

PROPOSED DEVELOPMENT CONDITIONS

SE 99-PR-046

April 27, 2000

If it is the intent of the Board of Supervisors to approve SE 99-PR-046 located at Tax Map 47-3 ((1)) 16 pt, 20, 21, 21, 22, 22A, 23, 24, 34 A, plus approximately 0.42 acres of VDOT right-of-way on Jermantown Road and the prior alignment of Oakton Road to be abandoned/vacated, for a private school of general education with an enrollment of 100 or more students, pursuant to Sect. 9-006 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception plat entitled, **Proposed Flint Hill Upper School, prepared by Dewberry & Davis with a revision date of April 17, 2000**, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The maximum daily enrollment of the private school of general education shall be limited to 700 students in grades 9-12, as qualified by development condition #8 below.
5. Hours of operation for classroom activities shall be limited to 7:30 a.m. until 4:00 p.m., Monday through Friday. Evening hours of operation shall be limited to 7:00 p.m. until 11:00 p.m. Monday through Friday. Extracurricular activities such as athletic events, parent-teacher conferences, and other school only activities shall be limited to 7:30 a.m. until 11:00 p.m., daily, including weekends.
6. Transitional screening requirements shall be modified along all lot lines to allow an alternate planting schedule, as approved by the Urban Forester, DPWES, and

in substantial conformance with that shown on the SE Plat. Landscaping provided in these areas shall provide screening which meets the minimum width and intent of Transitional Screening 1, as determined by the Urban Forester, DPWES. The only exceptions to this condition are at the front of the proposed school and parking lot where utility easements are located which may reduce the transitional screening area to twenty (20) feet in width and along the northeastern corner of Parcel 19 where the transitional screening area is a minimum fifteen (15) feet wide. Adjacent to Parcel 19, the plantings provided shall be those which will provide an effective, year-round screen, as determined by the Urban Forester, DPWES.

7. Barrier requirements along the southern and southwestern peripheries of the site shall be modified to permit the barrier to be located along the common property lines with Parcels 16, 17, 18, and 19 in an alignment that will minimize damage to existing vegetation. The barrier shall be a vinyl-coated chain link fence a minimum four (4) feet in height. The barrier shall be field located in order to minimize tree damage, as approved by the Urban Forester, DPWES.
8. Prior to the issuance of a Non-RUP, the School shall provide 241 on-site parking spaces as depicted on the SE Plat. The School shall provide an additional 75 on-site parking spaces, in locations on site that do not conflict with landscaping, screening, or tree save areas shown on the SE Plat, at the earlier of either the beginning of the 2004 school year or at such time as student enrollment reaches a maximum daily enrollment that exceeds 425. Prior to exceeding an enrollment of 425 students, the School shall submit a Parking Utilization Study to the Code Analysis Section of DPWES for its review and approval. Should the study demonstrate that more than 316 parking spaces are required in order to provide adequate parking for any specified enrollment in excess of 425 students, then the School shall not exceed any enrollment in excess of that which requires more than 316 parking spaces without providing for additional on-site parking consistent with the requirements for each such enrollment level as demonstrated by the study. Such additional parking spaces shall not be provided in any of the landscaped or tree save areas depicted on the SE Plat. If, at any time after the 316 parking spaces have been provided, parking shortages develop, as demonstrated by the repeated occurrence of school associated parking in the adjacent neighborhoods, on the emergency/service drive, along Oakton Road or in the Oakton Road cul-de-sac, or in any areas of the site not specifically designated as vehicle parking spaces, the applicant shall either provide additional parking spaces on-site in conformance with the restrictions described above, shall reduce the number of students who are permitted to drive vehicles to school, or shall institute other such measures as approved by DPWES until the parking problem is resolved.
9. All vehicle parking shall be provided on-site. If additional parking is required during special and occasional school-sponsored functions, such as athletic events and functions held in the Fine Arts Center, the school shall utilize

appropriate off-site parking facilities from which participants shall be transported by shuttle bus to the event. Information detailing the location of off-site parking areas and shuttle bus details shall be included in all advertisements and notices for these events. The School shall provide adequate traffic controls for such overflow parking.

10. The school shall provide a school crossing guard, or otherwise contract with the Fairfax County Police Department or other entity, to direct and control traffic at the School's entrance on Jermantown Road, at the median break opposite Rosehaven Street, for two 45 minute periods per school day, defined as the one-half hour before and 15 minutes after the beginning of classes and the 15 minutes before and the one-half hour after the end of classes, Monday through Friday, on school days during the regular school year and anytime during the Jermantown Road A.M. and P.M. peak hour traffic when attendance on the site is expected to equal or exceed that which occurs during the regular school day as a result of students, staff, and visitors.
11. All parking lot lighting and lighting for the tennis courts shall consist of luminaries which minimize light trespass above the horizontal plane and which ensure that no more than 0.5 foot-candle of light spillage occurs beyond any property line, in conformance with Article 14 of the Zoning Ordinance.
12. There shall be no lighting of the athletic fields.
13. All structures on the site shall meet the minimum front yard requirement of the R-1 District.
14. The driveway located at the rear of the proposed school shall be used for one-way emergency and service vehicle use with egress to Oakton Road only. Signage shall be provided which clarifies the limitations on the use of the driveway. Parking in the emergency/service drive and in the cul-de-sac on Oakton Road shall be prohibited and, subject to VDOT approval, "No Parking" signs shall be posted along both roads.
15. Parking spaces shall not be used for any purpose which interferes with their parking use by faculty, staff, students, and visitors to the school. No equipment or vehicles shall be stored in designated parking spaces unless and until a Parking Utilization Study has been reviewed and approved by the Code Analysis section of DPWES which confirms that excess parking exists on the site. In that instance, only those spaces deemed to be excess spaces may be utilized for such storage purposes, and only for as long as excess parking exists.
16. The building design, materials and colors shall be in conformance with that shown on sheets 3, 4 and 5 of the SE Plat prepared by Dewberry & Davis, dated February 16, 2000, as revised through April 17, 2000. The building shall be constructed of the colors and materials shown on the SE Plat. If such colors are

no longer available, substitute colors may be permitted which match the colors shown to the greatest extent feasible. A small portion (the enclosed staircases at the southeast, southwest and northwest corners and the infill between piers at the library/courtyard elevation) of the building may be accented with metal panels painted a gray green. Metal panels of a natural aluminum color shall be permitted only at the entry area for canopy, spandrels and to clad the entry stair. The vaulted roofs of the library, gymnasium and enclosed stairwells shall be painted a light gray/aluminum color.

17. If at any time as the residential structure which is located on Parcel 22A and designated for use as a "caretaker's residence" is converted to other school use(s), additional landscaping shall be provided along the Jermantown Road frontage which will result in landscaping which is the equivalent of Transitional Screening 1, as determined by the Urban Forester, DPWES. It is understood that existing vegetation may be used to satisfy the requirement, as determined by the Urban Forester.
18. The school may make its facilities, including athletic fields, tennis courts, grounds and gymnasium, available for use by neighbors and by civic and homeowners' associations (HOA) for HOA sponsored special meetings or organized special events on a limited basis. The performing art center shall be used for school sponsored events only and shall not be rented or made available to groups or activities, other than those described above, which are not conducted under the direct auspices of the school more than ten (10) times per year.
19. Prior to the issuance of a Non-RUP for the school, a right-turn deceleration lane which meets County and VDOT standards shall be constructed at the site entrance on Jermantown Road, as depicted on the SE Plat. At the time the deceleration lane is constructed, the existing driveway into the proposed caretaker's residence shall be closed and the area scarified and landscaped. Access to that property shall be relocated to the driveway which is labeled "possible driveway extension" on the SE Plat and which is located along the northern edge of the parcel.
20. The use of outdoor loudspeakers shall be limited to between the hours of 9 a.m. and 9 p.m., seven days per week.
21. In order to restore a natural appearance to the proposed SWM/BMP facility in the northwest corner of the site, a landscape plan shall be submitted as part of the second submission of the site plan showing extensive landscaping around the pond which emphasizes the use of native plant materials, to the maximum extent permitted pursuant to the planting policies of DPWES and as approved by the Urban Forester.
22. As part of the second submission of the site plan, the applicant shall submit a tree preservation plan for the review and approval of the Urban Forester which

has been prepared by a certified arborist. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches or greater in diameter within the area which is 10 feet on either side of the proposed limits of clearing and grading and all trees 12 inches or greater in diameter in the triangular parcel to be left undisturbed at the intersection of Jermantown and Oakton Roads. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided and implemented. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

All trees shown to be preserved on the tree preservation plan shall be protected during demolition, clearing, grading, and construction by a temporary tree protection fence consisting of four foot high 14-gauge welded wire attached to 6 foot steel posts, driven 18 inches into the ground and placed no further than 10 feet apart. Tree protection fencing, consistent with that previously described, shall be erected at the limits of clearing and grading, as shown on the Phase I and II erosion and sediment control sheets in all areas.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed.

The demolition of existing structures and features shall be conducted in a manner that minimizes the impact on individual trees and groups of trees to be preserved, as approved by the Urban Forestry Division. These methods shall be described in detail on the tree preservation plan.

23. The trash dumpster shall be fully screened from view by a masonry wall which has been designed to be compatible with the building materials.
24. Notwithstanding the submission for processing of any applications, plans or plats in furtherance of the development of the subject property consistent with this Special Exception approval, no such application, plan or plat shall be approved by Fairfax county until or unless the abandonment or vacation of right-of-way proposed as part of the application property is approved by the Board of Supervisors and is final. In the event that such abandonment or vacation is not approved by the Board of Supervisors, or in the event that the Board's approval is overturned by a court of competent jurisdiction, the applicant shall obtain a Special Exception Amendment to the extent necessary to develop the property. Any right of the applicant to claim or assert a taking or any other cause of action

that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way abandonment or vacation is waived.

25. The structures depicted south of the proposed parking lot (on Parcel 22A) shall be used for a caretaker's residence or for other school related use, such as offices.
26. At the time of site plan approval or upon the demand of VDOT or Fairfax County, whichever occurs first, 45 feet of right-of-way measured from the existing centerline of Oakton Road shall be dedicated in fee simple, and up to 15 feet of ancillary easements shall be provided, to the Board of Supervisors.
27. All fences constructed on the site shall be in conformance with the Zoning Ordinance.
28. Interior and peripheral parking lot landscaping shall be provided in accordance with Zoning Ordinance requirements.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The use shall be considered established when the initial Site Plan has been approved by DPW&ES, and construction permits have been issued. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.