

## PROPOSED DEVELOPMENT CONDITIONS

SEA 01-S-028

January 14, 2005

If it is the intent of the Board of Supervisors to approve SEA 01-S-028 located at 4700 Shirley Gate Road (Tax Map Parcels 56-4 ((1)) 19B and 56-4 ((3)) 1) for a Private School of General Education pursuant to Sect. 3-C04 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede those previously approved (conditions carried forward substantially unchanged are marked with an asterix \*):

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 "Gesher Jewish Day School; Special Exception Amendment," prepared by Patton Harris Rust & Associates, pc and dated August 20, 2004 as revised through December 3, 2004, 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. Development of the school may be phased. Phase 1 shall consist of the main building labeled as "Main School" on the SE Plat. The construction of any of the expansions (labeled as "Future Expansions A through E" on the SE Plat) shall be considered Future Phases. This shall not prohibit the construction of any of the expansions with Phase 1.

### Operational

5. Maximum daily enrollment for Phase 1 shall be 350 students. Maximum daily enrollment for the entire school with all Future Phases shall be 540 students. \*
6. The primary hours of operation during the school year shall be 8:00 am to 3:30 pm. After school enrichment activities sponsored by the school shall be permitted, provided that enrichment programs begin no earlier than 7:30 am. School related evening activities shall be permitted, provided that such activities end by 11:00 pm. Summer school and/or a summer day camp program may be operated at the

school. This condition shall not preclude the administrative offices from operating year round.

7. Indoor recreation space shall be provided for each student enrolled in accordance with the provisions of Chapter 30 of the Fairfax County Code. \*
8. A vinyl covered chain-link fence six feet in height may be allowed along or close to the western property boundary. Such fence shall be installed in a meandering fashion through existing trees, and shall be located so as to require the removal of as few healthy trees as possible, as approved by the Urban Forest Management Branch. \*

### **Transportation**

9. An ingress-egress easement shall be maintained with the owner of Tax Map Parcel 56-4 ((1)) 19A and 20 to allow access to Mattie Moore Court, as shown on the SEA Plat.
10. Access shall be provided from the property to the north (Tax Map Parcel 56-4 ((3)) 11, hereafter "Parcel 11") to Shirley Gate Road through the public access easement shown across the application property on the SE Plat, should Parcel 11 develop with a non-residential use, and demonstrate to DPZ and DOT that it is unable to gain adequate access to a public street. If alternative access is subsequently provided for Parcel 11, this access may be abandoned.
11. A vehicular access easement and/or a utility easement shall be granted across Parcel 19B to the benefit of Tax Map Parcel 56-4 ((1)) 19, connecting the northern and southern portions of Parcel 19. Such easement shall be granted at the time of development of Parcel 19, or upon demand by the owner of Parcel 19. Should development of Parcel 19 be approved by DPWES without such an easement, and should the owner of Parcel 19 agree to such in writing, the easement shall not be required.
12. A ride-share program to encourage and assist in the organization of student and employee car/van pools shall be instituted by the school and maintained indefinitely. A car pool shall be defined as consisting of two or more students and/or employees. The school shall appoint an individual or committee to head the ride-share program. School bus/van service shall be made available where routing is practically feasible, as determined by the Gesher JDS. Prior to the issuance of a Non-RUP for any Phase beyond Phase 1, to accommodate more than the 350 students allowed with Phase 1, a minimum of 40% of the student enrollment shall be transported by car pool or bus/van. \*
13. All parking shall be on site as shown on the SE Plat. There shall be no overflow parking from the school (including any events held at the school) along any surrounding subdivision streets or along Shirley Gate Road. \*
14. Frontage improvements, including trails, shall be provided along Shirley Gate Road in accordance with improvements to either side of the subject property, as required by DPWES. \*

## Environmental

15. Stormwater Best Management Practices (BMPs) designed to meet the requirements of the Water Supply Protection Overlay District shall be provided on-site in the form of dry detention ponds, natural conservation areas, and/or other means as approved by DPWES. The detention ponds shall be landscaped to the extent possible, in accordance with the Board policy. \*
16. If the proposed development is constructed in phases, any stormwater management facility shown on the SE Plat shall be constructed prior to, or in conjunction with any impervious surfaces on the site that will drain toward that facility (including the proposed entrance road), subject to DPWES approval. \*
17. The stormwater management ponds shall be designed and constructed such that clearing and grading will be minimized, as determined by the Urban Forest Management Branch. If feasible, as determined by the Urban Forest Management Branch in coordination with DPWES, ponds shall be designed such that the only clearing and grading necessary for the installation of the pond shall be for the dam embankment, inlet and outfall pipes and maintenance access, and shall be planted to the extent possible as determined by DPWES, in accordance with the Board Policy. \*
18. Sewage disposal for the proposed school shall be provided by an on-site septic system that will accommodate an enrollment of 540 students and 64 staff members, as determined by the Health Department. This system may include on-site primary septic tank effluent (STE), secondary effluent (ST), or advance secondary effluent (ASE) treatment. The Health Department has estimated that such a system would be designed to dispose of approximately 5,972 gallons of effluent per day. Prior to site plan approval for any phase of the development, the applicant shall demonstrate to the satisfaction of the Health Department the adequacy of the proposed system for that phase (and all prior phases) of the development. If the capacity approved by the Health Department is less than would be required to accommodate the approved enrollment and staff, enrollment shall be reduced accordingly. Such system shall be designed to meet all State and County requirements as determined by the Fairfax County Health Department. The applicant shall prepare an emergency back-up plan approved by the Health Department for the disposal of sewage in the event of failure of the primary system.
19. (1) The primary septic fields to be utilized shall be the two areas located on the north side of the main building and labeled "Approved Septic Field Area" on the SE Plat. (2) Should additional area be required by the Health Department, the septic field located in the soccer field and labeled "Reserve Septic Area" shall be utilized. Should this area be utilized, all recommendations of the Health Department pertaining to re-construction of and use of the soccer field shall be implemented. (3) If and only if the other three fields are deemed unacceptable or insufficient by the Health Department, the septic field area located in the western portion of the property and labeled "Reserve Septic Area" may be utilized. This area shall not be cleared unless and until it is required for use by the Health Department.

20. Prior to construction of each drainfield, background levels of nitrates and other monitored substances, as determined by the Health Department, shall be determined for soil water beyond the perimeter of the proposed drainfield, and for all private water wells within 200 feet of the proposed drainfield. The applicant shall provide modeling and monitoring information as required by the Health Department that demonstrates, to the satisfaction of the Health Department, that nitrate concentrations in ground water will not exceed the greater of 5 mg/l or 5 mg/l above pre-development levels, and that nitrate concentrations above 5 mg/l or 5 mg/l above pre-development levels, (whichever is greater) will not be present within soil water beyond the perimeter of the proposed drainfield and any other existing drainfields on the site. The applicant shall perform periodic monitoring of septic drainfields for water table mounding and/or nitrates in groundwater as directed by the Health Department if such monitoring is determined to be desirable by the Health Department.
21. In order to demonstrate that the septic drainfield system will be functioning appropriately, that on-site wastewater disposal will not adversely affect drinking water wells located on properties near the subject property, and that the performance standard for nitrates established within Development Condition #20 will be met, the applicant shall, prior to site plan approval for each phase of the development, submit to the Health Department a groundwater monitoring plan for the septic drainfield(s) to be constructed and/or used in conjunction with the respective phase of the development. This monitoring plan shall be subject to the review and approval of the Health Department and shall, at a minimum, include the following components: (1) the identification of the number, depths, and locations of groundwater monitoring wells; (2) the identification of the substance(s) that will be monitored and any other monitoring that will be performed (e.g., water table levels); (3) the identification of the frequency and duration of the groundwater monitoring effort (with background monitoring provided prior to drainfield operations, with a minimum duration of two years for each phase of development, and with provisions for monitoring of conditions when drainfields are being used at capacity); and (4) the establishment of a groundwater monitoring protocol, to include the method(s) of sample extraction and laboratory procedures. The applicant shall implement the monitoring plan that is approved by the Health Department and shall submit monitoring results to the Health Department and DPWES. \*
22. For each phase of construction, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements planned for that phase shall be submitted to DPWES, including the Urban Forest Management Branch, for review and approval. The extent of clearing and grading for each phase of construction shall be the minimum amount feasible as determined by DPWES, and in no instance shall exceed that shown on the SE Plat. The area reserved for the provision of an interparcel access easement to the north, may be cleared, but only at such time as necessary for construction of that road connection. Prior to any land disturbing activities for each phase of construction, a pre-construction conference shall be held between DPWES 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, 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. Further, prior to the issuance of each Non-RUP, areas disturbed by clearing and grading shall be stabilized with a ground cover to consist of grasses and/or a naturalized wildflower/meadow mix which shall be maintained until such time as subsequent phased construction is initiated. \*

23. At the time of site plan submission for each phase of the development, a tree preservation plan shall be provided for review and approval by the Urban Forest Management Branch. Each tree preservation plan shall include a tree survey which describes the location, species, size, accurate dripline, and condition of all trees 12 inches in diameter and greater, 25 feet on either side of the limits of clearing and grading. The condition analysis shall be prepared by a certified arborist using the eighth edition of "The Guide for Plant Appraisal." Specific tree preservation activities shall be reflected in the tree preservation plans, including methods to be implemented to ensure preservation. \*
24. The applicant shall make every effort to increase the amount of undisturbed open space to a minimum of 50%, through a combination of strategies including, but not limited to, reduction in the limits of clearing and grading, reduction in the size of stormwater facilities, and increase in the amount of tree preservation. In no event shall the percentage of undisturbed open space be less than 49%. The area reserved for the provision of an interparcel access easement to the north, shall for the purposes of this condition be considered to be undisturbed open space.
25. A row of evergreen screening shall be planted along the interior of the limits of the tree save areas along the western edge of the property at any place where less than 100 feet of existing, preserved vegetation exists between the property line and any cleared or developed area on the site. Such planting shall be in accordance with the recommendations of the Urban Forestry Management Branch.
26. Additional screening materials shown to be planted north of the septic system within the area protected by limits of clearing and grading shall be installed subject to review and approval by the Urban Forest Management Branch, with the intent to provide an evergreen screen to the north.
27. Outdoor lighting fixtures used to illuminate the parking area and walkways shall not exceed 16 feet in height, shall be of low intensity design, and shall be in conformance with Article 14 of the Zoning Ordinance.
28. If DPWES determines that a potential health risk exists due to the presence of asbestos-containing rock on the application property, the applicant shall: \*
  - A. Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks, and
  - B. Commit to appropriate construction techniques as determined by DPWES in coordination with the Health Department to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures

during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal.

### **Other**

29. Use of the pool shall be limited to students attending the school and/or summer programs at the school.
30. Any waste water resulting from the cleaning and draining of the swimming pool that is not discharged into the septic system shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. Such pool water shall be neutralized to a Ph level between 6.0 and 9.0 prior to discharge, and sufficient amounts of lime or soda ash shall be added to achieve a Ph approximately equal to that of the receiving stream.

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, at a minimum, Phase 1 of 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.