



County of Fairfax, Virginia

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

May 15, 2013

Jonathan D. Puvak
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 00-H-028

Dear Mr. Puvak:

At a regular meeting of the Board of Supervisors held on May 14, 2013, the Board approved Special Exception Amendment Application SEA 00-H-028 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 9970 Vale Road, on approximately 19.22 acres of land zoned R-1 in the Hunter Mill District [Tax Map 37-4 ((1)) 42]. The Board's action amends Special Exception Application SE 00-H-028 previously approved for a place of worship with nursery school, child care center and private school of general education to permit modification to development conditions, pursuant to Sections 3-104 and 9-301 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

- *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, previously approved with SE 00-H-028, as qualified by these development conditions.
- *3. A copy of this Special Exception Amendment and the Non-Residential Use Permit shall be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

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>

- *4. This Special Exception Amendment 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 amendment shall be in substantial conformance with the approved Special Exception Plat **entitled St. Mark Catholic Church and prepared by Wiles Mensch Corp., dated April 21, 2000, and revised through August 4, 2000**, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- *5. Upon the issuance of the Non-RUP for this Special Exception, the maximum seating capacity in the main area of worship shall be limited to a total of 1,000 seats.
- *6. Irrespective of any representations on the Special Exception Plat, upon the issuance of the Non-RUP for this Special Exception, the maximum daily enrollment for the private school of general education shall be limited to a maximum of 400 students in grades K-8. The maximum daily enrollment for the child care center shall be limited to 30 students in the morning and 50 students in the afternoon, and shall consist only of students enrolled in the private school. The maximum daily enrollment for the nursery school shall be limited to a maximum of 30 children; however, the maximum combined daily enrollment for the school and the nursery school shall not exceed 400 children.
- 7. The hours of operation for the church and its associated activities occurring on-site, which may include worship services, religious education, community service and social events, shall be limited to the hours of 6:00 am to 10:00 pm on weekdays, and 8:00 am to 11:00 pm on weekends. However, services may be permitted beyond those hours up to two (2) times per year to permit special events such as midnight services on Christmas Eve.

The maximum hours of operation of the nursery school shall be from 8:00 am to 3:30 pm, Monday through Friday. The maximum hours of operation for the private school of general education shall be from 8:00 am to 3:30 pm Monday through Friday for regular school hours, and extracurricular activities shall be permitted after regular school hours, with evening activities permitted until 10:00 pm weekdays. Student activities sponsored by the school shall be permitted on a maximum of two (2) Saturdays per month between the hours of 9:00 am and 11:00 pm. A maximum of 30 students enrolled in the private school shall be permitted to arrive for child care beginning no earlier than 7:00 am. A maximum of 50 students enrolled in the private school, if not involved in other extracurricular activities, shall be permitted to remain no later than 6:00 pm for child care.

- The school building, including the gymnasium, shall not be rented out for general use by the public. However, community organizations such as Boy Scouts, local civic associations, and other community activity groups may be permitted to use the facilities on a pro-bono basis.
- *8. Irrespective of that shown on the Special Exception Plat, the school building shall be limited to 52,245 square feet, with a maximum height of thirty (30) feet, within the building footprint shown on the Special Exception Plat. Exterior building materials for the proposed school building shall consist of materials similar to that of the existing church structure, which is brick and with a sloped, shingled roof. The proposed building façade shall be in substantial conformance with that shown in the elevation rendering attached as Exhibit A.
 - *9. Prior to site plan approval or upon demand by VDOT or Fairfax County, whichever occurs first, additional right-of-way along the Vale Road frontage of the site shall be dedicated to the Board of Supervisors, in fee simple, to equal forty-five (45) feet from centerline and all necessary ancillary easements shall be granted, both as determined by DPWES and VDOT.
 - *10. A ride-share program to encourage and assist in the organization of student and employee car/van pools shall be instituted by the school and shall be maintained indefinitely. The school shall appoint an individual or a committee to head the ride-share program and the name(s) of the individual(s) appointed to head the committee shall be provided to the Department of Transportation (DOT) and to the Hunter Mill District Supervisor's Office. The ride share program shall ensure that the students and employees of the private school and nursery school are transported to and from the subject site at an average rate of 2.75 students and/or employees per vehicle overall, in order to minimize the number of vehicles entering and exiting the site.
 - *11. Additional measures for mitigation of increased vehicular traffic on Vale Road shall be pursued by the applicant, and if such measures are permitted and warranted by VDOT they shall be implemented by the applicant. These additional measures shall include, but are not limited to, hiring a qualified officer to control traffic flow at the entrance to the school during peak traffic activity, or approximately one half-hour before and after the opening and closing of the school, and installation of school zone speed limit signage. At the time of review of the site plan, the applicant shall demonstrate what measures were pursued and the results of such efforts. Such measures shall be operational prior to the issuance of the Non-RUP or as soon thereafter as may be permitted by the Police Department and VDOT, as applicable.
 - *12. The travel lane which leads to the rear parking area shall be closed when the play area is in use for scheduled activities and recreational use. In addition, the entrances leading to and from the southwest parking area shall be closed for

- parking purposes during regular school hours and when the play area is in use for scheduled activities and recreation.
- *13. There shall be no drop-off of students on Vale Road, Trott Avenue, Corsica Street, Woodrow Street, Riviera Drive, or Gerkin Avenue. All vehicles must enter the site and drop off students at the school building entrance. All vehicle stacking shall occur on-site. Parking aisles shall be blocked off with traffic cones or by other means during drop-off in the a.m. to prevent disruption of the one-way flow of traffic. If the stacking area is full, vehicles shall be directed to the rear parking area to wait, and/or the stacking lane shall be increased and routed through this area, to prevent the stacking of vehicles off-site.
 - *14. There shall be no vehicular access to or from the site onto Gerkin Avenue, including during construction. All construction vehicles shall enter and exit the site via Vale Road. A parallel construction entrance may be implemented, if approved by VDOT and/or Fairfax County DOT, for the purpose of saving wear on the existing driveway.
 - *15. There shall be a secured gate at the entrance to the church/school site from Gerkin Avenue. Pedestrian access shall be permitted for those students or employees who live in the neighborhoods immediately north of the school, and who will be walking to the school. Additionally, church parishioners who live in the neighborhoods immediately north of the church shall be permitted to register with the church as walkers and shall be granted access to the gate. These students, employees, and parishioners living in the immediate vicinity and walking to the site shall be the only persons permitted to access the site through the gate. No access shall be permitted to or from St. Mark's property or facilities via the properties of its abutting neighbor(s).
 - *16. Parking for all uses shall occur on-site only, limited to the areas shown on the Special Exception Plat. There shall be no overflow parking permitted along any of the surrounding subdivision streets including, but not limited to, Vale Road, Stryker Avenue, Trott Avenue, Woodrow Street, Gerkin Avenue, Corsica Street, Nadine Drive, Oak Valley Drive, or Rocky Branch Road. The church and school administration shall make all members and drivers of students aware of this restriction.
 - *17. A sidewalk shall be provided from Vale Road into the site to provide pedestrian access from Vale Road through the parking lot to the school entrance, as shown on the Special Exception Plat. Sidewalks shall be constructed and maintained along the St. Mark's property frontage, and from the Vale Road entrance to the school facility.
 - *18. A landscape plan shall be submitted as part of the first submission of site plan(s) and shall be reviewed and approved by the Urban Forestry Branch. The plan shall

provide for landscaping consistent in quality and quantity with that shown on Sheet C-2 of the Special Exception Plat, with the addition of the following:

- Additional trees and plant material shall be added to the buffer shown on the Special Exception Plat at the western, northern and northeastern peripheries to further mitigate the impact of the playing fields on the adjacent residential properties. This additional material shall consist of a continuous barrier of evergreen trees, and shall be located on the outside of the fence so as to further buffer the adjacent residential properties from the playing field activities. Existing vegetation shall be preserved, and supplemented along all boundaries except along Vale Road, to meet the intent of Transitional Screening Type 1. The number, quality and species required shall be determined by the Urban Forestry Branch. The existing vegetation in these areas shall be preserved to the maximum extent possible. The limits of clearing and grading shall not extend into the required minimum transitional screening yard, except in the areas along the storm sewer easement on the western and northern boundaries which contain no existing vegetation and which require further grading to resolve an existing drainage problem.
 - The limits of clearing and grading shall be clearly marked with a continuous line of flagging prior to the pre-construction meeting and shall clearly delineate the limits of clearing and grading with such flagging throughout the construction period. To ensure the preservation of trees to the maximum extent possible, the limits of clearing and grading and tree save areas shall be protected by tree protection fencing, consisting of 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no farther than 10 feet apart. The tree protection fencing shall be made clearly visible to all construction personnel. The tree protection fencing shall be installed prior to the performance of any clearing and grading activities on the site. Trees within the tree protection fencing that are damaged or destroyed by construction activities shall be replaced as determined by the urban forester.
 - All diseased and/or dying plant material shall be replaced as necessary to maintain a continuous year-round screen, as approved by the Urban Forestry Branch.
- *19. A minimum six (6) foot high fence shall be provided between the transitional screening and church/school use extending northward from the western property line near Vale Road to the northern property line, eastward to the access easement near Gerkin Avenue, and southward to its convergence with the proposed picket fence to surround the cemetery. The fence shall then continue from the southeastern corner of the cemetery enclosure along the northeastern property line to the eastern edge of the existing parking area. This fence shall be a solid wood fence unless a consensus is reached prior to site plan approval regarding a single alternative fence type, such as chain link, that is preferred by all of the adjacent residents and deemed acceptable by St. Mark's.

20. Use of the outdoor playing fields shall be limited to between the hours of 8:00 a.m. and sunset.
- *21. No lighting shall be provided for the outdoor playing fields and the use of outdoor public address speaker systems or bull horns shall be prohibited.
- *22. Outdoor lighting fixtures used to illuminate the parking area and walkways shall not exceed 12 feet in height. All fixtures shall be fully shielded and directed downward, to prevent glare and light spillover onto the surrounding residential properties. Outdoor building-mounted security lighting shall also be shielded and directed inward to prevent glare. All parking lot lighting, with the exception of necessary security lighting, shall be turned off within one hour of the last scheduled evening activity.
- *23. Stormwater management facilities and best management practices shall be provided on-site as shown on the Special Exception Plat. The final design shall be subject to the approval of DPWES, and shall continue to provide for alternatives such as sand filters, rain gardens with underdrains, extended dry BMP facilities, or undisturbed open space set aside in conservation easements in lieu of infiltration methods. If the required design is not in substantial conformance with that shown on the Special Exception Plat, the applicant shall be required to apply for a Special Exception Amendment for approval of the resulting change.
- *24. The location of heating and air conditioning and associated mechanical units (HVAC systems) shall be placed to the interior of the site to minimize the noise impact on the surrounding residential properties. The design of the HVAC system for the school shall be such that as many of the components as possible shall be located inside the building. The units shall be subject to Zoning Ordinance performance standards with respect to noise levels, and shall be surrounded by vegetative screening and fencing so as to minimize the exterior noise to the maximum extent possible.
- *25. Trash dumpsters shall be screened with wood or masonry enclosures which are designed to be compatible with the buildings; further screened from the adjacent residential properties with vegetation; and located in the area shown on the Special Exception plat. Refuse and trash removal shall be permitted only between the hours of 9:30 am to 6:00 pm, weekdays.
26. Distribution of food prepared off-site may be permitted up to five days per week for the private school of general education, nursery school, and child care center. No on-site food preparation shall occur for the proposed school of general education, nursery school, or child care uses. This does not preclude on-site food preparation for church-sponsored activities, such as wedding receptions.

- *27. Prior to the first day of each school year, the school administration shall establish a neighborhood liaison committee to meet with interested neighbors on a quarterly basis or at a mutually agreed upon frequency to discuss and address neighborhood concerns regarding the operation of the school as it relates to impacts on the surrounding neighborhood. The neighborhood liaison committee shall provide the school and the Hunter Mill District Supervisor's office with the name and telephone number of a contact person prior to the first day of each school year.
- *28. All signage shall be in conformance with Article 12 of the Zoning Ordinance, and pole-mounted signs shall not be permitted.
- *29. The proposed use shall be in conformance with all applicable Performance Standards in Article 14 of the Zoning Ordinance.
- *30. The school shall not be open to grades 9-12 and there shall be no construction or installation of any additional playfields, playground lights, temporary trailer-type classrooms, or permanent bleachers without the approval of a Special Exception Amendment.
- *31. Construction vehicles/equipment other than cars, vans, or pickup trucks shall not be transported onto the site or off the site between the hours of 6:30 am to 8:30 am and the hours of 3:00 pm to 6:00 pm, between September 1 and June 25, to avoid conflict with peak hour commuter and school traffic.
 - Outdoor and exterior construction shall be permitted only between the hours of 7:00 am and 6:30 pm. Outdoor and exterior construction activities shall not be permitted on Sundays and the following legal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
 - In addition, all restrictions mandated by the County of Fairfax that limit construction activity (i.e. off-site damage to other properties, etc.) shall be observed.
- *32. A Nutrient Management Plan based on *Virginia Nutrient Management Standards and Criteria* and an Integrated Pest Management (IPM) Plan shall be implemented and shall be submitted by the applicant for annual review to limit excessive chemicals and to protect water quality. Activities based on this plan shall be reviewed by the Northern Virginia Soil and Water Conservation District or the Department of Extension of Continuing Education. A copy of the approved pesticide management program and records of all chemical applications shall be kept onsite at all times. Records shall be made available to county staff and to the general public for viewing upon request.
- *33. Corrective grading to existing drainage problems in the rear yards of Parcels 37-2 ((9)) 126, 127, 128, 129, 130, 131 shall be conducted by the applicant prior to

issuance of the Non-RUP for the school as determined necessary by DPWES and at the request of the parcels' owners, provided that such owners grant any necessary temporary construction and access easements at no cost to the applicant.

- *34. Testing of existing wells shall be conducted by the Health Department, at the expense of the applicant, on two nearby residential properties, one to the west and one to the northeast of the application property. This testing shall be conducted prior to the filing of the site plan, for the purpose of establishing a baseline of water quality. Based on the results of such tests, the applicant will make adjustments to the proposed stormwater management system which is proposed, as determined necessary by DPWES. Selection of the properties to be tested shall be mutually agreed upon by the applicant and any willing property owner, and temporary access easements shall be granted at no cost to the applicant. In the event that no nearby property owners are willing to permit testing of their wells, this condition shall be null and void.
- *35. All paved areas on the application property shall be swept a minimum of once per month, and the debris shall be properly disposed in a manner consistent with the method approved for trash removal for the project.

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 (Non-RUP) through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless a new (Non-RUP) has been issued to reflect this special exception amendment. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. 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.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

SEA 00-H-028
May 15, 2013

-9-

cc: Chairman Sharon Bulova
Supervisor Catherine Hudgins, Hunter Mill 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, Department of Transportation
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

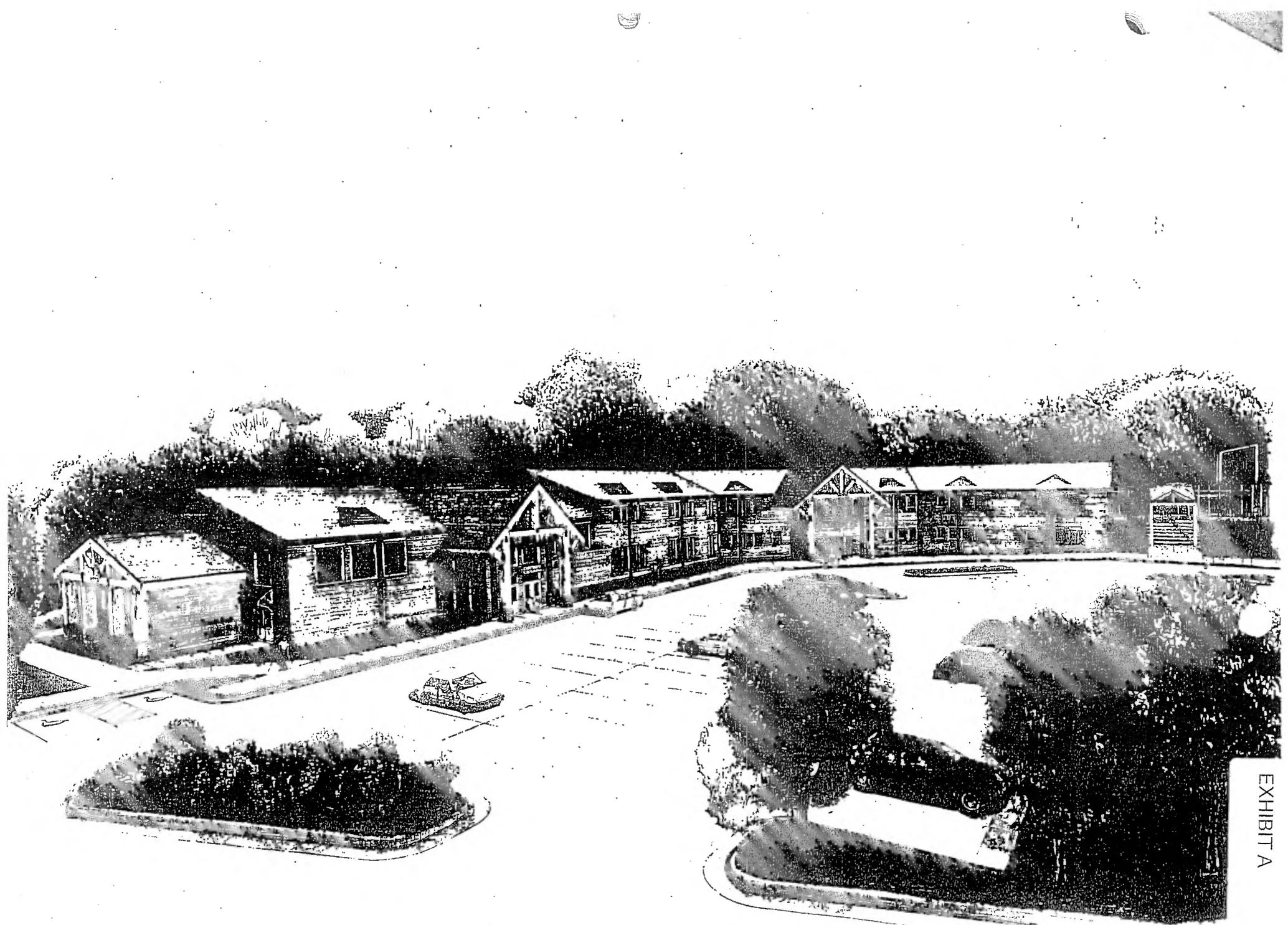


EXHIBIT A



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 00-H-028
 (Staff will assign)
RECEIVED
 Department of Planning & Zoning

NOV 13 2012

APPLICATION FOR A SPECIAL EXCEPTION Zoning Evaluation Division
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office
	MAILING ADDRESS c/o Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Blvd., Suite 1300 Arlington, VA 22201
	PHONE HOME () WORK (703) 528-4700
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 9970 Vale Road
	TAX MAP NO. 37-4 ((1)) 42 SIZE (ACRES/SQ FT) 19.22
	ZONING DISTRICT R-1 MAGISTERIAL DISTRICT Hunter Mill
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION Section 3-104; Section 9-301
	PROPOSED USE A place of worship with a nursery school, child care center and private school of general education with an enrollment which exceeds 100 students daily.
AGENT/CONTACT INFORMATION	NAME Jonathan D. Puvak, Agent
	MAILING ADDRESS Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Blvd., Suite 1300 Arlington, VA 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
<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>Jonathan D. Puvak</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT</p>	

DO NOT WRITE IN THIS SPACE

SEA 2012-0258

mec
12/14/12

Date Application accepted: December 14, 2012 Application Fee Paid: \$ 5,512.⁵⁰

SEA 00-H -028

Zoning Application Closeout Summary Report

Printed: 5/15/2013

General Information

APPLICANT: THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS
DECISION DATE: 05/14/2013
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: MARY ANN TSAI
SUPERVISOR DISTRICT: HUNTER MILL (PREV C)

DECISION SUMMARY:

ON MAY 14, 2013, THE BOARD OF SUPERVISORS APPROVED SEA00-H-028 ON A MOTION BY SUPERVISOR HUDGINS, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 29, 2013.

APPLICATION DESCRIPTION:

PLACE OF WORSHIP WITH NURSERY SCHOOL, CHILD CARE CENTER AND PRIVATE SCHOOL OF GENERAL EDUCATION OF GREATER THAN 99 STUDENTS

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				R- 1	19.22 ACRES

Tax Map Numbers

0374 ((01))()0042

Approved Land Uses

Zoning District: R- 1

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
CH/SCH>99					52,245	0.00	19.22 ACRES

TOTALS

5/15/2013

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 05-15-2013

DEVELOPMENT CONDITION	DUE	TRIG.#	TRIG.EVENT	CONTRIB	EXPIR.DTE
HOURS OF OPERATION	01-01-0001	0	NON-RUP	0	01-01-0001
OTHER - LAND USE	01-01-0001	0	NON-RUP	0	01-01-0001

5/15/2013