County of Loudoun

Department of Planning

MEMORANDUM

DATE: April 13, 2009

TO: Stephen Gardner, Project Manager, Land Use Review

FROM: Pat Giglio, Planner, Community Planning

SUBJECT: SPEX 2007-0053, Washington Immanuel Presbyterian, 2nd Referral

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BACKGROUND

The applicant, Washington Immanuel Presbyterian Church, is requesting a Special Exception to permit a church use within an existing building located at 23219 Evergreen Mills Road. The applicant is proposing to convert an existing 10,646 square foot one-story metal Morton building into a 250-seat assembly area for church services. The proposed church would be served by an on-site well and the applicant has requested a permanent pump-and-haul operation for the wastewater generated by the uses. The 10 acre site is zoned A3 (Agriculture Residential) and governed under the provisions of the Revised 1993 Zoning Ordinance. County GIS records indicate there are no environmental features on the site that would be impacted by the use of the existing building or proposed relocation of the entrance and expansion of the parking area.

Staff has reviewed the most recent submittal dated March 20, 2009. Staff finds that the submitted materials adequately address and clarify those issues raised in the first referral pertaining to traffic, minimum parking requirements, the incorporation of existing trees within the required buffer yards and the provision of night sky-friendly lighting on the subject site. However, issue pertaining to the provision of an adequate wastewater disposal system and the establishment of a permanent pump-and-haul system for the proposed church use remain outstanding.

COMPREHENSIVE PLAN COMPLIANCE

The subject site is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (*Revised General Plan, Chapter 7, Rural Residential Policies, Policy 3*).

OUTSTANDING ISSUE

In the first referral, staff stated that the use of a permanent pump-and-haul system to serve the proposed church use was not consistent with Plan policies and that these systems should only be used as a last resort as a temporary wastewater disposal method within the Rural Policy (*Revised General Plan, Chapter 12,General Wastewater Policies, Policy 12*). In response the applicant has submitted a request to the Board of Supervisor for a permanent pump-and-haul for the subject site.

Plan policies do not support permanent pump-and-haul operations within the Rural Policy Area. Staff recommends resolution of the wastewater disposal issues prior to the application moving forward to determine if the use of the subject property for a church as proposed should be considered.

RECOMMENDATION

Staff has identified a significant outstanding issue pertaining to the proposed establishment of a permanent pump-and-haul to serve the subject site, which is not supported by Plan policies. Resolution of this major issue, prior to moving forward on the legislative application, is needed to determine if the use of the subject property for a church should be considered further.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Community Planning Division Manager – via e-mail

County of Loudoun

Department of Planning

MEMORANDUM

DATE: February 25, 2008

TO: Stephen Gardner, Project Manager, Land Use Review

PG

FROM: Pat Giglio, Planner, Community Planning

SUBJECT: SPEX 2007- 0053, Washington Immanuel Presbyterian Church

BACKGROUND

The applicant, Washington Immanuel Presbyterian Church, is requesting a Special Exception to permit a church use within an existing building located at 23219 Evergreen Mills Road. The 10 acre subject property is located on the west side of Evergreen Mills Road (Route 621) approximately one-half mile south of the intersection of Ryan Road, near Brambleton and the village of Arcola. The one-story metal Morton building was originally constructed as an agricultural processing/distribution facility, the property was later sold in 2003 to Elks Lodge #2406, located in Sterling, who never officially occupied the building. The applicant is proposing to convert the 10,646 square foot building into a 250-seat assembly area for church services. The proposed church would be served by an on-site well and the applicant has requested a permanent pump-and-haul operation for the wastewater generated by the use. The applicant is also proposing the abandonment of the current entrance and its relocation to the east, as well as the provision of additional parking. The subject site is zoned A3 (Agriculture Residential) and governed under the provisions of the Revised 1993 Zoning Ordinance. A review of County GIS records did not identify any environmental features on the site that would be impacted by the use of the existing building, relocation of the entrance and expansion of the parking area.

COMPREHENSIVE PLAN COMPLIANCE

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (*Revised General Plan, Policy 3, p.7-15*).

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Resolution of this major issue, prior to moving forward on the legislative application will determine if the utilization of the subject property for the proposed church is viable or if other uses for the property should be considered.

Traffic

The proposed site is accessed from Evergreen Mills Road (Route 621) which is currently designated as a major collector in the Revised Countywide Transportation Plan. A traffic impact analysis was submitted with this application to the Office of Transportation Services. The traffic study is based on the anticipated traffic generation for the use of the subject site as a church with a capacity for 250 people and providing Sunday only services. The traffic study anticipated that at full building-out the proposed church would ultimately generate 8 am peak hour trips, 7 pm peak hour trips, and 164 Sunday peak hour trips. The applicant has proposed the abandonment of the current entrance and its relocation to the east to improve site distances. The new entrance will include a right turn taper as required by the Virginia Department of Transportation to provide safer access to the site. The traffic study found that the impacts of the proposed church on the existing road network are negligible since the majority of traffic will be generated on Sunday during off peak hours.

The proposed church appears to have a minimal impact on traffic and adequate onsite provisions have been provided to accommodate safe access to the site. The applicant should provide a commitment to the trip generation data submitted with the traffic study to ensure that future traffic created by the proposed use of the subject property as a church will not negatively impact the existing road network.

Parking

The County discourages providing additional impervious surface that exceeds the parking requirements of the Zoning Ordinance (*Revised General Plan, Policy 1, p. 6-30*). The applicant has proposed a capacity of 250 people for the church and has proposed 101 parking spaces.

Staff recommends that provided parking meet, not exceed, what is required by the Zoning Ordinance for the proposed use. Should the applicant require additional parking beyond what is required by the Zoning Ordinance information should be provided demonstrating the need for the additional spaces. If additional spaces are needed for overflow parking, staff recommends that a low-impact parking lot design be considered.

Landscaping and Buffering

The Statement of Justification states that the "applicant will provide the necessary landscaping, buffering and screening to accommodate Zoning

additional spaces if required. If additional spaces are needed for overflow parking, staff recommends a low-impact parking lot design for parking areas.

2. Revise the submitted Special Exception plat to incorporate existing trees into the required buffer yards and designate these trees as Tree Conservation Areas (TCAs) on the Special Exception plat. Provide a commitment to the preservation and maintenance of the TCAs during construction and over the life of the project.

Staff would be happy to meet with the applicant to discuss any of the issues raised above.

CC: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning

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COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

DATE: November 16, 2009

TO: Stephen Gardner, Project Manager, Planning

FROM: Theresa M. Stein, Planner, Zoning Administration

CASE NUMBER AND NAME: SPEX-2007-0053 3rd Submission
Washington Immanuel Presbyterian Church

TAX MAP / PARCEL NUMBER: /91////////8A 243-49-8730

Zoning staff has reviewed the 3rd submission materials, and the following comments remain outstanding. In addition, the revised SPEX conditions, dated November 24, 2009, were reviewed, and suggestions/changes are attached.

1. **Original comment:** ~~*"Section 5-900(C). The Applicant is proposing a new access point to the site off of Evergreen Mills Road (Route 621), which is classified as a major collector per the Countywide Transportation Plan (CTP). Pursuant to §5-900(C), new access points to major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT."* Zoning staff requests an affirmative acknowledgement from OTS that the elimination of the existing entrance and construction of a new entrance is approved by OTS or VDOT. Pursuant to direction from OTS, the applicant must demonstrate that sight distances are adequate for the new entrance.~~ **The applicant has added a note to the SPEX plat that the original entrance will be removed "if required by OTS or VDOT". Staff conferred with OTS and VDOT: both recommended that the existing entrance be removed. Revise the note to state that the existing entrance will be removed and remove General Note 14 on sheet 1 of the SPEX plat.**

2. **Original comment:** ~~*"Section 6-1000. County records indicate that there is a single 1,426 sq. ft. "miscellaneous improvement" on the property. However, there appears to be a 10,646 sq. ft. warehouse on the property, and two additional structures. Be advised that permits must be obtained for all structures on the property prior to commencement of the church use."* State the square footage of each building that will remain on the property in order to verify the square footage and lot coverage calculation. In addition, provide the height of the existing buildings to remain in General Note 10.e., sheet 1.~~ **Sheet 2 indicates that the total of the 2 buildings is 11,286 sf (10,666 for the main building and 720 sf for the utility building), however, General Note 10 indicates that the lot coverage is based upon 11,720 sf. Correct the discrepancy. Height of the existing buildings was not provided as requested.**

3. General Note 20 on sheet 1 of the Plan has been altered from the 2nd submission. The second half of the last sentence allows for FSM waivers, which negates the requirements in prior sentences. Remove "and may be subject to Facilities Standards manual waiver request for final approval of the BMP measures".

4. Remove General Note 12 from sheet 1 of the SPEX plat as it is addressed in condition #6.

ATTACHMENT 1b.

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SPEX 2007-0053 CONDITIONS OF APPROVAL – November 24, 2009

– REVISED 11/16/09

1. **Substantial Conformance** – This Special Exception to permit development of a church shall be developed in substantial conformance with Sheet 1 of 4 and Sheet 2 of 4 (the "Special Exception Plat") of the plan set entitled "Special Exception Plat SPEX 2007-0053 Washington Immanuel Presbyterian Church," dated November 4, 2007, revised through November 2, 2009, prepared by TRI-TEK Engineering (the "Plans"), and incorporated herein by reference. Approval of this application for Tax Map Number /91////////8A (PIN# 243-49-8730) (the "Property") shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.

2. **Capacity** – The sanctuary seating capacity of the church use shall be limited to 250 individuals. The average weekly attendance of the church use shall not exceed 250 individuals.

3. **Accessory Events** – Accessory church uses ~~and events, customarily incidental and subordinate to the church use,~~ as defined by the Revised 1993 Loudoun County Zoning Ordinance ("Ordinance"), are limited ~~(i.e. weddings, theatrical productions, day camps, etc.)~~ to no more ~~which more than~~ 250 individuals and may be subject to additional Ordinance requirements. ~~will be in attendance shall be prohibited~~. Any Special Event, as defined by ~~Article 8 of~~ the ~~Revised 1993 Zoning~~ Ordinance, shall be limited to a maximum of 250 individuals, and may be ~~reviewed and~~ permitted in accordance with ~~pursuant to~~ Section 5-500(C) and Other applicable Ordinance requirements. ~~of the Revised 1993 Zoning Ordinance~~.

4. **Site Plan** – Prior to the issuance of an occupancy permit for the church use, the Applicant shall submit to the County a site plan, rural economy site plan, or site plan amendment. The Applicant shall diligently pursue zoning permit approval to ensure conformance with the Revised 1993 Zoning Ordinance. All structures intended to be retained on-site shall be included on said site plan, rural economy site plan, or site plan amendment. The Applicant shall obtain applicable building permits for any building alteration and/or construction.

5. **Fire Code Compliance** – The Applicant shall demonstrate conformance with all applicable provisions of the International Fire Code for an assembly use. Documentation detailing compliance shall be submitted prior to issuance of an occupancy permit for the church use.

6. **Tree Save Area** - Within the area identified on the Plans as "Tree Save Area" the Applicant shall preserve a minimum of one hundred (100) percent of the canopy of healthy trees, exclusive of Virginia Pine over 25 years of age. In the event that the one hundred (100) percent canopy threshold cannot be achieved within said area, such lost canopy will be recaptured elsewhere onsite in locations to be designated

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at the discretion of the Applicant in consultation with the County. Such canopy will be in addition to required landscaping required by the Revised 1993 Zoning Ordinance. If, during construction on the Property, it is determined by the Owner's certified arborist and/or County that any healthy tree located within the boundary of said area has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to said area, the Owner shall remove such tree and replace each such tree with two (2), 2 ½ - 3 inch caliper, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed. Removal of trees within said area shall be prohibited without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infected, dead, or are considered a hazard to life or property.

~~6.~~ The rear landscape buffer, located along the western boundary, and the northern side yard, contains a portion of the designated "Tree Save Areas." The rear and northern side yard landscape buffer shall incorporate existing trees within the Tree Save Area, which may count toward the required planting material. If the existing vegetation does not meet the buffer requirement of the Ordinance, the buffer will be supplemented with new plant material until the requirement is met. All other landscaping and buffer yards will be pursuant to the Revised 1993 Loudoun County Zoning~~Required buffering located within designated "Tree Save Areas" shall incorporate existing trees and credit will be given for said trees retained when calculating the required plant materials for the applicable buffer yards. If it is the case that existing vegetation does not meet the requirements for plant materials as noted within the Revised 1993 Zoning Ordinance for the applicable buffer yard, existing vegetation will be supplemented by new plantings (i.e. trees and/or shrubs) until such is met. All other landscaping and buffer yards will be pursuant to the Revised 1993 Zoning Ordinance~~.

~~7.~~ **Rear Buffer Yard** – The rear buffer yard (western property line) shall maintain a minimum width of thirty (30) feet as noted on the Plans. Existing vegetation (i.e. trees, understory shrubs, etc.) shall be retained within said buffer yard and may be used to fulfill planting material requirements ~~as noted within the Revised 1993 Zoning Ordinance~~. If it is the case that existing vegetation does not meet the required plant material for a rear buffer yard~~requirements for plant materials as noted within the Revised 1993 Zoning Ordinance for the rear buffer yard~~, existing vegetation will be supplemented by new plantings (i.e. trees and/or shrubs) until such is met. ~~All other buffer yards will be pursuant to the Revised 1993 Zoning Ordinance~~.

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~~8.~~7. **Stormwater Management** - Stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by rooftop and parking surfaces on the property. Proposed techniques and practices may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, where the first inch of storm runoff from rooftop and parking surfaces on site is treated by said techniques.

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~~9.~~8. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties. The Applicant shall power down all exterior lights on the Property excluding security lights during the closed hours of operation.

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Note: The applicant has agreed to contribute $.10 per square foot of development to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The $0.10 per square foot contribution will escalate annually based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984+100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics for the Washington-Baltimore area (base year of 1988) in accordance with Board policy, and such contribution shall be made prior to the issuance of the first zoning permit for the Property.

DRAFT

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

DATE: April 3, 2009

TO: Stephen Gardner, Project Manager, Planning

FROM: Theresa M. Stein, Planner, Zoning Administration TMS

CASE NUMBER AND NAME: SPEX-2007-0053 2nd Submission
Washington Immanuel Presbyterian Church

TAX MAP / PARCEL NUMBER: /91/////////8A 243-49-8730

Zoning staff has reviewed the 2nd submission materials for a church use in the A-3 zoning district. The issue of the pump and haul permit is unresolved: the applicant was not approved for a permanent pump and haul permit for the proposed use, and the existing pump and haul permit, issued for 31 to 45 employees, is insufficient to accommodate the proposed 250-seat church. The Transportation and Land Use Committee has requested additional information, which is pending. In addition, the existing buildings do not have an approved site plan or site plan amendment. The existing occupancy and zoning permit are for a single family dwelling unit. In addition, the following comments remain outstanding:

1. **Original comment:** "***Section 5-900(C).*** *The Applicant is proposing a new access point to the site off of Evergreen Mills Road (Route 621), which is classified as a major collector per the Countywide Transportation Plan (CTP). Pursuant to §5-900(C), new access points to major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.*" Zoning staff requests an affirmative acknowledgement from OTS that the elimination of the existing entrance and construction of a new entrance is approved by OTS or VDOT. Pursuant to direction from OTS, the applicant must demonstrate that sight distances are adequate for the new entrance.
2. **Original comment:** "***Table 5-1414(B)(2).*** *Type II Side buffer yards must be a minimum of 20 ft. and a maximum of 30 ft. in width. Revise the plat accordingly. Be advised that no portion of the parking lot may be located within the buffer yard per §5-1408.*" Sheet 1, General Note 12, of the SPEX plat states that the northern and western perimeter of the subject property has existing trees that will be used to fulfill the buffer planting requirements. Existing trees may be counted toward the required buffer where it fulfills the requirement. The SPEX plat has not provided sufficient information to determine that they meet the required Type 2 side and rear buffers. Revise the note to state that "existing vegetation that is suitable for use in compliance with buffer requirements may be used toward the buffering requirement, which will be determined at the time of site plan"
3. **Original comment:** "***Section 5-1508.*** *County records indicate that Moderately Steep Slopes (15-25%) only are present on the property. Verify that Very Steep Slopes (>25%) are present.*" Provide documentation used to locate the moderately and very steep slopes upon the site so that the information can be verified, and the County records updated, if necessary.

4. **Original comment:** "***Section 6-1000.*** *County records indicate that there is a single 1,426 sq. ft. "miscellaneous improvement" on the property. However, there appears to be a 10,646 sq. ft. warehouse on the property, and two additional structures. Be advised that permits must be obtained for all structures on the property prior to commencement of the church use.*" State the square footage of each building that will remain on the property in order to verify the square footage and lot coverage calculation. In addition, provide the height of the existing buildings to remain in General Note 10.e., sheet 1.
5. **Original comment:** "*County records indicate that the property owner is as follows: Washington Immanuel Presbyterian Church, 10511 Judicial Drive, Fairfax, VA 22030-5114.*" Revise General Note 2, on sheet 1, as it continues to provide an address different from County records.

Other:

6. If a permanent pump and haul permit is not approved or the issue is not otherwise resolved, staff recommends that the number of seats be limited to what the existing pump and haul permit can accommodate. Further guidance should be provided by the Health Department.
7. Staff recommends, as a condition of approval, that submission of a site plan, with subsequent occupancy and zoning permits, be required within a certain time frame.
8. In the Statement of Justification, regarding the issue for consideration Section 6-1310(L), the applicant states that they will be utilizing the existing pump and haul system to accommodate the 250-seat church sewage needs. The existing pump and haul permit was issued for 31 to 45 employees. Therefore, the proposed special exception will not be adequately served by essential public or private facilities or services. This application should either receive permission from the health department to allow a pump and haul permit for the proposed 250-seat church or the number of seats reduced in order to be adequately served by existing permits.

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

RECEIVED
MAR 10 2008
PLANNING DEPARTMENT

DATE: March 10, 2008

TO: Stephen Gardner, Project Manager, Planning

FROM: Claire Gron, Planner, Zoning Administration CG

THROUGH: Mark Stultz, Deputy Zoning Administrator MS

CASE NUMBER AND NAME: SPEX-2007-0053 1st Submission
Washington Immanuel Presbyterian Church

TAX MAP / PARCEL NUMBER: /91////////8A 243-49-8730

I. APPLICATION SUMMARY

Zoning Administration staff has reviewed the 1st submission of the above-referenced special exception application for conformance with the Revised 1993 Loudoun County Zoning Ordinance ("the Ordinance"). The following items were reviewed as part of the SPEX application:

A. Information Packet, dated January 31, 2008
B. Statement of Justification, dated December 6, 2007
C. Plat, dated November 4, 2007, revised through January 14, 2008

This application is a request by Washington Immanuel Presbyterian Church ("the Applicant") for approval of a special exception to permit a church in the A-3 (Agricultural Residential) district. A "Church, synagogue and temple" is permissible by special exception in the A-3 district pursuant to Section 2-403(C).

The property is approximately 10 acres in size, and is zoned A-3 (Agricultural Residential). County records also indicate that Moderately Steep Slopes (15-25%) are present on the property. There appears to be an existing 10,646 sq. ft. warehouse on the property, and two additional structures.

II. SPECIAL EXCEPTION APPLICATION ISSUES:

A. Conformance with the Revised 1993 Loudoun County Zoning Ordinance

1. **Section 2-403(C).** Clarify that the proposed use is "Church, synagogue and temple".
2. **Section 2-404(C).** Include this requirement on Sheet 1.

3. **Section 2-404(D) and Section 5-900(A)(10)(a).** Clarify that the "75' yard line" shown on Sheet 2 pursuant to §2-404(D) is also a 75 ft. building setback pursuant to §5-900(A)(10)(a).
4. **Section 2-405(A)(2).** The lot coverage stated on Sheet 1 is incorrect. Provide additional details concerning how this figure was derived, and include all structures (including covered porches) on the property.
5. **Section 5-900(A)(10).** Include this requirement on Sheet 1.
6. **Section 5-900(C).** The Applicant is proposing a new access point to the site off of Evergreen Mills Road (Route 621), which is classified as a major collector per the Countywide Transportation Plan (CTP). Pursuant to §5-900(C), new access points to major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.
7. **Section 5-1102(A)(3).** Clarify that 62 parking spaces are required, not 62.5.
8. **Section 5-1102(B)(11)(c) and Table 5-1102.** Churches are included in the category "Places of Worship" for purposes of calculating required parking (not "Public Assembly") and parking must be provided at the rate of .25/person in permitted capacity. Clarify if the permitted capacity of the proposed church will be 250, or if the congregation has 250 members. Parking must be provided based on the permitted capacity of the church. Revise the parking requirements on Sheet 1 of the plat accordingly.
9. **Section 5-1200.** The proposed sign appears to exceed Table 5-1204(D)(2)(c) maximum size requirements. Remove the sign from the plat. A separate zoning permit is required for the approval of all signs.
10. **Section 5-1413(B)(3).** There shall be a minimum six foot wide landscape island at the end of every row of parking. Revise the plat accordingly.
11. **Table 5-1414(B)(2).** Type II Side buffer yards must be a minimum of 20 ft. and a maximum of 30 ft. in width. Revise the plat accordingly. Be advised that no portion of the parking lot may be located within the buffer yard per §5-1408.
12. **Section 5-1504.** Note on the plans that lighting will comply with §5-1504 standards. Be advised that in the A-3 district, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.
13. **Section 5-1508.** County records indicate that Moderately Steep Slopes (15-25%) only are present on the property. Verify that Very Steep Slopes (>25%) are present.
14. **Section 6-701.** Be advised that a site plan is required for the proposed use.
15. **Section 6-1000.** County records indicate that there is a single 1,426 sq. ft. "miscellaneous improvement" on the property. However, there appears to be a 10,646 sq. ft. warehouse on the property, and two additional structures. Be advised that permits must be obtained for all structures on the property prior to commencement of the church use.
16. **Article 8 definition, "Church, synagogue, temple or mosque."** Provide additional information concerning the existing trailer and the existing 1-story block building on the property. What is the intended use of these structures?

B. Plat Comments

1. The plans submitted contain much more detailed information than is required. The Applicant should be advised that a likely condition of approval of the special exception will be the development of the site in substantial conformance with the special exception plat.
2. County records indicate that the property owner is as follows:

Washington Immanuel Presbyterian Church
10511 Judicial Drive
Fairfax, VA 22030-5114

3. Remove the "Existing" land use from Sheet 1.

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DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

RECEIVED
MAR 10 2008
PLANNING DEPARTMENT

DATE: March 7, 2008

TO: Stephen Gardner, Planning Project Manager

FROM: Laura Edmonds, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Pat Giglio, Community Planner

SUBJECT: SPEX-2007-0053 Washington Immanuel Presbyterian Church

The Environmental Review Team (ERT) reviewed the subject application during the February 26, 2008, ERT Meeting. Our comments pertaining to the current application are as follows:

Regarding streams and wetlands

1) Due to presence of drains, water bodies, hydric soils, and potential wetlands identified by the Loudoun County Wetlands Model on the property and the potential road crossing identified in the application, staff recommends that the applicant perform a wetland delineation verified by the Army Corps of Engineers for the property. Staff further recommends that all identified jurisdictional waters and wetlands be depicted on the Special Exception Plat.

Regarding steep slopes

2) Staff recommends that the County Steep Slopes layer be used to identify steep slopes on the Special Exception Plat, consistent with FSM 8.102.A.37, which supports the use of County data for identifying areas of steep slopes based upon 5-foot topography.

Regarding stormwater management

3) The Statement of Justification (Page 2) indicates that the existing pond will be used to accommodate stormwater runoff. Staff notes that the land disturbance associated with the project will likely exceed the 1-acre threshold whereby water quality measures are required. Furthermore, additional volume would need to be added to the existing pond if it is intended to satisfy water quality requirements. Therefore, staff recommends that the applicant explore opportunities to incorporate separate

water quality measures such as bioretention areas to treat runoff from the proposed entrance road/parking area before it enters the pond. Staff further recommends that locations for proposed water quality facilities be identified on the Special Exception Plat.

Regarding forest resources

4) Staff acknowledges that minimal disturbance to existing vegetation will be required to construct the proposed project. However, staff recommends that the existing forest cover located along the western property boundary be placed within a Tree Conservation Area to ensure preservation of existing vegetation on the property. Staff further recommends that a Condition of Approval ensuring preservation of the designated areas accompany the application.

Due to the scope of the comments provided, staff requests an opportunity to comment on the subsequent submission of this application. Please contact me if you need any additional information.

County of Loudoun

Office of Transportation Services

MEMORANDUM

DATE: April 6, 2009

TO: Stephen Gardner, Project Manager, Department of Planning

FROM: George Phillips, Senior Transportation Planner GP

SUBJECT: Washington Immanuel Presbyterian Church, SPEX 2007-0053
Second Referral

Location: Westside of Route 621 (Evergreen Mills Road) between Route 616 and Route 772

Background

In response to initial OTS comments dated February 11, 2008, the applicant, Washington Immanuel Presbyterian Church, has provided a response letter and revised statement of justification dated March 20, 2009 for review. The applicant has also provided a revised plat dated June 20, 2008 from Tri-Tek Engineering. Discussed below are the original OTS comments, the applicant's response and whether the issue has been adequately addressed.

Transportation Comments

1. The applicant's traffic study indicates that based on turn lane warrants for the weekday peak hour, right and left turn lanes are not warranted into the site entrance. A right turn taper is shown to be warranted and the applicant has reflected this on the plat. The CTP calls for turn lanes at all intersections. However, given that turn lane warrants are not met during the critical weekday

a.m. and p.m. peak hours OTS is not recommending them for this particular use. Should additional uses be requested in the future which increase weekday peak hour traffic, however, this would likely change. In addition, please note that VDOT will make the final determination as to whether turn lanes or any other improvements to the entrance are required from the applicant. **OTS notes that VDOT is not requesting separate turn lanes but is requesting a 50' radius at the entrance which the applicant has reflected on the plat. If VDOT requests a taper, that should be provided also. VDOT does not raise any concerns with the proposed new entrance. The issue has been adequately addressed by the applicant.**

2. In keeping with the Countywide Transportation Plan, the applicant's plat shows a 60 foot wide right of way reservation from centerline along the site frontage to accommodate the road widening. Given that a design has not been completed for widening this road segment of Route 621, the 60 feet from centerline shown is acceptable for the planned future widening. In addition, the applicant should reserve an additional 15 feet from the road centerline to accommodate a separate future trail. A review of the applicant's plat shows that a 60' wide reservation is being provided along the site frontage. **It has also been determined that a 10' wide future trail is able to be accommodated within the proposed 60'wide roadway reservation along the site frontage. These issues have been adequately addressed.**

Conclusion/Recommendation

Based on the applicant's response letter, the Office of Transportation Services (OTS) would not object to the approval of this application. Let me know if you have any questions.

D Drive/C Drive files/SPEX 2007-0053/Washington Immanuel Presbyterian Church

County of Loudoun

Office of Transportation Services

MEMORANDUM

DATE: February 11, 2008

TO: Stephen Gardner, Project Manager, Department of Planning

THRU: Art Smith, Senior Coordinator AS

FROM: George Phillips, Senior Transportation Planner GP

SUBJECT: Washington Immanuel Presbyterian Church, SPEX 2007-0053

Location: Westside of Route 621 (Evergreen Mills Road) between Route 616 and Route 772 (See Attachment 1)

Background

The applicant, Washington Immanuel Presbyterian Church, is requesting special exception approval for church use within an existing building in the A-3 zoning district on a 10 acre site. The applicant has submitted a special exception plat dated January 8, 2008 by TRI-TEK Engineering, a statement of justification dated December 6, 2008 and a traffic study dated November 27, 2007 from Wells & Associates. Based on current 7 th Edition ITE trip rates noted in the traffic study, the proposed development would generate approximately 8 a.m. peak hour, 7 p.m. peak hour, 97 weekday and 383 Sunday vehicle trips. The existing zoning would allow three single family units which would generate approximately 5 a.m. peak hour, 5 p.m. peak hour and 30 daily vehicle trips based on current 7th Edition ITE trip rates.

Existing and Proposed Road Network

The proposed site includes a single private driveway access to Route 621 which is a two lane rural major collector road adjacent to the site. Route 621 serves as an

important connecting road between Leesburg and Route 606. It includes a 21-22 foot wide pavement section with a 55-MPH speed limit in the vicinity of the site. There are no separate turn lanes on Route 621 into the site entrance. Based on the latest available (2006) VDOT traffic counts, the road segment adjacent to the site carries 7,800 annual average daily vehicle trips.

This portion of Route 621 is included in the Countywide Transportation Plan (CTP) as a rural 4 lane median divided major collector road. The CTP calls for this road segment to include 120 feet of right of way, turn lanes at all intersections and to accommodate bicycle/pedestrian facilities. There are currently no VDOT or private sector projects to widen this portion of Route 621.

Transportation Comments

1. The applicant's traffic study indicates that based on turn lane warrants for the weekday peak hour, right and left turn lanes are not warranted into the site entrance. A right turn taper is shown to be warranted and the applicant has reflected this on the plat. The CTP calls for turn lanes at all intersections. However, given that turn lane warrants are not met during the critical weekday a.m. and p.m. peak hours OTS is not recommending them for this particular use. Should additional uses be requested in the future which increase weekday peak hour traffic, however, this would likely change. In addition, please note that VDOT will make the final determination as to whether turn lanes or any other improvements to the entrance are required from the applicant.

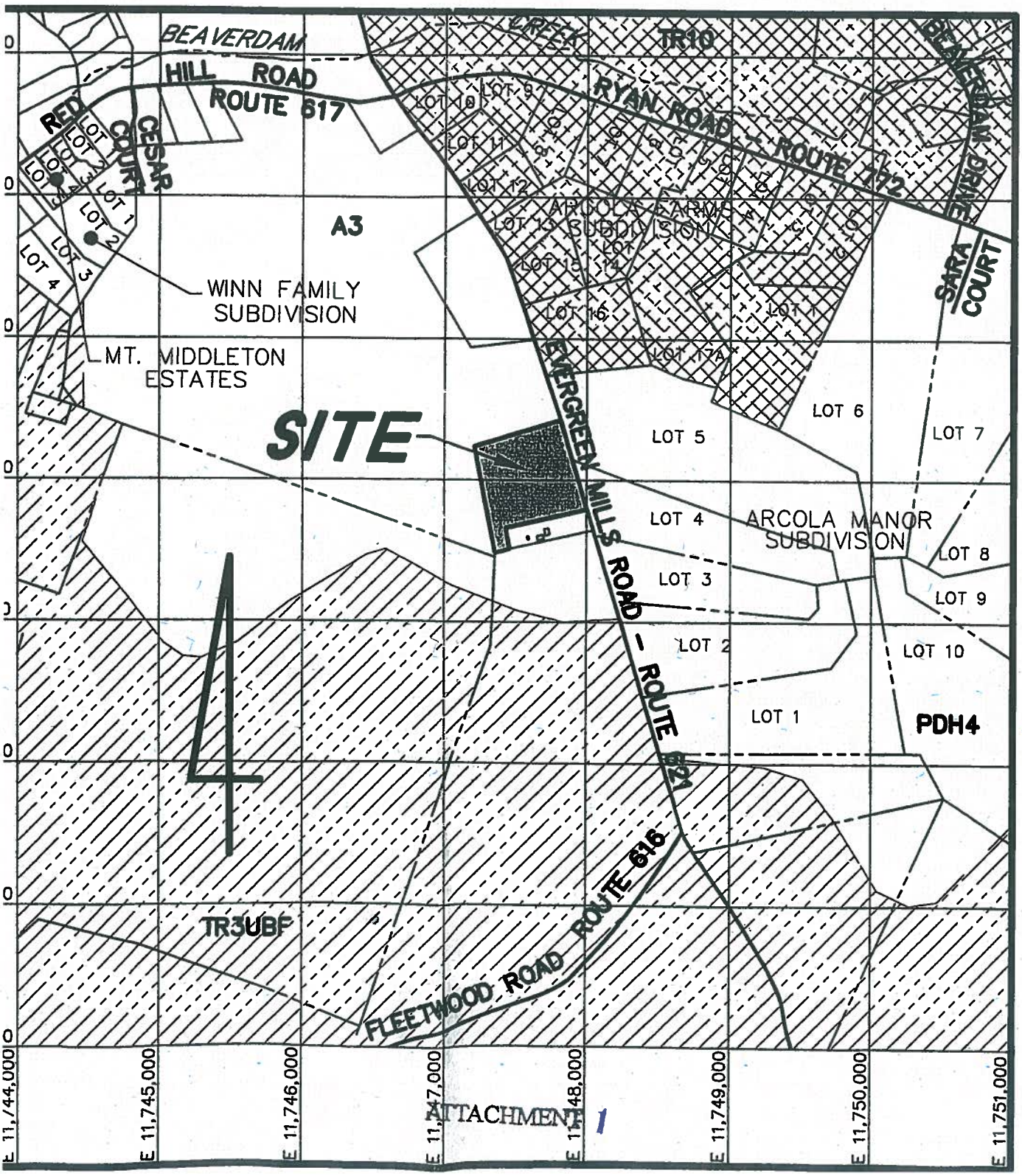
2. In keeping with the Countywide Transportation Plan, the applicant's plat shows a 60 foot wide right of way reservation from centerline along the site frontage to accommodate the road widening. Given that a design has not been completed for widening this road segment of Route 621, the 60 feet from centerline shown is acceptable for the planned future widening. In addition, the applicant should reserve an additional 15 feet from the road centerline to accommodate a separate future trail.

Conclusion/Recommendation

The Office of Transportation Services (OTS) does not have a recommendation at this time. Further discussion of the above issues is needed. OTS staff is available to discuss these issues with the applicant.

D Drive/C Drive files/SPEX 2007-0053/Washington Immanuel Presbyterian Church

ATTACHMENT 1



ATTACHMENT 1

A-24

COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION
14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

April 1, 2009

RECEIVED
APR 06 2009
PLANNING DEPARTMENT

Mr. Stephen Gardner
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Washington Immanuel Presbyterian Church
Loudoun County Application Number SPEX 2007-0053

Dear Mr. Gardner:

We have reviewed the above revised application as requested in your March 27, 2009 transmittal (received March 31, 2009). Our March 14, 2008 comments appear to be addressed. Therefore, we have no objection to approval of this application.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

Thomas B. VanPoole, P.E.
Senior Transportation Engineer

ATTACHMENT 1 e.

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COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION
14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

March 14, 2008

Mr. Stephen Gardner
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Washington Immanuel Presbyterian Church
Loudoun County Application Number SPEX 2007-0053

Dear Mr. Gardner:

We have reviewed the above application as requested in your January 31, 2008 transmittal (received February 4, 2008). We offer the following comments:

1. We have no objection to the proposed use.

2. We suggest a large (50') radius in lieu of the 180' right turn taper shown on sheet 2.

3. This office does not believe a left turn lane is warranted for this site.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

Thomas B. VanPoole, P.E.
Senior Transportation Engineer

RECEIVED
MAR 21 2008
PLANNING DEPARTMENT

A-27

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Loudoun County, Virginia
Department of Fire, Rescue and Emergency Management
803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359

RECEIVED
APR 14 2009
PLANNING DEPARTMENT

Memorandum

To: Stephen Gardner, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: April 13, 2009
Subject: Washington Immanuel Presbyterian Church
SPEX 2007-0053, second referral

Thank you for the opportunity to review the Applicant's response to Fire-Rescue's first referral comments dated March 13, 2008. The Applicant adequately addressed staff's concerns with the second submission. Staff has no further comments regarding this application.

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

ATTACHMENT 1 f.

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LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management
803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359

MEMORANDUM

RECEIVED
MAR 14 2008
PLANNING DEPARTMENT

To: Stephen Gardner, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: March 13, 2008
Subject: Washington Immanuel Presbyterian Church
SPEX 2007-0053

Thank you for the opportunity to review the above-captioned application. The Fire and Rescue Planning Staff is not opposed to the application as proposed. However, Staff is of the opinion that the applicant did not adequately addressed Item B of the Issues for consideration in accordance with Section 6-1310 of the Zoning Ordinance. Staff respectfully requests information regarding proposed fire protection systems for the building as the building use changed from a warehouse to an assembly use. Staff understands that this is more of a site plan issue and would be comfortable with a condition of approval that would require the applicant to share that information at that time.

If you have any questions or need additional information, please contact me at 703-777-0333.

C: Project file

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COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM

To: Stephen Gardner, Project Manager, Planning Department **(MSC #62)**

From: Brian G. Fuller, Park Planner, Facilities Planning and Development **(MSC #78)**

Through: Mark A. Novak, Chief Park Planner, Facilities Planning and Development

CC: Diane Ryburn, Director

Steve Torpy, Assistant Director

Su Webb, Chairman, PROS Board, Catoctin District

Jean Ault, Vice Chairman, PROS Board, Dulles District

Robert C. Wright, PROS Board, Open Space Member

James E. O'Conner, PROS Board, Open Space Member

Date: April 8, 2009

Subject: **Washington Immanuel Presbyterian Church**
SPEX 2007-0053 (2nd Submission)

Election District: Dulles **Sub Planning Area:** Ashburn

MCPI #: 243-49-8730

PRCS initially reviewed the referenced application on February 4, 2008, and offered no objection to its approval based on the material provided. Upon review of this 2nd Submission, we maintain our position in support of application approval.

Staff noted that PRCS has previously partnered with faith-based and non-profit organizations in the development of practice ballfields. Staff offered this same opportunity to the Applicant, if interested. However, the Applicant responded that they are not interested in pursuing a partnership at this time.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

ATTACHMENT 1 9.

RECEIVED
APR 09 2009
PLANNING DEPARTMENT

A-33

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COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM

To: Stephen Gardner, Project Manager, Planning Department **(MSC #62)**

From: Brian G. Fuller, Park Planner, Facilities Planning and Development **(MSC #78)**

Through: Mark A. Novak, Chief Park Planner, Facilities Planning and Development

CC: Diane Ryburn, Director

Steve Torpy, Assistant Director

Date: February 4, 2008

Subject: **SPEX 2007-0053, Washington Immanuel Presbyterian Church**

Election District: Dulles **Sub Planning Area:** Ashburn

MCPI #: 243-49-8730

PRCS has reviewed the referenced application, and offers no objection to its approval based on the material provided.

Additionally, PRCS has previously partnered with faith-based and non-profit organizations in the development of practice ballfields. Staff offers this same opportunity to the Applicant, if interested.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

RECEIVED
FEB - 5 2008
PLANNING DEPARTMENT

A-35

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Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000

Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

March 30, 2009

RECEIVED
APR 16 2009
PLANNING DEPARTMENT

MEMORANDUM TO: Stephen Gardner, Project Manager MSC 60A
Department of Planning

FROM: Joseph E. Lock MSC 68
Rural Section Supervisor
Division Of Environmental Health

SUBJECT: **SPEX 2007-0053, Washington Immanuel Presbyterian Church, 2nd Referral**
LCTM 91-8A, PIN 243498730

The above referenced project meets the requirements of Section 1245.10 of the LSDO for:

		Yes	No	N/A
a.	Proposed Drainfield Sites			X
b.	Proposed Wells			X

The locations on the plat, submitted by Tri-Tek Engineering revised June 20, 2008, are correct as shown:

a.	Wells (existing and proposed)		X	
b.	Drainfields (Existing)	X*		

Health Department staff recommends: Approval____ Denial X
Approval with conditions___

Items that are incorrect/deficient are listed on the attached page.

Attachments Yes X No_____

If further information or clarification on the above project is required, please contact me at (703)771-5800.

JEL/JDF/jel
C:WashingtonImmanuel2.Referral

ATTACHMENT 1h.

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

A-37

ATTACHMENT

*A pump and haul permit (247 SR/P&H 98) was issued to American Produce in 1998. The pump and haul tank was installed in 1999 for the existing use as a warehouse for 31-45 employees to provide sewage disposal facilities which the property was lacking. A permit (T80215800001) was issued to use the pump and haul tank for the current waste load for the night watchman at the structure. The existing pump and haul is not approved as a permanent pump and haul for the current structure or for the proposed Church. The facility and pump and haul must be approved for permanent use under the Sewage Handling and Disposal Regulations by the Board of Supervisors. The Transportation and Land Use Committee met on January 26, 2009, but did not make a recommendation to go to the Board. (Sewage Handling and Disposal Regulations 12 VAC 5-610-599.3)

The Board of Supervisors voted on December 3, 2001 not to approve the Permanent Pump and Haul for Fairfax Church of God/American Produce.

No records exist for the existing old well which is not shown by the proposed parking area on the plat. A new well was drilled and should be labeled on the plat with its permit number (T80175120001). All necessary testing requirements must be met prior to final approval of the well. (Office Policy)

Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000

Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

February 5, 2008

RECEIVED
FEB 11 2008
PLANNING DEPARTMENT

MEMORANDUM TO: Stephen Gardner, Project Manager MSC 60A
Department of Planning

FROM: Joseph E. Lock MSC 68
Rural Section Supervisor
Division Of Environmental Health

SUBJECT: **SPEX 2007-0053, Washington Immanuel Presbyterian Church**
LCTM 91-8A, PIN 243498730

The above referenced project meets the requirements of Section 1245.10 of the LSDO for:

		Yes	No	N/A
a.	Proposed Drainfield Sites			X
b.	Proposed Wells		X	

The locations on the plat, submitted by Tri-Tek Engineering revised January 14, 2008, are correct as shown:

a.	Wells (existing and proposed)		X	
b.	Drainfields (Existing)	X*		

Health Department staff recommends: Approval____ Denial X
Approval with conditions___

Items that are incorrect/deficient are listed on the attached page.

Attachments Yes ____X____ No_____

If further information or clarification on the above project is required, please contact me at (703)771-5800.

JEL/JDF/jel
C:WashingtonImmanuel.Referral
JDF

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

A-39

ATTACHMENT

*A pump and haul permit (247 SR/P&H 98) was issued to American Produce in 1998. The pump and haul tank was installed in 1999 for the existing use as a warehouse for 31-45 employees to provide sewage disposal facilities which the property was lacking.

The Board of Supervisors voted on December 3, 2001 not to approve the Permanent Pump and Haul for Fairfax Church of God/American Produce.

The existing pump and haul is not approved as a permanent pump and haul for the current structure. The facility and pump and haul must be approved for permanent use under the Sewage Handling and Disposal Regulations. (12 VAC 5-610-599.3)

No records exist for the existing well. A well meeting public standards must be applied for and installed if the Special Exception and Permanent Pump and Haul is approved. The actual standards cannot be determined at this time with the limited information provided.

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

RECEIVED
NOV 18 2009
PLANNING DEPARTMENT

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated May 20, 2009 for the Application of
(enter date of affidavit)

Washington Immanuel Presbyterian Church
(enter name(s) of applicant(s))

in Application Number(s): SPEX 2007-0053
(enter application number(s))

I, Je Soon Park, Agent, do hereby state that I am an

(check one) ____ applicant (must be listed in Paragraph C of the above-described affidavit)

✓ applicant's authorized agent (must be listed in Paragraph C of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one)

____ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (today's date); or

✓ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

✓ Paragraph C-1
____ Paragraph C-2
____ Paragraph C-3
____ Paragraph C-4(a)
____ Paragraph C-4(b)
____ Paragraph C-4(c)

WITNESS the following signature: _____

(check one) ____ Applicant ✓ Applicant's Authorized Agent

Je Soon Park, Agent
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 6th day of November, 2009, in the State/Commonwealth of Virginia, County/City of Loudoun.

Sharon S Poindexter
Notary Public

My Commission expires: July 31, 2011

SHARON S. POINDEXTER
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7135132
My Commission Expires July 31, 2011

ATTACHMENT 2

Revised October __. 2008

A-41

I, Je Soon Park, Agent do hereby state that I am an

___ Applicant

✓ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): SPEX 2007-0053

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. *REAL PARTIES IN INTEREST*

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS,** and **REAL ESTATE BROKERS**, **and all AGENTS of any of the foregoing.**

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	*NAME (First, M.I., Last)*	*ADDRESS (Street, City, State, Zip Code)*	*RELATIONSHIP (Listed in bold above)*
243-49-8730	Washington Immanuel Presbyterian Church	10511 Judicial Drive Fairfax, VA 22030	Applicant/Title Owner
	Tri-Tek Engineering	690 Center Street, Suite 300 Herndon, Virginia 20170	Engineers/Agent
	M.J. Wells & Associates, Inc.	1420 Spring Hill Road, #600 McLean, VA 22102	Transportation Consultant/Agent
	J.C. Consulting, Inc.	932 Edwards Ferry Road, #47 Leesburg, VA 20176	Well Consultant/Agent
	Frazier Consultants, Inc.	5181 Lee Highway Warrenton, VA 20187	Soils Consultant/Agent
	Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	1 E. Market Street, 3rd Floor Leesburg, VA 20176	Attorneys/Planners/ Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

___ There are additional Real Parties in Interest. *See* Attachment to Paragraph C-1.

LISTING OF INDIVIDUAL AGENTS

1. **Washington Immanuel Presbyterian Church**
   Je Soon Park
   Bong Choe
   Paul Arnone

2. **Tri-Tek Engineering**
   Danny E. Osteen

3. **M.J. Wells & Associates, Inc.**
   Jennifer N. Carpenter
   Kevin D. Sitzman

4. **J.C. Consulting, Inc.**
   Stephen S. McFadden

5. **Frazier Consultants, Inc.**
   J. T. Frazier

6. **Walsh, Colucci, Lubeley, Emrich & Walsh, PC**
   J. Randall Minchew, Esq.
   William J. Keefe
   Michael G. Romeo
   Christine E. Gleckner
   Andrew A. Painter
   Kimberlee Welsh Cummings

2. *CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Washington Immanuel Presbyterian Church, 10511 Judicial Drive, Fairfax, VA 22030

Description of Corporation:

___ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

____*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	*SHAREHOLDER NAME (First, M.I., Last)*
A non-stock, non-shareholder entity.	

Names of Officers and Directors:

NAME (First, M.I., Last)	*Title (e.g. President, Treasurer)*
Trustees: David D. Ahn, Ok Y. Kim, Je Soon Park, Tae Ik Chang, Seong K. Kim, HyunBong Son	

Check if applicable:

✓ There is additional Corporation Information. *See* Attachment to Paragraph C-2.

2. *CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Tri-Tek Engineering, 690 Center Street, Suite 300, Herndon, Virginia 20170

Description of Corporation:

✓ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

___ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	*SHAREHOLDER NAME (First, M.I., Last)*
Theodore D. Britt	
Kevin E. Murray	

Names of Officers and Directors:

NAME (First, M.I., Last)	*Title (e.g. President, Treasurer)*

Check if applicable:

✓ There is additional Corporation Information. *See* Attachment to Paragraph C-2.

2. *CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600, McLean, VA 22102

Description of Corporation:
✓ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

____*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	*SHAREHOLDER NAME (First, M.I., Last)*
Robin L. Antonucci, Martin M. Barna,	Michael R. Pinkoske, Jr., Anne M. Randall,
Barbara J. Blackmore, Christopher L. Bowyer,	Lawrence E. Sefcik, Aaron M. Siddle,
Jennifer N. Carpenter, John F. Cavan,	Kevin D. Sitzman, Jorjean M. Stanton,
Maureen E. Cicciarelli, Winnie F. Dadzie,	Christopher Turnbull, Glenda D. Tyler,
Lorrie D'Amico-Branch, Sudeep Deshmukh,	James W. Watson, Martin J. Wells,
Ernest M. Eggleston, Kevin R. Fellin,	Joseph A. Winterer, Michael J. Workosky,
Melissa T. Hish, Admir Husadzinovic, Agan Husadzinovic, Majdeta Husadzinovic, William F. Johnson, Christopher L. Kabatt, Robert T. Kohler, Priyatham Konda, Maria C. Lashinger, Brian J. Leljedal, Jami L. Milanovich, Terence J. Miller, David A. Ohler, John P. Perez,	M.J. Wells & Associates, Inc. Employee Stock Ownership Trust (ESOT) (All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock.)

Names of Officers and Directors:

NAME (First, M.I., Last)	*Title (e.g. President, Treasurer)*

Check if applicable:
✓ There is additional Corporation Information. *See* Attachment to Paragraph C-2.

A-46

2. *CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

J.C. Consulting, Inc., 932 Edwards Ferry Road, #47, Leesburg, VA 20176

Description of Corporation:

✓ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

___ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	*SHAREHOLDER NAME (First, M.I., Last)*
Frederick N. Josties	
Brooke E. Josties	
Stephen S. McFadden	

Names of Officers and Directors:

NAME (First, M.I., Last)	*Title (e.g. President, Treasurer)*

Check if applicable:

✓ There is additional Corporation Information. *See* Attachment to Paragraph C-2.

A-47

2. *CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Frazier Consultants, Inc., 5181 Lee Highway, Warrenton, VA 20187

Description of Corporation:

✓ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

____*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	*SHAREHOLDER NAME (First, M.I., Last)*
J. T. Frazier	
J. Earl Frazier	
Otelia T. Frazier	

Names of Officers and Directors:

NAME (First, M.I., Last)	*Title (e.g. President, Treasurer)*

Check if applicable:

✓ There is additional Corporation Information. *See* Attachment to Paragraph C-2.

A-48

2. *CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
1 E. Market Street, 3rd Floor, Leesburg, Virginia 20176

Description of Corporation:

✓ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 10% or more of any class f stock issued by said corporation, and no shareholders are listed below.*

___ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	*SHAREHOLDER NAME (First, M.I., Last)*
David J. Bomgardner	E. Andrew Burcher
Thomas J. Colucci	Peter M. Dolan, Jr.
Jay du Von	Jerry K. Emrich
William A. Fogarty	John H. Foote
H. Mark Goetzman	Bryan H. Guidash
Michael D. Lubeley	J. Randall Minchew
M. Catharine Puskar	John E. Rinaldi
Lynne J. Strobel	Garth M. Wainman
Nan E. Walsh	Martin D. Walsh

Names of Officers and Directors:

NAME (First, M.I., Last)	*Title (e.g. President, Treasurer)*

Check if applicable:

___ There is additional Corporation Information. *See* Attachment to Paragraph C-2.

A-49

3. *PARTNERSHIP INFORMATION*

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

None

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

NAME (First, M.I., Last)	*Title (e.g. General Partner, Limited Partner, etc)*

Check if applicable:
___ Additional Partnership information attached. *See* Attachment to Paragraph C-3.

4. ***ADDITIONAL INFORMATION***

a. One of the following options **must** be checked:

___ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

✓ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:
___ Additional information attached. *See* Attachment to Paragraph C-4(a).

b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).
None

Check if applicable:
___ Additional information attached. *See* Attachment to Paragraph C-4(b).

c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of $100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).
None

Check if applicable:
___ Additional information attached. *See* Attachment to Paragraph C-4(c).

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

Je Soon Park

check one: [ ] Applicant or [✓] Applicant's Authorized Agent

Je Soon Park, Agent

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 6th day of November 2009, in the State/Commonwealth of Virginia, in the County/City of Loudoun

Sharon S Poindexter

Notary Public

My Commission Expires: July 31, 2011

SHARON S. POINDEXTER
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7135132
My Commission Expires July 31, 2011

A-52

STATEMENT OF JUSTIFICATION

Special Exception to permit a church use in the A-3 Zoning District

Section 2-403(C)
PIN: 243-49-8730

March 20, 2009

RECEIVED
MAR 20 2009
PLANNING DEPARTMENT

I. Introduction

The Applicant, **Washington Immanuel Presbyterian Church,** (hereinafter, the "Applicant"), requests a special exception, per section 2-403 (C) of the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") to permit a church use within an existing building in the A-3 zoning district. The Applicant proposes to locate the church in the Rural Policy Area on approximately ten acres abutting Evergreen Mills Road, south of its intersection with Ryan Road, and north of its intersection with Fleetwood Road (the "Property") (See attached vicinity maps).

II. Project Summary

The existing building that will accommodate the church use consists of approximately 10,646 square feet and was formerly a warehouse that serviced an agricultural hydroponics use. Following the building's use as an agricultural warehouse, an Elks Lodge assumed control and utilized the building for gathering purposes. Despite the Elks Lodge use of the building as a gathering space, an assembly use was never established and the Elks Lodge was never a legally established use.

The Applicant intends to retrofit the existing building to serve as a 250-seat assembly area for church services. In addition to the retrofit of the existing warehouse building, the Applicant will construct a new entrance drive (to meet sight distance requirements) and additional parking to serve the Property. The construction of the entrance drive and parking areas will not affect any forest stands and encompasses an area that is essentially devoid of vegetation. An existing pond is located in the southeastern portion of the Property and will accommodate the Property's storm water runoff.

In order to address the Property's sanitary sewer needs, an existing pump & haul system will be utilized. The Property is located in the Rural Policy Area, which forbids the extension of water and sewer to private institutional uses. A study to determine the suitability for a drain field on the Property verified that due to unsuitable soil conditions and a lack of area, a drain field is not considered a viable option. Therefore, due to policy restrictions and the lack of a suitable area to accommodate a drain field, the Applicant will be utilizing the existing pump & haul system to accommodate the Property's sanitary sewage needs. A new well has been drilled, and approved by the Health Department, to accommodate the church's water needs.

III. Special Exception Issues for Consideration

The following items are addressed in accordance with section 6-1310 of the Zoning Ordinance:

(A) Whether the proposed special exception is consistent with the Comprehensive Plan.

The Property is designated for rural uses in the Revised General Plan (the "RGP"). The proposed special exception proposes a church use, which is considered an institutional use and complies with the following rural economy policies of the RGP:

- 14) New non-rural commercial uses that are not compatible with the dominant agricultural land use pattern will be allowed to locate only in Towns. The County may permit non-agriculturally related commercial uses by special exception in the Rural Policy Area if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.
- 17) Expansions to existing institutional uses will be permitted in the Rural Policy Area if the proposed expansion is compatible with neighboring uses and poses no serious public health or safety problems and if the necessary infrastructure and supporting or ancillary activities can be provided cost-effectively.

(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.

The Applicant is not proposing any new building construction in conjunction with this special exception, but will provide information regarding its fire safety measures at the site plan stage of review.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

The proposed special exception does not include any use that will result in noise emanating from the site. All congregation activities are planned for indoor use and any outdoor functions will not result in negative impacts on the uses in the immediate area.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

The proposed special exception does not include any use that will emit glare or light that negatively affects uses in the immediate area.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

The proposed special exception is compatible with the rural economy policies as stated above as well as the existing uses on adjacent parcels. The adjacent parcels consist of the following: vacant parcels to the north and west that consist primarily of vegetation; undeveloped large-lot parcels to the east of

Evergreen Mills Road; and one existing large-lot residential parcel to the south. It is anticipated that the proposed church use will be compatible with these existing uses.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

The Applicant will provide the necessary landscaping, buffering, and screening to accommodate Zoning Ordinance requirements.

(G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.

With the exception of the construction of a new driveway entrance and parking areas on previously disturbed portions of the Property, the application does not include any site disturbance that will negatively affect the preservation of any topographic, or physical, natural, scenic, archaeological or historic features of significant importance.

(H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

With the exception of the construction of a new driveway entrance and parking areas on previously disturbed portions of the Property, the application

does not include any site disturbance that will negatively affect the existing animal habitat, vegetation, water quality or air quality.

(I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

The proposed special exception will contribute to and promote the welfare and convenience of the public by providing an institutional use that will serve as a gathering place in the A-3 zoning district of the Rural Policy Area.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

Per the November 27, 2007 traffic study drafted by Wells & Associates, the proposed church use would generate 8 AM peak hour trips, 7 PM peak hour trips, and 164 Sunday peak hour trips, which should be adequately served by Evergreen Mills Road.

(K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.

The existing warehouse will be converted into a church use that will accommodate approximately 250 seats. An architect will be hired by the Applicant to survey the existing building and provide oversight in its renovation.

All necessary building permits will be obtained and the necessary County inspections will take place to meet all Loudoun County code requirements.

(L) Whether the proposed special exception will be served adequately by essential public facilities and services.

The proposed special exception will be served adequately by private facilities and services, namely for storm water, sanitary sewer and well water. As stated above, an existing pond is located in the southeastern portion of the Property and it will accommodate the Property's storm water runoff. In order to address the Property's sanitary sewer needs, the existing pump & haul system will be utilized. The Property is located in the Rural Policy Area, which forbids the extension of water and sewer to private institutional uses. A study to determine the suitability for a drain field on the Property verified that due to unsuitable soil conditions and a lack of area, a drain field is not considered a viable option. Therefore, due to policy restrictions and the lack of a suitable area to accommodate a drain field, the Applicant will be utilizing the existing pump & haul system to accommodate the Property's sanitary sewage needs. A new well has been drilled, and approved by the Health Department, to accommodate the church's water needs.

(M) The effect of the proposed special exception on groundwater supply.

The proposed special exception will have no effect on groundwater supply considering that the existing pond located in the southeastern portion of the Property will accommodate the site's storm water runoff.

(N) Whether the proposed use will affect the structural capacity of the soils.

The proposed special exception will have no effect on the structural capacity of the soils.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

The proposed special exception will not overly burden the AM or PM peak hour periods on Evergreen Mills Road. The proposed special exception will have a considerable impact on Sundays, but the amount of trips will not negatively affect the performance of the road as the amount of Sunday trips is far less than the weekday AM and PM peak hour periods.

(P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

The proposed special exception will provide employment for the church staff, but will not serve as a stimulus of economic development. The proposed special exception does comply with the intentions and policies of the RGP.

(Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.

The proposed special exception proposes a church use and does not address the needs of agriculture, industry, and businesses in future growth.

(R) Whether adequate on and off-site infrastructure is available.

Adequate on-site infrastructure is available, but will require additional permits and review before it can be utilized.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

The proposed special exception will not produce any odors.

(T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

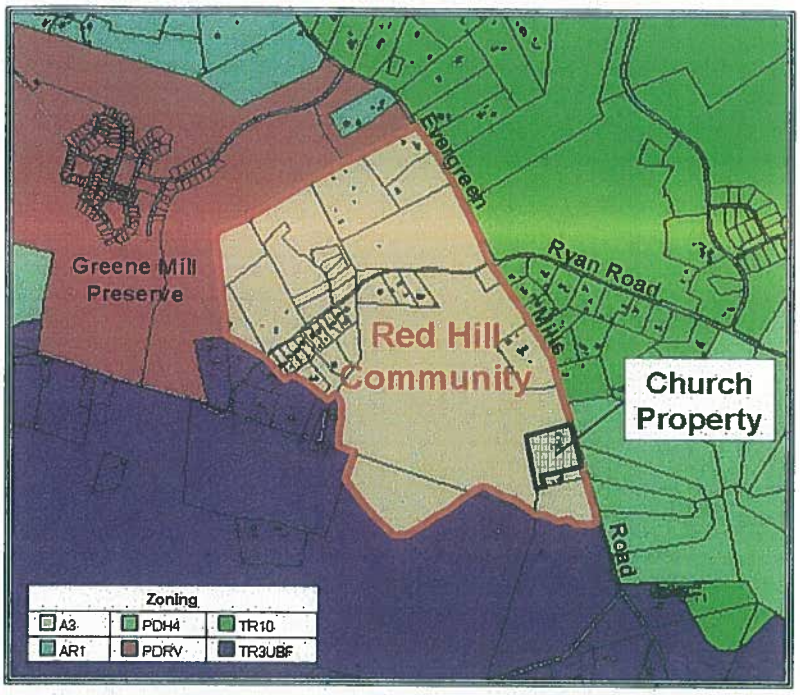
Any construction traffic that will access the site will do so via Evergreen Mills Road and will not have an impact on neighborhoods or school areas.

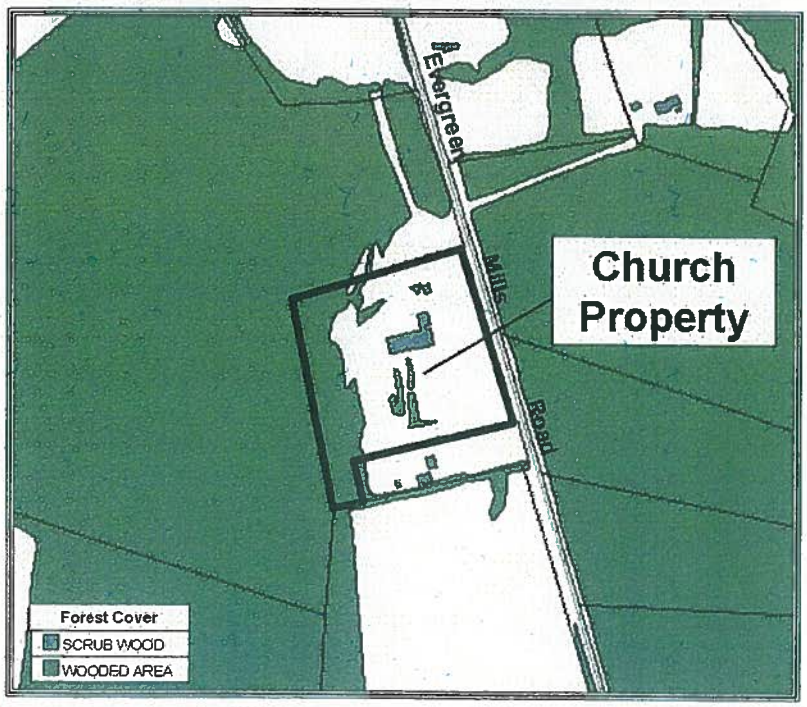
IV. Conclusion

The proposed special exception application to permit a church use in the A-3 zoning district will comply with the policies of the RGP and serve to improve the Property through the renovation and upgrade of an existing structure. The location of the Property on a major collector road that divides the transition and rural policy areas will serve as an appropriate location for a 250-seat church. The church use will have a

negligible impact on the AM and PM weekday peak hour periods and will be utilized primarily on Sundays when traffic will have less of an impact on Evergreen Mills Road.

Vicinity Maps





WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Michael G. Romeo, AICP
Land Use Planner
(571) 209-5772
mromeo@ldn.thelandlawyers.com

July 31, 2009

Via Hand Delivery and Email

Mr. Stephen Gardner, Project Manager
Department of Planning
County of Loudoun
1 Harrison Street, 3rd Floor
Leesburg, VA 20177

Re: Washington Immanuel Presbyterian Church Special Exception Second Referral Response (SPEX 2007-0053)

Dear Stephen:

Washington Immanuel Presbyterian (hereinafter the "Applicant") provides this letter as a written response to the referral agency comments in the above referenced application. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold italics.

LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING (Pat Giglio, Planner, 4/13/09)

BACKGROUND

The applicant, Washington Immanuel Presbyterian Church, is requesting a Special Exception to permit a church use within an existing building located at 23219 Evergreen Mills Road. The applicant is proposing to convert an existing 10,646 square foot one-story metal Morton building into a 250-seat assembly area for church services. The proposed church would be served by an on-site well and the applicant has requested a permanent pump-and-haul operation for the wastewater generated by the uses. The 10 acre site is zoned A3 (Agriculture Residential) and governed under the provisions of the Revised 1993 Zoning Ordinance. County GIS records indicate there are no environmental features on the site that would be impacted by the use of the existing building or proposed church use remain outstanding.

COMPREHENSIVE PLAN COMPLIANCE

The subject site is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, Rural Residential Policies, Policy 3).

OUTSTANDING ISSUE

In the first referral, staff stated that the use of a permanent pump-and-haul system to serve the proposed church use was not consistent with Plan policies and that these systems should only be used as a last resort as a temporary wastewater disposal method within the Rural Policy (Revised General Plan, Chapter 2, General Wastewater Policies, Policy 12).

Applicant Response:

Since there is no other wastewater option available on the property, the Applicant has applied for permanent pump and haul services. The existing pump and haul system, originally installed in 1998, has been upgraded through a construction permit issued by the Health Department on January 28, 2009. This system will be more than adequate to serve the sewer needs of the church.

At their July 27, 2009 meeting, the Transportation and Land Use Committee voted 3-0-1 (McGimsey absent) to recommend approval of the permanent pump and haul application. The Board of Supervisors will vote on this application at the September 1, 2009 business meeting. Assuming that the pump and haul application is approved on September 1, 2009, the pump and haul issue will be resolved and the Applicant will enter into a contractual agreement with Loudoun County and the Virginia Department of Health to permit permanent pump and haul services to serve the property.

LOUDOUN COUNTY HEALTH DEPARTMENT (Joseph E. Lock, Rural Section Supervisor, 3/30/09)

The above referenced project meets the requirements of Section 1245.10 of the LSDO for:

		Yes	No	N/A
a.	Proposed Drainfield Sites	_____	_____	X

b.	Proposed Wells	_____	_____	X

The locations on the plat, submitted by Tri-Tek Engineering revised June 20, 2008, are correct as shown:

a.	Wells (existing and proposed)	_____	X	_____
b.	Drainfields (Existing)	X*	_____	_____

Health Department staff recommends: Approval _____ Denial X
Approval with conditions

Items that are incorrect/deficient are listed on the attached page.

*A pump and haul permit (247 SR/P&H 98) was issued to American Produce in 1998. The pump and haul tank was installed in 1999 for the existing use as a warehouse for 31-45 employees to provide sewage disposal facilities which the property was lacking. A permit (T80215800001) was issued to use the pump and haul tank for the current waste load for the night watchman at the structure. The existing pump and haul is not approved as a permanent pump and haul for the current structure or for the proposed Church. The facility and pump and haul must be approved for permanent use under the Sewage Handling and Disposal Regulations by the Board of Supervisors. The Transportation and Land Use Committee met on January 26, 2009, but did not make a recommendation to go to the Board. (Sewage Handling and Disposal Regulations 12 VAC 5-610-599.3).

The Board of Supervisors voted on December 3, 2001 not to approve the Permanent Pump and Haul for Fairfax Church of God/American Produce.

No records exist for the existing old well which is not shown by the proposed parking area on the plat. A new well was drilled and should be labeled on the plat with its permit number (T80175120001). All necessary testing requirements must be met prior to final approval of the well. (Office Policy)

Applicant Response:

The Applicant has drilled a new well that has been officially approved by the Health Department. The approved well permit is recorded as #T80175120001. A copy of this permit is enclosed with this referral response package.

As previously stated, since there is no other wastewater option available on the property, the Applicant has applied for permanent pump and haul services. The existing pump and haul system, originally installed in 1998, has been upgraded through a construction permit issued by the Health Department on January 28, 2009. This system will be more than adequate to serve the sewer needs of the church.

At their July 27, 2009 meeting, the Transportation and Land Use Committee voted 3-0-1 (McGimsey absent) to recommend approval of the permanent pump and haul application. The Board of Supervisors will vote on this application at the September 1, 2009 business meeting. Assuming that the pump and haul application is approved on September 1, 2009, the pump and haul issue will be resolved and the Applicant will enter into a contractual agreement with Loudoun County and the Virginia Department of Health to permit permanent pump and haul services to serve the property.

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ZONING ADMINISTRATION (Theresa M. Stein, Planner, 4/3/09)

Zoning staff has reviewed the 2nd submission materials for a church use in the A-3 zoning district. The issue of the pump and haul permit is unresolved; the applicant was not approved for a permanent pump and haul permit for the proposed use, and the existing pump and haul permit, issued for 31 and 45 employees, is insufficient to accommodate the proposed 250-seat church. The Transportation and Land Use Committee has requested additional information, which is pending. In addition, the existing buildings do not have an approved site plan or site plan amendment. The existing occupancy and zoning permit are for a single family dwelling unit. In addition, the following comments remain outstanding.

1. **Original comment: "Section 5-900(C).** *The Applicant is proposing a new access point to the site off of Evergreen Mills Road (Route 621), which is classified as a major collector per the Countywide Transportation Plan (CTP). Pursuant to §5-900(C), new access points to major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT."* Zoning staff requests an affirmative acknowledgement from OTS that the elimination of the existing entrance and construction of a new entrance is approved by OTS or VDOT. Pursuant to direction from OTS, the applicant must demonstrate that sight distances are adequate for the new entrance.

Applicant Response:

The Applicant has included a sight distance plan and profile sheet as part of the updated plat to verify that sufficient sight distance is available at the new entrance. Additionally, Evergreen Mills Road is a two-lane undivided roadway with no plans for expansion to a larger, divided roadway. OTS and VDOT have reviewed the new entrance location and have no remaining outstanding issues.

2. **Original comment: "Table 5-1414(B)(2).** *Type II side buffer yards must be a minimum of 20 ft. and a maximum of 30 ft. in width. Revise the plat accordingly. Be advised that no portion of the parking lot may be located within the buffer yard per §5-1408."* Sheet 1, General Note 12, of the SPEX plat states that the northern and western perimeter of the subject property has existing trees that will be used to fulfill the buffer planting requirements. Existing trees may be counted toward the required buffer where it fulfills the requirement. The SPEX plat has not provided sufficient information to determine that they meet the required Type 2 side and rear buffers. Revise the note to state that "existing vegetation that is suitable for use in compliance with buffer requirements may be used toward the buffering requirement, which will be determined at the time of site plan".

Applicant Response:

The plat has been revised accordingly.

3. **Original comment: "Section 5-1508.** *County records indicate that Moderately Steep Slopes (15-25%) only are present on the property. Verify that Very Steep Slopes (>25%) are present."* Provide documentation used to locate the moderately and very steep slopes upon the site so that the information can be verified, and the County records updated, if necessary.

Applicant Response:

The steep slopes delineated on the property were verified through the review of contour lines placed at five foot intervals, as shown on the plat.

LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (George Phillips, Sr. Transportation Planner, 4/6/09)

Background

In response to initial OTS comments dated February 11, 2008, the applicant, Washington Immanuel Presbyterian Church, has provided a response letter and revised statement of justification dated March 20, 2009 for review. The applicant has also provided a revised plat dated June 20, 2008 from Tri-Tek Engineering. Discussed below are the original OTS comments, the applicant's response and whether the issue has been adequately addressed.

Transportation Comments

1. The applicant's traffic study indicates that based on turn lane warrants for the weekday peak hour, right and left turn lanes are not warranted into the site entrance. A right turn taper is shown to be warranted and the applicant has reflected this on the plat. The CTP calls for turn lanes at all intersections. However, given that turn lane warrants are not met during the critical weekday a.m. and p.m. peak hours OTS is not recommending them for this particular use. Should additional uses be requested in the future which increase weekday peak hour traffic, however, this would likely change. In addition, please note that VDOT will make the final determination as to whether turn lanes or any other improvements to the entrance are required from the applicant. **OTS notes that VDOT is not requesting separate turn lanes but is requesting a 50' radius at the entrance which the applicant has reflected on the plat. If VDOT requests a taper, that should be provided also. VDOT does not raise any concerns with the proposed new entrance. The issue has been adequately addressed by the applicant.**

Applicant Response:

Comment noted.

2. In keeping with the Countywide Transportation Plan, the applicant's plat shows a 60 foot wide right-of-way reservation from centerline along the site frontage to accommodate the road widening. Given that a design has not been completed for widening this road segment of Route 621, the 60 feet from centerline shown is acceptable for the planned future widening. In addition, the applicant should reserve an additional 15 feet from the road centerline to accommodate a separate future trail. A review of the applicant's plat shows that a 60' wide reservation is being provided along the site frontage. **It has also been determined that a 10' wide future trail is able to be accommodated within the proposed 60' wide roadway reservation along the site frontage. These issues have been adequately addressed.**

Applicant Response:

Comment noted.

VIRGINIA DEPARTMENT OF TRANSPORTATION (Thomas B. VanPoole, P.E., Sr. Transportation Engineer, 4/1/09)

We have reviewed the above revised application as requested in your March 27, 2009 transmittal (received March 31, 2009). Our March 14, 2008 comments appear to be addressed. Therefore, we have no objection to approval of this application.

Applicant Response:
Comment noted.

LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT (Maria Figueroa Taylor, Fire-Rescue Planner, 4/13/09)

Thank you for the opportunity to review the Applicant's response to Fire-Rescue's first referral comments dated March 13, 2008. The Applicant adequately addressed staff's concerns with the second submission. Staff has no further comments regarding this application.

Applicant Response:
Comment noted.

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (Brian G. Fuller, Park Planner, Facilities Planning and Development, 4/8/09)

PRCS initially reviewed the referenced application on February 4, 2008, and offered no objection to its approval based on the material provided. Upon review of this 2nd Submission, we maintain our position in support of application approval.

Staff noted the PRCS has previously partnered with faith-based and non-profit organizations in the development of practice ballfields. Staff offered this same opportunity to the Applicant, if interested. However, the Applicant responded that they are not interested in pursuing a partnership at this time.

Applicant Response:
Comment noted.

The Applicant believes this referral response package will resolve any remaining outstanding issues. If any outstanding issues do remain, the Applicant is more than willing to discuss and resolve these outstanding issues with Staff. Please feel free to contact me if you have any questions or comments.

Sincerely,

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

Michael G. Romeo, AICP
Land Use Planner

Enclosures: Updated Special Exception Plat
Disclosure of Real Parties in Interest Form
Well Permit #T80175120001

cc: Dr. Je Soon Park, Washington Immanuel Presbyterian Church
Danny Osteen, Tri-Tek Engineering, Inc.
Kevin Sitzman, Wells + Associates, Inc.
J. Randall Minchew, Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

A-70

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Michael Romeo, AICP
Land Use Planner
(571) 209-5772
mromeo@ldn.thelandlawyers.com

March 20, 2009

RECEIVED
MAR 20 2009
PLANNING DEPARTMENT

Via Hand Delivery

Mr. Stephen Gardner, Project Manager
Loudoun County Department of Planning
1 Harrison Street, SE, Third Floor
Leesburg, VA 20177

Re: Washington Immanuel Presbyterian Church Special Exception Application (SPEX 2007-0053) Referral Response Letter

Dear Mr. Gardner:

Washington Immanuel Presbyterian Church (hereinafter the "Applicant") provides this letter as a written response to the referral agency comments in the above referenced application. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold italics.

LOUDOUN COUNTY DEPARTMENT OF PLANNING, COMMUNITY PLANNING (Pat Giglio, Planner, 2/25/08)

BACKGROUND

The applicant, Washington Immanuel Presbyterian Church, is requesting a Special Exception to permit a church use within an existing building located at 23219 Evergreen Mills Road. The 10 acre subject property is located on the west side of Evergreen Mills Road (Route 621) approximately one-half mile south of the intersection of Ryan Road, near Brambleton and the village of Arcola. The one-story metal Morton building was originally constructed as an agricultural processing/distribution facility, the property was later sold in 2003 to Elks Lodge #2406, located in Sterling, who never officially occupied the building. The applicant is proposing to convert the 10,646 square foot building into a 250-seat assembly area for church services. The proposed church would be served by an on-site well and the applicant has requested a permanent pump-and-haul operation for the wastewater generated by the use. The applicant is also proposing the

abandonment of the current entrance and its relocation to the east, as well as the provision of additional parking. The subject site is zoned A3 (Agriculture Residential) and governed under the provisions of the Revised 1993 Zoning Ordinance. A review of County GIS records did not identify any environmental features on the site that would be impacted by the use of the existing building, relocation of the entrance and expansion of the parking area.

COMPREHENSIVE PLAN COMPLIANCE

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (*Revised General Plan, Policy 3, p.7-15*).

ANALYSIS

A. LAND USE

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The Plan identifies a variety of appropriate rural commercial, industrial, employment, and **institutional** [emphasis added] activities that preserve the rural character and are compatible with the dominant rural land-use pattern in the Rural Policy Area (*Revised General Plan, Policy 6, p. 7-8*). The proposed use of the subject property and the existing buildings for an institutional use, a church, is in conformance with land uses prescribed by the Revised General Plan for the Rural Policy Area. However, significant water and wastewater, parking, landscaping and buffering issues remain and are discussed in depth below.

Staff finds that the proposed use of the subject property for a church is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan.

Applicant Response:

The Applicant concurs with this statement.

B. COMPATIBILITY

Plan policies support the development of rural use that are compatible in scale, use and intensity with the rural environment. Plan policies state that rural uses should meet "established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare" (Revised General Plan, Policy 6, p.7-8).

Where possible such uses should locate in existing historic and/or historic agricultural structures (*Revised General Plan, Policy 6, p.7-8*).

Water and Wastewater

The Statement of Justification indicates that the property is presently served by a private well and a sewage disposal system comprised of a pump-and-haul tank. The applicant proposes to conduct a study to determine if the existing well meets current standards and to apply for a separate permit for a permanent pump-and-haul. The Revised General Plan states that pump-and-haul operations are not permitted in the Rural Policy Area except as a last resort and temporary wastewater disposal method to address a proven, public health emergency. The County will determine the length of the period during which pump-and-haul disposal will be allowed (*Revised General Plan, Policy 12, p.2-22*). To date the applicant has not applied to the County for a pump-and–haul permit for the proposed use.

Plan policies do not support permanent pump-and-haul operations within the Rural Policy Area; however the applicant may apply for a permanent pump-and-haul application which will be evaluated by the Health Department and LCSA prior to final action by the Board of Supervisors. Resolution of this major issue, prior to moving forward on the legislative application will determine if the utilization of the subject property for the proposed church is viable or if other uses for the property should be considered.

Applicant Response:

The Applicant has worked with the Health Department over the past several months and has received an approved extension of the existing temporary pump and haul permit that was first issued in 1998. The approved pump and haul system will more than sufficiently serve the proposed church's wastewater needs. The approved extension of the temporary pump and haul permit is enclosed as part of this referral response package.

Traffic

The proposed site is accessed from Evergreen Mills Road (Route 621) which is currently designated as a major collector in the Revised Countywide Transportation Plan. A traffic impact analysis was submitted with this application to the Office of Transportation Services. The traffic study is based on the anticipated traffic generation for the use of the subject site as a church with a capacity for 250 people and providing Sunday only services. The traffic study anticipated that at full building-out the proposed church would ultimately generate 8 am peak hour trips, 7 pm peak hour trips, and 164 Sunday peak hour trips. The applicant has proposed the abandonment of the current

entrance and its relocation to the east to improve site distances. The new entrance will include a right turn taper as required by the Virginia Department of Transportation to provide safer access to the site. The traffic study found that the impacts of the proposed church on the existing road network are negligible since the majority of traffic will be generated on Sunday during off peak hours.

The proposed church appears to have a minimal impact on traffic and adequate onsite provisions have been provided to accommodate safe access to the site. The applicant should provide a commitment to the trip generation data submitted with the traffic study to ensure that future traffic created by the proposed use of the subject property as a church will not negatively impact the existing road network.

Applicant Response:

The Applicant agrees that the proposed church will have a minimal impact on traffic. The Applicant is willing to commit to the trip generation data submitted with the traffic study, which is based on an approximately 10,646 square foot building and up to 250 seats in the sanctuary.

Parking

The County discourages providing additional impervious surface that exceeds the parking requirements of the Zoning Ordinance (*Revised General Plan, Policy 1, p. 6-30*). The applicant has proposed a capacity of 250 people for the church and has proposed 101 parking spaces.

Staff recommends that provided parking meet, not exceed, what is required by the Zoning Ordinance for the proposed use. Should the applicant require additional parking beyond what is required by the Zoning Ordinance information should be provided demonstrating the need for the additional spaces. If additional spaces are needed for overflow parking, staff recommends that a low-impact parking lot design be considered.

Applicant Response:

In order to maximize the efficiency of the parking area, it has been designed with parking spaces on both sides of the drive aisle in a circular layout that allows a safe and efficient flow through the property. As a result of this design, and to properly serve the capacity of the church, additional parking spaces beyond what is required by the Zoning Ordinance are being provided.

Landscaping and Buffering

The Statement of Justification states that the "applicant will provide the necessary landscaping, buffering and screening to accommodate Zoning Ordinance requirements." The applicant has depicted a 15' buffer yard, as well as the yard and parking setbacks as required by the applicable zoning regulations on the submitted Special Exception plat. The northern and western perimeter of the subject property includes existing evergreens and native deciduous trees which may be used in lieu of the buffer and screening requirements of the Zoning Ordinance. The Special Exception Plat should be revised to depict all of the existing trees which are to be incorporated into the required landscape buffer for the proposed church use on the subject property and should be designated as Tree Conservation Areas (TCAs) on the Special Exception Plat.

Staff recommends that existing trees on the perimeter of the property be incorporated into the landscaping plan for the required buffers on the property and that these existing trees be designated as Tree Conservation Areas (TCAs) on the Special Exception Plat.

Applicant Response:

The Applicant is agreeable to incorporating existing trees in the required buffers into a landscaping plan that is reviewed at the site plan stage of development. Note #12 on the plat has been revised to address the incorporation of these trees.

Noise and Lighting

The proposed use of the subject property as a church has the potential to adversely affect neighboring uses with noise and light emanating from the site. The applicant has committed to providing no outdoor uses that would warrant on-site noise level limitation and has committed to lighting which is in compliance with County standards.

Staff finds that adequate provisions and commitments have been provided to mitigate potential impacts of noise and light trespass on the adjoining properties by the proposed church on the subject property.

Applicant Response:

Comment noted.

RECOMMENDATION

Staff finds that the proposed use of the subject property as a church is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan. However, staff has identified a significant outstanding issue pertaining to

the applicant's separate request for a permanent pump-and-haul for the subject property. Resolution of this major issue, prior to moving forward with the legislative application will determine if the utilization of the subject property for the proposed church is viable or if other uses for the property should be considered.

Should the application move forward, staff has identified several other issues that require additional information to be submitted for review so that a more thorough analysis of the proposed project can be completed.

1. Reduce parking to only the number of spaces required by the Zoning Ordinance and/or provide information demonstrating the need for the additional spaces if required. If additional spaces are needed for overflow parking, staff recommends a low-impact parking lot design for parking areas.

Applicant Response:

As previously stated, in order to maximize the efficiency of the parking area, it has been designed with parking spaces on both sides of the drive aisle in a circular layout that allows a safe and efficient flow through the property. As a result of this design, and to properly serve the capacity of the church, additional parking spaces beyond what is required by the Zoning Ordinance are being provided.

2. Revise the submitted Special Exception plat to incorporate existing trees into the required buffer yards and designate these trees as Tree Conservation Areas (TCAs) on the Special Exception plat. Provide a commitment to the preservation and maintenance of the TCAs during construction and over the life of the project.

Applicant Response:

As previously stated, the Applicant is agreeable to incorporating existing trees in the required buffers into a landscaping plan that is reviewed at the site plan stage of development. Note #12 on the plat has been revised to address the incorporation of these trees.

LOUDOUN COUNTY HEALTH DEPARTMENT (Joseph E. Lock, Rural Section Supervisor, 2/5/08)

A pump and haul permit (247 SR/P&H 98) was issued to American Produce in 1998. The pump and haul tank was installed in 1999 for the existing use as a warehouse for 31-45 employees to provide sewage disposal facilities which the property was lacking.

The Board of Supervisors voted on December 3, 2001 not to approve the permanent Pump and Haul for Fairfax Church of God/American Produce.

The existing pump and haul is not approved as a permanent pump and haul for the current structure. The facility and pump and haul must be approved for permanent use under the Sewage Handling and Disposal Regulations. (12 VAC 5-610-599.3)

No records exist for the existing well. A well meeting public standards must be applied for and installed if the Special Exception and Permanent Pump and Haul is approved. The actual standards cannot be determined at this time with the limited information provided.

Applicant Response:

As previously stated, the Applicant has worked with the Health Department over the past several months and has received an approved extension of the existing temporary pump and haul permit that was first issued in 1998. The approved pump and haul system will more than sufficiently serve the proposed church's wastewater needs. The approved extension of the temporary pump and haul permit is enclosed as part of this referral response package.

LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (George Phillips, Sr. Transportation Planner, 2/11/08)

Background

The applicant, Washington Immanuel Presbyterian Church, is requesting special exception approval for church use within an existing building in the A-3 zoning district on a 10 acre site. The applicant has submitted a special exception plat dated January 8, 2008 by TRI-TEK Engineering, a statement of justification dated December 6, 2008 and a traffic study dated November 27, 2007 from Wells & Associates. Based on current 7 th Edition ITE trip rates noted in the traffic study, the proposed development would generate approximately 8 a.m. peak hour, 7 p.m. peak hour, 97 weekday and 383 Sunday vehicle trips. The existing zoning would allow three single family units which would generate approximately 5 a.m. peak hour, 5 p.m. peak hour and 30 daily vehicle trips based on current 7th Edition ITE trip rates.

Existing and Proposed Road Network

The proposed site includes a single private driveway access to Route 621 which is a two lane rural major collector road adjacent to the site. Route 621 serves as an

important connecting road between Leesburg and Route 606. It includes a 21-22 foot wide pavement section with a 55-MPH speed limit in the vicinity of the site. There are no separate turn lanes on Route 621 into the site entrance. Based on the latest available (2006) VDOT traffic counts, the road segment adjacent to the site carries 7,800 annual average daily vehicle trips.

This portion of Route 621 is included in the Countywide Transportation Plan (CTP) as a rural 4 lane median divided major collector road. The CTP calls for this road segment to include 120 feet of right of way, turn lanes at all intersections and to accommodate bicycle/pedestrian facilities. There are currently no VDOT or private sector projects to widen this portion of Route 621.

Transportation Comments

1. The applicant's traffic study indicates that based on turn lane warrants for the weekday peak hour, right and left turn lanes are not warranted into the site entrance. A right turn taper is shown to be warranted and the applicant has reflected this on the plat. The CTP calls for turn lanes at all intersections. However, given that turn lane warrants are not met during the critical weekday a.m. and p.m. peak hours OTS is not recommending them for this particular use. Should additional uses be requested in the future which increase weekday peak hour traffic, however, this would likely change. In addition, please note that VDOT will make the final determination as to whether turn lanes or any other improvements to the entrance are required from the applicant.

Applicant Response:
Comment noted.

2. In keeping with the Countywide Transportation Plan, the applicant's plat shows a 60 foot wide right of way reservation from centerline along the site frontage to accommodate the road widening. Given that a design has not been completed for widening this road segment of Route 621, the 60 feet from centerline shown is acceptable for the planned future widening. In addition, the applicant should reserve an additional 15 feet from the road centerline to accommodate a separate future trail.

Applicant Response:
A future trail could be accommodated in the 20' buffer yard or 35' parking setback. A separate reservation area is unnecessary to accommodate a future trail.

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Conclusion/Recommendation

The Office of Transportation Services (OTS) does not have a recommendation at this time. Further discussion of the above issues is needed. OTS staff is available to discuss these issues with the applicant.

VIRGINIA DEPARTMENT OF TRANSPORTATION (Thomas Van Poole, P.E., Senior Transportation Engineer, 3/14/08)

We have reviewed the above application as requested in your January 31, 2008 transmittal (received February 4, 2008). We offer the following comments:

1. We have no objection to the proposed use.

Applicant Response:
Comment noted.

2. We suggest a large (50') radius in lieu of the 180' right turn taper shown on sheet 2.

Applicant Response:
The plat has been revised accordingly.

3. This office does not believe a left turn lane is warranted for this site.

Applicant Response:
Comment noted.

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ZONING ADMINISTRATION (Claire Gron, Planner, 3/10/08)

I. APPLICATION SUMMARY

Zoning Administration staff has reviewed the 1st submission of the above-referenced special exception application for conformance with the Revised 1993 Loudoun County Zoning Ordinance ("the Ordinance"). The following items were reviewed as part of the SPEX application:

(i) A. Information Packet, dated January 31, 2008

(ii) B. Statement of Justification, dated December 6, 2007
C. Plat, dated November 4, 2007, revised through January 14, 2008

This application is a request by Washington Immanuel Presbyterian Church ("the Applicant") for approval of a special exception to permit a church in the A-3 (Agricultural Residential) district. A "Church, synagogue and temple" is permissible by special exception in the A-3 district pursuant to Section 2-403(C).

The property is approximately 10 acres in size, and is zoned A-3 (Agricultural Residential). County records also indicate that Moderately Steep Slopes (15-25%) are present on the property. There appears to be an existing 10,646 sq. ft. warehouse on the property, and two additional structures.

II. SPECIAL EXCEPTION APPLICATION ISSUES:

A. Conformance with the Revised 1993 Loudoun County Zoning Ordinance

1. **Section 2-403(C).** Clarify that the proposed use is "Church, synagogue and temple".

Applicant Response:
The plat has been revised accordingly.

2. **Section 2-404(C).** Include this requirement on Sheet 1.

Applicant Response:
The plat has been revised accordingly.

3. **Section 2-404(D) and Section 5-900(A)(10)(a).** Clarify that the "75' yard line" shown on Sheet 2 pursuant to §2-404(D) is also a 75 ft. building setback pursuant to §5-900(A)(10)(a).

Applicant Response:

This issue has been clarified through the inclusion of 75' building setback and yard line notes on sheet 2 of the plat.

4. **Section 2-405(A)(2).** The lot coverage stated on Sheet 1 is incorrect. Provide additional details concerning how this figure was derived, and include all structures (including covered porches) on the property.

Applicant Response:

The lot coverage has been revised to include porches. A revised lot coverage is now included on sheet 1 of the plat.

5. **Section 5-900(A)(10).** Include this requirement on Sheet 1.

Applicant Response:

The plat has been revised accordingly.

6. **Section 5-900(C).** The Applicant is proposing a new access point to the site off of Evergreen Mills Road (Route 621), which is classified as a major collector per the Countywide Transportation Plan (CTP). Pursuant to §5-900(C), new access points to major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.

Applicant Response:

The proposed new driveway will improve the safety of access to the property by providing an acceptable sight distance along Evergreen Mills Road. The existing entrance will be removed. Based on the referral comments received from VDOT and OTS, no objections to the newly proposed driveway were raised.

7. **Section 5-1102(A)(3).** Clarify that 62 parking spaces are required, not 62.5.

Applicant Response:

The plat has been revised accordingly.

8. **Section 5-1102(B)(11)(c) and Table 5-1102.** Churches are included in the category "Places of Worship" for purposes of calculating required parking (not "Public Assembly") and parking must be provided at the rate of .25/person in

permitted capacity. Clarify if the permitted capacity of the proposed church will be 250, or if the congregation has 250 members. Parking must be provided based on the permitted capacity of the church. Revise the parking requirements on Sheet 1 of the plat accordingly.

Applicant Response:

The proposed church will have a sanctuary capacity of 250 people. The plat has been revised to include this figure. The congregation size may vary depending on the amount of members that join the church.

9. **Section 5-1200.** The proposed sign appears to exceed Table 5-1204(D)(2)(c) maximum size requirements. Remove the sign from the plat. A separate zoning permit is required for the approval of all signs.

Applicant Response:

The plat has been revised accordingly.

10. **Section 5-1413(B)(3).** There shall be a minimum six foot wide landscape island at the end of every row of parking. Revise the plat accordingly.

Applicant Response:

The plat has been revised accordingly.

11. **Table 5-1414(B)(2).** Type II Side buffer yards must be a minimum of 20 ft. and a maximum of 30 ft. in width. Revise the plat accordingly. Be advised that no portion of the parking lot may be located within the buffer yard per §5-1408.

Applicant Response:

The plat has been revised accordingly.

12. **Section 5-1504.** Note on the plans that lighting will comply with §5-1504 standards. Be advised that in the A-3 district, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.

Applicant Response:

The plat has been revised accordingly.

13. **Section 5-1508.** County records indicate that Moderately Steep Slopes (15-25%) only are present on the property. Verify that Very Steep Slopes (>25%) are present.

Applicant Response:
The plat has been revised to verify that very steep slopes are present.

14. **Section 6-701.** Be advised that a site plan is required for the proposed use.

Applicant Response:
Comment noted.

15. **Section 6-1000.** County records indicate that there is a single 1,426 sq. ft. "miscellaneous improvement" on the property. However, there appears to be a 10,646 sq. ft. warehouse on the property, and two additional structures. Be advised that permits must be obtained for all structures on the property prior to commencement of the church use.

Applicant Response:
Comment noted.

16. **Article 8 definition, "Church, synagogue, temple or mosque."** Provide additional information concerning the existing trailer and the existing 1-story block building on the property. What is the intended use of these structures?

Applicant Response:
The 1-story block building is used as a utility building and the existing trailer will be removed from the property.

B. Plat Comments

1. The plans submitted contain much more detailed information than is required. The Applicant should be advised that a likely condition of approval of the special exception will be the development of the site in substantial conformance with the special exception plat.

Applicant Response:
Comment noted.

2. County records indicate that the property owner is as follows:
   Washington Immanuel Presbyterian Church
   10511 Judicial Drive
   Fairfax, VA 22030-5114

Applicant Response:
Comment noted.

3. Remove the "Existing" land use from Sheet 1.

Applicant Response:
The plat has been revised accordingly.

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT - ENVIRONMENTAL REVIEW TEAM (Laura Edmonds, Environmental Engineer, 3/7/08)

The Environmental Review Team (ERT) reviewed the subject application during the February 26, 2008, ERT Meeting. Our comments pertaining to the current application are as follows:

Regarding streams and wetlands

1) Due to presence of drains, water bodies, hydric soils, and potential wetlands identified by the Loudoun County Wetlands Model on the property and the potential road crossing identified in the application, staff recommends that the applicant perform a wetland delineation verified by the Army Corps of Engineers for the property. Staff further recommends that all identified jurisdictional waters and wetlands be depicted on the Special Exception Plat.

Applicant Response:
The wetlands are now shown on the plat. This portion of the property will not be disturbed through the development of the special exception use.

Regarding steep slopes

2) Staff recommends that the County Steep Slopes layer be used to identify steep slopes on the Special Exception Plat, consistent with FSM 8.102.A.37, which supports the use of County data for identifying areas of steep slopes based upon 5-foot topography.

Applicant Response:

Steep slopes are shown on the plat.

Regarding stormwater management

3) The Statement of Justification (Page 2) indicates that the existing pond will be used to accommodate stormwater runoff. Staff notes that the land disturbance associated with the project will likely exceed the 1-acre threshold whereby water quality measures are required. Furthermore, additional volume would need to be added to the existing pond if it is intended to satisfy water quality requirements. Therefore, staff recommends that the applicant explore opportunities to incorporate separate water quality measures such as bioretention areas to treat runoff from the proposed entrance road/parking area before it enters the pond. Staff further recommends that locations for proposed water quality facilities be identified on the Special Exception Plat.

Applicant Response:

The plat has been revised to include a note addressing the property's Stormwater Management and BMP measures.

Regarding forest resources

4) Staff acknowledges that minimal disturbance to existing vegetation will be required to construct the proposed project. However, staff recommends that the existing forest cover located along the western property boundary be placed within a Tree Conservation Area to ensure preservation of existing vegetation on the property. Staff further recommends that a Condition of Approval ensuring preservation of the designated areas accompany the application.

Applicant Response:

As previously stated, the Applicant is agreeable to incorporating existing trees in the required buffers into a landscaping plan that is reviewed at the site plan stage of development. Note #12 on the plat has been revised to address the incorporation of these trees.

LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE, AND EMERGENCY MANAGEMENT (Maria Figueroa, Fire-Rescue Planner, 3/13/08)

Thank you for the opportunity to review the above-captioned application. The Fire and Rescue Planning Staff is not opposed to the application as proposed. However, Staff is of the opinion that the applicant did not adequately addressed Item B of the Issues for consideration in accordance with Section 6-1310 of the Zoning Ordinance. Staff respectfully requests information regarding proposed fire protection systems for the building as the building use changed from a warehouse to an assembly use. Staff understands that this is more of a site plan issue and would be comfortable with a condition of approval that would require the applicant to share that information at that time.

Applicant Response:

The Applicant would be agreeable to a condition of approval stating that this information will be provided at the site plan stage of review. A note addressing fire protection has been added to the plat.

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES, Brian G. Fuller, Park Planner, 2/4/08)

PRCS has reviewed the referenced application, and offers no objection to its approval based on the material provided.

Additionally, PRCS has previously partnered with faith-based and non-profit organizations in the development of practice ballfields. Staff offers this same opportunity to the Applicant, if interested.

Applicant Response:

While the Applicant appreciates the PRCS partnerships with faith-based and non-profit organizations, the Applicant is not interested in pursuing a partnership at this time.

Please feel free to contact me if you have any questions or comments regarding this referral response.

Sincerely,

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

Michael Romeo, AICP
Land Use Planner

Enclosures: Updated Special Exception Plat
Updated Statement of Justification
Approved Sewage, Occupancy, Fire, and Building/Zoning Permits

cc: Dr. Jesoon Park, Washington Immanuel Presbyterian Church
Danny Osteen, Tri-Tek Engineering, Inc.
Kevin D. Sitzman, Wells + Associates, Inc.

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WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Michael G. Romeo, AICP
Land Use Planner
(571) 209-5772
mromeo@ldn.thelandlawyers.com

MEMORANDUM

TO: Members of the Loudoun County Board of Supervisors

FROM: Michael G. Romeo, AICP

DATE: November 2, 2009

RE: Washington Immanuel Presbyterian Church (SPEX 2007-0053) Response to the Planning Commission Findings for Denial

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In response to the Planning Commission's Findings for Denial, this memorandum has been drafted to clarify and respond to these findings. The Planning Commission vote to recommend denial did not reflect the sentiments of all planning commissioners as well as the 40 to 50 church members in attendance at the October 15th public hearing. Even though the Planning Commission, as a whole, chose not to review this application in further detail, the Applicant has continued to work with Staff to resolve as many outstanding issues as possible prior to the application appearing at a Board of Supervisors Public Hearing. For ease of reference, each Applicant response is listed in bold italics.

Findings

The parcel of land where the Washington Immanuel Presbyterian Church proposes to locate their church does not perk. As a result, neither a conventional nor a non-conventional sewage disposal system is possible on this parcel. Extension of central sewer service is not permitted in the Rural Policy area except to serve County or Town owned and operated public facilities immediately adjacent to a Town or its JMLA.

To allow pump and haul as an INITIAL use is not consistent with our Revised General Plan Policies. Furthermore, there is no other instance in the Rural Policy area that the County has allowed this method of wastewater disposal as a permanent solution to establish a new church use.

Applicant Response:

Several churches in the rural policy area that have been established for quite some time have upgraded their wastewater systems through the approval of permanent pump and haul systems. Without these systems, churches would continue to operate with substandard wastewater conditions and would not likely be viable church uses. In the case of Washington Immanuel, the church use has not yet been established, but the pump and haul system has

been in place on the property since 1998. The pump and haul system will remain on the property no matter what happens with the church use. The church has already upgraded the pump and haul system and will continue to upgrade the remainder of the property if the special exception is granted.

The statement, "...there is no other instance in the Rural Policy area that the County has allowed this method of wastewater disposal as a permanent solution to establish a new church use," is likely true, but misleading. A church use with 300 or fewer seats in the sanctuary is permitted by-right in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-10, TR-10, TR-3, TR-2, TR-1, CLI, PD-TC, PD-CV, PD-TREC, PD-TRC, PD-RV, and PD-AAAR zoning districts. These zoning districts encompass the entire rural policy area, with the exception of the Red Hill Area, which encompasses Washington Immanuel and was rezoned from AR-1 to A-3 in 2005 as part of the Western Loudoun remapping. The A-3 zoning district is the only zoning district in the rural policy area that requires a special exception to establish a church use with 300 or fewer seats in the sanctuary (Washington Immanuel proposes 250 seats).

1. Use of a permanent pump-and-haul as the sole means of sewage disposal is not consistent with the General Wastewater Policies of the Revised General Plan, which specifies such a system should be used only as a last resort in the event of a proven, public health emergency. Chapter 2 of our Revised General Plan states that "Pump and haul operations are not permitted in the Rural Policy Area, Existing Rural Villages or the Transition Policy Area except as a LAST RESORT and TEMPORARY wastewater disposal method to address a proven, public health EMERGENCY (which by definition is short-lived and not permanent).

Applicant Response:

The permanent pump and haul system was approved on consent agenda by the Board of Supervisors on September 1, 2009, following a 3-0-1 recommendation for approval from the Transportation and Land Use Committee. As stated in the multiple committee meetings attended by the church, there is no other sewer option available for this previously disturbed property. The soils were found to be insufficient to accommodate a drain field and there is no opportunity to connect to water and sewer at the current time. It should be noted that the flow rates for a church use are actually less than a by-right residential use.

Even though community planning staff stated that the use is consistent with the rural economy policies of the Revised General Plan and health department staff has no further objections to the application considering that the Board of Supervisors has approved the use of a permanent pump and haul system, Staff has referenced the pump and haul issue as a means for being unable to support the application. The conditions of approval included in the staff report offer additional safeguards beyond the ample safeguards that will already be in place through the three-way agreement between the Owner, the State Health Department, and the Loudoun County Board of Supervisors, which allows monitoring of all permanent pump and haul systems in the county. This site has been monitored by the health department since the pump and haul system was installed in 1998.

2. The Health Department has recommended denial of this application as such a system is in conflict with the General Wastewater Policies of the Revised General Plan. Pump-and-haul applications are generally reserved for existing occupied structures that have failing or substandard sewage disposal systems and should not be used to establish a new use.

Applicant Response:

The health department recommended denial of the pump and haul application, which received a 3-0-1 approval vote from the Transportation and Land Use Committee and was approved on consent agenda by the Board of Supervisors since it is the only wastewater option available to the church. Even if extenuating circumstances present themselves, the health department has no other option but to recommend denial of the application due to existing policy. Following the Board of Supervisors' approval of the pump and haul application, health department staff now considers this issue resolved.

3. VA Code 15.2-2283 –Purpose of Zoning is to promote health, safety or general welfare of the public. This proposed application with a permanent pump-and-haul for sewage disposal does not promote health, safety or general welfare of the public and specifically the surrounding rural residential community.

Applicant Response:

The health, safety or general welfare of the public will be sufficiently protected through the safeguards of the three-way agreement. In addition to the three-way agreement, conditions of approval associated with the special exception application further limit the use of the pump and haul system. The church has already upgraded the existing pump and haul system to meet current health department standards. The pump and haul system, located on a 10 acre site that is surrounded by low density residential and agricultural uses, does not present a threat to the health, safety, or general welfare of the public given the safeguards that will be in place. At least five churches operate permanent pump and haul systems in the rural policy area, all of which include fewer safeguards than would be associated with this church.

4. The application does not support the Rural Economic Polices #4 which states such uses in the Rural area should be compatible in scale, size, and intensity with the primary agricultural uses and the rural environment, and will be subject to performance standards. The fact that the Applicant is not willing to agree to the 250 person condition of approval leads to an intensity that is not consistent with this policy.

Applicant Response:

This statement is contrary to the community planning staff referral, which states, "Staff finds that the proposed use of the subject property for a church is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan." In regards to the 250 person condition of approval (#2, Capacity), the Applicant is now agreeable to this condition of approval.