



# County of Fairfax, Virginia

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

July 28, 2010

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich and Walsh, PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, VA 22201

Re: Special Exception Application SE 2010-HM-004

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on July 27, 2010, the Board approved Special Exception Application SE 2010-HM-004 in the name of Sailini Magapu Lohia and Sandeep Lohia. The subject property is located at 1629 Beulah Road on approximately 4.50 acres of land, zoned R-1 in the Hunter Mill District [Tax Map 28-1 ((1)) 13]. The Board's action permits a private school of general education, nursery school and child care center with a maximum enrollment of 99 children, pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Property of Sailini Magapu-Lohia and Sandeep Lohia" prepared by Vika Inc., consisting of 11 sheets dated March 16, 2010, as revised through July 14, 2010 and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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4. Prior to the issuance of any Non-RUP, left and right turn lane studies of the existing and proposed site entrances shall be submitted, as may be required for the review and approval of VDOT.
5. Prior to the issuance of any Non-RUP, sight distance analyses of the existing and proposed site entrances shall be submitted for the review and approval of VDOT.
6. Prior to September 2011, a left turn lane shall be constructed at the northern entrance to the site as required by VDOT, unless waived by VDOT.
7. Until such time as a left turn lane is constructed at the northern entrance of the site or otherwise waived by VDOT, left turns into the property from southbound Beulah Road shall be restricted at the northern entrance. Prior to the issuance of a Non-RUP for Phase 1, appropriate signage, as approved by VDOT, shall be placed at the entrance to restrict left turns. Parents shall be notified of this restriction in writing upon registration. Prior to the issuance of a non-RUP for Phase 2, appropriate channelization shall be constructed to restrict left turns, as may be acceptable to VDOT.
8. Upon issuance of a Non-Residential Use Permit (Non-RUP) for Phase 1 of the site, the total maximum daily enrollment shall be limited to fifty (50) students. At such time that a left turn lane is provided to the subject site or a left turn lane waiver is approved by VDOT, and upon issuance of a Non-RUP for the site modifications proposed under Phase 2, the total maximum daily enrollment shall be limited to 99 children.
9. Prior to issuance of a Non-RUP for Phase 2, a right turn taper shall be constructed at the southern entrance to the site as may be required by VDOT, unless waived by VDOT.
10. The hours of operation shall be 9:00 am to 5:00 pm Monday through Friday until such time as a waiver is approved by VDOT for the left turn lane. If a waiver is not approved, a left turn lane shall be provided prior to September 2011. At such time that a left turn lane is provided to the subject site or a left turn lane waiver is approved by VDOT, the hours of operation shall be 7:00 am to 6:00 pm Monday through Friday.
11. Right-of-way to 45 feet from the existing centerline of Beulah Road necessary for future road improvements shall be reserved for future dedication for public street purposes prior to issuance of a Non-RUP for Phase 2, and shall be dedicated thereafter, upon request of either the Virginia Department of Transportation (VDOT) or Fairfax County. This right-of-way shall convey to the Board of Supervisors in fee simple. The parking spaces closest to the road will remain until road-widening improvements are constructed to Beulah Road.

12. Activities held after 6 p.m. during the week, or on the weekends, shall be limited to a maximum of one (1) per month. All evening events shall be concluded by 10:00 p.m. All parking for such activities shall be on site. If parking cannot be accommodated on site, shuttle service, by car or bus, from an off site location shall be utilized to ensure that no vehicles are parked on Beulah Road.
13. During regularly scheduled arrival and dismissal periods, staff and/or volunteers shall supervise unloading and loading of children. All loading and unloading of children (including before and after school care) shall be done on site. The regularly scheduled hours of operation for the nursery school and private school of general education shall be scheduled to avoid the morning (7:30 a.m. to 8:30 a.m.) and afternoon (5:30 p.m. to 6:30 p.m.) peak traffic hour on Beulah Road. Arrival and dismissal times shall be staggered to minimize the number of vehicles on site at any one time. Carpooling shall be encouraged as a mechanism to minimize daily vehicular trips to the site. To facilitate carpool arrangements, zip code rosters shall be provided to all families.
14. Where existing vegetation to be retained does not provide adequate screening, as determined by the Urban Forest Management Division, prior to Phase 2 supplemental planting shall be provided to meet the intent of Transitional Screening 1 for all required screening yards.
15. Where vegetation retained to meet transitional screening requirements includes invasive species, as determined by the Urban Forest Management Division, an invasive species control plan shall be submitted with the first and all subsequent submissions of the site plan for Phase 2, for review and approval of the Urban Forest Management Division.
16. There shall be no clearing or grading, except for the alternate locations for the SWM/BMP infiltration facilities as noted on sheet 3, outside the limits of clearing and grading as shown on the SE Plat, except for dead or dying vegetation and any clearing necessary to maintain the septic fields shown on the SE Plat.
17. The combined height of the any light standards and fixtures on the site shall not exceed twelve (12) feet. All lighting on the site shall be in conformance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.
18. The maximum number of children in the outdoor play area at any one time shall be limited by the provisions of Paragraph 1 of Sections 9-309 and 9-310 of the Zoning Ordinance.
19. A single freestanding sign shall be permitted as shown on the SE Plat. All new signage shall comply with provisions of Article 12 of the Zoning Ordinance.

20. A dwelling shall be permitted on the site which may be used as a single-family residence for an employee of the child care center and his or her family.
21. Sewage disposal for the proposed child care center, nursery school, and private school of general education shall be provided by an on-site sewage disposal system. Prior to any site plan approval for Phase 2, approval of the Fairfax County Health Department must be obtained for sewage disposal system which meets all State and County requirements and accommodates a maximum of 99 children and fifteen staff members. In addition, an emergency back-up plan for the disposal of sewage in the event of failure of the primary system shall be prepared for the review and approval of the Health Department.

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

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

**The Board also:**

- Modified the transitional screening requirements and waiver of the barrier requirements along all boundaries of the site, in favor of that shown on the SE Plat.

Sincerely,



Nancy Vehrs *Print for*  
Clerk to the Board of Supervisors  
NV/ph

Cc: Chairman Sharon Bulova  
Supervisor Catherine Hudgins, Hunter Mill District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation