



Lynne J. Strobel  
(703) 528-4700 Ext. 5418  
lstrobel@arl.thelandlawyers.com

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

December 4, 2007

**Via Overnight Delivery**

Virginia Ruffner  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

Re: Proposed Special Exception Amendment Application  
Applicant: Montessori School of Northern Virginia

Dear Ms. Ruffner:

- Special exception application checklist.
- Four (4) copies of a special exception application form with required affidavit.
- Three (3) copies of a special exception plat prepared by Burgess & Niple. The full submission requirement of twenty-three (23) copies and a reduction will be provided upon your review of the enclosed.
- Fairfax County zoning section sheet 71-2 with the application property outlined in red.
- Photographs of the application property.
- Four (4) copies of a written statement of justification.
- Determination of Compliance with VDOT Chapter 527 Regulations prepared by Wells & Associates.
- Original, notarized statement authorizing representatives of Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. to acts as agents for the Applicant.
- Application fee in the amount of five thousand two hundred and ninety-five dollars (\$5,295.00) made payable to the County of Fairfax.

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM  
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

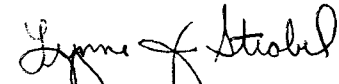
December 4, 2007

Page 2

I would appreciate your review of the enclosed. Should you have any questions regarding this submission, or require additional information, please do not hesitate to contact me. As always, I appreciate your cooperation in your assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Lynne J. Strobel

Enclosures

cc: Katherine Gasperak  
Hope Canning  
Betsy Mitchell  
Jim Ritter  
Heather Grutzius  
Dennis Thomas  
Mike Chauncey  
Robin Antonucci  
Sara V. Mariska  
Martin D. Walsh (w/o encl.)

{A0123320.DOC / 1 Ruffner Letter -- Hillbrook SEA 001048 000002}



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**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

December 6, 2007

**Via Overnight Delivery**

Mark H. Crawford  
President  
Hillbrook/Tall Oaks Civic Association  
4604 Monterey Drive  
Annandale, Virginia 22003

Re: Proposed Special Exception Amendment Application  
Montessori School of Northern Virginia

Dear Mr. Crawford:

As previously discussed, the Montessori School of Northern Virginia (MSNV) has submitted a special exception amendment application to allow for improvements to its existing facility located on Pacific Lane. As agreed at our meeting in August, a copy of the application is attached that was submitted concurrently to the Department of Planning and Zoning. Please note, that consistent with our presentations, MSNV is requesting a modification in its student enrollment from 135 to 179. Further, the age of the students is proposed to be modified to allow acceptance of children from 18 months through 8<sup>th</sup> grade. Further details of the MSNV's proposal are provided in the attached application; more specifically, the statement of justification and special exception plat.

As a part of this application process, MSNV proposes to modify a number of existing development conditions to allow more flexibility with its daily operations. The existing conditions impose restrictions that include limitations on meetings and school activities. MSNV appreciates the community's concerns, and believes that this objective may be accomplished in a manner that is more reasonable without compromising the intent. A number of the existing conditions are overly complex and restrict the school in a way that is difficult to monitor or enforce. MSNV believes that the development conditions may be modified in a manner that will not be intrusive to the surrounding community. As always, MSNV intends to work with your community and the Fairfax County staff in evaluating the current conditions and proposing reasonable alternatives. MSNV would greatly appreciate the opportunity to begin a dialogue on this issue.

Please also be advised that the transportation consultant engaged by MSNV is completing its traffic study and a copy will be sent to you upon receipt estimated to be in January 2008. MSNV wishes to continue to work with your community to develop reasonable restrictions on its continued operation that will improve traffic in the area. Such restrictions will result in a mutual benefit.

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**LOUDOUN OFFICE 703 737 3633** ■ **PRINCE WILLIAM OFFICE 703 680 4664**

ATTORNEYS AT LAW


December 6, 2007

Page 2

Please contact me should you have any questions regarding the enclosed and to schedule a meeting with you and your community at your convenience.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Lynne J. Strobel

LJS/kae

Enclosures

cc: Katie Gasperak  
Hope Canning  
Betsy Mitchell  
Joan Fisher  
Martin D. Walsh

{A0130929.DOC / 1 Crawford ltr 12-6-07 001048 000002}



**COUNTY OF FAIRFAX**  
**Department of Planning and Zoning**  
**Zoning Evaluation Division**  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

**APPLICATION No:** \_\_\_\_\_  
 (Staff will assign)

**APPLICATION FOR A SPECIAL EXCEPTION**

(PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> Montessori School of Northern Virginia	
	<b>MAILING ADDRESS</b> 6820 Pacific Lane Annandale, Virginia 22203	
	<b>PHONE HOME</b> ( )	<b>WORK</b> ( )
	<b>PHONE MOBILE</b> ( )	
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> 6820 Pacific Lane Annandale, Virginia 22203	
	<b>TAX MAP NO.</b> 71-2 ((8)) 93B and A	<b>SIZE (ACRES/SQ FT)</b> Approximately 3.23 acres
	<b>ZONING DISTRICT</b> R-2	<b>MAGISTERIAL DISTRICT</b> Mason
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b> N/A	
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> 3-204, 9-302	
	<b>PROPOSED USE</b> Private School of General Education Nursery School, and Child Care Center	
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Lynne J. Strobel, Agent	
	<b>MAILING ADDRESS</b> Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Boulevard, 13th Floor Arlington, Virginia 22201	
	<b>PHONE HOME</b> ( )	<b>WORK</b> (703 ) 528-4700
	<b>PHONE MOBILE</b> ( )	
<b>MAILING</b>	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Lynne J. Strobel, Agent</p>		
<b>TYPE/PRINT NAME OF APPLICANT/AGENT</b>		<b>SIGNATURE OF APPLICANT/AGENT</b>

DO NOT WRITE IN THIS SPACE

Date Application accepted: \_\_\_\_\_

Application Fee Paid: \$ \_\_\_\_\_

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: December 4, 2007  
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): \_\_\_\_\_  
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE**,\*\* each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Montessori School of Northern Virginia  Agents: Katherine E. Gasparek Hope A. S. Canning Olga E. Mitchell Mary M. Masters Julianne Mueller (nmi)	6820 Pacific Lane Annandale, Virginia 22003	Applicant/Title Owner of Tax Map 71-2 ((8)) 93B and A

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**DATE: December 4, 2007  
(enter date affidavit is notarized)for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Burgess & Niple, Inc.  Agents: Dennis M. Thomas Michael P. Chauncey James L. McCormack	4160 Pleasant Valley Road Chantilly, Virginia 20151	Civil Engineer/Agent
James William Ritter Architect  Agents: James W. Ritter Heather L. Grutzius	814 King Street, 3rd Floor Alexandria, Virginia 22314	Architect/Agent
M.J. Wells & Associates, LLC  Agent: Robin L. Antonucci William F. Johnson	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Abby C. Denham Tara E. Wiedeman Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(check if applicable)

[ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 4, 2007
(enter date affidavit is notarized)

for Application No. (s):
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Montessori School of Northern Virginia
6820 Pacific Lane
Annandale, Virginia 22003

DESCRIPTION OF CORPORATION: (check one statement)

- [ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

A non-profit organization with no shareholders.

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: December 4, 2007  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Burgess & Niple, Inc.  
4160 Pleasant Valley Road  
Chantilly, Virginia 20151

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

James D. Edwards  
Mark R. Rowland

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

James William Ritter Architect  
814 King Street, 3rd Floor  
Alexandria, Virginia 22314

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

James William Ritter

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: December 4, 2007  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, LLC  
1420 Spring Hill Road, Suite 600  
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc., Sole Member

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 600  
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc. Employee  
Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% of any class of stock.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: December 4, 2007  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2700 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher,	J. Randall Minchew,
Thomas J. Colucci, Peter M. Dolan, Jr.,	M. Catharine Puskar, John E. Rinaldi,
Jay du Von, Jerry K. Emrich, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark Goetzman,	Nan E. Walsh, Martin D. Walsh
Bryan H. Guidash, Michael D. Lubeley,	

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 4, 2007
(enter date affidavit is notarized)

for Application No. (s):
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
None

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 4, 2007
(enter date affidavit is notarized)

for Application No. (s):
(enter County-assigned application number(s))

1(d). One of the following boxes must be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land:

[x] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: December 4, 2007  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

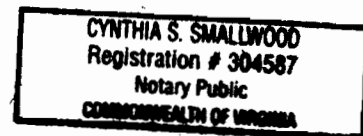
WITNESS the following signature:

(check one) Lynne J. Strobel  
 Applicant  Applicant's Authorized Agent  
Lynne J. Strobel, attorney/agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 4 day of December 2007, in the State/Comm. of Virginia, County/City of Arlington.

Cynthia S. Smallwood  
Notary Public

My commission expires: December 31, 2009

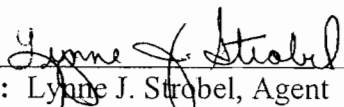


**SPECIAL EXCEPTION AMENDMENT SUBMISSION PACKAGE ELEMENTS**  
(Checklist to be used to ensure all submission elements are included in application package)

- Special Exception Plat**
- Completed Special Exception Application Form and Affidavit**
- Tax Map Section Sheet**
- Photographs**
- Agent Authorization**
- N/A Ownership Concurrence – Applicant is owner**
- Statement of Justification**
- Determination of Compliance with VDOT Chapter 527 Regulations**
- Fee Payment**

I certify that the above items have been included in this special exception amendment application package and that I have clearly labeled and cross-referenced all parts, and that, as such, my submission will be reviewed on a priority basis.

I recognize that should any of these applicable items not be included, this package will not be reviewed for acceptance until all items are submitted.

**Signature:**   
**Applicant/Agent:** Lyone J. Strobel, Agent

**Date:** December 6, 2007



Lynne J. Strobel  
(703) 528-4700 Ext. 5418  
[lstrobel@arl.thelandlawyers.com](mailto:lstrobel@arl.thelandlawyers.com)

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

December 5, 2007

**Via Hand Delivery**

Regina C. Coyle, Director  
Zoning Evaluation Division  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: Proposed Special Exception Amendment Application (SEA 90-M-003-3)  
Applicant: Montessori School of Northern Virginia

Dear Ms. Coyle:

Please accept the following as a statement of justification for a special exception application on property identified among the Fairfax County tax map records as 71-2 ((8)) 93B and A (the "Subject Property").

The Subject Property is located on Pacific Lane in the Mason Magisterial District. The Subject Property contains approximately 3.23 acres, which includes adjacent right-of-way abandoned and vacated by the Board of Supervisors. The Subject Property is zoned to the R-2 District and surrounding properties are zoned to the R-2 and PDH-16 Districts. The surrounding area is primarily developed with single family homes.

The Subject Property is currently operated as a nursery school, child care center, and private school of general education. A school use was originally approved on the Subject Property with the granting of a special permit by the Board of Zoning Appeals in 1967, permitting 150 students. A special permit amendment was granted in 1980 to allow students up to age twelve (12). A subsequent special exception was granted in 1990 to change the permitted age of students to 2 to 9 years; reduce the maximum daily enrollment to 135 students; increase the hours of operation; and allow after-hour activities. A delayed approval of the 1990 special exception application, granted in 1993, allowed changes in use. The most recent application approved by the Board of Supervisors on July 7, 1997, allowed building and site modifications.

The Applicant proposes to continue to operate a private school of general education and nursery school and child care center in a similar manner to the existing approval. In addition to the student number increase and age change, the Applicant does propose to make site modifications; specifically, improvements to the existing building as a second and third phase of development. The first phase of the proposal does not include any physical modifications to the existing improvements. Phase two is an addition containing 190 square feet that would allow an

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM  
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ATTORNEYS AT LAW

existing classroom on the Subject Property to be used as a multi-purpose room. Phase three is an addition of 5,344 square feet at the rear of the existing building. This addition will allow for one more classroom and smaller rooms, dedicated for special activities, such as music and language instruction, and a wider variety of educational opportunities. Both additions are located on the interior of the Subject Property and a perimeter of existing mature vegetation will be preserved adjacent to residentially developed properties. This buffer will mitigate any visual impacts on the community. Further, the Phase three addition will have a green roof. This low impact development technique will minimize any impacts on the environment associated with the proposed construction. Lastly, a fenced playground will continue to be provided for the students in a similar configuration to the existing playground.

The student enrollment is proposed to increase to 179, and the age of the students is proposed to increase to allow classes from 18 months through eighth grade. The Applicant also proposes to modify several existing development conditions to allow more flexibility for existing and proposed operations. The existing conditions impose burdensome restrictions that may be removed without adversely impacting the surrounding residential community.

The proposed improvements to the Subject Property are necessary to enhance the existing facilities and allow for school growth to meet existing community demands. The Applicant's proposal will benefit the surrounding community as a wider range of opportunities will be available to parents. The proposed improvements will be designed in scale and constructed of materials that are similar to the existing building. The existing building is a one story structure that has residential characteristics. Existing topography and vegetation screen the building from the adjacent neighborhood. Parking will continue to be provided in front of the building, but will be reconfigured to accommodate the proposed improvements. The Applicant has strict procedures to minimize the amount of time spent on the Subject Property during pick up and drop off. The Applicant plans to operate the proposed facilities in conjunction with another campus in the Mason District; thereby, substantially reducing the Applicant's expansion needs at the Subject Property.

The Subject Property is located within the Annandale Planning District of the Area I Comprehensive Plan (the "Plan"); specifically, within the Indian Run Community Planning Sector. The Plan identifies this area as largely developed with stable residential neighborhoods. The Plan does not offer any specific guidance with regard to future development of the Subject Property. Because the Applicant's proposal is a compatible use to residential development, and within the intensity permitted by the Zoning Ordinance, it is in conformance with the Plan.

In accordance with Section 9-011 of the Zoning Ordinance, please accept the following information:

- The type of operation proposed is the continued operation of a private school of general education, nursery school and child care center.

- Hours of operation:

The hours of operation of the Subject Property shall be 7:00 a.m. to 6:00 p.m. The nursery school and general education hours will be shorter than the overall school hours, but within the same total operating hours. Before and after school care, defined by the Zoning Ordinance as child care, will be available for students enrolled in the nursery school and private school of general education.

The Subject Property will operate as a school from September to June, approximately following the Fairfax County public school schedule, and as an educational summer camp from June through August.

- The total number of proposed students is 179. The students may be within an age range of 18 months to 8<sup>th</sup> grade.
- The estimated number of employees is a maximum of 24 on site at any one time in Phase one and two and is proposed to increase by one to 25 in Phase three.
- Based on standard Institute of Transportation Engineers (ITE), 7<sup>th</sup> Edition, Trip Generation Rates/Equations, the proposed modifications will generate approximately 39 additional trips during the peak a.m. hour and 27 additional trips during the peak p.m. hour. These projections do not account for those trips currently generated by the existing school programs, which is approximately 122 trips during the peak a.m. hour, and approximately 82 trips during the peak p.m. hour. The incremental increase in trips associated with the Applicant's proposal will be less than the estimates provided herein. The Applicant encourages the use of carpools and priority admittance is afforded to siblings of current students. As a result, the typical number of vehicle trips associated with these uses will be further reduced.
- The general area to be served by the proposed school and related uses is approximately a five (5) to ten (10) mile radius.
- The Applicant will retain the existing structure that is located on the Subject Property and the proposed addition will be constructed of compatible building materials.
- The Applicant is unaware of any known hazardous or toxic substances that will be utilized or stored on the Subject Property.
- The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and applicable conditions except as specifically noted on the special exception plat.


The Applicant proposes to modify a number of the development conditions applicable to the current approval. The number of students, the age of the students, and the hours of operation will be consistent with what is described herein. The existing conditions that impose limitations on the number of meetings per year; the hours of meetings; and the number of attendees are cumbersome and unduly restrictive. These conditions are intended to limit adverse impacts on the neighboring community. The Applicant believes that this objective may be accomplished in a manner that is more reasonable without compromising the intent. The Applicant proposes to limit weekday (Monday through Friday) school activities, occurring after operating hours and exceeding 26 people, to twenty per year. Weekend (Saturday and Sunday) activities exceeding 26 people shall be limited to twelve events per year. The Applicant shall transmit a calendar of events to the adjacent Hillbrook/Tall Oaks Civic Association and post a calendar on the Applicant's website. The restrictions will be simpler and easier to monitor than the existing conditions. Specific proposed conditions will be submitted as this application is evaluated by staff and the community.

The Applicant's proposal is in harmony with the purpose and intent of the Zoning Ordinance and the recommendation of the Plan. The private school of general education, nursery school and child care center will continue to be a community-serving use that is convenient to the surrounding residents. The modifications proposed by the Applicant will permit a wider range of education options and more flexibility for daily operations that will benefit the students. The Applicant offers an alternative quality educational experience as a supplemental option to the public school programs, as well as much needed additional pre-school education options. Allowing a wider range of ages will allow a more complete educational foundation and establishes an appropriate transition to high school. The activities on the Subject Property will be operated in conjunction with a proposed school to be operated by the Applicant in the Mason District.

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience. As always, I appreciate your consideration.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

  
Lynne J. Strobel

Enclosures

cc: Katie Gasparek                      Jim Ritter                      Martin D. Walsh  
    Hope Canning                      Heather Grutzius  
    Betsy Mitchell                      Robin Antonucci  
    Dennis Thomas                      Sara V. Mariska



WELLS + ASSOCIATES

November 20, 2007

Ms. Lynne J. Strobel  
Walsh Colucci Lubeley Emrich & Walsh, PC  
2200 Clarendon Boulevard  
Thirteenth Floor  
Arlington, Virginia 22201-3359

Re: Montessori School of Northern Virginia – Fairfax County  
VDOT Chapter 527 Regulations – Determination of Compliance

Dear Ms. Strobel:

As requested, Wells & Associates has completed a trip generation assessment associated with a proposed expansion of an existing private school of general education (Montessori School of Northern Virginia) as required by 24 VAC 30-155. Implementation of these new regulations has been phased statewide over 18 months (July 01, 2008 to January 01, 2009). Implementation in the Northern Virginia District of VDOT began on July 01, 2007. For the first six (6) months of implementation; Comprehensive plan/amendments, rezoning, site plans, and subdivision plats for sites generating less than 500 peak hour trips are exempt.

For purposes of determining compliance with the new regulations, trip generation calculations must meet the following trip criteria<sup>1</sup>:

- Shall be based upon the rates or equations published in the Institute of Transportation Engineers Trip Generation (described in the Reference Documents chapter, page 73).
- Shall *not* be reduced through internal capture rates, pass by rates, or any other reduction methods. The opportunity to properly use these reduction rates will be provided in the traffic impact analysis itself and effect the negotiation of any proffered improvements.
- For *redevelopment sites only* (refer to the Definitions chapter 7), when an existing use is to be development as a different or denser use, trips currently generated by existing development that will be removed may be deducted from the total trips that are generated by the proposed land use.

The subject school is located at the end of Pacific Lane and east of Dodson Drive in Fairfax County, Virginia (Tax Map 71-2 ((8)) 93B). The approximate 2.77-acre site is zoned R-2 (Residential at 2.0 dwelling units per acre) and is developed with an existing nursery and preschool with an approved enrollment of 135 students. The special exception plat, as currently proposed, provides for an increase of 44 students. Access to/from the school via Pacific Lane will be retained; no new access is proposed.

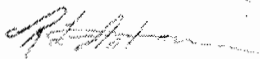
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<sup>1</sup> VDOT, *Traffic Impact Analysis Regulations Administrative Guidelines – 24 VAC 30-155*, May 24, 2007

Trip generation estimates were determined based on ITE, 7<sup>th</sup> edition, Trip Generation, rates/equations in order to demonstrate compliance with the Chapter 527 regulations. As shown on Table I as attached, as required with the regulations and based on the peak hour of the generator, the proposed increase in 44 students to 179 total would generate 161 AM peak hour trips and 109 PM peak hour trips. The existing school of 135 students would generate 122 AM and 82 PM peak hour trips. Given the difference between the future and existing uses is less than the 500 peak hour trip threshold established for the first six (6) months of implementation, the site would be exempt from compliance. After January 1, 2008, the threshold for commercial uses is reduced to 250 peak hour trips. Based on that requirement, the site would still be exempt from compliance.

If you have any questions or comments, feel free to contact me at 703-917-6620 or at [RLAntonucci@mjwells.com](mailto:RLAntonucci@mjwells.com).

Sincerely,



Robin L. Antonucci  
Principal Associate

Attachment: Table I – Trip Generation Analysis

cc: Amy Suski, Northern Virginia Montessori School  
Hope Canning, Northern Virginia Montessori School  
Betsy Mitchell, Northern Virginia Montessori School

Table 1  
 Trip Generation  
 Montessori School of Northern Virginia

Existing: ITE Rate Private School (K-8)	Land Use	Code	Size	Unit Students	AM		PM	
					In	Out	In	Out
		534	135	Students	67	55	39	43
						122		82
Future: ITE Rate Private School (K-8)	Land Use	Code	Size	Unit Students	AM		PM	
					In	Out	In	Out
		534	179	Students	89	72	51	58
						161		109
Difference: ITE Rate Private School (K-8)	Land Use	Code	Size	Unit Students	AM		PM	
					In	Out	In	Out
		534	44	Students	22	17	12	15
						39		27

Source: Institute of Transportation Engineers, 7th edition, Trip Generation

July 30, 2007

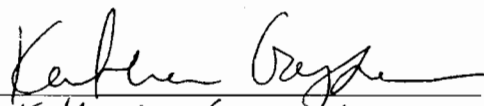
Ms. Virginia Ruffner  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 800  
Fairfax, Virginia 22035

Re: Authorization to File Special Exception Application  
Fairfax County tax map reference: 71-2 ((8)) 93B, A  
Applicant: The Montessori School of Northern Virginia

Dear Ms. Ruffner:

The Montessori School of Northern Virginia appoints Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. including Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Jason B. Heinberg, Tara E. Wiedeman, Abby C. Denham, Sara V. Mariska, Elizabeth D. Baker, Inda E. Stagg, Kara M. Whisler, Megan C. Shilling and Elizabeth A. McKeeby to act as agents on its behalf for the filing of a special exception amendment application and any related applications on property identified as tax map 71-2 ((8)) 93B, A.

THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA



By: Katherine Gasparek  
Its: President

STATE OF ~~VIRGINIA~~ District of Columbia  
COUNTY OF District of Columbia : fo-wit

The foregoing instrument was acknowledged before me this 30th day of August, 2007, by Katherine Gasparek of The Montessori School of Northern Virginia.

Sandra Kidroushi  
Notary Public

My Commission Expires April 14, 2009

My Commission Expires: \_\_\_\_\_

