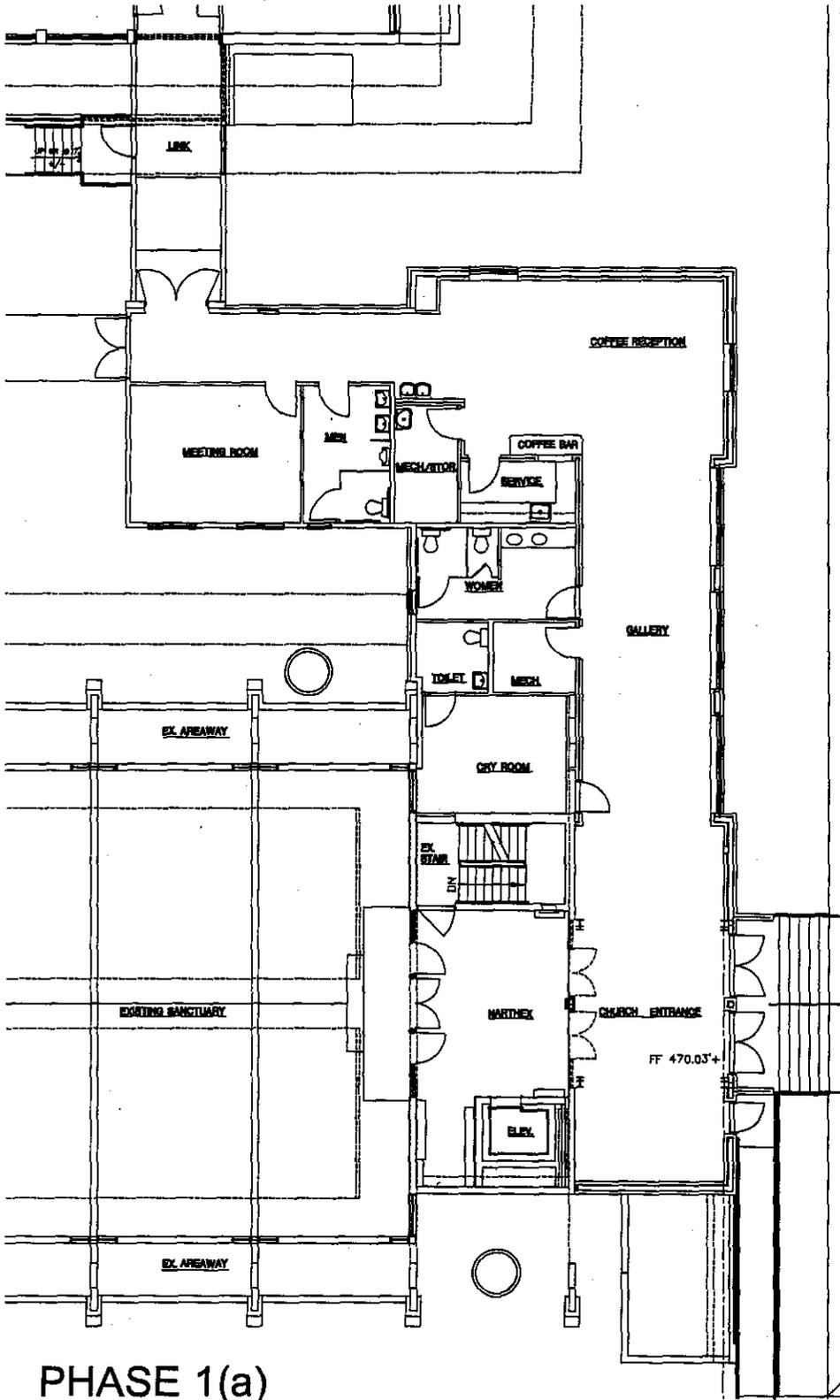
Due to the fact that St. Paul's congregation is aging, there is an immediate need to provide accessible areas within the church structure to allow these mobility challenged individuals to remain an active part of our congregation. The Phase 1(a) construction will provide restrooms (on the sanctuary level) and an elevator for their use, as well as provide minor gathering areas on the sanctuary level for everyone, not just those who can access the stairs. We request that you permit these minor modifications, and we will work toward raising the funds necessary in order to complete Phase 1 in its entirety.

Sincerely,

ST. PAUL'S LUTHERAN CHURCH

A handwritten signature in black ink that reads "Kim Follin". The signature is written in a cursive, flowing style.

Kim Follin
Building Committee



AREA OF ADDITION TO
SANCTUARY BUILDING:
3013 SF

CONNECTING LINK
ADDITION TO
EDUCATION BUILDING:
244 SF

PHASE 1(a)

1/16"=1'-0"

9/29/10	PLAN OPT. A	<p align="center">ST. PAUL'S LUTHERAN CHURCH</p> <p align="center">7426 IDYLVOOD ROAD FALLS CHURCH, VA 22043</p>	<p>CORKILL CUSH REEVES P.A. ARCHITECTS 10,111 K.S. Hwy. Rt. 277, Falls Church, VA 22043</p> <p><small>architects • planning • feasibility • landscape • interior</small> <small>TEL: 571.271.5500 FAX: 571.271.5501</small></p>
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St. Paul's Lutheran Church

7426 Idylwood Road
Falls Church, Virginia 22043
703-573-0295, fax 703-573-3273
www.stpaulsfallschurch.org



A congregation of the
Lutheran Church--Missouri Synod

Rev. Mark Shaltanis, Pastor
Rev. Chris Xinhong Yang 杨新虹牧师
Rev. Wayne Lehrer, Pastoral Assistant

Our mission is to share the life-changing good news of God's love for all people in Jesus Christ.

November 10, 2010

Debbie Hedrick
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Dear Ms. Hedrick:

In follow-up to my letter dated November 3, 2010 regarding additional information for an interpretation request for St. Paul's Lutheran Church, I am providing more information with regard to the County's latest comments. Site Plan #3669-SP-002 was in process at the County in 2007. This site plan covered all of Phase 1, including frontage improvements. On February 5, 2007, the County forwarded us letters (copy attached) with regard to this site plan requiring the church to provide surety in the amount of \$411,900.00 as well as fees in the total amount of \$56,687.00. While we tried to get the surety bond, we would have had to post cash because we are a nonprofit church. Surety companies do not provide bonds for non-profits. We had the following two options: (1) obtain a letter of credit from a regular bank (which was hard to obtain [we tried] in addition to the loan we were seeking from LCEF); or (2) pay cash. If we were to use cash in the amount of \$461,900 for surety plus \$56,687 in fees just to get the site plan approved by the County, and an okay to build, we no longer had the money in which to begin construction. This basically put us between two rocks.

Our hope in being able to begin Phase 1(a) at this time, in addition to the much needed accessibility by our aging population, is to raise additional money so that we can build the entire Phase 1, including frontage improvements. We want to keep our current congregation members, while adding new members, but if they cannot get around the church easily, they will move on to other churches with better accessibility and we will be less likely to raise the additional money needed.

Sincerely,

ST. PAUL'S LUTHERAN CHURCH

Kim Follin
Building Committee

RECEIVED
Department of Planning & Zoning

NOV 15 2010

Zoning Evaluation Division



FAIRFAX COUNTY

Department of Public Works and Environmental Services
Land Development Services
Environmental and Facilities Inspections Division
12055 Government Center Parkway, Suite 334
Fairfax, Virginia 22035-5503
Telephone 703-324-1950 Fax: 703-324-1501
TTY: 703-324-1877

V I R G I N I A

February 5, 2007

Church Lutheran, ST. Pauls TRS of Falls Church
7426 Idylwood Road
Falls Church, Virginia 22043

Subject: St. Paul's Lutheran Church, Plan #3669-SP-002;
Tax Map: 040-3, Providence District

The plan for the above mentioned project has been submitted to Department of Public Works and Environmental Services, Land Development Services for review. In order to allow the process of obtaining the required performance security for this project to begin, we are enclosing the necessary bond and agreement forms. Prompt execution and return of the enclosed documents will facilitate quicker acquisition of the necessary subdivision plat or building permit approvals, as appropriate to the site. Please note, however, that County acceptance of the performance security does not constitute project approval, and site construction can only proceed upon final approval of the referenced plan by the Director, Office of Site Development Services, and issuance of construction and utility permits.

Please complete an original (must be typed, signed and notarized) and then make one (1) copy of the agreement(s), surety and supplement sheet (note: a new supplement sheet must be filled out in its entirety for each project). Please indicate if the developer is the owner, lessee, or contract purchaser. If other than owner, please provide this office with a copy of the lease, or a Contract Purchase Agreement or Letter of Permission from the owner. Please provide an original and one (1) copy of a Certificate of Insurance per paragraph 9 of the agreement. Samples are provided, where appropriate, for your guidance in preparing these forms.

If the Company is a **General Partnership**, please provide a copy of the recorded Certificate of Partnership. A **Limited Partnership** must supply a copy of the partnership agreement. A **Limited Liability Company** needs to provide a copy of the Articles of Organization/Operating Agreement. A **Church** needs to provide us with a copy of the court order appointing the Trustees and the By Laws.

Limited Partnerships, Corporations and Limited Liability Companies need to provide us with proof that the company is currently in good standing with the **Virginia State Corporation Commission**.

All documents that are submitted to the County for approval by a **Corporation, Partnership, or other entity** must be signed by persons who have legal authority to bind the entity on behalf of which they are signing, and proof of such authority must accompany the document. Such proof may consist of a resolution by the entity's Board of Directors, the by-laws of the entity, a power of attorney, or some other document that clearly establishes that the person signing the document has the legal authority to do so.

Developers electing to post Corporate Surety Bonds or Letters of Credit are advised to consider the following policies in effect for Fairfax County that govern the acceptance of these types of securities:

- (a) On April 28, 1986, the Board of Supervisors adopted the use of the Best Key Rating Guide. The Best Key Rating Guide lists the rating and financial size of the surety companies. Any firm which falls below the Best Key Rating of A6 will be considered an unacceptable form of surety to Fairfax County.
- (b) Effective March 9, 1999, an amendment to the Public Facilities Manual changed the minimum acceptance level for providers of Letters of Credit. As reported in the national overview chart within the latest publication of the Sheshunoff Quarterly Ratings for Banks and Savings and Loan Associations, the acceptable rating will be the highest value of the reported range that corresponds to the reported cumulative percentage of 20%. As of February 5, 2007, the current corresponding Sheshunoff rating that is acceptable is or better. Since the minimum rating may change with each quarterly publication, this office should be contacted for confirmation.
- (c) It is the adopted policy of Fairfax County not to accept new agreements from developers identified as being in default of the terms of agreements for projects elsewhere in the County. Applicants, with projects identified as being in default, are advised to take measures to resolve outstanding defaults before submitting new agreements as such outstanding defaults will result in subsequent denial of the acceptance of any such agreements in accordance with County policy.
- (d) Effective July 1, 2005, the fees for new agreements are:
- | | |
|--------------------------|-------------|
| • Bonds \$10,000 or less | \$ 265.00 |
| • Bonds over \$10,000 | \$ 1,935.00 |

(e) A complete Bond Package consists of:

- An Agreement for 24 months
- Surety in the amount of \$411,900.00
- Certificate of Insurance
- Supplement Sheet
- Certificate of Partnership, Trustee Papers, State Corporation Commission, etc.
- Certification for L.P. and/or L.L.C.
- Certification certificate for Corporations (Developer and/or Bank)
- Fee

Note: Effective May 1, 1996, all documents requiring notarization must be typed and without any errors, corrected or otherwise.

Incomplete Bond Packages will not be accepted

When the enclosed forms have been completed, please return them to: County of Fairfax, Department of Public Works and Environmental Services, Land Development Services, Environmental and Facilities Inspections Division, 12055 Government Center Parkway, Suite 506, Fairfax, Virginia 22035-5503. If you should require further assistance, you may contact us at (703) 324-1950.

Sincerely,



Niaz Mohammed, Engineering Technician
Bonds, Agreements and Administration
Environmental and Facilities Inspections Division

Enclosures

cc: Submitting Engineer (no enclosures)
Y:\everyone\bonds\BOND-letter.doc



FAIRFAX COUNTY

Department of Public Works and Environmental Services
Land Development Services
Environmental and Facilities Inspections Division
12055 Government Center Parkway, Suite 334
Fairfax, Virginia 22035-5503
Telephone 703-324-1950 Fax: 703-324-1822
TTY: 703-324-1877

V I R G I N I A

February 5, 2007

Church Lutheran, St. Pauls TRS of Falls Church
7426 Idylwood Road
Falls Church, Virginia 22043

Subject: St. Paul's Lutheran Church, Plan #3669-SP-002;
Tax Map: 040-3, Providence District

The review of the plan has been completed for the above mentioned project and the plan has been received in the Bonds, Agreements and Administration Section of Environmental and Facilities Inspections Division for execution of the enclosed forms. Please return these forms and the additional items as indicated below at your earliest convenience. For your guidance in preparing these forms, some samples are provided.

If any change in ownership of land, please notify this office to avoid any delays in plan approval.

Complete an original and one (1) copy of the Conservation Agreement, and return with a check in the amount of **\$19,400.00**. Funds to support the Conservation Agreement must be in the form of a cash deposit.

Complete an original and one (1) copy of the Pro Rata Share Agreement, and return with a check in the amount of **\$5,050.00**. Funds to support the Pro Rata Share Agreement must be in the form of a cash deposit.

Pro Rata Share assessment will be subject to change if payment is not received by July 31, 2007.

Complete an original and one (1) copy of the Future Construction Agreement, and return with a check in the amount of **\$0.00**. Funds to support the Future Construction Agreement must be in the form of a cash deposit.

Complete an original and one (1) copy of the Stormwater Detention and/or Management Agreement.

Complete the application portion of the Permit form in triplicate, and return to Site Permits, Office of Building Code Services, 2nd floor.

Complete Parts I, II & III of the W-9 Request for Taxpayer Identification Number and Certification.

Complete the form "Application for Sewerage Service Requiring an Extension of Existing Sewerage Facilities".

Payment of **\$30,302.39** inspection fee.

[Church Lutheran, St. Pauls TRS of Falls Church] Payment of \$Church Lutheran, St. Pauls TRS of Falls Church for Proffer #Church Lutheran, St. Pauls TRS of Falls Church, Rezoning Case #Church Lutheran, St. Pauls TRS of Falls Church.

Note: Effective May 1, 1996, all documents requiring notarization must be typed and without any errors corrected or otherwise.

February 5, 2007

OTHER PROVISIONS

All documents, that are submitted to the County for approval by a **Corporation, Partnership or other entity**, must be signed by persons who have legal authority to bind the entity on behalf of which they are signing, and proof of such authority must accompany the document. Such proof may consist of a resolution by the entity's Board of Directors, the by-laws of the entity, a power of attorney, or some other document that clearly establishes that the person signing the document has the legal authority to do so.

Executed agreements and bonds, deposits, easements, and fees must be submitted within twelve (12) months from the date of transmittal of the bond package to the developer. Failure to comply with this requirement will result in the plan being returned, unapproved, to the submitting engineer.

All Conservation deposits and Completion bonds will be held by Fairfax County Department of Finance and accrue interest at the rate of 5 percent per annum, or the prevailing daily passbook savings rate, whichever is lower, and will be paid at the time of release.

Please make all checks payable to: Fairfax County.

Notably, the plan name and number must match on all documents.

When the enclosed forms have been completed, please return them to: County of Fairfax, Department of Public Works and Environmental Services, Land Development Services, Environmental and Facilities Inspections Division, 12055 Government Center Parkway, Suite 506, Fairfax, Virginia 22035-5503. **If you should require further assistance, you may contact Susan Lyons at (703) 324-1521.**

Sincerely,



Niaz Mohammed., Engineering Technician
Bonds, Agreements and Administration
Environmental and Facilities Inspections Division

Enclosures

cc: Submitting Engineer (no enclosures)
Bond File