



County of Fairfax, Virginia

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

February 9, 2011

Sara V. Mariska
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2010-MA-020

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on January 25, 2011, the Board deferred the decision of Special Exception Application SE 2010-MA-020 in the name of Higher Horizons Day Care Center, Incorporated to allow time for VDOT to review an access management waiver/exception request. On February 8, 2011 the Board approved Special Exception Application SE 2010-MA-020. The subject property is located at 6201 Leesburg Pike on approximately 13,160 square feet of land, zoned C-7, CRD, HC and SC in the Mason District [Tax Map 51-3 ((23)) C pt. and C1 pt.]. The Board's action permits a child care center and nursery school with a maximum enrollment of 48 students and waivers and modifications in a CRD, pursuant to Sections 4-704 and 9-622 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. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right Special Exception, or Special Permit uses may be allowed on the site without amending this Special Exception, so long as the proposed use is in substantial conformance with the SE Plat.
3. A copy of this Special Exception Amendment and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

Office of the Clerk to the Board of Supervisors

12000 Government Center Parkway, Suite 533

Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: clerktothebos@fairfaxcounty.gov

<http://www.fairfaxcounty.gov/bosclerk>

4. 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 "Higher Horizons Day Care" prepared by Javier Arencibia – Arencibia Architects Inc. consisting of two sheets dated August 26, 2010 as revised through December 6, 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.
5. The total maximum daily enrollment is limited to 48 children between the ages of 6 weeks and 3 years old.
6. The maximum number of staff shall not exceed 12 at any one time on site.
7. The hours of operation shall be limited to 7:30 am to 5:00 pm.
8. Based on the minimum required square footage of outdoor play area per child, no more than 20 children shall be in the outdoor play area at any one time.
9. Parking areas shall not be used for recreational purposes.
10. All loading and unloading of children shall occur on the application property.
11. No free-standing sign shall be allowed. All signage shall comply with the regulations of Article 12 of the Zoning Ordinance.
12. Approval of a VDOT access management waiver/ exception shall be obtained prior to the issuance of a Non-Residential Use Permit. If the waiver is not granted, the access point from the Leesburg Pike Service Drive shall be closed prior to the issuance of a Non-Residential Use Permit.
13. Prior to the issuance of a Non-Residential Use Permit, a parking tabulation which demonstrates that parking requirements are met shall be submitted to DPWES.
14. Notwithstanding that shown on the SE Plat, parking may be modified in accordance with a parking reduction as approved by the Director of DPWES.

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

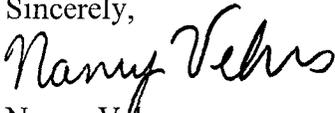
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval

unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Modified the transitional screening yard and barrier requirements along the north, south, and east boundary lines in favor of that shown on the SE Plat.
- Directed the Director of DPWES to approve up to a 20% parking reduction of the parking requirements in the C-7 District as permitted in a Commercial Revitalization District.
- Added Development Condition 14 which states: "Notwithstanding that shown on the SE Plat, parking may be modified in accordance with a parking reduction as approved by the Director of DPWES.

Sincerely,



Nancy Vehrns
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, 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