

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: November 19, 2009
SPEX 2009-0028, Arris Montessori School
DECISION DEADLINE: December 14, 2009
ELECTION DISTRICT: Dulles PROJECT PLANNER: Sophia Fisher

EXECUTIVE SUMMARY

Arris Montessori Academic Services, LLC of Ashburn, Virginia has submitted an application for a special exception to permit a child care center and a private school in an existing commercial condominium, with a maximum enrollment of 175 students, in the PD-IP (Planned Development - Industrial Park) zoning district. The property is located within the Route 28 Taxing District, and within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour. This application is subject to the 1993 Zoning Ordinance, the proposed private school use is listed as a Special Exception use under Section 4-504(NN), and the proposed child care center use is listed as a Special Exception use under Section 4-504(U), subject to the Additional Regulations set forth in Section 5-609(B). The property is an approximately 17,400 square foot commercial condominium located upon a parcel approximately 6.85 acres in size, and is located on the west side of Loudoun County Parkway (Route 607), on the south side of Cape Court, at 44675 Cape Court #189, Ashburn, Virginia. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)), the Revised Countywide Transportation Plan, the Loudoun County Bicycle and Pedestrian Mobility Master Plan, and the Countywide Retail Plan Amendment which designate this area for business uses with a recommended Floor Area Ratio (FAR) of 0.4.

RECOMMENDATION

Staff recommends approval of the application subject to the Conditions of Approval dated November 5, 2009 and the Findings contained within the staff report. The applicant has not agreed to the conditions for the reason discussed in the Zoning section of this report.

This application has been advertised for the December 7, 2009 Board of Supervisors Public Hearing.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward SPEX 2009-0028, Arris Montessori School, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated November 5, 2009 and with the Findings contained in the November 19, 2009 staff report.

OR,

2. I move that the Planning Commission forward SPEX 2009-0028, Arris Montessori School, to a Worksession for further discussion.

OR,

3. I move that the Planning Commission forward SPEX 2009-0028, Arris Montessori School, to the Board of Supervisors with a recommendation of denial based on the following findings:

- 1.
- 2.

VICINITY MAP



Directions:

From Leesburg, take Route 7 east. Take Loudoun County Parkway South approximately 3 miles, then take a right on Cape Court. Site will be on the left at the end of the cul-de-sac.

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PLANNING COMMISSION PUBLIC HEARING
SPEX 2009-0028, Arris Montessori School
NOVEMBER 19, 2009

APPLICANT: Arris Montessori Academic Services, LLC
Joanna C. Beitzel, Director and Teacher
44675 Cape Court #189
Ashburn, VA 20147
571-271-4228
joannabeitzel@yahoo.com

OWNER: H2K2 LLC
Soo Young Kim
945 Leigh Mill Road
Great Falls, VA 22066-2303

REPRESENTATIVE: Robert E. Sevila, Esquire
Sevila, Saunders, Huddleston & White
P.O. Box 678
Leesburg, Virginia 20178
703-777-5700
rsevila@sshw.com

PROPOSAL: A Special Exception for a Private School – Section 4-504(NN) and Child Care Center – Section 4-504 (U) and 5-609(B).

PROPERTY ADDRESS: 44675 Cape Court, Unit 189, Ashburn, VA 20147

TAX MAP/PARCEL: condo unit on
Tax Map— /80//31P1///C/ MCPI— 061-49-8039-005

PROPOSED ZONING: PD-IP (under the 1993 Zoning Ordinance)

SURROUNDING ZONING/LAND USE:

NORTH	PD-IP	Flex Industrial/Office
SOUTH	PD-IP	Flex Industrial/Office
EAST	PD-IP	Vacant Flex Industrial/Office
WEST	PD-IP	Flex Industrial/Office

ELECTION DISTRICT: Dulles

II. SUMMARY OF DISCUSSION

Topic/Issue Area	Issues Examined and Status
Community Planning	<ul style="list-style-type: none"> Confirm that the 5% policy restriction on retail/service uses in Business communities will not be exceeded by the proposed uses. Status: Resolved—only the child care component of the proposal counts as a retail or service use, and it does not appear that the limit is being exceeded in the Beaumeade area.
Zoning	<ul style="list-style-type: none"> Provide 75 SF outdoor play area per child for the child care center use. Status: Unresolved—the plat has been revised; however, the plat shows an overlap between the play area and the entrance used for student drop-off/pick-up. Clarify where the drop-off/pick-up area will be, and ensure that the area is separated from the outdoor play area. Status: Unresolved—the applicant has submitted a procedure for drop-off/pick-up that would prevent the play area from being used at the same time, but the document is not enforceable.
Transportation	<ul style="list-style-type: none"> Confirm that stacking will not occur on Cape Court during drop off and pick up times. Status: Resolved—the applicant has provided a circulation plan that directs vehicles into the parking area during drop off and pick up. Clarify the methodology used in the traffic study. Status: Resolved. Confirm that stacking will not occur on Cape Court. Status: Resolved.
Loudoun Water	<ul style="list-style-type: none"> No comments—the property is served by public utilities.
Fire and Rescue	<ul style="list-style-type: none"> Policy calls for a voluntary contribution to the primary volunteer fire and rescue companies. Status: staff has inquired whether the applicant is willing to make a contribution according to policy; a response is anticipated prior to the public hearing.

Policy or Ordinance Sections Subject to Application
<u>Revised General Plan</u>
Chapter 1 / Relationship to Other County Planning Documents
Chapter 6 / Light Industrial Use Policies
Chapter 7 / Planned Land Use Map
Countywide Retail Plan Amendment (Retail Plan) / Employment Supportive Retail Centers Policies
Countywide Transportation Plan (CTP)
Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan)
<u>1993 Zoning Ordinance</u>
Sections 4-504(NN), Section 4-504 (U), and 5-609(B)

III. FINDINGS

1. The proposed private school and child care center are compatible with the policies of the Revised General Plan, which support civic and institutional uses in Business communities, along with up to 5% retail and service uses.
2. The proposed private school and child care center will provide a needed service to residents and businesses of the County.

3. Consistent with CTP policies, the proposed uses will not negatively impact traffic on nearby roadways.
4. As conditioned, the application complies with the 1993 Zoning Ordinance.

IV. CONDITIONS OF APPROVAL (November 5, 2009)

1. Substantial Conformance. This special exception is for a child care center of up to 71 children (Sections 4-504(U) and 5-609(B)) and a private school of up to 175 students (Section 4-504(NN)) with a maximum combined enrollment of 175 students. The proposed use shall be developed in substantial conformance with the Special Exception Plat entitled "Arris Montessori Academy," prepared by Bowman Consulting Group, Ltd., dated July 31, 2009 and revised through November 4, 2009 (the "Plat"). The Approval of this application for Tax Map # /80//31P1///C/ (PIN # 061-49-8039-005) (the "Property") shall not relieve the applicant or the owners of the property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. Student enrollment shall be limited to children aged 18 months through students in grade 6.

V. PROJECT REVIEW

A. Context

The applicant, Arris Montessori Academic Services, LLC, is requesting a Special Exception to allow the establishment of a 175 student private school and child care center in the Beaumeade Technology Campus. The property is located on the southern side of Cape Court, approximately 1000 feet north of the intersection of Loudoun County Parkway and the southern portion of Beaumeade Circle (See Vicinity Map). In accordance with the 1993 Zoning Ordinance, a Special Exception is required for the proposed uses within the Planned Development Industrial Park (PD-IP) zoning district.

The Beaumeade Technology Campus, part of the original Beaumeade Corporate Park, was designed as a unified industrial park comprised of approximately 60 lots connected by a coordinated road system, and was developed with unified signage and landscaping that provides the park with a campus style appearance. Although the area was originally envisioned as an industrial park, it has since shifted to have more of an office/retail focus. There have been several special exceptions in the larger Beaumeade Corporate Park that allow office, and flex office/industrial/warehousing. Other uses approved in the park are civic in nature, such as churches and schools. The Christian Fellowship Church and the Beth Chaverim Reform Congregation are both located in Beaumeade. Two private schools, Ideal Schools and the Christian Faith & Fellowship School are also located in Beaumeade. The synagogue was also approved for child care, but enrollment is restricted to members of the synagogue. In addition, there are a number of service businesses that have activities for children, such as the Creative Dance Center.

The proposed private school and child care is intended to serve children ages 18 months to 12 years of age with a maximum of 175 enrolled students. It is proposed to be located within a 17,400 square foot condominium unit of an existing building in the Beaumeade Technology Campus. The unit will be comprised of classrooms, offices and study areas. An outdoor area will be provided for recreation, plant cultivation and outdoor study. The existing building is surrounded by other commercial condominium units, flex warehousing and vacant land.

As the use will be located in an existing building, the applicant is not proposing any disturbance of natural areas with this application and will not impact any environmental features.

B. Summary of Outstanding Issues

- The current plat shows that the drop-off/pick-up area is located in the same place as part of the outdoor play area. Zoning has determined that the two uses cannot occupy the same space. The current conditions of approval reflect the number of child care children (71) permitted in the outdoor play area based on the standards contained in Section 5-609(B) of the 1993 Zoning Ordinance. Staff is working with the applicant to resolve this issue. An update will be provided at the Public Hearing.
- A voluntary contribution to the fire and rescue companies has been requested; an update will be provided at the Public Hearing.
- The Conditions of Approval are under review by Zoning Administration and the County Attorney's office.

C. Overall Analysis

COMPREHENSIVE PLAN

The property is governed under the policies of the Revised General Plan (Plan) and the Dulles North Area Management Plan (DNAMP). The site is located in the Ashburn Community of the Suburban Policy Area and is planned for Business uses. Based on the development of the site and the existing zoning (PD-IP), the Beaumeade Corporate Park is considered under the Light Industrial policies of the Plan. The Revised Countywide Transportation Plan (CTP), the Countywide Retail Plan Amendment (Retail Plan), and the Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply. The site is also located within the Route 28 Tax District.

The subject property is located in the Ashburn community of the Suburban Policy Area, in an area planned for Business uses (Revised General Plan, Chapter 7, Planned Land Use Map). The Revised General Plan calls for Business areas to develop as either Regional Office or Light Industrial communities. Light industrial uses, including flex, research and development, and smaller-scale manufacturing, are considered an integral component of Business areas (Revised General Plan, Chapter 6, Light Industrial Use Policies, policy 1). In addition, the Revised General Plan anticipates supporting commercial retail and service uses. These employment supportive services are intended to provide convenient retail and personal service uses to employees and businesses in surrounding office and industrial parks (*Retail*

Plan Amendment, Employment Supportive Retail Centers, policy 1). Examples of those types of uses are office supply stores, restaurants, drycleaners, banks, child care centers and similar uses for employees and businesses in the area.

Further, the land use mix for Light-Industrial communities require a minimum of ten percent public and civic uses, and there is no maximum on the amount of public and civic uses permitted (*Revised General Plan, Light Industrial Use Policies, policy 5*). The Plan defines civic uses as public or quasi-public institutional uses in residential or business areas that primarily serve the immediate community and that, due to their small size, design and limited ancillary activities (traffic, parking, noise, or similar activity) are compatible with the surrounding residential or business uses. Such uses may typically include small churches, fire and rescue facilities, schools, day care centers, group homes, community centers, post offices, and community club houses (*Revised General Plan, Glossary*).

The application proposes a combination private school and child care center which would contribute to both the retail/service and public/civic land use mix for the Beaumeade Development. While there is no maximum amount of public and civic uses permitted, the Employment supportive Retail Policies limit the amount of retail/service uses within Beaumeade to 5% of the total square footage of the employment uses in the development.

While these types of uses are anticipated in Light Industrial Communities, information regarding the existing retail and service uses should be provided to determine if the daycare and private school are in keeping with the land use mix policies. The proposed private school is considered a civic use by the Ordinance, and is not limited by Plan policy. The Ordinance considers child care to be a retail use, which is limited by Plan policy to 5%, as previously discussed. According to the applicant's response, retail uses appear to comprise less than 5% of the Beaumeade area. The applicant further describes why the Beaumeade site is an ideal location for the proposed uses: it is located between residential uses to the northwest and southwest, and significant areas of business uses to the east and south. In addition, the site is within four miles of some of the county's major employers such as AOL, Verizon, and Dulles International Airport. Furthermore, since the programming for the child care component of a Montessori school is educationally based, it is the applicant's belief that it should be considered to be an institutional/civic use rather than a retail use. The proposed uses are consistent with the Plan's land use vision for this subarea, and the retail/service component does not exceed the 5% envisioned by the planned land use mix. This issue is resolved.

Site Design

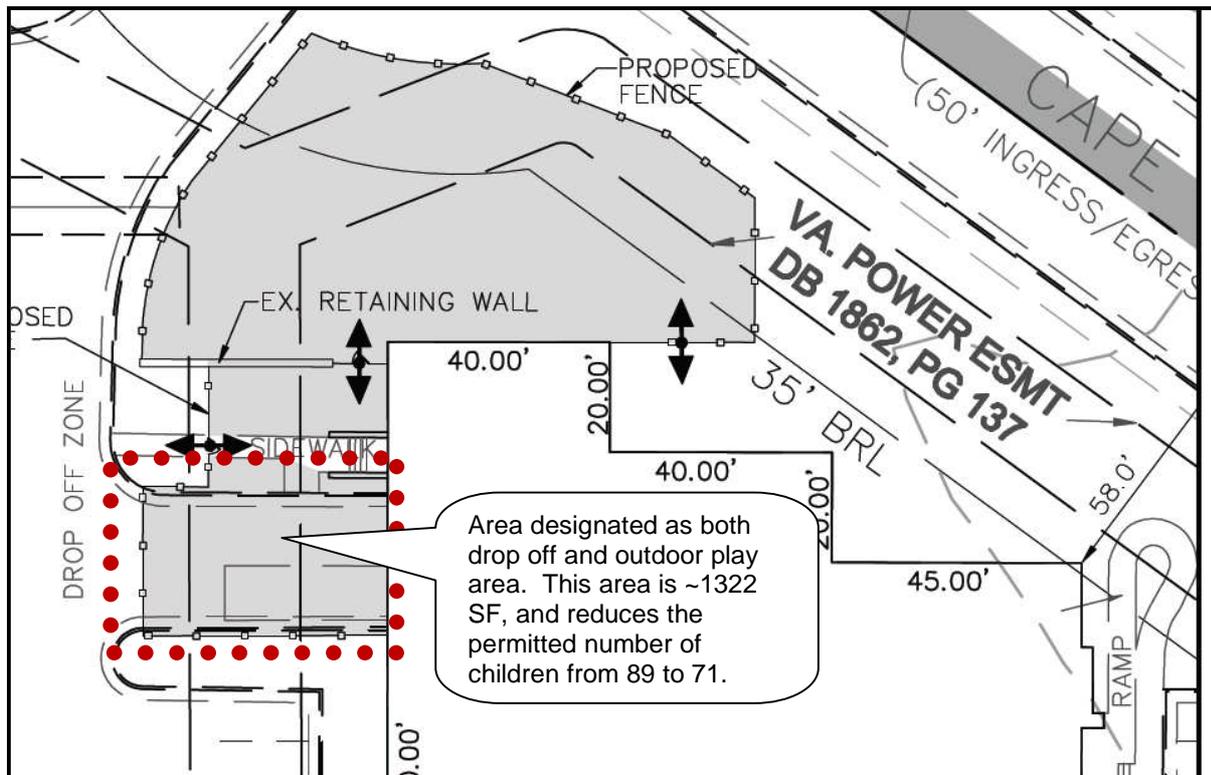
The Plan provides guidance regarding the layout and architectural design of retail and service uses in the County that would apply to the proposed child care use. Specifically, the Plan calls for a compact site design that makes the buildings, not the parking areas, the prominent feature of the site; exhibits a unity of design through architectural features; provides usable outdoor spaces; adequately screens mechanical equipment; and provides substantial landscaping and buffering within parking areas and along street frontages (*Retail Plan, Design Guidelines, policies A1-D2*).

The proposed uses would be located in an existing building in the Beaumeade development. All architecture, infrastructure and landscaping has been constructed. A fenced in playground will be added to the side of the building in a location offset from the road and appropriately distanced from the parking area and adjacent buildings. The proposed use is in keeping with the character of the surrounding business community, and would provide a needed service to residents and employees of the surrounding area.

ZONING

The applicant is requesting a Special Exception to permit both a private school (Section 4-504(NN)) and a child care center (Sections 4-504(U)) in the PD-IP (Planned Development-Industrial Park) zoning district with a combined ultimate enrollment of 175 students. The child care center is also subject to the additional regulations of Section 5-609(B), which requires that there be a minimum outdoor play area of 75 square feet for each child enrolled in the child care center, that there be a designated drop-off/pick-up area with at least 1 space per 20 children, and that the outdoor play area be enclosed by a fence at least 3½ feet high.

With the first submission, staff identified a number of minor corrections to the plat that needed to be made. In addition, staff requested clarification on the size of the outdoor play area, and the drop-off/pick-up area. The applicant responded by providing a revised plat with a more clearly outlined drop-off/pick-up area, and also revised the outdoor play area to be 6,675



square feet, which would allow a maximum enrollment of 89 for that use. However, the outdoor play area overlaps with the entrance used for the drop-off/pick-up area, which is not permitted. Because the same area cannot count towards two separate uses, staff has limited the number of children allowed to enroll in the child care center to 71 (Condition 1) instead of

the requested 89. The applicant has submitted a detailed drop-off/pick-up procedure that would only permit the area in question to be used as an entrance when the outdoor play area is not in use, but the procedure cannot be enforced and therefore the original comment that the two uses cannot occupy the same area stands.

The requirement that there be an outdoor play area of 75 square feet per child in the child care center is not modifiable under the 1993 Zoning Ordinance. The applicant is working to determine if the outdoor play area can be expanded in another area, away from the entrance. If additional outdoor space can be found, staff can support permitting an increase in the child care center enrollment. This issue is unresolved; an update will be provided at the public hearing.

TRANSPORTATION

The proposed uses will not exceed the capacity of the existing road network. However, with the first submission there was a concern that cars might stack up on Cape Court during morning drop off and afternoon pick up periods. To address that concern, the applicant designated spaces to the rear of the building for drop off/pick up, and provided a circulation pattern that will bring any stacking off of Cape Court and into the parking lot. This issue is resolved.

Staff also requested a clarification of the methodology used for the traffic study. The original traffic study did not break out the separate trip generation levels for the child care and the private school uses. The revised traffic study also included the revised number potential child care students, as discussed in the Zoning section. The revised traffic study showed that there would be 27 fewer AM peak hour trips (total of 151 AM peak hour trips) and an additional 14 PM peak hour trips (total of 121 PM peak hour trips) than the original traffic study anticipated. However, when the additional PM peak hour trips were added to the future traffic volumes at the intersection of Cape Court and Loudoun County Parkway, a level of service (LOS) C was maintained. The original conclusion in the traffic study that the existing road network has adequate capacity to handle the anticipated traffic generated by the proposed uses is therefore still valid, and the issue is resolved.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the 1993 Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

Standard *Whether the proposed Special Exception is consistent with the Comprehensive Plan.*

Analysis The Comprehensive Plan calls for employment supportive services and civic/institutional uses in areas designated as Business Communities. The proposed uses qualify as both employment supportive and civic/institutional. In addition, as there are no functioning child care facilities in Beaumeade, the

proposed uses would provide a needed service to nearby residents and employees.

Standard *Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis The proposed uses will be located in an existing building, and the area is within the coverage area for the Ashburn Volunteer Fire Company. The proposed uses will also have effective measures of fire control in that sprinklers, fire alarms, ADA ramps, multiple exits, and emergency alarms will be installed on site.

Standard *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis The proposed uses will be adequately sound proofed to minimize noise emanating from the uses; no negative impacts are anticipated to the surrounding uses. The outdoor space will be used by the students for a limited period, and all outdoor activity will be supervised to minimize noise.

Standard *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis The applicant is not providing any lighting beyond what is already provided by the existing building and parking area.

Standard *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis The proposed uses would provide a service that would be supportive to the existing and proposed uses in the area. There is an existing private high school located in the same building as the proposed uses.

Standard *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis The proposed uses will be located in an existing building, that has already been landscaped according to the approved site plan. In addition, the applicant will be constructing a fenced in play area for the proposed uses. The fence will be approved by the condo association, and constructed in accordance with their design guidelines to ensure compatibility with the existing architecture.

Standard *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archeological or historic feature of significant importance.*

Analysis The proposed uses will occupy part of an existing building.

- Standard *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*
- Analysis Not applicable—the proposed uses will occupy part of an existing building.
- Standard *Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.*
- Analysis The proposed child care and private school, located in an area easily accessible to many of Loudoun County’s residents and employees, will contribute to the welfare and convenience of the public and serve the surrounding residents and businesses by providing a quality educational program for children close to employment.
- Standard *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*
- Analysis The existing road network has the capacity to handle the additional trips anticipated with the proposed uses. The circulation pattern has been designed to direct traffic off of the road during drop off and pick up periods, which will reduce impacts to other users in the area.
- Standard *Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet the code requirements of Loudoun County.*
- Analysis The existing building was constructed according to all applicable codes.
- Standard *Whether the proposed Special Exception will be served adequately by essential public facilities and services.*
- Analysis The proposed uses will be served by public water and sewer.
- Standard *The effect of the proposed special exception on groundwater supply.*
- Analysis Not applicable—the proposed uses will occupy an existing building.
- Standard *Whether the proposed use will affect the structural capacity of the soils.*
- Analysis Not applicable—the proposed uses will occupy an existing building.
- Standard *Whether the proposed use will negatively impact orderly and safe road development and transportation.*
- Analysis The proposed uses will have a minimal impact on the existing road network.

- Standard *Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*
- Analysis The proposed uses will provide employment, and will also encourage economic development opportunities for residents of the county by providing child care and educational services for their children.
- Standard *Whether the proposed special exception considers the needs of agriculture, industry and businesses in future growth.*
- Analysis The proposed uses will support the future growth of industry and businesses by providing a needed service to County residents and employees.
- Standard *Whether adequate on and off-site infrastructure is available.*
- Analysis The proposed uses will occupy an existing building.
- Standard *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*
- Analysis There are no anticipated odors.
- Standard *Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*
- Analysis Not applicable—the proposed uses will occupy an existing building.

V. ATTACHMENTS (Unless noted otherwise, attachments are not available electronically but may be obtained from the Department of Planning)		PAGE NUMBER
1.	Review Agency Comments	
a.	Planning, Comprehensive Planning (10-07-09)	A-1
b.	Building and Development, Zoning Administration (10-15-09, 10-06-09)	A-5
c.	Office of Transportation Services (11-04-09, 10-13-09)	A-7
d.	Virginia Department of Transportation (09-25-09)	A-23
e.	Loudoun County Sanitation Authority (09-30-09)	A-24
f.	Fire and Rescue Services (10-07-09)	A-25
2.	Disclosure of Real Parties in Interest (07-22-09)	A-26
3.	Applicant's Statement of Justification (10-15-09)	A-41
4.	Applicant's Response to Referral Comments (11-04-09, 10-15-09)	A-54
5.	Drop-off and Pick-up procedures (10-12-09)	A-68
6.	Special Exception Plat (11-04-09)	Follows A-69