



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

County of Fairfax, Virginia

MARCH 17, 2010

STAFF REPORT ADDENDUM

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: 0.24 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 Attachment 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 GDP.

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).

BACKGROUND

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, to the proffers. The hours of operation will be 7:00 a.m. to 6:30 p.m., Monday through Friday, and the maximum combined daily enrollment of the uses will be limited to 65 children overall. No new construction is proposed.

The staff report was published on March 3, 2010. Following the publication of the report, the applicant submitted revised proffers dated March 5, 2010.

DISCUSSION

Revised Proffers

The applicant proposes the following changes to the proffers:

- The age limit for the children will be seven (7) years of age, except that there will be an enrichment program held on Sundays only for 30 children who range in ages of six (6) to 12 years old.
- In order to limit the on-site demand for parking, the applicant also proposed that the total number of staff will be limited to 14 people and that no more than 10 staff members will be present at any one time.
- Any dumpsters located on site will be screened with a fence and will be designed to minimize trash visibility. If landscaping is provided with the fence, it will provide year-round screening, as reviewed and approved by Urban Forest Management (UFM).

Floor Area Ratio (FAR)

In the staff report, staff noted that the proposed building addition and reconfigured parking lot (southern lot) from PCA 82-P-084 has not been built from the previously approved GDP. Specifically, on September 11, 2000, PCA 82-P-084 was approved by the Board of Supervisors to amend the proffers for RZ 82-P-084 to permit a 1,606 square foot building addition and minor site modifications, as well as to permit additional permitted uses and delete a proffered loading space. With the approved building addition, the density is .24, and currently, the density is .19 without the addition. Though the current applicant does not intend to utilize or build the addition, the owner of the building would like to retain the option to build the addition in the future.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

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

Recommendations

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

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.

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.

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

ATTACHMENTS

1. Draft Proffers (now dated March 5, 2010)

DRAFT PROFFERS

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

PCA 82-P-084-2

March 5, 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. The total number of staff shall be limited to fourteen (14) persons. There shall be no more than ten (10) staff members present at the Application Property at any one time.
 - iii. 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.
 - iv. 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.

- v. 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.
- vi. The age of children may range from infants to seven (7) years.
- vii. 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.

3. Any dumpsters located on the Application Property shall be screened with a fence to limit visibility from Old Meadow Road. The fence shall be designed to ensure that trash is not visible from Old Meadow Road. Any landscaping installed in conjunction

with the fence shall provide year-round screening, subject to review and approval by Urban Forest Management, DPWES.

Proffers 4. 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.

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: _____