



County of Fairfax, Virginia

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

July 1, 2011

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich and Walsh PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201-3359

Re: Interpretation for SEA 2005-SU-007, Korean Central Presbyterian Church Trustees,
Tax Map 64-2 ((13)) 18; 64-2 ((5)) 1, 2, 3; Overflow Parking

Dear Ms. Strobel:

This is in response to your letter of April 11, 2011, requesting an interpretation of the 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 the installation of a gravel parking surface in lieu of grasscrete would be in substantial conformance with the SEA Plat and development conditions. This determination is based on your letter and a supplementary technical memo from ECS Mid-Atlantic, LLC, titled "Reference: Aggregate Permeability," dated March 15, 2011. Copies of the letters are attached for reference.

SEA 2005-SU-007:

On April 24, 2007, the Board of Supervisors approved SEA 2005-SU-007, subject to development conditions, to amend the previously approved special exception for a church with nursery school and private school of education to permit a child care center to replace the nursery school with a total maximum enrollment of 100 children and associated modifications to the site design and development conditions. The approved site design modifications included an overflow parking area originally approved with the SE, modified on the SEA Plat and referenced in the development conditions. The overflow parking area is located adjacent to the site's eastern boundary, above the south parking lot, and labeled "Grasscrete Parking 62 spaces" and "Future Overflow Grass-Crete Parking 198 spaces," a total of 260 spaces. Development Condition 41, which was carried forward from the SE, states the following: *"The 198 spaces shown on the SE Plat as "overflow parking" shall be constructed with a pervious surface such as grasscrete pavers. Should a dustless surface waiver for these overflow spaces not be approved at the time of site plan approval, the overflow spaces shown on the SE Plat shall not be constructed and that area shall be maintained as undisturbed open space."*

Previous Interpretations:

In an interpretation letter dated July 6, 2010, a determination was made that the designation of the subject overflow parking area as "grass" would not be in substantial conformance with the SEA Plat and development conditions. A determination was also made that the use of a substitute material to grasscrete

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would be in substantial conformance with the SEA Plat and development conditions provided that Department of Public Works and Environmental Services (DPWES) determined the substitute material provided equivalent performance to grasscrete.

A subsequent interpretation letter dated July 30, 2010, requested permission to delay the construction of the grasscrete parking area for one year, citing budget constraints. A determination was made that the delay in construction of 260 grasscrete parking spaces until June 4, 2011, would be in substantial conformance with the SEA Plat and development conditions provided that the approved site plan was revised to reflect the resultant phasing of parking and it was demonstrated to DPWES that minimum parking requirements are met for the approved purposes. In the interpretation letter, the previous determination dated July 6, 2010, discussed above, was reiterated: that the designation of the overflow parking/grasscrete spaces as "grass" was not in substantial conformance and, as such, these areas of the site should not be used for parking until the grasscrete surface is constructed.

Current Proposal:

According to your letter, the church requests to construct the overflow parking lot with a gravel surface in lieu of the grasscrete shown on the Plat and required by the development conditions. The applicant indicates that grasscrete pavers are expensive to install, difficult to walk on in shoes with high heels and are muddy during rain events. According to your letter and the supplementary technical memo, the applicant proposes a gravel surface of permeable stone materials, or aggregates, to provide 260 parking spaces. The letter states the applicant proposes two options: Option 1, the applicant's preference, proposes asphalt surfaces for vehicle travel aisles and gravel surfaces with wheel stops for parking spaces. Option 2 proposes a gravel surface over the entire overflow parking area. Your letter and the supplementary technical memo cite that the proposed gravel surface allows percolation of water into the soil, as proposed in the attached exhibits. Following staff consultation and evaluation, DPWES has deemed that the proposed asphalt and gravel surfaces to provide vehicle travel aisles and parking spaces would not be considered a pervious surface.

It is my determination that the proposed use of asphalt or gravel parking surface for the overflow parking area in lieu of grasscrete would not be in substantial conformance with the SEA Plat and development conditions. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and has been coordinated with the Department of Public Works and Environmental Services. This determination only addresses the issues discussed herein. If you have any questions regarding this matter, please contact Carrie Lee at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

BCB/CDI/N:\Interpretations\SE\Korean Central Presbyterian_grasscrete.doc

cc: Michael R. Frey, Supervisor, Sully District
John L. Litzenger, Planning Commissioner, Sully District
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: SEA 2005-SU-007, SEI 1104 012, Imaging, Reading File



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APR 12 2011

Zoning Evaluation Division

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WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

April 11, 2011

Via Overnight Delivery

Barbara C. Berlin, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: SEA 2005-SU-007
Applicant: Korean Central Presbyterian Church Trustees
Fairfax County Tax Map Reference: 64-1 ((1)) 8, 9, 25, 26, 27
64-1 ((3)) 16; 64-2 ((13)) 18; 64-2 ((5)) 1, 2, 3 (the "Subject Property")

Dear Ms. Berlin:

Please accept the following as a request for an interpretation of special exception conditions in accordance with Paragraph 4 of Section 9-004 of the Fairfax County Zoning Ordinance (the "Ordinance").

The referenced special exception amendment application was approved by the Board of Supervisors at its hearing held on September 24, 2007. The application was granted subject to 47 development conditions as listed in a letter issued by the Clerk to the Board of Supervisors dated September 26, 2007. Development Condition 3 requires development of the Subject Property in substantial conformance with the approved special exception plat entitled "Korean Central Presbyterian Church" prepared by Bury + Partners and dated June 21, 2007, as revised through August 17, 2007 (the "Plat"), and the development conditions. Further, Development Condition 3 permits minor modifications to the approved special exception in accordance with Ordinance requirements.

The place of worship that is the subject of the approved special exception is a regional church with a large congregation that attends weekly services. The Korean Central Presbyterian Church (the "Church") offers programs that are unique in Fairfax County, which contributes to the size of its membership. The Church thoughtfully designed and constructed its facilities to ensure adequate parking for its congregation. The provision of adequate on-site parking is critical to ensure pedestrian and traffic safety given the Subject Property's location on Lee Highway. Not only is parking provided in excess of Ordinance requirements, but an area of "overflow parking" was also included on the Plat.

Development Condition 41 states that the 198 parking spaces shown on the Plat as overflow parking be constructed with "a pervious surface such as grasscrete pavers." (emphasis

added.) The condition further states that should a dustless surface waiver for these overflow parking spaces not be approved at the time of site plan approval, the overflow spaces shown on the Plat should not be constructed and the area would be maintained as undisturbed open space. The Church wishes to construct the overflow parking spaces shown on the Plat to serve its congregation. The use of grasscrete pavers has been investigated by the Church. In addition to being expensive to install, grasscrete is difficult to walk on, especially in shoes with heels, which many women wear to attend Church services. It also generates mud during rain events which further lessens its desirability. The Church proposes that the overflow parking spaces will be constructed of a pervious surface, but not grasscrete.

The Applicant proposes to construct the overflow parking with gravel, which is a pervious surface, but more desirable in terms of durability, walkability and expense. I have attached a series of exhibits that show two (2) options for the overflow parking area. Option 1, which is preferred, allows for the vehicle travel aisles to be constructed of asphalt with the parking spaces comprised of gravel with wheel stops to safely identify parking space locations. Option 2 provides for the entire overflow parking area to be gravel with wheel stops to safely identify parking space locations. Both of these options allow for the installation of the overflow parking with a pervious surface.

Gravel, like grasscrete pavers, allows for percolation of water into the underlying soil to reduce the amount of stormwater runoff and to benefit water quality. This is demonstrated in the enclosed exhibits that detail proposed installation of each option. In addition, the permeability of the gravel was analyzed by Bryan Layman, a geotechnical engineer with ECS Mid-Atlantic, LLC. Mr. Layman concludes that the stone materials contemplated for use are permeable and allow water to drain. The Applicant is willing to use the materials identified by Mr. Layman as allowing water to drain at a higher rate. A letter prepared by Mr. Layman and Lina Ayari to Michael Lee dated March 15, 2011 is attached for your review.

Development Condition 41 describes a possible pervious surface as grasscrete pavers, but does not specifically require grasscrete pavers. In fact, the use of the words "such as" clearly indicates a choice of construction materials. The installation of the overflow parking with the use of gravel meets the only requirement of the development condition, which is a pervious surface. Gravel will provide a more user-friendly condition and still meets the intent of limiting pervious area on the Subject Property. Therefore, the Applicant's proposal is in substantial conformance with the Plat and the development conditions. Further, in accordance with the limitations of Paragraph 4 of Section 9-004, the Applicant does not propose the following:

- *A more intensive use from that approved pursuant to the special exception.*

The Applicant is not proposing any additional square footage from that approved by the Board of Supervisors in conjunction with the special exception nor requesting any additional parking. Further, the Applicant is not proposing an increase in the hours of operation, the number of seats in the sanctuary, or the number of students in the school.

- *An increased parking requirement.*

The Applicant is not modifying the approved uses or their square footage and consequently there is no increase in the parking requirement. Further, the Applicant is not proposing to provide parking in excess of what was shown on the Plat.

- *Uses other than those approved pursuant to the approved special exception.*

The Applicant is not proposing any uses other than those previously approved by the Board of Supervisors.

- *A reduction in the effectiveness of approved transitional screening, buffering, landscaping or open space.*

The Applicant is proposing to install parking spaces in that area designated on the Plat as overflow parking. Therefore, there are no changes to approved transitional screening, buffering, landscaping or open space.

- *Changes to the bulk, mass, orientation or location of buildings, which adversely impact the relationship of the development or any part thereof to adjacent property.*

The Applicant is not proposing any changes to approved buildings, and therefore, is not altering the relationship of the development to adjacent properties.

- *An increase in the amount of clearing or grading for the stormwater management facility.*

There are no proposed modifications to the limits of clearing or grading for stormwater management.

- *The addition of any building or additions to buildings.*

The Applicant does not propose any buildings or additions to the approved building with this request.

I would appreciate your confirmation that the Applicant's proposal for the installation of overflow parking is in substantial conformance with the approved special exception and development conditions. The proposed installation of overflow parking with gravel will most appropriately address the Applicant's needs. I have enclosed a series of exhibits prepared by the Applicant to illustrate two (2) options associated with this proposal and the letter prepared by ECS Mid-Atlantic, LLC.

April 11, 2011

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In accordance with the requirements of the Ordinance, I have enclosed a check payable to Fairfax County in the amount of \$500.00 that represents the filing fee required for interpretation requests. In addition, in accordance with your policy, two additional copies of this letter and the exhibits are enclosed. Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me. As always, I appreciate your cooperation and assistance.

Very truly yours,

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

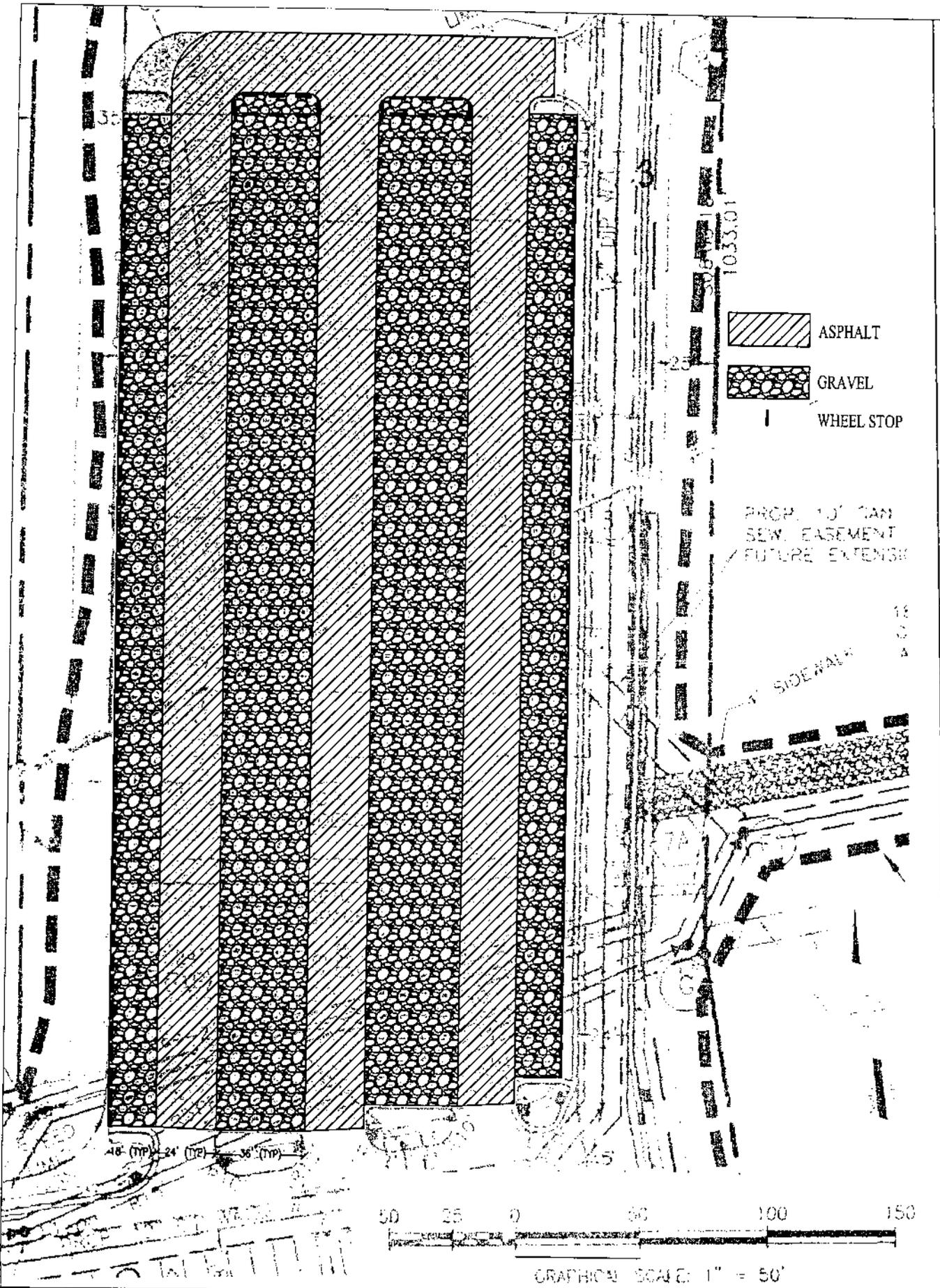

Lynne J. Strobel

LJS/kae

Enclosures

cc: Dr. Tong Park
Michael Lee
Martin D. Walsh

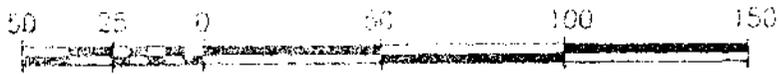
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-  ASPHALT
-  GRAVEL
-  WHEEL STOP

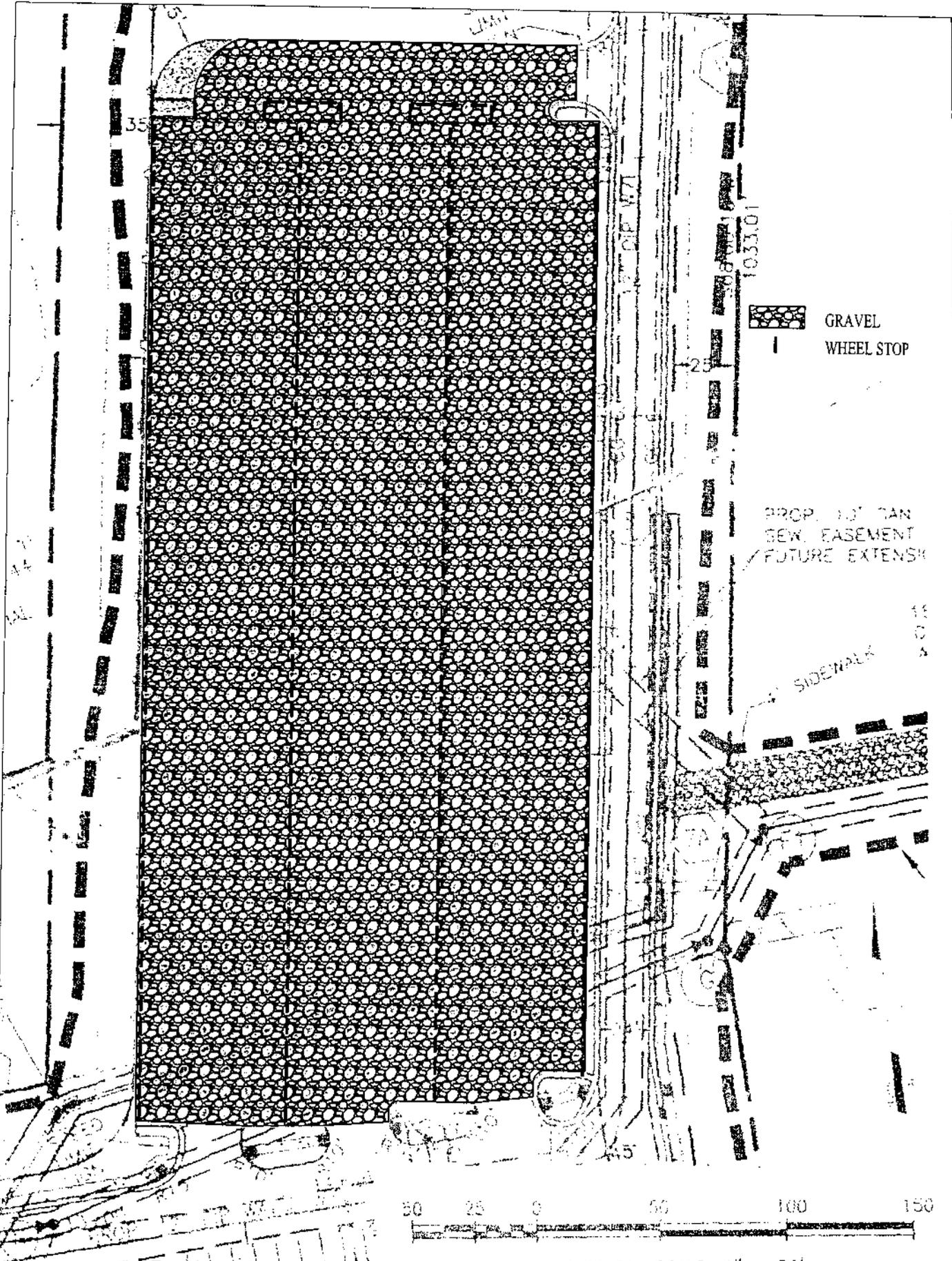
PROP. 10' CAN
SEW. EASEMENT
FUTURE EXTENSION

7' SIDEWALK

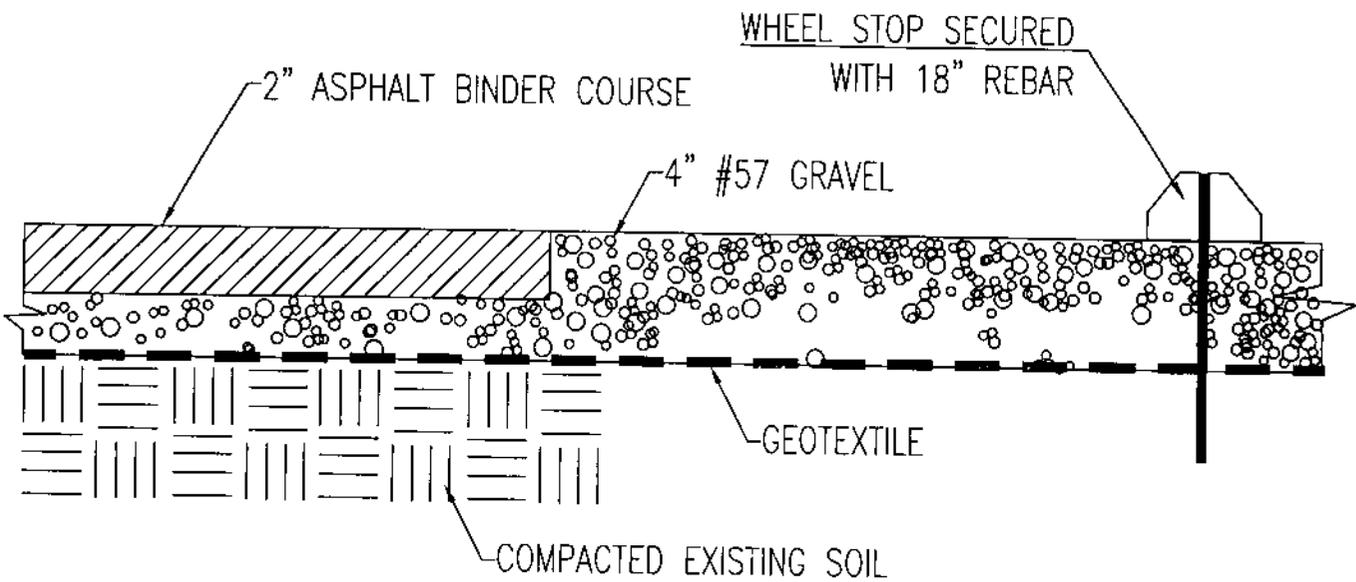


GRAPHICAL SCALE: 1" = 50'

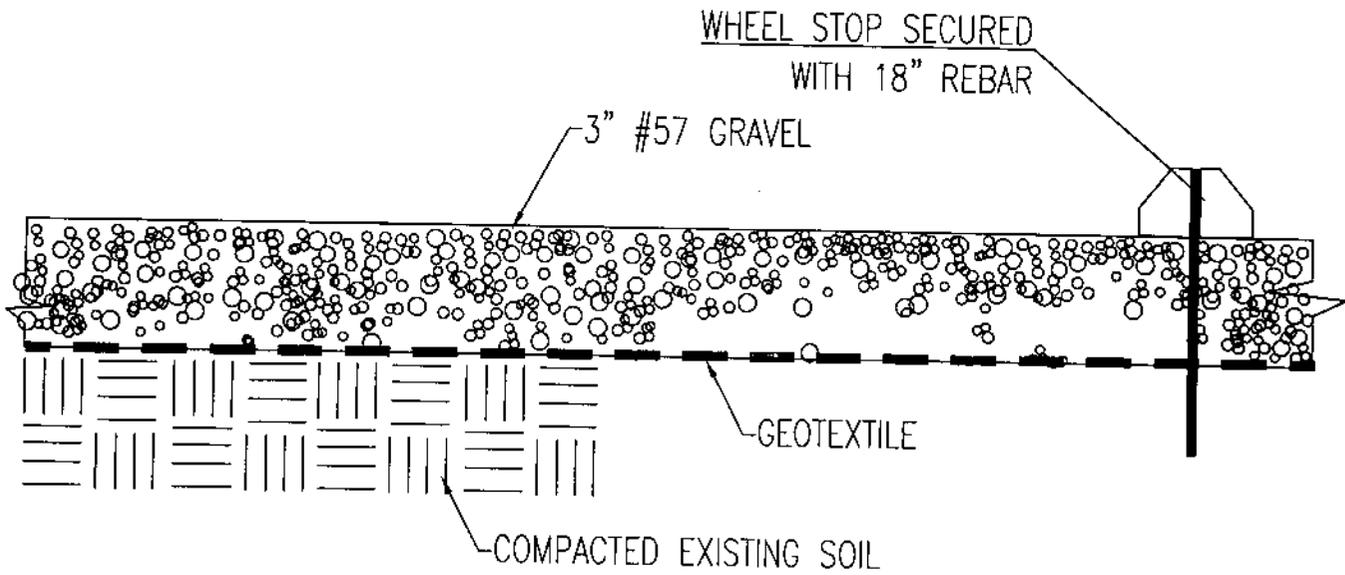
OVER FLOW PARKING OPTION 1



OVER FLOW PARKING OPTION 2



OPTION 1 DETAIL (nts)



OPTION 2 DETAIL (nts)