Meeting Date: 4-1-14

Agenda Item: 6

CITY OF FAIRFAX

Department of Community Development & Planning

Special Use Permit Renewal SU-13070140

PUBLIC HEARING DATE

April 1, 2014

APPLICANT

Sky Education, Inc.

AGENT

Young Lan-Kim, property owner

PARCEL DATA

Tax Map ID
58-3-((06))-034A

Street Addresses
9735 Main Street

Zoning District
C-1 Office Commercial District

APPLICATION SUMMARY

Request by Sky Education, Inc., by Young Lan-Kim, agent/property owner, pursuant to City Code Sections 110-762(b)(5) and 110-366, for renewal of a special use permit to allow a school of general instruction in the C-1 (Office Commercial) District on the property located at 9735 Main Street and more particularly described as Tax Map Parcel 58-3-((06))-034A

STAFF RECOMMENDATION:

Staff recommends denial of the applicant's request to renew the Special Use Permit.

In the event, however, that the BZA decides to approve the applicant's request, staff recommends that the following conditions be imposed:

1. The applicant shall ensure the maximum number of students and teachers per instructional session for both school-year and summer programs shall not exceed the limits set forth in the original special use permit approved by the BZA on October 2, 2012;
2. The applicant shall ensure the total number of students and teachers per day for both school-year and summer programs shall not exceed the limits set forth in the original special use permit approved by the BZA on October 2, 2012;
3. The applicant shall ensure that the number of instructional sessions and the 30-minute separation between them for both school-year and summer programs shall not exceed those set forth in the original special use permit approved by the BZA on October 2, 2012;
4. The applicant shall ensure the interior layout of the proposed school shall be in substantial conformance with the plans that were originally approved by the BZA on October 2, 2012
5. The applicant shall ensure that pre-school age students are not on-site for more than one hour;
6. The applicant shall submit a parking lot plan to re-stripe an additional 44 parking spaces in the rear parking lot;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;
8. The applicant shall immediately enforce the traffic circulation plan that was approved by the Zoning Administrator and included as Attachment 5 of this report with two on-site traffic control personnel during student arrivals and departures; and
9. The Special Use Permit shall be valid for a period of six months from the date of approval and may be subject to renewal.

BACKGROUND INFORMATION

The Board of Zoning Appeals approved the applicant's request for a Special Use Permit to allow a school of general instruction at the subject property on October 2, 2012 for a period of one year from the date of approval and subject to additional conditions. The applicant filed an application for renewal of the Special Use Permit in a timely manner and now requests renewal of that Special Use Permit to continue to allow the operation of Sky Education at the subject property.

The following conditions were approved by the BZA as part of the original request:

1. The applicant shall obtain a Non-Residential Use Permit to operate a school of general instruction within 30 days of approval of this application;
2. The applicant shall ensure the class size for each instructional period shall not exceed the student limit set forth in the proposed class schedule submitted as part of this application;
3. The applicant shall ensure the interior layout of the proposed school shall be done in substantial conformance with the plans submitted as part of this application;
4. The applicant shall repair and maintain the fence located along the property line;
5. The applicant shall relocate and screen the existing dumpster located at the rear of the property according to City standards;
6. The applicant shall submit a parking lot plan to re-stripé and delineate 62 parking spaces in the rear parking lot;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;
8. The applicant shall ensure that ingress/egress is limited to right-in/right-out turning movements, and install signage as required by City staff;
9. The applicant shall ensure that the parking space located directly in front of the front door entrance is modified to meet the handicap parking requirements of the Office of Building Code Administration;
10. The applicant shall within 30 days from the date of approval prepare and submit a traffic circulation plan for staff review and approval.
11. The applicant shall ensure that pre-school age students are not on-site for more than one hour;
12. The applicant shall ensure that a fire alarm system is installed inside the building to meet the requirements of the Office of Building Code Administration; and
13. The Special Use Permit shall be valid for a period of one year from the date of approval and may be subject to renewal.

Of these 13 conditions, two conditions have not been satisfied. According to the applicant, they could not find a lighting company that would provide the required analysis. The applicant has also been non-compliant with respect to the enforcement of condition #10 (staff notes that a parking lot plan for the re-striping of less than the required 62 parking spaces was approved due to a smaller student enrollment at the time of original approval).

ANALYSIS

Although the applicant has applied for a renewal of their special use permit, there are a number of changes the applicant has made to the business operations since the time of original approval that have effectively increased the intensity of the use. Therefore, it is important to note that the applicant is requesting an approval for the conditions under which they have been operating, not all of the conditions that the BZA approved. The original staff report that was prepared for the October 2, 2012 hearing is attached and contains an analysis section addressing the criteria for consideration of the original Special Use Permit request.

Business Characteristics

The following summary (also duplicated in Attachment 5) compares school operations as approved by the BZA then modified during the 2012-13 school year, the 2013-14 school year, and proposed with this renewal request:

City of Fairfax Staff Summary of Sky Education's Approved, Actual Operation, Existing, and Proposed School-Year Programs, 2012-2015				
	Approved Operation 2012-13	**Actual Operation 2012-13**	**Current Operation 2013-14**	**Proposed Operation 2014-15**
Days	Monday-Friday	Monday-Friday	Tuesday-Friday	Monday-Friday
Hours	4 pm-8 pm	4 pm-9 pm ***Staff notes that the applicant extended business hours of operation by one hour from the original approval.**	4 pm-9 pm ***Staff notes that the applicant extended business hours of operation by one hour from the original approval.**	4 pm-9 pm ***Staff notes that the applicant proposes to extend business hours of operation by one hour from the original approval.**
Total # courses	9	17 ***Staff notes that the applicant added more classes than originally approved.**	12 ***Staff notes that the applicant added more classes than originally approved.**	12 ***Staff notes that the applicant proposes to add more classes than originally approved.**
Total # classrooms	7	8	7	8
Total # sessions	2 (4:30-5:30; 6:00-7:00) ***Staff notes that the 30-minute separation between the two sessions was recommended by staff and approved by the BZA to mitigate traffic, site circulation, and parking issues.**	4 (4:30-5:30; 4:30-6:30; 6:00-7:00; 7:00-8:30) ***Staff notes that the applicant doubled the number of sessions that were originally approved and did not maintain the required 30-minute separation between them as originally approved.**	4 (4:30-5:30; 4:30-6:30; 6:00-7:00; 7:00-8:30) ***Staff notes that the applicant doubled the number of sessions that were originally approved and did not maintain the required 30-minute separation between them as originally approved.**	4 (4:30-5:30; 4:30-6:30; 6:00-7:00; 7:00-8:30) ***Staff notes that the applicant proposes to double the number of sessions that were originally approved and there would not be 30-minute separations between them as originally required.**
Maximum # students/session	41	38	36	44
Maximum # teachers/session	7	7	6	7
Total # students & teachers/day	96	98	56	73

CONTINUED BELOW

	Approved Operation 2012-13	Actual Operation 2012-13	Current Operation 2013-14	Proposed Operation 2014-15
Days	Saturday	Saturday	Saturday	Saturday
Hours	8:30 am-2 pm	8:30 am-3 pm ***Staff notes that the applicant extended business hours of operation by one hour from the original approval.**	8:30 am-3 pm ***Staff notes that the applicant extended business hours of operation by one hour from the original approval.**	8:30 am-3 pm ***Staff notes that the applicant proposes to extend business hours of operation by one hour from the original approval.**
Total # courses	13	8	2	2
Total # classrooms	7	4	2	3
Total # sessions	2 (9-11; 11:30-1:30)	2 (9 -12; 12:30-2:30)	1 (9-2:30)	1 (9-2:30)
Maximum # students/session	41	30	12	18
Maximum # teachers/session	7	5	2	3
Total # students & teachers/day	96	70	14	21

In summary, it appears that the applicant has made some changes to the business characteristics originally approved regarding the hours of operation, total number of courses offered and total number of sessions per day. More specifically, the weekday and Saturday hours have been extended one hour. Currently, they are not holding classes on Mondays, but propose to resume Monday classes with this renewal. The total number of weekday courses offered has increased from nine to 12, and the number of weekday class sessions has increased from two to four. Staff notes that on Saturdays, the applicant has reduced their number of courses and only offer one session, which lessens the traffic impact. As proposed in this Special Use Permit renewal request, the applicant would like to continue their business operations throughout the 2014-15 school-year as currently conducted. However, the applicant's proposal to continue operating four sessions rather than two as originally proposed is problematic for parking, traffic, and site circulation issues noted in the original staff report It is important to note that the original conditions approved by the BZA regarding the maximum number of students and teachers per session and per day for the school-year program, along with the limitation on the number of sessions offered, have been violated by the applicant and have resulted in traffic, parking, and site circulation issues identified later in this report.

The BZA also approved the operation of a 2013 summer program by the applicant. The following table summarizes the approved summer 2013 program, the actual operation of that program, and the proposed summer 2014 program:

City of Fairfax Staff Summary of Sky Education's Approved, Actual Operation, and Proposed Summer Programs, 2013-2014			
	Approved Operation 2013	**Actual Operation 2013**	**Proposed Operation 2014**
Days	Monday-Friday	Monday-Friday	Monday-Friday
Hours	8:30 am-4:30 pm	8:30 am-4:30 pm	8:30 am-4:30 pm
Total # courses	10	24 ***Staff notes that the applicant more than doubled the number of approved courses from the original approval.**	21 ***Staff notes that the applicant proposes to double the number of courses from the original approval.**
Total # classrooms	12	10	11
Total # sessions	2 (9-3:30; 9:30-4)	3 (9-11; 11-1; 1:30-3:30) ***Staff notes that the applicant added an additional session from the original approval and did not provide a 30-minute separation between all sessions.**	1 (9-3:30)
Maximum # students/session	48	55 ***Staff notes the applicant exceeded maximum student enrollment per session from what was originally approved.**	79 ***Staff notes that the applicant proposes to increase the maximum number of students in a session compared to the original approval, there would only be one session offered (not two as originally approved).**
Maximum # teachers/session	6	10 ***Staff notes that the applicant exceeded the maximum number of teachers allowed per session from the original approval.**	11 ***Staff notes that the applicant proposes to increase the maximum number of teachers, but there would only be one session offered.**
Total # students & teachers/day	90	159 ***Staff notes the large increase in student enrollment from what was originally approved.**	90

Based on this information, the operation of the 2013 summer program was significantly non-compliant with the business operations originally approved by the BZA. With regard to the number of courses offered, the applicant more than doubled the number of courses, the applicant increased the number of approved sessions from two to three, a 30-minute separation between the sessions was not provided for all sessions, the maximum number of students and teachers per session was increased, and the total number of students and teachers per day increased from 90 that were originally approved to 159.

As proposed for the summer 2014 program, the applicant would like to offer more courses than originally approved, but in a single session. The impact of reducing the number of sessions from two as originally approved to only one session would mean that all students and instructors would be arriving and departing around the same time, resulting in traffic, site circulation, and potential parking problems. The maximum number of students and teachers on a daily basis is proposed at 90 as originally approved.

Overall, the applicant's business operations have been non-compliant and unpredictable. It is also important to note that similar to the school-year program, the original conditions approved by the BZA regarding the maximum number of students and teachers per session and per day for the summer program, along with the limitation on the number of sessions offered, have been violated by the applicant and have resulted in traffic, parking, and site circulation issues identified later in the next section of this report.

Pedestrian and Vehicular Safety, Site Circulation, and Parking

The safety of students, parents, and instructors entering and exiting the building from the parking lot is a major concern for general public health, safety, and welfare. These issues were addressed in the original staff report, including the following discussion:

> "In order to improve vehicular movement and pedestrian safety at the subject property, staff recommends that the applicant prepare and submit a traffic circulation plan for review and approval by the Zoning Administrator that outlines a safe and practical method for student arrivals that would include a designated path for vehicles entering, queuing, discharging passengers and departing the site.
>
> For student departures, staff recommends a plan that includes a method for either parents and/or staff to escort each student to a parked vehicle to reduce the potential for conflicts between vehicles and pedestrians. The subject site was not initially designed or approved for the proposed change of use."

Based on these concerns, the BZA conditioned the following:

> 6. "The applicant shall submit to the Zoning Administrator a parking lot plan to re-stripe and delineate 62 parking spaces in the rear parking lot and complete restriping within three months (with one three month extension) from Special Use Permit approval;"
>
> 10. "The applicant within 30 days from the date of approval prepare and submit a traffic circulation plan for staff review and approval.

The applicant submitted a parking lot re-striping plan that the Zoning Administrator approved with modifications to re-stripe only 18 spaces at the time due to the applicant's small student enrollment. The applicant's proposed summer program, however, would require the full re-striping of the parking lot due to the large numbers of students and instructors that would be present for the single session offered per day.

The applicant also submitted a traffic circulation plan as required under condition #10 that was approved by the Zoning Administrator and attached for the BZA review (see Attachment 6). The approved plan states the following:

"Sky Education Parking Rules"

- Parents must follow the traffic plan for the safety of all students and staff
- Yield to any moving vehicles
- When parents drop off/pick up students, they must escort them to and from the main entrance
- Parents must only use the authorized drop off area
- Do not park or stand beside the building
- Follow all guidance from designated traffic control personnel

Based on numerous staff observations during different weekday afternoons and early evenings, the operations are non-compliant for the following reasons (observations are detailed in Attachment 7):

- Lack of any designated traffic control personnel
- Unescorted students allowed to walk into and out of the building for drop-offs and pick-ups
- Failure to comply with the approved parking plan
- Parents are not using the authorized drop off area
- Parents are pulling up to the front of the building along Main Street and delivering students
- Parents are parking their vehicles in front of the building along Main Street and waiting for students to exit the building
- Parents are parking their vehicles in front of the building along Main Street and leaving vehicles unattended while walking their children into the building or picking their children up from the building
- Parents are parking their vehicles at the top of the driveway and blocking ingress and egress to the site
- Parents are parking their vehicles in the adjacent commercial office townhouse development and walking to the site to drop off or pick up their children

The key components of the approved traffic circulation plan was that designated persons would be outside the building aiding in the ingress and egress of vehicles using the 12-foot-wide drive aisle and that all vehicles would be required to use only designated pick-up and drop-off areas. As enrollment increased, it was expected that vehicles park and parents would escort their children to and from the building. The lack of adherence to the parking plan has jeopardized the safety of both pedestrians and vehicles on site. Furthermore, staff notes that with the applicant's proposal for the 2014 summer program to consist of one single session with up to 90 students and instructors arriving and departing the site at the same time, such a program would certainly require a traffic circulation pattern and plan enforced by the applicant and the on-site operator. Staff is not convinced, however, that even with such a plan and enforcement action that the site could support that amount of traffic and vehicular circulation during a single drop-off and pick-up time. In the original staff report, it was recommended that two sessions be operated with a 30-minute break between them.

The applicant's business operations are in violation of the original approval and the applicant's proposal to continue scheduling concurrent arrivals and departures indicates either a misunderstanding of the approved conditions or a disregard for the limitations of the site.

Staff also highlights the need for a lighting study to be done that was conditioned as part of the previous approval, but not complied with by the applicant. Not only does the site lighting appear to be deficient in the parking lot, the building lighting, particularly along the side adjacent to the driveway, needs to be evaluated for the safety of pedestrians walking up and down the driveway in the evening hours.

CONCLUSION

Based on the failure of the applicant to comply with several of the previously-imposed BZA conditions, staff recommends denial of the applicant's request to renew their Special Use Permit.

RECOMMENDATION

Staff recommends denial of the applicant's request to renew the Special Use Permit.

In the event, however, that the BZA decides to approve the applicant's request, staff recommends approval subject to the following conditions:

1. *The applicant shall ensure the maximum number of students and teachers per instructional session for both school-year and summer programs shall not exceed the limits set forth in the original special use permit approved by the BZA on October 2, 2012;*
2. *The applicant shall ensure the total number of students and teachers per day for both school-year and summer programs shall not exceed the limits set forth in the original special use permit approved by the BZA on October 2, 2012;*
3. *The applicant shall ensure that the number of instructional sessions and the 30-minute separation between them for both school-year and summer programs shall not exceed those set forth in the original special use permit approved by the BZA on October 2, 2012;*
4. *The applicant shall ensure the interior layout of the proposed school shall be in substantial conformance with the plans that were originally approved by the BZA on October 2, 2012*
5. *The applicant shall ensure that pre-school age students are not on-site for more than one hour;*
6. *The applicant shall submit a parking lot plan to re-stripe an additional 44 parking spaces in the rear parking lot;*
7. *The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;*
8. *The applicant shall immediately enforce the traffic circulation plan that was approved by the Zoning Administrator and included as Attachment 5 of this report with two on-site traffic control personnel during student arrivals and departures; and*
9. *The Special Use Permit shall be valid for a period of six months from the date of approval and may be subject to renewal.*

PREPARED BY:

Heidi M. Waugh

Heidi M. Waugh
Planner II

3/27/14
DATE

REVIEWED AND APPROVED:

Michelle D Coleman

Michelle D. Coleman
Zoning Administrator

3-27-14
DATE

REVIEWED AND APPROVED:

Brooke Hardin
Director, Community Development & Planning

DATE

ATTACHMENTS

1. Vicinity map
2. Application
3. Statement of Support
4. Applicant's Previous, Current, and Proposed Course Schedules
5. Staff Summary of Applicant's Approved, Existing, and Proposed Programs
6. Applicant's Approved Traffic Circulation Plan
7. Staff Traffic & Parking Observations
8. Previous Staff Report
9. Photos
10. Plans
11. Sample Motions

APPROVAL WITH CONDITIONS

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF SKY EDUCATION, INC., BY YOUNG LAN-KIM, AGENT/PROPERTY OWNER, PURSUANT TO CITY CODE SECTIONS 110-762(b)(5) AND 110-366, FOR RENEWAL OF A SPECIAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION IN THE C-1 OFFICE COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 9735 MAIN STREET AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((06))-034A, SUBJECT TO THE FOLLOWING CONDITIONS:

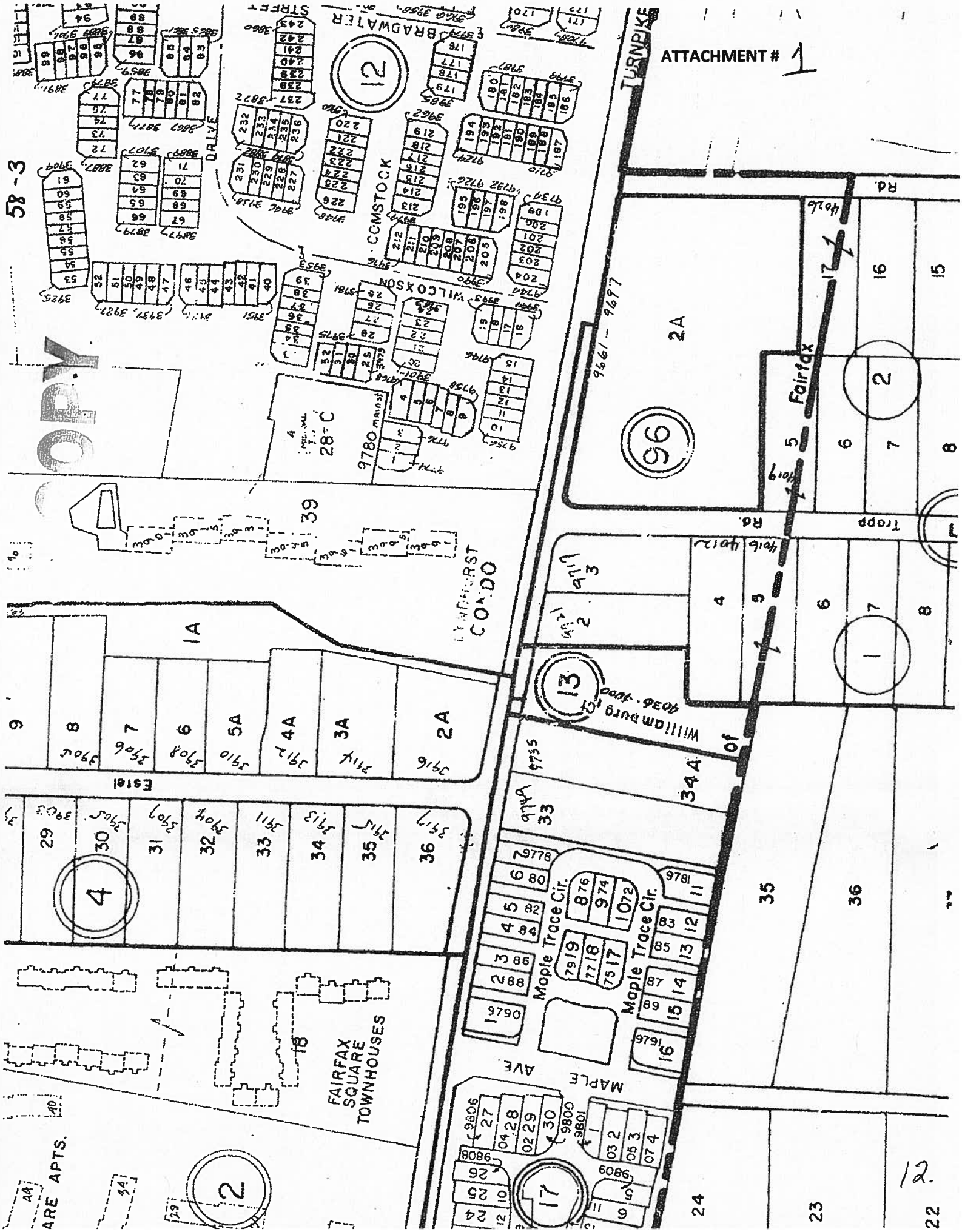
1. The applicant shall ensure the maximum number of students and teachers per instructional session for both school-year and summer programs shall not exceed the limits set forth in the original special use permit approved by the BZA on October 2, 2012;
2. The applicant shall ensure the total number of students and teachers per day for both school-year and summer programs shall not exceed the limits set forth in the original special use permit approved by the BZA on October 2, 2012;
3. The applicant shall ensure that the number of instructional sessions and the 30-minute separation between them for both school-year and summer programs shall not exceed those set forth in the original special use permit approved by the BZA on October 2, 2012;
4. The applicant shall ensure the interior layout of the proposed school shall be in substantial conformance with the plans that were originally approved by the BZA on October 2, 2012
5. The applicant shall ensure that pre-school age students are not on-site for more than one hour;
6. The applicant shall submit a parking lot plan to re-stripe an additional 44 parking spaces in the rear parking lot;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;
8. The applicant shall immediately enforce the traffic circulation plan that was approved by the Zoning Administrator and included as Attachment 5 of this report with two on-site traffic control personnel during student arrivals and departures; and
9. The Special Use Permit shall be valid for a period of six months from the date of approval and may be subject to renewal.

DENY

(Recommended by Staff)

I MOVE THAT THE BOARD OF ZONING APPEALS DENY THE REQUEST OF SKY EDUCATION, INC., BY YOUNG LAN-KIM, AGENT/PROPERTY OWNER, PURSUANT TO CITY CODE SECTIONS 110-762(b)(5) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION IN THE C-1 OFFICE COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 9735 MAIN STREET AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((06))-034A FOR THE FAILURE TO COMPLY WITH PREVIOUSLY-IMPOSED CONDITIONS AND THE RESULTING JEOPARDY TO THE SAFETY OF PEDESTRIANS AND VEHICLES ON SITE.

ATTACHMENT # 1



12.

RECEIVED

JUL 29 2013

Dept. of Community Development & Planning

ATTACHMENT # 2

Application No. SU-13070140

LAND USE APPLICATION
CITY OF FAIRFAX

I/We Sky Education, Inc. by Young-Lan Kim
(name of applicant) (authorized agent's name and relationship to applicant)

a *corporation / general partnership / limited partnership / sole proprietorship/individual* (circle one) which is the *property owner / contract purchaser / lessee* (circle one)

of _____ / Tax Map# 58-3-06-034-A
(address and tax map # of subject property)

hereby apply for a Special Use Permit/Special Exception/Variance (circle one) pursuant to Section _____ of the City Code to allow (describe request) School of General Instruction - See attached for details

City Code References: Sec. 10-762

Young Lan Kim — Owner
(signature of applicant or authorized agent) (title or relationship)

Address 4280 Branch Brigade Ln, Fairfax, VA 22033 Phone: 703-867-1144

THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER

I/We Son-Ku Kim by _____ hereby certify that the applicant named above has the authority vested by me to make this application.

Son Ku Kim — Owner
(signature of owner or authorized agent) (title or relationship)

Address 4280 Branch Brigade Ln, Fairfax, VA 22033 Phone: 703-731-2363

FOR OFFICE USE ONLY

Proposal filed: _____ Received by: _____
Fee Paid: _____ Receipt No. _____
Previous Cases: _____
Current status of business license and fees:
Treasurer: All payments are current with Treas. Office. Paul 8/5/13
Commissioner of Revenue: Property owner has NOT met the filing requirements of this office. Sky Education Inc has met the filing requirements. Linda Leightley 8-2-13

7

Department of Community Development and Planning
City of Fairfax, Virginia

2-19-14 Property owner has met the filing requirements of this office Linda Leightley

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JUL 29 2013

Dept. of Community
Development & Planning

AFFIDAVIT
CITY OF FAIRFAX

I, Young-Lan Kim, by _____ do hereby make oath or affirmation that
(name of applicant or agent)
I am an applicant in Application Number _____ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
Sky Education, Inc	9735 Main St, Fairfax, VA 22031	Applicant
Son-Ku & Young-Lan Kim	4280 Branch Brigade Ln. Fairfax, VA 22033	Owners
Runyon Dudley Associates, Inc.	10650 Main St., Fairfax, VA 22030	Engineer & Surveyor
Wells & Associates Inc.	11441 Robertson Dr. Suite 201 Manassas, VA 20109	Traffic Analysis

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: See Attached list

Name	Address	Relationship

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary): None

Partnership Name: _____

Name	Address	Relationship

Attachment to Page 8 of Land Use Application

Affidavit, City of Fairfax

Sky Education, Inc.	Stockholders:	Young-Lan Kim	100 percent

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JUL 29 2013

Dept. of Community
Development & Planning

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of $100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

WITNESS the following signature: _____
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 29 day of July, 2013, in the State of Virginia

My commission expires: 08/31/2017.

7551355
Notary Public/Registration #

DARRELL TRAVIS DAVIS
NOTARY PUBLIC 7551355
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 08/31/2017

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JUL 29 2013
Dept. of Community Development & Planning

ATTACHMENT # 3

"Linking Learning To Life" K-12GR

SKY EDUCATION

SAT*AP*GT*COLLEGE CONSULTING

Sky Education Inc.
9735 Main St.
Fairfax, VA 22031

RE: STATEMENT OF SUPPORT

September 3, 2013,

I am requesting a renewal of the Special Use Permit (SUP) for Sky Education and the following are the status of the BZA imposed conditions for our SUP approval on October 2, 2012:

Condition #1: Non-Residential Use Permit. Completed.

Condition #2: The class size for each instruction period not to exceed the student limit proposed. Did not exceed the number of student limit.

Condition #3: The interior layout in substantial conformance with the plans submitted. Did not change the interior layout.

Condition #4: Repair and maintain the fence along rear property line. Completed.

Condition #5: Relocate and screen existing dumpster. Completed – Removed the dumpster.

Condition #6: Parking lot striping. Completed.

Condition #7: Photometric (lighting) analysis. Not completed – Could not find an electrical company that provides the analysis.

Condition #8: Install traffic control signage to ensure right-in/right-out vehicle travel. Completed – Installed by the City.

Condition #9: Properly designate the HC parking space at front of building. Completed – Not required by Mr. Wilson, but painted the HC parking sign at the front of the building.

Condition #10: Submit traffic circulation plan. Completed.

Condition #11: Pre-school age students not on-site for more than one hour. Did not have any pre-school age students during the 2012-13 school year and 2013 summer.

Condition #12: Install fire alarm system. Completed.

Condition #13: The SUP is valid for a one year and subject to renewal. Understood.

Sincerely,

Young-Lan Kim
President
Sky Education

ATTACHMENT # 4

"Linking Learning To Life" K-12GR

SKY EDUCATION

SAT*AP*GT*COLLEGE CONSULTING

2012 - 2013 School Year Program

Monday through Friday											
	A	B	C	D	E	F	G	H	I	Total # of students & teacher/ session	Total # of students & teachers/ day
4:30-5:30	Rm 201 (5+1)	Rm 201 (3+1)								10	
4:30-6:30			Rm 202 (4+1)	Rm 203 (5+1)	Rm 204 (4+1)	Rm 306 (5+1)	Rm 307 (5+1)	Rm 308 (7+1)	Rm 309 (8+1)	45	
6:00-7:00	J	K	L	M	O	P	Q	R			
	Rm 201 (2+1)	Rm 201 (3+1)								7	
7:00-8:30			Rm 201 (4+1)	Rm 202 (4+1)	Rm 203 (5+1)	Rm 306 (5+1)	Rm 307 (4+1)	Rm 308 (8+1)		36	
											98

Saturday											
	H	I	S	T	U	V				Total # of students & teacher/ session	Total # of students & teachers/ day
9:00-12:00	Rm 306 (4+1)	Rm 307 (6+1)	Rm 308 (5+1)	Rm 309 (0)	Rm 308 (7+1)	Rm 309 (8+1)				35	
	Q	R	S	T	U	V					
12:30-2:30	Rm 306 (4+1)	Rm 307 (6+1)	Rm 308 (5+1)	Rm 309 (0)	Rm 308 (7+1)	Rm 309 (8+1)				35	
											70

Courses Offered:

A & B = Early Reading
C, D & E = English for Elementary School
F & G = English for Middle School
H & I = English for High School

J & K = Early Math
L & M = Math for Elementary School
O & P = Math for Middle School
Q & R = Math for High School

S & T = TJ Prep
U & V = SAT Prep

"Linking Learning To Life" K-12GR

SKY EDUCATION

SAT*AP*GT*COLLEGE CONSULTING

Current 2013 - 2014 School Year Program

Monday through Friday											
		B	C	D	E	F	G	H	I	Total # of students & teacher/ session	Total # of students & teachers/ day
4:30-5:30		Rm 201 (5+1)								6	
4:30-6:30			Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)		42	
6:00-7:00	J	K				X	X	R			
	Rm 201 (1+1)	Rm 201 (1+1)								4	
7:00-8:30						Rm 306 (1+1)	Rm 307 (1+1)			4	
											56

Saturday											
	S & T	U & V								Total # of students & teacher/ session	Total # of students & teachers/ day
9:00-2:30	Rm 306 (6+1)	Rm 307 (6+1)								14	
											14

Courses:

A & B = Early Reading
C, D & E = English for Elementary School
F & G = English for Middle School
H & I = English for High School

J & K = Early Math
L & M = Math for Elementary School
O & P = Math for Middle School
Q & R = Math for High School

S & T = TJ Prep
U & V = SAT Prep
X = Private Lesson

"Linking Learning To Life" K-12GR

SKY EDUCATION

SAT*AP*GT*COLLEGE CONSULTING

2013 Summer Program

Monday through Friday												
	A	K	C	M	F	K	G	R	U	V	Total # of students & teacher/ session	Total # of students & teachers/ day
9:00-11:00	Rm 201 (4+1)	Rm 301 (7+1)	Rm 202 (5+1)	Rm 302 (7+1)	Rm 303 (8+1)	Rm 304 (6+1)	Rm 305 (8+1)	Rm 306 (5+1)	Rm 307 (2+1)	Rm 203 (3+1)	65	
	J	B	L	D	O	E	T	S	M	V		
11:00-1:00	Rm 201 (4+1)	Rm 301 (7+1)	Rm 202 (5+1)	Rm 302 (7+1)	Rm 303 (8+1)	Rm 304 (6+1)	Rm 305 (8+1)	Rm 306 (5+1)	Rm 307 (2+1)	Rm 203 (3+1)	65	
1:30-3:30		W	X	Y	Z							
		Rm 201 (5+1)	Rm 202 (4+1)	Rm 301 (8+1)	Rm 302 (8+1)						29 ~~26~~	
												~~156~~ 159

Courses Offered:

A = Early Reading
B, C & D = English for Elementary Schoo
E & F = English for Middle School
G & H = English for High School
I = Early Math
J, K & L = Math for Elementary School
M & N = Math for Middle School
O & P = Math for High School
R & S = TJ Prep
T & U = SAT Prep
V = GT
W & X = Essay
Y & Z = Debate

"Linking Learning To Life" K-12GR

SKY EDUCATION

SAT*AP*GT*COLLEGE CONSULTING

Proposed 2014 Summer Program

Monday through Friday													
	A & I	B & K	C & J	E & M	F & N	H & P	G & O	R & S	T & U	V	WXYZ	Total # of students & teacher/ session	Total # of students & teachers/ day
9:00-3:30	Rm 201 (5+1)	Rm 301 (8+1)	Rm 202 (5+1)	Rm 302 (8+1)	Rm 303 (8+1)	Rm 304 (8+1)	Rm 305 (8+1)	Rm 306 (8+1)	Rm 307 (8+1)	Rm 203 (5+1)	Rm 308 (8+1)	90	
													90

Courses:

A = Early Reading
B, C & D = English for Elementary School
E & F = English for Middle School
G & H = English for High School

I = Early Math
J, K & L = Math for Elementary School
M & N = Math for Middle School
O & P = Math for High School

R & S = TJ Prep
T & U = SAT Prep
V = GT
W & X = Essay
Y & Z = Debate

Proposed 2014 - 2015 School Year Program

Monday through Friday											
		B	C	D	E	F	G	H	I	Total # of students & teacher/ session	Total # of students & teachers/ day
4:30-5:30		Rm 201 (5+1)								6	
4:30-6:30			Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)	Rm 309 (8+1)	51	
6:00-7:00	J	K				X	X				
	Rm 201 5+1)	Rm 201 (5+1)								12	
7:00-8:30						Rm 306 (1+1)	Rm 307 (1+1)			4	
											73

Saturday											
	S & T	U & V	U & V							Total # of students & teacher/ session	Total # of students & teachers/ day
9:00-2:30	Rm 306 (6+1)	Rm 307 (6+1)	Rm 308 (6+1)							21	
											21

Courses:

A & B = Early Reading
C, D & E = English for Elementary School
F & G = English for Middle School
H & I = English for High School

J & K = Early Math
L & M = Math for Elementary School
O & P = Math for Middle School
Q & R = Math for High School

S & T = TJ Prep
U & V = SAT Prep
X = Private Lesson

22

Proposed 2014 - 2015 School Year Program

Monday through Friday										
		B	C	D	E	F	G	H	I	Total # of students & teacher/ session
4:30-5:30		Rm 201 (5+1)								6
4:30-6:30			Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)	Rm 309 (8+1)	51
6:00-7:00	J	K				X	X			
	Rm 201 5+1)	Rm 201 (5+1)								12
7:00-8:30						Rm 306 (1+1)	Rm 307 (1+1)			4

Saturday										
	S & T	U & V	U & V							Total # of students & teacher/ session
9:00-2:30	Rm 306 (6+1)	Rm 307 (6+1)	Rm 308 (6+1)							21

Courses:

A & B = Early Reading
C, D & E = English for Elementary School
F & G = English for Middle School
H & I = English for High School

J & K = Early Math
L & M = Math for Elementary School
O & P = Math for Middle School
Q & R = Math for High School

S & T = TJ Pre
U & V = SAT F
X = Private Le

Total # of students & teachers/ day
73

Total # of students & teachers/ day
21

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:sson

City of Fairfax Staff Summary of Sky Education's
Approved, Actual Operation, Current Operation, and Proposed School-Year Programs, 2012-2015

	Approved Operation 2012-13	Actual Operation 2012-13	Current Operation 2013-14	Proposed Operation 2014-15
Days	Monday-Friday	Monday-Friday	Tuesday-Friday	Monday-Friday
Hours	4 pm-8 pm	4 pm-9 pm	4 pm-9 pm	4 pm-9 pm
Total # courses	9	17	12	12
Total # classrooms	7	8	7	8
Total # sessions	2 (4:30-5:30; 6:00-7:00)	4 (4:30-5:30; 4:30-6:30; 6:00-7:00; 7:00-8:30)	4 (4:30-5:30; 4:30-6:30; 6:00-7:00; 7:00-8:30)	4 (4:30-5:30; 4:30-6:30; 6:00-7:00; 7:00-8:30)
Maximum # students/session	41	38	36	44
Maximum # teachers/session	7	7	6	7
Total # students & teachers/day	96	98	56	73
Days	Saturday	Saturday	Saturday	Saturday
Hours	8:30 am-2 pm	8:30 am-3 pm	8:30 am-3 pm	8:30 am-3 pm
Total # courses	13	8	2	2
Total # classrooms	7	4	2	3
Total # sessions	2 (9-11; 11:30-1:30)	2 (9 -12; 12:30-2:30)	1 (9-2:30)	1 (9-2:30)
Maximum # students/session	41	30	12	18
Maximum # teachers/session	7	5	2	3
Total # students & teachers/day	96	70	14	21

ATTACHMENT # 5

25.

City of Fairfax Staff Summary of Sky Education's
Approved, Actual Operation, and Proposed Summer Programs, 2013-2014

	Approved Operation 2013	Actual Operation 2013	Proposed Operation 2014
Days	Monday-Friday	Monday-Friday	Monday-Friday
Hours	8:30 am-4:30 pm	8:30 am-4:30 pm	8:30 am-4:30 pm
Total # courses	10	24	21
Total # classrooms	12	10	11
Total # sessions	2 (9-3:30; 9:30-4)	3 (9-11; 11-1; 1:30-3:30)	1 (9-3:30)
Maximum # students/session	48	55	79
Maximum # teachers/session	6	10	11
Total # students & teachers/day	90	159	90

SKY EDUCATION

SKY EDUCATION PARKING RULES

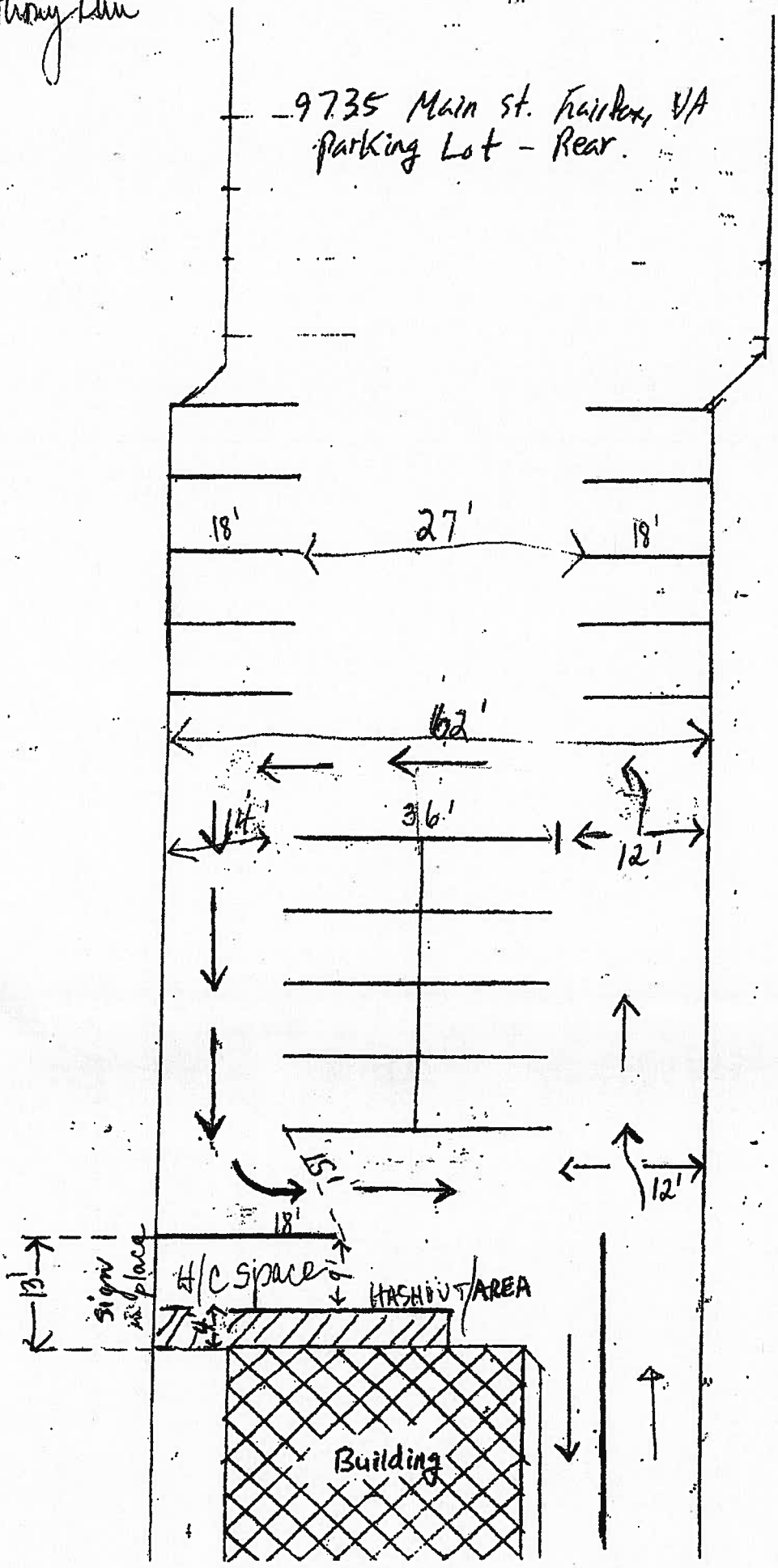
- Parents must follow the traffic plan for the safety of all students and staff
- Yield to any moving vehicles
- When parents drop off/pick up students, they must escort them to and from the main entrance
- Parents must only use the authorized drop off area
- Do not park or stand besides the building
- Follow all guidance from a designated traffic control personnel

ATTACHMENT # 6

27.

Anthony Lam

9735 Main St. Fairfax, VA
Parking Lot - Rear.



202
461. 4645.
703. 731.2363
Slim86@MSN.COM

RECEIVED
JAN 2 9 2013
Dept. of Community Development & Planning

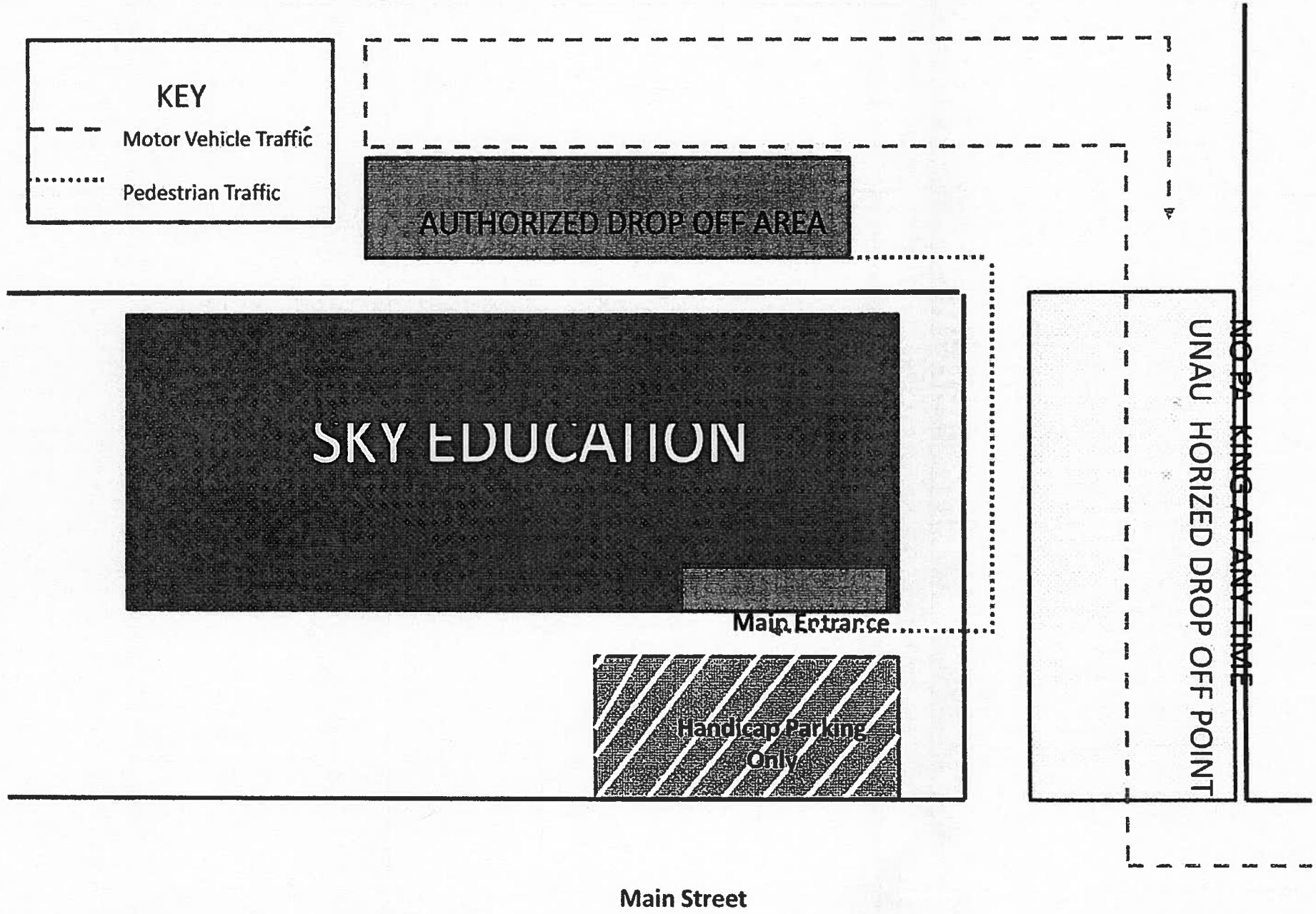
1/22/13

MC approved as submitted 2-5-13

Changes:

1. Reversed arrows
2. Make right aisle 12' wide + left aisle 14' wide
3. created hashout area 4' wide next to 9' wide H/C space
4. Designated 15' distance between H/C space + 1st pkg space on left aisle

SKY EDUCATION TRAFFIC CIRCULATION PLAN



ATTACHMENT # 7

30.

Sky Education Traffic/Parking Observation

Date: 1/30/14

Time: 4 pm to 6:35 pm

Location: rear parking lot and across street on Estel Road

COF Staff: HW

Time	Vehicle/ Picture	Sky Ed staff member present	Front drop on Main St.	Front parking on Main St.	Front parking in h/c space in front of door	Front parking in driveway	Rear parking and walked up to front	Rear door used	Side door used	Rear circulation only	Notes
4:00											2 vehicles and church bus parked in rear lot
4:15-4:30	1	No	Yes								
	1	No	Yes								
	1	No	Yes								
	1	No	Yes							Yes	
	1	No					Yes				Probably instructor, no child present
	1	No					Yes				Probably instructor, no child present
	1	No					Yes				Probably instructor, no child present
	1	No					Yes				Probably instructor, no child present
	1	No					Yes				Adult went in with child, but didn't see them return. May have waited inside or was an instructor.
4:50	1	No								Yes	Adult was dropped off in rear parking lot and walked up to front

	1/Yes (white)	No		Yes							Adult left car on Main Stregt and walked child up to door, no hazardsl
5:02	1	No	Yes							Yes	
5:55	1	No		Yes							Child walked out to car. Dark now and no lights came on the side of the building along the driveway. Can't tell from Estel Rd. if any rear lights came on.
6:10	1	No			Yes						Adult sat in car and waited. Adult went in building once or twice. Still parked there and was waiting at 6:35 when I left.
6:17	1	No				Yes					Didn't leave driveway until 6:30. Blocked any access into and out of driveway. Left hazards on. Adult went in building once to check. Child came out alone at 6:30.
6:19	1	No									Think vehicle parked at adjacent commercial office parking lot and walked to site because access to site was restricted.
6:24	1	No		Yes							Child came out at 6:31.
6:26	1	No				Yes					This car parked behind car already in driveway. Stuck out into roadway. Child came out at 6:32.

31.

6:28	1	No		Yes							Parked in front of access to adjacent child care facility. Then pulled forward to h/c space and parked behind car already in h/c space. Adult went in and came out with child at 6:32.
6:31	1	No		Yes							Child came out right away to car.
6:33	1	No		Yes							Child came out right away to car.

Sky Education Traffic/Parking Observation

Date: 2/18/14

Time: 6:15 pm-7:00 pm

Location: Corner of Main Street and Estel Rd

COF Staff: HW

NOTES:

1. **Due to large snow accumulations recently, there is still a lot of snow along the side of the roads and on the landscape strips. Cars that were trying to leave the site from the driveway blocked access for cars trying to enter the site from Main Street. As a result, some of the cars parked in the adjacent commercial office townhouses.**
2. **Also noted that children kept opening the front door from inside the building, walking out a little bit to see if their parents were waiting in the front, and then went back inside to wait if needed.**

Time	Vehicle	Sky Ed staff member present	Front drop on Main St.	Front parking on Main St.	Front parking in h/c space in front of door	Front parking in driveway	Rear parking and walk in (front)	Rear door used	Side door used	Rear circulation only	Notes
6:15	No	No									Adult with kids walked out of building to adjacent commercial office townhomes to get in their car.
6:18	Yes	No					Yes				
6:20	Yes	No					Yes				
6:23	Yes	No								Yes	After pulling into the driveway,

											circling around in the back, and coming back up the driveway, the car parked in the driveway and blocked it while waiting for student to come out.
6:28	Yes	No		Yes							Adult parked car on Main Street and ran in to get student!
6:29	Yes	no					Yes				
6:30	Yes	No	Yes (in front of driveway and blocked access for a minute).								
6:34	Yes	No									Car tried to pull into driveway, but car trying to leave site was blocking driveway so car continued to adjacent commercial office

											townhouses.
6:35	No	No									Adult walked into building from parking at adjacent commercial office townhouses (but not same person from 6:34)
6:36	Yes	No		Yes							

Sky Education Traffic/Parking Observation
Date: 2/28/14
Time: 4:10 pm-4:40 pm
Location: Corner of Main Street & Estel Road
COF Staff: HW
NOTES: Looks as though most people who are parking in the rear are instructors or possibly parents who are staying in the building with their children. Didn't see any adults leave the building after walking kids in.

Time	Vehicle	Sky Ed staff member present	Front drop on Main St.	Front parking on Main St.	Front parking in h/c space in front of door	Front parking in driveway	Rear parking and walk in	Rear door used	Side door used	Rear circulation only	Notes
4:23	Yes	No					Yes				Instructor/ child or parent/child
4:24	Yes	No	Yes								*Parked in front of driveway and blocked it for ~1 minute, then backed up on Main a little, drove down the driveway, and exited the site. Took photo.
4:27	Yes	No	Yes								Took photo. White SUV.
4:28	Yes	No					Yes				Instructor/child or parent/child

4:29	Yes	No					Yes				Instructor only
4:30	Yes	No	Yes								
4:32	Yes	No					Yes				Instructor only
4:36	Yes	No	Yes								Took photo. Silver SUV.

ATTACHMENT # 8

Meeting Date: 10-2-12

Agenda Item: 4

CITY OF FAIRFAX

Department of Community Development & Planning

Special Use Permit SU-12010047

PUBLIC HEARING DATE

October 2, 2012

APPLICANT

Sky Education, Inc.

AGENT

Young Lan-Kim, property owner

PARCEL DATA

Tax Map ID
58-3-((06))-034A

Street Addresses
9735 Main Street

Zoning District
C-1 Office Commercial District

APPLICATION SUMMARY

Request by Sky Education, Inc., by Young Lan-Kim, agent/property owner, pursuant to City Code Sections 110-762(b)(5) and 110-366, for a special use permit to allow a school of general instruction in the C-1 (Office Commercial) District on the property located at 9735 Main Street and more particularly described as Tax Map Parcel 58-3-((06))-034A.

STAFF RECOMMENDATION:

Based on the analysis of the criteria outlined in City Code Section 110-366, staff recommends approval of the applicant's special use permit request, subject to the following conditions:

1. The applicant shall obtain a Non-Residential Use Permit to operate a school of general instruction within 30 days of approval of this application;
2. The applicant shall ensure the class size for each instructional period shall not exceed the student limit set forth in the proposed class schedule submitted as part of this application;
3. The applicant shall ensure the interior layout of the proposed school shall be done in substantial conformance with the plans submitted as part of this application;
4. The applicant shall repair and maintain the fence located along the property line;
5. The applicant shall relocate and screen the existing dumpster located at the rear of the property according to City standards;
6. The applicant shall submit a parking lot plan to re-stripe and delineate 62 parking spaces in the rear parking lot;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;
8. The applicant shall ensure that ingress/egress is limited to right-in/right-out turning movements, and install signage as required by City staff;
9. The applicant shall ensure that the parking space located directly in front of the front door entrance is modified to meet the handicap parking requirements of the Office of Building Code Administration;
10. The applicant shall within 30 days from the date of approval prepare and submit a traffic circulation plan for staff review and approval.
11. The applicant shall ensure that pre-school age students are not on-site for more than one hour;
12. The applicant shall ensure that a fire alarm system is installed inside the building to meet the requirements of the Office of Building Code Administration; and
13. The Special Use Permit shall be valid for a period of one year from the date of approval and may be subject to renewal.

City Hall ◆ 10455 Armstrong Street ◆ Room 207
Fairfax ◆ Virginia ◆ 22030
703-385-7820 ◆ (FAX) 703-385-7824

PROPERTY DESCRIPTION

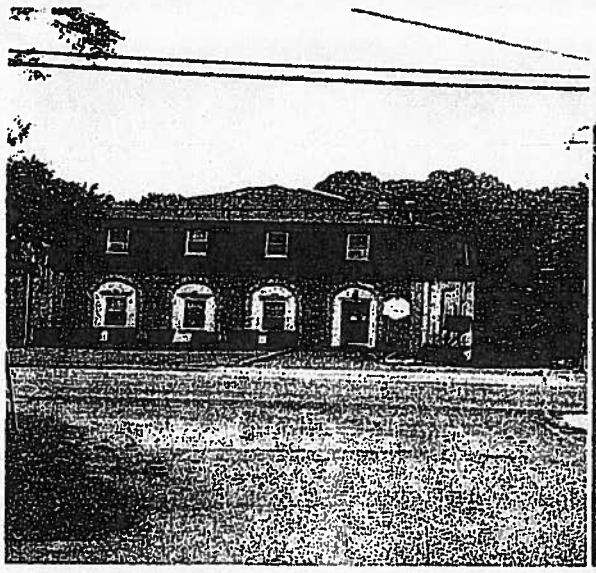
The subject property is located at 9735 Main Street in the C-1 Office Commercial District and consists of a three-story (lower level/basement, main floor, and second floor) commercial office building containing approximately 7,500 square feet. To the north of the subject property across Main Street is the Little River Hills subdivision, which is comprised of single-family detached homes in the R-1 Residential District. Adjacent properties include residential single-family detached homes to the south that are located in Fairfax County, commercial office townhomes to the east that are located in the C-1 District, and a KinderCare child care facility to the west that is in the R-1 District.

Adjacent Properties

Direction	Existing Zoning	Current Use	Comprehensive Plan Future Land Use Designation
North	R-1 Residential District	Single-family residential dwellings	Residential-very low
South	Fairfax County	Single-family residential dwellings	Fairfax County
East	C-1 Office Commercial District	Commercial office townhomes	Business-office transition
West	R-1 Residential District	Child Care Facility	Transitional

The original office building located on the subject property was constructed in 1966 with a lower level/basement and main floor. The second story addition was constructed in 1983. The existing building is currently occupied by both Sky Education, Inc. and Rothem Presbyterian Church. According to the applicant, who is also the property owner, Sky Education occupies approximately 5,000 square feet of the building on both the main and second floors.

Rothem Church also utilizes the building and leases the only tenant space on the lower level, approximately 2,500 square feet. Rothem Church consists of a small congregation with 34 parishioners and three staff members. Their hours of operation are limited to Wednesday evenings from 8 p.m. to 9 p.m. and on Sundays from 10 a.m. to 1 p.m. During these hours of operation, the school use of the property is not in session.



BUSINESS DESCRIPTION

On February 3, 2010, the applicant was issued a Non-Residential Use Permit for 1,000 square feet (Suite 300) on the second story of the building to operate a school of special instruction (tutoring) with a maximum of 17 people allowed on site at any given time. During the course of the past school year (2011-12), the applicant operated an after-school program on weekdays from 4:30 p.m. to 8:30 p.m. and on Saturdays from 9 a.m. to 1 p.m. During this time period, the applicant had a maximum of 31 students, nine instructors, and two staff members on site at any given time. Staff has been recently informed by the applicant that the school began operating again (to coincide with the 2012-2013 school year) on weekdays from 4:30 p.m. to 7:00 p.m. and on Saturday mornings with a maximum of 23 students, seven instructors, and two staff members on site at any one time. The Non-Residential Use Permit restricting the maximum number of people allowed to 17 at any given time on the subject property has not been complied with for the past two years.

Currently, the applicant is requesting approval of a Special Use Permit to operate a school of general instruction that will provide after-school, weekend, and summer programs in reading, english, math, writing, PSAT/SAT preparation, Advanced Academic Placement (formerly "Gifted and Talented) preparation, and Thomas Jefferson High School preparation for students ranging in age from preschool through high school (ages three to 18). Staff notes that the preschool age children attending courses at the proposed school can not be on-site for more than one hour without requiring compliance with the additional standards for a child care facility. Nonetheless, due to the limited instruction period offered by Sky Education (ie after-school, weekend, and summer), the applicant's proposal is to operate on a part-time basis and not as a typical full-day school program. However, the Zoning Administrator has determined the applicant's proposal is consistent with a school of general instruction, as defined.

Pursuant to City Code section 110-4, a "school of general instruction" is a public, parochial or private school or college giving regular instruction at least five days each week (except holidays) for a normal school year of not less than seven months; but not including (i) a school of special instruction as defined in this section; or (ii) a nursery school unless conducted as a part of a school of general instruction. Based on the general nature of courses being offered (English, math, reading, writing, etc.), the applicant's proposed program would not constitute a "school of special instruction, " which is defined as a school "primarily devoted to giving instruction in vocational, professional, commercial, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious or other special subjects."

The proposed school would be located on the main floor and the second floor of the building with hours of operation during the school year from 4 p.m. to 8 p.m. on weekdays and from 8:30 a.m. to 2 p.m. on Saturdays. The building would be vacant during the majority of the day and would essentially only be occupied by the school activities on a part-time basis beginning late afternoon into the evening. A maximum of nine classrooms would be located on the main floor of the building and an additional maximum of eight classrooms on the second floor. According to the proposed schedule (Attachment 5) nine courses would be offered in a total of seven classrooms during two sessions. The first session would run from 4:30 p.m. to 5:30 p.m. and the second session would run from 6 p.m. to 7 p.m. The maximum number of students proposed during each session is 41 with seven instructors and two staff members. On Saturdays during the school year, a total of 13 courses would be offered in seven classrooms during two sessions. The first session would run from 9 a.m. to 11 a.m. and the second session would run from 11:30 a.m. to 1:30 p.m. A maximum of 41 students, seven instructors, and two staff members would also be present during each session.

As part of the school's program, the applicant would also offer a summer program of courses that would run during the weekdays from 8:30 a.m. to 4:30 p.m. During the summer months (mid-June to mid-August) then, the building would be occupied on a full-time basis except for evenings. Specifically, two sessions would be offered, one from 9 a.m. to 3:30 p.m. and the other from 9:30 a.m. to 4 p.m. The earlier session would offer three courses in six classrooms and would have a maximum of 30 students and six instructors. The later session would offer seven courses in six classrooms with a maximum of 48 students and six instructors. Two staff members would be present on-site during both sessions.

ANALYSIS OF CRITERIA

The staff recommendation for the proposal to allow a school of general instruction requiring a Special Use Permit is based on analysis of the applicable standards provided in City Code Section 110-366:

Section 110-366 Zoning map amendments and special use permits

(3) Special Use Permit.
The Board of Zoning Appeals may grant special use permits only after considering:

a. Consistency with the comprehensive plan and other adopted city goals and policies;
b. The size and shape of the lot on which the use is proposed;
c. Vehicular and pedestrian traffic;
d. Trip generation characteristics of the proposed use;
e. Site design;
f. Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors that may affect the serenity of the neighborhood;
g. The safety and movement of vehicular traffic upon adjacent streets;
h. The safety and welfare of residents living in the area;
i. The location, height and design of buildings, walls, fences and landscaping proposed;
j. Overall impact of the proposed use upon the development and use of adjacent land;
k. Safety and welfare of persons working in the neighborhood;
l. Harmony of the proposal with the general purpose and intent of the applicable article of this chapter; and
m. The purpose of the zoning ordinance set forth in the Code of Virginia §15.2-2283

Comprehensive Plan

The Comprehensive Plan's Future Land Use map, as amended in 2012, indicates the subject site is planned for "Transitional" development. The text of the amended Comprehensive Plan states,

Transitional Uses
"This category is established to recognize specific areas, generally along arterial corridors, that provide a transition between office and commercial uses and less densely developed residential areas. These parcels may be suited to either commercial or residential development depending on the site-specific development potential and impacts on surrounding land uses. Where commercial use is chosen, the plan calls for low profile, small-scale office development with a floor area ratio (FAR) of up to 0.35. The small office buildings and generous landscaping and screening that are characteristic of this category are intended to result in suitable transitions between existing residential uses and more intensive uses or arterial streets."

The subject property was constructed with a commercial office building that is small-scale in nature and has a floor area ratio of less than 0.35. The applicant, however, is not proposing to use the building per

the approved site plan for multi-tenant offices. The proposed use of the building (ie part-time classroom instruction and religious assembly) is unique compared to the more intense uses of the adjacent properties to the east and west, including commercial office townhomes (Williamsburg Square) and a commercial child care facility (KinderCare). In practice, the proposed school would operate as a part-time, after-school and weekend program offering academic support in a variety of educational topics (extra-curricular recreational activities are not included in the program offerings). The proposed school would assume more of a full-time program, however, in the summer with more traditional daytime school hours. As proposed then, the school is generally consistent with the land use strategy (LU-1.1) in terms of providing a conceivably low intensity commercial use adjacent to the neighboring residential communities. The subject property does not, however, offer any "generous landscaping and screening" that are typically found with transitional uses.

The "Vision" section of the Comprehensive Plan discusses education and states that "close collaboration among public and private schools, universities, preschools, senior services and other organizations will assure that the highest quality of education services, facilities, and supporting resources are provided to people of all backgrounds, ages, and education levels." The applicant believes that the proposed school would provide quality education services for students from a variety of ethnic and cultural backgrounds, education levels, and ages from preschool through high school.

Staff believes the proposed school of general instruction is generally consistent with objectives found in the Comprehensive Plan.

Design and Compatibility

With respect to site design, size, and shape of the lot, the subject property is a very narrow and deep lot. The lot width is only 74 feet where 100 feet is required and is considered nonconforming. The lot area, however, is 30,770 square feet where 20,000 square feet is the minimum lot area allowed. Of particular concern is the narrowness of the drive aisle leading from the front of the building to the rear parking lot. Staff has measured this width to be approximately 13 feet, which is not passable for two cars entering and exiting simultaneously. A standard parking space measures nine feet in width, and two-way drive aisle is 23 feet in width. This narrowness of the lot has impacts the safety and movement of pedestrians and vehicles on the site and is discussed in the "Safety and Welfare" section below.

The applicant is not proposing to make any changes to the exterior of the subject property as part of this application. Any changes that are made will be limited to the interior of the building with respect to modification of classroom space. The Office of Building Code Administration has indicated that occupancy exceeding 50 at any one time will require installation of a fire alarm system because the building is not sprinklered. In addition, the building code requires that the front entrance door facing Main Street be modified to meet the "accessibility" requirements. Such modification will include the installation of an automatic door opener. The applicant has been made aware of each of these requirements through discussions with the Office of Building Code Administration.

Staff also notes that the site lighting on the subject property consists of two lighting poles that are located along the western side of the property and only illuminate about half of the parking lot. Since the majority of the parking spaces will need to be utilized for the proposed school attendees/parents/staff the installation of additional site lights is recommended. Staff recommends that within six months of approval the applicant submit a photometric analysis for review and approval to determine an appropriate lighting plan for the safety of pedestrians and vehicles to avoid any negative impact to adjacent residential properties.

With respect to fencing, the board-on-board fence located along the rear property line of the subject property is currently in disrepair. As part of the requirement for fencing at school properties, City Code Section 110-232 requires fencing at least six feet in height along parking areas abutting a residential lot. Staff recommends that the applicant commit to repair this fence within 30 days of approval and commit to regular maintenance to meet the fencing requirement.

Another existing site deficiency noted on the site is the refuse dumpster located at the far end of the parking lot alongside the fence. Due to pedestrian and vehicular activity associated with the proposed program that will be occurring in the parking lot, staff recommends submission of a plan to properly locate and enclose the dumpster to avoid obstructing use of the parking spaces and drive aisle in accordance with City standards.

Finally, although not submitted as part of this application, the applicant intends to have signage installed in the form of a ground-mounted sign along the Main Street frontage that will advertise the name of the school as well as building-mounted signage in the form of domed awnings that will also serve to advertise the school. The applicant has been informed that these signs may require City Council approval.

Staff recognizes that there are safety issues for both vehicular and pedestrian traffic resulting from the narrow lot width, the lack of adequate site lighting, the fence in need of repair, and the dumpster that needs to be properly sited and screened, but believes that the subject property could adequately accommodate the proposed use provided that the staff-recommended conditions regarding additional lighting, fence repair, and dumpster siting and screening are approved.

Circulation, Trip Generation, and Parking

Circulation

Currently, direct ingress/egress access to the subject property is only available for vehicles heading eastbound on Main Street (right-in, right-out turns only). For westbound traffic on Main Street attempting to enter the site, there are no left turns permitted at the median break directly in front of the site and no separate left turn is provided. Therefore, vehicles need to continue traveling westbound to the median break at Maple Avenue and make a legal u-turn. Vehicles exiting the site onto Main Street can presently make either a left turn (westbound) or a right turn (eastbound) onto Main Street. The left turns out of the site may be delayed, however, due to the volume of traffic on Main Street. Also, there is limited space in the median break for the stacking of one vehicle attempting a left turn movement to travel westbound. Staff recommends restricting site access (based on the change of use from office to place of assembly/school of general education) to right-in/right-out to facilitate more free-flow vehicular movement, discourage additional stacking of vehicles in the existing substandard width driveway of the subject property, and discourage more than one vehicle stacking in the existing median break (on-site signage provided by the applicant). Drivers who need to travel westbound from the site would make a right turn out of the site and drive down to the median break at Trapp Road/Lyndhurst Drive to execute a "U-turn" to travel westbound. Restricting the egress to right turns only out of the site should not significantly impact Main Street since the eastbound traffic volume in the p.m. peak hour would not be as heavy as the westbound traffic volume.

The traffic study also addresses the issue of side street delays for traffic exiting from local roads onto Main Street. In particular, the study notes that the side street delay for traffic exiting Estel Road (across the street from the subject site) is presently measured at a level "F" during the p.m. peak hour of traffic on

Main Street. The study also indicates that for traffic exiting the subject property and crossing over Main Street to the median break to turn left heading westbound, the delays for the side-street traffic on Estel would increase by approximately 17% over the existing delays. Staff's recommendation for a condition prohibiting left turns heading westbound from the subject property could mitigate the increased delay in addition to improving vehicular safety and reducing the amount of cars that would be stacked in the driveway waiting for opportunities to exit the site.

Staff recognizes that access from the site heading westbound impacts vehicular safety and recommends that left turns out of the site be prohibited and signage indicating such be installed on the site. The subject property would, therefore, become since there are no left turns into the site currently permitted.

Trip Generation

Based on the information provided by the Institute of Transportation Engineers (ITE) *Trip Generation Report* (8th Edition), use of the subject property for a 7,500 square foot commercial office building with multiple tenants would generate an average of 83 total weekday vehicle trip ends. During the a.m. weekday peak hour, such a use would generate 12 vehicle trip ends and 11 vehicle trip ends during the weekday p.m. peak hour. On Saturdays, the ITE report indicates that an average of 18 vehicle trip ends would be generated by a multiple-tenant office building use.

The applicant proposes to operate a school of general instruction on a part-time basis during the school year (late afternoon/evening during weekdays; mid-morning to early afternoon on Saturdays) and on a full-time basis during the two months when traditional schools recess for summer (traditional weekday school-day hours). The only other use of the building under consideration is religious assembly (Rothem Church) on Wednesday evenings from 8 p.m. to 9 p.m. and on Sundays from 10 a.m. to 1 p.m.

Trip generation for the proposed school use is significantly different during the school year and the summer program.

1) School Year

Based on the ITE report trip rates, staff estimates that an average of 203 total weekday vehicle trips would be generated during the school year for the proposed school. With respect to the a.m. peak hour, it is estimated that approximately 66 vehicle trips would be generated and for the p.m. peak hour, it is estimated that 48 vehicle trip ends would be generated. Staff notes, however, that the proposed school would not open until 4 p.m. during the academic school year. There are no ITE trip generation rates provided for Saturdays for this comparable use.

The applicant's traffic study focuses on the proposed school year program, but does not discuss the school year Saturday program or the summer program. In general, the study concludes that the volume of traffic on Main Street currently operates at adequate levels of service and that the proposed school would not significantly impact that volume. With respect to the amount of vehicle trips being generated by the proposed use, the only trip generation numbers provided in the study regard the proposed peak hour interaction of traffic during the weekday school year between session #1 and session #2 (in essence the number of vehicles leaving the site from session #1 at 5:30 p.m. while vehicles enter the site for session #2 at 6 p.m.). The study provides that the peak interaction would generate approximately 82 vehicle trip ends. Since the traffic study does not go into detail regarding

the total weekday number of vehicle trip ends generated and those on Saturdays during the school year, staff has analyzed the numbers separately from the traffic report.

The applicant has informed staff that most students are dropped off at the beginning of each session and then picked up at the end of the session with little or no carpooling. Staff does not know how many families may have more than one student attending the proposed school either. In an attempt to calculate vehicle trip ends on a per student basis then, staff believes that a maximum of four vehicle trip ends would be generated per student. During the proposed school year program, staff estimates that 180 vehicle trip ends would be generated by session #1 from 4:30 p.m. to 5:30 p.m. followed by an additional 180 vehicle trip ends during session #2 for a total of 360 weekday vehicle trips. On Saturdays, 180 vehicle trips are also estimated to be generated during session #1 from 9 a.m. to 11 a.m. and another 180 vehicle trip ends during session #2 from 11:30 a.m. to 1:30 p.m. with a total of 360 Saturday vehicle trip ends.

Comparing these school year staff estimates of trips generated to those of strictly an office building use set forth in the ITE report, there would be a 334% increase in total weekday vehicle trips generated by a school of general instruction at the site. In looking at the p.m. peak hour increase in trips being generated, there would be a 1536% increase compared to an office building use. On Saturdays, there would be a 900% increase in vehicle trip ends compared to an office use.

In comparing staff's estimates for trips being generated by the proposed school of general instruction to those of a private school use (K-12th) outlined in the ITE report, there would be a 77% increase in total weekday vehicle trips during the school year and a 275% increase for the p.m. peak hour. There is no comparison for a percentage increase related to Saturdays because there were no rates provided in the ITE report.

2) Summer Program

During the summer months, the applicant also proposes to offer two programs during the weekdays, one that runs from 9 a.m. to 3:30 p.m. and another that runs from 9:30 a.m. to 4 p.m. During the morning drop-offs for both sessions that occur within a 30-minute time period, 170 vehicle trips would be generated. At the afternoon pick-ups between 3:30 and 4 p.m., an additional 170 vehicle trips would be generated. Therefore, the total weekday vehicle trip ends associated with the proposed use would be 340. This is very comparable to the school year program, estimated at 360.

Comparing staff's estimates on the percentage increase of additional vehicle trips expected to be generated by the proposed school of general instruction compared to the ITE rates provided for strictly an office building use of the site, there would be a 310% increase for total weekday summer vehicle trips ends and a 1317% increase for the a.m. peak hour of traffic associated with the school of general instruction. The school would be closed by late afternoon on weekdays and would, therefore, not affect the p.m. peak hour.

Since the proposed school program during the summer months would operate more similarly to traditional school hours, staff can also compare both the total weekday trips and the a.m. peak hour trip increases. Specifically, in comparing the proposed school of general instruction trip ends to those in the ITE report for private schools (K-8th) during the summer months, staff estimates that the proposed school would generate a 67% increase in vehicle trip ends compared to the private school use and a 158% increase during the a.m. peak hour.

Staff recognizes that during both the academic year and the summer year proposed school programs, the increased vehicle trip ends anticipated to be generated are considerably higher than those that would be generated by strictly a commercial office building use of the site or by a more traditional private school (K-12th) program; however, the applicant's traffic study concludes that the proposed traffic impacts on the mainline traffic on Main Street are minor.

Parking

There are currently 63 parking spaces located on the subject property, one at the front of the building along the Main Street and 62 spaces in the rear parking lot. The parking lot was constructed in 1966, however, and is nonconforming with respect to the parking lot layout and landscaping requirements. According to the City's parking ordinance, a commercial office building containing 7,500 square feet would require 30 parking spaces. The applicant is not proposing to use the building for office purposes, but rather for a school of general instruction. Since there is no parking ratio designated for "schools of general instruction," the Zoning Administrator has determined the required parking for this use as similar to that of a "place of assembly" use, thereby requiring one parking space per three seats. In addition, the Zoning Administrator has also required that one parking space be provided per faculty and staff member as is required for elementary, intermediate, and high school uses.

In order to avoid creating a parking deficit if the proposed classes were offered back-to-back, the applicant proposes to have a 30-minute separation between session #1 and session #2 during the school year (including Saturdays) as well as between session #1 and session #2 in the summer. In determining the required parking for the proposed number of students, faculty, and staff associated with the school of general instruction, a maximum of 25 parking spaces would be required on weekdays and Saturdays during the school year program and a maximum of 24 parking spaces would be required during the proposed summer program. Since 63 parking spaces are currently available on the site, there will be no parking deficit with the proposed use. Staff notes, however, that the rear parking lot needs to have the parking spaces re-striped to delineate the individual parking spaces and recommends such re-striping as a condition of approval.

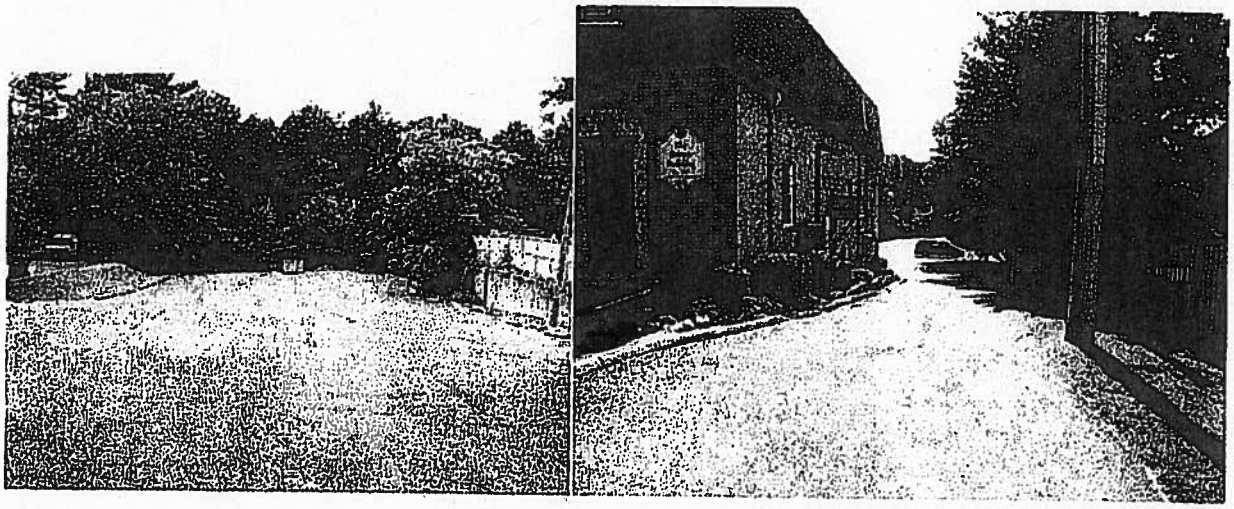
With regard to handicap accessible parking, there is currently one space provided in the rear parking lot close to the back entrance that is used by the church. Since there is no accessible path from inside the rear of the building up to the main or second floor, an additional handicap accessible parking space needs to be provided at the front entrance of the building. There currently is a paved parking space available to serve as such, but it must be modified to meet the requirements of the Office of Code Administration with respect to striping and signage.

Based on the staff's analysis of both the projected trip generation and the parking demand generation for the proposed use, staff believes that the proposed use will not have a major impact on the amount of vehicular traffic or parking generated at the subject property.

Safety and Welfare

The safety and welfare of persons living in the area and working in the neighborhood is not anticipated to be negatively impacted by the proposed school's usage of the site, with the exception of a slight increase in the traffic delays for persons exiting Estel Road onto Main Street as discussed in the trip generation section above.

There are, however, a number of site concerns that may impact the safety and welfare of vehicular and pedestrian traffic at the subject property, including the need for additional site lighting, re-striped parking spaces, and the lack of a sidewalk or walkway adjacent to the building.



Discussion regarding the need for additional site lighting and re-striped parking spaces discussed earlier in this report, but the lack of a sidewalk/walkway alongside the building has safety implications for both pedestrians and vehicles, particularly in the evening hours when classes are dismissing in the late fall and winter time and there is little or no daylight available. The narrow driveway section adjacent to the building measures approximately 13 feet in width and, therefore, only passable by one vehicle at a time. There is little minimal opportunity, if any, for protected pedestrian travel from the rear parking lot along the driveway to enter the front of the building along Main Street. Of particular concern to staff is the recognition that since the summer of 2010, many students have been dropped off at the curb of the site along the Main Street frontage which is neither a safe nor appropriate method for passenger loading and unloading.

In order to improve vehicular movement and pedestrian safety at the subject property, staff recommends that the applicant prepare and submit a traffic circulation plan for review and approval by the Zoning Administrator that outlines a safe and practical method for student arrivals that would include a designated path for vehicles entering, queuing, discharging passengers and departing the site.

For student departures, staff recommends a plan that includes a method for either parents and/or staff to escort each student to a parked vehicle to reduce the potential for conflicts between vehicles and pedestrians. The subject site was not initially designed or approved for the proposed change of use.

Staff believes the proposed use would not adversely impact the safety and welfare of surrounding residents and business; however, site conditions on the property need to be remedied in order to improve vehicular and pedestrian safety on the site. Staff recommends conditions regarding the installation of additional site lighting, re-striping of the parking spaces in the rear parking lot, and the development of a circulation plan by the applicant that creates a Kiss & Ride drop-off system for students and a parking plan for the pick-ups whereby students would be escorted to their vehicles by faculty and/or staff.

Harmony with Applicable Articles

Section 15.2-2283 of the Code of Virginia states that "zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public..." The Code of Virginia allows the City to establish zoning regulations to protect the health, safety, and welfare of the public. In turn, the City's zoning regulations include criteria established for the review of the proposed development that serves to promote the public welfare. As recommended by staff, the applicant's proposed use is harmonious with the general purpose and intent of the applicable article of the code.

Staff believes that pursuant to the purpose of the zoning ordinance, and with the recommended conditions, the applicant's request for a special use permit meets the criteria for approval as established in City Code Section 110-366, as conditioned below.

RECOMMENDATION

Staff recommends the Board of Zoning Appeals approve the requested Special Use Permit to allow a school of general instruction at 9735 Main Street, subject to the following conditions:

1. The applicant shall obtain a Non-Residential Use Permit to operate a school of general instruction within 30 days of approval of this application;
2. The applicant shall ensure the class size for each instructional period shall not exceed the student limit set forth in the proposed class schedule submitted as part of this application;
3. The applicant shall ensure the interior layout of the proposed school shall be done in substantial conformance with the plans submitted as part of this application;
4. The applicant shall repair and maintain the fence located along the property line;
5. The applicant shall relocate and screen the existing dumpster located at the rear of the property according to City standards;
6. The applicant shall submit a parking lot plan to re-stripe and delineate 62 parking spaces in the rear parking lot;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;
8. The applicant shall ensure that ingress/egress is limited to right-in/right-out turning movements, and install signage as required by City staff;
9. The applicant shall ensure that the parking space located directly in front of the front door entrance is modified to meet the handicap parking requirements of the Office of Building Code Administration;
10. The applicant shall within 30 days from the date of approval prepare and submit a traffic circulation plan for staff review and approval.
11. The applicant shall ensure that pre-school age students are not on-site for more than one hour;
12. The applicant shall ensure that a fire alarm system is installed inside the building to meet the requirements of the Office of Building Code Administration; and
13. The Special Use Permit shall be valid for a period of one year from the date of approval and may be subject to renewal.

PREPARED BY:

MDC for Heidi Waugh
Heidi M. Waugh
Planner II

9-28-12
DATE

REVIEWED AND APPROVED:

Michelle D. Coleman
Michelle D. Coleman
Zoning Administrator

9-28-12
DATE

REVIEWED AND APPROVED:

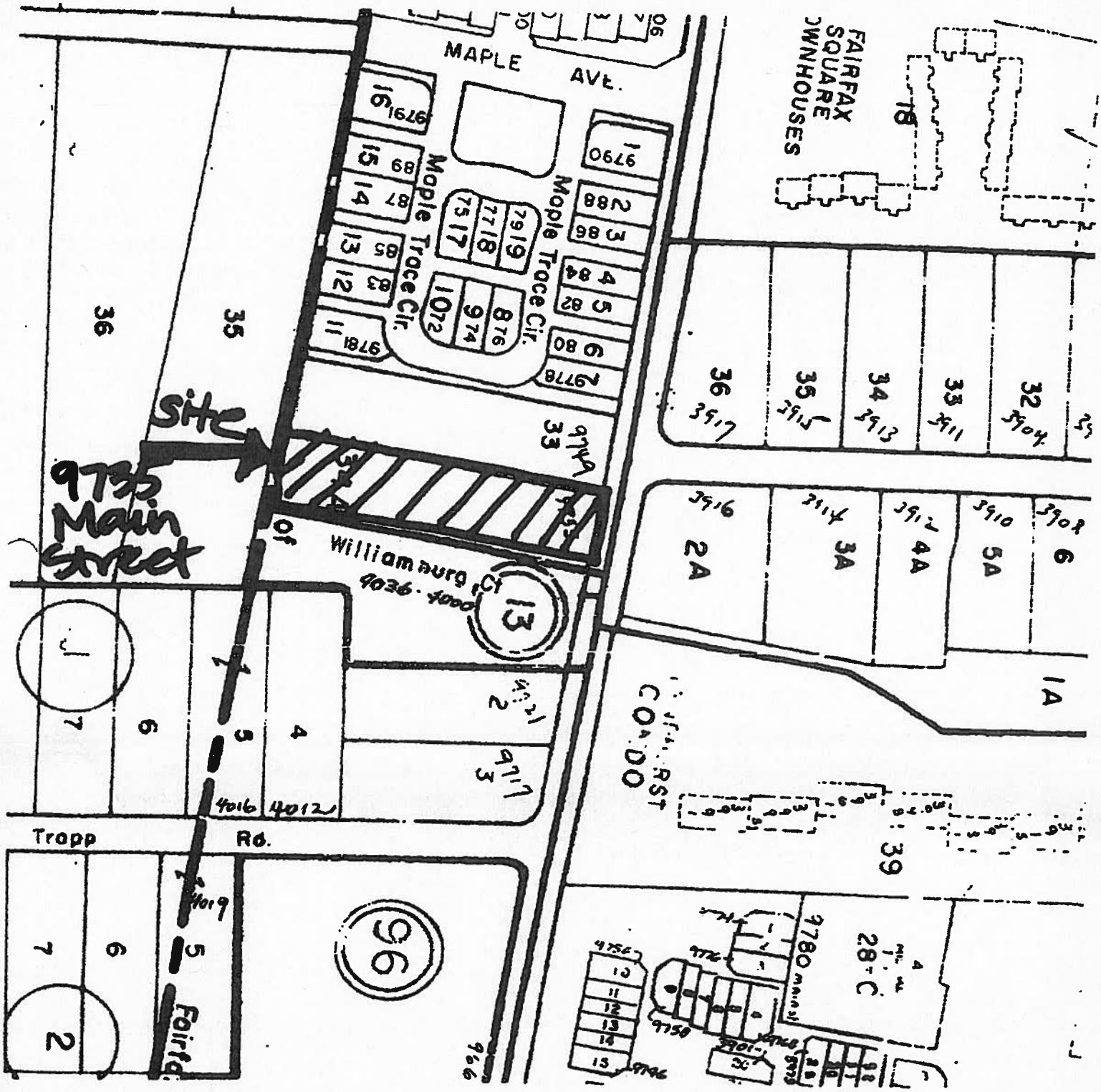
David B. Hudson, AICP
Director, Community Development & Planning

DATE

ATTACHMENTS

1. Vicinity Map
2. Application
3. Applicant's Business Plan
4. Plat
5. Interior layout plans
6. Proposed course schedules
7. Photos
8. Sample Motions

Attachment 1



50.

Attachment 2

RECEIVED

JAN 13 2012

Dept. of Community Development & Planning

[redacted]

Application No. SU-12010047

LAND USE APPLICATION
CITY OF FAIRFAX

I/We Sky Education, Inc (name of applicant) by Young-Lan Kim (authorized agent's name and relationship to applicant)

a *corporation / general partnership / limited partnership / sole proprietorship/individual* (circle one) which is the *property owner / contract purchaser / lessee* (circle one)

of 9735 Main St / Tax Map# 58-3 ((6)) 39A (address and tax map # of subject property)

hereby apply for a Special Use Permit/Special Exception/Variance (circle one) pursuant to Section _____ of the City Code to allow (describe request) School of General Instruction - See attached for details

City Code References: Sec. 10-762

Son Ku Kim, Owner
(signature of applicant or authorized agent) (title or relationship)

Address 5912 Crooked Creek Dr. Manassas, VA 20112 Phone: 703-867-1144

THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER

I/We Son-Ku Kim by _____ hereby certify that the applicant named above has the authority vested by me to make this application.

Son Ku Kim
(signature of owner or authorized agent) Owner (title or relationship)

Address 5912 Crooked Creek Dr. Manassas, VA 20112 Phone: 703-731-2313

FOR OFFICE USE ONLY

Proposal filed: 1/13/12
Fee Paid: 4800.00
Received by: ade
Receipt No. 34342
Previous Cases:
Current status of business license and fees:
Treasurer: All payments current with Treas. Ofc. 9/14/12
Commissioner of Revenue: Sky Education, Inc has met the Silma requirements of this office. 9-14-12

51.

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of $100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

WITNESS the following signature: _____
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 13TH day of January, 20 12, in the State of VA

My commission expires: 9/30/12

PAUL S. EIDEN NOTARY PUBLIC REGISTRATION # 7224151 COMMONWEALTH OF VIRGINIA

_____
Notary Public/Registration #

RECEIVED

JAN 13 2012

Dept. of Community Development & Planning

AFFIDAVIT
CITY OF FAIRFAX

I, Young-Lan Kim, by _____ do hereby make oath or affirmation that
(name of applicant or agent)
I am an applicant in Application Number SU-12010007 and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
Sky Education, Inc	9735 Main St, Fairfax, VA 22031	Applicant
Son-Ku & Young-Lan Kim	5912 Crooked Creek Dr. Manassas, VA	Owners
Bunyon Dudley Associates, Inc	10650 Main St Fairfax VA 22030	Engineer

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: See Attached List

Name	Address	Relationship

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary): None

Partnership Name: _____

Name	Address	Relationship

Attachment to Page 8 of Land Use Application

Affidavit, City of Fairfax

Sky Education, Inc.	Stockholders:	Young-Lan Kim	100 percent
Runyon Dudley Associates, Inc.		Reid Dudley	100 percent

(2012 SUP Report)
Attachment 3

Business Plan: SUP

Business Name: **Sky Education**

Business Address: **9735 Main St., Fairfax, VA 22031**

Floors: **Main Floor (Suite 200) and 2nd Floor (Suite 300)**

Total Square Feet: 5,000 - Main Floor (2,500 sq. ft.) and 2nd Floor (2,500 sq. ft.)

Description of Proposed Business: After-school and summer enrichment programs (English, Math, Reading, G.T. Center Prep, T.J. High School Prep, PSAT, SAT).

- Uses (SUP): School of General Instruction
- September through June: Days of Operation: Monday – Saturday

  Hours of Operation: Mon-Fri: 4pm – ~~8:30pm~~ 8 pm

  Sat: ~~9am~~ 8:30 am -2pm

  Estimated Number of Students/Session:

  Session #1: 4:30-5:30=48

  Session #2: 6:00-7:00=48

  Estimated Number of Students/Class: 5-8

  Estimated Number of Classes: 14

  Number of Full Time Employees: 2

  Number of Part Time Instructors: 10

- Summer (July and August): Days of Operation: Monday – Friday

  Hours of Operation: Mon-Fri: ~~9am~~ 5:30 – ~~4pm~~ 4:30

  Estimated Number of Students/Session:

  Session #1: 9:00-3:30=36

  Session #2: 9:30-4:00=54

  Estimated Number of Students/Class: 5-8

  Number of Full Time Employees: 2

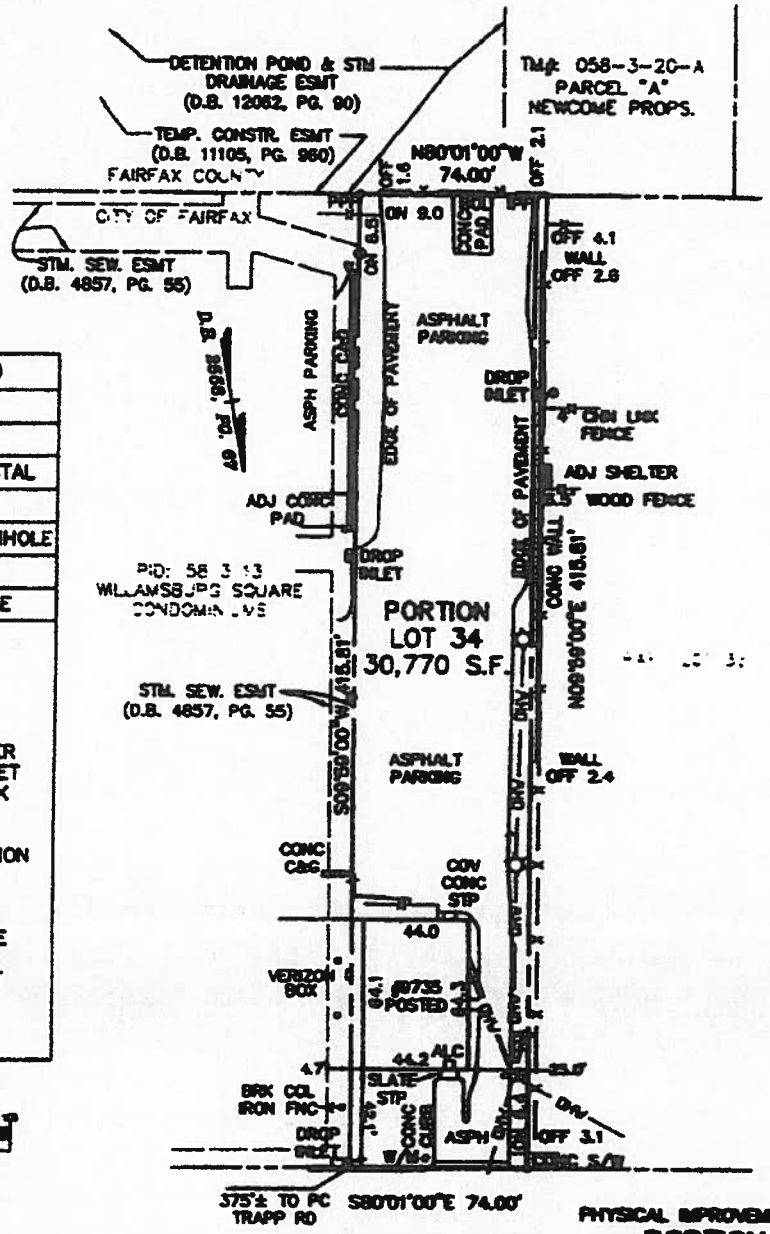
  Number of Part Time Instructors: 12

(2012 SUP Report)

Attachment 4

NOTES:

1) THIS PHYSICAL IMPROVEMENT SURVEY IS BASED ON INFORMATION OBTAINED FROM PUBLIC RECORDS AND A FIELD RUN SURVEY BY RICE ASSOCIATES CONDUCTED ON MARCH 29 AND APRIL 5, 2005 AND JULY 27 2010.
2) NO TITLE REPORT FURNISHED WHICH MAY REVEAL OR DISCOVER EASEMENTS NOT SHOWN HEREON.
3) THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF SON-KU KIM AND YOUNG-LAN L. KIM BY DEED RECORDED IN D.B. 17144, PG. 0357 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VA.
4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY OWNERSHIP.
5) THE SUBJECT BUILDING IS LOCATED IN F.I.R.M. ZONE 'X', AS SHOWN ON COMMUNITY PANEL NUMBER 515524 0005 B, DATED MARCH 2, 1993.
6) NO SUBSURFACE UTILITY INVESTIGATION.
7) NO CEMETERY SITES WERE OBSERVED ON THE SUBJECT PROPERTY.
8) THIS PLAT WAS FORWARDED ELECTRONICALLY IN READ ONLY FORMAT. ANY ATTEMPT AT ALTERATION INVALIDATES THE SEAL AND SIGNATURE. AN ORIGINAL HARD COPY REMAINS ON FILE AT RICE ASSOCIATES.
9) FENCES ARE 6.5' WOOD PRIVACY FENCES UNLESS NOTED.



SYMBOL LEGEND	
	UTILITY POLE
	GUY ANCHOR
	TELEPHONE PEDESTAL
	LAMP POLE
	STORM DRAIN MANHOLE
	SIGN
	SANITARY MANHOLE

ADJ-ADJACENT
ALC-ALCOVE
ASPH-ASPHALT
BOL-BOLLARDS
BRK-BRICK
C&G-CURB & GUTTER
CDI-CURB DROP INLET
CHN LNK-CHAIN LINK
COL-COLUMN
CONC-CONCRETE
CONSTR-CONSTRUCTION
COV-COVERED
ESMT-EASEMENT
IRS-IRON ROD SET
OHW-OVERHEAD WIRE
PKS-NAIL SET
PPF-PINCH PIPE SET
STM-STORM
STP-STOOP
TEMP-TEMPORARY

GRAPHIC SCALE

1 inch = 50 feet

COMMONWEALTH OF VIRGINIA
WILLIAM ROSS DICKERSON
Lic. No. 1956
8-02-10
LAND SURVEYOR

PHYSICAL IMPROVEMENT SURVEY
PORTION OF LOT 34
HOLLY PARK
D.B. 2556, PG. 67
CITY OF FAIRFAX, VIRGINIA
PID: 58 3 05 03A

RECERTIFICATION 8-02-10

DATE: 4/5/05 DRAWN BY: PD
SCALE: 1" = 20' CHECKED BY: JEK

RICE ASSOCIATES
10625 GASKINS WAY
MANASSAS, VIRGINIA 20109
(703) 968-3200 FAX (703) 968-2705

HL0061.60A

1:30

56.

(2012 SUP Report)
Attachment 5

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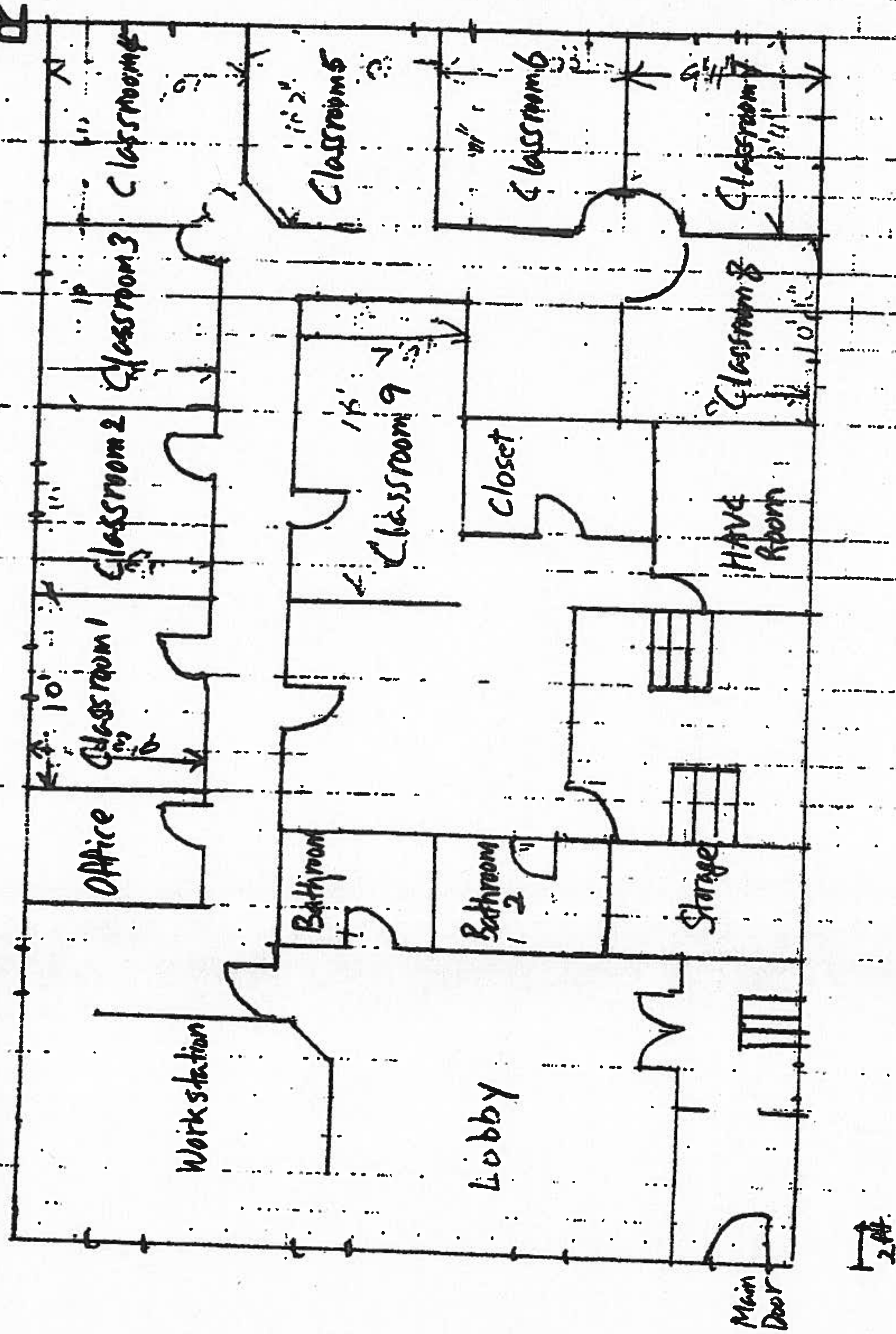
Dept. of Community
Development & Planning

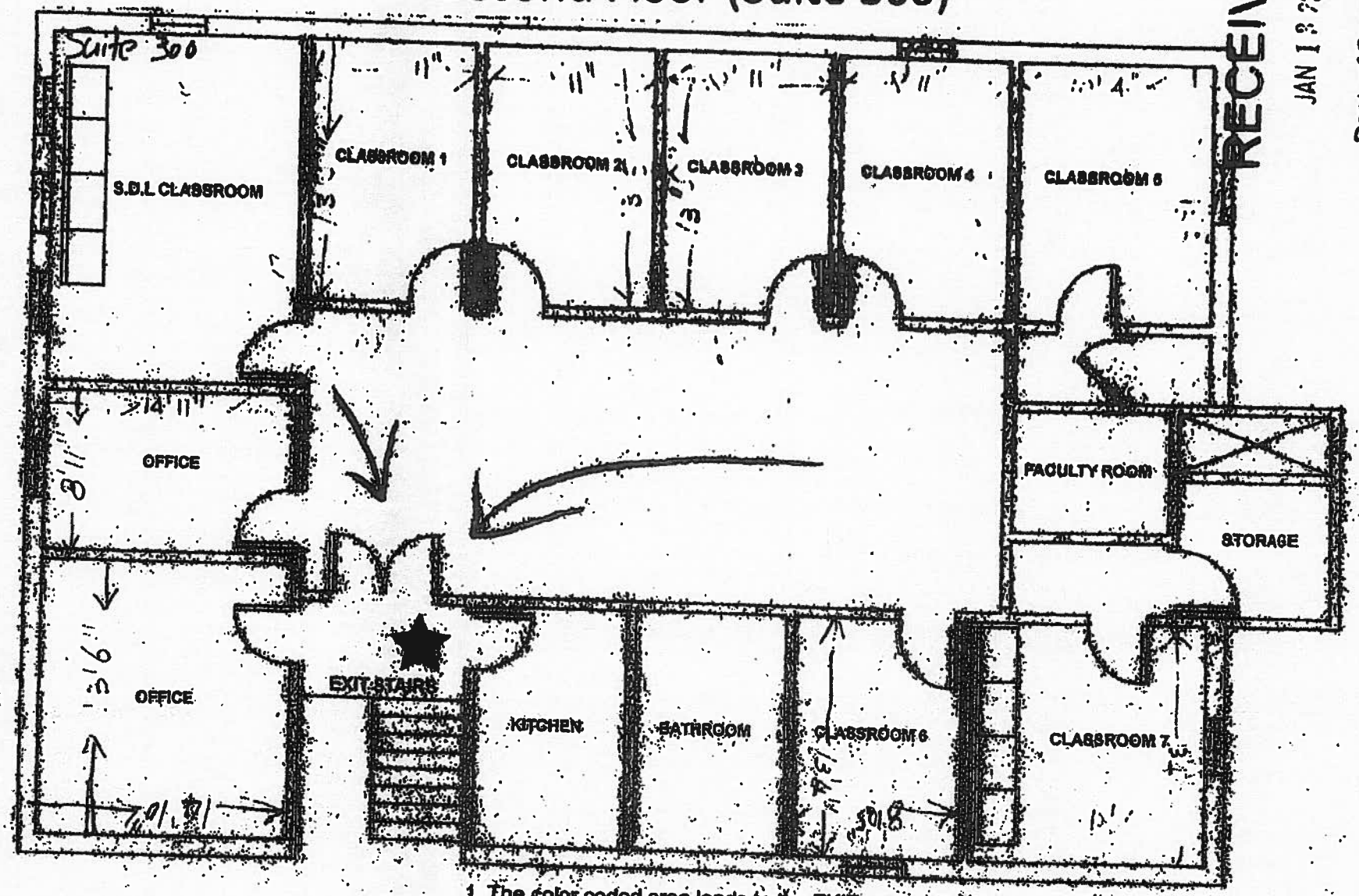
9735 Main St., Fairfax, VA 22031

Main Floor (Suite 200)



9735 Main St. Fairfax, VA 22031

Second Floor (Suite 300)



RECEIVED
JAN 13 2012
Dept. of Community Development & Planning

1. The color coded area leads to the EXIT
2. Exit the building promptly and proceed to the rear of the parking lot.
3. Young Kim and Hannah Rhee will assist employees.

9735 Main Street. Fairfax, VA 22031

tel. 703) 383-0043

skyeducationvae@gmail.com

PROPOSED SCHOOL YEAR PROGRAM

MONDAY THROUGH FRIDAY									
	A	B	C	D	E	F	G	Total # of students & teachers/session	Total # of students & teachers/day
4:30-5:30	Rm 201 (5+1)	Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)	48	---
	H	I	J	K	L	M	N	---	---
6:00-7:00	Rm 201 (5+1)	Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)	48	---
									96

SATURDAY									
	B	C	D	E	F	G	O	Total # of students & teachers/session	Total # of students & teachers/day
9:00-11:00	Rm 201 (5+1)	Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)	48	---
	I	J	K	L	M	N	O	---	---
11:30-1:30	Rm 201 (5+1)	Rm 202 (5+1)	Rm 203 (5+1)	Rm 204 (5+1)	Rm 306 (5+1)	Rm 307 (8+1)	Rm 308 (8+1)	48	---
									96

Courses Offered:

A=Early Reading
B, C & D=English for Elementary School
E & F= English for Middle School
G= English for High School

H=Early Math
I, J, K & L=Math for Elementary School
M=Math for Middle School
N=Math for High School

O=SAT Prep

2012 SUP Report
Attachment 6

59.

PROPOSED SUMMER PROGRAM

Monday through Friday (2 sessions offered)					
Session #1 (9 am to 3:30 pm)		Session #2 (9:30 am to 4 pm)			
English & Math for Elementary School	GT Center Prep	English & Math for Middle and High School	T.J. High School Prep	PSAT	SAT
Rooms 201, 202, 203, 204 (20+4)	Rooms 205, 206 (10+2)	Rooms 301, 302, 303 (24+3)	Room 304 (8+1)	Room 305 (8+1)	Room 306 (8+1)

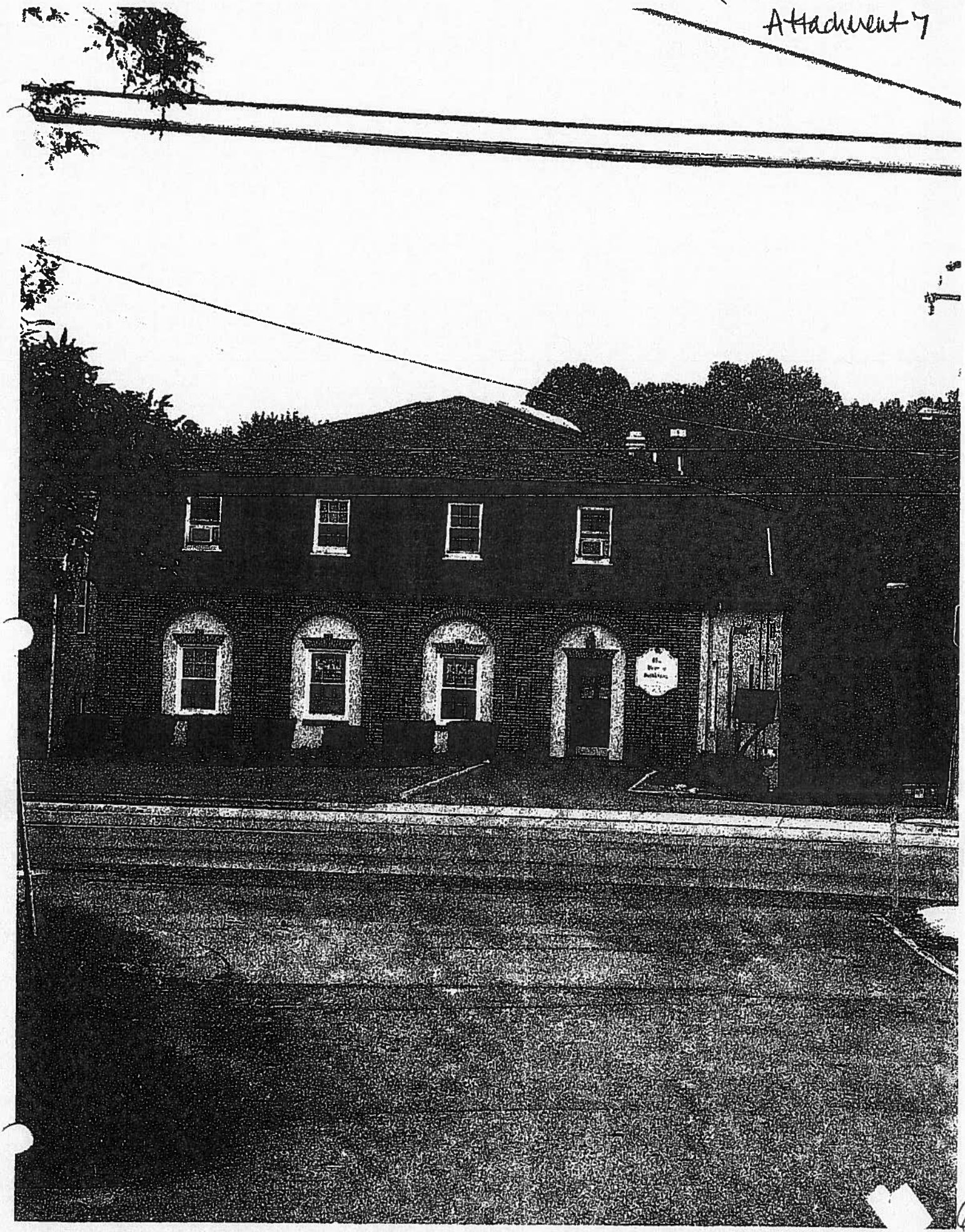
SUMMARY OF MAXIMUM NUMBER OF CHILD STUDENTS/INSTRUCTORS IN PROPOSED *SCHOOL-YEAR PROGRAM*

	Mon	Tue	Wed	Thur	Fri	Sat
Max Kids & Instructors per session	4:30-5:30 (48) & 6:00-7:00 (48)	4:30-5:30 (48) & 6:00-7:00 (48)	4:30-5:30 (48) & 6:00-7:00 (48)	4:30-5:30 (48) & 6:00-7:00 (48)	4:30-5:30 (48) & 6:00-7:00 (48)	9:00-11:00 (48) & 11:30-1:30 (48)
Max Kids & Instructors per day	96	96	96	96	96	96

SUMMARY OF MAXIMUM NUMBER OF CHILD STUDENTS/INSTRUCTORS IN PROPOSED *SUMMER PROGRAM*

	Mon	Tue	Wed	Thur	Fri	Sat
Max Kids & Instructors per session	9-3:30 (36) & 9:30-4:00 (54)	9-3:30 (36) & 9:30-4:00 (54)	9-3:30 (36) & 9:30-4:00 (54)	9-3:30 (36) & 9:30-4:00 (54)	9-3:30 (36) & 9:30-4:00 (54)	N/A
Max Kids & Instructors per day	90	90	90	90	90	N/A

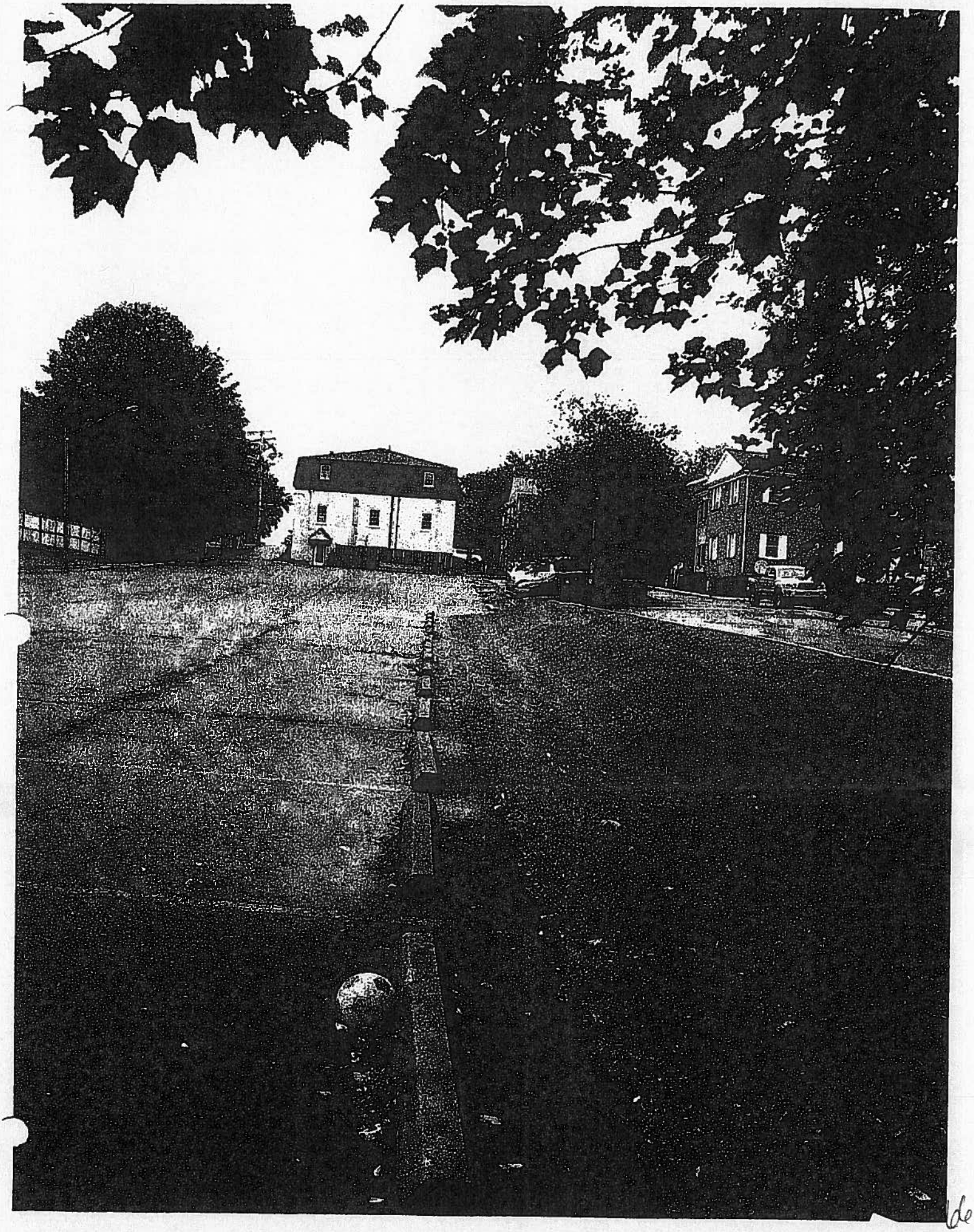
(2012 SUP Report)
Attachment 7



63

64

65.



de.

(2012 SUP Report)

Sample Motion- Special Use Permit 12010047 **ATTACHMENT 8**

APPROVAL WITH CONDITIONS

(Recommended by Staff)

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF SKY EDUCATION, INC., BY YOUNG LAN-KIM, AGENT/PROPERTY OWNER, PURSUANT TO CITY CODE SECTIONS 110-762(b)(5) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION IN THE C-1 OFFICE COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 9735 MAIN STREET AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((06))-034A, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall obtain a Non-Residential Use Permit to operate a school of general instruction within 30 days of approval of this application;
2. The applicant shall ensure the class size for each instructional period shall not exceed the student limit set forth in the proposed class schedule submitted as part of this application;
3. The applicant shall ensure the interior layout of the proposed school shall be done in substantial conformance with the plans submitted as part of this application;
4. The applicant shall repair and maintain the fence located along the property line;
5. The applicant shall relocate and screen the existing dumpster located at the rear of the property according to City standards;
6. The applicant shall submit a parking lot plan to re-stripe and delineate 62 parking spaces in the rear parking lot;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff;
8. The applicant shall ensure that ingress/egress is limited to right-in/right-out turning movements, and install signage as required by City staff;
9. The applicant shall ensure that the parking space located directly in front of the front door entrance is modified to meet the handicap parking requirements of the Office of Building Code Administration;
10. The applicant shall within 30 days from the date of approval prepare and submit a traffic circulation plan for staff review and approval.
11. The applicant shall ensure that pre-school age students are not on-site for more than one hour;
12. The applicant shall ensure that a fire alarm system is installed inside the building to meet the requirements of the Office of Building Code Administration; and
13. The Special Use Permit shall be valid for a period of one year from the date of approval and may be subject to renewal.

(2012 SUP Report)

DENY

I MOVE THAT THE BOARD OF ZONING APPEALS DENY THE REQUEST OF SKY EDUCATION, INC., BY YOUNG LAN-KIM, AGENT/PROPERTY OWNER, PURSUANT TO CITY CODE SECTIONS 110-762(b)(5) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION IN THE C-1 OFFICE COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 9735 MAIN STREET AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((06))-034A ,FOR THE FOLLOWING REASONS:

(Reasons to be provided by the Board of Zoning Appeals)

APPROVAL WITH CONDITIONS

(Recommended by Staff)

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF SKY EDUCATION, INC., BY YOUNG LAN-KIM, AGENT/PROPERTY OWNER, PURSUANT TO CITY CODE SECTIONS 110-762(b)(5) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION IN THE C-1 OFFICE COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 9735 MAIN STREET AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((06))-034A, SUBJECT TO THE FOLLOWING CONDITIONS:

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3. The applicant shall ensure the interior layout of the proposed school shall be done in substantial conformance with the plans submitted as part of this application;
4. The applicant shall repair and maintain the fence located along the rear property line <u>within 30 days from Special Use Permit approval</u>;
5. The applicant shall relocate and screen the existing dumpster located at the rear of the property according to City standards <u>within three months (with one three month extension) from Special Use Permit approval</u>;
6. The applicant shall submit to the Zoning Administrator a parking lot plan to re-stripe and delineate 62 parking spaces in the rear parking lot and complete restriping <u>within three months (with one three month extension) from Special Use Permit approval</u>;
7. The applicant shall submit a photometric analysis subject to Zoning Administrator review and approval, and install lighting as determined by staff <u>within three months (with one three month extension) from Special Use Permit approval</u>;
8. The applicant shall ensure that ingress/egress is limited to right-in/right-out turning movements, and install signage as required by City staff <u>within 30 days from Special Use Permit approval</u>;
9. The applicant shall ensure that the parking space located directly in front of the front door entrance is modified to meet the handicap parking requirements of the Office of Building Code Administration <u>within 30 days from Special Use Permit approval</u>;
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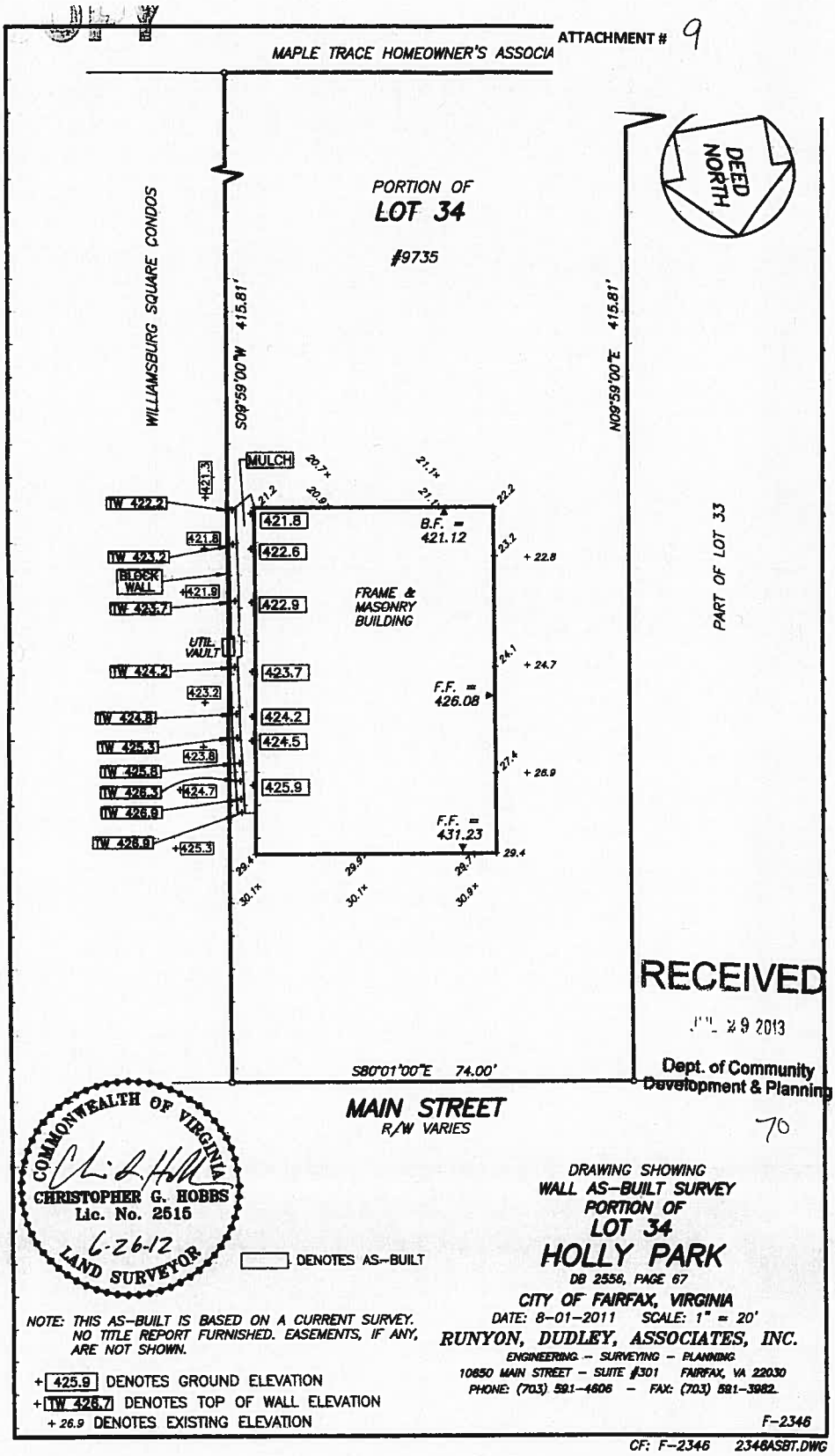
12. The applicant shall ensure that a fire alarm system is installed inside the building to meet the requirements of the Office of Building Code Administration <u>within 30 days from Special Use Permit approval</u>; and
13. The Special Use Permit shall be valid for a period of one year from the date of approval and may be subject to renewal.

ATTACHMENT # 9



RECEIVED
JUL 29 2013
Dept. of Community Development & Planning

70

COMMONWEALTH OF VIRGINIA
CHRISTOPHER G. HOBBS
Lic. No. 2515
6-26-12
LAND SURVEYOR

DENOTES AS-BUILT

DRAWING SHOWING
WALL AS-BUILT SURVEY
PORTION OF
LOT 34
HOLLY PARK
DB 2556, PAGE 67
CITY OF FAIRFAX, VIRGINIA
DATE: 8-01-2011 SCALE: 1" = 20'

NOTE: THIS AS-BUILT IS BASED ON A CURRENT SURVEY. NO TITLE REPORT FURNISHED. EASEMENTS, IF ANY, ARE NOT SHOWN.

+ 425.9 DENOTES GROUND ELEVATION
+ TW 428.7 DENOTES TOP OF WALL ELEVATION
+ 26.9 DENOTES EXISTING ELEVATION

RUNYON, DUDLEY, ASSOCIATES, INC.
ENGINEERING – SURVEYING – PLANNING
10650 MAIN STREET – SUITE #301 FAIRFAX, VA 22030
PHONE: (703) 591-4606 – FAX: (703) 591-3982

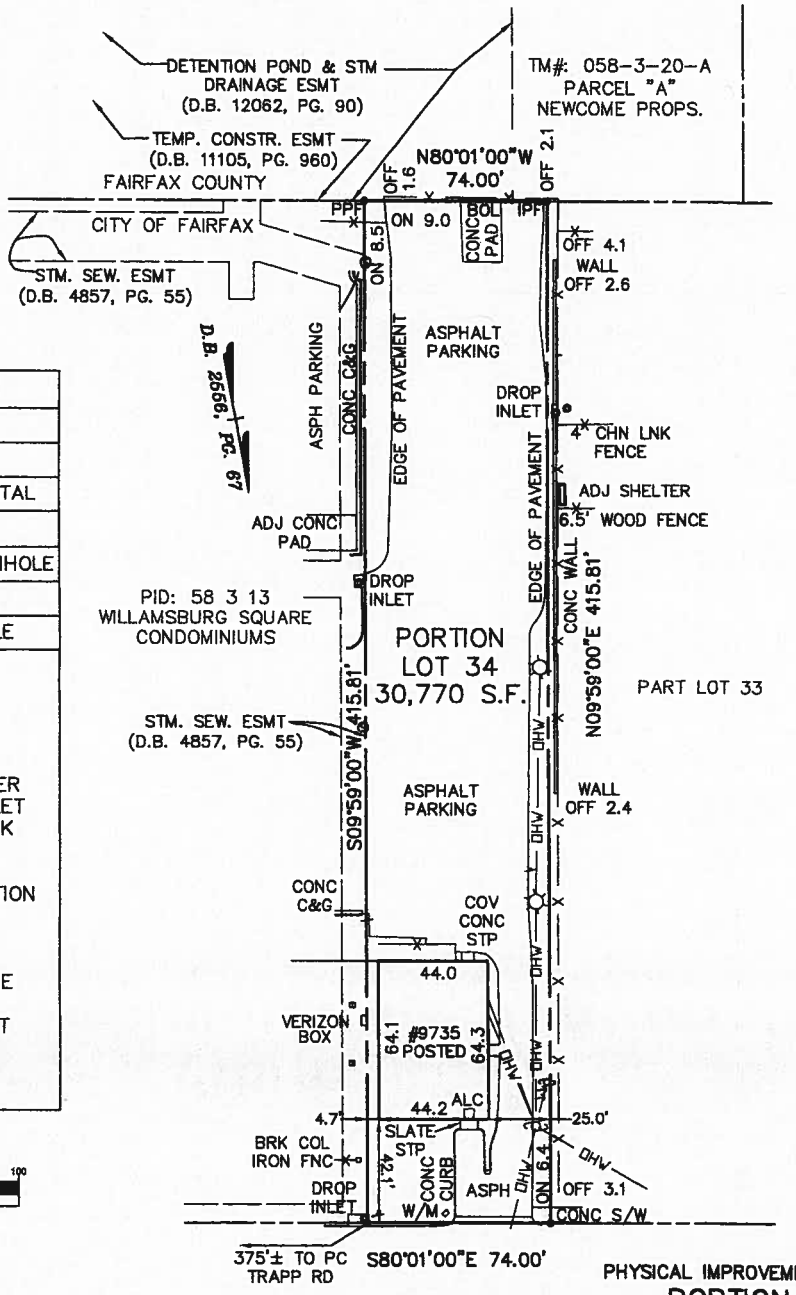
F-2346

CF: F-2346 2346ASBT.DWG

NOTES:

1) THIS PHYSICAL IMPROVEMENT SURVEY IS BASED ON INFORMATION OBTAINED FROM PUBLIC RECORDS AND A FIELD RUN SURVEY BY RICE ASSOCIATES CONDUCTED ON MARCH 29 AND APRIL 5, 2005 AND JULY 27 2010.
2) NO TITLE REPORT FURNISHED WHICH MAY REVEAL OR DISCOVER EASEMENTS NOT SHOWN HEREON.
3) THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF SON-KU KIM AND YOUNG-LAN L. KIM BY DEED RECORDED IN D.B. 17144, PG. 0357 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VA.
4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY OWNERSHIP.
5) THE SUBJECT BUILDING IS LOCATED IN F.I.R.M. ZONE 'X', AS SHOWN ON COMMUNITY PANEL NUMBER 515524 0005 B, DATED MARCH 2, 1993.
6) NO SUBSURFACE UTILITY INVESTIGATION.
7) NO CEMETERY SITES WERE OBSERVED ON THE SUBJECT PROPERTY.
8) THIS PLAT WAS FORWARDED ELECTRONICALLY IN READ ONLY FORMAT. ANY ATTEMPT AT ALTERATION INVALIDATES THE SEAL AND SIGNATURE. AN ORIGINAL HARD COPY REMAINS ON FILE AT RICE ASSOCIATES.
9) FENCES ARE 6.5' WOOD PRIVACY FENCES UNLESS NOTED.

COPY



SYMBOL LEGEND	
	UTILITY POLE
	GUY ANCHOR
	TELEPHONE PEDESTAL
	LAMP POLE
	STORM DRAIN MANHOLE
	SIGN
	SANITARY MANHOLE

ADJ-ADJACENT
ALC-ALCOVE
ASPH-ASPHALT
BOL-BOLLARDS
BRK-BRICK
C&G-CURB & GUTTER
CDI-CURB DROP INLET
CHN LNK-CHAIN LINK
COL-COLUMN
CONC-CONCRETE
CONSTR-CONSTRUCTION
COV-COVERED
ESMT-EASEMENT
IRS-IRON ROD SET
OHW-OVERHEAD WIRE
PKS-NAIL SET
PPF-PINCH PIPE SET
STM-STORM
STP-STOOP
TEMP-TEMPORARY

GRAPHIC SCALE
0 50 100
1 inch = 50 feet

PHYSICAL IMPROVEMENT SURVEY
PORTION OF LOT 34
HOLLY PARK
D.B. 2556, PG. 67
CITY OF FAIRFAX, VIRGINIA
PID: 58 3 06 034 A

COMMONWEALTH OF VIRGINIA
WILLARD ROSS DICKERSON
Lic. No. 1956
8-02-10
LAND SURVEYOR

RECERTIFICATION 8-02-10

RECEIVED
JUL 29 2013
Dept. of Community Development & Planning

DATE: 4/5/05 SCALE: 1" = 20'
DRAWN BY: FD CHECKED BY: JEK

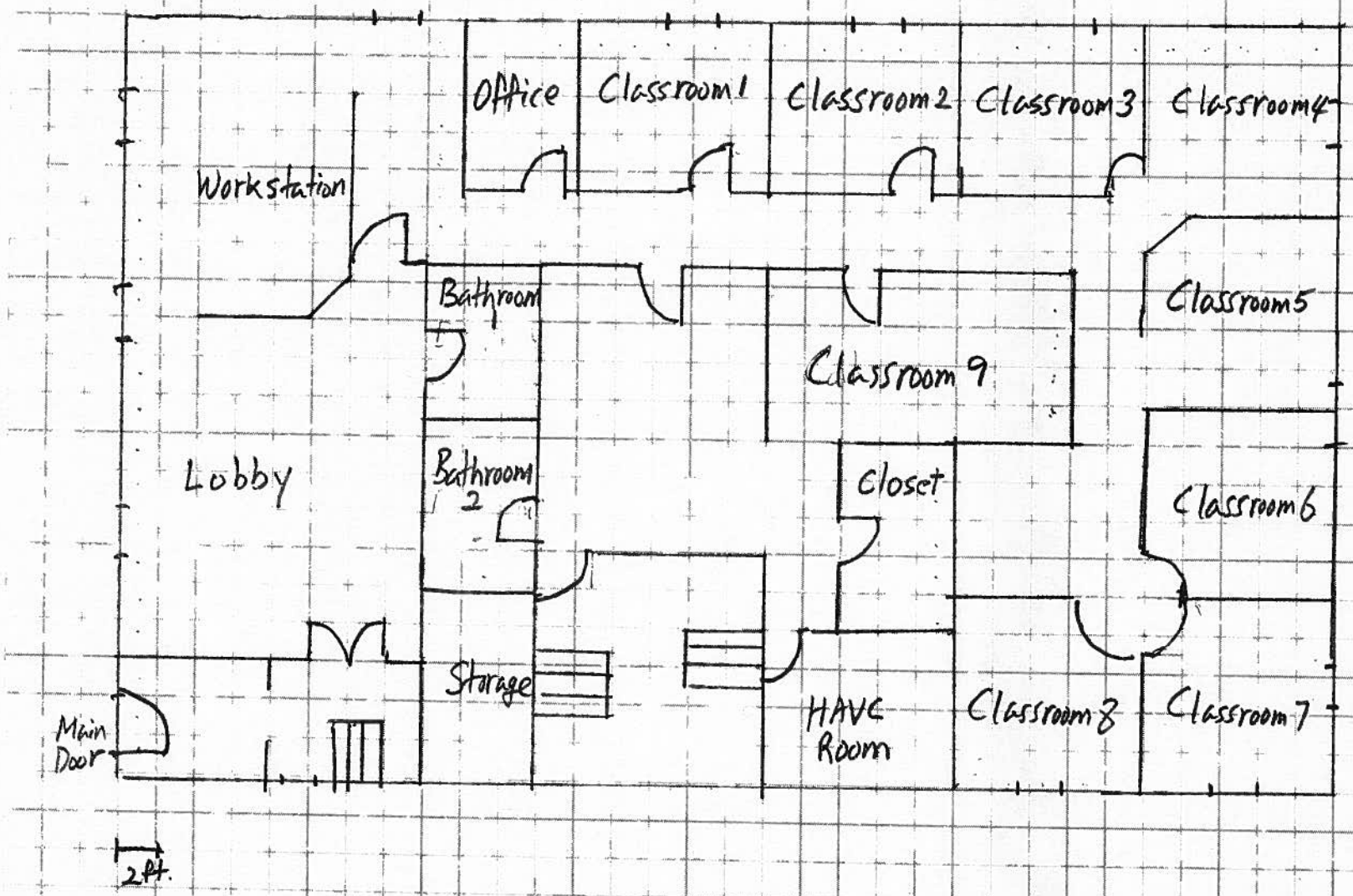
RICE ASSOCIATES
10625 GASKINS WAY
MANASSAS, VIRGINIA 20109
(703) 968-3200 FAX (703) 968-2705

HL006180A

9735 Main St., Fairfax, VA 22031

COPY

Main Floor (Suite 200)

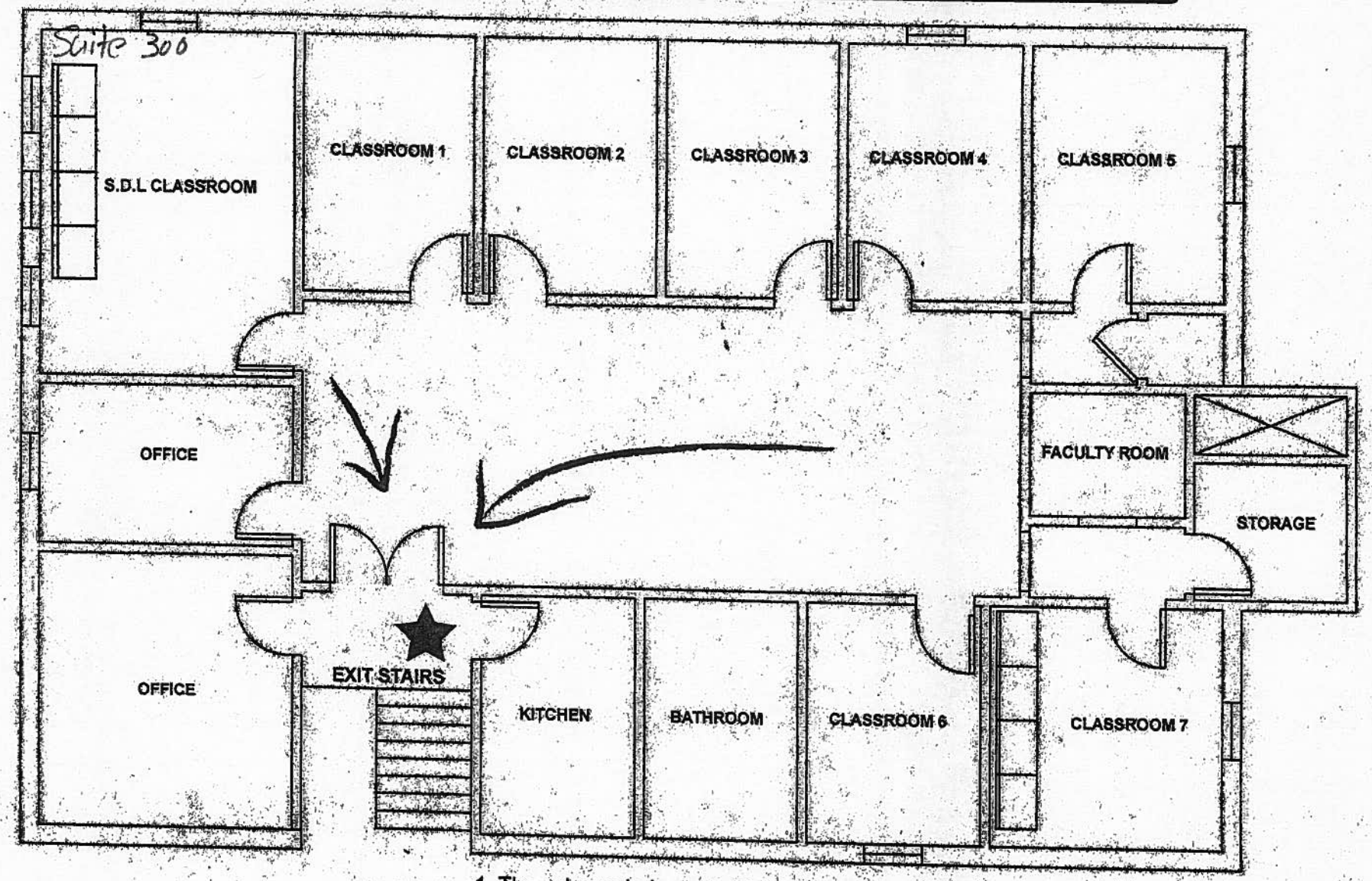


9735 Main St. Fairfax, VA 22031

Second Floor

FIRE EVACUATION FLOOR PLAN

73.



1. The color coded area leads to the EXIT

2. Exit the building promptly and proceed to the rear of the parking lot.

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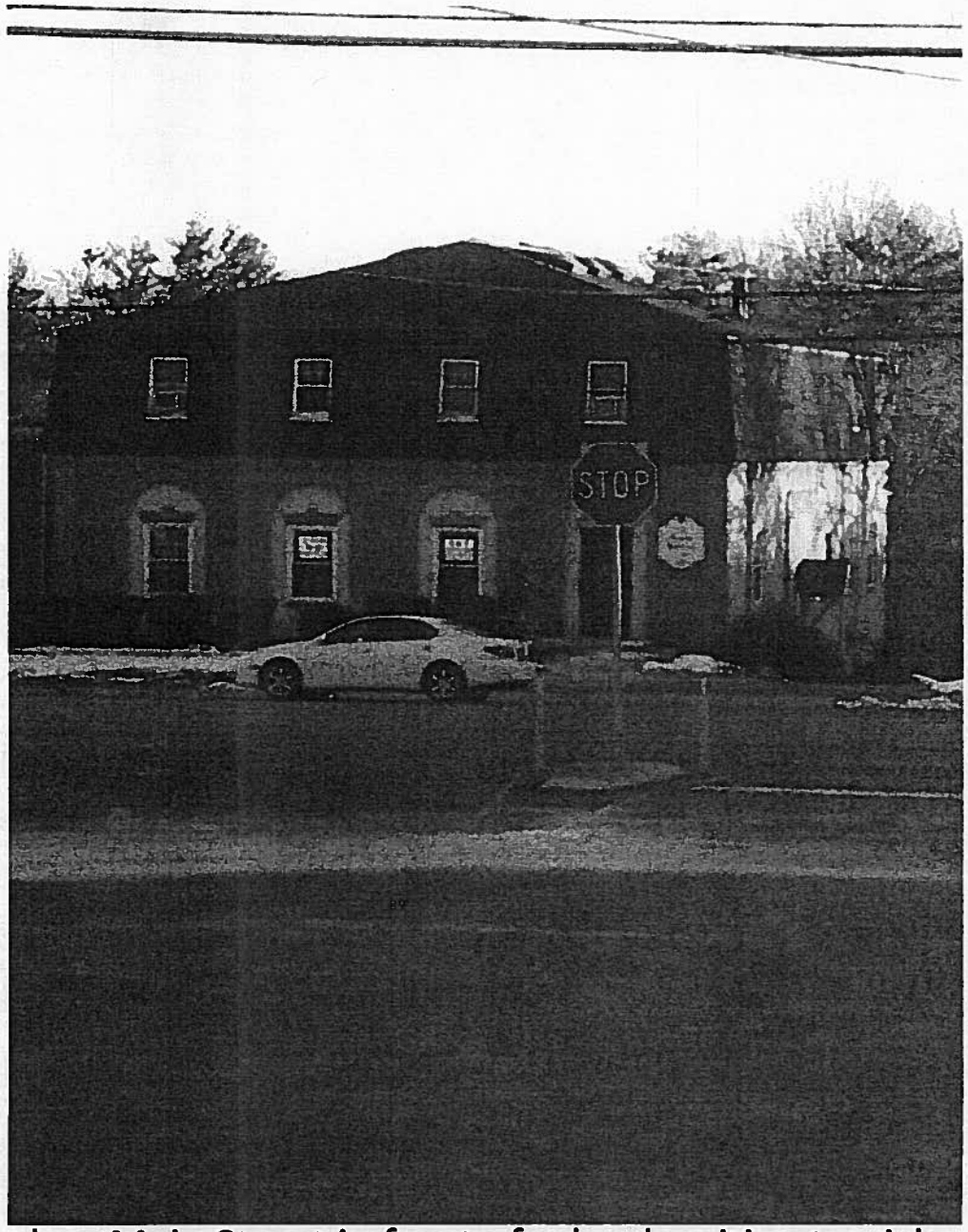
skyeducationusa@gmail.com

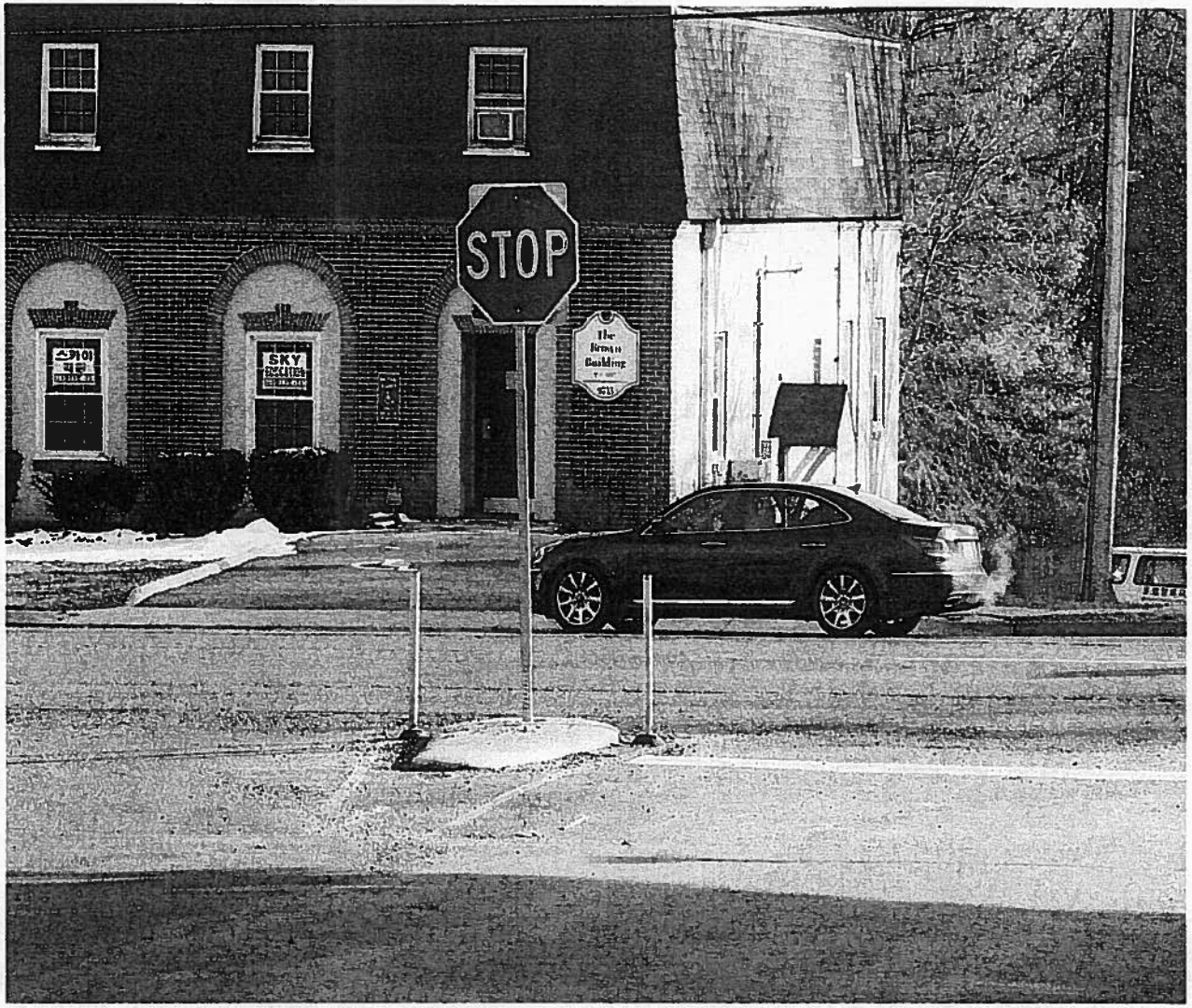
ATTACHMENT # 10



1/30/14

Vehicle parked on Main Street in front of school waiting to pick up student.

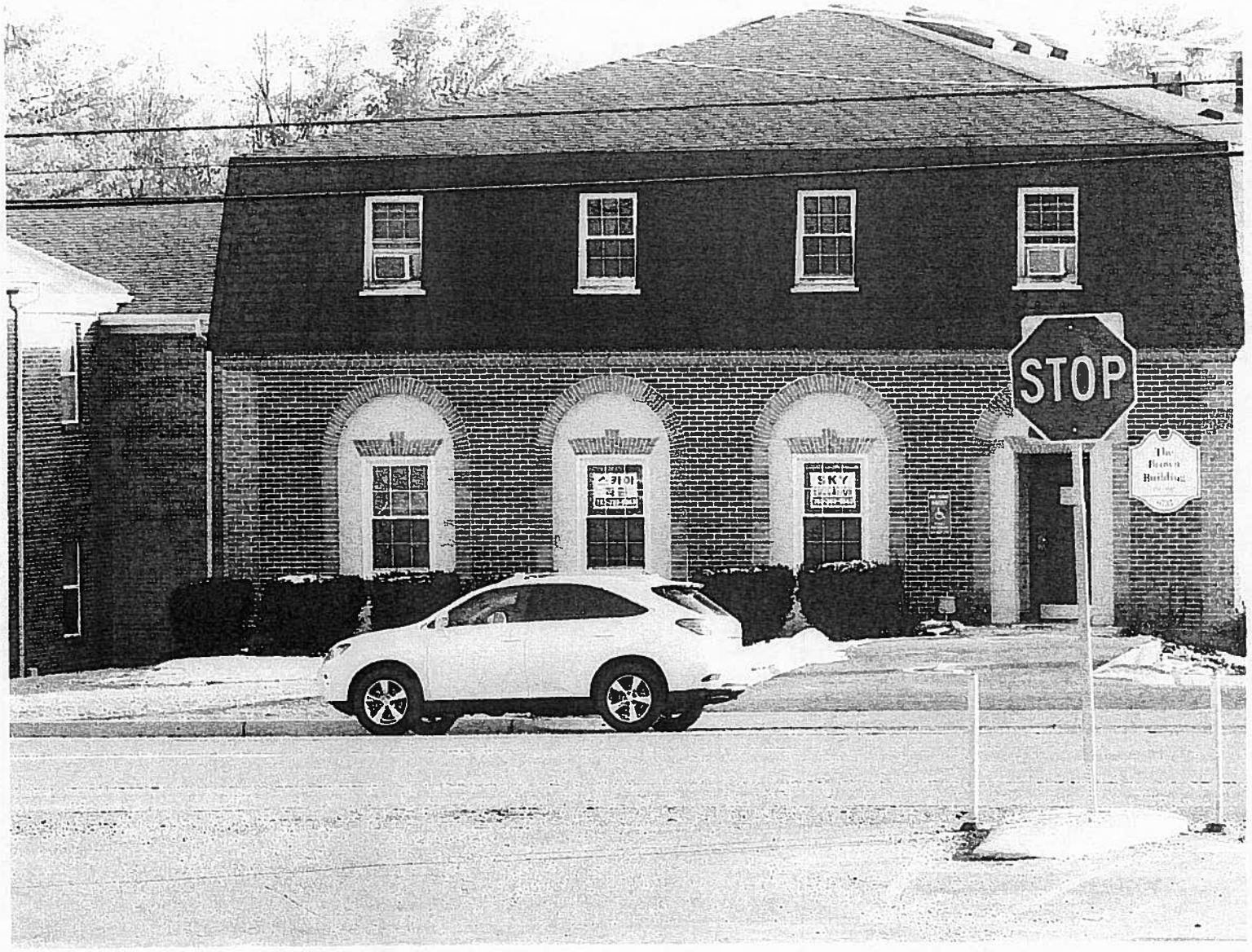
2/18/14
2 vehicles parked on Main Street in front of school waiting to pick up students.



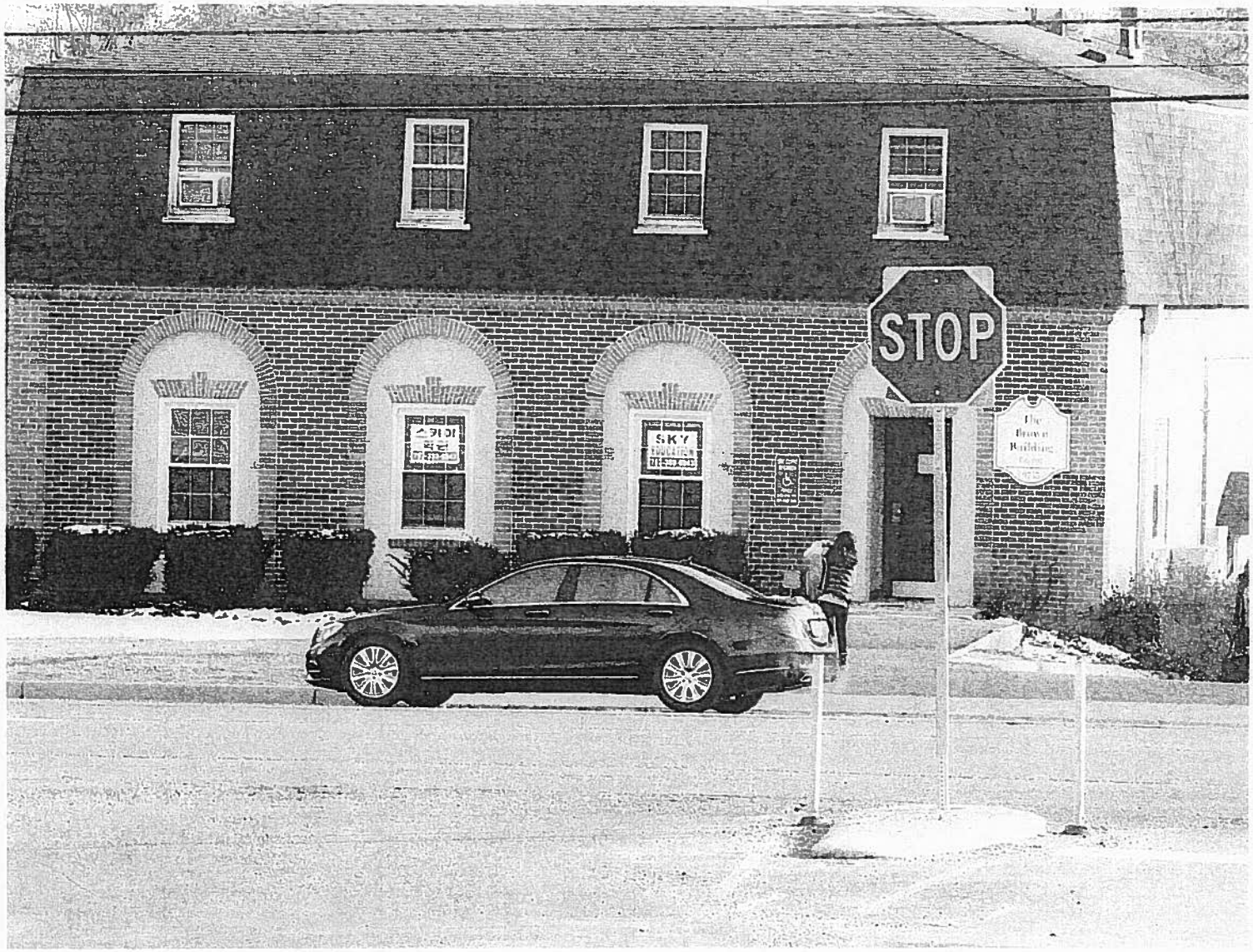
2/28/14

Vehicle pulled up on Main Street and blocked school's driveway for a minute waiting for student to exit car.

76



2/28/14
Vehicle pulled up in front of school to drop student.



2/28/14
Vehicle pulled up in front of school to drop student.

2/28/14
Vehicle pulled up in front of school to drop off student.