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BY HAND DELIVERY

May 6, 2010

Jane McCarter
Project Manager
Loudoun County Department of Planning
1 Harrison St., S.E., 3rd Floor
Leesburg, Virginia 20177

RE: SPEX 2010-0001, Ryan Road Property Child Care Center
Response to First Review Comments

Dear Jane:

In response to several of the review comments, the Special Exception application and plat have been revised as follows:

1. The number of children has been reduced from 208 to 198, and the number of employees has been reduced from 20 to 18. The number of required parking and pick-up and delivery spaces have been revised accordingly.

2. The southern site driveway has been eliminated and the northern site driveway moved further from Ryan Road and turn lanes for the entrance road have been revised in response to VDOT comments.

3. A 10-foot wide trail within a 14-foot wide public access easement has been provided along Ryan Road, along with crosswalks across the entrance road and across Ryan Road.

4. Landscaping and privacy fencing have been provided around the outdoor play area, and berms have been added to the landscaped buffers for the parking areas adjacent to Ryan Road and the residential property to the north.

5. Zoning modifications have been added to allow (i) the existing evergreen and hardwood fence row and proposed 6-foot high privacy fence along the western property line, and (ii) the proposed landscaping and berm and 6-foot high privacy fence along the northern property line to satisfy the Type 2 Buffer Yard requirements.

Enclosed please find 15 copies each of the revised Statement of Justification and proposed Conditions of Approval. Also enclosed are 6 copies of a traffic memo from Wells + Associates, Inc., that addresses OTS review comments. Fifteen copies of the revised SPEX Plat will be delivered to you under separate cover.

The staff review comments are addressed below. Each agency's comments are summarized (noted in *Italics*) and followed by our response.

Loudoun County Health Department (comments dated 3/10/10)

The Health Department recommends conditional approval of this application. The project will ultimately be served by public water and sewer. However, before any site plan or subdivision is approved, the applicant will have to apply for permits and get permits issued and have the septic tank and well abandoned.

Comments acknowledged.

Department of Fire, Rescue and Emergency Management (comments dated 3/22/10)

The Fire and Rescue Planning Staff has no comments.

Acknowledged.

Virginia Department of Transportation (comments dated 4/1/10)

1. Also see our March 5, 2010 comments on BLAD 2009-0061 Catholic Diocese of Arlington.

Comment acknowledged. The special exception application will reflect applicable information provided on the BLAD plat.

2. We have recently received SBPL 2010-0002 Ryan Road Property for review. Any comments on that plan may also affect this application.

Comment acknowledged.

3. Entrance locations should comply with the corner clearance requirements of VDOT Road Design Manual Appendix F Access Management Design Standards. See page F-89 for guidance.

The southern site entrance has been eliminated and the northern entrance has been relocated to conform with the 225-foot corner clearance requirement.

4. The 350' right turn lane with 100' taper is consistent with existing turn lanes on Route 772 and the 1984 VDOT Northern Virginia District policy. The total length of 450' exceeds the requirements on page F-48 of VDOT Road Design Manual Appendix F Access Management Design Standards.

The SPEX Plat has been revised to provide a 200-foot turn lane and 200-foot taper to meet the requirements shown on page F-48 of the referenced VDOT design manual.

Environmental Review Team, Department of Building and Development (comments dated 4/6/10)

1. The street providing access and the child care center layout slightly overlaps or is in very close proximity to the critical root zone (CRZ) of four specimen trees (#804-807), identified as part of the Tree Stand Evaluation, prepared by Wetland Studies and Solutions, Inc., dated November 7, 2008. Staff appreciates the effort to minimize impacts to the trees' CRZs and believes the trees will be an asset to the development as unique entrance features. Staff recommends that a commitment be provided indicating that the trees are to be preserved and that a tree conservation plan, identifying the measures that will be employed to protect the trees during construction activities, including an invigoration program, shall be provided to the County for review and approval at the time of the site plan application. Staff further recommends that the commitment specify that in the event a utility line must be located within the trees' CRZ, the utility must be installed using a boring technique to minimize impacts.

The Applicant has proposed a Condition of Approval (#5) to protect the two on-site specimen trees and their critical root zones during construction and to require boring techniques if utilities need to be located within the critical root zones.

2. No stormwater management (SWM)/best management practice (BMP) information is provided with this application. Pursuant to Section 6-1310(H) of the Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO), the applicant must address whether the proposed special exception will impact water quality. Staff recommends identifying the stormwater quantity and quality approach for the proposed project in plan view as well as in a narrative.

The intended approach is to provide stormwater quantity and quality in an off-site stormwater management pond to be constructed with SBPL 2010-0002, Ryan Road Property, or to provide appropriate on-site LID measures. Please see proposed Condition of Approval #4.

3. Staff encourages a built design with this application that helps to sustain the natural environment, including design measures that conserve energy and water consumption, and help maintain air quality. Several design approaches are available to achieve these goals, including Leadership in Energy and Environmental Design (LEED) as administered by the United States Green Building Council; and Energy Star and Water Sense programs administered by the Environmental Protection Agency. Applying said design features will help to conserve finite supplies of energy and water, and offset impacts from development like heat island effect. Staff supports incorporation of these design approaches and is available to discuss design options with the applicant.

The Applicant has proposed a condition of approval to address this matter. Please see Condition of Approval #9.

Zoning Administration (comments dated 4/6/10)

II. Conformance with Section 3-100, R-1 Zoning District

The property is zoned R-1 (Residential-1) and subject to the Revised 1993 Loudoun County Zoning Ordinance. Pursuant to Section 3-103(V) of the Ordinance, a child care center is permissible by special exception. Further, the child care center is also subject to the requirements in Section 5-609 of the Ordinance.

Comment acknowledged.

III. Conformance with Section 6-1300: Issues for Consideration in Reviewing a Special Exception Application

1. Section 6-1310 includes the following factors that shall be given reasonable consideration in considering a special exception application, for which the applicant is required to address in its Statement of Justification or special exception plat, if applicable. Staff has comments regarding the following factors:

(A) Whether the proposed special exception is consistent with the Comprehensive Plan. Zoning defers to Comprehensive Planning for determining consistency with the Comprehensive Plan.

Comment acknowledged. Please see response to Community Planning below.

(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control. Zoning defers to Fire, Rescue and Emergency Services in regards to safety from fire hazards effective measures of fire control.

Comment acknowledged. Please see response to Department of Fire, Rescue and Emergency Management above.

(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. Staff asks the Applicant to address the noise impact that could potentially generate from the proposed use, especially with regard to the outdoor play area.

No noise impacts are anticipated. Section 5-1507 of the Revised 1993 Zoning Ordinance (the "Zoning Ordinance") establishes the permitted noise levels for residential zoning districts. Nevertheless, the SPEX Plat has been revised to provide a 6-foot high privacy fence, in addition to the buffer yard plantings, around the outdoor play areas. Please see proposed Condition of Approval #3.

(D) The glare or light that may be generated by the proposed use in relation to uses in the immediate area. The Applicant states that all exterior lighting for the proposed child care

center will be designed to minimize glare on adjacent uses. Staff asks that the special exception plat depicts the type and location of lighting utilized with the proposed use. Since the proposed use is adjacent to Route 772, a condition of approval should be considered regarding the impacts of glare on this road.

The type and location of exterior lighting will be provided at the time of site plan. Section 5-1504 establishes the illumination levels that will apply to this use. Nevertheless, Condition of Approval #2 is proposed to address this concern.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses. Buffer yard types and utilization of existing vegetation to meet requirements should be depicted on the Plat (Sheet 3). Please see Part IV.D of this referral regarding buffer and screening required by Section 5-1400 of the Zoning Ordinance.

Sheet 3 of the SPEX Plat does identify the applicable buffer yard types and Sheet 4 includes detailed landscaping information. The Applicant proposes to utilize the existing evergreen and hardwood fence row on the west side of the SPEX site to meet buffer yard requirements.

(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. Zoning defers to Comprehensive Planning regarding the location of archaeological or historical features affected.

Comment acknowledged. Please see response to Community Information and Outreach below.

(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. Zoning defers to Office of Transportation Service (OTS) in regards to traffic generation and adequacy of access roads. No pedestrian walkways are shown on the plat. Zoning requests that parking and vehicular movement, in relation to pedestrian circulation, be depicted on the plat in order to adequately evaluate pedestrian safety.

Sheet 3 does depict the parking areas, travelways, and the sidewalks around the proposed building and also depicts a proposed 10-foot wide trail within a 14-foot wide public access easement along Ryan Road, including crosswalks.

(L) Whether the proposed special exception will be served adequately by essential public facilities and services. Zoning defers to Loudoun Water and Fire, Rescue and Emergency Services regarding adequate servicing by essential public facilities and services.

Comment acknowledged.

(O) Whether the proposed use will facilitate orderly and safe road development and transportation. Zoning defers to Office of Transportation Service (OTS) in regards to orderly and safe road development and transportation.

Comment acknowledged. Please see response to OTS below.

(R) Whether adequate on and off-site infrastructure is available. Zoning defers to Loudoun Water regarding on or off site sewer and water.

Comment acknowledged.

2. *Section 6-1313 - The Applicant and the Board should be aware that Section 6-1313(A) of the Ordinance requires that "unless a longer period of validity is specifically approved as part of such application, no special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, and (2) an occupancy permit is obtained and a use commenced." The Ordinance also permits the period of validity to be extended for good cause shown, by application to the body that approved the special exception.*

In addition, Section 6-1313(B) states that "as a condition of approval, a special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period." The Ordinance permits an extension to be granted "prior to expiration by the original body, upon written application, without notice or hearing. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception."

Comment acknowledged.

IV. Conformance with Additional Regulations and Standards

A. Conformance with Regulations of Section 5-609

Pursuant to Section 5-609(B)(2)(b), a designated pickup and delivery zone, providing at a minimum one parking space per 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. Based on a proposed number of 208 children, at least 20 parking spaces must be provided for designated pickup and delivery zone. These parking spaces are in addition to the required number of spaces required per Section 5-1100. Please demonstrate conformance with this section of the ordinance.

The number of proposed children and employees have been reduced and the parking tabulations have been revised accordingly. Sheet 3 depicts the minimum required 68 parking spaces and the minimum required 10 pickup and delivery spaces. As noted in the Statement of Justification, all parents/guardians will be required to accompany their children into and out of

the child care center, regardless of where they have parked. Therefore, although the SPEX Plat demonstrates conformance with this requirement, the operational rules and procedures of the child care center render the utility of such spaces moot.

B. Conformance with Regulations of Section 5-900

Pursuant to Sections 5-900(A)(10)(a) and 5-900 (A)(10)(b) of the Ordinance, the Applicant is required to provide a building setback of 100 feet and a parking setback of 35 feet from Route 772 (Major Collector Road). The Applicant has depicted this on the special exception plat. Please label the building and parking setback as well.

We respectfully point out that the required building setback is 75 feet, not 100 feet. The labels on the SPEX Plat have been revised to include the words "building" and "parking", respectively, as requested.

C. Conformance with Regulations of Section 5-1100, Parking

Pursuant to this section, the parking calculation for the proposed child care use for 208 children and 20 employees is as follows:
0.2 x 208 (children) = 41.6 = 42 spaces

20 (employees) x 1 = 20 spaces

Designated pickup and delivery zone required 1/20 children = 208/20 = 10 spaces

Total number of parking spaces required = 42 + 20 + 10 = 72

The plat depicts 65 parking spaces. Please add and depict an additional 7 parking spaces on the special exception plat to bring the parking requirement into conformance.

As noted above, the number of children and employees has been reduced and the parking and pickup/delivery spaces has been revised accordingly. Please see Sheet 3 of the SPEX Plat.

D. Conformance with Regulations of Section 5-1400, Buffering and Screening

The proposed child care center is a Land Use Group 2 pursuant to Section 5-1414(A) and requires a Type 2 buffer yard adjacent to residential uses. The Applicant has depicted the buffer yard widths on the special exception plat. However, staff asks that the Applicant calculate the number of canopy, understory and evergreen trees required pursuant to Section 5-1414(B). The Applicant may request a modification of the Buffer Yard requirements per Section 5-1409 (D).

Sheet 4 of the SPEX Plat has been revised to include the number of required and proposed Type 2 buffer yard plantings per 100 lineal feet. A modification of the Buffer Yard requirements is requested for the western property line to allow the existing evergreen and hardwood fence row and the proposed privacy fence to satisfy the Buffer Yard requirements. A modification has also been requested with respect to the Type 2 Buffer Yard on the northern boundary of the SPEX area.

V. Other Comments

1. On the Special Exception Plat, include the proposed lot coverage for the child care center.

The approximate lot coverage, based on the total SPEX area, has been added to Sheet 3.

2. On the plat, depict the proposed location, lighting and type of sign.

As noted above, the type and location of exterior lighting will be provided at the time of site plan. The SPEX Plat (Sheet 4) has been revised to show the approximate location of a free-standing sign at the Ryan Road entrance.

3. On the special exception plat, the Applicant depicts the future boundary line adjustment (BLAD) configuration for the property. The property is the subject of a pending boundary line adjustment application BLAD 2009-0061 for MCPI #s 158-27-9331, 158-28-3534 and 158-28-6737. The proposed BLAD appears to create lots 26A and 27A that are 1.13 and 1.09 acres, which are within the boundary of the special exception limits. Lot 27A appears to have a lot width of 149.07 feet which does not meet the minimum lot width of 175 feet of the R-1 district. Further, the child care center is proposed to locate on Lot 26A, while the parking for the same is proposed to locate on Lot 27A. Pursuant to Section 5-1103(A), all parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within five hundred (500) feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of land is the same as or less restrictive than the classification of the lot upon which the use is located. If proposing to provide parking on a separate lot, then the Peripheral Parking Lot Landscaping Requirements of Section 5-1413 (C) shall apply. Demonstrate compliance with this section of the ordinance.

The purpose of the pending BLAD is to facilitate a pending by-right R-1 subdivision (SBPL 2010-0002, Ryan Road Property) of the three tax parcels referenced above. The SPEX application applies to the area comprised by proposed Parcels 26A and 27A as depicted on the BLAD and shown on Sheet 3 of the SPEX plat. The BLAD will be approved and recorded before the child care center is developed. The Applicant has proposed Condition of Approval #7 that requires Parcels 26A and 27A to be consolidated before a site plan for the child care center can be approved. Therefore, all improvements shown within the SPEX area will be located on a single tax parcel.

Further, if proposing parking on a separate lot, a certified true copy of a recorded deed or long term lease must be filed with the County of Loudoun prior to site plan or subdivision approval, indicating that the facilities shall be in the same possession, either by deed or long term lease, as the property occupied by the principal use. There shall further be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use (Section 5-1103(C).

As noted above, the Applicant will consolidate proposed Parcels 26A and 27A so that all improvements shown within the SPEX area will be located on a single tax parcel.

4. The private road to access the proposed child care center should be included in the limits of special exception.

The private road will serve both the SPEX site and the balance of the existing parcel, PIN: 158-27-9331, and will ultimately become a public street as shown on SBPL 2010-0002, Ryan Road Property. The Applicant has proposed Condition of Approval #8 that requires the construction of either the private road or a public street before a certificate of occupancy is issued for the child care center.

Community Planning, Department of Planning (comments dated 4/7/10)

Land Use. Staff finds that a child care center could be an appropriate use of the property. Staff requests commitments to ensure that the proposed center will be compatible with its surroundings given that the property is located adjacent to existing residential uses.

Comment acknowledged.

Existing Conditions. The County's GIS records and a visit to the site reveals that limited forest cover and trees are present on the subject property. There are no floodplains, steep slopes, or natural drainage ways present.

Forest, Trees and Vegetation. Staff recommends the applicant for preserving the existing specimen trees on-site and recommends a condition of approval to ensure maintenance and protection of those assets during construction and over the long term.

As noted above, the Applicant has proposed a Condition of Approval (#5) to protect the two on-site specimen trees and their critical root zones during construction and to require boring techniques if utilities need to be located within the critical root zones.

Stormwater Management. Staff recommends depicting how this development is addressing stormwater management in the Special Exception application. In addition, staff recommends the use of BMPs on site and defers to ERT regarding the most appropriate BMP for this site.

As noted above, the intended approach is to provide stormwater quantity and quality in an off-site stormwater management pond to be constructed with SBPL 2010-0002, Ryan Road Property, or to provide appropriate on-site LID measures. Please see proposed Condition of Approval #4.

Site Design

Landscaping. Staff recommends additional buffering given the adjacent residential to mitigate the potential noise impacts associated with the play area.

The SPEX plat provides the type of buffer yard and landscaping specifically required by the Zoning Ordinance for child care centers located adjacent to residential uses. No unusual noise

impacts are anticipated especially since the hours of operation of the child care center will generally coincide with the times the adjacent residents are at work or at school. Nevertheless, the SPEX Plat has been revised to include a 6-foot high privacy fence around the play areas to further protect the adjacent residential areas.

Staff finds that these trees meet the intent of the policies by preserving existing vegetation and providing shade for the parking area. Staff recommends additional plantings be incorporated into the design along the frontage of the property to reduce the visual impact of the parking along Ryan Road.

The SPEX plat provides the type of buffer yard and landscaping specifically required by the Zoning Ordinance for parking areas located adjacent to public streets. No unusual visual impacts on Ryan Road are anticipated from the normal use of the parking area. Nevertheless, the landscaped buffer along Ryan Road has been enhanced with a berm to provide additional screening of the parking area.

Lighting & Signage. Given the site's close proximity to a residential area, a detailed lighting plan should be provided for review that includes information on lighting for the building, roadways, play areas and parking areas. Staff recommends shielding the proposed lights to reduce or eliminate glare and light trespass on adjacent residential properties. Further, staff requests details regarding any proposed signage to ensure design compatibility with the development.

The Applicant has proposed Condition of Approval #2 to address this concern. The location of any exterior lights will be determined at the time of site plan. Section 5-1204(D)(3)(v) of the Zoning Ordinance establishes specific parameters for child care center signage to ensure compatibility with the development.

Architecture. Staff recommends that the application be revised to include detailed information regarding the design of the building and how it achieves the design objectives of the Retail Plan.

The Applicant provided specific building elevations and renderings with the initial submission of the Application to demonstrate compliance with County design objectives.

Bicycle and Pedestrian. Pedestrian and bicycle linkages have not been address in this application. Staff recommends that the application be revised to demonstrate compliance with the Bike/Ped Plan policies as outlined above.

The SPEX plat provides a 10-foot wide trail within a 14-foot wide public access easement along Ryan Road.

Community Information and Outreach, Department of Planning (comments dated 4/8/10)

Staff has no issue with the findings and recommendations found in the Phase 1 archaeological report. When a structure that is 50 years old or older is not deemed historically significant under National Register criteria, staff typically requests that an architectural survey be conducted to

document the building prior to demolition. In this case, the building has already been professionally surveyed and documented for the archival record.

Comment acknowledged.

Staff encourages the applicant to consider the retention and adaptive re-use of the early 20th century, 2 ½ story portion of the existing structure as part of the overall design of the proposed child care center.

In addition to being cost-prohibitive, building code requirements make this suggestion impractical.

Parks, Recreation and Community Services (comments dated 4/20/10)

PRCS has reviewed the referenced application, and offers no objection to its approval based on the material provided.

Comment acknowledged.

Office of Transportation Services (comments dated 4/29/10)

1. The Applicant's traffic study notes on page 6 that Ryan Road (Route 772) includes a crest/vertical curve in the vicinity of the proposed site entrance opposite Legacy Park Drive. This has been confirmed by OTS staff in a recent field visit. The Applicant will need to demonstrate that adequate sight distance is provided to meet VDOT standards. This should be confirmed by VDOT.

Sight distance will be verified at the time of site plan review and will be confirmed with VDOT. Please see proposed Condition of Approval #8.a.

2. The unsignalized Ryan Road (Route 772)/Legacy Park Drive intersection is currently operating at LOS C or better during both peak hours. However, the Applicant's traffic study also shows that with the addition of the site entrance, the southbound approach from the site to Ryan Road would operate at LOS E during both peak hours, assuming the addition of a separate southbound right turn lane (see Attachment 8). A condition of approval requiring installation of this turn lane is necessary. Further, the traffic study notes that enough gaps in through traffic flow will be created by the traffic signal at Belmont Ridge Road (Route 659) combined with the wide median on Ryan Road (Route 772) for storage and separate lanes for southbound traffic. Additional information, demonstrated by a traffic study addendum or other analysis, is required to substantiate this assertion. Any additional analysis should examine the possibility of a signal at this intersection and the signal's relationship with the existing signal at Belmont Ridge Road (Route 659) and Ryan Road (Route 772).

Please see May 5, 2010 memo from Wells + Associates, Inc.

3. The Applicant's traffic study notes on page 20, Conclusion #5, that a separate westbound right-turn lane on Ryan Road (Route 772) is needed into the proposed site entrance. This needs to be included in the conditions of approval with this application.

The westbound turn-lane on Ryan Road is depicted on the Plat and is noted in proposed Condition of Approval #8.c.

4. Please note that the centerline of the site entrance approach to Ryan Road (Route 772) does not appear to properly align with the existing median break for legacy Park Drive. The proposed roadway alignment must need VDOT standards; confirmation by VDOT is necessary.

VDOT staff has indicated that the alignment would be acceptable. This will be verified with VDOT at the time of site plan review.

5. Interparcel access is recommended in order to reduce trip lengths and minimize impact on Ryan Road, a major collector facility. However, the opportunity for interparcel access may be limited for this particular site and the surrounding subdivision (SBPL-2010-0001) given the existing and approved developments on all surrounding parcels. Please confirm.

The existing and approved developments surrounding the SPEX site and pending SBPL 2010-0002 do not provide any opportunities for interparcel access.

6. On Sheet 3 of the plat, a 10' wide public access easement is shown along the site frontage. In order to facilitate pedestrian travel, it is recommended that the Applicant provide a 14' wide public access easement and a 10-foot wide trail along the site frontage along with a crosswalk across the site entrance. Subject to VDOT approval, the Applicant should also provide a crosswalk and signage to connect to the existing trail on the south side of Ryan Road (Route 772).

The SPEX Plat has been revised to provide a 10-foot wide trail within a 14-foot wide public access easement and the requested crosswalks. Please see proposed Condition of Approval #6.

We believe this response letter, the proposed Conditions of Approval, the revised Statement of Justification and requested zoning modifications, and the revised SPEX plat address all review comments. We respectfully request that you schedule this application for the June Planning Commission public hearing.

Please do not hesitate to contact me if you have any questions or require any additional information.

Cooley
GODWARD KRONISH LLP

Very truly yours,

Cooley LLP

Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosures

cc: Roy R. Barnett, Van Metre Companies
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