VAN METRE COMMUNITIES, L.L.C.

RYAN ROAD PROPERTY CHILD CARE CENTER
SPEX 2010-0001

STATEMENT OF JUSTIFICATION
(revised May 5, 2010)

PROJECT LOCATION AND OVERVIEW

The special exception application property (the "***Property***") is approximately 2 acres in area and is located on the north side of Ryan Road (Route 772) approximately 500 feet east of Belmont Ridge Road (Route 659). The Property is a portion of Tax Map 92, Parcel 29 (PIN 158-27-9331), is zoned R-1, and is within the Dulles Election District. The Property is also the subject of a pending boundary line adjustment application, BLAD 2009-0061, that proposes two parcels for the area of the Property (please see Sheet 3 of the submitted special exception plat).

The Property is bordered on the west and south by the Brambleton planned community zoned PD-H4. The Brambleton land bay immediately to the west of the Property is planned 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 Property owner (the Catholic Diocese of Arlington) is 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 of the Property.

Public schools in the area include 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 currently is developed with a single-family detached home and has access to Ryan Road. The Property has a few mature trees, but contains no wetlands, no floodplain and no steep slopes. As noted in the reports previously filed with ZMAP 2009-0002, Ryan Road Property, there are no archeological or historical sites on the Property, nor are there any endangered/threatened species on the Property.

PROJECT DESCRIPTION

Van Metre Communities, L.L.C., (the "***Applicant***") is requesting a special exception to allow a child care center on the Property. 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 (the "Plat"), provides the required fenced outdoor play area for the anticipated enrollment, as well as other open space areas that include two existing specimen

trees. Zoning modifications, as described below, are requested for the buffer yards on the western and northern boundaries of the Property. While the parking area includes designated pick-up/delivery spaces, as required by the Zoning Ordinance, immediately adjacent to the child care center, parents/guardians will be required to walk their children into and out of the child care center regardless of where they have parked.

The Property has access 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. The Plat also provides for a right-turn lane on Ryan Road for the proposed access drive to the Property. As noted on the Plat, the access drive may be developed as a public street in the event the adjacent R-1 properties are subdivided and developed in the future.

COMPREHENSIVE PLAN COMPLIANCE

The Property is located within the Ashburn Community of the Suburban Policy Area. The Planned Land Use Map adopted with the Revised General Plan (the ***"RGP"***) designates the Property as Residential for densities up to 4 units per acre and for supporting services and amenities. The proposed child care center is conveniently located to serve the variety of existing and planned dwellings in the surrounding area. The minimal lot coverage, approximately 10%, and abundant green areas proposed for the child care center make it an ideal transition use between the low density residential neighborhoods to the east and the higher density residential neighborhoods to the west.

The proposed layout implements environmental policies of the RGP by accommodating existing specimen trees on the Property and by retaining the existing evergreen and hardwood fence row along the western property line, thereby supporting policies pertaining to water and air quality, plant and wildlife habitats, and energy conservation. The proposed layout also implements policies of the Revised Countywide Transportation Plan by eliminating a right-in/right-out access point on Ryan Road and replacing it with a full-movement access point located at an existing median break, and by providing a 10-foot wide trail within a public access easement across the Property's Ryan Road frontage.

PROPOSED SERVICE AREA

The proposed child care center generally will serve the area southwest of the Dulles Greenway identified by Zip Code 20148 that includes the planned communities of Brambleton, Broadlands and Loudoun Valley Estates. The Loudoun County Department of Family Services maintains a list of child care centers that have met the licensing requirements of Virginia. The list, updated as of October 1, 2009, indicates that there are only 4 licensed child care centers within all of Zip Code 20148, while the Ashburn area (Zip Code 20147) on the northeast side of the Dulles Greenway has 18 licensed child care centers. These statistics suggest that the area in the vicinity of the Property is under-served with respect to child care centers.

SUMMARY

The proposed child care center is consistent with the land use policies of the Revised General Plan and its location and scale are compatible with the existing and planned adjacent

residential uses. The Applicant respectfully requests favorable consideration of this application, including the requested zoning modifications, by the Staff, the Planning Commission and the Board of Supervisors.

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SPECIAL EXCEPTION MATTERS FOR CONSIDERATION

REVISED 1993 ZONING ORDINANCE SECTION 6-1310

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

The SPEX Property is subject to the Revised General Plan's (***"RGP"***) Suburban Policy Area land use recommendations, the Retail Policy Plan, and the Bicycle and Pedestrian Plan. The amended Planned Land Use Map designates the Property for Residential uses. The proposed child care center is consistent with the RGP land use recommendations and applicable retail and pedestrian policies.

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

The proposed child care center will be constructed to comply with the applicable fire and building codes.

(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.*

The proposed child care center will not generate noise that may negatively impact any other uses in the immediate area. The perimeter landscaping will include a solid 6-foot high board fence constructed between the outdoor play areas and the adjacent residential properties to mitigate aural impacts.

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

All exterior lighting for the proposed child care center will be designed to minimize glare on adjacent uses. A condition of approval is proposed to require the shielding of exterior lighting.

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

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

The SPEX Property will be landscaped to meet or exceed all ordinance requirements and will include a solid 6-foot high board fence constructed between the outdoor play areas and the adjacent residential properties.

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

The existing single-family structure on the Property was built in 1929 and has been the subject of an architectural survey, which concluded that alterations to the structure over the years have compromised any historical or architectural integrity and that the structure is not eligible to be listed in the National Register. The structure cannot be rehabilitated to meet building code requirements for a child care center and will be demolished.

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

The SPEX Property has been cleared and developed with a single family home. The development of the proposed child care center will not have an adverse impact on the environment.

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

The location of the proposed child care center on a main thoroughfare will contribute to the convenience of its patrons.

(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.*

The proposed child care center will be adequately and safely served by the transportation infrastructure. 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.

(K) *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.*

The existing structure is not proposed be converted. Please see the response to item G above.

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

The proposed child care center will be served adequately by existing public utilities and essential public services.

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

The proposed child care center will not impact the groundwater supply and will be served by public water.

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

The soil conditions on the SPEX Property will support the proposed child care center.

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

The proposed child care center will not negatively impact the existing road network.

(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.*

The proposed child care center will provide additional employment opportunities and will augment the County's commercial tax base.

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

Not applicable.

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

All necessary infrastructure for the proposed child care center is available.

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

The proposed child care center will not generate any offensive odors.

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

Construction traffic will not need to traverse any existing neighborhoods or school areas to access the Property.

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PROPOSED ZONING ORDINANCE MODIFICATIONS

Section 6-1504 Modification Approval Criteria

"No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site."

Zoning Ordinance Requirement to be Modified: Buffering and Screening

"Section 5-1414(B) (Table). Required Plantings per 100 Lineal Feet of Property Line. Type 2 Side/Rear Yard Buffer. Canopy Trees: 2. Understory Trees: 4. Shrubs: 10. Evergreen Trees: 2. 20' minimum width, 30' maximum width."

Proposed Modifications

1. Allow the Type 2 Buffer Yard requirement along the western property line to be satisfied as follows: (i) outside the play area, by the preservation of the existing evergreen and hardwood fence row supplemented by a minimum of 3 evergreen trees within a minimum 20-foot wide buffer yard, and (ii) on the perimeter of the play area, by the preservation of the existing evergreen and hardwood fence row and the construction of a 6-foot high board-on board privacy fence all to be located within a minimum 8-foot wide planting strip, as depicted on the SPEX Plat. No play ground equipment shall be constructed within the minimum 20-foot wide buffer yard within the play area.

Justification

- Improve Upon Existing Regulations. This modification is justified in that the preservation of the existing evergreen and hardwood fence row is consistent with Section 5-1403(B), which allows for the use of existing vegetation to satisfy buffering and screening requirements, and the addition of a 6-foot high board-on-board privacy fence will mitigate any potential visual or noise impacts from the play area on the adjacent residential area.

2. Allow the Type 2 Buffer Yard requirement along the northern property line to be satisfied as follows: (i) outside of the play 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 (ii) on the perimeter of the play area, by the planting of a minimum of 14 understory trees and the construction of a 6-foot high board-on board privacy fence all to be located within a minimum 8-foot wide planting strip, as depicted on the SPEX Plat. No play ground equipment shall be constructed within the minimum 20-foot wide buffer yard within the play area.

Justification

- Improve Upon Existing Regulations. This modification is justified in that the construction of a minimum 3-foot high berm and the planting of a minimum of 7 canopy trees and 7 evergreen trees within a minimum 20-foot buffer yard on the perimeter of the parking area will provide enhanced screening for the adjacent residential area, and the planting of at least 14 understory trees and the addition of a 6-foot high board-on-board privacy fence on the perimeter of the play area will mitigate any potential visual or noise impacts to the adjacent residential area.

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