9

DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: September 13, 2010
SPEX 2010-0001, RYAN ROAD CHILD CARE CENTER
DECISION DEADLINE: November 1, 2010
ELECTION DISTRICT: Dulles
PROJECT PLANNER: Jane McCarter, AICP **DIRECTOR: Julie Pastor, AICP**

EXECUTIVE SUMMARY

Van Metre Communities, L.L.C., of Burke, Virginia has submitted an application for a Special Exception to permit a child care center in the R-1 (Single Family Residential) zoning district. This application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 3-103(V), subject to the Additional Regulations set forth in Section 5-609. The modification of the buffering and screening requirements applicable to the proposed special exception use is authorized under Section 5-1403(C), pursuant to which the applicant also requests a modification of Section 5-1405(B) to locate a portion of the northern Type 2 Buffer Yard within a landscape buffer easement on an adjacent parcel (PIN# 158-27-9331) and a modification of Table 5-1414(B) of Section 5-1414(B) to alter the allocation of required plant types within the northern Type 2 Buffer Yard. The area of the proposed special exception is approximately 2.2 acres and is located on the north side of Ryan Road (Route 772), approximately 500 feet east of the intersection of Ryan Road and Belmont Ridge Road (Route 659), at 42668 Ryan Road, Ashburn, Virginia, in the Dulles Election District. The property is more particularly described as Tax Map Numbers /92////////26/ and /92////////27/ (PIN# 158-28-3534 and 158-28-6737) respectively.

The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)), the Countywide Retail Policy Plan Amendment, the Revised Countywide Transportation Plan, and the Bicycle and Pedestrian Mobility Master Plan, which designate this area for residential uses and certain retail commercial and service uses that serve as integral components of the residential community.

RECOMMENDATIONS

Planning Commission
On June 23, 2010 the Planning Commission recommended approval of a Special Exception to develop a child care center by a vote of 8-1 (Bayliss opposed) with the Findings outlined in the Staff Report and subject to the Conditions of Approval.

Staff
Staff supports approval of the Special Exception application to develop a child care center with the Findings outlined in the Staff Report and subject to the Conditions of Approval contained within the Staff Report.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward SPEX 2010-0001, Ryan Road Child Care Center, to the October 5, 2010 Board of Supervisors Business Meeting for action.

Or,

2A. I move that the Board of Supervisors suspend the rules,

And,

2B. I move that the Board of Supervisors approve SPEX 2010-0001, Ryan Road Child Care Center, subject to the Conditions of Approval dated July 26, 2010 and based on the Findings contained in the September 13, 2010 Staff Report.

Or,

3. I move and alternate motion.

VICINITY MAP

Directions: From Leesburg, proceed east on Harry Byrd Highway (Route 7) approximately 4 miles to the intersection with Belmont Ridge Road (Route 659). Turn right and proceed south on Route 659 approximately 7 miles to the intersection with Ryan Road (Route 772). Turn left and proceed east on Ryan Road approximately 500 feet to the site. The site is on the north side of Ryan Road and is immediately east of the first residential community.

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I. APPLICATION INFORMATION

APPLICANT: Van Metre Communities, LLC
Mr. Roy R. Barnett, Group President
5252 Lyngate Court
Burke, VA 22015
703-425-2614

REPRESENTATIVES: Cooley Godward Kronish, LLP
Mr. Jeffrey Nein, AICP
11951 Freedom Drive
Reston, VA 20190
703-456-8103

PROPOSAL: A Special Exception request to permit a child care center in the R-1 (Single Family Residential) zoning district pursuant to Section 3-103(V).

The application was accepted for processing on March 8, 2010.

LOCATION: Approximately 500 feet east of the intersection of Belmont Ridge Road (Route 659) on Ryan Road (Route 722) on the north side of Ryan Road.

ZONING: R1

TAX MAP/PARCEL: Tax Map - /92////////29/ MCPI – 158-27-9331

PROPOSED RESIDENTIAL UNITS: N/A

PROPOSED NON-RES SQUARE FOOTAGE: 9,600

SURROUNDING LAND USES/ZONING:

	ZONING	LAND USE
NORTH	R-1	Residential – Single Family (Forest View)
SOUTH	PDH-4	Residential – Single Family (Brambleton)
EAST	R-1	Residential – Single Family (Estates of Forest Ridge)
WEST	PDH-4	Residential – Single Family (Brambleton)

ELECTION DISTRICT: Dulles

II. SUMMARY OF DISCUSSION

Topic/ Issue Area	Issues Examined and Status
Comprehensive Plan	Land Use Policy encourages child care centers within residential communities. RESOLVED – See Plat.
	Green Infrastructure encourages protection of specimen trees. RESOLVED – See Plat and Condition #5.
	Site Design should mitigate noise, lighting, access and encourage energy conservation. RESOLVED– See Conditions #2,3, and 9.
	Type 3 landscape buffer waiver is supported; use of existing vegetation more appropriate; Condition long-term maintenance. RESOLVED – See Condition #4.
Transportation	Provide turn lanes, single point of access, crosswalks, and trail along frontage. RESOLVED – See revised Plat and Condition #8.
Zoning	Provide minimum buffer yard width and landscaping for northern and western parcel boundaries. RESOLVED – See Section D of this report.
	Provide parking in accordance with school population. RESOLVED – See Plat parking calculations and design.
Fire and Rescue	Applicant has offered a one time contribution to fire rescue and emergency services. RESOLVED – See Note after Conditions of Approval.

Policy or Ordinance Sections Subject to Application
Revised General Plan
Chapter 2, Pedestrian and Bicycle Facilities Policies, policy 5
Chapter 5, Green Infrastructure Policy 2; Surface Water Policy 2; Residential text
Chapter 7, Planned Land Use Map
Chapter 11, Design Guidelines Residential Neighborhoods text; Circulation, Parking and Lighting, policy 1;
Countywide Retail Policy Plan Amendment
Retail Plan, Service Area Based Retail Policies, General Policies, policies 1 and 2; Service Area Based Retail, B, policies 2, 5 and 8; Design Guidelines, Landscaping and Buffering, policies 2 and 4; Design Guidelines, Signs and Lighting, policies 1 and 2; Building Placement and Design policies 6-9;
2003 Bicycle & Pedestrian Mobility Master Plan
Chapter 4, Land Development Policies 3, 5, 6 ,7 and 8
2001 Revised Countywide Transportation Plan
Chapter 2, Pedestrian and Bicycle Facilities Policy 5
Revised 1993 Zoning Ordinance
Section 5-609 Specific Use Parking
Section 5-900 Setbacks
Section 5-1100 Parking
Section 5-1400 Buffering and Screening
Section 6-1300 Special Exception

III. PLANNING COMMISSION REVIEW AND FINDINGS

The Planning Commission held a Public Hearing on the Ryan Road Child Care Center application on June 23, 2010. At the Public Hearing, two members of the public from neighboring residential communities spoke regarding the application, expressing concerns regarding additional traffic impacts with a commercial use rather than the planned residential use. Additionally the speakers sought connectivity from adjacent residential communities with the trail proposed on this site.

The Planning Commission sought information regarding the connections to the trail network on both the north and south side of Ryan Road. The Commission questioned the safety of a crosswalk on Ryan Road noting the ultimate buildout of the 4 lane road would discourage the use of a crosswalk without an accompanying light. Trail connection to the east ends at the crosswalk proposed at the access road with this application.

The Applicant has agreed to connect the proposed trail to a trail easement to the west within the Brambleton Community. The Board of Supervisors Transportation and Land Use Committee is currently reviewing a request by the Belle Terra Homeowner's Association to extend a trail along the north side of Ryan Road to create a pedestrian connection to the Brambleton Town Center. The Committee is reviewing several options that include a limited amount of trail construction on the north side of Ryan, a potential crossing of Ryan in the vicinity of Claiborne to line up with the existing trail on the south side, and a potential longer section to connect to new Brambleton construction occurring on the north side of Ryan Road in the vicinity of the intersection with Belmont Ridge Road. The Committee will continue their consideration of the matter at the September 22nd meeting.

The remaining issues from the public hearing have been addressed in the revisions to the conditions of approval and plat revisions.

By a vote of 8-1 (Bayliss opposed) the Planning Commission forwarded the applications to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated July 26, 2010 and the Special Exception Plat dated September 10, 2007 as revised through July 26, 2010 and with the following Findings.

FINDINGS FOR APPROVAL

1. The Special Exception proposal, as conditioned, is consistent with the applicable land use policies of the Revised General Plan and the Retail Plan for retail development within residential areas.

2. The Applicant's proposal has incorporated changes to the design and transportation impacts to mitigate the impacts upon the neighboring residential communities and to ensure compliance with the Revised General Plan.

3. Conditions of Approval have been provided that address building design, pedestrian and bicycle connectivity, specimen tree preservation, and green infrastructure preservation and design to ensure compliance with the Revised General Plan.

4. The application can comply with the applicable requirements of the Revised 1993 Zoning Ordinance once the landscaping and buffering requirements have been met.

5. The Applicant's proposal is consistent with the Countywide Transportation Plan and mitigates traffic impacts with turn lanes and private street construction.

IV. DRAFT CONDITIONS OF APPROVAL JULY 26, 2010

1. **Substantial Conformance.** The development of the Special Exception use, Child Care Center in the R-1 (Single Family Residential) zoning district, as set forth in Section 3-103(V) and Section 5-609 of the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"), shall be developed in substantial conformance with Sheets 1, 3, and 4 of 4, respectively (together comprising and herein referred to as the "Special Exception Plat") of the plan set entitled "Special Exception Ryan Road Property SPEX 2010-0001" prepared by J2 Engineers, Inc., dated January 2010 and revised through July 26, 2010 (the "Plans") and the Zoning Ordinance. The approval of this application for Tax Map 92, Parcels 26 and 27 (PIN: 158-28-3534 and 158-28-6737, respectively) (the "Property") shall not relieve the Applicant or the property owners from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.

2. **Lighting.** All exterior building and parking area lighting shall include full cutoff and fully shielded lighting fixtures so that light shall be directed inward and downward toward the interior of the Property and away from public streets and residential uses. The maximum average illumination for parking lot lighting and for exterior building lighting, including security lighting, shall be in accordance with the applicable County requirements. Low-pressure sodium lamps and exposed neon bulbs shall be prohibited.

3. **Landscaping/Screening.**

   A. The outdoor play areas identified on the Special Exception Plat shall be screened from adjacent properties on the north and the west with a six-foot high board-on-board fence placed as indicated on the Special Exception Plat.

   B. Prior to issuance of occupancy permit for the Special Exception use, the modified Type 2 Buffer depicted on the Special Exception Plat along the westerly 175 feet of the northerly boundary of the Property shall be

established and installed within a 20-foot wide landscape buffer easement, such easement to be granted to the County at site plan approval in form approved by the County, at no public cost, to be established on the Applicant's adjoining property to the north (Tax Map 92 Parcel 29; PIN: 158-27-9331) as indicated on the Special Exception Plat.

C. The required Type 2 Buffer along the westerly boundary of the Property shall include a six-foot high board-on-board fence for that portion adjacent to the play area as required in Condition 3.A above and as depicted on the Special Exception Plat as "6' High Privacy Fence". A complete inventory of the existing cedars and hardwoods in the said required buffer shall be completed and submitted as part of the site plan review process and said existing trees may be used in the calculation to determine the number of required buffer plantings.

4. **Stormwater Management.** Stormwater management (SWM) and best management practices (BMPs) shall be provided either on-site through the use of appropriate low-impact development design (LID) measures or in an off-site SWM/BMP pond currently proposed to be constructed upon the adjacent parcel, PIN: 158-27-9331, in conjunction with the pending preliminary subdivision application, SBPL 2010-0002, Ryan Road Property. In the event the aforesaid off-site SWM/BMP pond is utilized, water quality measure(s) (example: oil/water separator or bio-retention) shall be provided on-site to achieve pre-treatment prior to sending runoff to the receiving off-site SWM/BMP pond, and Applicant shall comply with all applicable Facilities Standards Manual requirements, including the recordation of an approved maintenance agreement with the offsite facility owner. In addition, the receiving off-site SWM/BMP pond shall be placed within a stormwater management easement granted to the County and bonded prior to the issuance of a zoning permit for the child care center and shall be constructed prior to the issuance of an occupancy permit for the child care center.

5. **Specimen Trees.** The two specimen trees identified on the Special Exception Plat as #804 and #805, and more particularly described on Sheet 2 of 4 of the Plans, shall be protected during construction by fencing placed outside the critical root zone (CRZ) of each tree, as depicted on the Special Exception Plat, and by avoiding construction activities within each CRZ to the greatest extent possible. A tree conservation plan, identifying the measures that shall be employed to protect the trees during construction activities shall be provided to the County for review and approval at the time of submission of the site plan application. The tree conservation plan shall also include an invigoration plan if construction activities are necessary within the CRZ of either of the specimen trees. In addition, any utility line that must be located within the CRZ of either of the specimen trees shall be installed using a boring technique and supervised by a certified arborist.

6. **Trail.** A 10-foot wide trail shall be constructed along Ryan Road, as depicted on the Special Exception Plat, within a 14-foot public access easement, with appropriate width transitions to allow the trail to be connected to the trail/sidewalk on the Brambleton parcel to the west to provide access through to the intersection of Ryan Road and Belmont Ridge Road. The trail shall be constructed prior to the issuance of the occupancy permit for the child care center. The trail shall include a crosswalk across the entrance road serving the site, subject to VDOT approval.

7. **Parcel Consolidation.** A Boundary Line Adjustment application for the consolidation of Parcels 26 and 27 to form a single tax parcel shall be approved and recorded prior to the approval of the site plan for the child care center.

8. **Ryan Road Access.** Prior to the approval of the site plan for the child care center, a private access easement, for the use and benefit of the Property and for the use of the County for the purpose of performing any governmental functions which the County may find necessary or desirable to perform, including but not limited to police and fire protection, or a dedication to the County for public street purposes, shall be granted upon the adjacent parcel, PIN: 158-27-9331, in form as approved by the County, at no public cost, in the approximate location labeled on the Special Exception Plat as "Private Street". Prior to the issuance of the occupancy permit for the child care center, either a private street or a public street shall be constructed in accordance with the following requirements and available for use in said location to provide the child care center access ("Entrance Road") to Ryan Road:

   A. The Entrance Road design shall include verification of sight distance at the intersection of the Entrance Road and Ryan Road to ensure compliance with VDOT requirements at the time of site plan.

   B. The Entrance Road design and construction shall include a separate south bound right-turn lane on the Entrance Road as shown on the Special Exception Plat.

   C. The Entrance Road design and construction shall include the construction of a west bound right-turn lane on Ryan Road as shown on the Special Exception Plat.

9. **Energy and Environmental Design.** As part of the process of designing the child care center, the Applicant has agreed to retain the services, and give due consideration to the recommendations of a LEED-certified design professional or similar energy management consultant to assist and advise the Applicant in designing the child care center and incorporating into such design methods by which the Applicant may utilize energy-efficient design, facilities, or resources within the child care center's infrastructure or operations, such as water-efficient

plumbing fixtures, LED lighting and similar measures. Concurrently with the submission of the initial zoning permit application for the child care center, the Applicant has also agreed to submit to the Zoning Administrator a list of energy management measures the Applicant shall incorporate or has incorporated into the child care center's designs and/or operational plans.

NOTE: The Applicant has volunteered a one time fire and rescue contribution to the County in the amount of $0.10 per square foot of constructed floor area for fire and rescue services. This contribution shall be made at the time the occupancy permit is issued. The amount of the contribution shall be adjusted annually from the base year of 1988 and change effective each January 1st, thereafter, based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

V. PROJECT REVIEW

A. CONTEXT

Van Metre Communities, L.L.C, (the Applicant) requests approval of a Special Exception to allow a child care center on an approximately 2.2 acre portion (the Site) of a 7.7 acre parcel within the R-1 (Residential) zoning district in the Suburban Policy Area. The proposed child care center has a floor area of approximately 9,600 square feet and is anticipated to have an enrollment of up to 198 children and up to 18 staff members. The proposed layout for the child care center, as depicted on the special exception plat provides a fenced outdoor play area for the anticipated enrollment, as well as other open space areas that include two existing specimen trees to be preserved.

Land uses surrounding the site are residential. To the west and south is the Brambleton planned community zoned PD-H4 and partially built. The Brambleton land bay immediately to the west of the Property is under construction for townhouses and the Brambleton land bay on the south side of Ryan Road is developed with single-family detached homes. Seventeen acres of R-1 residual land owned by the Catholic Diocese of Arlington are located on the north and east sides of the Property. The R-1 neighborhoods of Forest View and Estates of Forest Ridge are located further to the north and east.

Surrounding facilities in the area include the public schools of Briar Woods High School, Stone Hill Middle School and Legacy Elementary School. Nearby County parks include Edgar Tillet Memorial Park on Belmont Ridge Road to the north and Lyndora Park off of Loudoun County Parkway to the east. The NVRPA Regional Park is also located in the area, just to the west of Briar Woods High School. Local retail centers include the Brambleton Town Center to the west off of Ryan Road, Southern Walk Plaza and The Shoppes at Ryan Park at Exit 6 on the Dulles Greenway, and Broadlands Village Center at Exit 5 on the Dulles Greenway.

The Property has access directly to Ryan Road at an existing median break that also serves Legacy Park Drive to the south. This full-movement access point will eliminate the existing right-in/right-out access that currently serves the Property. Proposed on the Plat, and within the Conditions of Approval, is a right-turn lane on Ryan Road for the proposed access drive to the Property. This access drive may be developed as a public street in the event the adjacent R-1 properties are subdivided and developed in the future and the Plat is so noted.

There are no wetlands, floodplain, steep slopes, archaeological or historical sites, nor threatened or endangered species onsite.

B. SUMMARY OF OUTSTANDING ISSUES

The Planning Commission and Staff find the proposal can be supported subject to approval of the zoning modification request seeking an offsite landscape easement. The offsite landscape easement has been addressed in the Conditions of Approval (#3B). The Conditions of Approval have been agreed to by the Applicant and approved as to legal form by the County Attorney's Office. There remain no outstanding issues.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The property is located in the Ashburn Community of the Suburban Policy Area and is governed by the land use policies of the Revised General Plan. The Revised Countywide Transportation Plan (CPT), the Countywide Retail Policy Plan Amendment (Retail Plan), and the Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

LAND USE

The County's overall land-development strategy is to encourage compact, mixed-use developments that provide people with the opportunity to live, work, recreate and shop in a pedestrian-friendly environment. The Revised General Plan envisions service uses such as a child care center to be an integral component of residential communities to enable residents to meet their daily needs nearby.

As the Plan envisions that residential neighborhoods will have a peaceful character suitable for private domestic life, a larger-scale center serving many children may require mitigation measures. Staff finds that a child care center, subject to conditions of approval addressing access, noise and lighting concerns, is an appropriate use of the property.

Currently the land is shown on the special exception plat as it is depicted in BLAD 2009-0061 *(See sheet 3 of 4 of the plat set).* The boundary line adjustment to facilitate a pending R-1 subdivision has not yet been completed and recorded. Subsequent to recordation of that BLAD, the parcels for the child care site, shown as 26A and 27A, will be processed through a second BLAD to consolidate the parcels into one unit for the

child care site. Condition #7 requires both BLAD applications be recorded prior to issuance of an occupancy permit for the child care center.

Staff has no issue with land use.

EXISTING CONDITIONS – FOREST, STORMWATER AND SURFACE WATER

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

Staff recommended, and the applicant agreed, to preserve some of the existing specimen trees on-site. Condition #5 provides for maintenance and protection of the trees during construction to support this preservation.

Staff has no issue with forest cover or specimen tree preservation.

The County promotes water conservation through low impact development (LID) techniques which integrate hydrologically functional designs with methods for preventing pollution. LID approaches seek to control runoff discharge, volume, frequency, and quality through a variety of small-scale design techniques such as rain gardens, wet ponds, and oil-water separators, sited as close as possible to pollution sources. While an offsite stormwater management pond is designed to address stormwater management for this site, the Applicant has agreed to incorporate LID techniques as noted in Condition #4 to be specifically designed at site plan.

Staff has no issue with stormwater or surface water protection.

SITE DESIGN – NOISE, LIGHTING, ACCESS, AND ENERGY CONSERVATION

The Retail Plan calls for all buildings and parking areas to be sufficiently screened and buffered from adjoining residential areas by distance, transitional uses, landscaping and/or natural vegetation to mitigate the effects of noise, lighting and traffic on the surrounding residences. In addition to required landscape and buffering the Applicant has proposed a 6 foot privacy fence between the outdoor play areas and adjacent residential areas in Condition #3 to address the noise concern. The Applicant has agreed to Conditions #2 and 9 limiting light impacts through shielding and direction and supporting LED lighting thoughout the site. In addition Condition #9 provides for documentation at site plan of measures incorporated in the built design that conserve water and energy, and help to maintain air quality. Finally the orientation of the access and parking to the site ensures the preservation of 2 specimen trees, shading of the parking areas and pedestrian areas, and a singular access point that relocates the slowing traffic and provides access from a local street.

Staff has no issue with site design.

TRANSPORTATION – VEHICULAR, BICYCLE AND PEDESTRIAN

The child care site is accessed via a private street from Ryan Road, a major collector road. Review of the traffic study demonstrated the warrants for signalization at the intersection of Ryan Road and the private street would not be met under total future

conditions of this site *(See A-22)*. Gap analysis and signalization spacing clarified the better solution for this site was to provide additional turn lanes and this has been achieved with Condition #8.

To accommodate turning movements onto Ryan Road from the private street a southbound right-turn lane onto Ryan Road has been provided. Additionally a westbound right-turn lane from Ryan Road to the private street has been provided.

The CTP states that all development proposal site plans will show safe, direct, and barrier-free pedestrian and bicycle circulation systems. Through Condition #6 the applicant has provided a 10 foot wide trail within a 14 foot wide easement along Ryan Road and connecting to crosswalks across the site entrance private street and Ryan Road.

Staff has no issue with vehicular transportation or pedestrian elements.

ZONING

There were no critical issues during the review of this application. Staff requested and the Applicant has provided changes to the design to incorporate comments regarding the number of required parking spaces which resulted in a reduction in the number of children permitted. Staff notes that the Revised 1993 Loudoun County Zoning Ordinance requires all child care facilities to comply with the County and State Codes regarding number of employees and the amount of indoor and outdoor space required per child.

In addition the Applicant is seeking a modification to the buffer yard and planting for a portion of the northern special exception boundary *(See Zoning Ordinance Modification below)*. All remaining comments from Zoning Administration were addressed by the Applicant through plat notes or Conditions of Approval.

Staff has no issue with zoning compliance.

FIRE, RESCUE, AND EMERGENCY SERVICES

Fire and Rescue noted the response time to the site by Arcola VFRC Station 9 is 6 minutes 51 seconds. The Applicant has agreed to a note to provide a one-time contribution to Fire and Rescue Services at the time of occupancy permit for this structure.

Staff has no issue with fire, rescue or emergency services and access.

D. ZONING ORDINANCE MODIFICATION

Section 5-1403(c) of the Revised 1993 Zoning Ordinance states:
"The Board of Supervisors or the Board of Zoning Appeals may modify the requirements of this Section as part of an approval action of a special exception, variance, or as part of proffered conditions. In such event, the requirements of such approval shall govern."

Zoning Ordinance Requirement to be Modified: Buffering and Screening

Section 5-1405(B) Buffer Yards and Screening, General Provisions.

Buffer yards and screening shall be provided on the lot whose use is indicated in the left column of the matrix where it is contiguous to or across the street from land used or zoned for uses indicated across the top of the matrix, except as provided for in Section 5-1403(E) above.

Section 5-1414(B) (Table). Type 2 Side/Rear Yard Buffer.

Buffer Width: 20' minimum width and 30' maximum width.
Required Plantings per 100 Lineal Feet of Property Line:
Canopy Trees: 2; Understory Trees: 4; Shrubs: 10; Evergreen Trees: 2.

Request:

Location : Northern Property Line
Allow the Type 2 Buffer Yard requirement along the northern property line to be satisfied as follows:

(i) Adjacent to the parking area, by the construction of a minimum 3-foot high berm and the planting of a minimum of 7 canopy trees and 7 evergreen trees, and 35 shrubs within a minimum 20 foot wide buffer yard, and

(ii) On the perimeter of the play area, by the installation of a 6-foot high board-on-board privacy fence on the property within the special exception area, and, by the planting of a minimum of 14 understory trees to be located within a minimum 20 foot wide off-site landscape buffer easement as depicted on the special exception plat.

Applicant Justification:

Improve Upon Existing Regulations. The northern property line of the special exception area is approximately 350 feet in length and abuts a planned parking area and a portion of the child care center's outdoor play area. The minimum Type 2 Buffer Yard planting requirements on the north side of the Property are 7 canopy trees, 14 understory trees, 35 shrubs and 7 evergreens for the 350 foot length. The Applicant seeks to provide all the required plantings and apportion them as described above in the request so as to optimize the screening of the parking area while also providing an off-site vegetative buffer yard screening adjacent to the privacy fence and outdoor play area.

The clustering of the more dense plants coupled with a 3-foot high berm will provide a more effective visual screen for the parking area adjacent to the future residential community than would the standard allocation of the plant materials. The proposed off-site landscape buffer easement, which is located within an area designated as an open

space parcel on pending preliminary subdivision plan SBPL 2010-0002, will contain the balance of the Type 2 Buffer Yard plants, the 14 understory trees, and enable the Applicant to locate the plants to provide an unencumbered outdoor play area for the child care center. This design compensates for the expanded open space area being provided within the special exception area to support preservation of the two large red oak specimen trees.

Staff Analysis:
The Applicant is seeking to maintain the required full buffer yard width and full complement of plantings while providing for sufficient open space to ensure preservation of the existing green infrastructure of the 38 inch diameter and 41 inch diameter large red oak specimen trees within the site. To accomplish these goals a portion of the northern buffer yard would need to extend via an offsite landscape easement onto the adjacent open space parcel of the future neighboring residential community. Within this landscape easement space the applicant proposes installation of a 6 foot privacy fence with the 14 understory trees on the north side of the fence facing the open space parcel and the adjacent residential neighborhood.

The proposed modification provides the full complement of the minimal required plantings organized in a way that maximizes the visual screening of both the parking and play areas adjacent to the northern special exception boundary. Staff supports the design proposed and acknowledges the offsite landscape buffer easement will provide a visually appealing understory tree line within the neighboring residential open space parcel. Further the grouping of the denser plants and berming proposed between the residential community and the parking area will more successfully visually buffer both the parking and vehicle entrance areas to the child care center from the residential community.

Staff has developed a Condition of Approval (#3B) requiring the landscape easement to be granted to the County at site plan approval to accomplish this modification request and ensure compliance with the Revised 1993 Zoning Ordinance.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County 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":

Below is Staff's analysis of these criteria; see the Applicant's Statement of Justification *(Attachment A-53)* for their response.

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

Analysis The proposed use is consistent with the Revised General Plan policies for the Suburban Policy area and Residential uses. The proposed site is located in an area surrounded by residential uses. The Plan envisions retail, commercial and service uses to be an integral component of residential communities. In general, such uses should be located within the areas they serve and fulfill the routine daily and weekly needs of neighborhood residents. Child care centers are appropriate uses within residential communities because they will provide support services and local employment opportunities to the surrounding residents. Anticipated impacts have been adequately mitigated through Conditions of Approval. Design changes would need to be made to provide for the minimum buffer yard needed at the northern and western parcel boundaries.

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

Analysis All applicable fire hazards for this special exception will be addressed at the time of site plan and building permit review. The circulation provided demonstrates adequate access.

(C) 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 noise impacts generated by a child care center are generally during the workweek and workday with minimal impacts upon the adjacent properties in the evenings and on weekends. The proposal will need to provide buffering and screening through vegetation. The Applicant has proposed adding a 6 foot board on board fence to create an effective visual and aural screen as shown on the plat.

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

Analysis All outdoor lighting will comply with the Revised 1993 Zoning Ordinance requirements to ensure shielded and downcast lighting, minimize glare, and meet the lighting limits at the property boundaries as well as incorporate energy efficient lighting as described in Conditions of Approval #2 and 9.

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

Analysis The proposed child care center will be compatible with the adjacent residential uses in that it will provide support services and local employment opportunities to the surrounding residents.

(F) 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 child care center will need to meet the landscape and buffering requirements of the Revised 1993 Zoning Ordinance. The Applicant has proposed adding a 6 foot board on board fence to create an effective visual and aural screen as shown on the plat.

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

Analysis The proposal is to be located where an existing single family structure (circa 1929) is currently located. The structure has been evaluated as the subject of an architectural survey, which concluded that alterations to the structure over the years have compromised any historical or architectural integrity. The structure is not eligible to be listed in the National Register. The applicant states the structure cannot be rehabilitated to meet building code requirements for a child care center and will be demolished.

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

Analysis The property has been previously cleared and contains a single family home. The proposed child care center will not negatively affect existing animal habitat, vegetation, water quality (including groundwater) or air quality.

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

Analysis The property is surrounded by planned and existing residential development. Locating the child care center on a major collector road will contribute to convenience for the customers.

(J) 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 entrance road that will serve the child care center is located at an existing median break on Ryan Road. A right turn lane will be constructed on west bound Ryan Road to serve the entrance road. The child care center's driveway is located to meet VDOT's access design standards and the proposed child care center will be adequately and safely served by the existing transportation infrastructure.

(K) Standard *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.*

Analysis The sole existing structure is a single family home that will not be repurposed for inclusion in the proposed child care center. As described in item G above this structure is not eligible to be listed in the National Register and the applicant states the structure cannot be rehabilitated to meet building code requirements for a child care center.

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

Analysis The proposed use will be adequately served by existing *essential public facilities and services.*

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

Analysis The proposed child care center will be served by public water services and as such no effects upon the groundwater supply are expected.

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

Analysis The proposed use is not anticipated to create any negative impact on the structural capacity of the soils.

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

Analysis The proposal will capitalize on existing improvements to the surrounding road network and will not adversely affect existing road network.

(P) 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 child care center will provide additional employment opportunities and will contribute to the County's commercial tax base.

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

Analysis The Property is not currently in use for agriculture or industry. The proposal does not affect the opportunities for agricultural, industrial or business within surrounding parcels.

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

Analysis There is adequate infrastructure available to the site to serve the proposed use.

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

Analysis There are no odors anticipated from the child care center area that would adversely affect adjacent areas.

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

Analysis The site will be accessed through the major collector roads of Belmont Ridge Road and Ryan Road. Site access will be provided directly from Ryan Road via a private road accessing this site solely. This access pattern mitigates the impact of construction traffic upon the surrounding residential communities in separating the construction traffic from the residential traffic.

VI. ATTACHMENTS		PAGE #
1. Review Agency Comments		
a. Comprehensive Planning	(04/07/10)	A-01
b. Environmental Review	(04/06/10)	A-07
c. Community Information and Outreach	(04/08/10)	A-09
d. Zoning	(04/06/10)	A-11
e. Office of Transportation Services	(05/26/10)	A-17
f. Virginia Department of Transportation	(04/01/10)	A-43
g. Fire, Rescue, and Emergency Services	(03/22/10)	A-45
h. Parks, Recreation and Community Services	(04/20/10)	A-47
i. Environmental Health	(03/10/10)	A-49
j. Loudoun Water	(04/27/10)	A-51
2. Applicant's Statement of Justification	**(revised 07/26/10)**	A-53
3. Applicant's Response to Referral Comments	**(05/06/10)**	A-63
4. Reaffirmation Disclosure of Real Parties Interest Affidavit	**(signed 08/11/10)**	A-79
5. Special Exception Plat Set	**(revised 07/26/10)**	Attached