



APPLICATION ACCEPTED: July 9, 2009
PLANNING COMMISSION: March 25, 2010
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

MARCH 3, 2010

STAFF REPORT

APPLICATION PCA 82-P-084-02

PROVIDENCE DISTRICT

APPLICANT(S): Fathia H. Soliman d/b/a F.A.Z. Creative Education Center

ZONING: I-4

PARCEL(S): 29-4 ((6)) 94-B

ACREAGE: 28,305 square feet

DENSITY: 0.19 FAR

OPEN SPACE: 40%

PLAN MAP: Commercial or light industrial use up to .65 FAR

PROPOSAL: The applicant proposes to amend the approved General Development Plan (GDP) and associated proffers to permit a child care center, private school of general education and nursery school.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 82-P-084-02, subject to the draft proffers contained in Appendix 1.

Staff recommends that the barrier requirements along the eastern, southern and western boundaries of PCA 82-P-084-02 be modified to that shown on the plan.

Staff recommends that the peripheral and interior parking lot landscaping requirements be waived.

Brenda J Cho

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



Staff recommends approval of a waiver of the trail requirement.

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

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

The approval of this rezoning 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.

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.

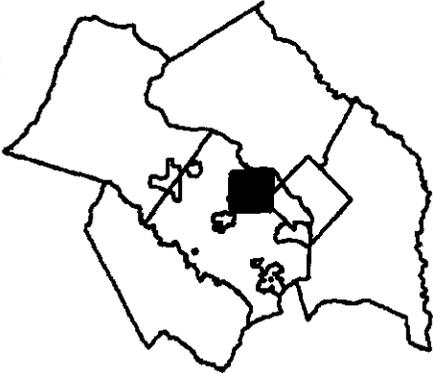
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Proffered Condition Amendment

PCA 82-P-084-02



Applicant:

FATHIA H. SOLIMAN D/B/A F.A.Z. CREATIVE EDUCATION CENTER

Accepted:

07/09/2009

Proposed:

AMEND RZ 82-P-084 PREVIOUSLY APPROVED FOR INDUSTRIAL DEVELOPMENT TO PERMIT MODIFICATION OF APPROVED PROFFERS

Area:

28,305 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect:

Located:

1776 OLD MEADOW ROAD

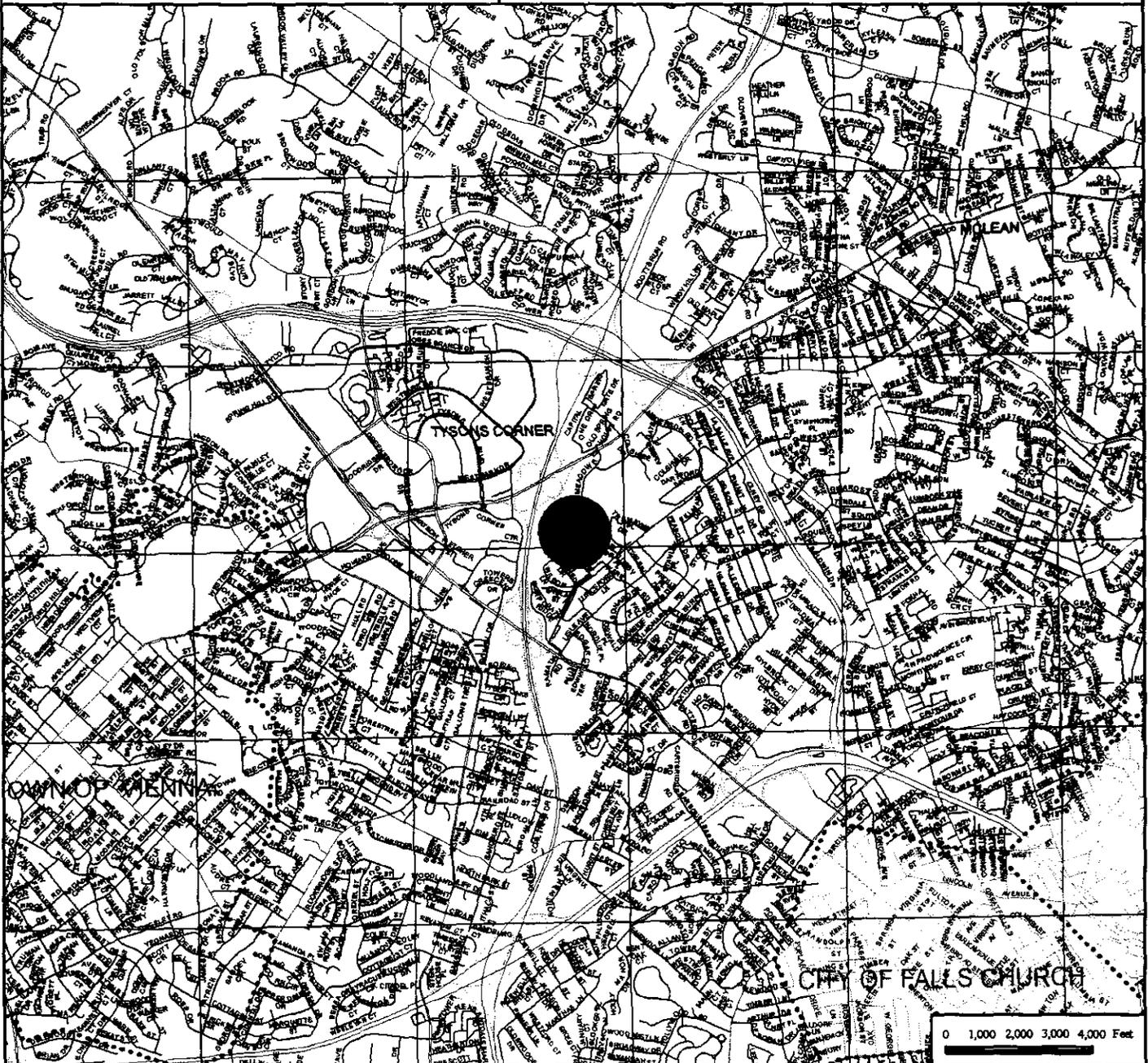
Zoning:

I-4

Overlay Dist:

Map Ref Num:

029-4 /06/ /0094B



Proffered Condition Amendment

PCA 82-P-084-02



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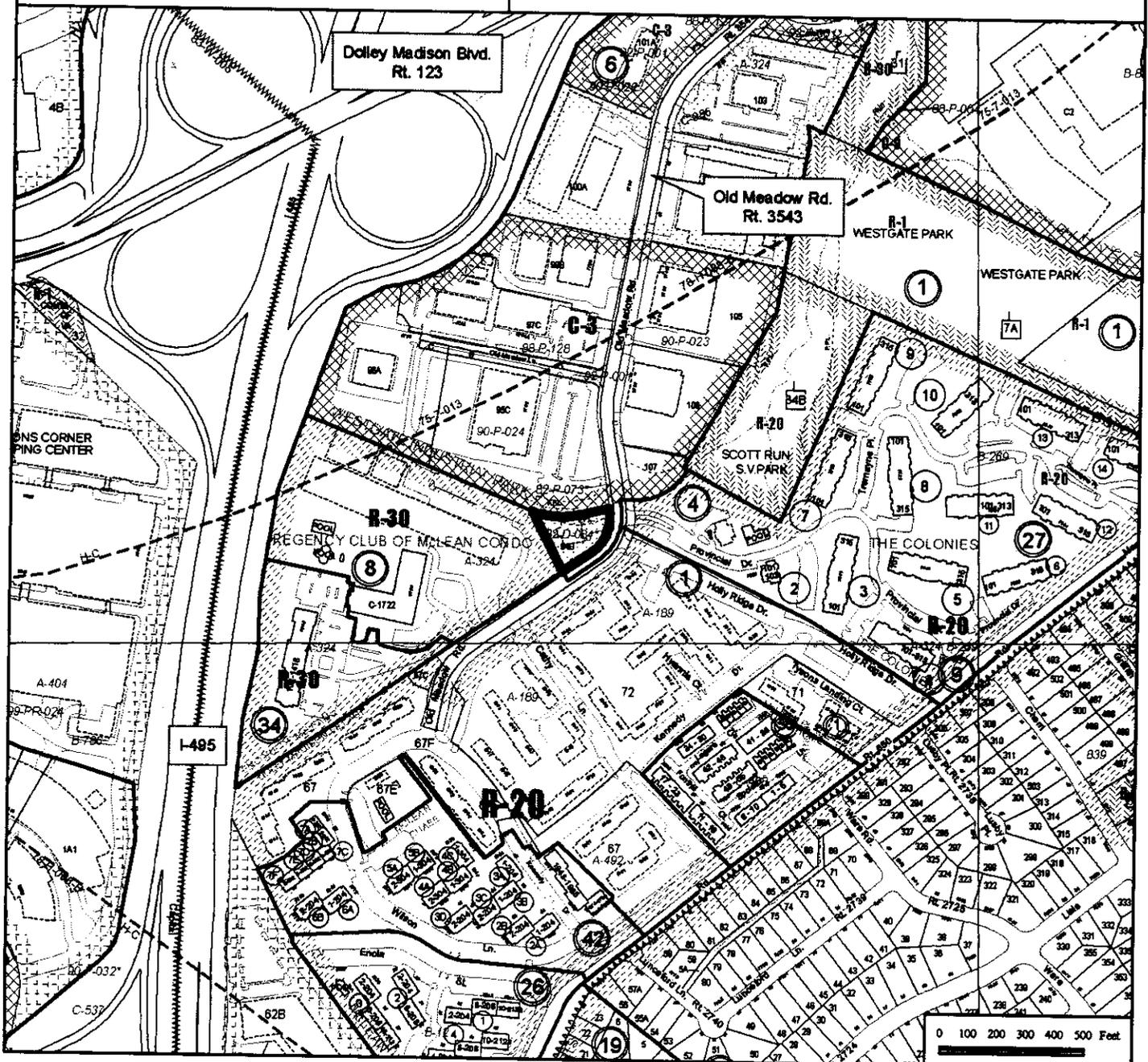
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I-4

Overlay Dist:

Map Ref Num:

029-4 /06/ /0094B



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

DESCRIPTION OF THE APPLICATION

The applicant, Fathia H. Soliman d/b/a F.A.Z. Creative Education Center, requests to amend the associated proffers for RZ 82-P-084, which were approved by the Board of Supervisors on September 11, 2000. Specifically, the applicant proposes to add three (3) additional permitted uses, including a child care center, private school of general education and nursery school. There is a child care center operating in the existing building, and no new construction is proposed for PCA 82-P-084-02. The proposed building addition and reconfigured parking lot (southern lot) from PCA 82-P-084 has not been built from the previously approved GDP. The hours of operation will be 7:00 a.m. to 6:30 p.m., Monday through Friday, and during the academic school year, an enrichment program on Sunday will be limited to 30 children from 10:00 a.m. to 12:30 p.m.

Waivers and Modifications

A reaffirmation of the previously granted modification of the barrier requirements is requested. In addition, a reaffirmation of the previously granted waiver of interior and peripheral parking lot landscaping requirements is requested. Finally, the applicant also requests a waiver of the trail requirement.

LOCATION AND CHARACTER

The subject site is located on Old Meadow Road near the intersection of Dolley Madison Boulevard and I-495 in a mixed residential and commercial use neighborhood of Tysons Corner. The subject site measures 28,305 square feet and is currently developed with a single-story office building that measures 5,334 square feet and 12 feet in height. The existing building, which was constructed in 1974, and more than half of the site are within the Resource Protection Area (RPA), according to the Fairfax County Chesapeake Bay Preservation Area Map. There is a play area that measures approximately 1,100 square feet in the northwest corner of the site. There are a total of 21 parking spaces on site in two separate parking lots, which are both accessible from Old Meadow Road. Each parking lot has a dedicated entrance and exit point, and the two (2) parking lots are separated by landscaping and grassland. There is approximately 3,320 square feet of existing tree coverage and approximately 10,000 square feet of maintained grasslands on the site.

The site is surrounded by the following uses:

Direction	Use	Zoning	Plan
North	Westgate Industrial Park (Commercial)	C-3	Commercial or light industrial; up to .65 FAR
South	Dolley Madison East & IV (Multi- family attached residences)	R-20	Residential; 20 DU/acre
East	The Colonies (Multi-family attached residences)	R-20	Residential; 20 DU/acre
West	Regency Club of McLean (Multi- family attached residences)	R-30	Residential; 20 DU/acre

BACKGROUND (See Appendix 5)

RZ 82-P-084 was approved by the Board of Supervisors on March 7, 1983, to rezone the site from the R-30 District to the I-4 District, subject to two (2) proffers, which limited the property to office use only and required one (1) loading space.

PCA 82-P-084 was approved by the Board of Supervisors on September 11, 2000, to amend the proffers for RZ 82-P-084 to permit a building addition and minor site modifications, as well as to permit additional permitted uses and delete a proffered loading space.

Under PCA 82-P-084, the applicant at the time amended the proffers for RZ 82-P-084 to permit a building addition and minor site modifications. Specifically, the applicant requested to amend the proffers to construct a 1,606 square foot building addition to an existing medical office building, which measures 5,334 square feet, and delete reference to one (1) loading space in the proffers. The applicant also proposed to expand the permitted uses of the building, which was previously limited to office use, to include establishments for scientific research, development and training, financial institutions, veterinary hospitals without boarding facilities or outdoor runs, and accessory service and accessory service uses as permitted by Article 10.

On April 22, 2009, and May 11, 2009, the Zoning Enforcement Branch (ZEB) inspected the application site for use of the building as a child care center, which is not a permitted use under the approved proffers. A letter of violation was issued by ZEB to the property owner, American Turkish Friendship Association, Inc., regarding the building's use. The property owner was cited for operating a child care center and was given fifteen (15) days to comply with the notice.

On June 29, 2009, the applicant, who is operating the child care center, filed a Proffer Condition Amendment (PCA) application to amend the proffers in order to permit a child care center.

On August 4, and August 10, 2009, ZEB issued additional Notices of Violation regarding the building's signage. On September 16, 2009, ZEB approved a ninety (90) day extension to resolve the use and signage violations by December 17, 2009. On November 5, 2009, the applicant requested a deferral of the compliance extension to March 2010 at the time when the Board of Supervisors would act upon PCA 82-P-084-02. ZEB approved the deferred extension. The applicant has since removed the signs in violation from the building.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area II
Planning Sector:	Tysons Corner Urban Center
Plan Map:	Commercial or light industrial use up to .65 FAR
Plan Text:	

According to the 2007 Edition of the Fairfax County Comprehensive Plan for Area II, Tysons Corner Urban Center, as amended through January 27, 2003, recommendations for Land Unit R include the following text on Pg. 144:

Sub-Unit R-2

Sub-unit R-2 is planned for research and development use, light industrial use, and office use with support retail and service uses up to an average .65 FAR for the Sub-unit, with a maximum intensity of 1.0 FAR on individual and/or groupings of parcels. The variation in intensity within this sub-unit is to encourage the development of nodes. Development with intensities up to 1.0 FAR should be concentrated north of Route 123 to encourage the creation of a development node in the portion of the sub-unit that is furthest from single-family detached residential neighborhoods and has substantial visibility from the Capital Beltway.

This flexibility is intended to encourage innovative design solutions for this area which offer significant opportunities to provide urban design amenities and better integrate development in this land unit. The Old Springhouse Road area is particularly suited to be designed as a major focal point if redeveloped so that future buildings related to a plaza with interconnections to the pedestrian system to the remainder of land unit, where appropriate. Also, the vacant land on the west side of Colshire Drive could provide a focal point through the grouping of buildings and site

design. Integration with surrounding areas through pedestrian linkages and urban design amenities should be provided.

Option Without Rail

As an option, residential use is appropriate on any portion of the sub-unit. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under Alternative Land Uses in the Area-wide Recommendations section.

Option with Rail

If a rapid rail station site is selected and programmed for design and construction in proximity to this sub-unit, mixed-use development with an intensity (for all nonresidential uses) up to 1.5 FAR is appropriate for the area within 1,000 feet of the station platform. Sites between 1,000 and 1,600 feet of the station platform are appropriate for mixed-use development up to 1.0 FAR (for all nonresidential uses). Compatible transitions of height, bulk and intensity to adjacent development should be provided within the 1,600 foot area. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under Alternative Land Uses in the Area-wide Recommendations section.

Height Limit: *Up to 150 feet north of Route 123 and west of Scotts Run, with the area east of Scotts Run up to 105 feet; and the area west of Scotts Run along Old Meadow Road up to 105 feet for the northern portion and up to 90 feet for the southern portion. Building heights at or near the top of the limit can be achieved if the result is more usable open space and/or improved pedestrian circulation. In addition, a variety of building heights should be provided in the sub-unit. (See the Building Heights Map, Figure 10, and Building Heights Guidelines.)*

If a rail station is to be located adjacent to that portion north of Route 123 and east of Scotts Run, building height could be increased from 105 to 150 feet. For the remainder of the sub-unit, if a rapid rail station site is located in proximity to this Sub-unit, maximum building heights within 1,600 feet of the station platform may increase up to 30%. All transit related height increases should be consistent with the Building Height Guidelines and the resultant height should not adversely impact the character and development of adjacent and nearby lands or neighborhoods.

ANALYSIS

Generalized Development Plan (GDP) (Copy at front of staff report)

Title of GDP: 1776 Old Meadow Road

Prepared By: Walter L. Phillips

Original and Revision Dates: December 7, 2009, as revised through January 12, 2010

GDP INDEX	
Sheet #	Contents
1	Proffered Condition Amendment Exhibit
2	Existing Vegetation Map/Tree Canopy Calculations
3	Landscape Plan – RPA Buffer
4	Landscape Notes and Details

Site Layout: The site measures approximately 28,305 square feet and is located along Old Meadow Road off Dolley Madison Blvd. near I-495. There is an existing single-story office building, which measures 5,334 square feet and is approximately 12 feet in height. A play area, measuring approximately 1,100 square feet, is behind the building in the northwest corner of the site. There are also two parking lots on site with a total of 21 parking spaces. There is an office building to the north, and a high-rise residential building to the west. Across Old Meadow Road, there are multi-family residential buildings.

The applicant seeks to amend the proffers to allow three (3) additional uses, including a child care center, private school of general education and nursery school. No new construction is proposed for the site. The hours of operation will be 7:00 a.m. to 6:30 p.m., Monday through Friday, and during the academic school year, an enrichment program for 30 children less than 12 years of age will be held on Sundays from 10:00 a.m. to 12:30 p.m. A maximum daily enrollment of 65 children is proposed.

Landscaping and Open Space: The applicant intends to retain most of the existing trees, grasslands and other plantings on site. Along the periphery of the northern and western property lines, there are clusters of mature trees, and there are several trees on the site. A green landscape strip lines the sidewalk along Old Meadow Road, and there are landscaped areas around the building. A large green area with trees separates the two (2) parking lots on site. The applicant proposes to plant additional deciduous and evergreen trees, as well as shrubs and grasses along the northern boundary of the site. The additional plantings will be utilized as a supplemental buffer for the RPA. There is approximately 40% of open space provided on site.

Parking and Access: There are two (2) existing parking lots on site, and each parking lot has a separate access point along Old Meadow Road. There is a walkway that connects the parking lots, but there is no vehicular connection

between the two lots. The parking lot to the south, which has seven (7) parking spaces, will be dedicated to employee parking only, and the parking lot to the northeast has 14 parking spaces and will be utilized for public parking and pick-up/drop-off. Currently, the northeast parking lot has 16 parking spaces but under this proposal, two of the spaces will be eliminated due to sight distance concerns. Under the applicant's proposal, there will be a total of 21 parking spaces on site. There is also an existing four (4) foot wide concrete sidewalk on the site along Old Meadow Road.

Land Use Analysis

The Comprehensive Plan states that the site is planned for "research and development use, light industrial use, and office use with support retail and service uses up to an average .65 FAR." The proposed additional uses of child care center, private school of general education and nursery school would be in conformance with the Comprehensive Plan text, and the FAR of the application property is currently 0.19.

The applicant currently operates a child care center in the existing building, which is not permitted under the approved proffers. Currently, the approved proffers permit offices, establishments for scientific research, development and training, financial institutions, veterinary hospital with no boarding facilities and accessory uses, and accessory service uses as permitted by Article 10 of the Fairfax County Zoning Ordinance. The application site is located within an existing building in the West*Gate office park with direct vehicular access from Old Meadow Road. In addition to the surrounding office buildings, there are multi-family residences to the south of the subject site. Given this location, staff believes that a child care center, nursery school and school of general education would complement the adjoining commercial and residential uses. The location of the child care center enables nearby residents and employees to walk to the site, which could cut down on daily trips to the site. Therefore, staff finds that the proposed child care center is in general harmony with the Comprehensive Plan, which recommends office and support services for this site.

Environmental Analysis

A large portion of the subject site is located within a Resource Protection Area (RPA) associated with the Scotts Run Watershed. The existing building, most of the parking spaces and the play area are all located within the RPA. The applicant did not originally install the play area, but has made improvements to the play area, which is located in the northwest corner of the subject site behind the office building. The applicant has applied for an exemption to the Chesapeake Bay Preservation Ordinance in order to retain the play area within the RPA. The playground is considered a passive recreation feature, and since it already exists on the site, there is no additional clearing proposed. In a letter

dated January 27, 2010, DPWES approved the requested RPA exemption (see Appendix 7). Staff believes the application for an exemption satisfies the issue.

It should be noted that as part of PCA 82-P-084, the applicant applied for the RPA exception with DPWES for the proposed building addition, which would not be approved until after the Board of Supervisors took action. After the application was approved, the RPA exception should have been completed, but, according to DPWES' records, the approval process was not finished by the applicant. The applicant has proffered to complete this RPA exception process prior to the site plan approval process for the new addition.

Other issues related to the stormwater management, water quality, and clearing and grading were addressed at the time of approval for PCA 82-P-084. Due to the lack of land disturbances proposed for the current application, there are no additional stormwater management requirements. Nevertheless, as part of this proposal, the applicant plans to provide additional RPA buffer plantings along most of the property's northern boundary. Additional plantings will include deciduous and evergreen trees, as well as shrubs and grasses. In this way, runoff from the developed portion of the site can be intercepted prior to reaching Scotts Run.

Issue: Stream Valley Trail

The Fairfax County Comprehensive Trails Plan identifies a stream valley trail along Scotts Run which borders the subject property to the north.

Resolution:

The applicant requests a waiver of the trail requirement due to the lack of new construction on site and the addition of RPA buffer plantings along the area of the recommended trail. The Fairfax County Park Authority (FCPA) and Fairfax County Department of Transportation (FCDOT) support the requested waiver due to the undesirable location of the trail and future trail proposed across the stream to the north (see Appendices 11 and 12). Staff does not object to the requested waiver.

Urban Forest Management Analysis (Appendix 14)

The applicant submitted statements of justification for the requested reaffirmation of the modification of the barrier requirements and waiver of peripheral and interior parking lot landscaping requirements of the site. No other issues have been identified.

Transportation Analysis (Appendix 13)

Issues: Number of Permitted Children

The applicant is currently licensed by the State to provide child care services for up to 75 children ages birth to 12 years. Staff feels that the number of permitted children should be reduced due to potential transportation impacts. Specifically, the site's location along a curved road with two one-way lanes raised concerns about possible issues with sight distance, queuing and daily trips during peak times.

Resolution:

In order to reduce the number of trips to and from the site, the applicant has proffered to limit the maximum number of permitted children to 65 children. Exclusive of infants less than 16 months old, the applicant has proffered that child care will only be provided to children who are concurrently enrolled in the nursery school or school of general education. The applicant has also proffered to stagger the arrival and departure of children to help minimize the impact of daily trips during peak hours. Specifically, the applicant proposes that arrival and departure times in 15 minute increments will be determined at the time of registration, and no more than ten (10) children will arrive at any one time. Carpooling will also be encouraged and coordinated by the applicant. While staff would encourage a further reduction in the number of permitted children, staff does believe that the applicant's commitments to manage drop off and pick up times through staggered increments and to coordinate carpooling will help address possible traffic impacts. Additionally, due to the location of the child care center near residential and office uses, staff believes that some anticipated vehicular trips will be substituted by pedestrian trips.

Issue: Parking and Entrance Design

The Fairfax County Department of Transportation (FCDOT) recommends that one (1) parking lot be dedicated to staff and the other parking lot be reserved for pick up and drop off to minimize queuing along Old Meadow Road. Additionally, the Virginia Department of Transportation (VDOT) notes that the proposed parking configuration along the northern entrance is unacceptable and does not meet fire access requirements. Additionally, VDOT recommended that both entrances along Old Meadow Road be upgraded to meet the current standards.

Resolution:

The applicant has proffered to dedicate the parking lot to the south of the building for staff use only, as noted on the GDP. Because parents will be using one entrance and exit to the site, the vast majority of the trips to and from the site will be confined to only one access point. Additionally, in order to address concerns about existing parking spaces too close to the site entrances, the two parking spaces near the entrance for the northern parking lot, as well as one parking space near the entrance in the employee (southern) parking lot will be

removed, as noted on the GDP. Also, the application will not be required to submit a site plan for this proposal, so the CG-11 standard entrances will not be required. Staff believes that these issues have been adequately addressed.

Public Facilities Analysis (Appendices 15 - 19)

In its analysis, Fire and Rescue noted that the existing building is 0.8 miles outside of current fire protection guidelines and that no new facility is currently planned for this area. No other public facility issues were identified with this application.

ZONING ORDINANCE PROVISIONS

I-4 District Bulk Standards		
Standard	Required	Provided
Lot Size	20,000 square feet	28,305 square feet
Lot Width	100 feet	Approx. 218 feet
Max. Building Height	75 feet	12 feet
Front Yard	Controlled by a 45° angle of bulk plane, but not less than 40 feet	Approx. 40 feet
Side	No requirement	N/A
Rear Yard	No requirement	N/A
FAR	.50	.19
Open Space	15% of the gross area shall be landscaped open space = 4,246 square feet	Approx. 40%
Parking Spaces*	Child care center = 14 spaces for 75 students, and private school of general education = 19 spaces	21 spaces
Barrier Requirements		
North (Industrial Park)	No requirement	Partial fence provided and trees
East (MFD)	Barrier H, which shall consist of one row of 6 foot trees averaging 50 feet on centers, such trees being a variety of types. This requirement may be omitted in cases where the building is 6 feet or less from the property line.	None
South (MFD)	Barrier H	Existing trees as depicted on the GDP
West (MFD)	Barrier H	Existing trees as depicted on the GDP

Transitional Screening Requirements		
North (Industrial Park)	No requirement	Existing trees as depicted on the GDP
East (MFD)	No requirement	Existing trees as depicted on the GDP
South (MFD)	No requirement	Existing trees as depicted on the GDP
West (MFD)	No requirement	Existing trees as depicted on the GDP

** For a child care center or nursery school, .19 parking space per child for a center or school which has a max. daily enrollment of 99 children or less is required; for a private school of general education, no less than one (1) space per faculty and staff member and other full-time employee, plus four (4) spaces for visitors is required*

WAIVERS AND MODIFICATIONS

Modification of the barrier requirements along the eastern, southern and western boundaries of the site be modified to that shown on the plan

The applicant requests a reaffirmation of the previously-granted modification of the barrier requirements to permit the existing chain link fence and trees on site. It should be noted that the subject property is also screened by the adjoining property's trees to the north and west. The applicant has noted that additional trees along the western and southern boundaries of the site would impair sight distance along the curved road. Since there are no changes proposed to the approved building footprint under this application, staff supports the requested modification.

Waiver of the peripheral and interior parking lot landscaping requirements

The applicant requests a reaffirmation of the previously-granted waiver of the peripheral and interior parking lot landscaping requirements to permit the existing landscaping and parking lot configuration on site. No changes are proposed to the site layout. As part of this application, the applicant proposes to plant additional trees, shrubs and grasses along most of the property boundary to the north in the RPA to help address potential water quality and erosion issues on site. However, the applicant notes that additional landscaping along the western and southern boundaries of the site could impair sight distance along this curved section of Old Meadow Road. For these reasons, staff supports the requested waiver.

Waiver of the trail requirement

As discussed in the Environmental Analysis, the applicant requests a waiver of the stream valley trail requirement. No new construction is proposed for the site but the applicant does propose to plant additional vegetation along the northern boundary of the site in order to provide a buffer to the RPA. However, this additional landscaping is proposed in the location of the trail. Furthermore, FCPA and FCDOT staff have stated that the location of the trail near the edge of the existing building and parking lot is not a likely or desirable place for the trail. Staff believes that the supplemental plantings, which will include trees and shrubs, will help improve water quality and erosion control on site and therefore supports the requested waiver.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

Staff finds that PCA 82-P-084-02 is in general harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of PCA 82-P-084-02, subject to the draft proffers contained in Appendix 1.

Staff recommends that the barrier requirements along the eastern, southern and western boundaries of PCA 82-P-084-02 be modified to that shown on the plan.

Staff recommends that the peripheral and interior parking lot landscaping requirements be waived.

Staff recommends approval of a waiver of the trail requirement.

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

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

The approval of this rezoning 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.

APPENDICES

1. Draft Proffers for PCA 82-P-084-02
2. Affidavit
3. Statement of Justification
4. Response on behalf of the applicant regarding RPA buffer plantings
5. PCA 82-P-084 Approved Plan and Proffers
6. Request for Exemption to the Chesapeake Bay Preservation Ordinance
7. DWPEs RPA Exemption Response
8. Statement of Justification for a Modification of the Barrier Requirement
9. Statement of Justification for a Waiver of the Peripheral and Interior Parking Lot Landscaping Requirements
10. Statement of Justification for a Waiver of the Trail Requirement
11. Fairfax County Park Authority Response to Trail Waiver Request
12. Fairfax County Department of Transportation Response to Trail Waiver Request
13. Transportation Analysis
14. Urban Forest Management Analysis
15. Fairfax County Public Schools Analysis
16. Fairfax County Park Authority Analysis
17. Sanitary Sewer Analysis
18. Fairfax Water Authority Analysis
19. Fire and Rescue Analysis
20. Glossary of Terms

DRAFT PROFFERS**FATHIA H. SOLIMAN D/B/A/ F.A.Z. CREATIVE EDUCATION CENTER****PCA 82-P-084-2****February 23, 2010**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Fathia H. Soliman d/b/a F.A.Z. Creative Education Center (hereinafter referred to as the "Applicant") for the owners, herself, and successors and assigns, in PCA 82-P-084-2, filed on property identified as Fairfax County tax map reference 29-4 ((6)) 94B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves this proffered condition amendment. These proffers shall be in addition to the previously approved proffers dated July 6, 2000, a copy of which is attached. Previously approved proffered conditions applicable to the Application Property that are not modified herein are hereby reaffirmed and shall otherwise remain in full force and effect.

1. GENERALIZED DEVELOPMENT PLAN

Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in conformance with the Generalized Development Plan ("GDP") containing one sheet and prepared by Gary D. Newlen of GDN Engineering Inc., dated July 26, 1999, and revised through November 15, 1999, and Proffer Condition Amendment Exhibit containing four (4) sheets and prepared by Walter L. Phillips, dated November 4, 2009 and

revised January 11, 2010 (the "PCA Exhibit"). Minor modifications to the GDP may be permitted as determined by the Zoning Administrator.

2. USES

- a. The development and use of the Application Property shall be limited to: offices, establishments for scientific research, development and training, financial institutions, veterinary hospitals with no boarding facilities, except as accessory to the medical treatment of animals, private schools of general education, nursery schools, child care centers and accessory uses and accessory service uses as permitted by Article 10.
- b. The following limitations shall be placed on private schools of general education, nursery schools, and child care centers:
 - i. The maximum combined daily enrollment of the uses shall be limited to sixty-five (65) children.
 - ii. Exclusive of infants (birth to 16 months), child care shall not be provided to any children who are not enrolled in the private school of general education or nursery school.
 - iii. Hours of operation shall be limited to 7:00 a.m. to 6:30 p.m., Monday through Friday. During the typical school year from September to June, one education enrichment program of no more than thirty (30) children (6 to 12 years of age) may be held between the hours of 10:00 a.m. and 12:30 p.m. on Sundays.
 - iv. Arrival and departure of children shall be staggered by establishing a specific arrival and departure time for each child upon

registration. Arrival and departure times shall be established in fifteen (15) minute increments and shall be sufficiently spaced to preclude no more than ten (10) children from arriving at any one time to minimize impacts on the surrounding road network. Should a concern arise regarding compliance with the staggered arrival and departure of children, records of scheduled arrival and departure times shall be made available to Fairfax County. The Applicant shall coordinate with Fairfax County to formulate a plan to ensure compliance.

- v. The age of children may range from infants to twelve (12) years.
- vi. All parking for staff, visitors and parents shall be on-site. Staff shall be required to park in the lot located at the southern corner of the Application Property as shown on the PCA Exhibit. Carpooling shall be coordinated by the Applicant, and shall be encouraged as a mechanism to minimize daily vehicular trips.

Proffers 3. through 9. are hereby reaffirmed

- 10. Prior to site plan approval for the new addition as shown on the GDP and the PCA Exhibit, an RPA Exception shall be submitted for review and approval by DPWES.
- 11. In conjunction with the use of the Application Property as a private school of general education, nursery school and child care center, additional plantings shall be installed in proximity to the northern property line as shown on the PCA

Exhibit. Said plantings shall be subject to review and approval by Urban Forest Management, DPWES, and the approved plantings shall be installed prior to the issuance of a Non-Residential Use Permit, or as soon as practical dependent upon weather conditions.

12. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and its successors or assigns.

13. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

{A0187086.DOC / 1 Draft Proffers 2-23-10 (cln) 006840 000002}

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/LESSEE OF TAX MAP 29-4 ((6)) 94B

By: Fathia H. Soliman

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF TAX MAP 29-4 ((6)) 94B

THE AMERICAN TURKISH FRIENDSHIP
ASSOCIATION, INC.

By: _____
Its: _____

PROFFERS

PROFFER CONDITION AMENDMENT (PCA 82-P-084-1)

July 6, 2000

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 29-4 ((6)), Parcel 94B (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Proffer Condition Amendment is granted. In the event said application request is denied, these proffers shall be null and void. These proffers shall supercede all previous proffers governing the development and use of the property. The Owners and Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The proffered conditions are:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance under which minor modifications to an approved Generalized Development Plan (GDP) are permitted, the development shall be in substantial conformance with the Generalized Development Plan containing one (1) sheet and prepared by Gary D. Newlen of GDN Engineering Inc., dated July 26, 1999, and revised through November 15, 1999.

2. The development and use of the property shall be limited to: offices, establishments for scientific research, development and training, financial institutions, veterinary hospitals with no boarding facilities, except as accessory to the medical treatment of animals, and accessory uses and accessory service uses as permitted by Article 10.

opportunities or reflect final engineering. Once the limits of clearing and grading are established, prior to any land disturbing activity, tree protection fencing consisting of a four foot (4') high 14 gauge welded wire fence shall be erected at the limits of clearing and grading as approved by the County Urban Forester. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Branch as part of the first site plan submission. The tree preservation plan shall include the tree survey submitted as part of the GDP and condition ratings for all surveyed trees. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching and fertilization. In the event any tree shown to be preserved on the tree preservation plan should perish as a direct result of the construction activity, the Applicant shall provide replacement plantings that yield equivalent tree cover, subject to the review and approval by the County Urban Forester.

6. In the event a waiver of the requirement for interior parking lot landscaping is approved by the Board of Supervisors as part of this application, the Applicant shall provide those trees and landscaping that would have been required by Section 13-201 of the Zoning Ordinance or other equivalent landscaping as determined by the County Urban Forester within the landscaped area generally dividing the two (2) parking areas shown on the GDP.

7. The general design, architecture, and materials used in connection with the approved building addition shall be compatible with the existing structure as determined by DPWES.

A&R GENERAL PARTNERSHIP

By: 
Name: Jacques Repibo
Date: 7/18/2000

\\TYS\5360\AUSTIN\PROFFERS-5.doc

##



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: February 2, 2010

TO: ✓ Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal *BR*
Office of the County Attorney

SUBJECT: Revised Affidavit
PCA 82-P-084-02
Applicant: Fathia Soliman, d/b/a F.A.Z. Creative Education Center
PC Hearing Date: 3/25/10
BOS Hearing Date: Not yet scheduled

REF.: 105302

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 1/26/10, which bears my initials and is numbered 105302d, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

DATE: January 26, 2010
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 105 302 d

in Application No.(s): PCA 82-P-084-02
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must 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)
Fathia H. Soliman d/b/a F.A.Z. Creative Education Center	1776 Old Meadow Road McLean, VA 22102	Applicant/Lessee
Agent: Fathia H. Soliman		
American Turkish Friendship Association, Inc.	3949 University Drive Fairfax, VA 22030	Title Owner/Lessor
Agents: Mustafa (nmi) Bozoklu Ercan (nmi) Keskin Mustafa (nmi) Akpinar		

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

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

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

Rezoning Attachment to Par. 1(a)

DATE: January 26, 2010
(enter date affidavit is notarized)

105 302 d

for Application No. (s): PCA 82-P-084-02
(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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Walter L. Phillips, Incorporated Agent: Jenifer L.T. Hornback Jeffrey J. Stuchel	207 Park Avenue Falls Church, Virginia 22046	Engineer/Agent

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

REZONING AFFIDAVIT

DATE: January 26, 2010
(enter date affidavit is notarized)

105302d

for Application No. (s): PCA 82-P-084-02
(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, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
American Turkish Friendship Association, Inc.
3949 University Drive
Fairfax, VA 22030

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)
A non-profit corporation with no shareholders

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

Board of Directors: Ercan (nmi) Keskin, Chairman, Emin (nmi) Halac, Treasurer, Yusuf (nmi) Cetinkaya, Secretary
Authorized Signatory: Ercan (nmi) Keskin, Mustafa (nmi) Akpinar

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.

Rezoning Attachment to Par. 1(b)

DATE: January 26, 2010
(enter date affidavit is notarized)

105302d

for Application No. (s): PCA 82-P-084-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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

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

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walter L. Phillips, Incorporated
207 Park Avenue
Falls Church, VA 22046

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)

Brian G. Baillargeon
Jeffrey J. Stuchel

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

REZONING AFFIDAVIT

DATE: January 26, 2010
(enter date affidavit is notarized)

105302a

for Application No. (s): PCA 82-P-084-02
(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, number, street, city, state and zip code)
None

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

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

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning 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.

REZONING AFFIDAVIT

DATE: January 26, 2010
(enter date affidavit is notarized)

105302d

for Application No. (s): PCA 82-P-084-02
(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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: January 26, 2010
(enter date affidavit is notarized)

105302d

for Application No. (s): PCA 82-P-084-02
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None

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

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

Lynne J. Strobel

[x] Applicant's Authorized Agent

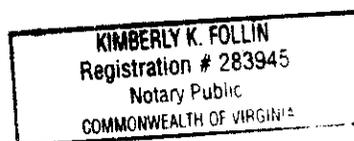
Lynne J. Strobel, attorney/agent

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

Subscribed and sworn to before me this 26 day of January, 2010, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011





Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

WALSH COLUCCI
LUBLEY EMRICH
& WALSH PC

November 5, 2009

Via Hand Delivery

Brenda Cho
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: PCA 82-P-084-02
Applicant: Fathia H. Soliman d/b/a F.A.Z. Creative Education

Dear Ms. Cho:

Please accept this letter as an amended statement of justification for the referenced application.

The Applicant is the lessee of approximately 28,305 square feet of property located on Old Meadow Road and identified among the Fairfax County tax assessment records as 29-4 ((6)) 94B (the "Subject Property"). The Subject Property is zoned to the I-4 District and surrounding uses include multi-family residential dwellings and offices. The Applicant proposes to use an existing building on the Subject Property as a private school of general education, nursery school and child care center.

The Subject Property has been zoned to the I-4 District since March 2, 1983 when the Board of Supervisors approved RZ 82-P-084. Most recently, on September 11, 2000, the Board of Supervisors approved PCA 82-P-084 to allow approximately 6,940 square feet of offices, establishments for scientific research, development and training, financial institutions, veterinary hospital and accessory uses and accessory service uses as permitted by Article 10 of the Fairfax County Zoning Ordinance. Improvements on the property consist of a single one-story building that was previously used as medical offices. The Fairfax County tax assessment records indicate that the existing building was constructed in 1974, and contains approximately 5,400 square feet. Twenty-four (24) parking spaces exist to serve the building. The building addition approved in 2000 has not been constructed. Private schools of general education, nursery schools and child care centers are permitted uses in the I-4 District, however, the proffers approved in conjunction with PCA 82-P-084 limit permitted uses to only those listed in the proffers. The Applicant proposes to simply amend the list of permitted uses in the proffers to allow a private school of general education, nursery school and child care center to be operated within the existing building. No additional improvements are proposed with this application.

The Applicant proposes to operate a children's learning center, that incorporates education and child care, to serve parents living in the adjacent multi-family residential

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA • 2200 CLARENDON BLVD., THIRTIETH FLOOR • ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

November 5, 2009

Page 2

developments, as well as parents who are working in the Tysons Corner area. The Applicant's location is ideal as it allows parents to drop their children off on the way to work, and to pick them up on the way home. This type of community serving use is envisioned by the existing Fairfax County Comprehensive Plan (the "Plan") and the goals of Fairfax County to minimize travel times and vehicle trips by its residents. The Subject Property is located within Land Unit R of the current Plan, and specifically within Sub-Unit R-2. The recommendations for Sub-Unit R-2 include support retail and service uses. The Applicant will provide a service to surrounding residents in a single building with square footage that results in a .19 FAR, which is well below the Plan recommendation of an average .65 FAR. The open space provided on the Subject Property at 40% is more than double the 15% requirement. The proposed use provides an appropriate transition between high-rise residential development and the more intense office development located to the north on Old Meadow Road and in proximity to Route 123. The Applicant has created a safe and convenient learning environment that serves Fairfax County residents.

Please accept the following information in conjunction with this request:

- The type of operation is a learning center that incorporates education and child care for children of various ages. The Applicant has created a welcoming educational environment that will primarily serve the needs of working parents living in proximity to the Subject Property.
- The hours of operation will be from 7:00 a.m. to 6:30 p.m. These hours will allow for the capture of vehicles already on the road as parents go to work and return home.
- The maximum number of children on-site at any one time will be seventy-five (75).
- The children may range in age from infants to twelve (12) years old.
- The estimated number of employees is fifteen (15).
- Traffic impacts will be minimized on Old Meadow Road as a result of staggered arrival and departure times. Parents begin to drop their children off at 7:00 a.m. and arrivals are staggered through the morning hours in accordance with individual work schedules. The same process is reversed in the afternoon with pick ups beginning at 3:00 p.m.
- The Applicant generally serves parents living within a five (5) mile radius of the learning center.

November 5, 2009

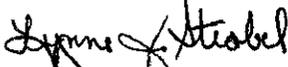
Page 3

The Applicant provides a valuable community serving use that is critical to working parents. It is ideal for parents to be able to leave their children in proximity to home and employment. The Applicant's proposal is not intrusive on the surrounding area, and is consistent with the intent of the prior proffers to eliminate the more industrial type uses that are permitted in the I-4 District. In fact, the Applicant's use is less intrusive than a number of the previously approved uses that includes a veterinary hospital. In fact, the use of the Subject Property as a learning center provides an appropriate transition between the existing multi-family residential developments located at the terminus of Old Meadow Road, and the office development that becomes more intense in proximity to Route 123. The use is also compatible with the surrounding residential development as there will be no activity on the Subject Property on the weekends when surrounding residents are more likely to be at home. The Applicant is not proposing to make any physical changes to the existing improvements.

Should you have any questions regarding this request, or require additional information, please do not hesitate to give me a call. As always, I appreciate your cooperation and assistance.

Very truly yours,

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


Lynne J. Stobel

LJS/kae

cc: Fathia Soliman
Jeni Hornback
Martin D. Walsh

{A0179390.DOC / 1 Revised Statement of Justification ltr 11-5-09 006840 000002}

WALTER L. PHILLIPS, INCORPORATED

Est. 1945

January 11, 2010

Ms. Lynne Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

Re: 1776 Old Meadow Road – RPA Buffer Plantings

Dear Lynne,

In response to a request to restore the buffer area that was previously disturbed by others within an existing Resource Protection Area (RPA) on the above referenced site, Walter L. Phillips, Inc. has included an RPA Buffer Landscape Plan (the "Plan") on the Proffer Condition Amendment Exhibit. The Plan provides a vegetated buffer along the entire northern boundary of the property adjacent to the stream. The Virginia Department of Conservation and Recreation (DCR) has recognized the value of landscaping in improving water quality as it provides for the biological uptake of nutrients, trapping of sediments, and infiltration and filtering of stormwater. Additionally, landscaping can assist in erosion control which is essential to improving water quality. The Plan, as designed, will improve water quality and control erosion on the application property.

The proposed Plan will filter stormwater runoff from the site and includes four native overstory trees, four native understory trees and a number of native shrubs and perennials in a mulched bed. The trees, shrubs and perennials listed are all appropriate for planting within RPAs and along stream banks, according to the Fairfax County PFM and the Virginia DCR. In addition, these native trees and shrubs have been chosen for their ornamental, wildlife and educational values and will enhance the children's playground area and provide a natural transition to the stream area and associated wildlife corridor.

207 Park Avenue
Falls Church, Virginia 22046
Telephone: (703) 532-6163
Facsimile: (703) 533-1301



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LAND SURVEYORS
PLANNERS
LANDSCAPE
ARCHITECTS

WALTER L. PHILLIPS, INCORPORATED
Founded 1945

Page 2

Overall, the site is developed at a level significantly below that allowed by the existing I-4 zoning. Development in this I-4 District requires 15% of the gross area as landscaped open space. The Applicant's proposal yields approximately 40% open space. This amount of open space, when coupled with the proposed vegetated buffer creates filtering opportunities for stormwater runoff before it reaches the stream, which ultimately leads to better water quality.

Should you have any questions or concerns, please feel free to contact us.

Sincerely,



Director, Planning & Urban Design



FAIRFAX COUNTY

Appendix 5

OFFICE OF THE CLERK
BOARD OF SUPERVISORS

12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

October 6, 2000

Gregory A. Riegler, Esquire
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102

RE: Proffered Condition Amendment
Number PCA 82-P-084

Dear Mr. Riegler:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 11, 2000, approving Proffered Condition Amendment PCA 82-P-084 in the name of A & R General Partnership, to amend the proffers for PCA 82-P-084 to permit expansion of a previously approved office development with an overall Floor Area Ratio of 0.245, on subject parcel 29-4 ((6)) 94B subject to the proffers dated July 6, 2000, consisting of approximately 0.65 acres located in Providence District.

The Board also:

- Waived the loading space requirements.
- Waived the transitional screening and barrier requirements.
- Waived the interior and peripheral parking lot landscaping requirements.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ds

Gregory Riegler
PCA 82-P-084
Page 2

cc: Chairman Katherine K. Hanley
Supervisor Connolly, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Thomas Conry, Department Manager - GIS - Mapping/Overlay
Robert Moore, Transportation Planning Division, Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Michelle Brickner, Director, Office of Site Development Services, DPWES
Bonds & Agreements, DPWES
Frank Edwards, Department of Highways - VDOT
Land Acquisition & Planning Division, Park Authority
District Planning Commissioner
Thomas Dorman, Director, Facilities Management Division, DPWES
Barbara J. Lipka, Executive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 11th day of September, 2000, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 82-P-084**

WHEREAS, A & R General Partnership filed in the proper form an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 11th day of September, 2000.



Nancy Vehrs

Clerk to the Board of Supervisors

PROFFERS

PROFFER CONDITION AMENDMENT (PCA 82-P-084-1)

July 6, 2000

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 29-4 ((6)), Parcel 94B (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Proffer Condition Amendment is granted. In the event said application request is denied, these proffers shall be null and void. These proffers shall supercede all previous proffers governing the development and use of the property. The Owners and Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The proffered conditions are:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance under which minor modifications to an approved Generalized Development Plan (GDP) are permitted, the development shall be in substantial conformance with the Generalized Development Plan containing one (1) sheet and prepared by Gary D. Newlen of GDN Engineering Inc., dated July 26, 1999, and revised through November 15, 1999.

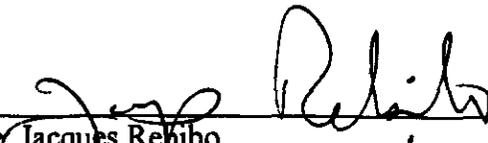
2. The development and use of the property shall be limited to: offices, establishments for scientific research, development and training, financial institutions, veterinary hospitals with no boarding facilities, except as accessory to the medical treatment of animals, and accessory uses and accessory service uses as permitted by Article 10.

opportunities or reflect final engineering. Once the limits of clearing and grading are established, prior to any land disturbing activity, tree protection fencing consisting of a four foot (4') high 14 gauge welded wire fence shall be erected at the limits of clearing and grading as approved by the County Urban Forester. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Branch as part of the first site plan submission. The tree preservation plan shall include the tree survey submitted as part of the GDP and condition ratings for all surveyed trees. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching and fertilization. In the event any tree shown to be preserved on the tree preservation plan should perish as a direct result of the construction activity, the Applicant shall provide replacement plantings that yield equivalent tree cover, subject to the review and approval by the County Urban Forester.

6. In the event a waiver of the requirement for interior parking lot landscaping is approved by the Board of Supervisors as part of this application, the Applicant shall provide those trees and landscaping that would have been required by Section 13-201 of the Zoning Ordinance or other equivalent landscaping as determined by the County Urban Forester within the landscaped area generally dividing the two (2) parking areas shown on the GDP.

7. The general design, architecture, and materials used in connection with the approved building addition shall be compatible with the existing structure as determined by DPWES.

A&R GENERAL PARTNERSHIP

By: 
Name: Jacques Rebibo
Date: 7/18/2000

\\TYS\360\AUSTIN\PROFFERS-5.doc



Lynne J. Strobel
 (703) 528-4700 Ext. 5418
 lstrobel@arl.thelandlawyers.com

WALSH COLUCCI
 LUBBLEY EMRICH
 & WALSH PC

December 7, 2009

Via E-Mail and U.S. Mail

Mr. James Patteson
 Director of Land Development Services
 Fairfax County Department of Public Works
 and Environmental Services
 12055 Government Center Pkwy., Suite 444
 Fairfax, Virginia 22035

Re: Chesapeake Bay Preservation Ordinance-Request for Exemption
 Section 118-5-3(a)
 Fairfax County Tax Map Reference: 29-4 ((6)) 94B
 Applicant: Fathia H. Soliman d/b/a/ F.A.Z. Creative Education Center

Dear Mr. Patteson:

Please accept this letter as a request for an exemption to the Chesapeake Bay Preservation Ordinance in accordance with Section 118-5-3(a).

The application property is identified among the Fairfax County tax assessment records as 29-4 ((6)) 94B (the "Subject Property"). The Subject Property is zoned to the I-4 District and surrounding uses include multi-family residential and office development. The Subject Property is currently developed with an existing building, and a proffered condition amendment has been submitted to the Department of Planning and Zoning requesting use of the existing building as a private school of general education, nursery school and child care center. A playground is located behind the existing building.

The Subject Property has been zoned to the I-4 District since March 2, 1983 when the Board of Supervisors approved RZ 82-P-084. The rezoning was approved prior to the adoption of the Chesapeake Bay Preservation Ordinance. The Fairfax County tax assessment records indicate that the existing building was constructed in 1974, contains approximately 5,400 square feet, and was formerly used as offices. Upon adoption of the Chesapeake Bay Preservation Ordinance, a portion of the Subject Property was designated Resource Protection Area (RPA). On September 11, 2000, the Board of Supervisors approved PCA 82-P-084 to allow a building addition that resulted in a total permitted development of 6,940 square feet. The proffers limited permitted uses to offices, establishments for scientific research, development and training, financial institutions, veterinary hospitals, and accessory uses and accessory service uses as permitted by Article 10 of the Fairfax County Zoning Ordinance. The building addition, that is shown to encroach within the RPA, has not yet been constructed, however, within a portion of the approved building footprint, a playground has been installed. The Applicant did not

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 COURTHOUSE PLAZA • 2200 CLARENDON BLVD., THIRTIETH FLOOR • ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

December 7, 2009

Page 2

originally install the playground, but has made improvements to it. The playground is located within the RPA, and this exemption request is filed to allow the existing playground to remain.

A playground fits within the definition of passive recreation found in Section 118-1-6 of the Chesapeake Bay Preservation Ordinance. Passive recreation is defined as recreational activities that are commonly unorganized and non-competitive. Examples include picnic tables, open play areas, where substantial clearing is not required, and tot lots. As the playground is existing on the Subject Property, no clearing is required. In addition, the existing area of land disturbance is only approximately 1,100 square feet. Lastly, the playground surface is mulch and therefore pervious, which is consistent with the water quality objectives of the Chesapeake Bay Preservation Ordinance. Again, I would note that a portion of the playground is within that area that was previously approved for the construction of an addition, and the Applicant's use is much less intrusive than the prior approval.

In accordance with the submission requirements, I would offer the following information:

- This exemption is the minimum area necessary to afford relief. The Applicant does not propose any expansion of an existing condition.
- The Applicant will not receive any special privileges that are denied to other property owners subject to the Chesapeake Bay Preservation Ordinance. The Chesapeake Bay Preservation Ordinance clearly provides for passive recreation amenities to be located within the RPA and the Applicant's use of the property is consistent with that definition.
- Given that passive recreation is specifically defined as an exemption, this proposal is in harmony with the purpose and intent of the Chesapeake Bay Preservation Ordinance. Further, it is not a substantial detriment to water quality as the surface is pervious and does not contribute to stormwater runoff.
- This request is not based upon circumstances that are self-created or self-imposed. The Applicant is using an existing building and the proposed use is consistent with an outdoor amenity feature.
- The Applicant is willing to agree to any reasonable and appropriate conditions that will prevent a degradation of water quality. Reasonable conditions may include that the play surface will remain pervious, and that there will be no further expansion of the playground without further approval by Fairfax County.

Should you have any questions regarding this request, or require additional information, please do not hesitate to give me a call. I have enclosed for your review and information, two (2) copies of a plat prepared by Walter L. Phillips, Inc. entitled "Proffered Condition Amendment Exhibit." The enclosed plat accurately delineates existing improvements as well as the playground located within the RPA. I have also enclosed a completed Exemption Request Form.

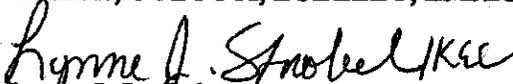
December 7, 2009

Page 3

As always, I appreciate your consideration.

Very truly yours,

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


Lynne J. Strobel

LJS/kae

Enclosures

cc: Jerry Stonefield
Brenda Cho
Fathia H. Soliman
Jeni Hornback
Martin D. Walsh

{A0181689.DOC / 1 Patteson ltr 12-7-09 006840 000002}



**CHESAPEAKE BAY PRESERVATION ORDINANCE
 WAIVER/EXEMPTION/EXCEPTION REQUEST FORM**
 (Requests that do not require a Public Hearing)

ASSOC PLAN #: _____ EXCEPTION/WAIVER # _____
 PROJECT NAME: F.A.Z. Creative Education Center DISTRICT: Providence
 TAX MAP AND PARCEL #: 29-4 ((6)) 94B
 OWNER/DEVELOPER/APPLICANT/AGENT/ENGINEER: Lynne J. Strobel, Agent
 ADDRESS: 2200 Clarendon Boulevard, 13th Fl., Arlington, Virginia 22201 PHONE: 703-528-4700

CHEFCO APPROVAL SECTION	COUNTY CODE REFERENCE	WAIVER/EXEMPTION/EXCEPTION HEADLINE
	118-3-2(f)(5)	Waiver - BMPs (general) [primarily for site and subdivision plans] \$690 Review Fee
	118-3-2(f)(7)	Waiver - BMPs (size or location constraints) [For single lot grading plans] \$160 Review Fee per lot
	118-3-2(f)(8)	Exemption - Maintenance, alteration, use or improvement to an existing structure or use. \$0 Review Fee
✓	118-5-3(a)	Exemption - Water wells, site amenities for passive recreation, historic preservation, and archeological activities. \$0 Review Fee
	118-5-4(a)	Exception - Loss of buildable area in RPA for Lots recorded prior to October 1, 1989, where encroachment does not extend into the seaward 50' of the RPA buffer area. \$160 Review Fee per Lot + \$340 Review Fee for WQIA
	118-5-4(b)	Exception - Loss of buildable area in RPA for Lots recorded between October 1, 1989 and November 17, 2003 where encroachment does not extend into the seaward 50' of the RPA buffer area. \$160 Review Fee per Lot + \$340 Review Fee for WQIA
	118-5-5(a)	Exception - Waive performance criteria for minor additions in RPA (Does not include accessory structures or uses.) to houses that were established (i.e. RUP issued) prior to July 1, 1993. \$160 Review Fee per Lot + \$340 Review Fee for WQIA
	118-5-5(b)	Exception - Waive performance criteria for minor additions in RPA (Does not include accessory structures or uses.) to houses that were established i.e. (RUP issued) between July 1, 1993 and November 17, 2003. \$160 Review Fee per Lot + \$340 Review Fee for WQIA

LETTER OF JUSTIFICATION ATTACHED

Address how approval of the proposed request:

- i) Is the minimum necessary to afford relief.
- ii) Will not confer upon the applicant any special privileges that are denied by the Chesapeake Bay Preservation Ordinance (CBPO) to other property owners who are subject to the CBPO provisions and who are similarly situated.
- iii) Is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality.
- iv) Is not based upon conditions or circumstances that are self-created or self-imposed.
- v) Will implement reasonable and appropriate conditions that will prevent the activity from causing a degradation of water quality.

WATER QUALITY IMPACT ASSESSMENT (WQIA) ATTACHED - Required for all exception requests under § 118-5-4 and § 118-5-5. Include WQIA in letter of justification or plan.

Include all of the following elements:

- i) Display the boundaries of the RPA.
- ii) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems.
- iii) Provide justification for the proposed encroachment into and/or impacts to the RPA.
- iv) Describe the extent and nature of any proposed disturbance or disruption of wetlands.
- v) Display and discuss the type and location of proposed best management practices to mitigate the proposed RPA encroachment and/or adverse impacts.
- vi) Demonstrate the extent to which the proposed activity will comply with all applicable performance criteria of the Chesapeake Bay Preservation Ordinance.

APPLICANT/AGENT SIGNATURE: Lynne J. Strobel DATE: 12/2/09

Submit two (2) copies of Form, Letter of Justification and plan (s) for all above Requests

SUBMIT TO: COUNTY OF FAIRFAX
 PLAN AND DOCUMENT CONTROL
 LAND DEVELOPMENT SERVICES, DPWES
 12055 GOVERNMENT CENTER PARKWAY, SUITE 506
 FAIRFAX, VA 22035-5503



County of Fairfax, Virginia

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

JAN 27 2010

Lynne J. Strobel, Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

Subject: Fathia H. Soliman d/b/a F.A.Z. Creative Education Center, Proffered Condition Amendment #PCA 82-P-084, Proffered Condition Amendment Exhibit dated December 7, 2009, Tax Map #029-4-06-0094-B, Providence District

Reference: Resource Protection Area (RPA) Exemption #994-WRPA-001-1

Dear Ms. Strobel:

An exemption for the existing 1,100-square-foot playground is approved under the Chesapeake Bay Preservation Ordinance (CBPO) Section 118-5-3(a) subject to the following conditions:

- No more land within the RPA shall be disturbed than is necessary to continue the use of the existing playground, CBPO 118-5-3-(a)(4);
- Any required state and federal permits shall have been issued prior to any land disturbing activity within the existing playground, CBPO 118-5-3(a)(2);
- All activities shall be conducted in a manner which protects water quality, CBPO 118-5-3(a)(5); and
- Indigenous vegetation shall be preserved to the maximum extent possible.

This approval shall automatically expire, without notice, 24 months after the date of this letter unless the subject proffered condition amendment is approved.

Please ensure that a copy of this letter is a part of the subject proffered condition amendment application.

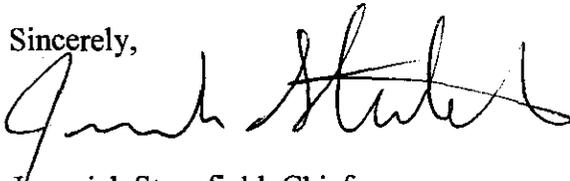
Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Lynne J. Strobel, Agent
RPA Exemption #994-WRPA-001-1
Page 2 of 2

If further assistance is desired, please contact Beth Forbes, Stormwater Engineer, Stormwater and Geotechnical Section, Environmental and Site Review Division (ESRD) at 703-324-1720 or Beth.Forbes@FairfaxCounty.gov.

Sincerely,



Jeremiah Stonefield, Chief
Stormwater and Geotechnical Section
Environmental and Site Review Division

JBS/dah

cc: Brenda Cho, Staff Coordinator, Zoning Evaluation Division, DPZ
Craig Carinci, Director, Stormwater Planning Division, DPWES
Hani Fawaz, Chief Site Review Engineer, ESRD East, DPWES
Beth Forbes, Stormwater Engineer, Stormwater and Geotechnical Section, ESRD,
DPWES
Waiver File
Zoning Action File



Lynne J. Strobel
 (703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC

RECEIVED
 Department of Planning & Zoning

DEC 14 2009

December 7, 2009

Zoning Evaluation Division

Via E-Mail and U.S. Mail

Brenda Cho
 Fairfax County Department of Planning & Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

Re: PCA 82-P-084-02
 Applicant: Fathia H. Soliman d/b/a F.A.Z. Creative Education Center
 Fairfax County Tax Map Reference: 29-4 ((6)) 94B (the "Subject Property")

Dear Ms. Cho:

Please accept this letter as a statement of justification for a modification of the barrier requirement in conjunction with the referenced application.

The Applicant proposes a reaffirmation of previously approved modifications to the barrier requirement. The Applicant does not propose any physical exterior modifications to an existing building that was constructed in 1974, or the existing parking lot. The Applicant requests a modification to allow an existing fence and landscaping to remain on the Subject Property.

The Subject Property is zoned to the I-4 District and is abutting property zoned to the C-3 and R-30 Districts. The properties are developed with office use and multi-family residential development, respectively. The proposed use of the Subject Property is a private school of general education, nursery school and child care center. The Fairfax County Zoning Ordinance (the "Ordinance") includes a requirement for Barrier H between this use and multi-family residential development. The Ordinance does not have a transitional screening requirement between these two uses. Further, there is no transitional screening or barrier requirement between the proposed use and the office use.

Barrier H consists of one (1) row of six (6) foot trees averaging 50 feet on center. Currently, an existing six (6) foot high fence is located along on the property line. The Applicant proposes that this fence will remain to address the barrier requirement. The proposed modification is justified based on the following:

- There are no changes proposed to existing conditions.
- The existing improvements are located at a considerable distance from the multi-family residential building located on the adjacent R-30 property. The multi-

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LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

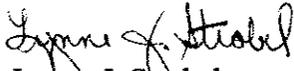
family building is separated by approximately 390 feet from the Subject Property that will be operated as a private school of general education, nursery school and child care center. Further, the multi-family building is seventeen (17) stories in height. The bulk and height of this residential building far exceeds the existing improvements on the Subject Property, which consists of a one (1) story building and playground. Lastly, the existing building is located at an elevation that is approximately forty-five (45) feet lower than the adjacent multi-family building. All of the factors result in a conclusion that the barrier required by the Ordinance is unnecessary, and would not be effective if installed.

- This request is simply a reaffirmation of modifications that were previously approved by the Board of Supervisors on September 11, 2000 with the approval of PCA 82-P-084. The prior approval was for a number of possible uses, all with greater screening and barrier requirements.

Should you have any questions regarding this letter, or require additional information, please do not hesitate to give me a call. As always, I appreciate your consideration.

Very truly yours,

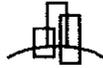
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.


Lynne J. Strobel

LJS/kae

cc: Fathia H. Soliman
Jeni Hornback
Martin D. Walsh

Lynne J. Strobel
 (703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com



WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC

RECEIVED
 Department of Planning & Zoning

DEC 18 2009

Zoning Evaluation Division

December 15, 2009

VIA E-MAIL AND U.S. MAIL

Brenda Cho
 Fairfax County Department of Planning & Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

Re: PCA 82-P-084-02

Applicant: Fathia H. Soliman d/b/a F.A.Z. Creative Education Center
 Fairfax County Tax Map Reference: 29-4 ((6)) 94B (the "Subject Property")

Dear Ms. Cho:

Please accept this letter as a statement of justification for a waiver of interior and peripheral parking lot landscaping in conjunction with the referenced application.

The Applicant proposes a reaffirmation of a previously approved waiver of interior and peripheral parking lot landscaping requirements. The Subject Property has been zoned to the I-4 District since the approval of a rezoning application by the Board of Supervisors on March 2, 1983. At the time of the zoning approval, a building was already existing on the Subject Property that was constructed in 1974 according to the Fairfax County tax assessment records. On September 11, 2000, the Board of Supervisors approved PCA 82-P-084 to allow a building addition. In conjunction with the application, the Board of Supervisors approved a waiver of interior and peripheral parking lot landscaping.

During the evaluation of PCA 82-P-084, a determination was made that even though a total of twenty-five (25) parking spaces were provided, the parking spaces were divided between two (2) separate parking lots, and neither of the parking lots included twenty (20) or more spaces. Since the requirement for parking lot landscaping applies only to parking lots of twenty (20) or more spaces, a waiver was proposed. Further justification for the waiver results from the size of the Subject Property, and limitations associated with sight distance and existing utilities, that limit the placement of additional trees or other plantings on the Subject Property. Lastly, a requirement to provide interior parking lot landscaping would result in a loss of parking spaces, which cannot be provided elsewhere. The Board of Supervisors accepted the justification for a waiver in 2000 and granted the request in conjunction with the proffered condition amendment. As the Applicant does not propose any physical exterior modifications to the existing building and parking lot, a reaffirmation of the prior approval is justified.

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LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

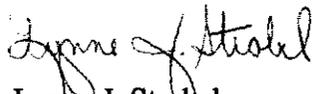
December 15, 2009

Page 2

Should you have any questions regarding this letter, or require additional information, please do not hesitate to give me a call. As always, I appreciate your consideration.

Very truly yours,

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



Lynne J. Strobel

LJS/kae

cc: Fathia H. Soliman
Jeni Hornback
Martin D. Walsh

{A0182229.DOC / 1 Cho ltr 12-15-09 006840 000002}



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

TO: Bruce Nassimbeni, Director
Environmental and Site Review Division, LDS, DPW&ES

FROM: Liz Cronauer, Trail Program Manager *LC*

DATE: January 25, 2010

SUBJECT: Trail Waiver Request
Fathia H. Soliman, d/b/a/ F.A.Z. Creative Education Center
PCA 82-P-084-02

The Fairfax County Park Authority has reviewed the request for a waiver for a stream valley trail for the above referenced application on parcel 29-4-((6))-94B.

The Countywide Trail Plan designates a stream valley trail along Scott's Run in this area, however, due to the proximity of the applicant's building and parking lot to the edge of the property, it is not a likely or desirable place to locate a stream valley trail. Furthermore, the Tysons Corner Urban Center draft Comprehensive Plan amendment recommends a future trail in conjunction with a road in this stream valley which would fulfill the trail requirement and most likely be located on the opposite side of the stream from this parcel. Therefore the Park Authority supports this request for a waiver.

If you have any questions or would like to discuss this further please call me at 703-324-8629.

Cc: Chris Wells, Pedestrian Program Manager, Fairfax County Dept. of Transportation
Charlie Strunk, Bicycle Coordinator, Fairfax County Dept. of Transportation
Roger Diedrich, Providence Representative, Trails and Sidewalks Comm.
Kirk Holley, Special Projects, Planning and Development
Andi Dorlester, Planner, Planning and Development



County of Fairfax, Virginia

MEMORANDUM

DATE: January 22, 2010

TO: Brenda Cho
Zoning Evaluation Division, DPZ

FROM: Chris Wells *CW*
Pedestrian Program Manager, FCDOT

SUBJECT: PCA 82-P-084-02
FAZ Creative Education Center Old Meadow Road
Tax Map 29-4 ((6)) 94-B

RE: Applicant Letter of January 19, 2010

This Department recommends approval of the waiver of a stream valley trail as required on the Countywide Trail Plan. The property and surroundings at this time and for the foreseeable future are not viable for such a use. At such time in the future that the Tysons Grid of Streets is constructed, a trail is anticipated adjacent to the stream on the adjacent property to the north.

cc: Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Angela K. Rodeheaver, Chief, Site Analysis Section, FCDOT
Charlie Strunk, Bicycle Program Coordinator, FCDOT
Jeff Hermann, Pedestrian and Bicycle Planner, FCDOT
Nohemy Miranda, Pedestrian Coordinator, FCDOT
Doug O'Neill, Coordinator, Safety and Environmental Health, Office of Safety and Security, Fairfax County Public Schools
Micah Himmel, Providence District Board of Supervisors Office
Roger Diedrich, Providence District Trails and Sidewalks Committee Representative



County of Fairfax, Virginia

MEMORANDUM

DATE: December 2, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-4 (RZ 82-P-084)

SUBJECT: PCA 82-P-084-02; Fathia Soliman
Land Identification Map: 29-4-((6))-94B

This department has reviewed the proffered condition amendment revised through October 6, 2009. We have the following comments.

- The twenty-four parking spaces provided on site are separated into two lots that require entry onto Old Meadow Drive to travel between them. Entries into both parking lots are located on or close to the curvature of Old Meadow Road which is problematic for safe entry and exit onto that roadway. Considering the complications associated with parking entry and circulation, FCDOT recommends that the number of children be reduced from the 75 proposed in order to minimize any potential negative impact on Old Meadow Road.
- Because of the parking lot configuration it would be optimal to dedicate one parking lot solely to the facility's employees and the other to parents picking up or dropping off children.

AKR/MEC



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

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

December 4, 2009

DAVID S. EKERN, P.E.
COMMISSIONER

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

Re: PCA 1982-P-084-2 Fathia Soliman
Tax Map # 29-4((06)) 0094B
Fairfax County

Dear Ms. Coyle:

I have reviewed the above listed plan submitted on November 17, 2009, and received on November 17, 2009. The following comments are offered:

1. The proposed parking within the actual northern entrance is unacceptable. Parking can not obstruct the entrance on either side. At least 2 if not 3 of the spaces are not in an acceptable location. This also does not meet fire access requirements.
2. The entrances should be upgraded to meet the current CG-11 standard.
3. Sight lines for the entrances shall be free and clear of obstructions.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kevin Nelson'.

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
fairfaxrezoning1982-P-084-2pca1FathiaSoliman12-4-09RC



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

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

August 21, 2009

DAVID S. EKERN, P.E.
COMMISSIONER

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

Re: PCA 1982-P-084-02 Fathia Soliman
Tax Map # 29-4((06)) 0094B
Fairfax County

Dear Ms. Coyle:

I have reviewed the above plan submitted on July 24, 2009, and received on August 4, 2009. The following comments are offered:

1. All entrances shall meet the commercial entrance requirements.
2. All landscaping within entrance sight lines shall be removed.

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

Sincerely,


Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
fairfaxrezoning1982-P-084-02pca1Soliman8-21-09RC



County of Fairfax, Virginia

MEMORANDUM

December 10, 2009

TO: Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: 1776 Old Meadow Road; PCA 82-P-084-02

RE: Request for assistance dated December 4, 2009

This review is based upon the Proffered Condition Amendment application (PCA) 82-P-084-02 stamped "Received, Department of Planning and Zoning, December 7, 2009." A site visit was conducted on August 5, 2009, as part of the review of the PCA stamped "Received, Department of Planning and Zoning, June 29, 2009."

General Comment: Comments on the previously submitted PCA were provided to you in my memo dated August 18, 2009. Additional comments are provided to address the interior parking lot landscaping requirements for the site.

- 1. Comment:** Preliminary interior parking lot landscaping calculations have not been provided and it is unclear how this requirement will be met.

Recommendation: Interior parking lot landscaping calculations in accordance with ZO 13-202 and landscaping used to meet the interior parking lot landscaping calculations should be provided on the PCA.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 146822

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

August 18, 2009

TO: Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: 1776 Old Meadow Court; PCA 82-P-084-02

RE: Request for assistance dated July 28, 2009

This review is based upon the Proffered Condition Amendment application (PCA) 82-P-084-02 stamped "Received, Department of Planning and Zoning, June 29, 2009." A site visit was conducted on August 5, 2009.

Site Description: This site is an existing learning center and child care center with two associated asphalt parking lots. Existing vegetation along the northern property line adjacent to Scotts Run consists primarily of tulip tree, cherry, red maple, and black locust. Vegetation along the southeastern portion of the site adjacent to Old Meadow Road consists primarily of landscape trees including Japanese maple, river birch, and Colorado blue spruce. Existing vegetation along the western property line consists primarily of red maple and tulip trees.

- 1. Comment:** A twin lead (10 inch, 11 inch) 21 in. dia. black locust tree located at the southwest corner of the site is split at the base with the 11 inch dia. leader leaning in the existing utility box. As a result, this tree represents a hazard to the public at large as it overhangs Old Meadow Road. Urban Forest Management Division (UFMD) sent a notice to the property owner on August 6, 2009, stating the tree had to be removed.

Recommendation: The removal of this tree should be coordinated with the property owner according to the notice sent by UFMD, and UFMD should be contacted once the tree has been removed.

- 2. Comment:** An existing vegetation map in conformance with Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505, has not been provided

Recommendation: An EVM that depicts the location of any of the cover types identified in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505 should be provided. The EVM submitted with the PCA must



accurately delineate all areas of the cover types, and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

- 3. Comment:** Tree cover calculations have been provided, however, they do not appear to be in conformance with the 10-year Tree Canopy Calculations specified in the 2009 Tree Conservation Ordinance.

Recommendation: Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0507. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition, preliminary 10-year tree canopy calculations in accordance with PFM 12-0510 and PFM Table 12.12, interior parking lot landscaping in accordance with PFM 12-0513 and ZO 13-202, and peripheral parking lot landscaping in accordance with ZO 13-203, should be provided on the PCA demonstrating how Article 13, 10-year tree canopy requirements will be met.

- 4. Comment:** Transitional screening type 1 and barrier D, E, or F are required along the southern, eastern, and western property lines where the site faces the multiple family dwellings.

Recommendation: Transitional screening type 1 and barrier D, E, or F should be shown and identified along the southern, eastern, and western property boundaries where the site faces the multiple family dwellings. Transitional screening calculations in accordance with ZO 13-303(3)(A) should be provided on the PCA.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 146822

cc: RA File
DPZ File





FAIRFAX COUNTY
PUBLIC SCHOOLS

Department of Facilities and Transportation Services
Office of Design and Construction Services
City Square Building, Suite 400
10640 Page Avenue
Fairfax, Virginia 22030

August 7, 2009

Regina Coyle, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035

Ladies and Gentlemen:

Re: Below Listed Recently Filed Development Plan Analysis
PCA 82-P-084-02

This office has reviewed the subject development plan application, and has no comments with respect to school acquisition.

Sincerely yours,



Weldon Spurling, II, PE

WS/vm

cc: Facilities Planning Services, FCPS (w/attach.)
File



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

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

FROM: Sandy Stallman, Manager,
Park Planning Branch, PDD *SS*

DATE: August 11, 2009

SUBJECT: PCA 82-P-084-02, Fathia Soliman
Tax Map Number: 29-4 ((6)) 94B

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andi Dorlester
DPZ Coordinator: Brenda Cho

Copy: Cindy Walsh, Director, Resource Management Division
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: August 25, 2009

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. PCA82-P-084-02
Tax Map No. 029-4-/06/ /0094B

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 Scotts Run (E-1) watershed. It would be sewerred into the Blue Plains Treatment Plant.
- Based upon current and committed flow, there is excess capacity in the Blue Plains Treatment Plant 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 15" 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 Rezoning</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



Fairfax Water

APPENDIX 18

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

August 5, 2009

Ms. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: PCA 82-P-084-02
1776 Old Meadow Road

Dear Ms. Coyle:

Fairfax Water has reviewed the above noted Generalized Development Plan and has no comments.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure



County of Fairfax, Virginia

MEMORANDUM

DATE: July 31, 2009

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

FROM: Eric Fisher, GIS Analyst III
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Proffered Condition
Amendment PCA 82-P-084-02

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 #413, **Dunn Loring**
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.
 - X d. does not meet current fire protection guidelines without an additional facility. The application property is 0.8 of a mile outside the fire protection guidelines. No new facility is currently planned for this area.



GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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