



# County of Fairfax, Virginia

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

March 20, 2013

Sarah E. Hall  
Blankingship & Keith, P.C.  
4020 University Drive, Suite 300  
Fairfax, VA 22030

Re: Special Exception Application SE 2012-PR-010  
(Concurrent with Rezoning Application RZ 2012-PR-011)

Dear Ms. Hall:

At a regular meeting of the Board of Supervisors held on March 19, 2013, the Board approved Special Exception Application SE 2012-PR-010 in the name of Trustees of Emmanuel Lutheran Church. The subject property is located on the S.E. side of Chain Bridge Road approximately 400 feet S. of its intersection with James Madison Drive on 5.06 acres of land, zoned R-3 in the Providence District [Tax Map 38-3 ((1)) 34, 35 and 38A]. The Board's action permits a church, child care center, and private school of general, pursuant to Section 3-304 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, special permit, and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved GDP/Special Exception Plat entitled Emmanuel Lutheran Church, prepared by Walter L. Phillips, Inc., as revised through January 3, 2013, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

**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](mailto:clerktothebos@fairfaxcounty.gov)

<http://www.fairfaxcounty.gov/bosclerk>

4. The maximum seating capacity for the sanctuary shall be limited to 366 seats through Phase 1. Thereafter, when the sanctuary is expanded, the maximum seating capacity shall be 576. The expansion of the sanctuary may include the steeple shown on the elevations on Sheet P-0304 of the Generalized Development Plan/Special Exception (GDP/SE) Plat.
5. Prior to the Phase 1 construction, the maximum daily child care enrollment shall not exceed 99 children. The maximum daily child care center enrollment shall not exceed 184 children in Phase 1 and shall not exceed 220 children in the ultimate development of the site.
6. The hours of operation for the child care center and private school of general education shall be limited to 6:30 A.M. to 7:00 P.M., Monday through Friday, year round.
7. The maximum daily enrollment for the private school of general education shall not exceed 40 students.
8. The number of children using the outdoor play area shown on the GDP/SE Plat at any one time shall not exceed the standards set forth in Section 9-309 and Section 9-310 of the Zoning Ordinance.
9. The child care center shall be subject to the applicable regulations of Chapter 30 of the Fairfax County Code and/or Title 63.2, Chapter 17 of the Code of Virginia.
10. There shall be a minimum of 149 parking spaces provided on-site prior to the construction of Phase 1.
11. There shall be a minimum of 209 parking spaces provided on-site prior to the ultimate development of the site.
12. The air conditioning unit adjoining the existing play area, shown on Sheets P-0201 and P-0301 of the GDP/SE, will be operated in such a manner that it will not cause a violation of the noise regulations set out in the Code of Fairfax County, as it may be amended, at the southeast property line. In the event there is a violation of the noise regulations caused by that air conditioning unit, the Applicant shall either replace the unit with a unit which does not violate the noise regulations or enclose or otherwise modify the original unit so that it does not violate the noise regulations. In the event the Applicant for any reason replaces the air conditioning unit, the replacement unit shall be a quieter model and shall not violate the noise regulations.
13. When the masonry wall is constructed as part of Phase I, it shall be constructed in the location shown on Sheet P-0301 of the GDP/SE Plat and may also extend southwest to the existing Town of Vienna water easement shown on Sheet P-

0301. In this area of extension, the masonry wall may be constructed in lieu of the wood fence shown on Sheet P-0301 of the GDP/SE Plat, provided that the wall does not impact stormwater drainage to the stormwater infiltration facility to the south. The wall may contain openings at the base to permit drainage. The alignment of the wall extension may shift slightly from the location shown for the wood fence, and adjustments to the limits of clearing, tree preservation areas, and proposed landscaping may be made to accommodate the extension of the wall. The wood fence shown on Sheet P-0301 of the GDP/SE Plat shall be constructed if impacts to stormwater drainage from the masonry wall cannot be mitigated.

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 (Non-RUP) 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, six (6) months after the date of approval unless a Non-RUP for a child care center with a maximum of 99 children which cites this Special Exception has been issued. This Special Exception as it relates to Phase 1 and later phases shall automatically expire, without notice, five (5) years after the date of approval unless construction of Phase I has commenced and been diligently prosecuted. Commencement of construction of Phase 1 shall confirm Applicant's right to build all subsequent phases and establish all subsequent uses. The Board of Supervisors may grant additional time to obtain a Non-RUP for the child care center which cites this Special Exception and/or to commence construction of Phase I if a written request for additional time is filed with the Zoning Administrator prior to the appropriate 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 requirement along the eastern portion of the southern property line, as shown on the GDP/SE Plat
- Waived the service drive requirement along Chain Bridge Road
- Waived the barrier requirement along the northern property line

SE 2012-PR-010  
March 20, 2013

-4-

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova  
Supervisor Lynda Smyth, Providence District  
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Donald Stephens, Transportation Planning Division  
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  
Planning Commission  
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](http://www.fairfaxcounty.gov/dpz/zoning/applications)

**APPLICATION No:** SE 2012-PR-010

*concurrent with RZ 2012-PR-011*  
**(Staff will assign)**

**RECEIVED**  
 Department of Planning & Zoning

OCT 31 2012

**APPLICATION FOR A SPECIAL EXCEPTION**

Zoning Evaluation Division

(PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> Trustees of Emmanuel Lutheran Church
	<b>MAILING ADDRESS</b> 2589 Chain Bridge Road Vienna, Virginia 22181
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 938-2119
	<b>PHONE MOBILE</b> ( )
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> 2589, 2593, 2595 Chain Bridge Road Vienna, Virginia 22181
	<b>TAX MAP NO.</b> 38-3 ((1)) 34, 35, 38A <b>SIZE (ACRES/SQ FT)</b> 5.06 / 220,261
	<b>ZONING DISTRICT</b> R-1 <b>MAGISTERIAL DISTRICT</b> Providence
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b> R-3
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> Section 3-404.2.C
	<b>PROPOSED USE</b> Church, child care center, school of general education
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Sarah E. Hall
	<b>MAILING ADDRESS</b> Blankingship & Keith, P.C. 4020 University Drive, Suite 300 Fairfax, VA 22030
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 293-7231
	<b>PHONE MOBILE</b> ( 202 ) 316-7607
<b>MAILING</b>	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>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.</p> <p>Sarah E. Hall, Attorney/Agent</p> <p><u>Sarah E Hall Attorney/Agent</u></p> <p><b>TYPE/PRINT NAME OF APPLICANT/AGENT</b> <b>SIGNATURE OF APPLICANT/AGENT</b></p>	

DO NOT WRITE IN THIS SPACE

Date Application accepted: 12/15/12

Application Fee Paid: \$ 0

*Virginia Ruffin* SE 2012-0246

12/15/12  
 WLB



# SE 2012-PR-010

## Zoning Application Closeout Summary Report

Printed: 3/22/2013

### General Information

**APPLICANT:** TRUSTEES OF EMMANUEL LUTHERAN CHURCH  
**DECISION DATE:** 03/19/2013  
**CRD:** NO  
**HEARING BODY:** BOS  
**ACTION:** APPROVE  
**STAFF COORDINATOR:** MARY ANN TSAI  
**SUPERVISOR DISTRICT:** PROVIDENCE

**DECISION SUMMARY:**

ON MARCH 19, 2013, THE BOARD OF SUPERVISORS APPROVED SE 2012-PR-010 CONCURRENT WITH RZ 2012-PR-011 ON A MOTION BY SUPERVISOR SMYTH, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 8, 2013 AND THE PROFFERS DATED FEBRUARY 11, 2013.

**APPLICATION DESCRIPTION:**

CHURCH, CHILD CARE CENTER AND PRIVATE SCHOOL OF GENERAL EDUCATION

### Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				R-3	5.06 ACRES

### Tax Map Numbers

0383 ((01)) ( )0034      0383 ((01)) ( )0035      0383 ((01)) ( )0038 A

### Approved Land Uses

Zoning District: R- 3

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
CH/SCH<100							
CHCR>99							

TOTALS

### Approved Waivers/Modifications

- WAIVE BARRIER REQUIREMENT
- MODIFY TRANSITIONAL SCREENING REQUIREMENT
- WAIVE SERVICE DRIVE REQUIREMENT

3/22/2013

---

**Approved Development Conditions**DEVELOPMENT CONDITION STATEMENT DATE: 03-08-2013

---

<b>DEVELOPMENT CONDITION</b>	<b>DUE</b>	<b>TRIG #</b>	<b>TRIG EVENT</b>	<b>CONTRIB</b>	<b>EXPIR DTE</b>
NUMBER OF SEATS	01-01-0001	0	NON-RUP	0	01-01-0001
OUTDOOR PLAY AREA	01-01-0001	0	NON-RUP	0	01-01-0001
PARKING	01-01-0001	0	SITE PLAN	0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	NON-RUP	0	01-01-0001
EXPIRES IN NUMBER MONTHS / YEARS UNLESS IMPLEMENTED	01-01-0001	0	NON-RUP	0	01-01-0001
SUBJECT TO SITE PLANS / SUBDIVISION PLATS	01-01-0001	0	SITE PLAN	0	01-01-0001
ENROLLMENT LIMITATIONS	01-01-0001	0	NON-RUP	0	01-01-0001
MINOR MODIFICATIONS	01-01-0001	0	SITE PLAN	0	01-01-0001
NON-RUP	01-01-0001	0	NON-RUP	0	01-01-0001

3/22/2013