

**ARRIS MONTESSORI ACADEMIC SERVICES, LLC
44675 CAPE COURT, UNIT 189, ASHBURN
STATEMENT OF JUSTIFICATION
SPECIAL EXCEPTION**

August 4, 2009

This Statement of Justification is submitted in support of an Application for a Special Exception pursuant to Section 6-1300 of the Loudoun County Zoning Ordinance (“the Ordinance”). This Application seeks the approval of a private Montessori school for children with a maximum enrollment of 175 students in the PD-IP Zoning District. Arris Montessori Academic Services, LLC, is the Applicant Tenant of Unit 189, 44675 Cape Court, Ashburn, Virginia within the Beaumeade Technology Campus. The Unit is owned by H2K2, LLC, and is identified as: Tax Map /80//31P1///C/ (PIN: 061-49-8039-005). The parcel on which the building is located is zoned PD-IP under the 1993 Ordinance for commercial condominium. The Applicant proposes to use the site for a private school for children from Toddler (18 months), to Elementary (12 years) of age. The Applicant files this Special Exception to permit the development of a school within the Beaumeade Technology Campus. The PD-IP Zoning District allows a private school in the zoning district by special exception. The Property is ideally suited for a school as it is close to numerous employers with high volume of employees making it convenient for working parents to have their children attend a day care center and/or school in the complex in which they are working or working nearby; there are multiple access routes to the Property mitigating traffic impacts; there is “green space” available for outdoor activities and a playground; the complex is ADA accessible; the complex allows for growth of the school and minimal physical changes to the interior and exterior space

would be required to prepare the unit for school purposes. The structures on the Property are existing which makes it possible to use an existing site without requiring major ground disturbance for construction on another location.

LOCATION: The Property is located at 44675 Cape Court, Ashburn, Virginia within the Beaumeade Technology Campus. The property on which the condominium unit is located is surrounded by other commercial condominium units and flex warehouse space. Unit 189, which is the subject of this application, is adjoined by: Unit 100 owned by Eldon Street, LLC; Unit 150 is owned by Ventura Alliances, LLC; Unit 171 is owned by Palm Development, LLC; Unit 130 is owned by Felman Investments; Unit 105 is owned by 44675 Cape Court Innovation, LLC; and Unit 120 is owned by Francis Richard Johnson. The uses in the adjoining units consist of a design center, government and private sector contracting, an insurance office, construction contractors and internet and digital communications office. Additionally, on the south end of the building is an existing private high school with a capacity of 60 students. In the building to the west of Unit 189 is a daycare center with an maximum authorized enrollment of ninety-six (96) children. It is the Applicant's understanding that the day care is not in operation at this time.

All of the Units and the surrounding properties are in the PD-IP Zoning District. Unit 189 is partially completed for office use and part of the Unit is unfinished space. The Unit will be renovated to accommodate the school use. The Unit contains approximately 17,400 square feet. The space will be completed in phases as enrollment increases to house classrooms, offices, study areas, halls and restrooms for the school.

ZONING AND USE: The zoning on the Property is PD-IP, planned development, industrial park for light and medium industrial uses with supporting accessory uses and facilities. The building in which the Unit is located is completed and the Unit is finished, however, the space will require minimal renovations to accommodate school use. The existing landscaping will be evaluated at site plan to verify conformance with the Ordinance. If further landscape buffering is needed for the green space playground area, Applicant will add additional screening to meet Zoning Ordinance requirements and to adequately screen the playground from adjoining uses.

PROPOSED USE: The Applicant proposes to operate a private Montessori school for children with a maximum of 175 students at full capacity. The Applicant will develop the school in three phases. Phase I will consist of three classrooms and a multipurpose room with three teachers and three assistants with a maximum of 90 students and support staff. Existing bathroom facilities are adequate for Phase 1. Phase II will add two

additional classrooms, bathrooms with student enrollment at 105 students. Phase III will add four additional classrooms, bathrooms and hallways with a total enrollment of 175 students. At Phase III, there will be one toddler program classroom; five primary program classrooms for ages 3 to kindergarten; two lower elementary program classrooms for grades 1 to 3 and one upper elementary program classroom for grades 4 to 6. Additionally, Applicants propose to build an outdoor area in a green space area adjacent to the school to provide recreation as well as plant cultivation and outdoor study. The outdoor area will be screened from other uses in the complex.

No food service will be provided on the site. Lunches will be brought from home by the students. The school's will offer a before and after school program, summer school program and offer community outreach such as Girl and Boy Scouts. Hours of operation for the school will be from 7:30 AM to 6:00 PM. The school will operate year around. The school will provide parents and students of Loudoun County with a conveniently located private Montessori school for children ranging in the ages of 18 months to 12 years.

COMPREHENSIVE PLAN: The Unit is located in an area identified in the Revised General Plan as in the Suburban Policy Area and the use is consistent with the land use policies expressed in the Plan. The Plan encourages a mix of uses in this Policy Area. Currently in the vicinity of the site there exists a private high school and a day care center

as well as office space and flex industrial space. A private Montessori school serving children up to the age of 12 years would be complementary with these uses.

SPECIAL EXCEPTION STANDARDS FOR APPROVAL STANDARDS: The Applicant respectfully submits that the proposed special exception on the subject property meets or satisfies the standards criteria set forth in Section 6-1310 of the 1993 Loudoun County Zoning Ordinance.

- (A) Whether the proposed special exception is consistent with the Comprehensive Plan.

Response: The proposed special exception is consistent with the Comprehensive Plan in that the school will be established in an existing building that will be renovated to accommodate school use and will add to the services available to the Eastern Loudoun Area

- (B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.

Response: The proposed special exception will adequately provide for safety from fire hazards and will have effective measures of fire control in that sprinklers, fire alarms, ADA ramps, multiple exits and emergency alarms will be installed on the site.

- (C) 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.

Response: The school use will be adequately sound proofed to minimize noise emanating from the use and will therefore not negatively impact 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.

- (D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

Response: The proposed use will not generate glare or light that will negatively impact the uses in the immediate area.

- (E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

Response: The proposed use is compatible with other existing uses in the area in that there is an existing private high school in the complex and a daycare center in the building to the west of the proposed use.

- (F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

Response: The Applicant will provide adequate screening around the playground/green space area to screen the use from the surrounding uses.

- (G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.

Response: The proposed use will have no impact on preservation of topographic or physical, natural, scenic, archaeological or historic features as the Property is fully developed and no new construction for the school is required with the exception of the area to be created for a playground/green space.

- (H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

Response: The proposed use will not damage existing animal habitat, vegetation, water quality or air quality. The students will engage in environmentally supportive activities such as habitat preservation

construction of bluebird houses, and planting flowers for butterflies and bees.

- (I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

Response: The proposed use 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. Additionally, the use will provide employment opportunities and will provide relief to the overburdened school system of Loudoun County.

- (J) 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.

Response: The traffic expected to be generated by the proposed use will be adequately and safely served by existing roads surrounding the Property as shown by the revised Traffic Study prepared by Wells & Associates dated June 22, 2009. There are no off site pedestrian connections or other transportation services to be addressed at this site relating to the special exception use proposed.

- (K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.

Response: The existing structures proposed to be converted to the proposed use, will meet all code requirements of Loudoun County.

- (L) Whether the proposed special exception will be served adequately by essential public facilities and services.

Response: The proposed special exception use will be served adequately by essential public facilities and services.

- (M) The effect of the proposed special exception on groundwater supply.

Response: The special exception use will have no adverse effect on groundwater supply.

- (N) Whether the proposed use will affect the structural capacity of the soils.

Response: The proposed special exception use will have no adverse affect on the structural capacities of the soils.

- (O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

Response: The special exception use will not negatively impact the orderly and safe road development and transportation.

- (P) 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.

Response: The special exception will provide employment opportunities that will increase as the school's enrollment increases and will enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

- (Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.

Response: This special exception takes into consideration the needs of industry and businesses in future growth. No existing agricultural activity in the vicinity will be impacted by this special exception.

- (R) Whether adequate on and off-site infrastructure is available.

Response: Adequate on and off-site infrastructure is available.

- (S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

Response: The proposed special exception use will not generate odors which may negatively impact adjacent uses.

- (T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Response: The proposed special exception will use sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

COMPLIANCE WITH SECTION 5-609(B): The Applicant will comply with the standards set forth in Section 5-609(B) for child care centers as follows:

- (1) Outdoor play area shall meet the following standards:

(a) A fence at least three and one half (3 ½) feet in heights shall completely enclose the play area so that children are safely contained inside, and that all persons entering the play area are within direct line of sight from the child care center classroom areas.

(b) No play equipment shall be located within the required yard setback of any district.

(c) Outdoor play areas shall be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).

- (2) Parking areas and vehicular circulation patterns shall meet the following standards:

(a) Parking areas shall be designed to enhance the safety of children as they arrive at and leave the facility.

(b) A designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children, shall be located in proximity to the child

care structure in such a way that provides safe and clearly designated access to enter or exit the center.

TRANSPORTATION/PUBLIC IMPROVEMENTS: No transportation or public improvements will be required by this special exception. Adequate parking currently exists in the parking lot of the condominium development to satisfy the parking requirements of the Ordinance. The existing parking will be evaluated at site plan to verify its conformance with the Ordinance. If changes in existing conditions are required, they will be made at that time.

TRAFFIC IMPACT: The traffic impact analysis of this proposed special exception shows the following impacts:

1. The proposed SPEX would have no adverse transportation impacts at the study intersection with the project.
2. The anticipated trips of the Arris Montessori School would ultimately add a total of 178 AM peak hour and 107 PM peak hour trips to the local roadway network.
3. The study intersection would operate at an acceptable LOS "C" or better under total future traffic conditions including additional trips generated by vacant space within the complex and full enrollment by Arris Montessori School.

The Traffic Impact Analysis prepared by Wells & Associates dated June 22, 2009, is included with this application submittal.

PUBLIC UTILITIES: The Property is served by public water and sewer from the Loudoun County Water. Current service to the property is adequate to serve the proposed use.

CONCLUSION: The use proposed is compatible with the Comprehensive Plan Policies for the Suburban Policy Area. This Special Exception is to develop a private Montessori school for one hundred seventy-five (175) children ranging in ages 18 months to 12 years of age. The Property is ideally suited for a school for the following reasons:

1. It is close to numerous employers with high volume of employees making it convenient for working parents to have their children attend a day care center and/or school in or near the complex in which they are working;
2. There are multiple access routes to the Property mitigating traffic impacts;
3. The complex is ADA accessible;
4. The Property is existing and makes use of an existing site without requiring major ground disturbance in building on a vacant site.

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Accordingly, the Applicant respectfully requests the Planning Commission and the Board of Supervisors approve this Application for a Special Exception for a one hundred seventy-five student Montessori school.

Respectfully submitted,
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By: Counsel

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