



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 8, 2008

Lori Greenlief
McGuire Woods LLP
1750 Tysons Boulevard, suite 1800
McLean, VA 22102-4215

Re: Interpretation for SEA 84-D-086-5, The Langley School, Tax Map 30-1 ((1)) 42A, 43, and 30-1 ((22)) 2A: Parking Lot Modifications

Dear Ms. Greenlief:

This is in response to your letters dated February 21 and May 28, 2008, and attached exhibits requesting an interpretation of the development conditions approved by the Board of Supervisors in conjunction with SEA 84-D-086-5. As I understand it, there are two questions, which will be addressed separately as follows. The first question is whether commencement of the construction of the parking lot near the Fine Arts Center constitutes the commencement of Phase I of the construction and, therefore, establishes the uses approved pursuant to SEA 84-D-086-5, as set forth in the last paragraph of the Development Conditions. The second, question is whether the proposed modifications to the portion of the parking lot nearest the Fine Arts Center are in substantial conformance with SEA Plat and the development conditions. This determination is based on your letters and two exhibit sheets numbered Sheet 1 of 2 and Sheet 2 of 2, entitled "Langley School Fine Arts Center, Interim Parking Lot Exhibit" dated January 24, 2008, and revised to May 19, 2008, prepared by Christopher Consultants. Copies of your letters and relevant exhibits are attached.

As I understand it, the last paragraph of the Development Conditions states that "*The use shall be deemed established with the commencement of the Phase I of construction.*" Sheet 4 of the SEA Plat shows the five (5) phases proposed for construction of the improvements permitted pursuant to SEA 84-D-086-5, Phase I, The Fine Arts Center Phase, includes the parking lot. You state that the school is currently preparing to commence construction of the parking. Further, you state that at the time of approval of SEA 84-D-086-5 it was envisioned that the parking lot would be completed after the construction of the new administration building, which is located in the area that was approved as the new parking lot. Your letter states that due to funding constraints and a greater need for other improvements that were approved with the SEA, the administration building cannot be relocated at this time. You are, therefore, proposing to reconfigure the parking lot so that the existing administration building is retained. The proposed reconfiguration of the parking lot will be addressed in your second question. I understand that you have met with staff, including Lorrie Kirst, Deputy Zoning Administrator, ZAD, to discuss whether commencement of construction of the reconfigured parking lot adjacent to the Fine Arts Center would be considered to be the

commencement of construction and, therefore, establish the use. In an e-mail to staff on March 13, 2008, Ms. Kirst stated that "It is still our position that construction of the parking lot adjacent to the Fine Arts Center would be sufficient to say that construction has commenced. However, given that the conditions specifically state that the use shall be deemed established with the commencement of the Phase I construction, the diligent prosecution of construction of future phases is not required and the SE remains valid for all future phases after Phase I construction has commenced." Therefore, it is the determination of the Zoning Administration Division that commencement of construction of the parking lot adjacent to the Fine Arts Center will establish the use.

The second question is whether the proposed parking lot reconfiguration is in substantial conformance with the SEA Plat and development conditions. As stated previously, the approved parking lot design is based on the removal of the existing administration building and construction of a new building east of the Fine Arts Center. Your letter has stated that it is not financially feasible to construct the new administration building at this time and the existing administration will continue to be used for an unknown period of time. You have noted that once the new administration building is constructed, the school may wish to reconstruct the parking lot as it was approved with SEA 84-D-086-5. The approved parking lot shown on the SEA Plat extends across the entire site frontage except for an area south of the southernmost driveway that is shown developed with a proposed maintenance building. A total of 152 parking spaces are required and provided consisting of 104 standard vehicle spaces, 10 bus spaces, and 33 accessible spaces. The proposed design provides the exact same number of parking spaces. The difference between the approved and proposed design is that the parking spaces that were approved to be located where the existing administration building is (approximately 36 standard spaces and 3 accessible spaces) are now proposed to be located along a portion of the southernmost driveway entrance, which has been widened to accommodate one row of standard vehicle parking spaces on each side. The remaining portion of driveway tapers down to the width shown on the approved SEA Plat.

The open space requirement for this site is 15%. The SEA Plat provided 60% open space. The proposed design provides 62% open space because the open lawn area around the existing administration building can be included in the calculation. With the proposed design, a modular classroom trailer shown on Sheet 4 of the SEA Plat that was located along the driveway between the Fine Arts Center and the new Administration Building has been removed and cannot be accommodated. You have stated agreement that approval of this proposed design negates approval of that modular classroom trailer and reduces the total number of modular classroom trailers that can be on the site at any one time, pursuant to Development Condition 12, from five (5) to four (4). The Fairfax County Department of Transportation (DOT) reviewed your earlier proposed design, particularly the proposed southern entrance from Balls Hill Road, and made recommendations for its re-design, which this current proposal has incorporated. You have also added the tree islands that were recommended by staff.

It is my determination that the proposed parking lot redesign discussed above is in substantial conformance with SEA 84-D-086-5 provided that interior parking lot requirements are met as approved by UFM, the existing Administration Building is removed after the Non-RUP for the new

Lori Greenlief
Page 3

Administration Building has been issued, and the modular classroom trailer that was approved between the new Administration Building and the Fine Arts Center is permanently deleted. These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator and address only those items discussed and described in this letter. If you have any questions regarding this interpretation, please contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

O:\RC\mgodfr\SE Interpretations\Langley School (SEA 84-D-086-5) 2008 parking lot final. interp..doc

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Jay P. Donahue, Planning Commissioner, Dranesville District
Diane Johnson-Quinn, Deputy Zoning Administrator, ZAD, DPZ
Kenneth Williams, Plan Control, Office of Land Development Services, DPWES
Michael Knapp, Director, Urban Forest Management, DPWES
Angela Rodeheaver, Chief, Site Analysis Section, DOT
Assad Ayoubi, Acting Director, Environmental and Facilities Inspection Division, DPWES
Lorrie Kirst, Deputy Zoning Administrator, ZAD, DPZ
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: SEA 84-D-086-5, SEI 0802 007; Imaging, Reading File

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Direct: 703.712.5433

McGUIREWOODS

RECEIVED
Department of Planning & Zoning

MAY 28 2008

Zoning Evaluation Division

lgreenlief@mcguirewoods.com
Direct Fax: 703.712.5050

May 28, 2008

Ms. Regina Coyle, Director
Zoning Evaluation Division
12005 Government Center Parkway
Suite 801
Fairfax, VA 22035

Ms. Eileen McLane, Zoning Administrator
Zoning Administration Division
12005 Government Center Parkway
Suite 807
Fairfax, VA 22035

RE: Interpretation for SEA 84-D-086-5, The Langley School, Tax Map 30-1((1))42A, 43, and 30-1((22))2A

Dear Regina and Eileen:

This letter serves as a supplement to my interpretation request letter of February 21, 2008. Based on a meeting held with Mary Ann Godfrey on May 16, 2008, we have revised the interpretation plat to show more parking islands, delete the first few spaces as one enters the property (three on the right and one on the left) and add 2 additional spaces to the interior of the site to equate to the required 152 spaces on the SE plat.

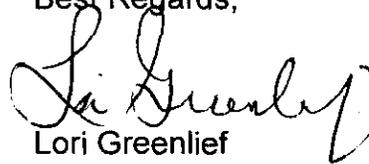
We also discussed with Mary Ann the possibility that once the new administration building is constructed in the location shown on the -5 special exception plat, the school may want to revert back to the parking lot layout shown on the -5 amendment plat. She suggested that I make this possibility clear in this supplemental letter. The school acknowledges that once the new administration building is constructed, whether or not the parking layout remains as will be built with this revised design or reverts back to the -5 amendment plat layout, the existing administration building will have to be removed. The site plan which will be filed for the construction of the new administration building will show the existing administration building to be removed. Therefore, this supplemental letter requests confirmation that if it is determined that the revised parking lot layout is in substantial conformance with that shown on the -5 amendment and the parking is constructed as shown on the interpretation plat, in the future when the new administration building is built and the old building is removed, the parking lot can either remain as constructed or can be reworked to conform with that shown on the -5 amendment. It is further acknowledged that if the parking remains as shown on the interpretation plat and the existing administration building is removed, an interpretation as to what can occur in that space may be necessary. All of this would obviously have to be shown on a site plan.

May 28, 2008
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Therefore, to restate the request from my February 21, 2008 letter together with this additional information, we request an interpretation that the parking lot layout, as shown on the attached plan, dated January 24, 2008 revised through May 19, 2008, is in substantial conformance with the parking lot layout shown on the special exception plat approved in conjunction with SEA 84-D-086-5. Further, we request confirmation that commencing construction of that parking lot and the fact that construction has already commenced on the Fine Arts building constitutes commencement of construction and establishment of the use. And lastly, we request confirmation that in the future, when the new administration building is constructed, the school can either retain the parking as shown in the revised parking lot plan or construct the parking as shown on the -5 amendment plat as long as the existing administration building is removed and the County is consulted on what can occur in that space.

If you have any questions or need additional information, please do not hesitate to call me.

Best Regards,



Lori Greenlief

cc: Robert Kuklewicz, Langley School
Patrick Potter, Langley School
John Clarke, Langley School
Mike O'Hara, christopher consultants

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February 21, 2008

Ms. Regina Coyle, Director
Zoning Evaluation Division
12005 Government Center Parkway
Suite 801
Fairfax, VA 22035

Ms. Eileen McLane, Zoning Administrator
Zoning Administration Division
12005 Government Center Parkway
Suite 807
Fairfax, VA 22035

RE: Interpretation for SEA 84-D-086-5, The Langley School, Tax Map 30-1((1))42A, 43, and 30-1((22))2A

Dear Regina and Eileen:

This is to follow up on our November 2007 meeting with you (Regina), Mary Ann Godfrey and Lorrie Kirst, and to request (1) an interpretation, pursuant to Sect. 9-004 of the Zoning Ordinance, of Condition 2 adopted with the approval of SEA 84-D-086-5 and (2) confirmation that commencement of the proposed parking lot constitutes commencement of Phase 1 of construction, thus establishing the use. Specifically, we request an interpretation that the parking lot design, as shown on the attached plan, is in substantial conformance with the design shown on the special exception plat approved in conjunction with SEA 84-D-086-5. Further, we request confirmation that commencing construction of that parking lot (and Fine Arts Building as discussed below) constitutes commencement of construction prior to the expiration date of SEA 84-D-086-5. For your reference, three plans are attached: 1 of 2 – the proposed parking lot revisions; 2 of 2 – an overlay of the parking lot revisions with the approved special exception plat; and, 28 of 30 – the approved special exception plat. Also attached are the adopted conditions for SEA 84-D-086-5.

BACKGROUND

Our client, The Langley School, is preparing to commence construction of the parking lot area approved pursuant to SEA 84-D-086-5. At the time of the approval, it was envisioned that the parking lot improvements would be completed after the construction of the new administration building. (Note that the approved SEA did not specify timing of the phases of development – that was left up to the school.) Due to funding constraints and the greater need for other improvements approved under the amendment, the administration building cannot be relocated at this time. The existing

building is located near the front of the site, within what would be the parking area as shown on the special exception plat. We have reworked the parking area with the goal of preserving the existing administration building, providing the required number of spaces, maintaining to the greatest extent possible the configuration and flow of traffic, and providing the width and type of screening and buffers required under the amendment. We are able to meet or have already met all of the other special exception conditions. I will describe the aspects of conformity in more detail below. Please refer to the attached drawing.

Further, as Lorrie indicated in the November meeting, an effort was made with the approval of SEA 84-D-086-5 to not use standard language regarding establishment of the use. The final paragraph of the conditions indicates that commencement of Phase 1 of construction shall be deemed establishment of the use. We discussed in the meeting that the Fine Arts Building (approved with the -4 amendment, but with a different footprint in the -5 amendment) together with the construction of the associated parking can be considered commencement of Phase 1. This letter requests confirmation of our discussion.

COMPARISON OF PARKING

Number of Spaces

The approved special exception plat shows 152 on-site parking spaces, broken down into 104 car spaces, 10 bus spaces and 5 handicap spaces (and 33 off-site spaces). The number of parking space with the same breakdown will be retained with the proposed design. As a matter of fact, an additional two spaces may be able to be provided thus, improving the parking ratio.

Traffic Flow

The circulation pattern remains the same with cars entering at the southern-most access point off of Balls Hill Road and exiting at the northern-most access point. As is logical, given the location of the spaces, teachers and administrators who do arrive prior to the student drop-off time period, will park in the spaces closest to the southern entrance.

Northern Parking Area

The northern parking area, adjacent to the Athletic Center, has been reconfigured to add parking spaces along what was a travel lane without much purpose. This was done, in part, in order to create a green space between the old and new lots. The outer border of the northern parking lot remains the same.

Transitional Screening/Landscaping

As required by other conditions and as shown on the approved site plan for the Fine Arts Building, screening along Balls Hill Road will be preserved. Interior parking lot

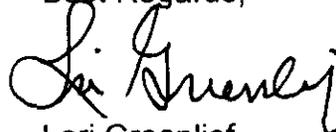
landscaping calculations are the same as that shown on the SE plat and approved under the site plan.

SUMMARY

It is critical to the school's master plan that the administration building remain in its current location at this time. The parking lot improvements are necessary and required in order to commence construction of the -5 amendment. The proposed configuration maintains the number of parking spaces, the flow of traffic and the required screening and landscaping as approved under the -5 amendment. We respectfully request your determination that the proposed parking plan attached is in substantial conformance with the approved Special Exception plat. Additionally, we request your confirmation that commencement of the parking lot construction, as described above, will constitute establishment of the use as approved under SEA 84-D-086-5. Obviously, once a positive interpretation regarding the configuration of the parking is obtained, a site plan for the lot will be filed and approved and construction will commence. All other special exception conditions adopted with the approval of SEA 84-D-086-2 will be met.

If you have any questions or need additional information, please do not hesitate to call me.

Best Regards,



Lori Greenlief

cc: Robert Kuklewicz, Langley School
Patrick Potter, Langley School
John Clarke, Langley School
Mike O'Hara, christopher consultants

Godfrey, Mary Ann

From: Kirst, Lorrie
Sent: Thursday, March 13, 2008 4:18 PM
To: 'Greenlief, Lori R.'
Cc: Riegler, Gregory A.; Rak, Jonathan P.; Godfrey, Mary Ann
Subject: RE: Langely School - SEA 84-D-086-5

I want to clarify my February 29th email to Mary Ann Godfrey concerning the Langley School. It is still our position that construction of the parking lot adjacent to the Fine Arts Center would be sufficient to say that construction has commenced. However, given that the conditions specifically state that the use shall be deemed established with the commencement of the Phase I construction, the diligent prosecution of construction of future phases is not required and the SE remains valid for all future phases after Phase 1 construction has commenced.

-----Original Message-----

From: Greenlief, Lori R. [mailto:lgreenlief@mcguirewoods.com]
Sent: Tuesday, March 11, 2008 1:00 PM
To: Kirst, Lorrie
Cc: Riegler, Gregory A.; Rak, Jonathan P.
Subject: FW: Langely School

Lorrie -

Attached is the paragraph we were discussing with the important sentence regarding Phase 1 construction. Essentially why would a sentence linking establishment of use to beginning of a certain phase of construction be included in the approval unless it is meant to signal when the use is deemed established. The interpretation that diligent prosecution is still necessary makes that sentence meaningless. If I need to reword the interpretation request, please let me know. Let's talk when you have time. Thanks!

Lori R. Greenlief
Land Use Planner

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-----Original Message-----

From: LRGREENL [mailto:lgreenlief@mcguirewoods.com]
Sent: Tuesday, March 11, 2008 1:47 PM
To: Greenlief, Lori R.
Subject:

Please open the attached document.
This document was sent to you using an HP Digital Sender.

Sent by: LRGREENL <lgreenlief@mcguirewoods.com>
Number of pages: 1
Document type: B/W Document
Attachment File Format: Adobe PDF

To view this document you need to use the Adobe Acrobat Reader. For free copy of the Acrobat reader please visit:

<http://www.adobe.com>

For more information on the HP Digital Sender please visit:

<http://www.digitalsender.hp.com>

Godfrey, Mary Ann

From: Kirst, Lorrie
Sent: Friday, February 29, 2008 9:06 AM
To: Godfrey, Mary Ann
Subject: 2-21 Lori Greenlief Letter - Langley School

I reviewed the February 21, 2008 letter from Lori Greenlief concerning the Langley School and it would appear that the major portion of the letter pertains to whether or not the parking lot reconfiguration is in substantial conformance with the SEA 84-D-086-5 - which is obviously a ZED determination. From a ZAD perspective, the portion of the letter that needs to be answered by us is whether the construction of the parking lot would get them over the commencement of construction hurdle. Before that determination can be made a few facts. The SEA was approved on 10/20/03 for 36 months. On 9/13/06 an additional time request was timely submitted and the Board granted them an additional 24 months to commence construction - thus the SEA now expires on 10/20/08. The final paragraph of the approved SE development conditions states that the use shall be deemed established with the commencement of the Phase I of construction. Sheet 4 of the SE plat shows the different stages of construction and Phase 1 appears to be the Fines Arts Center Phase. Given that the Virginia Supreme Court has defined commencement of construction as putting materials together, I would say that the construction of the parking lot adjacent to the Fine Arts Center would be sufficient to say that construction has commenced. However, this must be accomplished by 10/20/08 and the construction of the rest of that phase must be diligently prosecuted. Hopefully this is enough information from ZAD that you can go ahead and respond to Lori. Unless I hear otherwise from you, I am not planning on providing a written response to Lori's letter as you can incorporate my comments into your letter. I would be happy to review a draft letter before it goes out.



FAIRFAX COUNTY

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BOARD OF SUPERVISORS
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V I R G I N I A

November 12, 2003

Jonathan P. Rak, Esquire
McGuire, Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-3915

RE: Special Exception Amendment Application
Number SEA 84-D-086-5

Dear Mr. Rak:

At a regular meeting of the Board of Supervisors held on October 20, 2003, the Board approved Special Exception Amendment Application Number SEA 84-D-086-5 in the name of The Langley School, at 1411 Balls Hill Road, Tax Map 30-1 ((1)) 42A, 43 and 30-1 ((22)) 2A, to amend SE 84-D-086 previously approved for a private school of general education to permit increase in enrollment, building additions, change in development conditions and site modification, pursuant to Sections 3-304 and 9-301 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions; previous conditions are designated by an asterisk (*).

- *1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- *2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions. Minor modifications to the approved Special Exception Amendment may be permitted, pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- *3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat entitled **The Langley School and prepared by Christopher Consultants** which is dated October 2, 2003, and these conditions.

4. The maximum number of students enrolled shall be limited to 564. Enrollment shall be limited to preschool through 8th grade.
- *5. The maximum FAR shall be 0.25, including any temporary classroom trailers that may be located on the site.
- *6. Hours of operation for classroom activities shall be limited to the hours between 8:00 A.M. and 6:00 P.M., Monday through Friday. Meetings with parents and other meetings held on-site shall end by 10:00 P.M. Special school events, which shall not include community events and which shall not exceed more than two (2) per year, shall end by 12:00 A.M.
7. The number of parking spaces provided shall be 152; 119 on site including 104 car spaces, 10 bus parking spaces, and 5 handicapped accessible spaces. Thirty-three (33) off-site parking spaces on the adjacent American Legion property, permitted by a shared parking agreement between the two parties, shall also remain available for school use.
- *8. The transitional screening requirement along the northern and eastern boundaries shall be modified in favor of existing vegetation. The transitional screening requirement along the west, adjacent to Balls Hill Road, shall be modified in favor of a landscape plan which, in addition to the trees shown on the plat, provides evergreen plantings to screen the parking lot from the residences to the west. Such landscape plan shall be approved by the Urban Forestry Division and returned to the Planning Commission for approval. All existing and proposed vegetation shall be subject to a determination by the Urban Forestry Division, DPWES, as to the size, number and adequacy of landscaping to provide continuous and viable screen or buffer area.
- *9. No construction vehicles shall access this site via Evans Mill Road.
- *10. Stormwater Management shall be provided on-site in accordance with the Public Facilities manual, as determined by the Director, DPWES. Appropriate Stormwater Management and BMP practices shall be provided with phases of construction, as deemed appropriate by DPWES.
- *11. Limits of clearing and grading shall be defined on the site plan to prevent disturbance within the area depicted on Sheet 2 of 4 of the Special Exception Amendment Plat on the north, south, east, and southwest which are labeled "Existing Trees to be Preserved". Limits of clearing and grading along the south shall be shifted northward to avoid disturbance in the vegetated area which contains hydric soil to the extent feasible, subject to Urban Forestry approval. Limits of clearing and grading shall be strictly adhered to during all phases of construction. Due to the presence of sensitive

soils in the area, additional silt and erosion controls shall be provided during all construction phases, if determined to be necessary by DPWES. These controls shall be in excess of the minimum standards, as determined by DPWES.

12. There shall be a maximum of five (5) trailers on site at any one time. Skirting or other architectural treatment shall be provided on each of the temporary trailers to enhance their visual appearance. The temporary trailers shall be permitted to be located as shown on the Special Exception Amendment Plat and shall be removed when the Non-Residential Use Permit is issued for the classroom buildings identified within each of the phases identified on Sheet 4.
- *13. The materials and design of the proposed new buildings shall be compatible with the surrounding neighborhood and consistent with a high-quality academic campus. No new buildings shall be "Butler style buildings" (constructed of pre-fabricated metal siding), although metal classroom trailers may be used on a temporary basis during construction of the classroom buildings. Elevation drawings and a description of the materials for the exterior skin of the building shall be submitted to the Department of Planning and Zoning (DPZ) to confirm compliance with this condition. DPZ shall review the submission within forty-five (45) days. A copy of such drawings and description of materials will be made available at the McLean Governmental Center and the presidents of homeowners associations in McLean Knolls, McLean Station, Evans Mill Pond and Springside Way will be notified by the applicant at the time of submission of the availability of the drawings.
- *14. A program to encourage and assist organization of student and employee carpools shall be instituted and maintained indefinitely. School bus service shall be made available where routing is practically feasible, as determined by the Langley School.
- *15. All signs, existing and installed in the future, shall conform with the regulations of Article 12 of the Fairfax County Zoning Ordinance.
- *16. Peripheral parking lot landscaping shall be installed to meet Zoning Ordinance requirements, to the satisfaction of the Urban Forestry Division of DPWES.
- *17. Langley School shall provide regular notice to faculty and parents requesting that they not park on neighborhood streets. Such notice shall include a sign posted near the parking lot exit which states "Please do not park on local streets." Notice shall also be included in the Parent's Handbook along with a summary of parking regulations on public streets.
- *18. Use of the auditoriums and other facilities of the school shall be limited to school and community events and activities. The facilities shall not be rented for commercial purposes; however, the school may charge a fee to cover expenses to the community and civic organizations which use the facilities.

- *19. If the number of special events (including community events) requiring parking for more than 160 vehicles exceeds eight (8) such events during a school year, the Langley School will arrange for alternative off-street parking to accommodate each event in excess of 8 per year.
20. Prior to the issuance of a Non-RUP for any new building, parking and vehicular circulation improvements shall be completed. Landscaping along Balls Hills Road and within the parking lot shall be installed within 60 days following completion of the parking lot and entrance, subject to Urban Forestry approval.
21. The maximum daily enrollment in the Pre-Kindergarten program shall be 83, subject to Health Department approval.
22. If the site is determined to contained any wetland area(s) which are impacted by proposed construction, compliance with § 404 of the Clean Water Act shall be demonstrated to the satisfaction of DPWES.

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 Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, three years (36) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The use shall be deemed established with the commencement of the Phase I of construction. 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 Amendment. 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.

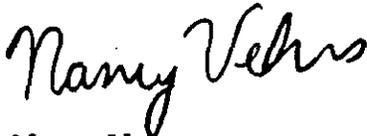
The Board also:

- **Modified the transitional screening requirements along the northern and eastern boundaries in favor of the existing vegetation, subject to the proposed development conditions dated October 8, 2003.**
- **Modified the transitional screening requirements along the western boundary in favor of the existing and proposed vegetation, subject to the proposed development conditions dated October 8, 2003.**

- **Modified the barrier requirement, subject to the proposed development conditions dated October 8, 2003.**
- **Waived the service drive requirement along Dolly Madison Boulevard.**

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor Mendelsohn, Dranesville District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools