



APPLICATION FILED: September 8, 2006
PLANNING COMMISSION: January 25, 2007
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

January 11, 2007

STAFF REPORT

APPLICATION SE 2006-PR-023

PROVIDENCE DISTRICT

APPLICANT:	Wonder Kids Child Care, Inc.
ZONING:	R-1
LOCATION:	8615 Hilltop Road
PARCEL:	49-1 ((5)) 17A
ACREAGE:	31,750 sq. ft.
FAR:	0.07
PLAN MAP:	Residential, 1-2 du/ac
SE CATEGORY:	Category 3, Child Care Center
PROPOSAL:	Seeking approval to expand an existing Child Care Center approved pursuant to SP 99-P-050, to allow a maximum daily enrollment of twenty-four (24) children.
WAIVERS & MODIFICATIONS:	Modification of the transitional screening requirement, along the northern, eastern and western property lines.

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Department of Planning and Zoning

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Waiver of the barrier requirement along the northern, eastern and western property line. In favor of that shown on the SE Plat.

STAFF RECOMMENDATIONS:

Staff recommends denial of SE 2006-PR-023. However, if it is the intention of the Board of Supervisors to approve the application, staff recommends such approval be subject to development conditions consistent with those found in Appendix 1 of this report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

- Proposal:** The applicant, Wonder Kids Child Care, Inc., is seeking approval of a Special Exception for a Child Care Center to permit an expansion of an existing Child Care Center, to increase the maximum daily enrollment to allow twenty-four (24) children on site at any one time. The existing Child Care Center was approved pursuant to SP 99-P-050, which allows a maximum daily enrollment of twenty (20) children per day, but further limits the site to a maximum of no more than twelve (12) children on site at any one time. If approved, this request will result in a doubling of the daily activity on site to 24 children allowed at any one time.
- Proposed Enrollment:** Maximum daily enrollment of twenty-four (24) children on site at any one time, ages 6 months to 4 years of age, with proposed staggered drop-off times. (Increase from a maximum of twenty (20) children per day, with a limit that no more than twelve (12) children be on site at any one time).
- Hours of Operation:** 6:30 am to 6:30 pm, Monday through Friday (Proposed change from 7:00 am to 6:30 pm, Monday through Friday, as approved pursuant to SP 99-P-050).
- Number of Employees:** Maximum of six (6) employees. (Increased from a current maximum number of five (5) employees).
- Waivers & Modifications:** Modification of the transitional screening requirement, along the northern, eastern and western property lines.
- Waiver of the barrier requirement along the northern, eastern and western property line. In favor of that shown on the SE Plat.

LOCATION AND CHARACTER

Site Description

The subject property is comprised of one parcel totaling 31,750 square feet and is located on the south side of Hilltop Road, within the Willowmere Farms subdivision. The site is zoned R-1 and is developed with an existing, 2,230 square foot split-level, single-family detached dwelling that is currently utilized as a Child Care Center, pursuant to the approval of SP 99-P-050. The site has two entrances on Hilltop Road. The primary entrance for the Child Care Center is located at the center of the lot, and provides access to an asphalt parking lot with seven (7) parking spaces. The second entrance is a common asphalt driveway located in the northeast corner of the site, which is shared with the adjacent property to the east, Lot 13B. This driveway provides access to the rear of the subject property and provides access to two (2) parking spaces that are located at the southeast corner of the dwelling unit.

A six (6) foot stockade fence encloses the entire rear yard, which includes the existing playground area. In addition, the playground area is further enclosed by an existing four (4) foot chain link fence. The southern half of the site has a landscape buffer that extends along the western property line, from the southwest corner of the existing structure, and continues along the southern property line. This buffer is approximately 25 feet in width and continues around the southeast corner of the subject property and along a portion of the eastern property line, but terminates where the shared driveway is located in this area. The landscape buffer on the northern half of the subject property is characterized by single rows of additional landscape plantings along the eastern and western property lines, which were installed pursuant to the approved Special Permit.

The following chart identifies characteristics of the area surrounding the subject property associated with this application:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential – Single-family Detached (Morada Ridge) & Townhouse (Dunn Loring Village)	PDH-4/ PDH-12	Residential, 4-5 du/ac & 5-8 du/ac
South	Residential – Single-family Detached (Merrifield View)	R-3	Residential, 1-2 du/ac & 2-3 du/ac
East	Residential – Single-family Detached (Willowmere Farms)	R-1	Residential, 1-2 du/ac
West	Residential – Single-family Detached (Willowmere Farms)	R-1	Residential, 1-2 du/ac

BACKGROUND

On March 15, 2000, the Fairfax County Board of Zoning Appeals (BZA) approved SP 99-P-050, a Special Permit authorizing a child care center on the subject property. The approval permitted a maximum daily enrollment of twenty (20) children for the center, with a limitation that no more than twelve (12) children are permitted on site at any one time. The hours of operation were established as Monday through Friday, from 7:00 am to 6:30 pm, with a maximum number of five (5) employees. The approval is subject to BZA imposed conditions and the Special Permit Plat dated March 1, 2000, including a provision that required that the Board review the application after one year. A copy of the Board imposed conditions and the Special Permit Plat has been provided in Appendix 4.

It is important to note that the original application for Special Permit requested a maximum enrollment of twenty-five (25) children, with no limitations as to the number permitted at any one time. However, based on the proposed layout, staff analysis and public input regarding the request, the Board of Zoning Appeals voted to approve the application with the limitation that currently governs the site.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: Area II
Planning District: Vienna Planning District
Planning Sector: V1: Lee Community Planning Sector
Plan Map: Residential, 1-2 du/ac
Plan Text:

The Fairfax County Comprehensive Plan, Area II, 2003 Edition, Vienna Planning District, as amended through July 10, 2006, in the V1, Lee Community Planning Sector, states the following beginning on page 38:

CHARACTER

The Lee Sector is characterized by a variety of housing types and land uses. It includes single-family detached homes, townhouses, multi-family (high-rise and garden) apartments, as well as commercial areas and industrial parks. Single-family residential development is the predominant land use.

RECOMMENDATIONS

Land Use

Infill development in this planning sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

ANALYSIS

Special Exception Plat

(Reduction at front of staff report)

Title of SE Plat: Wonder Kids Child Care, Inc.
Prepared By: Paciulli, Simmons and Associates, Ltd.
Original and Revision Dates: August 8, 2006, as revised through January 2, 2007

The Special Exception Plat consists of a single sheet, which includes the general notes, outfall narrative, bulk regulations, grade plane calculations and the site layout.

The following features are depicted on the SE Plat:

Site Layout: The subject property is comprised of one parcel totaling 31,750 square feet and is developed with an existing, 2,230 square foot split-level, single-family detached dwelling that is currently utilized as a Child Care Center, pursuant to the approval of SP 99-P-050. In addition to the primary structure, there is an existing rear deck that is also used in conjunction with the child care center. A six (6) foot stockade fence encloses the entire rear yard, which includes the existing playground area containing approximately 5,100 square feet; this area is further enclosed by an existing four (4) foot chain link fence.

Access: Access to the site will continue to be provided from the existing entrances on Hilltop Road. The primary entrance for the Child Care Center is located at the center of the lot, and provides access to an asphalt parking lot with seven (7) parking spaces. The second entrance is a common asphalt driveway located in the northeast corner of the site, which is shared with the adjacent property to the east, Lot 13B, and provides access to the rear of the subject property and the child care center.

While there is an existing sidewalk located along the north side of Hilltop Road, there are no pedestrian paths on the south side of Hilltop Road in the area of the subject property.

Landscaping: Existing landscaping and vegetation are located throughout the site, concentrated mostly around the perimeter of the subject property in the southern half. This existing vegetation forms a 25-foot wide landscape buffer that extends

along the western property line, from the southwest corner of the existing structure, and continues along the southern property line. The buffer continues around the southeast corner of the subject property and along a portion of the eastern property line, but terminates where the shared driveway is located in this area.

Along the eastern and western property lines in the northern half of the subject property, there are supplementary landscape plantings on site that were installed pursuant to the approved Special Permit but these do not currently meet the transitional screening requirements for the subject property. In addition, both a site inspection of the property and the proposed SE Plat indicate that the existing landscaping on site does not conform to the approved Special Permit Plat dated March 1, 2000. Specifically, the quantity of plantings located around the parking area are not consistent with those shown on the SP Plat, and the amount of evergreen plantings along the perimeter of the shared driveway, where screening is most necessary, are also deficient. As a part of this request, the applicant is proposing additional landscape plantings along the eastern property line between the shared driveway and the existing parking area, and in a small area of the southeast corner of the site that is also deficient. However, this remains a staff concern since the site will still not meet the transitional screening requirements in the northern half of the site along the eastern and western property lines.

Parking: A site inspection of the subject property indicates that, currently, there are a total of nine (9) parking spaces on the site. Of these, seven (7) are located in a parking lot that is accessed via the entrance for the Child Care Center off of Hilltop Road. The remaining two spaces are located behind the child care center, at its southeast corner, and are accessible via a common asphalt driveway located in the northeast corner of the site, which is shared with the adjacent property to the east, Lot 13B.

These conditions are in contrast to the approved Special Permit Plat that governs the site, dated March 1, 2000. On the approved Plat, only six (6) parking spaces are shown, all of which are located in the front parking lot, and the two spaces located behind the existing center are not depicted. The applicant is proposing to keep the additional parking space in the existing parking lot to meet the Zoning Ordinance requirements associated with this request. The SE Plat also shows that the striping for the two spaces that are located behind the child care center will be removed. Despite this effort, staff has concerns regarding this issue since the existing site conditions are not in compliance with the approved Special Permit Plat. Furthermore, staff is concerned that the use of the two parking spaces behind the child care center will continue even with the removal of only the striping, which is undesirable since these are accessed via the common driveway shared with the adjacent residential use.

Stormwater Management: Since the applicant is not proposing any improvements to the site beyond the existing conditions, there are no additional stormwater management requirements to be fulfilled.

Signage: There is an existing free-standing sign on the site, nearly 6 square feet in size and located in the northeast corner of the subject property adjacent to the drive aisle leading to the parking lot. While no detail of the sign has been provided, the size does conform to the provisions set forth in Section 12-208(2) (M) of the Zoning Ordinance.

ANALYSIS

Comprehensive Plan

The Comprehensive Plan states that the Lee Community Planning Sector is largely developed with single-family residential development, and that infill development in this sector should be compatible in accordance with the guidance provided in the Land Use Objectives of the Policy Plan. This request for Special Exception to permit an expansion of an existing Child Care Center in an established residential neighborhood increases the potential for incompatible land uses. Based on the more detailed discussion below, staff believes that this request is not in harmony with the recommendations of the Comprehensive Plan.

Locational Guidelines for Child Care Facilities

In Fairfax County, as in other areas of the country, there is an increasing need for high quality child care facilities. Such facilities should be encouraged throughout the County to the extent that they can be provided consistently with the following criteria, as identified in the Policy Plan of the Comprehensive Plan and contained in Appendix 6:

Land Use Analysis

Child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Therefore, siting child care facilities in the periphery of residential developments or in the vicinity of planned community recreation facilities should be considered. (Guideline #5)

As stated in the Policy Plan, there is an increasing need in the County for child care facilities. Although new residential development and the redevelopment of older neighborhoods can allow the opportunity to provide high quality child care facilities within the context of a community, child care centers in existing residential neighborhoods should be located and designed to avoid creating undesirable impacts on the surrounding community. With respect to this application, the applicant is seeking to expand an existing child care center approved pursuant to SP 99-P050, in order to increase maximum enrollment to twenty-four (24) children, with no restriction as to the number of children allowed at any one time. While this will result in an increase of only four (4) children beyond the existing maximum daily enrollment, the intensity of the use is doubled in that the applicant is requesting that all 24 children be

allowed on the site at any one time. The applicant is also seeking to increase the hours of operation and increase the number of employees associated with the center. A comparison of the child care center approved pursuant to the Special Permit and that proposed in this application is as follows:

	SP 99-P-050	Current Application
Enrollment	Maximum of 20 children with no more than 12 at any one time	Maximum of 24 children; with up to 24 at any one time
Hours of Operation	Monday – Friday, 7:00 am to 6:30 pm	Monday – Friday, 6:30 am to 6:30 pm
Number of Employees	5 at any one time	6 at any one time
Square Footage of Center	2,230 square feet	2,230 square feet
Lot Size*	31,750 square feet	31,750 square feet
Outdoor Play Area	5,100 square feet	5,100 square feet
Parking Provided	6 spaces (although 9 currently exist on the site)	7 spaces

* The existing lot size of 31,750 square feet is non-conforming in that it does not meet the minimum R-1 District requirement of 36,000 square feet.

As previously discussed, the applicant currently operates a child care center on the site pursuant to a Special Permit that was approved on March 15, 2000. However, as demonstrated above, and on the SE Plat, the applicant is proposing to increase enrollment, the number of employees and the hours of operation on the site without addressing the impacts of such increases. The applicant is proposing some additional landscaping on the site as a part of this application, but is primarily relying on existing site conditions, such as parking, that are not in compliance with the approved SP Plat dated March 1, 2000.

Staff believes that the subject property is not large enough, nor is it developed in a manner that could easily accommodate any expansion of the child care center beyond its current enrollment. The majority of the site has already been developed to support this current facility, and existing site conditions such as the common asphalt driveway and the relatively small lot size leave minimal opportunity to provide adequate transitional screening measures along the eastern property boundary. Furthermore, the subject property is located within an existing residential area surrounded by single-family attached and detached dwellings. Given this context, a child care facility of the scope proposed by the applicant, which proposes to double the on-site intensity from a maximum of 12 children at any one time to 24 children at any one time, in combination with the existing conditions of the subject property, would not be in character with this particular area and presents the juxtaposition of incompatible land uses.

Transportation Analysis (Appendix 7)

Child care facilities should be located and designed to ensure the safety of children. (Guideline #2)

Child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians. (Guideline #4)

The applicant is proposing no additional transportation improvements to the site beyond the existing conditions. The required number of parking spaces for an enrollment of 24 children is five (5) spaces, which the site already exceeds even under the approved number of spaces associated with the Special Permit. Yet by increasing the enrollment to 24 children, and also eliminating the restriction regarding the number allowed at any one time, staff is concerned as to whether this existing parking lot configuration is sufficient to accommodate the additional traffic generated by employees and the process of dropping off and picking up children throughout the day since there is no clearly designated drop-off or pick-up area. The existing lot is small in design, providing only 7 spaces and the required drive aisle. There is a small area of stripped pavement delineating a pedestrian pathway at the southern end of the lot adjacent to the facility's entrance, but there is no appropriate drop-off or pick-up area for the children. Under the current design, which is not proposed to be changed, clients must park in one of the designated spaces to drop-off their children, thereby increasing the number of movements in and out of parking spaces during peak hours. To mitigate these concerns, the applicant has proposed the following staggered schedule:

- 8 children to be dropped off at 7:00 am with a 4:00 pm pick-up time.
- 8 children to be dropped off at 8:00 am with a 5:00 pm pick-up time.
- 8 children to be dropped off at 9:00 am with a 6:00 pm pick-up time.

While staggered drop off times can be beneficial, this presents an enforcement challenge in that there is no way of ensuring that potential clients will comply with the schedule on a daily basis when the increments are so closely spaced apart.

In addition to the concerns regarding the inadequate drop-off/pick-up area, the applicant is not proposing any frontage improvements to Hilltop Road as a part of this application. The Comprehensive Plan indicates that Hilltop Road is to be widened to four lanes, thus necessitating a dedication of 59-feet of right-of-way from the existing centerline. In addition, curb, gutter and sidewalks should be provided. The applicant has not addressed these specific concerns at this time.

Environmental Analysis (Appendices 8 & 9)

Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play areas, taking into consideration the size of the facility. (Guideline #1)

The SE Plat shows that the existing 5,100 square feet of play area will be retained, which exceeds the ordinance requirement. In addition, the existing 4-foot chain link fence around this area, the 6-foot stockade fence that follows the majority of the perimeter of the lot, and the existing vegetative screen provide multiple layers of barrier around the play area.

Child care facilities should be located and designed to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare. (Guideline #3)

According to the Statement of Justification, there are no known hazardous substances on the site. In addition, the site is not located within a flood plain, resource protection area (RPA) or other environmental corridor.

ZONING ORDINANCE PROVISIONS (Appendix 10)

The request for Special Exception must comply with the applicable regulations of the Zoning Ordinance. A comparison of the R-1 District requirements and those proposed for the new development are as follows:

Bulk Standards (R-1 Zoning)		
Standard	Required	Provided
Lot Size	36,000 square feet	31,750 square feet
Lot Width	150 feet	127 feet
Building Height	60 feet	17 feet
Front Yard	50 degree ABP, 40 feet	72.5 feet
Side Yard	45 degree ABP, 20 feet	20.4 feet and 21.6 feet
Rear Yard	45 degree ABP, 25 feet	113.8 feet
FAR	0.15	0.07

Bulk Standards (R-1 Zoning)		
Standard	Required	Provided
Open Space (Play Area)	100 square feet per child, or 2,400 square feet	5,100 square feet
Parking Spaces	5 spaces (based on maximum daily enrollment of 24)	7 spaces

Other Zoning Ordinance Requirements:

Special Exception Requirements

General Standards (Sect. 9-006)

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

- 1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.*

As previously discussed, the Comprehensive Plan identifies the Lee Community Planning Sector as largely developed with single-family residential development, and that infill development in this sector should be compatible in accordance with the guidance provided in the Land Use Objectives of the Policy Plan. However, in this instance, a request for Special Exception to permit an expansion of an existing Child Care Center in an established residential neighborhood results in incompatible land uses. For this reason, staff believes that this request is not in harmony with the Comprehensive Plan.

- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The R-1 District was established to provide for single-family detached dwellings, and to allow other selected uses which are compatible with the character of low density residential development. While staff acknowledges that child care centers can be compatible in existing residential neighborhoods, a child care facility of the scope proposed by the applicant, in combination with the existing conditions of the subject property, would present the juxtaposition of incompatible land uses. Therefore, staff does not believe that the proposed increase in enrollment meets these requirements.

- 3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive*

plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

While the existing 6-foot stockade fence and vegetative screen provides an effective buffer between the subject property and the adjacent residential uses in the southern half of the subject property, there is insufficient landscaping in the northern portion of the site along the eastern and western property boundaries. Although the applicant has proposed some additional landscaping along the eastern boundary between the shared asphalt driveway and the existing parking lot, no additional plantings are proposed for the western boundary. In addition, due to the existing site conditions and the location of the shared asphalt driveway along the eastern property boundary, there is minimal opportunity to effectively screen the subject property from the adjacent residential development to the east in accordance with the requirements of the Zoning Ordinance. In staff's opinion, any increase in enrollment of the child care center above and beyond that which is currently allowed on the site will not be in keeping with the intent of the Zoning Ordinance or Comprehensive Plan, and will adversely affect adjacent properties.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The applicant is requesting an increase in the enrollment of the existing child care center located on the subject property. However, no transportation related improvements are proposed for the site, and staff has concerns as to whether or not the existing parking area, since it lacks a designated drop-off/pick-up area, is sufficient to accommodate the increase in enrollment. In addition, the applicant is not proposing any frontage improvements along Hilltop Road, and the possibility of continued use of the parking at the rear of the child care center that is accessible via the common driveway shared with the adjacent residential dwelling is problematic. Since the Fairfax County Department of Transportation is still evaluating the staggered drop-off and pick-up schedule at this time, staff cannot conclude that the proposal will not create any hazardous traffic conditions in the neighborhood.

5. *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

As previously discussed, while the existing 6-foot stockade fence and vegetative screen provides an effective buffer between the subject property and the adjacent residential uses in the southern half of the subject property, there is insufficient landscaping in the northern portion of the site along the eastern and western property boundaries. Although the applicant has proposed some additional landscaping along the eastern boundary between the shared asphalt driveway and the existing parking lot, no additional plantings are proposed for the

western boundary. In addition, due to the location of the existing structure and the shared asphalt driveway in the area along the eastern property boundary, there is minimal opportunity to effectively screen the subject property from the adjacent residential development to the east. A more detailed discussion of the transitional screening and the barrier requirements is included below.

For this reason, staff believes that this standard has not been fulfilled.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

There is no open space requirement for conventional subdivisions in the R-1 District. Therefore, this standard is not applicable.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

Excluding the review of the functional aspect of the existing parking lot design as previously discussed, staff feels that the proposal fulfills each of these requirements.

8. *Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

The application is not proposing any additional signage for the child care center beyond that which already exists. Any new signage proposed in the future will be required to comply with Article 12 of the Fairfax County Zoning Ordinance.

Standards for all Category 3 Uses (Sect. 9-304)

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. *For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient government services to the residents of properties within the general area of the location.*

This standard is not applicable to this request since a child care center is not a public use as defined by the Zoning Ordinance.

2. *Except as may be qualified below in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.*

As indicated in the zoning ordinance provisions identified above, the subject property is a legally non-conforming lot in that it does not meet the minimum R-1 District size of 36,000 square feet, or the minimum lot width requirement of 150 feet.

- 3. Except as may be qualified in the following sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.*

The subject property meets all bulk standards of the R-1 District, including the minimum setback and height requirements.

- 4. All uses shall comply with the performance standards specified for the zoning district in which located.*

All performance standards have been satisfied with the existing site conditions.

- 5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

The applicant will be required to fulfill any applicable provisions of Article 17, as they relate to this request.

Additional Standards for Child Care Centers (Sect. 9-309)

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.*

The applicant is proposing a maximum enrollment of 24 children. Therefore, an additional 2,400 square feet of outdoor recreation area shall be provided. The SE Plat associated with this application indicates that 5,100 square feet of outdoor recreation area is being provided. Therefore, this standard has been satisfied.

- 2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:*

Number of Persons	Street Type
1-75	Local
76-660	Collector
660 or more	Arterial

The Statement of Justification for this application includes the expected trip generations for the proposed use, the distribution of these trips by mode and time of day, the service area of the facility. This information is currently under review by the Fairfax County Department of Transportation. Although the child care center has direct access to Hilltop Road, the applicant has not addressed the frontage improvements required along the subject property. This includes the dedication of 59-feet of right-of-way from the existing centerline of Hilltop Road, and the installation of curb, gutter and sidewalks. For these reasons, staff cannot conclude at this time that the application adequately fulfills this standard.

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

As discussed in the transportation analysis above, by increasing the enrollment to 24 children with no restrictions, staff is concerned as to whether the existing parking lot configuration is sufficient to accommodate the dropping off and picking up of children throughout the day. Under the current design, which is not proposed to be changed, there is no designated drop-off or pick-up area for children. Currently, clients must park in one of the designated spaces to drop-off and pick-up their children, thereby increasing the number of movements in and out of parking spaces during peak hours. Even under the staggered pick-up/drop-off schedule proposed by the applicant, there is still a question as to whether or not a dedicated pick-up and drop-off area is more appropriate than the existing lot configuration.

4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

The applicant will be required to fulfill any applicable provisions of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

WAIVERS AND MODIFICATIONS

Transitional Screening & Barrier Requirements

Transitional Screening 1 (consisting of a 25-foot wide landscape strip) is required where the site abuts single-family dwellings along the northern, southern, eastern and western property lines. The southern half of the site has existing tree cover that extends along much of the western property line, starting at the southwest corner of

the existing child care center, and continuing along the southern property line until it reaches a vacant area in the southeast corner of the site. The existing vegetation continues again along a portion of the eastern property line, moving north, but terminates where the shared driveway is located in this area. This existing vegetation forms a landscape buffer that is approximately 25 feet in width in these areas, which fulfills the transitional screening requirement for these areas. In addition, the applicant is proposing additional landscape plantings in the southeast corner of the site in order to correct the deficiencies in the transitional screening for this specific area.

On the northern half of the subject property, the existing vegetation is less dense and characterized by single rows of additional landscape plantings along the eastern and western property lines, which were installed pursuant to the approved Special Permit. In addition, as previously discussed, a review of the approved Special Permit Plat against the existing conditions and the proposed SE Plat indicates that some of the plantings proposed in this area were never installed, thus further reducing the screening in this area. As a part of this request, the applicant is proposing additional landscape plantings along the eastern property line between the shared driveway and the existing parking area, but there are no new plantings proposed along the western property boundary or along Hilltop Road in this half of the site. Despite these efforts, the proposed landscaping in the northern half of the subject site still does not fulfill the transitional screening requirements.

Although the applicant has not requested any modifications or waivers, a modification of the transitional screening requirement is necessary due to the deficiencies in the northern half of the property described above. While staff could support a modification of the requirement to accommodate those areas in which the 25-foot width requirement may not be feasible, such as along the eastern property boundary where the shared driveway is located, the applicant should still be required to install new plantings in those areas around the perimeter that are still void of any plantings.

In addition to the screening requirements, the applicant is also required to provide a barrier requirement along all perimeters. The existing site conditions include a 6-foot stockade fence that runs the entire length of the southern and western property lines, generally following and located on the inside of the existing vegetative screen. Like the existing screening, the fence continues along the eastern property line until it terminates where the shared driveway is located in this area. A waiver of the barrier requirement is necessary for that portion of the eastern property line in which no barrier is provided. Since the common driveway is located in this area, staff would support a waiver of this requirement if additional landscaping could be provided in this area, beyond what the applicant is already proposing. However, at this time the applicant has not requested a waiver of this requirement.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Based on the above analysis, the proposal is not in harmony with the intent of the Comprehensive Plan or the Locational Guidelines for Child Care Facilities. It is staff's conclusion that the subject property is not large enough, nor is it developed in a manner that could easily accommodate the proposed expansion of the child care center beyond its current enrollment. The majority of the site has already been developed to support the current facility, and existing site conditions such as the common asphalt driveway and the relatively small lot size leave minimal opportunity to provide transitional screening measures along the eastern property boundary. The subject property is located within an existing residential area surrounded by single-family dwellings and in this context, a child care facility of the scope proposed by the applicant would not be in character with this particular area because it represents the juxtaposition of incompatible land uses.

In addition, staff has outstanding concerns regarding the functionality of the existing parking lot configuration with any increase in the current enrollment. The problems and safety concerns associated with the lack of an appropriate pick-up and drop-off area could be exacerbated with the addition of more vehicles on site during concentrated times of day.

For these reasons, staff does not support approval of this application.

Recommendation

Staff recommends denial of SE 2006-PR-023. However, if it is the intention of the Board of Supervisors to approve the application, staff recommends such approval be subject to development conditions consistent with those found in Appendix 1 of this report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. SP 99-P-05: Letter of Approval, Limitations, and Special Permit Plat
5. Comprehensive Plan Citations
6. Locational Guidelines for Child Care Facilities
7. Transportation Analysis
8. Urban Forest Management Analysis
9. Stormwater Management Analysis
10. Applicable Zoning Ordinance Provisions
11. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2006-PR-023

January 11, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-PR-023 located at 8615 Hilltop Road (Tax Map 49-1 ((5)) 17A), for the establishment of a child care center in accordance construction with Sect. 3-104 of the Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previously approved Special Permit development conditions:

1. This Special Exception is granted for and runs with the land associated with this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Wonder Kinds Child Care, Inc.," prepared by Paciulli, Simmons and Associates, Ltd., and dated August 8, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. The maximum hours of operation of the child care center shall be from 6:30 AM until 6:30 PM Monday through Friday.
6. Upon issuance of a Non-RUP for this Special Exception, the total maximum daily enrollment for the child care center shall be no more than 24 children. The ages of children enrolled at the child care center shall be between the ages of 6 months and 4 years.
7. The maximum number of employees for the child care center shall be six (6) at any one time.
8. Irrespective of that shown on the SE Plat, all parking associated with the child care center shall be provided within the existing parking lot area located in the front yard area of the subject property. No parking or vehicular traffic associated with the child care center is permitted on the shared, common driveway area located along the eastern property line.

9. Prior the issuance of a Non-RUP for this special exception, the two (2) existing parking spaces located at the rear, southeast corner of the existing child care center building shall be removed within sixty (60) days following approval of this application by the Board of Supervisors. Removal in this instance includes the elimination of any striping, stopping blocks and related infrastructure, and landscaping this area as determined by UFM, DPWES.
10. Supplemental landscaping plantings shall be provided within the transitional screening buffer areas located in the northern half of the subject property along the northern, eastern and western property boundaries, in order to provide the effect of full transitional screening in accordance with the Zoning Ordinance, as determined by Urban Forest Management (UFM), DPWES. Additional plantings shall also be provided within the open space area between the existing parking lot and the shared, common drive area located along the eastern property line, as determined by UFM, DPWES. A landscape plan depicting this supplemental landscaping, including, but not limited to, the number and types of species, shall be submitted concurrent with a site plan submission and shall be subject to review and approval of UFM, DPWES. In addition, the landscape plan shall also depict the number and sizes of trees and plantings consistent with that shown on the SE Plat as determined by UFM.
11. The landscaped buffers and transitional screening adjacent to all residential areas shall be maintained and preserved as depicted on the SE Plat, to include the removal of any dead, dying or diseased trees, and the subsequent replanting of these areas, subject to the review and approval of Urban Forest Management (UFM), DPWES.
12. All signage for the child care center shall comply with provisions of Article 12 of the Zoning Ordinance.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.