



APPLICATION ACCEPTED: February 15, 2008  
APPLICATION AMENDED: May 20, 2008  
PLANNING COMMISSION: June 26, 2008  
BOARD OF SUPERVISORS: June 30, 2008  
@ 3:30 pm

## County of Fairfax, Virginia

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June 11, 2008

### STAFF REPORT

APPLICATION SE 2008-MA-005

# CRD

### MASON DISTRICT

**APPLICANT:** Education for Life

**ZONING:** I-3, CRD, HC, SC

**PARCELS:** 62-1 ((1)) 16F

**ACREAGE:** 6.34 acres

**FAR:** 0.25

**OPEN SPACE:** 46.9%

**PLAN MAP:** Office and Retail use

**SE CATEGORY:** Category 3; Private School of General Education;  
Nursery School; Child Care Center

**PROPOSAL:** Approval of a Private School of General Education/  
Nursery School and Child Care Center with a  
combined maximum daily enrollment of 90 students,  
ages three years through 6<sup>th</sup> grade. The associated  
child care center will allow for before and after school  
care for enrolled students and children of staff only.

### STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2008-MA-005 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of the barrier requirement in favor of that shown on the SE Plat.

Tracy Strunk

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Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 TTY 711 (Virginia Relay Center).

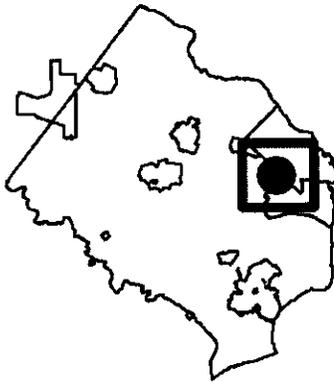
*O:\tswag\Ed for Life SE 2008-MA-005\SE 2008-MA-005.doc*



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).

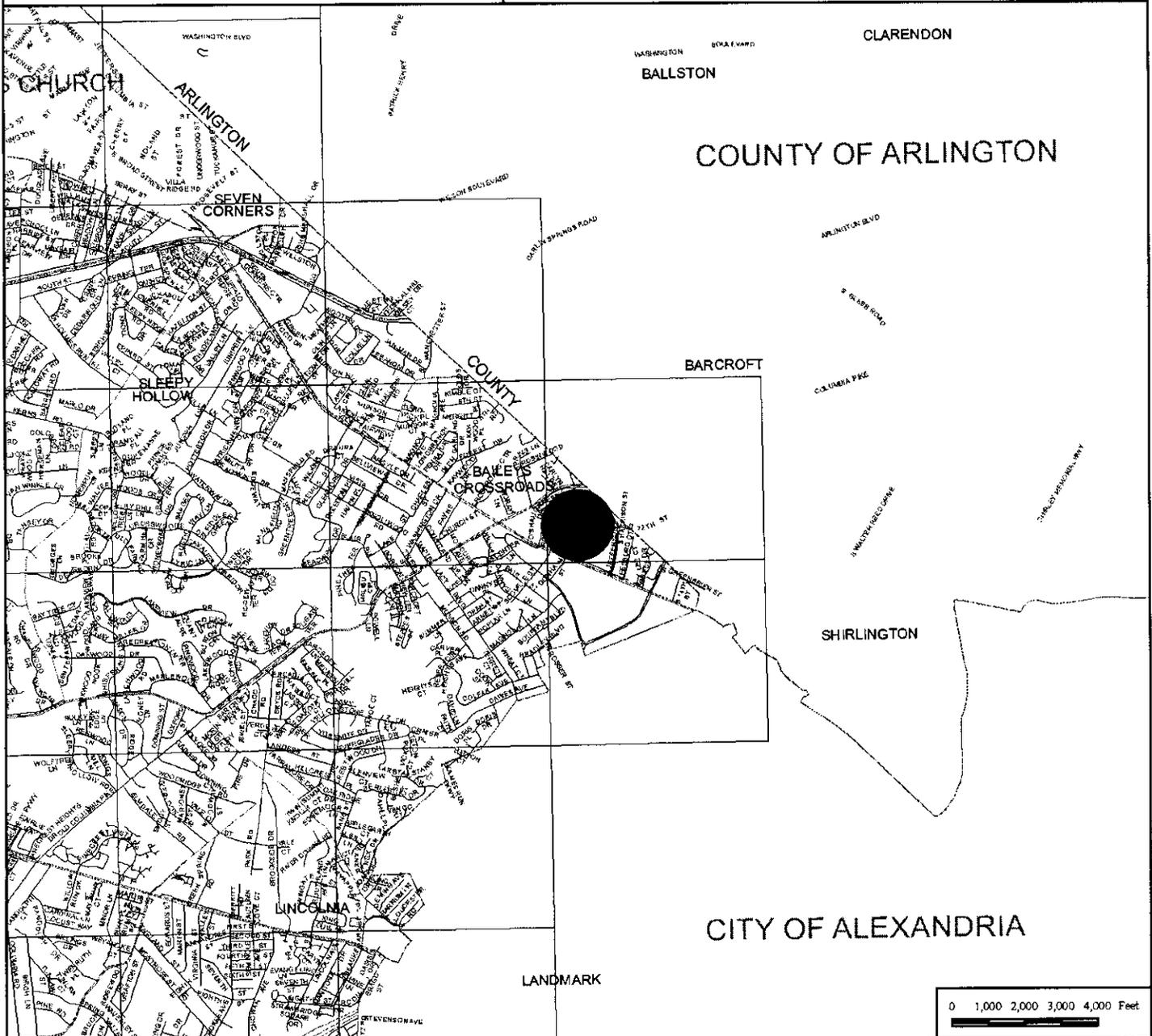
# Special Exception

SE 2008-MA-005



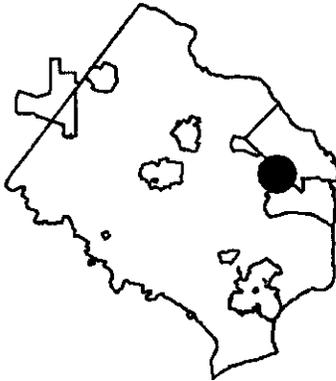
Applicant: EDUCATION FOR LIFE  
Accepted: 02/15/2008 AMENDED 5/20/2008  
Proposed: PRIVATE SCHOOL OF GENERAL EDUCATION,  
NURSERY SCHOOL AND CHILD CARE CENTER

Area: 6.34 AC OF LAND; DISTRICT - MASON  
Zoning Dist Sect: 05-0304  
Art 9 Group and Use: 3-10 3-10 3-11  
Located: 3431-A CARLIN SPRINGS ROAD  
Zoning: I-3  
Plan Area: 1,  
Overlay Dist: CRD SC HC  
Map Ref Num: 062-1- /01/ /0016F



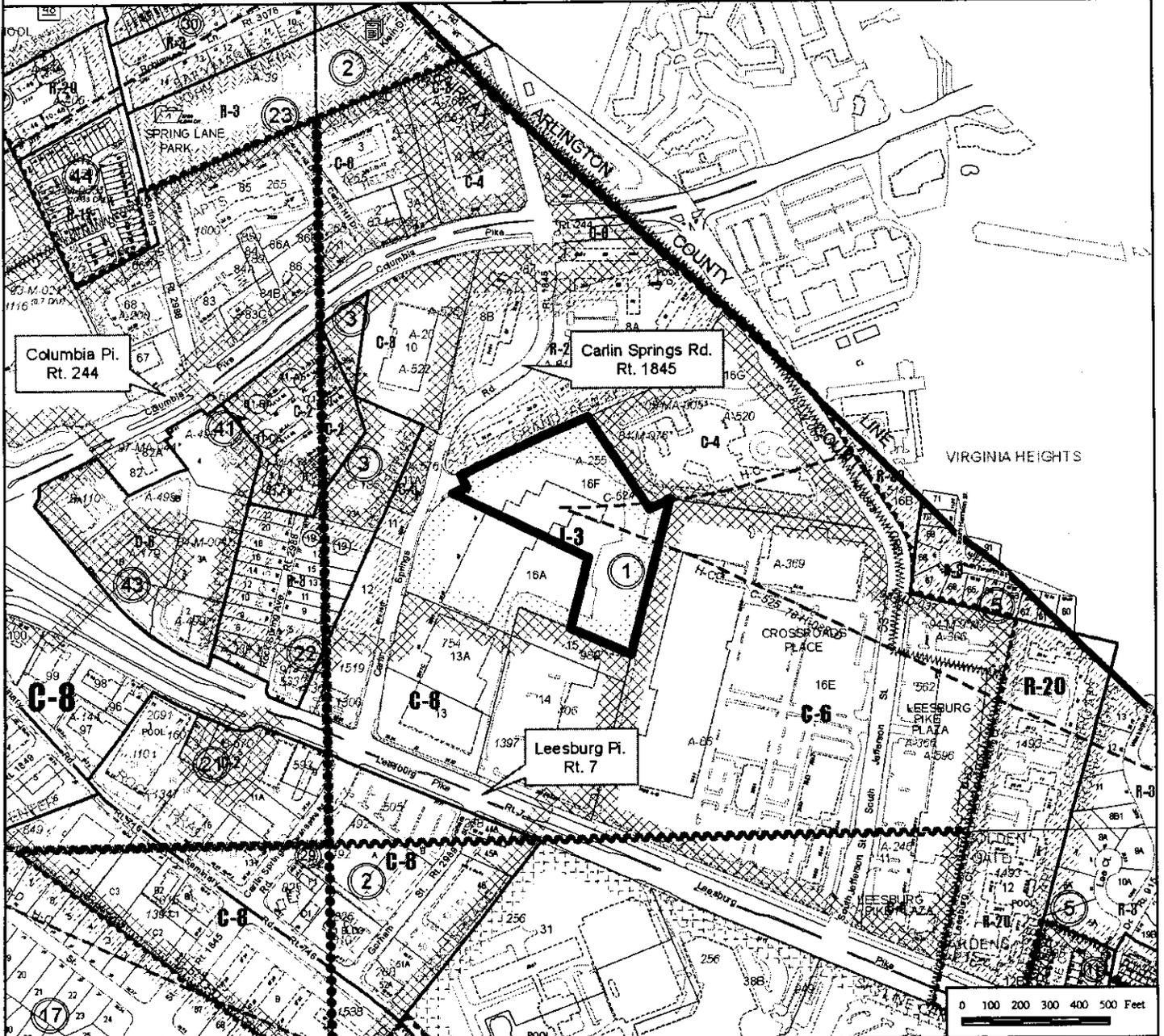
# Special Exception

SE 2008-MA-005



Applicant: EDUCATION FOR LIFE  
Accepted: 02/15/2008 AMENDED 5/20/2008  
Proposed: PRIVATE SCHOOL OF GENERAL EDUCATION,  
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**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The applicant, Education for Life, requests approval of a Special Exception to permit a Private School of General Education / Nursery School with a maximum daily enrollment of 90 students (ages three years through 6<sup>th</sup> grade) and an associated child care center to allow before and after school care for enrolled students and children of staff only, in an existing industrial/retail/office complex. General hours of operation for the school are proposed to be 8 am to 3:30 pm. Before and after school child care is also proposed, with hours from 7 am to 6 pm. No changes are proposed to the footprint of the building; site modifications include restriping in the parking lot to delineate crosswalks and drop-off spaces and the addition of a fenced play area with playground equipment in an existing open space. A maximum of 15 teachers are proposed on-site at any one time.

The proposed SE use would be located in one tenant space of an existing industrial flex-space building; the SE application covers the entire parcel. The remainder of the building on this parcel is--and will continue to be--occupied with other by-right uses such as warehouse and office.

**Requested Waivers and Modifications:**

- Modification of the barrier location requirement in favor of that shown on the SE Plat

Staff's proposed development conditions, the applicant's affidavit, and the applicant's Statement of Justification are set forth in Appendices 1 – 3, respectively.

**LOCATION AND CHARACTER**

**Site Description:**

The 6.34 acre application site is the northern portion of an existing industrially zoned complex, which consists of a multi-tenant building constructed in the late 1950s. The school is proposed to occupy one tenant space in the building. Other uses in the complex include office, warehouse/storage, and warehouse/retail uses. The complex is accessed from Carlin Springs Road, to the west. Surface parking is utilized for the site, and open space is generally located around the periphery of the site.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
Northwest	Multifamily Residential	R-20	Residential; 16-20 du/ac
Northeast	Independent Living /Medical Care Facility (Goodwin House)	C-4	Office/Adult Congregate Living Facility
South	Industrial Flex Space (part of same complex)	I-3	Office and Retail use
East	Retail (Giant Grocery)	C-6	Retail

## BACKGROUND

- The existing building was constructed in 1959. The site is not encumbered by any rezonings, special exceptions, or special permits.

## COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

**Plan Area:** Area I

**Plan District:** Baileys Planning District

**Planning Sector:** Baileys Crossroads Community Business Center, Sub-Unit C-4

**Plan Map:** Office and Retail Use

The Comprehensive Plan notes that the Sub-unit is planned and developed for community serving retail use up to a .35 FAR. See Appendix 4 for further text.

## ANALYSIS

### Special Exception Plan (Copy at front of staff report)

Title of SE Plat: EI-Iman Learning Center

Prepared By: EMSI Engineering

Original and Revision Dates: January 2006 as revised to and sealed on April 9, 2008

The SE Plat consists of one sheet, showing the following:

### Buildings

The applicant proposes to locate the school in a single tenant space consisting of 4,465 square feet within the existing building. The building is two-stories, 34 feet, in height. The remaining tenant spaces are currently occupied with other by-right I-3 uses such as warehouse and office uses.

### Proposed Use / Operations

The applicant requests approval for a child care, nursery school and private school of general education for children ages 3 years through 6<sup>th</sup> grade. (Nursery schools are defined as serving children up to 5 years old; therefore, to include the requested range of student ages, the use is defined as both a “nursery school” and a “private school of general education.”) The before and after school care would be defined as a “child care center” and would be limited to those students enrolled in the school and children of staff. The maximum daily enrollment includes all three components of the use (the child care, nursery school and private school of general education), and is proposed to be limited to a maximum daily enrollment of 90 children.

Hours of school operation are proposed to be 7 am to 6 pm (which includes both instructional hours from 8 am to 3:30 pm and before and after school care).

Occasional evening or weekend events have been requested and would be permitted by staff's proposed conditions. A maximum of 15 teachers are proposed on-site at any one time.

Staff's proposed conditions would continue to allow other by-right, special exception or special permit uses on the application parcel, without amendment of this special exception, so long as parking can be accommodated; the other uses do not impact the features of the school; and appropriate approvals are received.

### Access & Parking

Access is and will remain from Carlin Springs Road (along the west side of the parcel) via a joint entrance for the multi-tenant building. The existing building is surrounded by a surface parking lot. Six existing spaces will be removed as part of the school development, to allow for improved drop-off area and for painted crosswalk access to the play area. After these modifications, the site will have 181 remaining parking spaces. The parking tabulations for the application property, as currently in use, show a requirement for 127 spaces (not utilizing the 20% parking reduction available in the Commercial Revitalization District). As that tenant mix may change, staff has proposed a development condition that would require parking tabulations to be provided as part of the issuance of Non-residential Use Permits to ensure that parking tabulations continue to be met.

### Recreational Areas

The northern corner of the site, as existing today, is a triangular, open grassy space, over 28,000 square feet in area. The SE Plat shows that a portion of that open space approximately 12,250 square feet in area will be enclosed to provide a protected play space, including open areas and playground equipment. As noted, a painted crosswalk will be provided from the building to this playground area.

A second play fenced play area for toddlers is located adjacent to the building.

### Landscaping & Vegetation

Mature trees are located around the periphery of the open space on the northern end of the site, with mature evergreens along the northeast boundary (adjacent to Goodwin House) and mature deciduous trees along the northwest boundary (adjacent to the multifamily residential uses). No changes are proposed to the existing vegetation.

### **Land Use & Environmental Analysis**

No substantive physical changes are proposed to the site. As discussed later in this report, the existing vegetation meets the requirements of the Zoning Ordinance. No transitional screening is required between the school use and the surrounding land uses. The proposed use is in harmony with the intent of the Comprehensive Plan. In staff's opinion, no negative impacts are expected from the proposed occasional weekend and evening events, as the site is well served with parking for the other tenant uses, which would not be in operation during those times.

It should also be noted that these uses would be allowed by-right if the site was deemed to be an industrial park. However, because there is only one building (although it holds separate tenants) with fewer than 50,000 square feet, the property is not deemed an industrial park, and the special exception is required.

No environmental issues are raised by the application. The applicant does not propose an increase in impervious surface, but rather to simply occupy an existing tenant space in an existing industrial building. No impacts are expected to the existing vegetation on the site.

### **Transportation Analysis (Appendix 5)**

As discussed above, the site has adequate parking and access. No transportation impacts are expected from the application.

**ZONING ORDINANCE PROVISIONS (Appendix 7)**

<b>Bulk Standards (I-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	40,000 square feet	6.34 acres
Lot Width	100 feet	approx. 120 feet
Building Height	75 feet	34 feet
Front Yard	45° ABP, not less than 40 feet (40 feet)	approx. 152 feet
Side Yard	45° ABP, (34 feet)	0 feet (adjacent to Parcel 16A) *
Rear Yard	45° ABP, (34 feet)	214 feet
FAR	0.4	0.15
Open Space	15%	46.9%
Parking Spaces	127 spaces (33 of which are allocated to the school)	181 spaces
<b>Transitional Screening &amp; Barrier:</b>		
<b>Northwest</b> R-20 / multi-family	<b>Barrier H</b> <i>(one row of 6 foot trees averaging 50 feet on centers)</i>	Mature trees @ property line meeting Barrier H  6' high chain link fence around play area

\* Although the building does not meet the current zoning requirements, the building was constructed prior to the current zoning ordinance, and no changes are being made to the building, therefore the building does not need to be brought into conformance with the current ordinance.

**Waivers/Modifications**

**Barrier:** The applicant has requested a modification of the barrier requirements in favor of that shown on the SE Plat. The only required barrier is to the multifamily residential development to the northwest, zoned R-20. The Zoning Ordinance requires that "Barrier H" be provided, which consists of a single row of trees of mixed species, six feet in height, averaging 50 feet on center. The existing site has a row of mature deciduous trees along the entire border, some located on the application property and some on the adjoining site, which generally meet the spacing criteria. In addition to the existing mature trees, the applicant proposes a six foot high chain link fence around the outdoor play area. Because not all of the trees which serve the purpose of this barrier are on the application property, and because the intent is to retain the existing mature trees, not to add an additional row of trees, the applicant has

requested a modification in favor of that shown on the SE Plat (the existing conditions plus the fence around the play area). Staff believes that this serves the intent of the barrier requirement, and therefore supports the requested modification.

**Other Zoning Ordinance Requirements:**

**Special Exception Requirements (Appendix 7)**

General Special Exception Standards (Sect. 9-006)

Category 3 Standards (Sect. 9-304)

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

Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 9-310)

*General Special Exception Standards (Sect. 9-006)*

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. Under the applicant's proposal, existing vegetation would be preserved around the rear of the site, where the play area for the children will be located. This vegetation also generally meets the requirements for a barrier (no transitional screening is required). Access and parking for the site will be changed only minimally from that existing today, and there is no traffic impact expected. While evening and weekend events are proposed with this application, the use is located in an existing industrial development with sufficient existing surface parking on-site. As noted in the land use and transportation sections, staff believes that the proposal does not pose an adverse impact to the surrounding area, especially as compared to the by-right industrial uses which could occupy the tenant space. Therefore, staff believes that, as conditioned, the proposal satisfies all of the General Special Exception Standards.

*Category 3 Standards (Sect. 9-304)*

The Category 3 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. The proposed use meets these standards.

*Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)*

*Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 9-310)*

The additional standards require that, in addition to meeting the lot size requirements for the Zoning District, the required lot size shall be determined by the Board, and that useable outdoor open space be provided in a specified amount as follows:

<i>For each child of age...</i>	<i>Square footage to be provided</i>
nursery school.....	100 square feet
K – 3 <sup>rd</sup> grades .....	200 square feet
4 <sup>th</sup> – 12 <sup>th</sup> grades .....	430 square feet

The SE Plat shows a playground area located in the open space to the rear of the building which meets the requirements for approximately 12,250 square feet of “useable outdoor open space,” as well as a smaller toddler area located directly adjacent to the building. Staff believes that these play areas are sufficient to satisfy this standard, but because the applicant does not know the exact age distribution of potential students, staff has proposed a development condition that limits the number of children allowed in the play areas at any one time to that recommended by the additional standards. With this condition, this standard is addressed.

The additional standards further require the use to be located with 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, and recommends, as a general guideline, that schools of the proposed size (*between 76-660 students, 90 are proposed*) be located, at a minimum, on a collector street. Carlin Springs Road is deemed to be a Minor Arterial, Type A, which is a higher class than the minimum recommendation. Staff believes that the street is sufficient to accommodate the use, and this standard is met.

The additional standards require that the site be designed to accommodate all pick-up and drop-off of students on-site. The site is an existing industrial development with a large amount of surface parking and adequate access to Carlin Springs Road. The parking area adjacent to the school's tenant space is proposed to be restriped to better accommodate drop-off to the school. Staff believes this standard is addressed.

Finally, the additional standards require that the use be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia, which regulate the permitting of private schools and child care facilities.

With the imposition of the proposed development conditions, staff believes that these standards have been addressed.

### Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

## CONCLUSIONS AND RECOMMENDATIONS

### Staff Conclusions

The applicant requests approval of a special exception for a private school of general education, nursery school, and child care center in an existing industrially zoned development. It should also be noted that these uses would be allowed by-right if the site was deemed to be an industrial park. Because there is only one building (although it holds separate tenants) with fewer than 50,000 square feet, the property is not deemed an industrial park. No physical changes are proposed for the site aside from the addition of a playground area and some parking lot restriping. The existing driveway and parking is sufficient for the use. In addition, the limited after school and weekend activities also requested can easily be accommodated in the existing surface parking during the off-hours of the other tenants. Staff finds that the proposed use is of a design and intensity that is in conformance with the Comprehensive Plan, and with the imposition of development conditions, staff believes that the request is in conformance with the applicable Zoning Ordinance provisions.

### Recommendations

Staff recommends approval of SE 2008-MA-005 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of the barrier requirement in favor of that shown on the SE Plat.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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. Plan Citations
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions Checklist
7. Glossary

**PROPOSED DEVELOPMENT CONDITIONS****SE 2008-MA-005****March 25, 2008**

If it is the intent of the Board of Supervisors to approve SE 2008-MA-005, located at 3431-A Carlin Springs Road, Tax Map 62-1 ((1)) 16F, for a private school of general education, nursery school and child care center, pursuant to Sect. 5-304 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, special exception and special permit uses may be established on this property, subject to the necessary approvals, without amending this special exception, so long as those uses do not impact this SE.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "El-Iman Learning Center" prepared by EMSI Engineering, and dated January 2006 as revised to and sealed on April 9, 2008, 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.
4. Maximum daily enrollment (inclusive of the child care center and the nursery school/private school of general education) shall be limited to 90 children. The children enrolled at the facility shall be limited to those aged three years through 6th grade.
5. Before and after school care shall be limited to students enrolled in the school and children of staff members. Any children of staff members enrolled in before or after school care but not enrolled in the school shall count towards the maximum daily enrollment.
6. Regular hours of operation, including before and after school care, shall be limited to 7 am to 6 pm, year-round. Weekend and weeknight events associated with the school use may be permitted.
7. The maximum number of children in either of the outdoor play areas at any one time shall be limited by the provisions of Paragraph 1 of Section 9-309 and

Paragraph 1 of Section 9-310 of the Zoning Ordinance, which provide for at least 100 square feet for each child of nursery school age, 200 square feet for each child in grades kindergarten through 3<sup>rd</sup>, and 430 square feet for each child in grades 4<sup>th</sup> through 6<sup>th</sup>.

8. Prior to issuance of a Non-RUP for any use on the site, it shall be demonstrated that adequate parking is provided in accordance with these conditions and to serve all uses on the site. Should adequate parking not be available, the proposed use shall be reduced in size, uses shall be eliminated, or a parking reduction as permitted in the Commercial Revitalization District shall be obtained to meet the minimum parking requirements.
9. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 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, at a minimum, 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.

## SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/2/07  
(enter date affidavit is notarized)I, Benjamin T. Danforth, do hereby state that I am an  
(enter name of applicant or authorized agent)(check one)             applicant  
                                  applicant's authorized agent listed in Par. 1(a) below      99132in Application No.(s): SE 2008-MA-005  
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

1(a). 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 foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Payne Brothers Properties, L.L.C.	5613 Leesburg Pike, Suite 40 Falls Church, VA 22041	Title Owner
Education For Life	3431-A Carlin Springs Road Baileys Crossroads, VA 22041	Lessee/Applicant
Colours, Inc.	3431 Carlin Springs Road Baileys Crossroads, VA 22041	Lessee
Ultimate Health Care Services, Inc.	3431 Carlin Springs Road, Suite C Baileys Crossroads, VA 22041	Lessee
Goodwin House, Inc.	4800 Fillmore Avenue Alexandria, VA 22311	Lessee
Lawson, Tarter & Charvet, P.C. William B. Lawson, Jr. Benjamin T. Danforth	6045 Wilson Boulevard, Suite 100 Arlington, VA 22205	Attorney/Agent Attorney/Agent Attorney/Agent

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

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

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

DATE: 10/2/07  
(enter date affidavit is notarized)

99132

for Application No. (s): SE 2008-MA 005  
(enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
EMSI Engineering, Inc. Thia Marie Dail Deana Masini	6997 Gateway Court Manassas, VA 20109	Engineer/Agent Engineer/Agent Engineer/Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/2/07
(enter date affidavit is notarized)

99132

for Application No. (s): SE 2008-MA-005
(enter County-assigned application number(s))

1(b). 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 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Payne Brothers Properties, L.L.C.
5613 Leesburg Pike, Suite 40
Falls Church, VA 22041

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Clarence R. Payne Trust
Irvin Payne, Jr. Family Trust

(See next page)

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: 10/2/07  
(enter date affidavit is notarized)

99132

for Application No. (s): SE 2008-MA-005  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Clarence R. Payne Trust  
P. O. Box 268  
Alexandria, VA 22313

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Joyce Payne Fendley (Beneficiary)  
Jeremy Payne (Beneficiary)  
Travis Payne (Beneficiary)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Irvin Payne, Jr. Family Trust  
6400 Arlington Boulevard  
Suite 400  
Falls Church, VA 22042

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Joyce Payne Fendley (Beneficiary)	William G. Fendley, IV (Beneficiary)
Alice Fendley Saville (Beneficiary)	Irvin Payne, III (Beneficiary)
Amanda Fendley Choby (Beneficiary)	
Jeanne Fendley Clark (Beneficiary)	

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 10/2/07  
(enter date affidavit is notarized)

for Application No. (s): SE 2008-MA-005  
(enter County-assigned application number (s))

99132

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Education for Life (a not-for-profit corporation with no shareholders)  
3431-A Carlin Springs Road  
Baileys Crossroads, VA 22041

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Trustees: Zafar Ansari (President)	Susan Douglass
Muhammad Ashraf (Vice President)	Mary El-Khatib
Anwar NasrEdddeen Haddam	Anwar Ghoramah
	Sandra Hickey

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Colours, Inc.  
3431 Carlin Springs Road  
Baileys Crossroads, VA 22041

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Frank Desantis

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 10/2/07  
(enter date affidavit is notarized)

99132

for Application No. (s): SE 2008-MA-005  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Ultimate Health Care Services, Inc.  
3431 Carlin Springs road, Suite C  
Baileys Crossroads, VA 22041

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Arangu L. Ngundam Tomdio (President)  
Dr. Jean Gilles Tehabo (Vice President)  
Robin Essandroh (Treasurer)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Goodwin House (a not-for-profit corporation with no shareholders)  
4800 Fillmore Avenue  
Alexandria, VA 22311

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders ownjng 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Board of Trustees:	Hugh Campbell (Treasurer)	K. Clark Childers
David C. Canfield (Chairman)	Charles H. Smith	Stanley L. Krejci
Robert L. Whittle (Vice-Chairman)	Donald R. Calloway	David Wood
Pamela Kursteadt (Secretary)	Deborah K. Forbes	Howard I. Melton, Jr.
	Ann E. Keith	William B. Wrench
	<u>Ann C. Ritchie</u>	Jack W. Buechner

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 10/2/07  
(enter date affidavit is notarized)

for Application No. (s): SE 2008-MA-005  
(enter County-assigned application number (s))

99132

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Lawson, Tarter & Charvet, P.C.  
6045 Wilson Boulevard  
Suite 100  
Arlington, VA 22205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

William B. Lawson, Jr., Esquire  
P. David Tarter, Esquire  
Ina C. Charvet, Esquire

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

EMSI Engineering, Inc.  
6997 Gateway Court  
Manassas, VA 20109

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Ranya Seoud

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/2/07  
(enter date affidavit is notarized)

for Application No. (s): SE 2008-MA-005  
(enter County-assigned application number(s))

99132

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

None

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

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 10/2/07  
(enter date affidavit is notarized)

for Application No. (s): SE 2008 - MA - 005  
(enter County-assigned application number(s))

99132

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and 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 Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, 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 through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 10/2/07  
(enter date affidavit is notarized)

99132

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly 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 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 depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, 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 and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

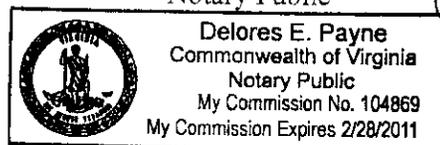
(check one) Benjamin T. Danforth [ ] Applicant [x] Applicant's Authorized Agent

Benjamin T. Danforth, Esquire  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 2nd day of October 2007, in the State/Comm. of Virginia, County/City of Chlinton.

Delores E. Payne  
Notary Public

My commission expires: 2-28-11



May 19, 2008

Ms. Barbara A. Byron  
Director of Zoning Evaluation Division  
Fairfax County  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

**Re: Special Exception Application (the "Application")  
Filed by Education for Life (the "Applicant")  
3431 Carlin Springs Road (the "Property")**

Dear Ms. Byron:

Please consider this letter to be the statement of justification for the Application.

The Applicant desires to obtain a special exception to permit the operation of a private Muslim school of general education within a portion of an existing commercial building on the Property.<sup>1</sup> The school is designed to provide an education that builds a love of learning along with the academic skills to continue a child's education for life. In doing so, it will provide a valuable amenity and add to the cultural diversity of the Fairfax community. Furthermore, the Application is harmonious with and will not adversely affect the use and development of neighboring properties; will have a benign impact, if any, on nearby vehicular and pedestrian traffic; and will not cause an increase in impervious area on the Property.

The school will include a nursery school and a child care center. Students in the nursery school will be age three and above, and the child care center will provide before and after school care for students enrolled at the school and children of the school's staff.

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<sup>1</sup> Please note that, in addition to the Applicant, the building is shared by other tenants.

Ms. Barbara A. Byron  
May 19, 2008  
Page 2

Please note that the Application includes a request for a modification from the Fairfax County Zoning Ordinance's barrier requirements (in particular, Article 13, Section 4(h) of the Zoning Ordinance). Instead of providing a tree barrier (as required by the Ordinance), the Applicant will provide a more substantial barrier along the boundary of neighboring properties - a fence.

Please see the Statement of Proposed Use, submitted as part of the Application, for further information regarding the proposed use. Should you have any questions regarding this matter, please feel free to contact me at 703.534.4800. Thank you for your assistance.

Sincerely,

  
Benjamin T. Danforth

Sub-Unit C-3

This sub-unit is located north of Leesburg Pike at its intersection with Carlin Springs Road. The area abutting Rock Springs Avenue is planned and developed for single-family residential use at 2-3 du/ac. Redevelopment for townhouse-style office use up to .35 FAR, in a style compatible with Rock Springs office condominiums located in Sub-Unit C-1, to the north, may be appropriate with substantial and logical consolidation. Those parcels fronting on Leesburg Pike (61-2((22))1-4 and south part of 62-1((1))12) are planned and developed for neighborhood-serving retail use and should be retained at the current intensity or, if consolidated with the parcels to the north, may be considered for redevelopment with townhouse-style office use up to .35 FAR.

The portion of this sub-unit fronting on Carlin Springs Road is planned for and developed with single-family residential units (Parcels 62-1((1))11 and the north part of 12) and neighborhood-serving retail use (Parcel 62-1((1))11A). As an option, neighborhood-serving retail and/or townhouse-style office uses up to .35 FAR may be considered for this area if two or more parcels are consolidated.

As a further option for parcels 61-2((22))all and 62-1((1))11,12, a major redevelopment project may be appropriate for this area provided that there is substantial and logical consolidation. Any development proposal, under this option, should be encouraged to include the retail parcels on Route 7. For any commercial parcels that are not included, a landscaped buffer should be provided between the residential and commercial uses. The redevelopment project may include: (a) office or hotel use up to .50 FAR, or (b) residential use resulting in an intensity, exclusive of ADU and bonus units, of 1.45 FAR and a density of up to 65 du/ac. Retail and support service uses also may be an appropriate component of the redevelopment project under options (a) or (b), provided that such uses are integral to the development and do not exceed 20 percent of the development's total square footage. The scale and mass of the redevelopment should be compatible with the surrounding commercial land uses, and the building height should not exceed a maximum of 4 stories or 55 feet. Structured parking may exceed the maximum building height of 4 stories or 55 feet, provided the structured parking is within the interior of the site and screened from view by the sites building(s). In addition, under this option, a development proposal should have its primary access from Carlin Springs Road. Circulation improvements should be encouraged which may include the provision for a future connection from Carlin Springs Road to Columbia Pike.

If this area is fully consolidated, access should be provided to Carlin Springs Road at a point at least 800 feet north of Leesburg Pike. The Leesburg Pike/Rock Springs Road intersection should be reconstructed to realign the service drive to a point more distant from Leesburg Pike to provide additional vehicular storage along the service drive at the Rock Springs Road intersection.

Sub-Unit C-4

This sub-unit is located along Carlin Springs Road at its intersection with Leesburg Pike and is planned and developed for community-serving retail use up to .35 FAR. Revitalization of the area to include facade renovation, parking lot landscaping, and coordinated signage is encouraged.



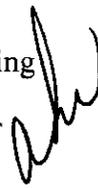
# County of Fairfax, Virginia

APPENDIX 5

## MEMORANDUM

**DATE:** April 24, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief   
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 2008-MA-005)

**SUBJECT:** Transportation Impact

**REFERENCE:** SE 2008-MA-005; Education for Life – El-Iman Learning Center  
Traffic Zone: 1420  
Land Identification Map: 62-1 ((1)) 16F

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated January 2006, and revised through April 9, 2008. The applicant proposes a private school of general education in an I-3 zone. The estimated number of students is 90 with 15 employees and the school would operate from 8:00 a.m. to 3:30 p.m. There are no new buildings or additions planned.

This department has no transportation issues with this application.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES

Fairfax County Department of Transportation  
12055 Government Center Parkway, Suite 1034  
Fairfax, VA 22035-5500  
Phone: (703) 324-1100 TTY: (703) 324-1102  
Fax: (703) 324 1450  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)



**9-006 General Standards**

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.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
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.
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.
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.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
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.
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.

**9-304 Standards for all Category 3 Uses**

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 governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
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.
4. All uses shall comply with the performance standards specified for the zoning district in which located.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

**Additional Standards for Child Care Centers and Nursery Schools**

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. For the purpose of this provision, usable outdoor recreation area shall be limited to:
  - A. That area not covered by buildings or required off-street parking spaces.
  - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
  - C. Only that area which is developable for active outdoor recreation purposes.
  - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
  
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:

<b>Number of Persons</b>	<b>Street Type</b>
1-75	Local
76-660	Collector
660 or more	Arterial

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

**Additional Standards for Private Schools of General Education and Private Schools of Special Education**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
  - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
  - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
  - B. That area outside the limits of the required front yard.
  - C. Only that area which is developable for active outdoor recreation purposes.
  - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above.
  3. All private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above. If applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		