



**APPLICATION ACCEPTED:** October 20, 2014  
**PLANNING COMMISSION:** April 16, 2015  
**BOARD OF SUPERVISORS:** Not Yet Scheduled

# County of Fairfax, Virginia

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**April 1, 2015**

## **STAFF REPORT**

**SE 2014-PR-067**

### **PROVIDENCE DISTRICT**

**APPLICANT:** Konstantin E. Panov

**ZONING:** R-2

**PARCEL(S):** 48-3 ((19)) 0001

**SQUARE FOOTAGE:** 18,679 SF

**FLOOR AREA RATIO:** 0.07

**PLAN MAP:** Residential; 2-3 du/ac

**SE CATEGORY:** Category 3: Child Care Center

**PROPOSAL:** To permit a child care center for up to 25 children.

### **STAFF RECOMMENDATIONS:**

Staff recommends denial of SE 2014-PR-067 and any associated waivers or modifications.

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.

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**Suzanne Wright**

The approval of this rezoning and/or special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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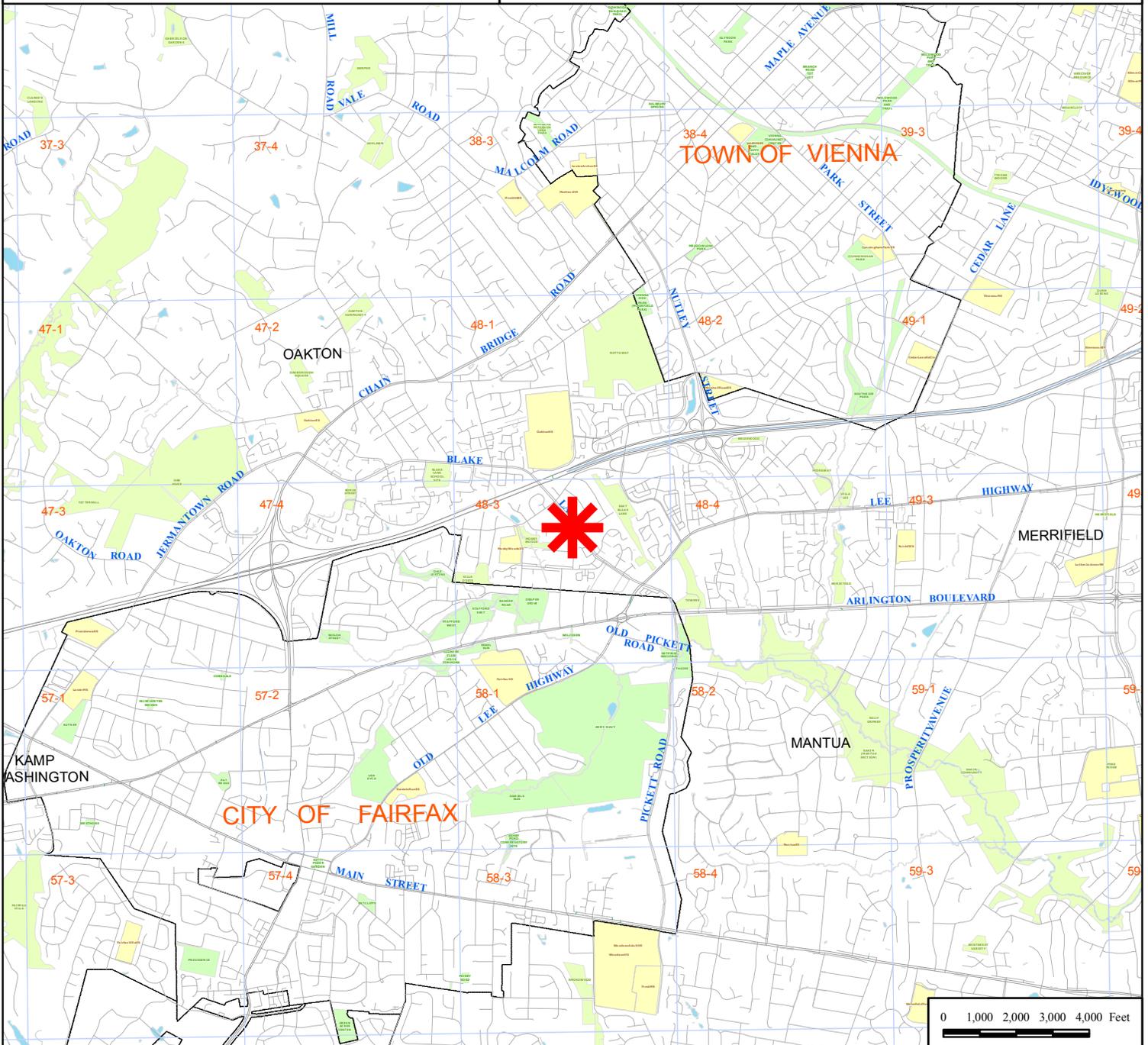
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception

SE 2014-PR-067

Applicant: KONSTANTIN PANOV  
Accepted: 10/20/2014  
Proposed: CHILD CARE CENTER  
Area: 18679 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 03-0204  
Located: 9653 BLAKE LANE, FAIRFAX, VA 22031  
Zoning: R- 2  
Plan Area: 2  
Overlay Dist:  
Map Ref Num: 048-3- /19/ /0001

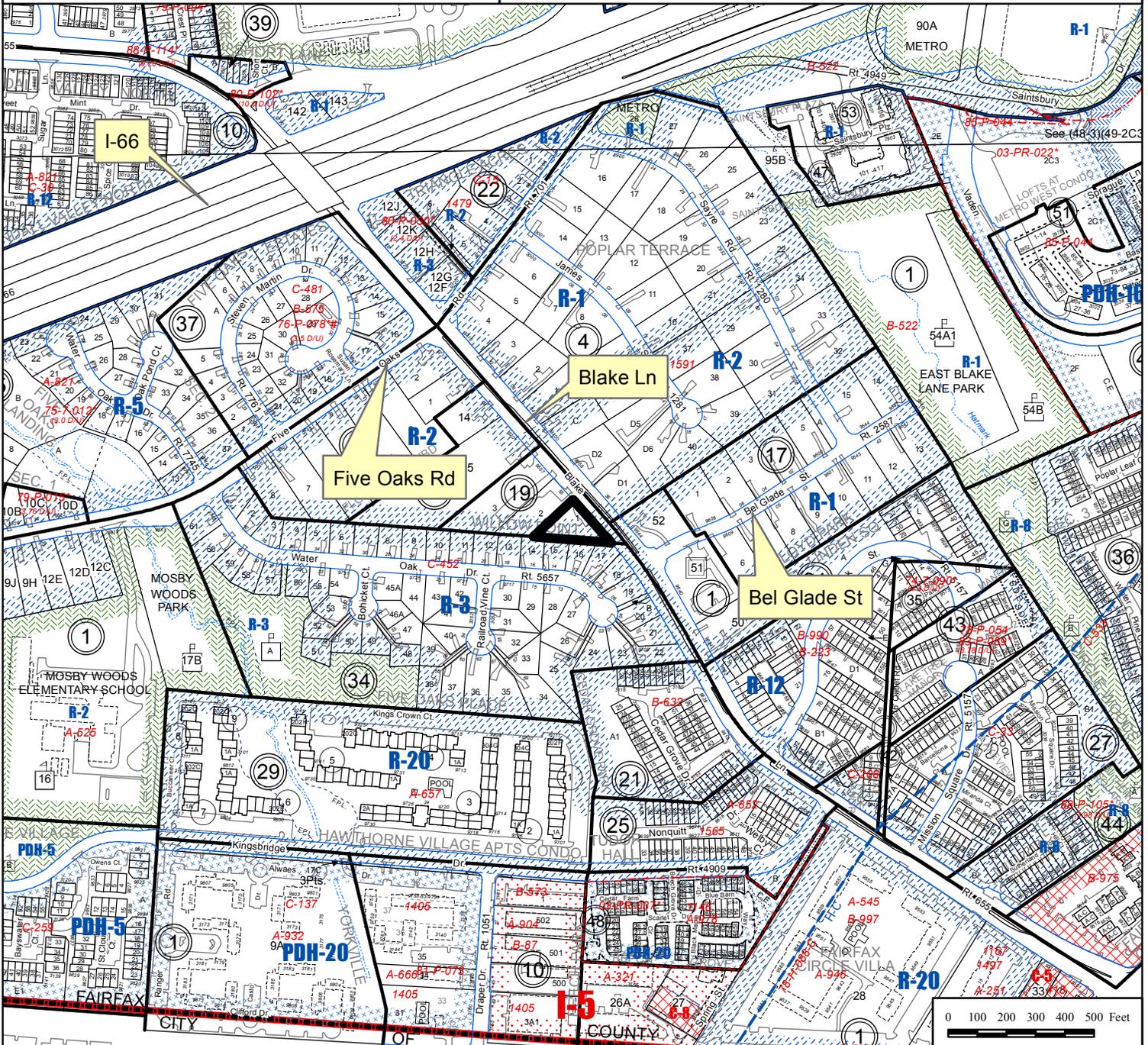


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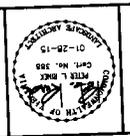
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**BC Consultants**  
 Planners • Architects • Surveyors • Landscape Architects  
 12000 Fair Lakes Circle, Suite 100, Fairfax, VA 22033  
 (703)449-8100 (703)449-8108 (Fax)  
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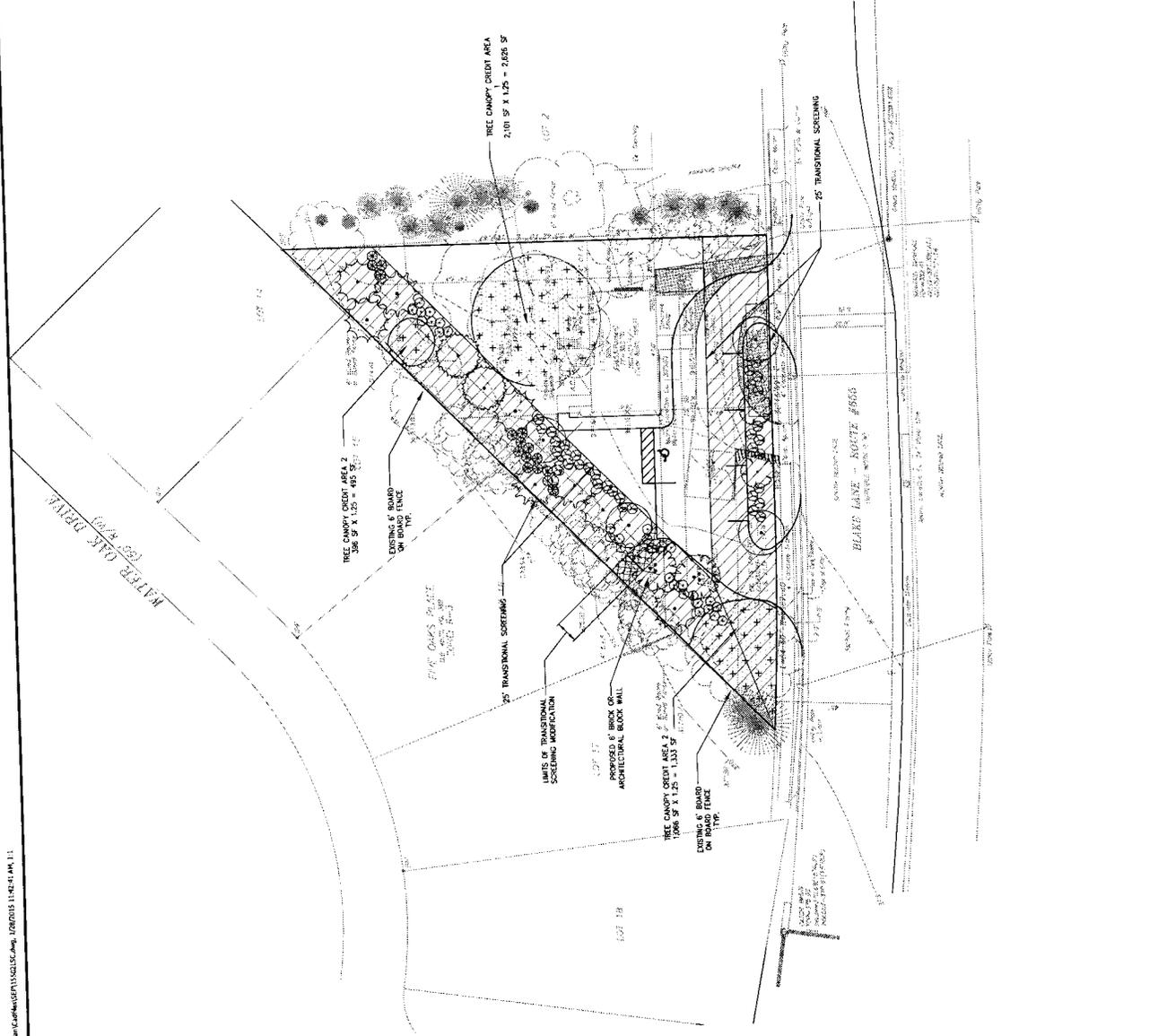


**LOT 1 WILLOW POINT**  
 LANDSCAPE PLAN  
 RENOVATION AND ADDITION  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

DESIGNED BY: PLZ/DJO
DRAWN BY: CAD
CHECKED BY: PLR
DATE: JANUARY 2014
SCALE: 1" = 20'
SHEET 2 OF 4
CAD NAME: 150507SSC
LAYOUT: LSC
FILE NO:

- LEGEND:**
- CATEGORY IV DECIDUOUS TREES (1" CAL.)
  - CATEGORY III EVERGREEN TREES (1" CAL.)
  - CATEGORY II DECIDUOUS TREES (2" CAL.)
  - SCANDIUM SHRUBS
  - EVERGREEN SHRUBS
  - EXISTING PRE-DEVELOPMENT TREES
  - EXISTING TREES TO BE PRESERVED
  - LOCATION OF REQUIRED 25' TRANSITIONAL SCREENING
  - LIMITS OF TRANSITIONAL SCREENING MODIFICATION

\* A MODIFICATION TO THE REQUIRED 25' TRANSITIONAL SCREENING ALONG A PORTION OF THE SITE BOUNDARY (WHERE SHOWN ON THE PLAN) IS REQUESTED. A WAIVER OF THE REQUIRED 25' TRANSITIONAL SCREENING IS REQUESTED ALONG THE BOUNDARY (BLAKE LANE FRONTAGE) IS REQUESTED. SEE SHEET 3 FOR ADDITIONAL INFORMATION.







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

**DESCRIPTION OF THE APPLICATION**

This application proposes to convert a single-family detached dwelling at 9653 Blake Lane to a child-care center that would have a maximum enrollment of 25 children aged between 1.5 and 5 years. Currently, the dwelling is being used as a home child care facility. This proposal seeks to establish the childcare center use within the existing structure. There is no residential element of the current proposal. The hours of operation are proposed to be between 8:00 am and 6:00 pm with up to four employees.

The center would be affiliated with the nonprofit group the Butterfly Effect, Inc. that focuses on early childhood education in various subjects including math, history, geography, natural sciences and multi-lingual education. According to the statement of justification, The Butterfly Effect, Inc., has been educating and caring for children since 2003 and currently runs a school facility in Reston, known as the Russian Kids House. The website for Russian Kids House ([www.russiankidshouse.com](http://www.russiankidshouse.com)) identifies the subject site as its “Fairfax campus.” (See Appendix 2.)

The application proposes no exterior changes to the building, but does propose to redesign the existing front gravel driveway for access and parking needs.



Figure 1 Picture of front of 9653 Blake Lane (source Google Maps)

**Waivers and Modifications:**

Transitional Screening 1 (a 25-foot wide strip of landscaping) and Barriers D, E, or F (four to six foot high barrier) are required along the southern boundary and the eastern boundary (i.e.

Blake Lane) as this use would be adjacent to single family residential development on those property boundaries. The applicant requests a modification to the transitional screening and barrier requirements along a portion of the eastern boundary and waiver of the transitional screening and barrier requirements along the Blake Lane frontage.

### LOCATION AND CHARACTER

The 18,679 square foot (SF) parcel is located at 9653 Blake Lane in Fairfax and is currently developed with a 1,222 SF, split-level single family home. There is currently a home child care operating in the building which has a state license for up to 7 children. As noted previously, the site is identified as the Fairfax campus of the Russian Kids House child care center (see Appendix 2).

The parcel is triangular in shape and the home sits in the widest part of the site, close to Blake Lane. The site also features a fenced play area to the rear and side of the home. Generally, the structure and driveway are situated on the flat portion of the site, while the site slopes downward gently to the south and west. There is also existing mature vegetation along the southern boundary and there is a large mature tree in the fenced play area. The structure is accessed from Blake Lane via an existing gravel circular driveway.



Figure 2 Aerial Photograph of application property and surroundings (Source Fairfax County GIS)

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North (across Blake Lane)</b>	Single-family Detached Residential <i>(Poplar Terrace)</i>	R-2	Residential; 2-3 du/ac
<b>South</b>	Single-family Detached Residential <i>(Five Oaks Place)</i>	R-3	Residential; 2-3 du/ac
<b>East (across Blake Lane)</b>	Single-family Detached Residential <i>(Floyd Park)</i>	R-1	Residential; 2-3 du/ac
<b>West</b>	Private School of General Education and Child Care Center <i>(Appletree School)</i>	R-2	Residential; 2-3 du/ac

## **BACKGROUND**

### **Site History:**

According to Fairfax County tax records, this single family residence was built in 1962. There are no previous land use applications associated with this site. However, during the pendency of this Special Exception Application, the operator filed for a Special Permit to increase enrollment within the existing home child care facility to 12. The Special Permit application was filed in February 2015 but has not yet been accepted, as there were several application deficiencies identified that have not yet been addressed. Therefore, there are now two land use applications filed on the subject site.

### **Conversion of Dwelling:**

Converting a single family home to a commercial use will require extensive interior renovations to meet building and occupancy requirements. During the initial preapplication meeting regarding the proposed child care center, staff noted that the applicant would need to add things such as sprinkler systems (or egress from each classroom); as well as meet other accessibility requirements to meet commercial Building Code requirements. In the statement of justification (found at Appendix 2), the applicant indicates that these requirements can be met. Staff would also note that full Building Code compliance would be required for the proposed home child care with 12 children on the application property.

## COMPREHENSIVE PLAN PROVISIONS (Appendix 3)

**Plan Area:** II

**Planning District:** Fairfax Planning District

**Sector:** Mosby Woods Community Planning Sector

**Plan Map:** Residential, 2-3 du/ac

**Plan Text:**

There is no site specific language in the Comprehensive Plan for this parcel, however, page 42 of the 2013 Edition of the Fairfax County Comprehensive Plan, 2013 Edition (as amended through December 2, 2014) notes the following:

*“The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.”*

The Policy Plan also provides guidance on locating childcare facilities.

### APPENDIX 3 LOCATIONAL GUIDELINES FOR CHILD CARE FACILITIES

*In Fairfax County, as in other areas of the country, there is an increasing need for high-quality child care facilities. Such facilities should be encouraged throughout the county to the extent that they can be provided consistently with the following criteria:*

- 1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play areas, taking into consideration the size of the facility.*
- 2. Child care facilities should be located and designed to ensure the safety of children.*
- 3. Child care facilities should be located and designed to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare.*
- 4. Child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians.*
- 5. Child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Therefore, siting child care facilities in the periphery of residential developments or in the vicinity of planned community recreation facilities should be considered.*

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

**ANALYSIS**

**Special Exception Plat (Copy at front of staff report)**

Title of SE Plat: Lot 1 Willow Point  
 Prepared By: BC Consultants  
 Original and Revision Dates: January 2014 as revised through January 28, 2015

Description of Plat:

The Plat consists of four sheets.

Lot 1 Willow Point	
Sheet 1	Site Layout, Notes, Parking Tabulation
Sheet 2	Landscape Plan
Sheet 3	Landscape Details and Calculations
Sheet 4	Sight Distance

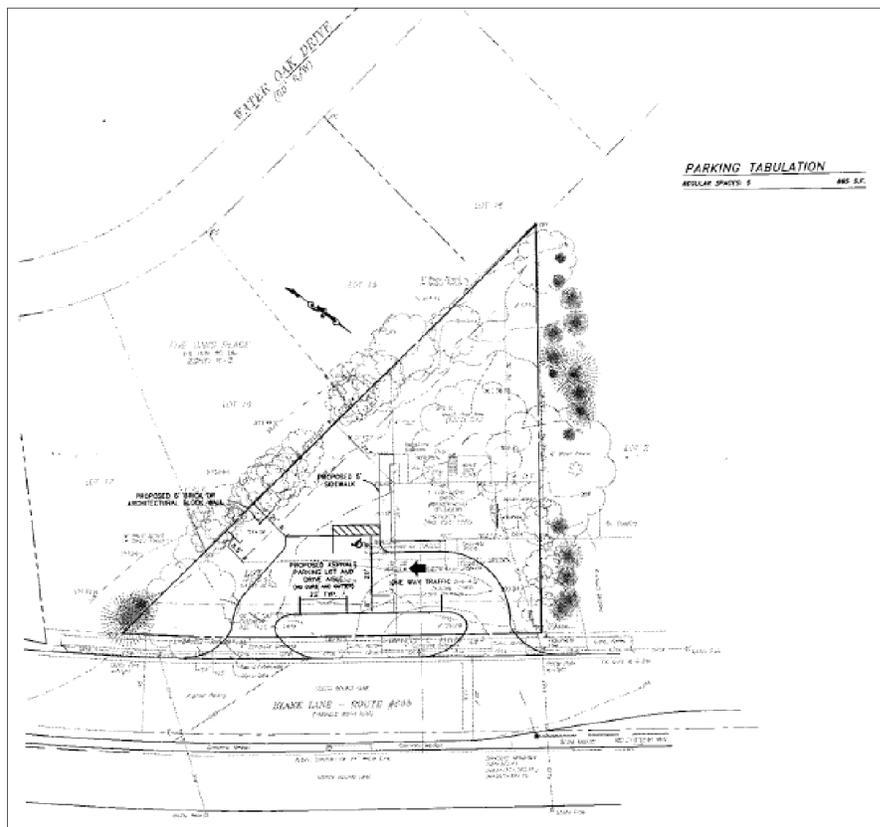


Figure 3. Site Layout (Source: SE Plat)

### Site Layout

Under this proposal, the location of the building and play area will not be changed. The split-level dwelling will remain in its current location, approximately 44 feet from Blake Lane. The existing 3,372 SF mulch play area, which is surrounded by a 4-foot tall chain link fence, will remain in its current location to the rear of the structure.

### Vehicular and Pedestrian Access

The application proposes to expand the existing front circular gravel driveway for vehicular access on the site. The one-way directional driveway would be paved and enlarged to accommodate five proposed parking spaces. The application proposes five parallel parking spaces, with three on the left side of the driveway and two on the right side. According to the applicant's statement of justification, 20 of the students are expected to arrive between 8:00 am and 9:00 am, with teachers arriving during the same period. The remaining 5 students would arrive between 9:00 am and 9:30 am. The 25 students would leave between 4:30 and 6:00 pm.

There is an existing 4-foot wide concrete sidewalk along Blake Lane which is proposed to remain.

### Landscaping

The applicant proposes to provide enhanced landscaping along the southern property boundary and along the Blake Lane frontage. Deciduous and evergreen trees would be planted in a line near the southern boundary, along with smaller trees and shrubbery along Blake Lane between the driveway entrances. Several areas of existing vegetation are also proposed to be preserved, including large trees within the play area and on the southern end of the Blake Lane frontage. Along the southern boundary, the transitional landscaping is as narrow as 21 feet near the proposed parking, which would require a modification to the 25-foot wide transitional screening requirements. Along Blake Lane, the landscaping would be approximately 10 feet wide, where provided, and would also require a modification to the transitional screening requirements.

### **Transportation Analysis (Appendix 4)**

The applicant proposes to upgrade the existing gravel circular driveway to an asphalt one-way circular driveway so that it can provide both the ingress and egress of the site and the required number of parking spaces. Given the limited size of the site, sloping topography, required and needed transitional screening, as well as the existing development, the driveway appears to be the only practical choice to accommodate the parking and access required for the proposed child care center. Even so, staff does not believe that the upgraded driveway is large enough to safely accommodate both the travel way and the parking. Specifically, staff believes that the proposed parallel parking spaces along both sides of the driveway will present conflict points in a one-way drive aisle for those parking and attempting to maneuver around parking cars. Staff believes that the maneuvering required to park within parallel parking spaces will cause queuing in the drive aisle, particularly given that the width of the driveway cannot readily accommodate passing and parking vehicles at the same time. In addition, there is not sufficient throat length at the driveway entrance to accommodate the vehicle queue at the

entrance. With 25 children and 4 employees arriving and leaving during a short window of time, staff finds that it is likely that the five spaces provided, although meeting Zoning Ordinance requirements, will frequently be occupied and/or in use during pick-up and drop-off periods. This creates a high likelihood of queuing extending onto Blake Lane as drivers wait for parking to become available.

Given the foregoing, staff worked with the applicant to determine if there were ways to separate parking from access. As mentioned above, the site slopes downward from the relatively flat portion near the house and driveway, leaving the rest of the site unsuitable to provide parking spaces. Furthermore, Transitional Screening 1 (a 25-foot wide landscaped buffer) is required along the southern boundary to visually buffer the nearby single-family detached homes from the proposed child care center. While a modification of the screening requirement could be requested, a separate parking lot would consume so much land area that it would be extremely difficult (if not impossible) to provide suitable landscaping to buffer the existing residences.

While the applicant has taken steps to address transportation concerns, including improving sight distance and changing the originally proposed gravel driveway to asphalt, the applicant has been unable to resolve staff's concerns regarding the proposed site circulation. As proposed, staff finds that the current design, coupled with the proposed traffic, would present an unsafe condition for the users of this site and traffic on Blake Lane.

### **Land Use Analysis**

The Comprehensive Plan contains locational guidelines for child care facilities, upon which this proposal was analyzed. Generally, staff notes that there is sufficient play area and its location behind the structure provides sufficient open space for access to sunlight and play with protection from noise and air pollution. Staff also notes that the general location has access to employment centers. However, other criteria within these guidelines are not met with this application.

Specifically, Guideline #4 states that child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians, as well as avoiding traffic back-ups on Blake Lane as cars queue up at the entrance to the application property. As described in detail in the Transportation Analysis, the applicant has been unable to resolve the access and circulation issues which staff believes create an unsafe condition for this use. Given that the site is so small and constrained, it is unlikely that these issues can be resolved and thus, accommodate this use.

Guideline #5 states that child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise and other impacts upon the surrounding community. The access and circulation pattern proposed under this application is likely to create traffic impacts upon Blake Lane. Specifically, staff believes that backups may occur onto Blake Lane either because the users of the child care center are waiting for available parking or because they are forced to stop while other users maneuver into the parallel parking spaces. As noted in the Transportation Analysis, staff believes that the physical limitations of the site preclude any acceptable solution to these issues. With regard to impacts upon the abutting residences, a 25-foot wide strip of landscaping and a barrier are required. While staff believes that the transitional screening requirements might be modified and still mitigate the

visual and noise impacts of the proposed use, the applicant has failed to provide sufficient detail on the modification request. Given the size and configuration of the site, staff does not believe that the child care center is an appropriate use on this site or that the site can satisfy the elements of Guideline #5.

In conclusion, this application has not met the Comprehensive Plan's locational guidelines for siting of child care facilities.

## **Environmental Analysis** (Appendix 5)

### ***Issue: Landscaping and Screening***

As described above, the use proposed here requires Transitional Screening 1 (a 25-foot wide landscaping strip) along the Blake Lane frontage and the southern property boundary, where the use abuts single-family detached dwellings. For the barrier requirement, a barrier classified as a D, E, or F barrier (which would be either a 42-48 inch chain link fence, or a six-foot high brick or architectural block wall, or a six-foot high solid wood or architectural fence respectively) is required.

The applicant has proposed a modification to those requirements to that shown on the SE Plat—which includes a combination of new landscaping to supplement the existing vegetation. The applicant also proposes a fence and wall interspersed in the landscaping to meet a modified barrier requirement. The SE Plat indicates that the formal request with specific justification would be provided under separate cover. The SE Plat does not provide sufficient justification in this case.

### ***Resolution:***

In staff's opinion, the landscaping proposed might meet the intent of the transitional screening and barrier requirements by supplementing existing landscaping and barriers with new plantings (including ground-level vegetation and taller trees) and fencing/walls. But since the parking and the use are both very close to the homes at the southern property boundary, staff would not support sacrificing landscaping quality or design in order to accommodate more parking on the subject site. The difficulties of providing appropriate landscaping simply emphasizes how constrained and difficult the site is. On the whole, staff finds this issue unresolved.

## **Public Facilities Analysis**

### ***Issue: Stormwater***

Calculations provided by the applicant's engineer indicate that roughly 2,550 SF of disturbance would be required to accommodate the parking lot and sidewalk as shown on the SE Plat. Staff from the Department of Public Works and Environmental Services (DPWES) has confirmed that this amount of disturbance would require stormwater treatment measures. Although not currently proposed, it is not clear where such measures could be located allowing for the limited space onsite. As with the transportation issues, given the consumption of the land for the structure, driveway, play area and necessary landscaping, location of any stormwater measures would present an engineering challenge for the site. As staff does not believe the

overall site can support the proposed use, the applicant was not asked to go to the expense of further design efforts. However, if this application were to be approved, stormwater requirements would need to be met at site plan as such requirements cannot be waived as part of the SE request.

**ZONING ORDINANCE PROVISIONS (Appendix 6)**

<b>Bulk Standards (R-2)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	15,000 SF	18,679 SF
Lot Width	125 feet	380 feet
Building Height	35 feet	21 feet
Front Yard	35 feet	44 feet
Side Yard	15 feet	>20.4 feet
Rear Yard	25 feet	>39.3 feet
FAR	0.20	0.07
Open Space	n/a	n/a
Tree Canopy	30 % (5,604 SF)	>30% (8,654 SF)
<b>Parking</b> Parking Spaces	5 (0.19 space per child for a center which has a maximum daily enrollment of 99 children or less)	5 spaces
Loading Spaces	n/a	n/a
<b>Transitional Screening</b> North (Appletree School)	None	None
Southwest (Single Family Residential)	Transitional Screening 1 (unbroken strip of open space a minimum of 25 feet wide consisting of a proscribed mixture of deciduous and evergreen trees)*	Modification requested, strip of landscaping and existing vegetation, with a pinch point of 21-foot width at parking area
East (Single Family Residential)	Transitional Screening 1 (unbroken strip of open space a minimum of 25 feet wide consisting of a proscribed mixture of deciduous and evergreen trees)*	Modification requested, 10-foot wide landscaping panel with deciduous trees and evergreen shrubs in landscape island
<b>Barrier</b> North (Appletree School)	None	None
Southwest (Single Family Residential)	Barrier D, E, or F**	Modification requested to permit use of the existing 6-foot high wood fence along a portion of the southern boundary
East (Single Family Residential)	Barrier D, E, or F**	Waiver requested to provide no barrier along Blake Lane

\* Transitional Screening 1 shall consist of an unbroken strip of open space a minimum of twenty-five (25) feet wide and planted with all of the following:

- (1) A mixture of large and medium evergreen trees and large deciduous trees that achieve a minimum ten (10) year tree canopy of seventy-five (75) percent or greater;
- (2) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and
- (3) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.

\*\* D. Barrier D shall consist of a 42-48 inch chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs.

E. Barrier E shall consist of a 6 foot wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.

F. Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.

### **Waivers/Modifications**

As described above, the applicant has requested a modification to the transitional screening and barrier requirements along the southern boundary and a waiver of each along the Blake Lane frontage but the request does not satisfy the Zoning Ordinance. These requests are not supported at this time and providing quality landscaping remains a concern for this site.

### **Other Zoning Ordinance Requirements:**

#### **Special Exception Requirements (Appendix 6)**

##### *General Special Exception Standards (Sect. 9-006)*

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards.

General Standard 1 requires that the proposed use be in harmony with the adopted Comprehensive Plan. As previously discussed, the Comprehensive Plan identifies the Mosby Woods Planning Sector as a stable residential area and that infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. The application proposes to renovate an existing home and to add a new parking lot and driveway; no new structures are proposed. However, given the size of this parcel and the consumption of land associated with parking, access, landscaping, staff finds that the proposed use is too intense on this parcel. In addition, the current submittal does not meet the policies for siting of child care facilities provided in the Comprehensive Plan specifically with respect to access and parking. Sufficient land area and appropriate design would be required for the use to be in harmony with the Comprehensive Plan. Therefore, staff does not believe that the current proposal is in harmony with the Comprehensive Plan.

General Standard 2 requires that the proposed use shall be in harmony with the general purpose and intent of the Zoning District (in this case, R-2). The purpose and intent of the R-2 District is to permit residential development at a density of 2 dwelling units per acre and to allow other selected uses which are compatible with the low density residential character of the district. Overall, a child care center, on a sufficiently sized lot with no major site constraints and appropriately designed with sufficient room for parking, access, landscaping and

environmental issues (i.e. stormwater treatment), would be in harmony with the general purpose and intent. However, given the size and configuration of the subject site, coupled with the proposed use's intensity and the impacts associated with it, staff does not believe that the current proposal is in harmony with the Zoning District purpose and intent.

General Standards 3 and 4 require that the proposed use will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan and that pedestrian and vehicular traffic associated with the use will not create hazards or conflict with the existing and anticipated traffic in the neighborhood. In staff's opinion, adequate vehicular access and circulation have not been provided. Staff finds that the proposed facility would lead to adverse impacts to traffic in the neighborhood, notably on Blake Lane. Furthermore, staff believes that the physical limitations of the site make it impossible to address these issues. Therefore, staff believes these standards have not been met.

General Standard 5 requires that landscaping and screening be in accordance with the provisions of Article 13. Justification for the transitional screening and barrier waivers and modifications has not been provided as required by Article 13. Therefore, staff cannot make a finding that this standard has been met. When a special exception use such as the proposed child care center is proposed adjacent to single-family residential development, any review of the screening would require sufficient justification and detail that would need to be further evaluated. Given the foregoing, this standard has not been met.

General Standards 6 requires that open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. There is no open space requirement for conventional subdivisions in the R-2 district. Therefore, this standard is not applicable.

General Standard 7 requires that adequate utilities, drainage, parking and loading spaces and other necessary facilities be provided to serve the proposed use. The site is adequately served by sanitary sewer and is connected to public water. The applicant has indicated that roughly 2,550 SF of disturbance will be necessary to the site to construct the required parking and driveway. Because the applicant is disturbing more than 2,500 square feet, additional stormwater management requirements may be required. However, it is unclear how these facilities could be accommodated on this small site. Also, as discussed previously in this report, staff believes that the parking and on-site circulation are inadequate. Given these two issues, staff cannot find that this standard has been met.

General Standard 8 requires signs to be regulated in accordance with the Zoning Ordinance; however, the Board of Supervisors may impose more strict requirements for a given use than those set forth in this Ordinance. No signage is proposed with this application and thus this standard has been satisfied.

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

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

For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient government services to the residents of properties within the general area of the location.

This standard is not applicable to this request since a child care center/nursery school is not a public use as defined by the Zoning Ordinance.

- *Except as may be qualified below in the following sections, all uses shall comply with the lot size requirements of the zoning district in which located.*

As indicated in the zoning ordinance provisions identified above, the subject property meets the minimum area requirement and appears to meet the lot width requirement based on the depiction on the plat.

- *Except as may be qualified in the following sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.*

The building meets the requirements for bulk and building height of the R-2 zone.

- *All uses shall comply with the performance standards specified for the zoning district in which located.*

All performance standards have been satisfied with the proposed site conditions.

- *Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

Should this application be approved, the applicant would be required to fulfill any applicable provisions of Article 17, as they relate to this request.

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

1. *In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.*

The applicant is proposing a maximum enrollment of 25 children. Over 3,000 SF of play area is shown, and given the area and the age groups of the children, staff finds that there is sufficient outdoor recreation space provided and that this standard has been satisfied.

2. *All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever*

*modification and conditions the Board deems to be necessary or advisable:*

**Number of Persons Street Type**

1-75 Local  
76-660 Collector  
660 or more Arterial

The Statement of Justification for this application includes the expected trip generation for the proposed use, the distribution of these trips by mode and time of day, and the location of the service area of the facility. Generally, the number of persons would be expected is lower than 75, and Blake Lane is an appropriate street type of this level of trip generation. However, based on the size and configuration of the application property, it would be unable to accommodate this level of trip generation.

*3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.*

As discussed in the Transportation Analysis, with the enrollment of up to 25 children accessing the site, staff is concerned that the parking lot and driveway configuration is insufficient to accommodate the dropping off and picking up of children in the morning and afternoon without queuing on the public street. The preferred solution to the issue would be the physical separation of the parking from the pick-up and drop-off area. However, in staff's opinion, the size, configuration and topography of the site cannot physically accommodate the space needed for separate parking and drop-off and pick-up. Therefore, this standard remains unsatisfied.

*4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.*

The applicant will be required to fulfill any applicable provisions of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

**Staff Conclusions**

Based on the above analysis, the proposal is not in conformance with the Zoning Ordinance or in harmony with the intent of the Comprehensive Plan or the Locational Guidelines for Child Care Facilities. Staff has worked with the applicant to address the access and parking issues raised by this child care center. While a separate parking lot might resolve the access issues, it would then eliminate the area needed to buffer the abutting single-family detached dwellings from the proposed child care center. There appears to be no way to provide adequate parking and access without impacting the abutting residences. For this reason, it is staff's conclusion that the subject property is not large enough, nor is it developed in a manner that could accommodate the proposed child care center facility.

**Recommendation**

Staff recommends denial of SE 2014-PR-067.

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

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

## **APPENDICES**

1. Affidavit
2. Statement of Justification
3. Plan Citations and Land Use Analysis
4. Transportation Analysis
5. Urban Forestry Analysis
6. Applicable Zoning Ordinance Provisions Checklist
7. Glossary



# 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](http://www.fairfaxcounty.gov)

**DATE:** February 4, 2015

**TO:** Suzanne Wright, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Jo Ellen Groves, Paralegal *JEG/pdk*  
Office of the County Attorney

**SUBJECT:** Affidavit  
Application No.: SE 2014-PR-067  
Applicant: Konstantin E. Panov  
PC Hearing Date: 4/16/15  
BOS Hearing Date: Not Yet Scheduled

**REF.:** 127371

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 11/7/13, which bears my initials and is numbered 127371, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)  
Zoning Evaluation Division  
Department of Planning and Zoning

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: November 7th, 2013  
(enter date affidavit is notarized)

I, Konstantin E. Panov, 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

127371

in Application No.(s): SE 2014-PR-067  
(enter County-assigned application number(s), e.g. SE 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 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Konstantin E. Panov and Alla Davidova, d/b/a The Butterfly Effect, Inc.	9653 Blake Lane, Fairfax, VA 22031 2902 Langholm Place, Vienna, VA 22181 2902 Langholm Place, Vienna, VA 22181	Co-Applicant/Title Owner Co-Applicant/Title Owner Co-Applicant

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 7th, 2013  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-PR-067 127371  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

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

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name and number, street, city, state, and zip code) The Butterfly Effect, Inc.  
2902 Langholm Place, Vienna, VA 22181

**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)  
Alla Davidova  
Konstantin E. Panov

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 7th, 2013  
(enter date affidavit is notarized)

for Application No. (s): SE 2014-PR-067 127371  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

(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 "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 7th, 2013  
(enter date affidavit is notarized)

127371

for Application No. (s): SE 2014-PR-067  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2014-PR-067  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: November 7th, 2013  
(enter date affidavit is notarized)

127371

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 "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

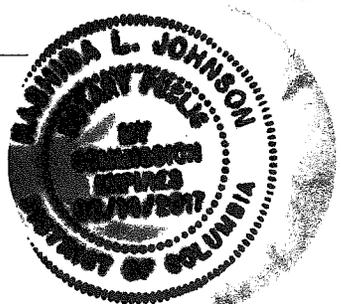
(check one)  Applicant  Applicant's Authorized Agent

Konstantin E. Panov / Co-Applicant  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 7<sup>th</sup> day of November 2013, in the State/Comm. of Washington DC, County/City of Dist. of Columbia

[Signature]  
Notary Public

My commission expires: 8/14/2017



[Signature]

OCT 15 2014

Zoning Evaluation Division

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

APPENDIX 2

October 10, 2014

**SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION  
for the proposed Day Care Center at  
9653 Blake Lane, Fairfax, VA 22031**

We, Alla Davidova and Konstantin Panov, jointly own a single-family detached house at 9653 Blake Lane, Fairfax, Virginia, 22031 and hereby request that approval be granted to operate a child daycare center in that property. The subject property is zoned R-2, located in the Providence District on Tax Map No. 048 3 19 Parcel 1 and is composed of 18,679 sq.ft of land. Per Article 9 Part 3 Section 9-300, the proposed project is a special exception in this location. The requested capacity of the day care center is **25 children** aged between 1.5 and 5 years old.

Currently, there is a child care facility operated by a Lessee, Ms. Nassiba Ishchanova, on the premises of the above property. This daycare center is licensed by the State of Virginia to have 12 students. The daycare operated by N. Ishchanova, is affiliated with the Co-Applicant company, The Butterfly Effect, Inc. (a Nonprofit Organization), and will be merged into the proposed center, if approval is granted.

**A. Type of proposed operation:** This application is submitted for the daycare center, which will have the focus on multilingual programs for relevant age group students. The major type of educational programs that we specialize in and plan to develop in this facility, is early child development with intensive courses in Math, History, Geography, Natural Sciences combined with multilingual education. The latter is viewed as our particular focus and strength. The Co-Applicant, The Butterfly Effect, Inc., has been in the business of educating and caring for children since 2003 and presently runs programs in a school facility located in Reston. The experience gained by this company and successful application of the main concept, i.e. early development methods combined with multilingual approach, lead to impressive results in knowledge levels of our students. The need for these services is demonstrated by the number of existing patrons and a current waiting list for the admission of additional participants into daycare, exceeding 10 children. The proposed project will allow access for all students on the waiting list plus additional future applicants.

**B. Hours of operation:** The child care will be open from 8:00 AM to 6:00 PM, Monday through Friday.

**C. Estimated number of students:** we apply for the maximum attendance number of 25 students to be educated in this location.

**D. Proposed number of employees/teachers/assistants:** there will be no more than 4 teachers/assistants within the school at any given moment; with two teachers providing core supervision during the day while other teaching staff working on a part-time basis and arriving for determined time slots to deliver their lessons and then leaving the premises in a flexible schedule. This complies with the minimum teacher/students ratio in the age group of above 1.5 years old. The same flexibility applies to the schedule of an administrative assistant, who will be working on a part-time basis as needed.

**E. Estimate of traffic impact of the proposed use,** including the maximum expected trip generation and the distribution of such trips by mode and time of day. The work schedule of the center is planned to be flexible, so that there is no major overlapping infow/outflow traffic of the students/teachers. Once the facility reaches its maximum capacity, which may take extended period of time to materialize, the following traffic is expected:

Arrival

8:00 – 8:30 am	2 teachers and 12 students
8:30 - 9:00 am	1 teacher and 8 students
9:00 – 9:30 am	5 students

Departure

4:00 – 4:30	5 students
4:30 - 5:00 pm	10 students
5:00 - 6:00 pm	2 teachers and 10 students
6:30 – 7:00 pm	1 teacher

The eventual traffic impact of the proposed use is determined by the configuration of properties in the neighborhood. There is only one adjacent neighbor that can see direct impact from traffic in the immediate vicinity of the subject property and it happens to be the Apple Tree School, located up the Blake Lane. This is the only neighboring property on the line facing the Blake Lane, all other properties are located in such a way that their entrance driveways open to the inner road. As a result, any traffic generated by operation of the proposed daycare center is not going to directly affect any of the adjacent properties other than the Apple Tree School. The latter has a much greater capacity and resultant traffic than we apply for and, furthermore, is located up the street so that our incoming/outgoing traffic does not impede access to or exit from their property.

**F. Vicinity or general area to be served by the proposed daycare center:** due to specialized nature of our program, we see our client base to be spread around larger Fairfax City area, with typical driving time for the parents to drop off and pick up their children in the range of 15-20 minutes, or within the radius of up to 7 miles. This is the pattern that we observe in operating the school in Reston, with longer distances/trip time usually discouraging clients from joining or forcing them to rapidly withdraw from the program. Based on that, we assume that the majority of the students will be transported by individual cars.

**G. Description of building façade and architecture of proposed additions.**

The house is a brick 1 ½-story single-family detached dwelling, built in 1962, of rectangular shape with façade width of 47.0 ft and 26.4 ft deep, and with an approximate height of 21.0 ft. The main entrance is in the central section of the façade facing Blake

Lane, while the building also has a walk-out basement and a deck, with an exit from the second level. The overall inner space of the structure is around 1917 sq. ft, with the usable space at 1339 sq. ft (excluding stairs, bathrooms, closets, technical room). The daycare center will use both levels, which combined will have 8 separate rooms suitable to serve as classrooms, dining and sleeping rooms. Kitchen area of the house (located on the second floor) will be used for meal/snack storage and distribution. The available inner space by far exceeds the prescribed ratio of 50 sq. ft per child and could actually accommodate up to 55 students.

The following modifications will be needed to bring the property in compliance with all the norms and regulations related to child daycare facilities, as described in the attached architectural plan:

- Install drinking fountains at both levels;
- Widen existing exits on upper and lower levels to comply with door width requirement of over 36";
- Create additional exit on the lower level;
- Re-model lower level bathroom to make it compliant with ADA requirements;
- Build a compliant ramp from the drop-off area to the lower level entrance, to allow access for disabled persons.

Particulars of the lot area: The lot has a triangular shape with the sides of 110.73 ft (façade), 189.47 ft deep and 270.24 ft, its total area is 18'679 square ft.

Outdoor Play: there is a fenced playground in the backyard, that is ready for outdoor play for the children. The shape of the playground is pentagonal, having width of 67.4 ft and the shorter depth of 53.1 ft, which results in the overall space within the fenced area of about 3372 sq. ft. The available playground area exceeds the required minimum of 100 sq. ft per child (or 2500 sq. ft overall). There are a number of light plastic structures (such as a playhouse and a slide) plus a swing set mounted under the deck. The playground has a wooden chip surface complying with relevant daycare regulations, and so is the fence with two separate entrances, from the left and right sides of the building. Their locations have been indicated on the plat.

Parking: the existing driveway and parking spaces (three spots) are marked on the plat, and have a gravel surface. The requested capacity of 25 students will require 5 parking spots as per Article 9-302, that stipulates the ratio of 0.19 spaces per attending child. The following plan is proposed to develop the parking spaces to comply with this requirement: 2 parking spaces will be located in the area between the sidewalk on the Blake Lane and the semi-circular driveway that leads to the main entrance to the building, while another spot will be designated on the right side of the building, with another 2 in their current location. The proposed gravel area for that purpose will cover 961 sq. ft. including the driveway that will serve for drop-off and pick-up of the children (as detailed in the attached plat):

In conclusion, there are no changes not proposed to the appearance of the house.

**H. A listing, if known, of all hazardous or toxic substances:** there are no known hazards or toxic substances to be generated, utilized, stored, treated, and/or disposed of on the site.

## **J. Compliance with Goals and Policies**

In submitting this application, we made sure that the intended use is consistent with the comprehensive plan and other adopted goals and policies, as well as purposes stated in the Code of Virginia, § 15.2-2283. The proposed use is viewed to be in harmony with the general purpose and intent of the applicable zoning district regulations. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. More specifically, the proposed daycare operation will not entail any structural modifications or land development beyond those already existing on the lot and, and, consequently, will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The proposed project also conforms with the provisions of Fairfax County Comprehensive Plan relating to child care facilities.

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition**  
**POLICY PLAN Human Services**, Amended through 8-5-2002, Page 10

### **Objective 20: Encourage location of child care facilities on or near the worksite and in or near residential developments.**

Policy a. Locate and design child care facilities to ensure the safety of children. Location of child care centers in retail areas is appropriate if designed to provide a safe and healthful environment for children.

Policy b. Locate and design child care facilities in residential communities to minimize the impact of traffic and noise on the surrounding community. Consideration should be given to locating child care centers on the periphery of residential developments or in the vicinity of planned community recreational facilities.

Policy c. Design child care facilities with sufficient open space to provide access to sunlight and suitable play areas. Locate and design facilities to protect children from excessive noise, air pollution and other environmental factors potentially injurious to their health or welfare.

Policy d. Locate and design child care facilities to ensure safe and convenient access. Appropriate attention should be paid to parking and safe and effective on-site circulation of automobiles and pedestrians.

Policy e. Allow family day care homes, properly regulated, to exist in a variety of residential settings.

Русский | English



## BILINGUAL SCHOOL

*We believe that each child possesses unique talents and gifts*

Our School

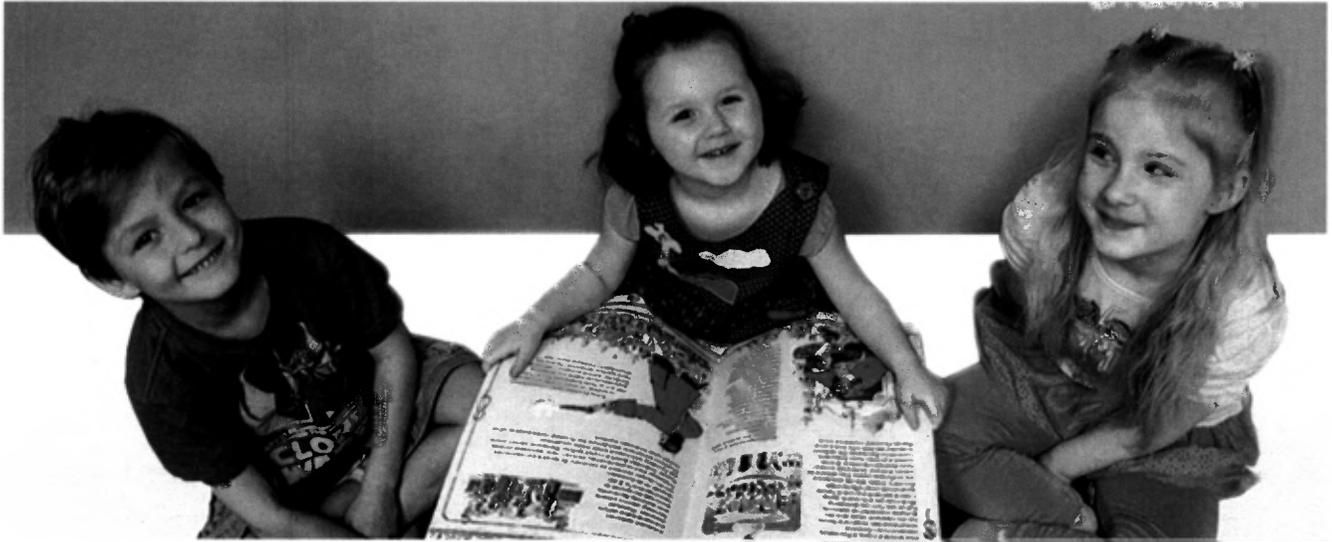
Campus

Day Care

Age School

After School and  
Summer Camp

Weekend School



Events

Photos

Reston Campus  
11445 Isaac Newton Sq. Suite #100  
Reston, VA 20190  
703-435-2784

Fairfax Campus  
9653 Blake lane  
Fairfax, VA 22031  
703-281-35-94

*We are member of the National  
Association  
for Gifted Children*



Русский | English

# BILINGUAL SCHOOL

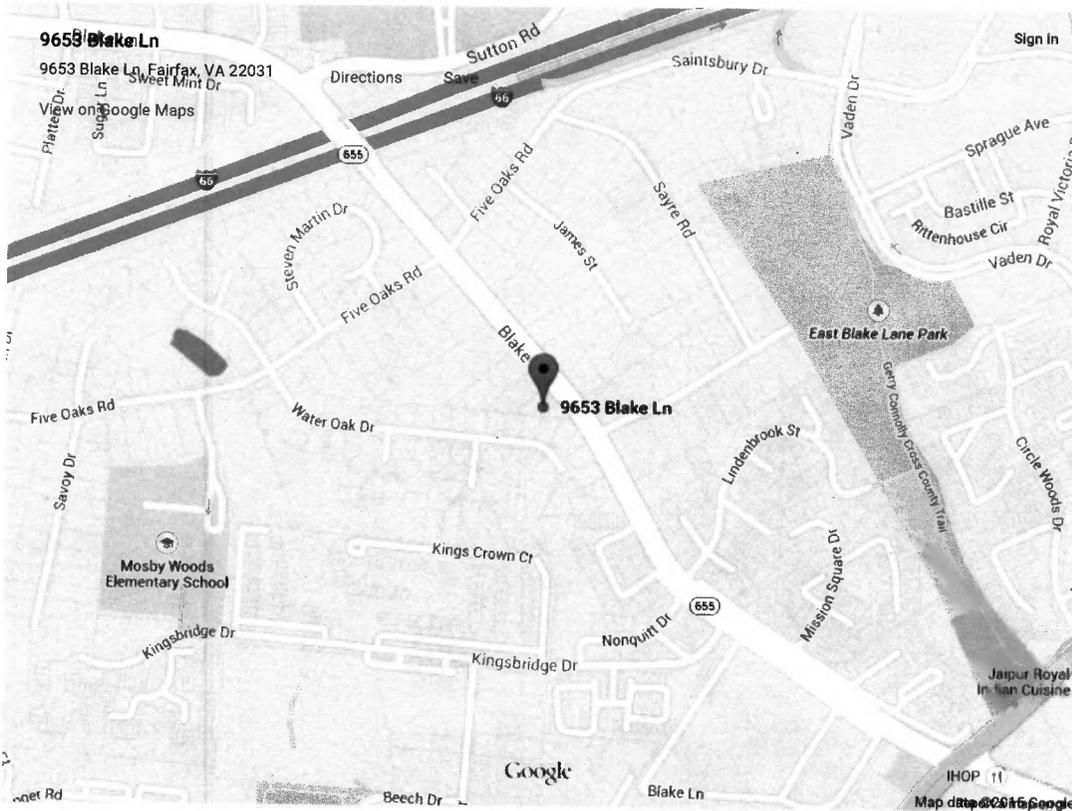
*We believe that each child possesses unique talents and gifts*

<b>LLC</b>	<b>Our School</b>	<b>Campus</b>	<b>Day Care</b>	<b>Age School</b>	<b>After School and Summer Camp</b>	<b>Weekend School</b>
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<b>Events</b>	<b>Photos</b>
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## FAIRFAX / MAPS



Reston Campus  
 11445 Isaac Newton Sq. Suite #100  
 Reston, VA 20190  
 703-435-2784

Fairfax Campus  
 9653 Blake lane  
 Fairfax, VA 22031  
 703-281-35-94

*We are member of the National Association for Gifted Children*



Русский | English



# BILINGUAL SCHOOL

*We believe that each child possesses unique talents and gifts.*

Our School

Campus

Day Care

Age School

After School and Summer Camp

Weekend School



Events

Photos

## FAIRFAX / CONTACTS

### MAILING ADDRESS:

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9653 Blake lane  
Fairfax, VA 22031

### PHONE:

(703) 281-3594

### E-mail:

ruskidshouse@gmail.com

Reston Campus  
11445 Isaac Newton Sq. Suite #100  
Reston, VA 20190  
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**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition AREA II Fairfax Planning District, Amended through 12-2-2014 F3-Mosby Woods Community Planning Sector Page 42**

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends that most of this sector be identified as a Suburban Neighborhood. The Flint Hill Suburban Center is located in this sector (see the Flint Hill Suburban Center).

RECOMMENDATIONS

Land Use

The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition POLICY PLAN Land Use – Appendix, Amended through 4-29-2014 Page 17**

**APPENDIX 3 LOCATIONAL GUIDELINES FOR CHILD CARE FACILITIES**

In Fairfax County, as in other areas of the country, there is an increasing need for high-quality child care facilities. Such facilities should be encouraged throughout the county to the extent that they can be provided consistently with the following criteria:

1. Child care facilities should have sufficient open space to provide adequate access to sunlight and suitable play areas, taking into consideration the size of the facility.
2. Child care facilities should be located and designed to ensure the safety of children.
3. Child care facilities should be located and designed to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare.
4. Child care facilities should be located and designed to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians.
5. Child care facilities in Suburban Neighborhoods should be located and designed to avoid creating undesirable traffic, noise, and other impacts upon the surrounding community. Therefore, siting child care facilities in the periphery of residential developments or in the vicinity of planned community recreation facilities should be considered.
6. Child care facilities should be encouraged in employment centers to provide locations convenient to work places. However, these locations should make provisions for a safe and healthful environment in accord with the guidelines listed above.



# County of Fairfax, Virginia

## MEMORANDUM

DATE: February 23, 2015

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Michael A. Davis, Acting Chief  
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 2014-PR-067)

**SUBJECT:** Transportation Impact

**REFERENCE:** SE 2014-PR-067 Konstantin Panov  
Land Identification Map: 48-3 ((19)) 1

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated January 2014, and revised through January 28, 2015. The applicant seeks approval to convert a single family home to a child care facility for up to 25 children aged 1.5 to 5 years. There would be no more than 4 employees at one time. The proposed hours of operation are 8:00 a.m. to 6:00 p.m. Monday–Friday. There are five parallel parking spaces provided in front of the building.

The level area in front of the existing house is not large enough to accommodate more than a few parking spaces and the circular driveway. The remainder of the site along Blake Lane is not level and slopes downward to the east. Parallel parking spaces as shown are not advisable because the back and forth movements to maneuver into and out of them which would create conflicts with vehicles entering the site from Blake Lane. Due to the lack of sufficient throat length at the entrance for vehicles entering/waiting to park, this could lead to queuing back onto the street. There is no parking permitted on Blake Lane and parking must be wholly on site. Although the five parking spaces are to code, it is likely not a sufficient number for both parents and the four or more employees on site at one time. In fact, employees could take up the majority of the parking spaces, leaving very few for parents to use.

Although the applicant has improved sight distance by relocating the exit from the site and would provide an asphalt surface for parking instead of the gravel originally shown, staff believes the site is basically too small to accommodate the proposed use and the required parking improvements.

MAD/LAH/lah

cc: Suzanne Wright, DPZ



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF TRANSPORTATION**

**CHARLES A. KILPATRICK, P.E.**  
COMMISSIONER

4975 Alliance Drive  
Fairfax, VA 22030

February 6, 2015

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Kevin Nelson  
Virginia Department of Transportation – Land Development Section

**Subject:** SE 2014-PR-067 Konstantin Panov  
Tax Map # 48-3((19))0001

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan submitted on January 23, 2015, and received on February 2, 2015. The following comments are offered:

1. The entrances should be paved to meet the requirements for a commercial entrance.
2. Sight distance needs to be demonstrated for the entrances to the site.
3. CG-11 type entrances need to be provided for commercial uses.
4. A vehicle circulation plan should be reviewed to assure the projected traffic can be handled by the small parking and service area.
5. The parking could be angled for the spaces near the road and you would be able to get 4 head in type spaces in this area without encroaching onto the sidewalk area. This would add one additional space and make entering and exiting the parking spaces easier.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver  
fairfaxspex2014-PR-067se1Panov2-6-15BB



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 26, 2015

**TO:** Ms. Suzanne Wright, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Craig Herwig, Urban Forester III  
Forest Conservation Branch, DPWES

**SUBJECT:** Willow Point Lot 1; SE 2014-PR-067

This review is based on the Special Exception Plat (SE) stamped "Received, Department of Planning and Zoning, January 28, 2015."

General Comment: Comments and recommendations on the previously submitted SE Plat were provided to DPZ in a memo dated November 24, 2014. The following comments result from those comments and recommendations that were not adequately addressed on the previously submitted SE Plat. Additional comments and recommendations are provided to address transitional screening.

- 1. Comment:** A modification of transitional screening along a portion of the eastern boundary and a waiver of the required 25' transitional screening along the eastern boundary is requested. In addition, a modification to use the existing 6' wood fence for the required barrier along the southern boundary is also requested on sheets 1 and 2. The note under the transitional screening calculations on sheet 3 states "A transitional screening and barrier modification and/or waiver request application will be submitted (under separate cover).

**Recommendation:** If the Applicant wishes to pursue a modification of the transitional screening and barrier requirements, a modification request with a detailed justification in conformance with ZO 13-305 should be provided as part of the Special Exception.

- 2. Comment:** The specific plant material proposed to be planted and to be used toward meeting the transitional screening requirement has not been provided. In addition, the legend on sheet 2 identifies the size of the proposed evergreen trees in caliper rather than in height.

**Recommendation:** Provide the specific plant material proposed to be planted and to be used toward meeting the transitional screening requirement. Also, when using evergreen trees the size is expressed in height, not caliper inches.

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Department of Public Works and Environmental Services  
Urban Forest Management Division

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Phone 703-324-1770, TTY: 711, Fax: 703-653-9550  
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3. **Comment:** There appears to be an existing 15-foot wide public utility easement along the eastern property boundary, adjacent to Blake Lane, within the transitional screening yard. Trees shall not be planted within any existing or proposed public utility easement.

**Recommendation:** If trees are shown to be planted within an existing or proposed utility easement, the plan shall contain a letter of permission from the owner of the easement. Because the plants are part of the transitional screening requirements, a note on the plan should be provided that states “If any work occurs within the easement that causes damaged to or requires the removal of any plants associated with the transitional screening, they shall be replaced by the Applicant in the same sizes and quantities shown on the SE Plat within the current growing season.”

4. **Comment:** The limits of disturbance have not been provided on the SE Plat and it is unclear if any damage may occur to the oak tree at the southeast corner of the property.

**Recommendation:** The proposed limits of disturbance for the proposed circular driveway and parking spaces should be provided to determine if tree protect will be necessary for the oak tree at the southeast corner of the property.

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

CSH/

UFMDID #: 197721

cc: DPZ File

## **9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

## **9-304 Standards for all Category 3 Uses**

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

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

## **9-309 Additional Standards for Child Care Centers and Nursery Schools**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
- C. Only that area which is developable for active outdoor recreation purposes.
- D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.

2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

**Number of Persons Street Type**

1-75 Local

76-660 Collector

660 or more Arterial

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

## GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 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		