

## APPROVED DEVELOPMENT CONDITIONS

SEA 2003-SU-001

March 14, 2006

If it is the intent of the Board of Supervisors to approve SEA 2003-SU-001 located at 15109 Lee Highway (Tax Map 64-2 ((3)) 22, 23) previously approved for use as a nursery school pursuant to Sect. 3-C04 of the Fairfax County Zoning Ordinance to permit nursery school, caretaker residences, increase in land area and site modifications, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward from previous approvals or those with minor modifications are marked with an asterisk (\*):

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.\*
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 "Mulford School" prepared by Bowman Consulting Group, Ltd. and dated January 13, 2006, 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. A copy of the Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and shall be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.

### OPERATIONAL:

5. Hours of operation for the nursery school shall be limited to 8:00 a.m. – 5:00 p.m. Monday through Saturday year-round. There shall be a maximum of two sessions per day – morning (9:00 a.m. to noon) and afternoon (1:00 p.m. to 4:00 p.m.). Students two (2) to four (4) years of age shall not attend in excess of four hours per day and children five and six years of age shall not attend in excess of six and one-half (6 1/2) hours per day. A maximum of 25 students may be on-site for one extra hour in order to eat lunch. There shall be no before or after school care permitted on the site. \*
6. Only children six years old and younger may attend this school. The maximum total daily enrollment for the nursery school shall not exceed 150 students. \*
7. The existing house on site and the second story of the school building may be used as a caretaker's or teacher's (employee of the nursery school) residences. These residences shall not be used for any other purpose. If the proposed residence on Lot 23 is built, it may then be used as a caretaker's or teacher's residence. At such time the new residence is occupied,

the existing caretaker's house must then either be used for school purposes (classrooms/offices) or removed.

8. All activities provided for students (e.g., swimming, ballet and piano lessons and karate, etc.) shall occur within the normal hours of operation. At least fifty (50%) percent of those enrolled in the Saturday classes shall be enrolled in the Monday through Friday schedule. There shall be no programs offered outside of the allowed hours of operation, (e.g., full-day summer camps, theater productions, overnight stays, etc.) or which are not offered as part of the curriculum. The riding academy/boarding stable shall only be permitted if approved by the Board of Zoning Appeals (BZA), and shall be subject to all conditions imposed by the BZA with the approval of SP 2005-SU-039.
9. The nursery school shall be subject to the regulations of Chapter 30 of the County Code, (e.g., indoor recreation space), Title 63.1, Chapter 10 of the Code of Virginia and all other applicable County, State and Federal regulations. \*

#### TRANSPORTATION:

10. If not already done, at the time of site plan approval, or upon demand by Fairfax County, whichever occurs first, a dedication and conveyance in fee simple to the Board of Supervisors of right-of-way along the application property's Lee Highway frontage measuring 110 ft. from the centerline shall occur. \*
11. If not already done, a right turn lane and a left turn lane on Lee Highway shall be constructed to VDOT standards, according to design speed, prior to the issuance of a Non-RUP for the nursery school. \*
12. An unobstructed/unrestricted interparcel public access easement and shall be recorded and built to the west (Tax Map 64-2 ((3)) 21) and east (Tax Map 64-2 ((3)) 23) property lines. \*
13. Internal pedestrian connections shall be provided to link the school and other structures with the play areas (pool, horse paddock, etc.), as determined by DPWES. \*

#### ENVIRONMENTAL:

14. A minimum of 50% of the site shall remain as undisturbed open space to include the areas identified on the SE Plat as those areas outside the limits of clearing and grading. No structures, fences, utility locations, and/or clearing and grading shall be permitted within these areas. The undisturbed open space shall not be used for permanent or temporary paddock or housing or riding trails for horses, ponies or other livestock. \*
15. This undisturbed open space shall be placed in a conservation easement. If approved by DPWES, stone dust trails for walking and exercise of pedestrians may be constructed to loop through the rear of the site. If access onto adjacent parcels can be acquired, these trails shall connect with the parcels to the west, south and east. No horse riding shall be done on these trails. \*
16. Any proposed site lighting shall be in accordance with Part 9 of Article 14. The combined height of the light standard and fixtures shall not exceed a maximum of twelve (12) feet. There shall be no lighting of outdoor riding facilities at any time.

17. In order to provide interior noise levels of approximately 45 dBA or less, the school building shall be constructed employing the following acoustical treatment measures:
- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
  - Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20 percent of any facade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20 percent of an exposed facade, then the glazing shall have an STC rating of at least 39.
  - All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimize sound transmission.

Additionally, the fence proposed for the play area shall be architecturally solid, where necessary, to provide noise mitigation. \*

18. Stormwater Management (SWM)/Best Management Practices (BMP) shall be provided as depicted on the SE Plat of as determined by DPWES. If SWM facility is waived, this area shall revert to undisturbed open space. \*
19. The limits of clearing and grading shall be strictly adhered to and shall disturb no more land than shown on the special exception plat. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including UFM, for review and approval. The extent of clearing and grading of construction shall be the minimum amount feasible as determined by DPWES. Prior to and land disturbing activities for construction, a pre-construction conference shall be held on-site between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days. \*
20. If required at time of site plan, a soil study shall be submitted to DPWES for review and approval and implemented as determined by DPWES. These studies shall include compliance with any permit issued pursuant to Section 404 of the Clean Water Act if applicable. \*
21. At time of site plan review, DPWES shall determine the type and dimensions of any required trails on the south side of Lee Highway, immediately adjacent to this site. All trails shall be constructed as required by DPWES. \*
22. Prior to the approval of any grading plan, site plan or any clearing and grading on the site, a tree preservation plan shall be prepared and submitted to UFM for review and approval. A professional with experience in the preparation of tree plans, such as a certified arborist or landscape architect shall be employed to assess the health and condition of all trees in areas potentially impacted by construction approved pursuant to this SE, and in play areas or other open space areas where people may congregate to determine which trees are appropriate for preservation. Any reasonable beneficial treatments necessary to promote the health and safety of these preserved trees, as determined by UFM, shall be implemented. Preservation

treatments shall be performed with the supervision of the landscape professional and may include, but are not limited to, tree pruning, cabling and bracing, root pruning, vertical mulching, general 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 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 fences have 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 UFM. These methods shall be described in detail on the tree preservation plan.\*

23. The buildings shall be residential in appearance and utilize pitched roofs with varying roof lines to be consistent with the materials and character of the architectural elevations shown on Sheet 5 of 5 of the SE Plat. The maximum building height shall not exceed 40 feet. \*
24. Any landscaping proposed on site, including the transitional screening and the buffer area along Lee Highway, shall be approved by UFM and shall utilize native shrubs, trees and grasses, to the greatest extent possible, to provide a naturalized landscape environment. \*
25. The applicant shall obtain a sign permit for the proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance. Any illumination of the sign shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
26. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance. \*

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 Section 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 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.