



APPLICATION FILED: October 10, 2008
PLANNING COMMISSION: July 8, 2009
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

June 24, 2009

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2008-LE-030

LEE DISTRICT

APPLICANT: Beulah Street, LLC

ZONING: R-1

PARCEL(S): 91-3 ((1)) 23

ACREAGE: 2.05 acres

FAR: 0.13

OPEN SPACE: 56%

PLAN MAP: Residential; 1-2 du/ac

SE CATEGORY: Category 3: Child Care Center

PROPOSAL: Development of child care center with a maximum of 152 students.

REQUESTED WAIVERS/MODIFICATIONS: Modification of the barrier requirements along the northern and western boundaries of the site to that shown on the SE Plat;

Waiver of the barrier requirement along the eastern and southern boundaries of the site;

Modification of the transitional screening requirements along the northern, western and southern boundaries of the site to that shown on the SE Plat.

St. Clair Williams



STAFF RECOMMENDATIONS:

Staff recommends denial of SE 2008-LE-030. However, should the Board of Supervisors approve SE 2008-LE-030, staff recommends that the approval be subject to the draft development conditions contained in Appendix 1.

It should be noted that it is not the intent of the 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; 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.

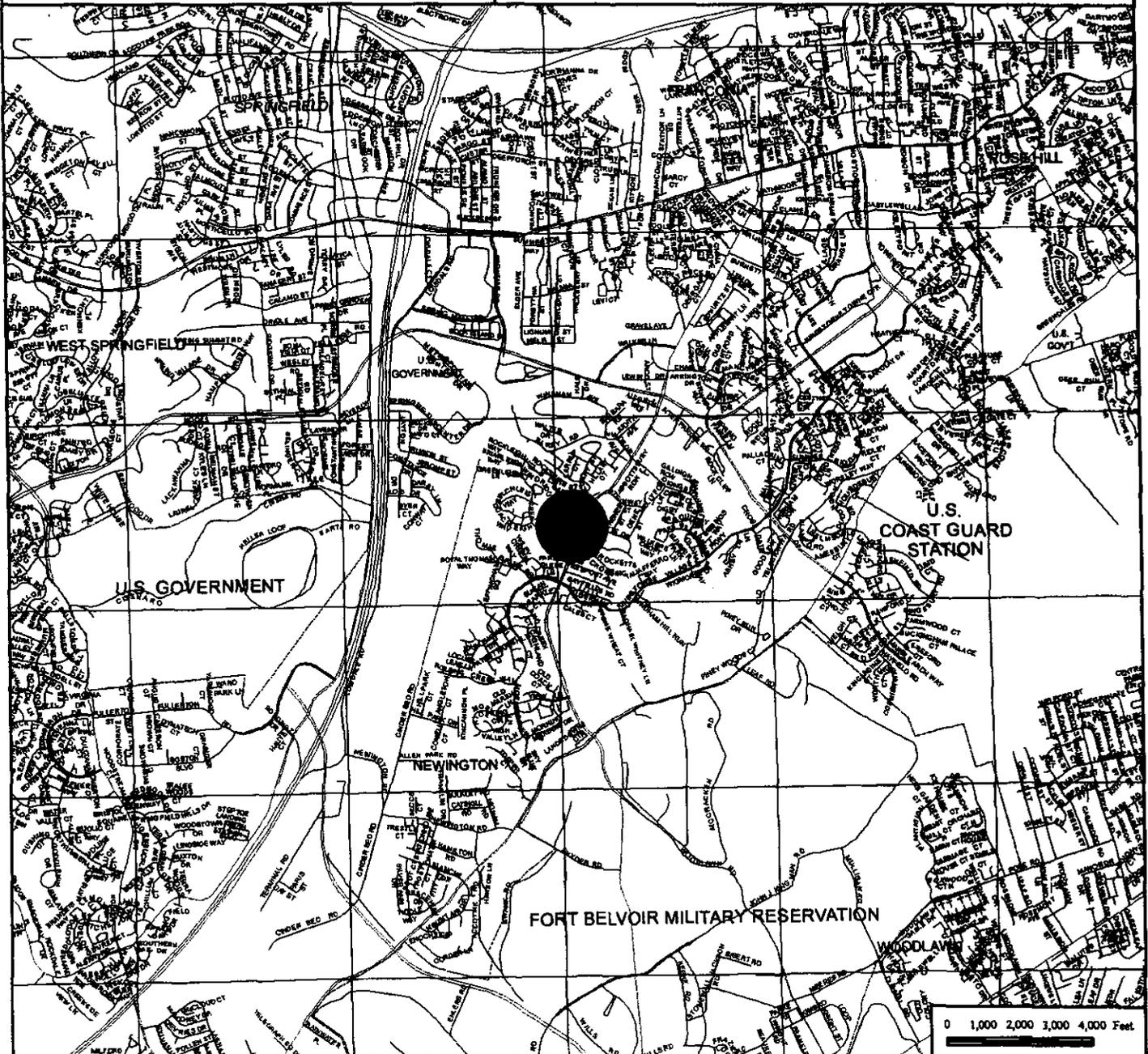
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception
SE 2008-LE-030

Applicant: 7420 BEULAH, LLC
Accepted: 10/10/2008
Proposed: CHILD CARE CENTER
Area: 2.05 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect: 03-0104
Art 9 Group and Use: 3-10
Located: 7420 BEULAH STREET
Zoning: R-1
Plan Area: 4,
Overlay Dist:
Map Ref Num: 091-3- /01/ /0023

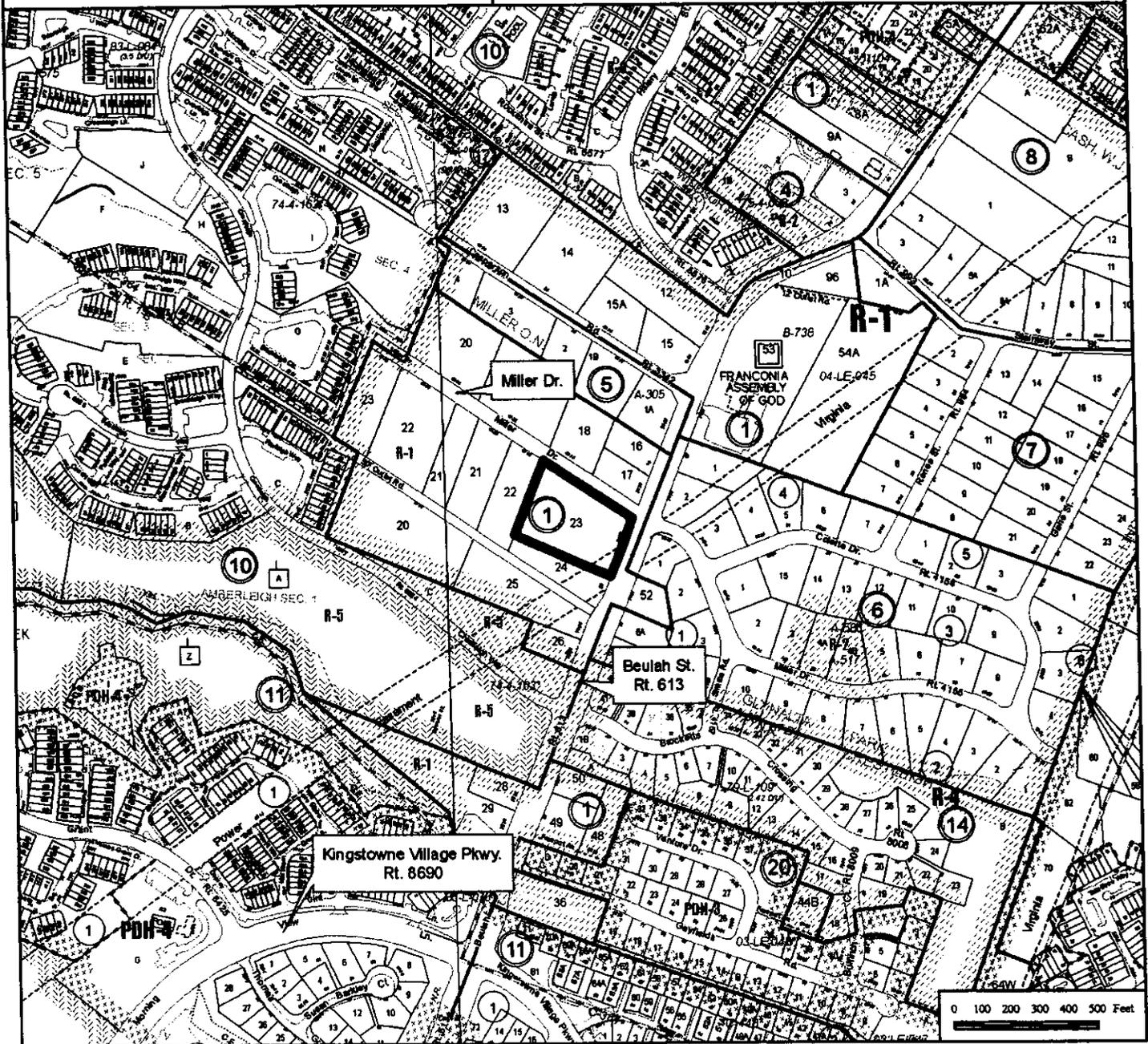


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SE 2008-LE-030



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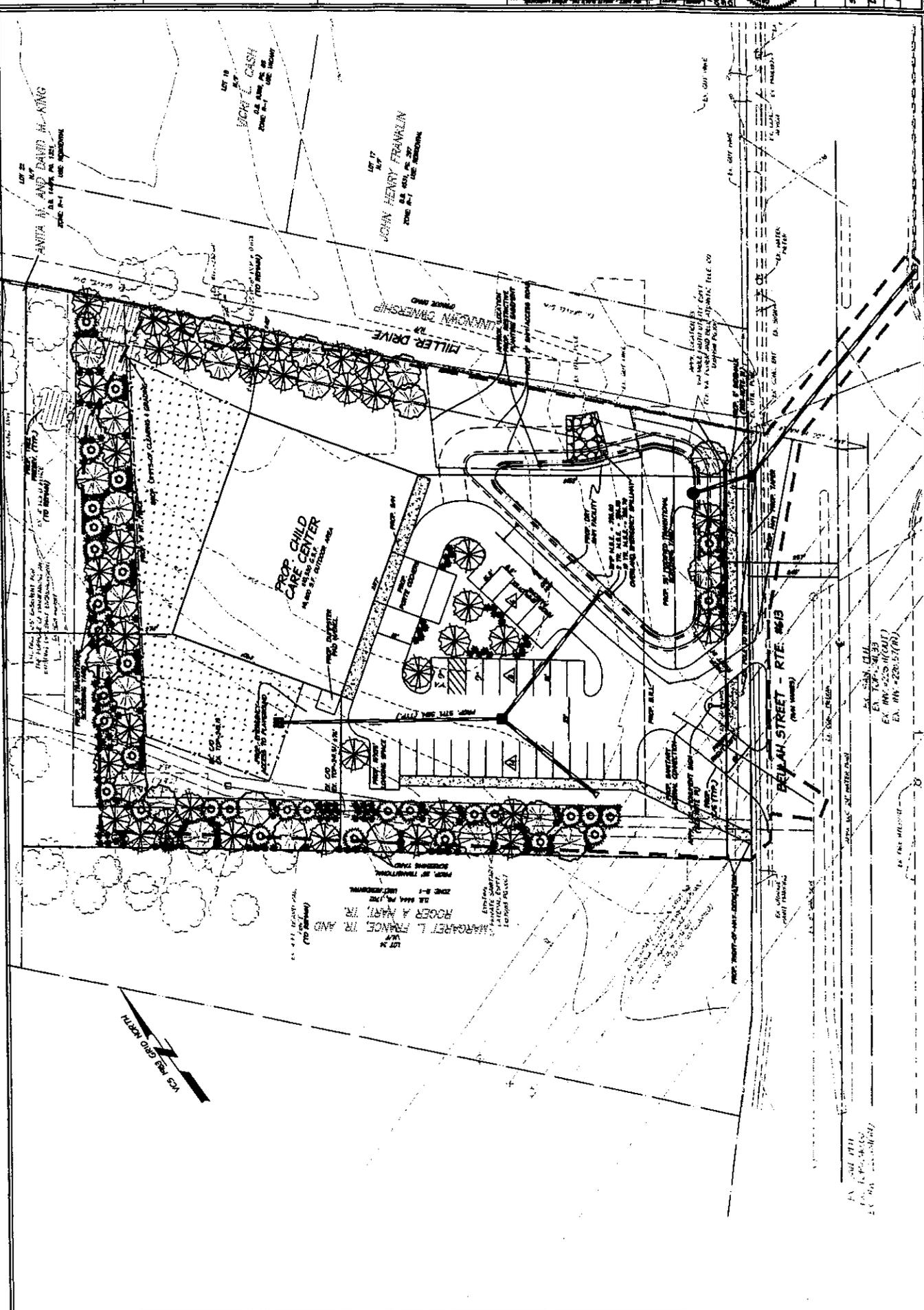
NO.	DESCRIPTION	DATE	APPROVED BY

REVISION APPROVED BY:
 DATE:
 APPROVED DATE:



SCALE:
 1" = 20'

SHEET 2 OF 8
 DATE: 08/28/2023
 DRAWN BY: JLD
 CHECKED BY: JLD
 PROJECT NO: 23-001



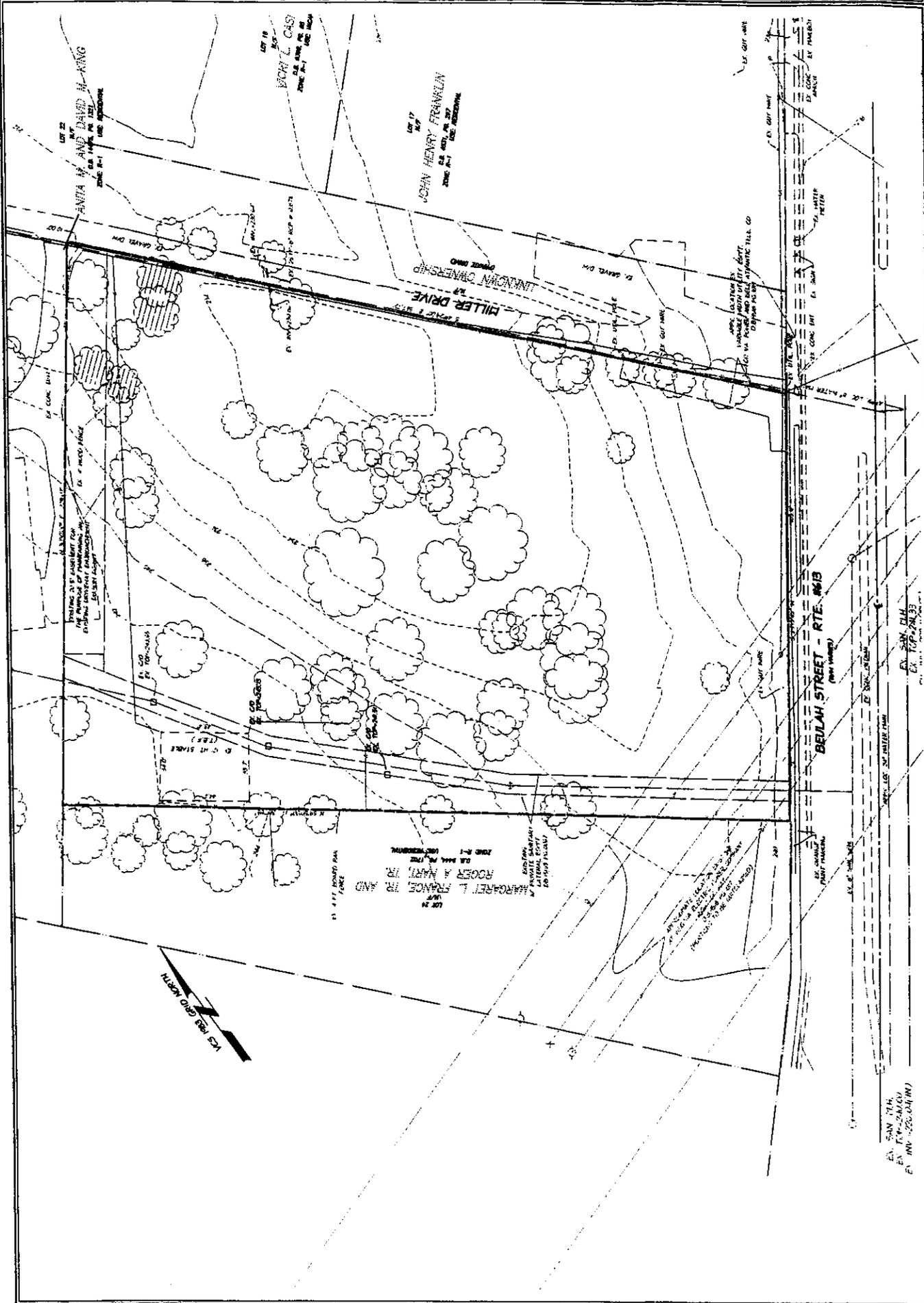
EX. SAN. 011
 EX. TOP. 0133
 EX. INV. 025 (H.C.U.)
 EX. INV. 028.5 (R)

EX. SAN. 011
 EX. TOP. 0133
 EX. INV. 025 (H.C.U.)
 EX. INV. 028.5 (R)

NO.	REVISIONS	DATE	BY	APPROVED BY



SCALE: 1" = 20'
 SHEET 3 OF 8
 DATE: 02/20/00
 DRAWN BY: J. G. [unreadable]
 CHECKED BY: [unreadable]
 PROJECT NO.: 00-01-001



EX. SAN. TR.
 EX. TYP. 24X20
 EX. INV. 25'-04" (M)

Zimmer & Associates, Inc.
 LANDSCAPE ARCHITECTURE
 10105 Boulevard Road, Suite 207
 Manassas, Virginia 20108
 Tel: (703) 331-3731 Fax: (703) 331-1289



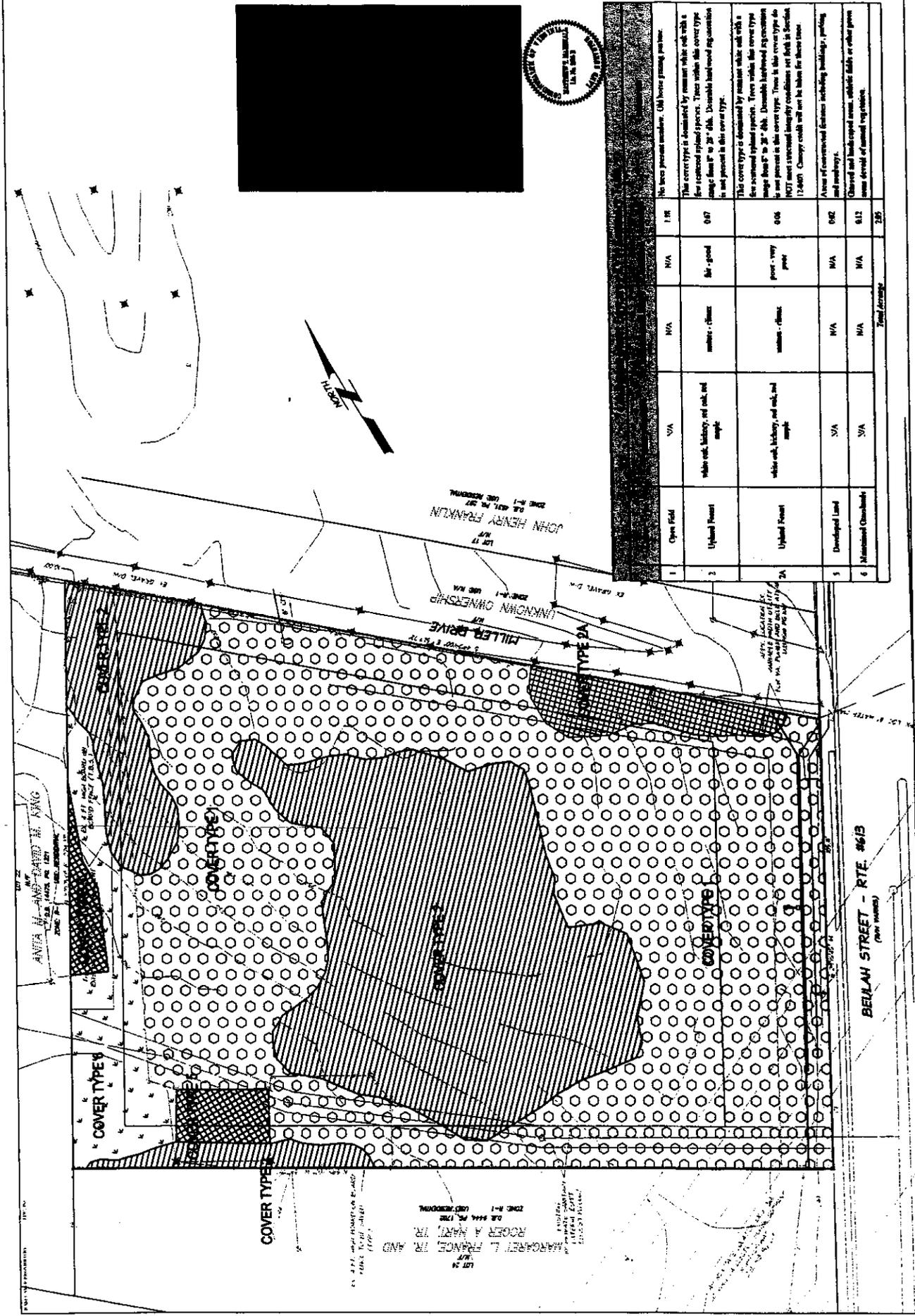
EXISTING VEGETATION MAP

7420 BEULAH ST. DAY CARE
 LEE DISTRICT
 FAIRFAX COUNTY, VA

DATE: 03.23.2010
 SHEET: 3 of 4
 DRAWN BY: BAH
 SCALE: 1" = 20'



Code	Description	Vegetation	Soils	Notes
001	Open Field	N/A	N/A	No trees present on site. (M) better growing per tree.
002	Upland Forest	White oak, hickory, red oak, and maple	N/A	This cover type is dominated by dominant white oak with a few scattered upland species. Trees within this cover type range from 8" to 20" dbh. Deciduous hard-wood regeneration is not present in this cover type.
003	Upland Forest	White oak, hickory, red oak, and maple	N/A	This cover type is dominated by dominant white oak with a few scattered upland species. Trees within this cover type range from 8" to 20" dbh. Deciduous hardwood regeneration is present in this cover type. Trees in this cover type do NOT meet increased height conditions set forth in Section 17.04(1). Cherry creek will not be taken for these trees.
004	Developed Land	N/A	N/A	Areas of converted features including buildings, parking and roadways.
005	Maintained Openlands	N/A	N/A	Charred and back-cropped areas, utility fields or other green cover devoid of natural vegetation.



BEULAH STREET - RTE. 9613
 (part shown)

LOT 24
 MARGARET L. FRANCES, TR. AND
 ROBERT A. HART, JR.
 202 244 44 700
 ZONE: P-1 (SEE MEMORANDUM)

LOT 17
 JOHN HENRY FRANKLIN
 202 437 70 287
 ZONE: P-1 (SEE MEMORANDUM)





DATE: 03.15.2109
SHEET: 1 OF 1
DRAWN BY: BAH
SCALE: N/A

TREE PRESERVATION NOTES

7420 BEULAH ST. DAY CARE
LEE DISTRICT
FAIRFAX COUNTY, VA



Zimar & Associates, Inc.
10103 Ruckelshy Blvd, Suite 201
Manassas, Virginia 20108
Tel: (703) 331-7751 Fax: (703) 331-1399

1. The purpose of this report is to provide a detailed description of the trees and shrubs located on the property at 7420 Beulah St., Day Care, Lee District, Fairfax County, Virginia. The information provided herein is based on a visual inspection of the site on 03/15/2009.

2. The trees and shrubs were identified and measured according to the following criteria:

- a. Species Name
- b. Height
- c. Diameter
- d. Condition
- e. Location
- f. Other

3. The following table provides a summary of the trees and shrubs identified on the site:

Species Name	Height	Diameter	Condition	Location	Other
...

4. The following table provides a summary of the trees and shrubs identified on the site:

Species Name	Height	Diameter	Condition	Location	Other
...

5. The following table provides a summary of the trees and shrubs identified on the site:

Species Name	Height	Diameter	Condition	Location	Other
...

6. The following table provides a summary of the trees and shrubs identified on the site:

Species Name	Height	Diameter	Condition	Location	Other
...

application property; therefore, it is not possible to provide a left turn into the site from the northbound side of Beulah Street. Vehicles accessing the site from the south would have to make a U-turn at the intersection of Beulah Street and Miller Drive in order to access the site. Many larger sized vehicles such as full-size pick-up trucks cannot make a U-turn on a four-lane divided roadway such as Beulah Street without backing up or driving over the curb on the opposite side of the roadway. In addition, FCDOT has noted that a full right-turn deceleration lane should be provided to the site to reduce the impacts on traffic flow along Beulah Street. The SE Plat depicts a taper to the proposed entrance. Nevertheless, staff believes the lack of a full right-turn deceleration lane into the site will significantly disrupt the traffic flow on Beulah Street during both the a.m. and p.m. peak drive periods. The preferred access to the site would be from Miller Drive, but Miller Drive is a private street and the applicant does not have the rights to provide access from Miller Drive. Due to the mid-block location of the use and the need for a significant number of site-generated trips to make a U-turn at the intersection of Beulah Street and Miller Drive, the Department of Transportation strongly recommends denial of the request.

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)

The application property is zoned R-1, and based on the Comprehensive Plan recommendations for the site, up to two (2) dwelling units could be developed on the site. Based on data published by the Institute of Transportation Engineers (ITE), two residences would generate approximately 20 trips per day and two trips during the a.m. and p.m. peak hours of adjacent street traffic. Based on the applicant's original proposal for a maximum enrollment of 190 children, the proposed child care facility was expected to generate approximately 145 trips during the a.m. peak and 130 trips during the p.m. peak. Of these trips, it was anticipated that at least 75 vehicles in the a.m. peak would need to make U-Turn movements on Beulah Street in order to access the site. While the applicant has reduced the proposed maximum enrollment to 152 children, staff believes that the combination of these two factors will have a detrimental impact on traffic flow along Beulah Street.

Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above. (Guideline 6)

The application property is located within the Newington Community Planning Sector within close proximity to office and retail uses located at the Kingstowne Towne Center, Springfield Mall, and Fort Belvoir. However, staff believes that due to the access issues discussed in the guidelines above, the proposed development could place the parents and children accessing the child care center in an unsafe situation.

**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, Beulah Street LLC, is seeking approval of a Special Exception to establish a child care center with a maximum enrollment of 152 children, ages 6 weeks to 12 years of age, with proposed staggered drop-off times.
Hours:	6:30 am-6:00 pm Monday to Friday
Employees:	Fifteen (15) to twenty (20) employees
Waivers and Modifications:	Modification of the barrier requirements along the western and northern boundaries of the site to that shown on the SE Plat; Waiver of the barrier requirement along the eastern and southern boundaries of the site; and Modification of the transitional screening requirements along the eastern, western and southern boundaries of the site to that shown on the SE Plat;

LOCATION AND CHARACTER

Site Description:

The R-1 zoned application property is located at 7420 Beulah Street in the southwest quadrant of the intersection of Beulah Street and Miller Drive. The 2.05 acre property, which is located in the Accotink Creek Watershed, is currently vacant and contains a dilapidated structure (former stable) on the site. The southern portion of the site is encumbered by a portion of a 100-foot wide Dominion Power Company right-of way and overhead power lines. In addition, a 10-foot wide sanitary lateral easement is located along the western boundary of the property. The property is a partially wooded tract with the forest species consisting mainly of hickory, oak species and red maple in the central and western sections of the site. Grassland remains in the unforested sections, and a number of invasive plants exist on the site. Access to the site is currently provided along Miller Drive (gravel private street) at the northwestern corner of the site via an existing easement for the maintenance of an existing driveway encroachment.

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	R-1	Residential; 1-2 du/ac
South	Residential; Single-family detached	R-1	Residential; 1-2 du/ac
East	Residential; Single-family detached (Glynalta Park Subdivision)	R-1	Residential; 1-2 du/ac
West	Residential; Single-family detached	R-1	Residential; 1-2 du/ac

BACKGROUND

Site History:

The site is currently vacant and undeveloped. There has been no previous land use application associated with this parcel.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area: Area IV Springfield Planning District

Planning Sector: S6-Newington Community Planning Sector

Plan Map: Residential; 1-2 du/ac

There is no site specific text regarding the application property, however the Plan language does recommend that:

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

Child Care Criteria

Further, the Comprehensive Plan, Policy Plan, 2007 Edition, as amended through December 3, 2007, provides further guidance on the siting of Child Care Centers in the County and states the following beginning on page 17:

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:

- 1. 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.*
- 2. Child care facilities should be located and designed to ensure the safety of children.*

3. *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.*
4. *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.*
5. *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.*
6. *Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above.*

ANALYSIS

Special Exception Plat (Copy at front of staff report)

Title of SE Plat: 7420 Beulah Street Daycare
Prepared By: Land Design Consultants
Original and Revision Dates: January 2009, as revised through May 22, 2009

The SE Plat consists of eight (8) sheets showing the following:

7420 Beulah Street Daycare	
Sheet 1 of 8	Sheet Index, Vicinity Map, General Notes, Site Tabulations, Angle of Bulk Plane Detail, Soils Map, Transitional Screening Planting Information, Waiver/Modification Requests
Sheet 2 of 8	Site Layout
Sheet 3 of 8	Existing Conditions Plan
Sheet 4 of 8	Stormwater Management Information
Sheet 5 of 8	Existing Vegetation Map
Sheet 6 of 8	Tree Conservation Plan
Sheet 7 of 8	Tree Inventory and Condition Analysis
Sheet 8 of 8	Tree Preservation Notes

Site Layout: The SE Plat depicts the application property developed with one (1) child care center building set back 152 feet from the site's Beulah Street frontage. The proposed 10,530 SF building is shown to be a maximum of 35 feet in height. The building is to be constructed under the most current version of the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system determined to be applicable to the building by the USGBC. An 8,800 SF outdoor play area enclosed with a four-foot (4') high fence is shown along the north and west side of the proposed building. A stormwater management dry pond is proposed at the southeasterly portion of the site near the site's Beulah Street frontage. Landscaping is shown to be provided mainly along the western, northern, and eastern boundaries of the site.

Parking: The proposal includes a surface parking lot in the front (southern portion) of the site, consisting of 28 spaces, with two accessible spaces near the entrance of the proposed building. Fourteen (14) of the proposed parking spaces are provided near the western boundary of the site and 14 spaces are located directly across the 18-foot wide travel aisle in front of the main entrance to the building.

Access: Access to the site will be provided from Beulah Street at the southern corner of the site, providing vehicular access to a proposed parking lot with twenty-eight (28) spaces and an 18-foot wide drop off area. The access provided to the site is restricted to right-in/right-out only, as there is an existing median along Beulah Street in this location which precludes left turns into and out of the application property. A right-turn taper is shown from the intersection of Beulah Street and Miller Drive to the site's entrance. There is no other vehicular entrance to the site. Pedestrian access is provided via a five-foot (5') wide sidewalk along the Beulah Street frontage of the site which connects to a five-foot (5') wide sidewalk providing access into the site, along the western boundary of the surface parking lot. The application proposes to dedicate right-of-way along the Beulah Street frontage of the site to provide the frontage improvements to the site which include: the five-foot wide sidewalk; taper to the entrance; and the right-in/right-out entrance to the site. The area of dedication varies from twelve feet (12') at the southern boundary of the site to twenty-five feet (25') at the northern boundary of the site.

Landscaping and Open Space: Landscaping consisting of large and medium sized evergreen trees, large deciduous trees, and shrubs is shown to be provided mainly along the western, northern, and eastern boundaries of the site and 67% open space is shown to be provided on the site.

Stormwater Management: Stormwater management for the proposed development is shown to be handled by a dry pond located in the southeasterly corner of the site.

Signage: The applicant is proposing a monument sign at the entrance of the site. No detail of the sign has been provided.

Land Use Analysis

The application property is located within the Newington Community Planning Sector and is planned for residential development at a density of 1-2 dwelling units per acre. The Plan recommends that infill development should be of a compatible use, type, and density of the surrounding neighborhood. The application proposes to develop the site with a 10,530 SF building (child care center), 8,800 SF outdoor play area and associated parking (28 spaces).

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 8,800 SF of play area which meets the ordinance requirement as a maximum of 88 children will be in the play area at any one given time. The plat shows the play area along the northern and western sides of the proposed building, enclosed by a 4-foot high fence along the perimeter of the play area. Staff believes that this criterion has been met.

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

As discussed above, the proposed outdoor play area is enclosed by a 4-foot high fence; furthermore, it is located behind the proposed building. The proposed building is setback 152 feet from the Beulah Street frontage of the site and 40 feet from the Miller Drive frontage of the site. A drop off area is shown to be provided at the front of the child care center building and a one-way drive aisle is shown to provide for the queuing of vehicles on the site. Staff believes that this criterion has been met.

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 floodplain, resource protection area (RPA) or other environmental corridor. The southern portion of the site is encumbered by a 100-foot wide Virginia Electric Power Company right-of-way and overhead power lines. The proposed layout depicts the proposed building and outdoor play area being located further north on the site, away from the overhead power lines. Staff believes that this criterion has been met.

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)

Beulah Street is a four-lane divided roadway at this location and is a significant north-south roadway for commuter traffic. There is no median break along the frontage of the

Environmental Analysis (Appendix 5)

Issue: Low Impact Development (LID)

The Comprehensive Plan recommends that buildings and associated landscapes be designed and constructed to use energy and water resources efficiently and to minimize negative impacts on the environment and building occupants. Staff encouraged the applicant to evaluate the site with respect to the feasibility of implementing low impact development (LID) techniques to meet the stormwater management requirements for the proposed child care center instead of a stormwater management pond.

Resolution:

The applicant evaluated the site and determined that the soils on the site would not be optimal for LID techniques. Staff believes there are alternatives LID techniques (i.e. green roof and rain barrel/cistern) that could be proposed with the development of the site. The provision of LID techniques could negate the need for or reduce the size of the stormwater management pond proposed for the site, and allow for additional tree save and landscaping/screening on the site; therefore this issue remains outstanding.

Transportation Analysis (Appendix 6)

The following comments reflect comments raised by the Department of Transportation regarding this special exception requesting addition to those discussed under the location guidelines for child care centers.

Other Issues:

- A right-turn lane should be provided into the site to reduce the impacts on the traffic flow along Beulah Street. The applicant has provided a taper to the site's proposed entrance, but has not provided a full right-turn deceleration lane as recommended by FCDOT and Virginia Department of Transportation (VDOT) staff. A full right-turn deceleration lane would allow for the free flow of through traffic along Beulah Street as vehicles enter the proposed child care center, however with just a taper, there will be adverse impacts to the flow of traffic along Beulah Street as traffic will be required to slow down or stop to allow vehicles to access the property from Beulah Street. .
- Pedestrian access into the site [a sidewalk entry] should be provided between the building entrance and the sidewalk along Beulah Street. The applicant has revised the SE Plat to depict a five-foot (5') wide sidewalk to provide pedestrian access from Beulah Street into the proposed development. However, pedestrians will have to cross the drive aisle in the parking lot to access the proposed building due to the fact that the sidewalk is proposed along the western boundary of the parking lot. Staff believes the more appropriate location for the sidewalk would be along the eastern boundary of the parking lot, but because of the location of the proposed dry pond, the

sidewalk cannot be moved to this portion of the site. Proposed on-site pedestrian walkways should be delineated on the SE plat. As noted above, a sidewalk is shown to provide pedestrian connections into the site. However, pedestrians will have to cross the drive aisle within the parking lot and the SE Plat does not depict any pedestrian crosswalk to establish a safe zone for pedestrians to cross and to warn drivers of a pedestrian crossing.

While some of the minor transportation issues regarding the location of dumpsters, loading spaces and vehicle queuing have been resolved, these other major issues remain outstanding.

Urban Forest Management Division (UFMD) Analysis (Appendix 7)

Issue: Tree Conservation Ordinance

The site currently contains quality trees; however, the proposed site layout would result in the loss of these trees due to the significant amount of clearing proposed with the development. The proposed site design and layout does not seek to maximize the preservation of existing trees, some of which are healthy and an asset to the site and community. Staff believes that the layout could be redesigned to preserve the healthy trees on the site. Furthermore, the proposal does meet the current tree preservation target requirements of the current tree conservation ordinance (Article 13) which was adopted by the Board of Supervisors effective January 1, 2009.

Additionally, the Comprehensive Plan text for the Newington Planning Sector recommends the retention of forest cover to the greatest extent possible throughout the site, not only for visual buffers and wildlife habitat, but also to help prevent excessive stormwater runoff and erosion. In its analysis, UFMD states that some of the trees noted by the applicant to be in poor or moderate condition may have had their condition status under-rated. Furthermore, the submitted tree preservation deviation request does not appear to be applicable in light of the noted design and layout concerns. For these reasons, UFMD staff recommended that the applicant re-evaluate the design and layout to address and maximize the preservation of healthy trees on this site and provide the tree preservation target calculations.

Resolution:

The applicant has met with UFMD staff onsite to review the conditions of the trees on the site. While the applicant has indicated they would work to preserve additional trees that were deemed to be healthy, the applicant has not submitted revised materials to staff at this time. Staff has proposed a development condition to ensure that tree conservation provided with the proposed development will be provided as required by Article 13 of the Zoning Ordinance and the PFM, unless a deviation is submitted that is acceptable to the Urban Forest Management Division (UFMD) and meets the County's codes and standards, at the time of site plan review.

Issue: Landscaping

With regards to this application, there is missing or incorrect information regarding interior parking lot landscaping, transitional screening and tree cover calculations. UFMD staff noted that the following revisions need to be addressed on the SE Plat and landscape plan:

- Provide the interior parking lot calculations.
- The tree cover calculations need to be expanded to clarify how the 20,000 SF of tree cover/plantings are being provided.
- The deduction for the dedicated right-of-way may not be allowable in the tree cover calculations. The applicant should coordinate with UFMD on this issue.
- The required barriers are missing for the required transitional screening yards.

Resolution:

The applicant has requested a waiver of the barrier requirements along the transitional screening areas, however, the interior parking lot calculations have not been provided. Furthermore, the tree cover calculations have not been expanded to clarify how the proposed 20,000 SF of plantings are to be provided and still include a deduction for the right-of-way dedication. Therefore these issues remain outstanding.

**Stormwater Management (SWM)/Best Management Practices (BMP) Analysis
(Appendix 8)****Issue: Stormwater Detention**

The applicant proposes an onsite dry pond to meet stormwater detention and BMP requirements. DPWES raised several comments regarding the stormwater detention requirements for the pond including:

- The SE Plat indicates that some of the proposed vegetation would be along the proposed stormwater management embankment. Per the Public Facilities Manual (PFM), a restrictive planting easement needs to cover the entire pond embankment in order to permit any vegetation to be planted.
- The top of the embankment must be at least 12 feet wide (PFM Section 6-1605.6A (2) (a)), whereas the SE plat shows about half of the required width.
- The side of the embankment adjacent to the parking area has side slopes greater than 3 to 1 (Horizontal to Vertical).

- The SE Plat depicts a private sanitary lateral which is not allowed within the embankment.
- A storm drainage easement is required and must be recorded between the emergency spillway and an adequate drainage system (PFM 6-1602.7).
- A 12-foot wide all-weather access road to the pond must be provided.
- The applicant will be required to provide a dam breach analysis during final engineering at the time of site plan review (PFM 6-1303.4).
- The drainage areas to the pond are not shown (PFM 6-1603.2A).

Resolution:

The applicant has relocated and redesigned the proposed dry pond to address the issues raised by DPWES staff. The SE Plat depicts the location of a proposed restrictive planting easement, the proposed dam now shows a minimum top width of 12 feet and a 12-foot wide all-weather access road to the top of the dam is shown on the SE Plat. Furthermore, the applicant has indicated, and staff has proposed development conditions to ensure that the required storm drainage easement will be provided at the time of site plan review and that a dam breach analysis will be provided during final engineering utilizing the Hagen method.

Issue: Site Outfall

The downstream drainage system has not been analyzed in accordance with PFM 6-0203. Specifically, the extent of review within the provided analysis is incorrect. In addition, this analysis must include a minimum of 3 channel cross-sections. Finally, the post-development runoff calculations do not consider the pond's impact to the site's discharge (PFM 6-0203).

Resolution:

The demonstration of adequate outfall is a special exception application requirement. The outfall analysis should be revised to address the errors noted by DPWES; however, the applicant has not provided any revised analysis at this time. To ensure that proper analysis is provided prior to construction of the proposed building on the site, staff has proposed a development condition to ensure that adequate outfall is demonstrated prior to site plan approval.

Fire and Rescue Analysis (Appendix 9)

The application property is serviced by the Fairfax County Fire and Rescue Department Station #437, Kingstowne and currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 10)

The application property is located in the Little Hunting Creek (K) watershed and would be sewered into the Noman M. Cole Control Plant (NMCCPCP).

ZONING ORDINANCE PROVISIONS (Appendix 11)

Bulk Standards R-1		
Standard	Required	Provided
Lot Size	36,000 SF	89,463 SF (2.05 acres)
Lot Width	Interior lot - 150 ft. Corner lot - 175 ft.	210 ft.
Max. Building Height	60 ft. (non single-family dwellings)	35 ft.
Front Yard (Beulah Street)	50° angle of bulk plane, but not less than 40 ft.	152 ft.
Front Yard (Miller Drive)	50° angle of bulk plane, but not less than 40 ft.	
Side	45° angle of bulk plane, but not less than 20 ft.	40 ft.
Rear Yard	40° angle of bulk plane, but not less than 25 ft.	74 ft.
FAR	0.15 (non residential or public uses)	0.12
Open Space	N/A	67%
Parking Spaces	0.16 spaces per child(152) = 25 spaces	28 spaces (incl. 2 handicap spaces)
Transitional Screening		
North (SFD)	TS 1 - 25 ft. in width.	None provided
East (SFD)	TS 1 - 25 ft. in width	None provided
South (SFD)	TS 1 - 25 ft. in width	Modification requested
West (SFD)	TS 1 - 25 ft. in width	Modification requested
Barrier		
North (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	None provided
East (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	None provided
South (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	Modification requested - Existing 4 ft board rail fence
West (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	Modification requested - Existing 4 ft wood fence

Waivers/Modifications

Modification of the barrier requirements along the eastern and northern boundaries of the site and waiver of barrier requirement along the western and southern boundaries of the site:

The applicant has requested a modification of the barrier requirements (Sect. 13-304) along the western and northern boundary lines in lieu of an existing 4-foot high board rail fence that is to remain along the northern boundary of the site and a 4-foot high wood fence that is to remain near the western boundary of the site. The applicant also requests a waiver of barrier requirement along the eastern and southern boundaries of the site adjacent to Beulah Street and Miller Drive.

Per the Zoning Ordinance, child care centers which abut single-family detached dwellings require Barriers D, E, or F (which includes a 42-48 inch high chain link fence, or a 6-foot high solid masonry or wood fence) to buffer the nearby residential uses. Based on the proposed use (child care facility) staff believes it is crucial that the appropriate barriers are provided to ensure that adequate mitigation is provided to protect the surrounding residential properties from the impacts of the proposed use. The application proposes an outdoor play area that can accommodate a maximum of 88 children at any given time which could result in noise impacts on the adjacent residences. While the existing fence along these boundaries might adequately buffer the adjacent residences from the noise generated from the playground, the applicant has not provided staff with information on the condition of the existing fences on the site, so it is unknown as to whether or not the existing fence can provide an adequate buffer to the nearby residential properties; therefore staff does not support the requested modifications along the western and northern boundaries of the site. Given the proximity of the proposed child care center to the residences to the east (across Miller Drive), staff believes the noise generated from the playground could create adverse impacts to those residences; therefore, staff does not support a waiver of the barrier requirement along the eastern boundary of the site. However, due the location of the distance the proposed building is set back from the southern property line and given the proposed outdoor play area is depicted to the north (rear) of the building; staff is not opposed to the request for a waiver of the barrier requirement along the southern boundary of the site.

Modification of the transitional screening requirements along the western, eastern and southern boundaries of the site:

The applicant has requested a modification of the transitional screening yard and planting requirements (Sect. 13-303) along the western, eastern and southern boundaries of the site due to the existing utility easement and proposed stormwater management facility.

Per the Zoning Ordinance, child care centers which abut single-family detached dwellings require Transitional Screening 1 (an unbroken strip of open space at least 25 feet wide with a prescribed ratio of plantings) to buffer the nearby residential uses.

The SE depicts a 25-foot wide transitional screening area around the northern and southern periphery of the site except in the portions of those boundaries that are encumbered by existing utility easements. No plantings are shown within these easement areas, as the existing easements preclude plantings within those areas. A portion of the eastern boundary of the site is also impacted by the existing Dominion Power easement and the proposed stormwater management dry pond is shown to be provided along the portion of the eastern boundary that is not impacted by the Dominion Power easement. The proposed building is set back further than the minimum yard requirement along the portions of the site where the applicant is requesting the modification of the transitional screening requirement; therefore, staff is not opposed to the modification requests due to the existing easements.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 11)

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

General Special Exception Standards (Sect. 9-006)

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

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

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

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.

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 meets the minimum area requirement and meets the lot width requirement based on the depiction on the plat.

Except as may be qualified in the following sections, all uses shall comply with the bulk regulations of the zoning district in which locate; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased. The proposed development is in compliance with all of the R-1 District bulk standards; therefore, this standard has been met.

All uses shall comply with the performance standards specified for the zoning district in which located. All performance standards have been satisfied with the proposed site conditions.

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.

General Special Exception 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.

General Standards 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and be in harmony with the general purpose and intent of the applicable zoning district regulations. As previously discussed, the Comprehensive Plan criteria for child care center uses states that child care facilities recommends that such uses should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. FCDOT staff has determined that the proposed child care center would have detrimental impacts to traffic flow along Beulah Street due to the number of U-turns that will occur at the intersection of Beulah Street and Miller Drive due to the proposed access to the site which is not in harmony with the criteria for child care uses in the Policy Plan. The Plan further recommends that child care facilities should be located and designed to ensure safe and convenient access. FCDOT has recommended that a full right-turn deceleration lane be provided to the site to reduce the impacts on traffic flow along Beulah Street. The SE Plat depicts a taper to the proposed entrance. Nevertheless staff believes the lack of a full right-turn deceleration lane into the site will significantly disrupt the traffic flow on Beulah Street during both the a.m. and p.m. peak drive periods as vehicles will have to slow down or stop due to vehicles slowing down to enter the site. Therefore, staff does not believe that the current proposal is not in harmony with the Comprehensive Plan.

General Standards 3 and 4 require that the proposed use 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 and that pedestrian and vehicular traffic associated with the use will not create hazards or conflict with the existing and anticipated traffic in the neighborhood. In staff's opinion, the application does not provide adequate vehicular access to the site. Staff believes that the proposed facility will create adverse impacts to traffic along Beulah Street due to the number of U-turns at the intersection of Beulah Street and Miller Drive that will be required to access the site. Furthermore, the application does not provide adequate pedestrian circulation within the proposed development. The lack of pedestrian crosswalks within the site will create hazards for pedestrians as they cross the drive aisle within the parking lot to access the proposed building; therefore, staff believes these standards have not been met.

General Standard 5 requires that landscaping and screening is in accordance with the provisions of Article 13. The applicant has requested waiver and modifications of the

transitional screening and barrier requirements for the site. With the approval of those requests, they would be in compliance with the provisions of Article 13. However, it should be noted that the SE Plat does not include required tabulations, such as interior parking lot landscaping. Without this information, staff cannot fully evaluate if the proposal satisfies the Zoning Ordinance. Also, as previously discussed, there are outstanding issues regarding the tree cover provision and tree conservation ordinance requirements. Therefore, this standard has not been met.

General Standards 6 requires that open space 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. However, the application proposes to provide 62% open space.

General Standard 7 requires that adequate utilities, drainage, parking and loading spaces and other necessary facilities to serve the proposed use. The applicant has provided adequate information regarding the adequacy of the utilities, drainage, parking and loading spaces for the proposed development. Therefore, staff finds that this standard has been met.

General Standard 8 requires signs to be regulated in accordance with the Zoning Ordinance; however, the Board of Supervisors may impose more strict requirements for a given use than those set forth in this Ordinance. All signage on the application property will be required to comply with Article 12 of the Fairfax County Zoning Ordinance. All lighting on the application property will be required to comply with Article 9 of the Fairfax County Zoning Ordinance, and as such, this standard has been satisfied.

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

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 152 children. The SE Plat depicts 8,800 square feet of outdoor recreation space to be provided. This would allow up to 88 children to use the play area at any given time. With the adoption of the development condition proposed by staff to limit the number of children that can use to outdoor play area at any give time to a maximum of 88 children, staff believes that this standard will be satisfied.

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

As previously discussed, Beulah Street is a four-lane divided roadway and there is no median break along the frontage of the application property; therefore it is not possible to provide a left turn late into the site from the northbound side of Beulah Street. Vehicles accessing the site from the south would have to make a U-turn at the intersection of Beulah Street and Miller Drive to access the site. Larger sized vehicles are not able to make a U-turn on a four-lane divided roadway such as Beulah Street without backing up or driving over the curb on the opposite side of the roadway. Based on the applicant's original proposal for a maximum enrollment of 190 children, the proposed child care facility was expected to generate approximately 145 trips during the a.m. peak and 130 trips during the p.m. peak. Of these trips, it was anticipated that at least 75 vehicles in the a.m. peak would need to make U-Turn movements on Beulah Street in order to access the site. While the applicant has reduced the proposed maximum enrollment to 152 children, staff believes that the anticipated number of trips to the site and the percentage of those trips that will require U-turn movements will still have a detrimental impact on traffic flow and along Beulah Street. The preferred access to the site would be from Miller Drive, but Miller Drive is a private street and the applicant does not have the rights to provide access from Miller Drive.

All such uses shall be located so as to permit the pick-up and delivery of all persons on the site. The SE Plat depicts a drop-off area along the southern side of the building and adequate area for the queuing of vehicles. However, the lack of median break along the Beulah Street frontage of the site will require U-turn movements to access the site which may create a hazardous condition for parents accessing the site and traffic along Beulah Street.

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.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Based on the analysis provided in this report, staff believes that the proposal is not in harmony with the intent of the Comprehensive Plan or the Locational Guidelines for Child Care Facilities. Specifically, the Comprehensive Plan criteria for child care center uses states that child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Staff believes that this proposal fails to satisfy that criterion in that it would result in a significant number of U-turn movements at the intersection of Beulah Street and Miller Drive. Not only would these movements adversely impact the existing residents and others traveling along Beulah Street, but it would also place the parents and children attending the child care center in a hazardous situation everyday. Beulah Street is a four-lane divided roadway at this location and is a significant north-south roadway for commuter traffic. There is no median break along the frontage of the application property. The proposed child care center would have detrimental impacts to traffic flow along Beulah Street due to the number of U-turns that will occur at the intersection of Beulah Street and Miller Drive due to the proposed access to the site. Staff has recommended that a full right-turn deceleration lane should be provided to the site to reduce the impacts on traffic flow along Beulah Street. The lack of a full right-turn deceleration lane into the site will significantly disrupt the traffic flow on Beulah during both the a.m. and p.m. peak drive periods. As noted earlier, the preferred access to the site would be from Miller Drive, but the applicant does not have the rights to provide access from Miller Drive. Due to the mid-block location of the use and the need for a significant number of site-generated trips to make a U-turn at the intersection of Beulah Street and Miller Drive, staff believes the proposal would create undesirable traffic impacts along Beulah Street.

Recommendations

Staff recommends denial of SE 2008-LE-030. However, should the Board of Supervisors approve SE 2008-LE-030, staff recommends that the approval be subject to the draft development conditions contained in Appendix 1.

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.

The approval of this special exception does not interfere with, abrogate or annul any easement, 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. Environmental Analysis
6. Transportation Analysis
7. Urban Forest Management Analysis
8. Stormwater Management Analysis
9. Fire and Rescue Analysis
10. Sanitary Sewer Analysis
11. Applicable Zoning Ordinance Provisions
12. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2008-LE-030

June 24, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-LE-030 located at 7420 Beulah Street [Tax Map 91-3 ((1)) 23] for use as a child care facility pursuant to Sect. 9-204 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 permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled **"7420 Beulah Street Daycare,"** prepared by **Land Design Consultants** and dated **January 2009, as revised through May 22, 2009,** 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. Upon issuance of the Non-RUP for the proposed uses, the child care center enrollment shall be limited to children between the ages of 6 weeks to 12 years.
5. The maximum daily enrollment of the child care center shall be limited to 152 children.
6. The maximum number of children using the outdoor play area at any given time shall not exceed 88.
7. The maximum number of staff permitted on-site at any one time shall not exceed 20.
8. Hours of operation shall be limited to 6:30 a.m. to 6:00 p.m. Monday through Friday.

9. Twenty-eight (28) parking spaces shall be provided as shown on the SE Plat.
10. Right-of-way along Beulah Street shall be dedicated as shown on the SE Plat and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of site plan approval for the property or upon demand by Fairfax County, whichever occurs first.
11. A full right-turn deceleration lane shall be constructed to the entrance of the site as determined by the Virginia Department of Transportation (VDOT).
12. Stormwater Management (SWM) and Best Management Practices (BMP) facilities in accordance with the Public Facilities Manual (PFM) shall be provided in substantial conformance with that shown on the SE Plat, unless waived by DPWES. If the SWM/BMP facilities approved by DPWES are not in substantial conformance with SE Plat, a Special Exception Amendment (SEA) shall be required.
13. Adequate Outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM) as determined by DPWES at the time of site plan review.
14. A dam breach analysis shall be submitted to DPWES at the time of site plan review for review and approval, as determined by DPWES.
15. The existing 4-foot high board rail fence along the southern boundary of the site 4-foot high wood fence near the western boundary of the site shall be removed and replaced with six-foot (6') high fencing in accordance with Article 13 of the Zoning Ordinance.
16. Tree conservation shall be provided as required by Article 13 of the Zoning Ordinance and the PFM, unless a deviation is submitted that is acceptable to the Urban Forest Management Division (UFMD) and meets the County's codes and standards, at the time of site plan review.
17. A tree preservation plan shall be submitted as part of the first and subsequent site submissions as follows.

A. Tree Preservation: a Tree Preservation Plan and Narrative shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of

Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

B. Tree Preservation Walk-Through. “A certified arborist shall be retained, and shall mark the limits of clearing and grading with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the certified arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

C. Limits of Clearing and Grading. “The limits of clearing and grading shall be strictly conformed to as shown on the SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

D. Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

E. Tree Appraisal: “A professional arborist with experience in plant appraisal shall be retained, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, a cash bond or a letter of credit payable to the County of Fairfax shall be posted to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the “Bonded Trees”) that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.”

F. Root Pruning. “The roots shall be pruned, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the

subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted under the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

G. Demolition of Existing Structures. “The demolition of all existing features and structures within areas protected by the limits of clearing and grading shown on the SE shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.”

H. Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

18. The child care center construction, shall be built under the most current version of the U.S. Green Building Council’s Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building.
19. A U.S. Green Building Council Leadership in Energy and Environmental Design (“LEED”) accredited professional shall be included as a member of the design team. The LEED accredited professional shall work with the team to incorporate LEED design elements into the project so that the project will be positioned to attain LEED certification. At the time of site plan submission, documentation shall be provided to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such as a professional.

20. A list prepared by the LEED accredited professional of specific credits that the Applicant anticipates attaining within the LEED-NC rating system, or other LEED rating system determined to be applicable to the project, shall be included as part of the site plan submission and building plan submission. The LEED accredited professional shall provide certification statements at both the time of site plan review and the time of building plan review indicating that the items on the list should meet at least the minimum number of credits necessary to position the project to attain LEED certification.
21. Prior to approval of the site plan for the building, the applicant will execute a separate agreement and post, for that building, a "green building escrow" of \$22,000, in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual. The amounts are as follows:

This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment.

If the applicant provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within one year of issuance of the RUP/non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

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.

Special Exception Attachment to Par. 1(a)

DATE: June 5, 2009
 (enter date affidavit is notarized)

1020806

for Application No. (s): SE 200-LE-030
 (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.)

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 BOLD above)
Land Design Consultants, Inc.	9401 Centreville Road, Suite 300 Manassas, Virginia 20110	Authorized Agent/Representative
Kelly M. Atkinson, A.I.C.P.	Land Design Consultants, Inc. 9401 Centreville Road, Suite 300 Manassas, Virginia 20110	Authorized Agent/Representative
Matthew T. Marshall	Land Design Consultants, Inc. 9401 Centreville Road, Suite 300 Manassas, Virginia 20110	Authorized Agent/Representative
Joshua C. Marshall	Land Design Consultants, Inc. 9401 Centreville Road, Suite 300 Manassas, Virginia 20110	Authorized Agent/Representative
Holland & Knight LLP	1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Attorney/Applicant's Authorized Agent
Michelle A. Rosati, Esq.	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Attorney/Applicant's Authorized Agent
Stuart Mendelsohn, Esq.	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Attorney/Applicant's Authorized Agent
Alice G. Haase, Esq.	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Attorney/Applicant's Authorized 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: June 5, 2009
(enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
(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)
7420 Beulah, LLC
7821 Custer Road
Bethesda, Maryland 20814

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

Remy S. Esquenet
Bernard Esquenet

(check if applicable) 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: June 5, 2009
(enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Land Design Consultants, Inc.
9401 Centreville Road, Suite 300
Manassas, Virginia 20110

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)

John L. Marshall
Matthew T. Marshall
Joshua C. Marshall

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

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)

(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: June 5, 2009
 (enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
 (enter County-assigned application number(s))

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)

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

(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)

Abbott, Charles W	Senior Partner Retired
Abel, Michael	Equity Partner
Adams, Alfred B III	Equity Partner
Adams, Barbara	Equity Partner
Adams, Glenn	Equity Partner
Alexander, Mark G	Equity Partner
Alexander, Martin J	Equity Partner
Allderdice, Linda Auerbach	Non Equity Partner
Allen, Roz	Non Equity Partner
Allswang, David B	Non Equity Partner
Andersen, Anne-Mette	Non Equity Partner
Andersen, Barbara	Non Equity Partner
Anderson, Rod	Equity Partner
Angius, Christopher	Equity Partner
Annunziato, Christopher	Non Equity Partner
Arco, Barbara Mary	Non Equity Partner
Arden, Thomas P	Equity 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 Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020804

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Aronson, Mark I	Equity Partner
Arouh, Jeffrey A.	Equity Partner
Atcitty, Shenan Rae	Equity Partner
August, Adam	Non Equity Partner
Bacheller, Chester E	Equity Partner
Bailey, R. Gregory	Non Equity Partner
Baker, Mark E	Non Equity Partner
Baker-Shenk, Philip M	Equity Partner
Baldwin, Gregory	Equity Partner
Baldy, Anderson L.	Equity Partner
Ball, Stephen	Equity Partner
Banghart, Douglas	Non Equity Partner
Barfield, Brett Alan	Non Equity Partner
Barnard, Deborah E.	Equity Partner
Barnett, Martha	Equity Partner
Barton, Bernard	Equity Partner
Basha, Leigh-Alexandra	Equity Partner
Bean, Daniel K.	Equity Partner
Beaton, Neal Nathan	Equity Partner
Beers, Meredith	Equity Partner
Bell, Rodney H	Equity Partner
Bellows, Christopher	Non Equity Partner
Bentz, Thomas H. Jr.	Non Equity Partner
Bevington, Elizabeth L	Equity Partner
Black, David Scott	Non Equity Partner
Blank, Stacy D	Equity Partner
Blechman, Rachel S	Senior Partner Retired
Bloom, William R	Equity Partner
Boeke, Noel Robert	Equity Partner
Bogorad, Stephen A	Equity Partner
Bohrer, Sanford L	Equity Partner
Boland, Michael J	Equity Partner
Booth, Susan Jennifer	Equity Partner
Boothe, Jeffrey F	Equity Partner
Borden, Jennifer C	Non Equity Partner
Boroughs, Thomas	Senior Partner
Borucke, David C	Non Equity Partner
Boyett, Christopher	Equity Partner
Bradley, Lawrence D	Non Equity Partner
Bradner, Robert	Non Equity Partner
Braid, Frederick	Equity Partner

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

Special Exception Attachment to Par. 1(c)DATE: June 5, 2009
(enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Branch, Thomas B III	Senior Partner
Briggs, David W	Non Equity Partner
Brittin, Jocelyn	Non Equity Partner
Brockman, Christopher C	Equity Partner
Brooke, Thomas W	Non Equity Partner
Brooks, Malcolm	Equity Partner
Brothers, Henry J II	Equity Partner
Brown, Mary Carolyn	Non Equity Partner
Brownell, Thomas M	Non Equity Partner
Bucholtz, Harold	Equity Partner
Burkland, Mark E.	Equity Partner
Butler, J. Todd	Non Equity Partner
Byrne, William P	Equity Partner
Cadwalader, Lynn K	Equity Partner
Calkins, Lynn E.	Equity Partner
Camarra, Christopher L	Equity Partner
Cannon, L. Kinder III	Equity Partner
Carr, James	Non Equity Partner
Carroll, Brett D	Non Equity Partner
Cartwright, Kelly-Ann	Equity Partner
Casal, Jose A	Equity Partner
Cason, Warren	Senior Partner
Castleman, Howard J	Non Equity Partner
Castro, Tanja H	Non Equity Partner
Cavanaugh, J. Michael	Equity Partner
Chapman, Michael	Equity Partner
Chasnow, Robert M	Equity Partner
Clapp, Douglas W	Equity Partner
Clary, Donald M.	Non Equity Partner
Cleven, Jeffrey P	Non Equity Partner
Colan, Bruce Jay	Equity Partner
Colandreo, Brian J	Non Equity Partner
Colao, Ivan	Equity Partner
Coleman, Charles L. III	Equity Partner
Coleman, Hume F	Senior Partner Retired
Collins, Christopher H	Equity Partner
Commander, Christopher	Non Equity Partner
Compagno, John	Equity Partner
Conner, Timothy J	Equity Partner
Connolly, Peter M	Equity Partner
Conti, Louis T. M.	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020802

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Cooper, Scott E.	Equity Partner
Cosio, J. Raul	Equity Partner
Costanzo, Vito A	Non Equity Partner
Costello, Francis W	Equity Partner
Coventon, Kevin E	Equity Partner
Craft, Randal Robert Jr.	Equity Partner
Craig, Sharon Nelson	Equity Partner
Crowley, Richard A	Equity Partner
Currier, Maria T	Equity Partner
Curtin, Lawrence	Equity Partner
Daniel, Harold T	Equity Partner
Daniel, Laurie Webb	Equity Partner
Dannenbergh, Harry S	Equity Partner
Darbut, Douglas F	Equity Partner
Davidson, M. Katharine	Non Equity Partner
Davis, Jim	Non Equity Partner
DeKuiper, Kristin A	Equity Partner
DeLacy, Christopher	Non Equity Partner
DelFranco, Randolph A	Non Equity Partner
deMeza, William B Jr.	Equity Partner
Dempsey, David	Equity Partner
Detwiler, Harry R	Non Equity Partner
Dewey, Josias	Non Equity Partner
Diaz, Edward	Equity Partner
Dickson, Alan	Non Equity Partner
Dierking, John R	Non Equity Partner
Digel, Gregory J	Equity Partner
Dilweg, Rory Emerson	Non Equity Partner
Donoghue, Robert D	Non Equity Partner
Dube, Steven L.	Non Equity Partner
Duckworth, Pamela A	Non Equity Partner
Dufoe, William	Equity Partner
Dunnellis, G. Richard	Senior Partner
Durkin, Martin	Equity Partner
Duvall, Homer III	Equity Partner
Duvall, Richard O.	Equity Partner
Dye, Stuart	Senior Partner
Eckhard, Richard D	Equity Partner
Edson, Kelli A	Non Equity Partner
Edwards, Amy L	Non Equity Partner
Edwards, Oliver	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
 (enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
 (enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

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

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

Elledge, Brandon H	Non Equity Partner
Elrod, Steven M	Equity Partner
Epstein, Jonathan	Non Equity Partner
Ervin, James M	Equity Partner
Evans, Philip Tucker	Equity Partner
Faigenblat, Frances Gail	Non Equity Partner
Fayne, Irwin J	Equity Partner
Feagin, Robert R III	Senior Partner
Fendrick, William K	Equity Partner
Ferris, Richard Jay Jr.	Equity Partner
Ferris, Robert E	Equity Partner
Filippini, Victor P	Equity Partner
Fine, Martin	Senior Partner
Fishman, Eric	Non Equity Partner
Foley, Vincent J	Non Equity Partner
Fonseca, Michelle	Non Equity Partner
Forsberg, Lars	Non Equity Partner
Fox, Shayle P	Senior Partner
Freedman, Anthony S.	Equity Partner
Frevola, Michael J	Non Equity Partner
Fridman, Daniel S	Non Equity Partner
Friedman, Peter	Equity Partner
Friedman, Robert	Equity Partner
Frink, Anthony Lewis	Equity Partner
Gaba, Michael M.	Equity Partner
Gabel, George D Jr	Equity Partner
Gallástegui Armella, Eduardo J.	Partner
Garcia, Brian M	Non Equity Partner
Garcia, Michael E	Non Equity Partner
Garrett, Steffanie	Non Equity Partner
Geller, Mitchell Jed	Non Equity Partner
Gelman, Andrew R.	Equity Partner
Germany, John F	Senior Partner Retired
Gerstein, Robert H	Senior Partner
Gibbs, Charles F	Senior Partner
Gilbert, Leonard H	Senior Partner
Gilbert, Suzanne E	Equity Partner
Gilleece, Mary Ann	Non Equity Partner
Gillman, Steven L.	Equity Partner
Glasgow, Norman M	Senior Partner Retired
Glasgow, Norman M Jr.	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Glass, W. Reeder	Senior Partner
Goedel, Stacie Andra	Non Equity Partner
Gold, Richard	Equity Partner
Goldsmith, Donald	Senior Partner
Goldstein, Joseph Gary	Equity Partner
Gomez-Pinzon, Enrique	Non Equity Partner
Gonzalez, Alex	Equity Partner
Gordon, Steven	Equity Partner
Gorham, Robert L	Equity Partner
Grady, Frederick J	Equity Partner
Grammig, Robert J	Equity Partner
Gravenhorst, Paul	Equity Partner
Gray, T. Wayne	Senior Partner
Green, Laurie L	Non Equity Partner
Gregores, George J	Equity Partner
Grimes, Stephen H	Senior Partner
Groh, James S	Equity Partner
Guasch, Frances F	Non Equity Partner
Guay, Joseph	Equity Partner
Hadlow, Richard B.	Equity Partner
Haire, Dirk	Equity Partner
Halula, John F	Equity Partner
Hamblin Schiave, Anne	Senior Partner
Hamilton, Lawrence J II	Equity Partner
Hamilton, William F	Equity Partner
Hanback, Christopher B	Equity Partner
Hanlon, Stephen	Senior Partner
Hanselman, Theodore F	Equity Partner
Hargitai, Peter P	Equity Partner
Harrington, David J	Non Equity Partner
Harris, Patricia Ann	Non Equity Partner
Harris, Robert	Equity Partner
Hart, Damon P	Non Equity Partner
Hart, Shane	Non Equity Partner
Hayes, G. Calvin	Equity Partner
Hayes, Robin B	Non Equity Partner
Henderson, Victor	Equity Partner
Hengen, Nancy L	Equity Partner
Hernandez, Alberto M	Equity Partner
Hernandez, Jennifer	Equity Partner
Hernandez-Toraño, Jorge	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020804

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Herr, Mitchell E.	Equity Partner
Heskett, Sara Christina	Non Equity Partner
Hickey, Edward R	Equity Partner
Hickey, J. Michelle	Non Equity Partner
Higgins, Sean K	Non Equity Partner
Highsmith, Robert S Jr.	Equity Partner
Hindlian, Richard J	Equity Partner
Hoffman, Jerome	Equity Partner
Hoffman, Kenneth B	Equity Partner
Hogan, John M	Equity Partner
Hohenstein, James	Equity Partner
Hole, Brian K	Equity Partner
Holifield, Marilyn J	Equity Partner
Holmes, Andrew	Non Equity Partner
Honan, William J.	Equity Partner
Hooper, Chester D	Senior Partner
Horn, Dennis	Equity Partner
Hornyak, Joseph	Non Equity Partner
Howell, George B III	Non Equity Partner
Hughes, Dennis Russell	Non Equity Partner
Husbands, Joshua	Non Equity Partner
Hutchison, Richard	Equity Partner
Ivey, Bob L.	Equity Partner
Jackson Batties, Leila Marie	Non Equity Partner
Jackson, Hank E	Equity Partner
James, Paul M	Equity Partner
Jaron, Martin J Jr	Equity Partner
Jenero, Kenneth	Equity Partner
Jensen, Frode	Non Equity Partner
Jensen, J. Alan	Senior Partner
Jimenez, Adolfo E.	Equity Partner
Joern, Charles E.	Equity Partner
Johnson, Charles S. III	Equity Partner
Johnson, Scott J	Equity Partner
Johnston, R. Scott	Non Equity Partner
Johnston, Thomas M	Non Equity Partner
Jones, David A	Equity Partner
Jones, John Arthur	Senior Partner
Jones, Thomas J	Senior Partner Retired
Judas, Suzanne M	Non Equity Partner
Jung, Bryan T D	Non Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020804

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Kahn, David S	Equity Partner
Kastner, Samuel Paul	Equity Partner
Katz, Gordon P	Equity Partner
Katz, Naomi F.	Non Equity Partner
Kaufman, Bonni	Non Equity Partner
Kecskes, Kenneth A	Non Equity Partner
Kehoe, Kerry S	Equity Partner
Keldermans, Francis	Equity Partner
Kelley, John D	Non Equity Partner
Kelly, Christopher G	Equity Partner
Kennicott, Donald	Equity Partner
Kibler, D Burke III	Senior Partner Retired
Kierman, Paul J	Equity Partner
Kilmer, Paul F	Equity Partner
Kimbrow, Bradford	Equity Partner
Kinasz, Thomas John	Equity Partner
Kittleson, Henry M	Senior Partner Retired
Klein, Larry A	Non Equity Partner
Knight, Tammy	Equity Partner
Kokolis, Jerry	Non Equity Partner
Kolos, Chris	Equity Partner
Kominers, William	Equity Partner
Korchin, Judith	Equity Partner
Koren, Edward	Equity Partner
Kreitzer, Judith E	Non Equity Partner
Krischer, Alan Samuel	Non Equity Partner
Krumholz, Joshua	Equity Partner
Kuppersmith, Michael P	Non Equity Partner
Kuta, Jeffrey T	Non Equity Partner
Labate, Robert	Non Equity Partner
Lake, Elizabeth	Equity Partner
Lambert, Lyndall M	Non Equity Partner
Landau, Allan	Senior Partner
Lane, William R Jr.	Equity Partner
Lang, Robert H	Non Equity Partner
Lannon, Paul	Equity Partner
Lansner, Ruth L.	Equity Partner
Lapatin, Philip S	Equity Partner
Laughlin, James Harold Jr.	Non Equity Partner
Lawrence, Frank Ronald	Equity Partner
Lawrence, Richard H III	Non Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

10208015

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Lazarus, Jason D.	Non Equity Partner
Lear, Richard E	Non Equity Partner
Lee, Sunwoo	Equity Partner
Lee, Tiffani G	Non Equity Partner
Lefere, Marie	Equity Partner
Lehman, Kathryn Hazeem	Non Equity Partner
Leixner, Timothy C	Senior Partner
Leonard, Sean Brendan	Non Equity Partner
Lepore, Ralph T. III	Equity Partner
Leventhal, Norman P	Non Equity Partner
Levine, Jack A	Equity Partner
Levine, Jerome L	Equity Partner
Levitan, Shari	Equity Partner
Lhota, Janna Peters	Non Equity Partner
Liebesman, Lawrence R	Equity Partner
Litschgi, Byrne	Senior Partner Retired
Long, James E Jr.	Non Equity Partner
Long, Mary Chrysa	Equity Partner
Loring, Bruce	Equity Partner
Lotterhos, Fred J III	Equity Partner
Lozano Alarcón, Gerardo	Partner
Lynch, Vernon Sylvester III	Non Equity Partner
Lyon, Richard Elgar Jr	Non Equity Partner
MacCullough, Kara	Equity Partner
Machen, William F	Equity Partner
MacKenzie, Dominic C	Equity Partner
MacKichan, Robert C. Jr.	Non Equity Partner
MacLeod, Scott R	Equity Partner
Mahony, Gael	Senior Partner
Mahony, Jeuan	Equity Partner
Main, James L.	Equity Partner
Mann, David	Senior Partner
Mannix, Michael	Equity Partner
Mansfield, Jennifer A	Non Equity Partner
Manthei, Michael R	Non Equity Partner
Manuelian, Haig	Senior Partner
Marcus, Jonathan S	Equity Partner
Marinelli, Marisa	Non Equity Partner
Maroney, Michael T.	Non Equity Partner
Marrero Priegues, Ines	Non Equity Partner
Martin, Stanley A	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

102080-4

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Matsakis, Elias	Equity Partner
Matuszewski, David	Non Equity Partner
May, D. Bruce Jr.	Equity Partner
Mayer, James	Equity Partner
Mayol Lopez, Juan	Equity Partner
Mays, C. Parkhill Jr.	Senior Partner
McAleavey, Tom	Equity Partner
McAlpin, Louise	Equity Partner
McCarthy, Bridget	Non Equity Partner
McCarty, Christopher J	Non Equity Partner
McCauley, Robert G	Non Equity Partner
McCorkhill, C. Grant	Equity Partner
McDermott, James E.	Equity Partner
McDermott, John J	Senior Partner
McDowell, Brian A	Equity Partner
McKendall, Miriam	Equity Partner
Meeder, Gregory R	Equity Partner
Meehan, K. Patrick	Non Equity Partner
Melton, Howell W. Jr.	Equity Partner
Mencio, George	Equity Partner
Mendelsohn, Stuart	Equity Partner
Mercier, Judith M	Non Equity Partner
Michalowski, Mark C	Equity Partner
Milano, Nicholas G	Equity Partner
Millea, James F	Non Equity Partner
Miller, Morris H.	Equity Partner
Miner, Martin P	Equity Partner
Mitchell, Elizabeth M	Non Equity Partner
Mittleman, Jeffrey	Equity Partner
Moehling, James A	Equity Partner
Monaghan, John J	Equity Partner
Monchamp, Amanda	Non Equity Partner
Moore, Donald P	Non Equity Partner
Moran, John Paul	Non Equity Partner
Morante, Thomas F	Non Equity Partner
Moreno, Esther L	Non Equity Partner
Morreale, Frank	Non Equity Partner
Morris, Francesca	Non Equity Partner
Mosner, Anita M	Equity Partner
Moss, Stephen B	Equity Partner
Mueller, James T	Non Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1070806

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Murdoch, Christopher J	Equity Partner
Murphy, Anne M	Equity Partner
Murphy, Martin P	Non Equity Partner
Mussman, John R	Non Equity Partner
Mutryn, William	Equity Partner
Myers, Christopher	Equity Partner
Myers, Lance D	Non Equity Partner
Naftalin, Alan Y	Senior Partner Retired
Naftalin, Charles	Equity Partner
Neff, A. Guy	Equity Partner
Nesbitt, La Fonte	Equity Partner
Nesmith, Steven	Non Equity Partner
Neumann, Carl A	Equity Partner
Newman, Michael Brill	Equity Partner
Newman, Robbin	Non Equity Partner
Newman, Scott	Equity Partner
Nichols, Tracy A	Equity Partner
Niles, Stephen	Non Equity Partner
Nilles, Kathleen	Equity Partner
Norman, James M	Equity Partner
Norton, Matthew E.	Equity Partner
Notopoulos, Philip J	Equity Partner
O'Neill, John P	Non Equity Partner
Oberto, Kathryn W	Equity Partner
Oleynik, Ronald	Equity Partner
Ordman, Morgan J	Senior Partner Retired
Pabian, Ilene Linda	Non Equity Partner
Packman, Kevin	Non Equity Partner
Page, Frederick D	Equity Partner
Park, James A III	Equity Partner
Parlin, Barbra Rachel	Non Equity Partner
Parrish, Paul E	Non Equity Partner
Pearce, George	Equity Partner
Perez, Richard	Non Equity Partner
Perez, Victor	Non Equity Partner
Perlman, Ronald S.	Non Equity Partner
Perry, David L	Equity Partner
Petersen, Rafe	Non Equity Partner
Petersen, Scott W	Non Equity Partner
Phillips, Dianne R	Non Equity Partner
Piels, William	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

102080-1

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Pincus, S. Richard	Of Counsel (former Senior Partner Retired) Of Counsel eff 1/09
Pike, Larry	Senior Partner
Pisacreta, Edward A	Non Equity Partner
Plume, Tamsen	Equity Partner
Pollock, James	Senior Partner
Ponce, Scott D	Non Equity Partner
Potter, Harold W	Equity Partner
Poust, Teresa	Non Equity Partner
Prieto, Peter	Equity Partner
Pritchard, John F	Equity Partner
Pupo, Roberto R	Equity Partner
Quin, Wayne	Equity Partner
Rambusch, Lennard K	Senior Partner Retired
Ramos, Eduardo A	Non Equity Partner
Raymond, Mark E	Non Equity Partner
Raysman, Richard	Non Equity Partner
Rechtin, Michael Jr.	Non Equity Partner
Redmond, Richard	Equity Partner
Reed, M. Kasim	Non Equity Partner
Reisler, Marc S	Non Equity Partner
Reitzfeld, Alan D	Equity Partner
Reynolds, Christopher J	Non Equity Partner
Rhodes, Robert	Senior Partner
Rich, William M	Senior Partner
Richie, Kenneth R	Non Equity Partner
Riddle, James A	Non Equity Partner
Ríos Espinosa, Maria E.	Partner
Ritter, Adam Charles	Non Equity Partner
Robbin, Robert S	Senior Partner
Rohn, Frederick	Equity Partner
Rollins, James H	Equity Partner
Rosati, Michelle A	Non Equity Partner
Rosenberg, Arthur E	Non Equity Partner
Ross, Bruce S	Equity Partner
Rothenberg, Frederick M	Non Equity Partner
Rowley, John P. III	Equity Partner
Royal, Erika	Non Equity Partner
Royce, Raymond W	Senior Partner
Ruane, Michael	Equity Partner
Rubinger, Jeffrey	Non Equity Partner
Russell, Gilda Tuoni	Non Equity Partner

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

Special Exception Attachment to Par. 1(c)DATE: June 5, 2009
(enter date affidavit is notarized)

1020808

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Ryan, Rory C	Equity Partner
Rydzewski, Leo	Non Equity Partner
Salaman, Alban	Equity Partner
Salimone, Shannon Hartsfield	Non Equity Partner
Sano, Curtis L	Non Equity Partner
Santeusanio, David J	Non Equity Partner
Santiago, Louis	Non Equity Partner
Saunders, Allyson Gail	Non Equity Partner
Scanlon, Tara A	Equity Partner
Schiff, Janis Boyarsky	Equity Partner
Schneider, Todd	Non Equity Partner
Schreiber, Phillip	Non Equity Partner
Schulz, George E Jr	Senior Partner
Sciarra, Vanessa Patton	Non Equity Partner
Seay, James E. L.	Equity Partner
Segall, Harold A	Senior Partner Retired
Seligson, Damon M	Non Equity Partner
Sellers, Lawrence	Equity Partner
Sessions, William S.	Senior Partner
Seul, Jeffrey R.	Non Equity Partner
Shapiro, Mark	Equity Partner
Shapiro, Stephen	Equity Partner
Sheely, Sean C	Equity Partner
Sheft, Laurie Tribble	Practice Support Lawyer
Sherman, William B	Equity Partner
Shiker, Christine	Non Equity Partner
Shimberg, James Jr.	Equity Partner
Short, Jennifer A.	Non Equity Partner
Shotzberger, Keith S	Non Equity Partner
Sikorski, Gerry	Equity Partner
Silber, Stacy Plotkin	Non Equity Partner
Sills, Richard	Senior Partner
Silver, David C	Equity Partner
Sims, Roger W	Senior Partner
Singleton, David R	Equity Partner
Sirven, Jose	Equity Partner
Skallas, A Thomas	Non Equity Partner
Skelton, Patrick W	Equity Partner
Sloan, David Scott	Equity Partner
Small, Daniel I	Equity Partner
Smeallie, James D.	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020804

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Smith, Bernard Lee	Non Equity Partner
Smith, Colin P.	Equity Partner
Smith, Lee S	Equity Partner
Smith, R. Troy	Non Equity Partner
Smith, Robert H	Equity Partner
Snively, Stephen W	Equity Partner
Solaun, Emma	Non Equity Partner
Sonberg, Steven	Equity Partner
Sorondo, Rodolfo Jr.	Equity Partner
Spelliscy, M.J.	Equity Partner
Spitzer, Jr., M. James	Equity Partner
Starr, Michael	Non Equity Partner
Stenson, Todd D.	Non Equity Partner
Steger, Mark J	Non Equity Partner
Stein, Melvin	Senior Partner Retired
Stephens, Richard B	Equity Partner
Stephenson, Andrew	Equity Partner
Sterling, Scott Andrew	Equity Partner
Stern, Jeffrey Blake	Equity Partner
Stevens, William M	Equity Partner
Stockton, Richard	Non Equity Partner
Stone, Mark	Non Equity Partner
Strouse, Jonathan E.	Non Equity Partner
Studley, Janet R	Senior Partner
Stutts, Charles L	Equity Partner
Subin, Ben	Equity Partner
Sung, Audrey	Non Equity Partner
Swaim, C. Thomas	Senior Partner
Taber, Stephen	Non Equity Partner
Taisey, Robert D	Senior Partner
Tam, Jane K.P.	Non Equity Partner
Tanner, Caroline J	Non Equity Partner
Tanzer, Michelle F	Non Equity Partner
Targ, Nicholas William	Non Equity Partner
Taub, Steven P	Non Equity Partner
Taylor, Michael George	Non Equity Partner
Teichner, Lee Philip	Equity Partner
Tellechea, Albert F.	Non Equity Partner
Tenev, Jovi	Equity Partner
Terrenzi, Marisa C	Non Equity Partner
Theberge, John	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
 (enter date affidavit is notarized)

1020806

for Application No. (s): SE 2008-LE-030
 (enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

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

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

Thomas, Natalie P	Non Equity Partner
Thomas, Paul	Non Equity Partner
Tiedemann, Charles W	Equity Partner
Tobin, Charles D.	Equity Partner
Tofil, Lisa	Non Equity Partner
Tonn, Robert	Non Equity Partner
Toriello, John M	Equity Partner
Turra, Melissa S.	Equity Partner
Vafidis, Matthew	Equity Partner
Van Buren, Bradley	Non Equity Partner
Varick, Steven Bruce	Equity Partner
Varner, Joseph H III	Equity Partner
Vasios, H. Barry	Equity Partner
Verhey, David M	Non Equity Partner
Vogel, Edward W III	Equity Partner
Volinski, Benjamin	Equity Partner
Vollmann, Alan P	Of Counsel (Former Non Equity Partner) Of Counsel eff 1/09
von Bergen, Mark A.	Equity Partner
Voss, Susan L	Senior Partner
Vyverberg, Robert W.	Equity Partner
Wachter, Charles A	Non Equity Partner
Walker, Karen	Equity Partner
Wang, David	Non Equity Partner
Warram, Robert Allan	Equity Partner
Warren, Stephen Patrick	Non Equity Partner
Watson, Alan J	Non Equity Partner
Webb, Paul	Senior Partner Retired
Weber, Steven John	Equity Partner
Wechselblatt, Eric	Equity Partner
Weinberger, Mel S	Equity Partner
Weinstein, Andrew H.	Senior Partner
Weiss, Alan M	Equity Partner
Weiss, Christopher J	Equity Partner
Weiss, Stephen J.	Senior Partner Retired
Werner, Michael J	Non Equity Partner
Wheeler, George	Equity Partner
Whitebread, Joseph B Jr.	Equity Partner
Whitestone, David	Equity Partner
Wiener, Keith M	Equity Partner
Wilkie, Austin T.	Non Equity Partner
Williams, Richard	Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020804

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Wilson, William B	Equity Partner
Wing, James D	Equity Partner
Winter, Richard R	Equity Partner
Wolcott, Jonathan F	Non Equity Partner
Wolk, Lawrence J	Equity Partner
Wood, Florence	Non Equity Partner
Woodrow, Thomas R.	Equity Partner
Woodson, Roderic	Non Equity Partner
Workman, Paul C	Non Equity Partner
Wright, Douglas A	Equity Partner
Wright, R. Douglas	Non Equity Partner
Wright, Steven	Equity Partner
Yadley, Barbara M	Equity Partner
Yanofsky, Richard M	Equity Partner
Yates, Leighton D	Equity Partner
Young, Paul	Non Equity Partner
Young, Stephen	Senior Partner
Zanger, Larry	Equity Partner
Zarin, Don	Equity Partner
Zdeb, Michael J	Equity Partner
Zevit, Zehava	Associate
Zhang, Hongjun Ph.D.	Equity Partner
Zimmer, Thomas	Equity Partner
Zusmann, Samuel	Senior Partner

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020802

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

- | | |
|-------------------------|--------------------------------|
| Former Attorneys | Former Equity Partner |
| Albritton, A. Brian | Former Senior Partner |
| Anduiza, Juan A. | Former Non Equity Partner |
| Barnhart, Constance | Former Equity Partner |
| Baron, Alan Irvin | Former Equity Partner |
| Brannock, Steven | Former Of Counsel |
| Bryant, Dennis L | Former Non Equity Partner |
| Burnett, Douglass R. | Former Non Equity Partner |
| Carmichale, Tamara | Former Senior Partner |
| Carpenter, Raymond P | Former Non Equity Partner |
| Cohen, Steven | Former Partner Emeritus |
| Coles, Lawrence A., Jr. | Former Non Equity Partner |
| Colitz, Michael | Former Non Equity Partner |
| Dagle, C. Paul | Former Non Equity Partner |
| de Roos, Shelli Willis | Former Non Equity Partner |
| Dorkin, Eric | Former Non Equity Partner |
| Doyle, Sara L | Former Equity Partner |
| Farmer, Guy | Former Non Equity Partner |
| Fly, James L | Former Non Equity Partner |
| Ganguly, Jeffrey K | Former Non Equity Partner |
| Gimbel, Barbara A | Former Non Equity Partner |
| Haddad, Deborah T | Former Non Equity Partner |
| Hampton, Daniel K | Former Non Equity Partner |
| Hanely, Thomas L | Former Equity Partner |
| Hartsfield, Shannon | Former Non Equity Partner |
| Harvey, Kenneth L | Former Non Equity Partner |
| Herrin, Judy | Former Practice Support Lawyer |
| Howe, David D | Former Non Equity Partner |
| Jacobson, James M | Former Equity Partner |
| Jonas, W. James III | Former Non Equity Partner |
| Jordan, Lloyd J | Former Non Equity Partner |
| Kiser, Curt | Former Non Equity Partner |
| Kolz, Tamara | Former Non Equity Partner |
| Krasnow, Frances | Former Non Equity Partner |
| Kuntz, C. Edward | Former Non Equity Partner |
| Kurtz, Daniel L | Former Equity Partner |
| Larkin, Brian O | Former Senior Counsel |
| Levin, Jeffrey Steven | Former Non Equity Partner |
| Lewis, James | Former Non Equity Partner |
| Libby, Gerold W | Former Senior Partner |
| Magee, George T | Former Non Equity Partner |

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

Special Exception Attachment to Par. 1(c)

DATE: June 5, 2009
(enter date affidavit is notarized)

1020805

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number (s))

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

Holland & Knight LL
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Former Attorneys (con't)

Mayerson, Sandra E
McGuire, Carol A
McGuone, James R
McLean, Jack Linden
Miller, Marc Edmund
Millstein, Larry
Mintz, Robert M
Nagy, Gretchen E
O'Connor, David
Orr, A. Summey III
Paul, Sarah E
Philbrick, Charles L
Plznansky, Roslyn
Ranallo, Micheal J
Reilly, John J
Rodio, James
Rosenberg, Natalie Smith
Rubin, Diane Ruth
Ryan, Edward F
Sawyer, Stephen K
Shirley, James T
Sibely, Gonzales Michele
Starer, Brian D
Stein, Stefan V
Washington, Lynn C
West, Teno A
Williams, Kathryn B

Former Equity Partner
Former Equity Partner
Former Non Equity Partner
Former Non Equity Partner
Former Non Equity Partner
Former Non Equity Partner
Former Equity Partner
Former Senior Counsel
Former Non Equity Partner
Former Equity Partner
Former Equity Partner
Former Non Equity Partner
Former Non Equity Partner
Former Equity Partner
Former Senior Partner
Former Non Equity Partner
Former Senior Counsel
Former Non Equity Partner
Former Equity Partner
Former Equity Partner
Former Senior Partner
Former Non Equity Partner
Former Equity Partner

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

102080 ✓

for Application No. (s): SE 2008-LE-030
(enter County-assigned application number(s))

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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

1020806

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.)

Richard O. Duvall, a partner in Holland & Knight LLP, made a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to the public hearing.
John P. Rowley III, a partner in Holland & Knight LLP, made a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to the public hearing.
Mark E. Baker, a partner in Holland & Knight LLP, made a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to the public hearing.

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) [] Applicant [x] Applicant's Authorized Agent
Michelle A. Rosati

Michelle A. Rosati, Esq., Applicant's Authorized Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 5th day of June 2009, in the State/Comm. of Virginia, County/City of Fairfax

Notary Public (Signature)

My commission expires: 10.31.2010

Paige A. Rice
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 10/31/10
Reg. # 7009628

Holland+Knight

Tel 703 720 8600
Fax 703 720 8610

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, VA 22102-4867
www.hklaw.com

Michelle A. Rosati
703 720 8079
michelle.rosati@hklaw.com

July 11, 2008

RECEIVED
Department of Planning & Zoning

JUL 11 2008

Zoning Evaluation Division

VIA HAND DELIVERY

William Shoup, Zoning Administrator
Fairfax County Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22305

Re: Special Exception Application

Dear Mr. Shoup:

The following is submitted in justification and support of the above referenced Special Exception application.

I. Property

The subject property is identified as Tax Map Number 0091-03-((1))-23, the entirety of which consists of 89,464 square feet (the Subject Parcel or the SE Property), as shown on the plat submitted herewith, entitled "7420 Beulah St. - Day Care Special Exception Plat, Lee Magisterial District, Fairfax County, Virginia", prepared by Professional Land Consultants, LLC and dated March 26, 2008 (the Plat). The SE Property is zoned R-1.

II. Statement of Proposed Use

A. Description of Use

7420 Beulah, LLC (the Applicant), is proposing to construct a child care center, a Category 3 Quasi-Public Use, on the Subject Parcel, as shown on the Plat. The child care center will serve a maximum of 190 students, and will consist of (i) a single story structure of 11,000 square feet and (ii) an outdoor play area of 6500 square feet, all as shown on the Plat. The building and play area will cover less than half of what is a relatively large R-1 parcel.

B. Hours of Operation

The child care center will operate generally from 7AM to 7PM, Monday through Friday.

C. Estimated Number of Students

The child care center will serve a maximum of 190 students.

D. Proposed Number of Employees/Attendants

The child care center will employ approximately 25 to 30 employees, who will typically arrive on a staggered basis beginning in the morning, and resulting in a number of employees at any one time that reflects the number of students at that time. For example, there may be 20 employees at the center in the middle of the day, and only 10 at the beginning and end of the day.

E. Estimate of Traffic Impact of Proposed Use

Ingress and egress for the facility will be provided generally as shown on the Plat, with an entrance on Beulah Street. The applicant will construct a 50-foot taper at the entrance as shown on the Plat. The applicant will provide 39 parking spaces, which well exceeds the minimum requirement for the maximum of 190 students.

The child care center will generate less than 1000 trips per day, as based on the square footage of the building.

F. Vicinity or General Area of Proposed Use

The proposed child care center will be located in the general vicinity of Beulah Road, and will serve the surrounding community, where a significant demographic demand exists for the use.

G. Description of Building Façade and Architecture of Proposed Building

The building will be a single story structure with detailing and surface materials which will be harmonious with the surrounding residential uses.

H. Listing of Hazardous or Toxic Substances

There are no known hazardous or toxic substances generated, stored, treated and/or disposed of on the proposed special permit site or within Building B.

I. Statement of Conforming Use and Construction

The proposed use conforms to all applicable ordinances, regulations, adopted standards. All construction plans for the project will be prepared by a registered architect or engineer and will conform to all applicable ordinances, regulations and codes for the building.

J. Statement of Ownership and Applicant Interest

The Subject Property is owned by Mujtaba Mujahid. The Applicant, 7420 Beulah, LLC, is the contract purchaser of the Subject Property.

III. Compliance with Zoning Ordinance

The application respectfully submits that the approval of the proposed Special Exception is consistent with, and furthers the overarching goals and intent of, the Fairfax County Zoning

Ordinance. Specifically, the proposed use is consistent with the following criteria for the approval of special permits as set out in Section 9-006 of the Fairfax County Zoning Ordinance:

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

The SE Property is located in Area IV of the Fairfax County Comprehensive Plan, in the Springfield Planning District, Land Unit S-6 Newington Community Planning Sector. The Comprehensive Plan land use recommendation indicates that the Concept for Future Development is to develop as a Suburban Neighborhood. Accessible and compatibly scaled child care facilities are an integral part of a typical suburban neighborhood. The proposed facility will be compatible as to use, type and density, and will support and not undermine the existing stable residential neighborhood. The proposal is consistent with and furthers the goals of the Comprehensive Plan.

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

The stated purpose of R-1 zoning district is to provide for single family detached dwellings and to allow other selected which are compatible with the low density residential character of the district. The proposed child care use is consistent with this intent. Such uses are permitted in the R-1 district by special exception approval, a fact which recognizes both the low intensity of the use and the need for such uses to become a part of the fabric of residential neighborhoods due to the demand for accessible child care.

The proposed child care facility will have the vertical massing of a single story house; in fact, the gross floor area of 11,000 square feet is certainly not more than two single family homes that could be constructed on the site area of over two acres in the R-1 district. Therefore, the visual as well as practical impact on the zoning district will be minimal.

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 the 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.

The use will not have any adverse impact upon the use or development of adjacent or nearby land, nor will it impair the value thereof. The proposed use will be housed in a one-story structure surrounded with significant open space and buffers.

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.

Vehicular traffic, as stated, will be relatively minimal. Based on the square footage of the building, the daily trips would be 938, with the A.M. peak hour at 152 and the P.M. peak hour at 108. As such, neither the pedestrian or vehicular traffic will conflict with the existing neighborhood traffic patterns.

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

As shown on the Plat, the Applicant will provide landscaping and screening in excess of the Article 13 minimum requirements.

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

The proposed child care center will provide, as shown on the Plat, a total tree canopy coverage of 29,863 square feet, which is in excess of 33% of the Property.

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.

Adequate utility and drainage will be provided to the subject property in order to serve the proposed child care facility. As shown on the Plat, parking is more than adequate for the proposed use. The planned parking onsite will be well in excess of the required 5% interior parking lot landscaping.

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.

Signage shall be installed and maintained as required by Article 12.

The proposed child care facility will fill a significant demographic demand for accessible child care in this area. The use of a site in excess of two acres with significant transitional screening and green open space, will ensure that the use is compatible with the surrounding neighborhood.

In light of the foregoing, the applicant respectfully requests approval of this special exception. Please contact me if you have any questions, or require further information.

Very truly yours,



Michelle A. Rosati
Holland & Knight LLP

S6 NEWINGTON COMMUNITY PLANNING SECTOR

CHARACTER

The Newington Community Planning Sector is located west of Telegraph Road and Beulah Street and east of the industrial areas served by Cinder Bed Road and Backlick Road. The sector contains predominantly single family and townhouse residential developments. There is some housing on large lots along Telegraph Road, Accotink Road, and Beulah Street. The Mount Air Historic Overlay District is located east of Telegraph Road and Accotink Road between the Fort Belvoir Military Railroad and Newington Road/Snyder Road.

Extensive floodplains run from north to south and the eastern portion of the area contains former gravel-extraction sites. Two Virginia Electric Power Company easements cross this area.

Shirley Highway (I-95), Backlick Road, Newington Road, Telegraph Road, and Beulah Street provide access to the sector. The CSX Railroad also travels through the area, with a military railroad spur to Fort Belvoir.

Mount Air, a Greek Revival house built about 1760 with later additions, was located in this sector but was destroyed by fire in 1992. The Mount Air Historic Overlay District protects the remaining 19th century outbuildings and its landscaped environs by stressing the importance of careful site planning for all new construction. The Mount Air site is a significant heritage resource listed in the Fairfax County Inventory of Historic Sites. A list and map of heritage resources are included in the Springfield Planning District Overview section, Figures 4 and 5. Additional historic sites in this sector are also included in the inventory.

This sector has produced numerous significant and potentially significant heritage resources. Most of the Long Branch and Accotink Creek floodplains and adjacent uplands are possible locations for prehistoric and early historic period resources.

CONCEPT FOR FUTURE DEVELOPMENT

---The Newington Community Planning Sector is recommended to develop as Suburban Neighborhoods in the Concept for Future Development.

RECOMMENDATIONS

Land Use

The Newington Community Planning Sector is largely developed as stable residential neighborhoods. Infill development should be of a compatible use, type, and density and 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.

Figure 32 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. Infill development of the parcels south of Hunter Estates subdivision west of Telegraph Road, and east of the Fort Belvoir Military Railroad (e.g., the Raceway Farms subdivision in the vicinity of Blanche Drive) is planned for single-family detached houses at a maximum of four dwelling units per acre.
2. The small area (Tax Map 91-3((1))8A, 9A and ((4))1A, 1B, 2, 3) on the west side of Beulah Street, adjoined on two sides by the Windsor Park townhouses, is planned for residential development at 4-5 dwelling units per acre, with coordinated, safe access to Beulah Street.
3. Commercial development in the sector should be limited to those parcels planned and zoned for such use. [Not shown]
4. The Hunter Estates subdivision is planned for residential use at 1 dwelling unit per acre. As an option, expansion of Newington Park may be appropriate through acquisition of land on the eastern boundary of the park (Tax Map 99-4((1))18; ((3))1, 2, 3, 4, 5, 6, 7, 8, 9) through purchase in fee simple, easements, dedication, donation and/or other appropriate means. Land should be consolidated and acquired in a manner to provide for the expansion of Newington Park and the development of any unconsolidated parcels in conformance with the Plan recommendation for the Hunter Estates subdivision. If Parcels 7, 8, and 9 are acquired for the Newington Park expansion, these properties should remain in their natural state. It is desirable that an evaluation be undertaken to determine whether the relocation and conversion of the house on Lot 18 to a community center is needed or feasible.
5. The area east of Telegraph Road is planned for residential use at 1-2 dwelling units per acre and private open space use; development should be sensitive to the historic and environmental constraints in the area.
6. The approximately 35-acre tract (Tax Map 99-2((1))36, 99-4((1))32, 33) west of Telegraph Road and south of the Landsdowne development is planned for clustered, single-family detached residential use at 1-2 dwelling units per acre. The marine clay located on the steep slopes of Parcel 36 should be avoided. Land for a public park, adjacent to existing parkland, should be provided.
7. The Lehigh Area is bounded by Beulah Street on the east, the Long Branch of Accotink Creek on the west, the Amberleigh subdivision on the north, and the Hunter Estates subdivision on the south (see Figure 33). The following general policies apply to development in the Lehigh Area which is north of and does not include the Hunter Estates subdivision:
 - Promote a balanced planned development community that will serve as a showcase community and future focal point of the County.
 - Plan residential densities within the planned development community to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. A balanced mix of housing types is encouraged in order to promote diversity and avoid the excessive development of one type of dwelling unit. A broad range of affordable

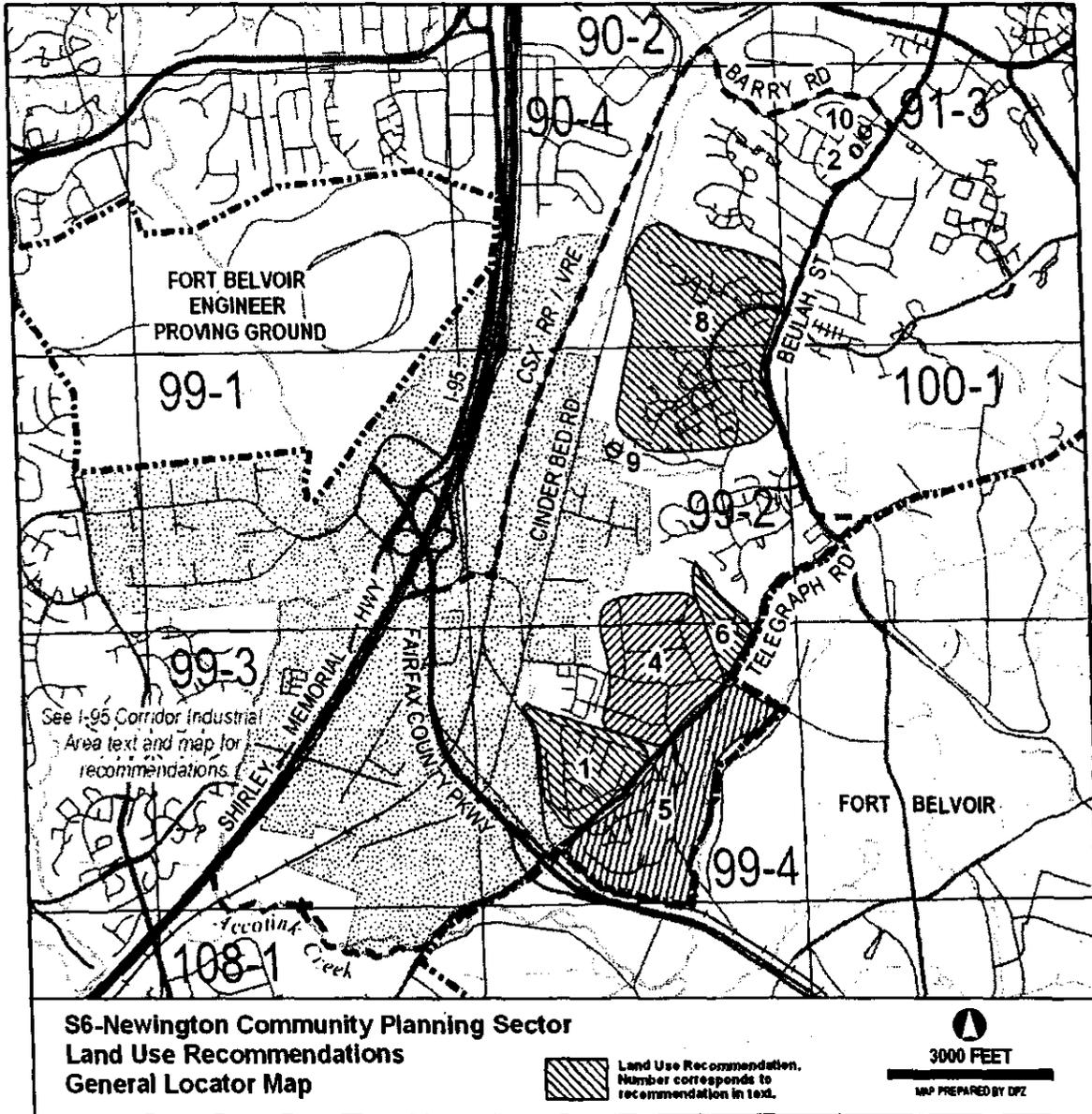
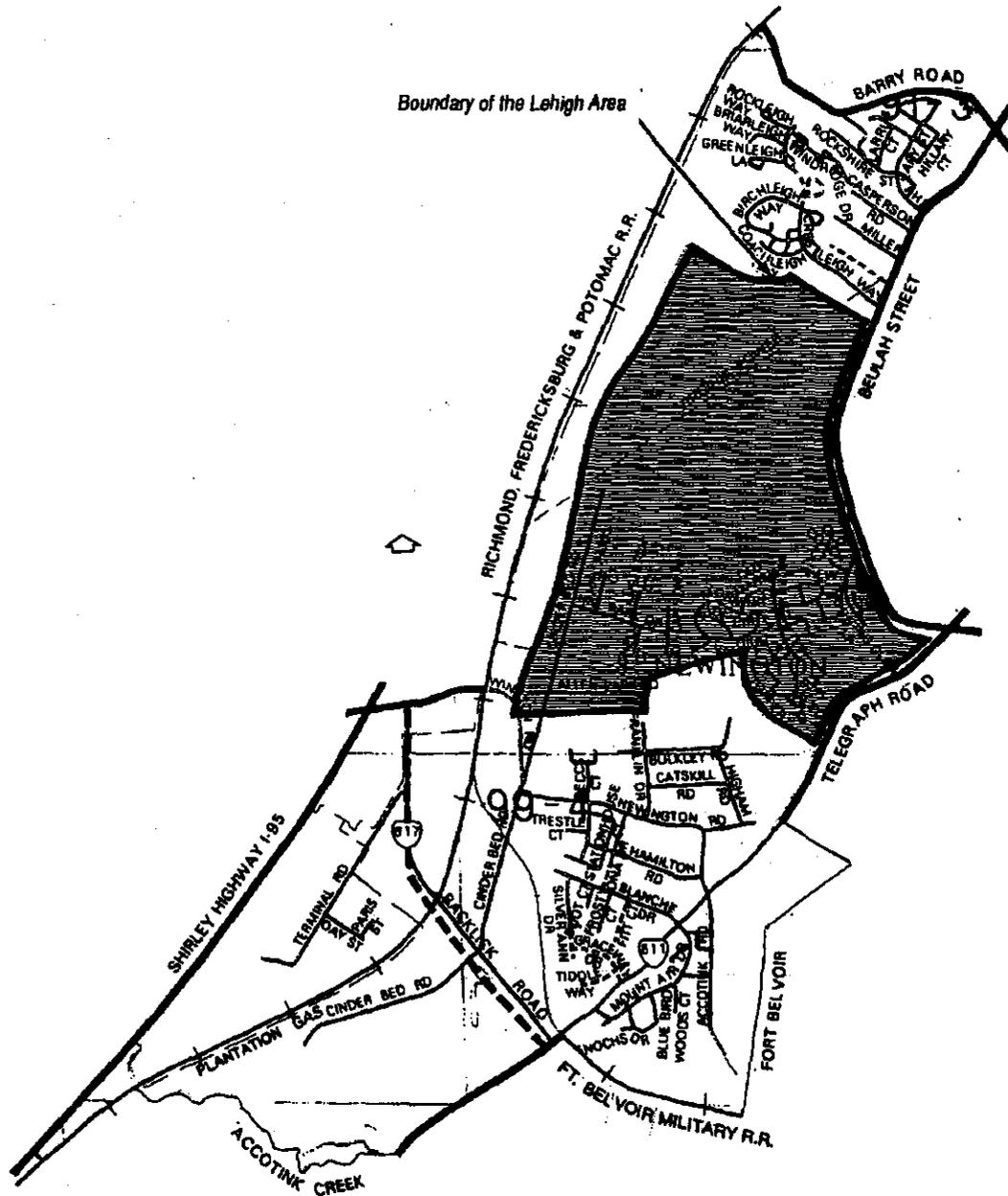


FIGURE 32



LEHIGH AREA FIGURE 33

dwelling units that meets the needs of all ages, family sizes and income levels should be provided. At any given time the level of residential development should be related to the densities and character of adjoining properties, as well as transportation and environmental constraints.

- Compatible land use and streetscape design should occur throughout any development.
- Protect stable adjoining neighborhoods through use of compatible densities, unit type, design or natural features (e.g., trees, topography) which effectively screen or buffer incompatible or adverse uses. Developers should provide transitions using single-family houses.
- Encourage creation of neighborhood areas that exhibit a distinct character with clearly defined boundaries and setbacks to provide a unique sense of identity. Clustering of residential neighborhoods should be planned in order to accomplish this objective, as well as promote usable open space within a reasonable walking distance.
- Ensure that the necessary public facilities are in place prior to the completion of residential or commercial development. Public parkland dedication and parkland facilities should be provided in accordance with requirements and standards set by the County Park Authority.
- Any phased development techniques, if used, should plan the arrangement and relationship of uses, buildings, streets, and other permanent elements so as not to preclude future alternative development considerations to achieve an overall coherent design.
- Development must avoid areas of low stability, such as slopes composed of marine clay, unless thorough engineering and geotechnical reviews can overcome the severe conditions.
- Soil engineering studies are necessary to determine the uniformity of the material and the degree of compaction in areas of former gravel pits and fill soils.
- Retain forest cover to the greatest extent possible throughout the site, not only for visual buffers and wildlife habitat, but also to help prevent excessive stormwater runoff and erosion.
- Before development occurs, areas suspected of containing toxic substances should be thoroughly tested to determine the contents of the groundwater and soil. If contamination at potentially detrimental levels is found, exhaustive measures should be taken to eliminate the source(s) of the contamination or to prevent development within contaminated areas.
- Prevent development from increasing downstream drainage problems that may impact off-site locations. Adequate stormwater detention or retention facilities should be incorporated into development plans.

- Promote a complete network of hiking, biking, and riding trails to be incorporated into the development plan for the area. Facilities should be provided for safe and convenient pedestrian access to and from residential neighborhoods and commercial areas. This network should also provide for access through EQCs and other open space areas and for exercise and recreational use.
- Encourage development to take into account the opportunities for energy-conscious design, such as proper solar orientation of buildings.
- Incorporate land use design techniques which effectively minimize noise and enhance vistas and other visual amenities. Development should consider the potential negative impacts of the high voltage transmission lines that pass through the area. Vegetative buffers and screening should be provided where aesthetically sensitive uses cannot avoid being located within sight of easements.
- Dedicate all rights-of-way necessary to accommodate planned transportation improvements.
- Construct improvements which are necessary to accommodate development-generated traffic, particularly at locations adjacent to the site where new or expanded access points are provided onto existing roads.
- Contributions toward resolving area road problems by performing construction or pre-construction activities on other roads in the area, or through financial contributions for such improvements, are needed to support higher intensity developments.
- Needed transportation facilities should exist prior to completion of each phase of development to satisfactorily accommodate the anticipated traffic of each phase.
- Provide plan designs that create safe and harmonious vehicular and pedestrian access, especially in areas where high vehicular traffic volumes may exist.
- Promote alternative transportation strategies, including more use of public transportation, ride-sharing, car/van pooling, shuttle service, and satellite parking, among others.
- Provide improvements for individual entrances to neighborhoods and major development areas, including appropriate deceleration and storage lanes.
- Provide the minimum number of controlled access points to the surrounding street system to sufficiently disperse site-generated traffic and provide multiple access routes where applicable.
- Design neighborhood road systems to accommodate bus feeder routes to Metro stations.
- Virginia Department of Transportation and Fairfax County design standards must be satisfied.

8. Tax Map 90-4((1))17 and the Island Creek subdivision (Tax Map parcels 90-4((11)) and 99-2((10))) are planned for residential use at 3-4 dwelling units per acre. Development should provide for extensive buffering between the industrial and residential areas as well as provide for the eventual reclamation of former gravel extraction sites in the area and adhere to the general policies for the Lehigh Area.

Any development in this area should be carefully designed to be well-buffered from adjacent areas. Reclamation should increase its visual character and open space desirability through earth berming, runoff retention ponding, plantings, and other measures. Development should consist of a planned community with a variety of dwelling unit types, large open spaces, and amenities. Access to Beulah Street should align with the Kingstowne Village Parkway and connect to Morning View Lane in the Landsdowne subdivision. The Joseph Alexander Transportation Center and the Franconia-Springfield Parkway connection to Beulah Street will make the area more accessible to mass transit.

9. Parcel 24 (Tax Map 99-2((1))24) contains severe environmental constraints including steep slopes, poor soils, and floodplain associated with a tributary. Single-family residential development at 3-4 dwelling units per acre may be appropriate provided the following conditions are met:

- Vehicular access should only be via Morning View Lane;
- Preservation of the Environmental Quality Corridor both on Tax Map 99-2((1))24 as well as in conjunction with access via Morning View Lane;
- Maximization of tree save areas, especially on steep slopes;
- Compatibility with the adjoining communities of Island Creek and Landsdowne;
- Suitable buffering adjacent to the Landsdowne and Island Creek communities.

Two adjacent parcels, Tax Map 99-2((1))18 and 19 may be developed for single family attached residential use at 3-4 dwelling units per acre if they are consolidated and subdivided such that their development can be integrated with the approved single family residential development on Tax Map 99-2((1))24, and if all vehicular access can be obtained through parcel 24 to Morning View Lane. Development at this density would be subject to all of the applicable development conditions outlined for residential use on Parcel 24.

As an option, parcels 99-2((1)) 18, 19 may be appropriate for single-family attached residential use at a density of 4-5 du/ac. Some of the industrial zoned parcel 99-2((1)) 17 may also be considered under this option. The following conditions should be met:

- Consolidation of parcels 18, 19 is achieved, with any portion of parcel 17 that is included dedicated to open space. The open space should include amenities for passive recreation such as benches and trash receptacles, with trees and other vegetation located along the periphery to screen the adjacent industrial development;
- A 6 foot masonry wall is placed along any property line abutting industrial use;

- A commitment is made to restrict residential development to parcels 18 and 19 and the maximum number of units does not exceed 13;
- Sensitivity to environmental constraints of the property is demonstrated through appropriate measures to mitigate the presence of slippage prone soils;
- The residential development is integrated with the Hawthorne subdivision with access through the subdivision to Morning View Lane. Access to Cinder Bed Road is prohibited; and
- The architectural type, style and elements of the homes constructed are compatible with the existing homes in the Hawthorne subdivision.

If residential development is not achieved, Tax Map 99-2((1))18 and 19 may be developed for industrial use up to .25 FAR. Vehicular access to Parcels 18 and 19 should be provided through Parcels 17 or 20. It is recommended that Parcels 18 and 19 consolidate with Parcel 17. The existing 50-foot access easement for Parcel 24 to Cinder Bed Road should not be utilized. Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use.

10. Parcels 91-3((1)) 2, 3, 4, 5, 6; ((3))29, 30 to the west of Beulah Street and south of Windsor Avenue are planned for residential use at 1-2 dwelling units per acre. As an option these parcels may be considered for residential use at 3-4 dwelling units an acre provided that parcels are consolidated and access is provided via Windsor Avenue.

Transportation

Transportation recommendations for this sector are shown on Figures 34 and 35. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.

Heritage Resources

Mount Air Historic Overlay District lies within this sector. The provisions of the Mount Air Historic Overlay District can be found in Appendix A, A1-1200 of the Zoning Ordinance. The Mount Air historic mansion was destroyed by fire in 1992. However, the site of the residence, related outbuildings, and surrounding site vegetation have been maintained and preserved, and the Fairfax County Park Authority has interpreted it to reflect the 19th century character of the site. In addition to the use of restrictive easements or revolving funds to help protect the Mount Air site and grounds, development on adjacent sites should be oriented to complement the historic site and grounds and provide the necessary landscape buffer zones to effectively reduce adjoining architectural and traffic impacts.

The house ruins, outbuildings, and gardens all form the site complex, and all of these elements are protected and interpreted. All alterations or development within the historic overlay district must be reviewed by the Architectural Review Board.

APPENDIX 3

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:

1. 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.
2. Child care facilities should be located and designed to ensure the safety of children.
3. 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.
4. 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.
5. 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.
6. Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above.



County of Fairfax, Virginia

MEMORANDUM

April 30, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PNH*
Environment and Development Review Branch, DPZ

SUBJECT: Environmental Assessment: SE 2008-LE-030
Beulah Street Child Care Center

This memorandum, prepared by Maya Dhavale, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the revised Special Exception Plat dated April 10, 2009. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony with Plan policies.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on pages 7 through 16, the Plan states:

- “Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**
- Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements.
- Policy b. Update BMP requirements as newer, more effective strategies become available. . . .
- Policy h. Protect water resources by maintaining high standards for discharges from point sources. . . .

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. . . .
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way. . . .”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County’s remaining natural amenities.

Tree Cover/Tree Save/Vegetation Buffer

Issue: The site must be extensively cleared and graded, and during this process many trees will be removed. The applicant is not able to meet tree preservation targets. The applicant is also requesting a waiver of the planting area requirements along the southern and western edge due to existing utility easements and proposed grading in lieu of the landscaped areas.

Resolution: The existing tree cover on the site is of poor quality and the applicant proposes to save the existing vegetation to the greatest extent possible while replanting with native and non-invasive species to replace removed vegetation. Staff recommends that the applicant work with Urban Forest Management staff in providing a higher percentage of tree cover.

Stormwater Management

Issue: The applicant has changed the type of facility from the wet pond previously proposed to a dry, extended storm water facility. The location of the facility has the potential to be of concern as it is near the play area and on the higher portion of the property. The applicant has also not provided all of the needed calculations for evaluation.

Resolution: The applicant should coordinate with the Department of Public Works and Environmental Services (DPWES) to determine the adequacy of this type of facility, and the proper location of the facility. Staff recommends investigating the possibility of low impact development (LID) techniques or non-structural controls on the property. Any stormwater/best management practice facilities will be subject to review and approval by DPWES staff.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan depicts a major paved trail on either side of Beulah St. A six-foot wide asphalt trail was installed by VDOT on Beulah St. on the opposite side from the subject property which addresses the trail requirement. However, the proposed concrete sidewalk on the frontage on Beulah St. on the subject property should be a minimum of five feet wide.

PGN: MPD



County of Fairfax, Virginia

MEMORANDUM

DATE: April 30, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division

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

SUBJECT: Transportation Impact

FILE: 3-5 (SE 2008-LE-030)

REFERENCE: SE 2008-LE-030; Beulah Street Day Care
Traffic Zone: 1571
Land Identification: 91-3 ((1)) 23

The following comments reflect the position of the Department of Transportation, and are based on the Special Exception Plat revised to April 10, 2009. The applicant is seeking approval to establish a day care facility for 190 students. Due to the mid-block location of the use and the need for a significant number of site-generated trips to make a U-turn on Beulah Street, *the Department of Transportation strongly recommends denial of the request.*

Beulah Street is a significant north-south roadway for commuter traffic. Many larger sized vehicles such as full size pick-up trucks can not make a U-turn on a four lane divided roadway such as Beulah with out backing or driving over the curb on the opposite side of the roadway. In addition, the lack of a deceleration lane into the site will significantly disrupt the traffic flow on Beulah during both the a.m. and p.m. peak drive periods. On-site circulation is very limited, and required facilities such as recycle and dumpster pads which are not delineated on the plat will further reduce the function space on the site.

Trip Generation

The site is zoned at one dwelling unit per acre. If the site has adequate site frontage on Beulah Street, two residences could be developed. Based on data published by the Institute of Transportation Engineers, two residences would generate approximately vehicle 20 trips per day and two trips during the a.m. and p.m. peak hours of adjacent street traffic. The proposed child

Regina Coyle, Director
Zoning Evaluation Division
April 30, 2009
SE 2008-LE-030
Page 2 of 2

care facility is expected to generate approximately 145 trips during the a.m. peak and 130 trips during the p.m. peak. Note that of these trips, it is anticipated that at least 75 vehicles in the a.m. peak will need to make U-Turn movements on Beulah Street in order to access the site.

Should the application be approved, the following concerns should be addressed prior to approval:

1. A right turn lane should be provided into the site.
2. The applicant should demonstrate that adequate queuing length exists on-site for parents arriving to pick up or drop off children.
3. Because of the limited on-site space for trash and recycling dumpsters and the truck access limitations, the dumpsters and truck circulation to the dumpsters should be delineated on the plat.
4. Because of the limited on-site space, required loading spaces should be delineated on the plat.
5. Pedestrian access into the site [a sidewalk entry] should be provided between the building entrance and the sidewalk along Beulah Street.
6. Proposed on-site pedestrian walkways should be delineated. The plat does not delineate any pedestrian walkways.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

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

DAVID S. EKERN, P.E.
COMMISSIONER

December 10, 2008

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2008-LE-030, 7420 Beulah Street, Day Care
Tax Map No.: 091-3 /01/ /0023

Dear Ms. Coyle,

This office has reviewed the special exception plat relative to special exception application 2008-LE-030 and offers the following comments.

The application has been filed for a child care center with an enrollment of 190 students.

Access along Beulah Street will be restricted to right turn in/right turn out. A right turn deceleration lane should be constructed in lieu of a taper.

For additional information please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver



County of Fairfax, Virginia

MEMORANDUM

May 27, 2009

TO: St Clair Williams, Senior Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jessica Strother, Urban Forester II
Forest Conservation Section, UFMD, DPWES

SUBJECT: Beulah Street Day Care, SE 2008-LE-030

RE: Your Request for Comments and Recommendations

This review is based on the Special Exception Plat, (SE Plat) stamped as received by the Department of Planning and Zoning on April 10, 2009. Previous comments were forwarded to you in 2008 in connection with an earlier design and proposal. In mid-April of 2009, the Applicant submitted an application to the Urban Forest Management Division (UFMD) for a deviation to the new tree conservation ordinance as it affects this latest proposal. It was determined that this application was premature and not necessary at this time.

Description of Site, Forest and Trees

The subject property is a 2.5 acre tract that fronts on Beulah Road and is located in the Accotink Creek Watershed. A Dominion Power overhead utility exists in the far southeastern corner of the site, and 10-foot wide sanitary lateral easement in the southern end of the property. There is an existing wooden stable in the southwestern corner of the site.

The property is a partially wooded tract that is completely fenced, and appears at one time to have had horses stabled there. Some of the trees, but not the majority, have been impacted either by horses and or human activity. The forest species consist mainly of hickory, oak species and red maple and are found mostly in the central and western sections of the site. These trees are an average of 18 inches dbh. A large fruit tree is growing on the shared property line to the south. Grassland remains in the unforested sections, and a number of invasive plants exist on the site.

- 1. Comment:** The proposed site design and layout does not seek to maximize the preservation of existing trees, some of which are healthy and an asset to the site and community. The proposal does not address the intent of the current tree preservation target framework, as part of the current tree conservation ordinance. The Fairfax County Comprehensive Plan, Springfield Planning District, S-6 Newington Planning Sector Land Use Recommendations on Page 70 state: "Retain forest cover to the greatest extent possible throughout the site, not only for visual buffers and wildlife habitat, but also to help prevent excessive stormwater runoff and erosion."



Recommendation: Re-evaluate the design and layout of the development proposal to address and maximize the preservation of healthy trees on this site. An earlier proposal appeared to achieve more tree preservation. In the process of re-evaluation the following will be helpful:

- Some trees were not included in the tree survey and should be. Include all trees, even if they may not be preservable due to their health or their location.
- Some of the trees noted in poor or moderate condition, may have had their condition status under-rated. This may be understandable due to some differences in professional urban foresters/arborist's opinions and ratings on tree condition assessments. Re-evaluate, and make any changes, where applicable.
- The submitted tree preservation deviation request does not appear to be applicable in light of the noted design and layout concerns. Provide the tree preservation target calculations.

Any changes to the limits of clearing and grading must be reflected on the (SE Plat).

2. **Comment:** There are a number of existing easements on the subject property. These include a private sanitary lateral which appears to remain, an overhead Dominion Power utility easement and an encroachment easement in the form of a driveway. These easements will affect tree preservation as well as planting and screening.

Recommendation: Clarify the status of what will happen with these easements and show that on the SE Plat.

3. **Comment:** There is missing or incorrect information regarding interior parking lot landscaping, transitional screening and tree cover calculations.

Recommendation: The following revisions need to be addressed on the SE Plat and landscape plan:

- Provide the interior parking lot calculations. The tree cover calculations need to be expanded to clarify how the 20,000 square feet of tree cover/plantings are being provided
- The deduction for the dedicated right-of-way may not be allowable in the tree cover calculations. Coordinate with UFMD on this issue.
- The barriers are missing for the required transitional screening yards.



4. **Comment:** The subject property would benefit from native landscaping shrubs and perennials provided around the proposed day care center. Additionally, the dry pond should have some native plantings of trees and shrubs in appropriate areas of the pond.

Recommendation: Revise the SE Plat and landscape plan to address these issues.

5. **Comment:** Once the Applicant has adequately addressed the needed tree preservation, landscaping and tree cover on the SE Plat, development conditions to address some of these issues will be recommended.

JGS/
UFMD# 141820





County of Fairfax, Virginia

MEMORANDUM

DATE: May 5, 2009

TO: St. Clair Williams, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2008-LE-030, 7420 Beulah Street,
Special Exception Plat dated April 10, 2009, LDS Project #6737-ZONA-
001-2, Tax Map #91-3-01-0023, Lee District

We have reviewed the subject application and offer the following comments:

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. No water quality control calculations were submitted.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

Yard flooding was reported at 6425 and 6403 Rockshire Road in the 1990s.

Stormwater Detention

The applicant proposes an on-site pond to meet the stormwater detention and BMP requirements. The following design details need to be verified by the applicant:

1. A restrictive planting easement needs to cover the entire embankment (PFM 6-1305.5). Some of the proposed vegetation seems to be within the easement.
2. The top of the embankment must be at least 12 feet wide (PFM Section 6-1605.6A(2)(a)). The plat shows about half of the required width.
3. The side of the embankment adjacent to the parking area has side slopes greater than 3H:1V (PFM 6-1606.1C).

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



4. A private sanitary lateral will not be allowed within the embankment (PFM 1605.3).
5. A storm drainage easement is requirement between the emergency spillway and an adequate drainage system (PFM 6-1602.7).
6. A 12-foot-wide all-weather access road to the pond is required (PFM 6-1306.3F).
7. The applicant will be required to provide a dam breach analysis during final engineering (PFM 6-1303.4).
8. The drainage areas to the pond are not shown (PFM 6-1603.2A).

Site Outfall

The downstream drainage system has not been analyzed in accordance with PFM 6-0203, for instance

- the extent of review is incorrect and
- a minimum of 3 channel cross-sections are required.

The post-development runoff calculations do not consider the pond's impact to the site's discharge (PFM 6-0203). The acreage used in the post-development calculations is not the site's acreage; it is the same acreage listed as the off-site acreage to the pond shown in the SWM checklist.

Concentrated discharge to an adjacent property must have a easement expressly authorizing the discharge (PFM 6-0202.5).

Please contact me at 703-324-1720 if you have any questions or require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

DATE: June 16, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Eric Fisher (246-3501)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Special Exception
Application SE 2008-LE-030

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #437, Kingstowne
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.





County of Fairfax, Virginia

MEMORANDUM

DATE: October 28, 2008

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. SE2008-LE-030
Tax Map No. 091-3-/01/ /0023

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

- The application property is located in the Little Hunting Creek (K) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMCCPCP).
- Based upon current and committed flow, there is excess capacity in the (NMCCPCP) at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
- An existing 8 inch line located on the property is adequate for the proposed use at this time.
- The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application Previous Rezonings</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Submain	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Main/Trunk	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Interceptor	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
Outfall	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

- Other pertinent information or comments:

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035-0052
Phone: 703-324-5030, Fax: 703-324-3946



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, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
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:

Number of Persons	Street Type
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.

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.

PEN 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.

PEN 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 PLAN: 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		