

## DEVELOPMENT CONDITIONS

SE 2007-SU-006

September 21, 2007

If it is the intent of the Board of Supervisors to approve SE 2007-SU-006 located at 3411 Lees Corner Road (Tax Map 34-2 ((1)) 20) to permit a private school of general education, nursery school and child care center pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, Staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions shall supersede all previous development conditions for the area subject to this application. Conditions which are substantively the same and which have been carried forward from the previous application are indicated 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 "Special Exception Plat, Montessori School of Fairfax, Sully District, Fairfax County, Virginia", prepared by Bury Partners, consisting of eight sheets, dated March 2007 with revisions through August 27, 2007, 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 number of children using the 6,537 square foot outdoor play area as shown on the SE Plat at any one time shall not exceed that required by the standards set forth in Section 9-309 (Additional Standards for Child Care Centers and Nursery Schools) and 9-310 (Additional Standards for Private Schools of General Education and Private Schools of Special Education) of the Zoning Ordinance, which currently require the following: 100 square feet of outdoor play area per child using the space at any one time for the child care center; 200 square feet per child in grades K-3.
5. Upon issuance of the Non-RUP for the proposed uses, the private school of general education and child care center enrollment shall be limited to children between the ages of 2 and 10 years.

6. The combined maximum daily enrollment of the private school of general education, nursery school, and child care center shall be limited to 150 children, provided that parking requirements are satisfied for the proposed use.
7. The maximum number of staff permitted on-site at any one time shall not exceed 16.
8. Upon issuance of the Non-RUP for the proposed uses, the normal hours of operation shall be limited to 6:30 AM to 7:00 PM, Monday through Friday.
9. The entrance sign shall be relocated per the SE Plat. All signs shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.
10. Twenty seven (27) parking spaces shall be provided as shown on the SE Plat. The ten parking spaces located in the newly created parking lot area as shown on the SE Plat, shall be designated as "Employee Only".
11. The architectural details, building colors and materials used in the construction of the proposed additions shall be consistent with the existing building materials as approved by DPWES. Photographic documentation of any materials which DPWES requires to make such a determination shall be provided by the applicant with submittal of the building permit application.
12. All fences shown on the SE Plat to be removed shall be done prior to issuance of the Non-RUP for the proposed uses.
13. The 4 foot chain link fence as shown on the SE Plat along the proposed outdoor play area shall be installed prior to issuance of the Non-RUP.
14. The limits of clearing and grading as shown on the SE Plat shall be strictly conformed to, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails within of the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas protected by the limits of clearing and grading that must be disturbed.
15. Tree protection fencing 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, shall be erected at the limits of clearing and grading as shown on the SE Plat. All tree protection fencing shall be installed prior to any clearing and grading activities. Tree protection fencing shall be made clearly visible to all construction personnel. The installation of all tree

protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved.

Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

16. A Landscape Plan, in substantial conformance with that shown on the SE Plat and the Tree Preservation Plan shall be filed with the site plan for review and approval by UFM.
17. Dead, dying, or invasive vegetation may be removed from the open space areas if approved by UFM.
18. As part of the site plan, the applicant shall submit a Tree Preservation Plan, which has been prepared by a certified arborist, for the review and approval of UFM. 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 10 inches or greater in diameter within the area which is 20 feet on either side of the proposed limits of clearing and grading. 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 on site and off site shall be provided and implemented. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization. With the permission of the affected homeowner, the applicant shall be required to prune, as necessary, all damaged off-site trees 10 inches or greater in diameter within the area which is 20 feet of the proposed limits of clearing and grading for a period of 2-3 years.

After the first submission review of the approved Tree Preservation Plan, a replacement value shall be assigned to all trees, on-site and the off-site trees adjacent to the northern, western and southern property boundaries, to be preserved, 10 inches or greater in diameter, within 20 feet of the limits of disturbance shown on the SE Plat. Trees recommended for removal on the tree preservation plan shall not be assigned a value. The calculated replacement values for these designated trees shall be assigned by a certified arborist according to methods contained in the latest edition of the Guide for Plant Appraisal, subject to review and approval by UFM. At the time of site plan approval, the applicant will post a cash bond or letter of credit payable to

the County of Fairfax to ensure preservation and/or replacement of the designated trees. The terms of the bond or letter of credit shall be subject to approval by the County Attorney. The total amount of the insurance bond, cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees as determined by UFM.

The County may draw funds from the cash bond or letter of credit in order to remove and replace trees that are dead and/or dying due to construction, and are required to be removed and replaced by UFM, according to the value assigned for those designated trees, if this work is not completed in a timely manner by the applicant. Any funds received by Fairfax County pursuant to this development condition shall be used solely to remove and replace designated trees shown to be preserved on the approved tree preservation plan. The letter of credit or cash bond will be released two years from the date of the project's conservation escrow, or sooner if approved by UFM.

19. The 5 foot flagstone paved sidewalks depicted on the SE Plat shall be set in a pervious bed.
20. The trash dumpster shall be relocated on the site as approved by DPWES and in conformance with Public Facilities Manual (PFM) standards. The trash dumpster shall be fully screened from view by a board on board fence which has been designed to be compatible with the building materials, as determined by DPWES. Trash removal shall not occur before 7:00 a.m. and no trash pick-up shall occur on weekends. To ensure that trash pick-up does not occur prior to 7:00 a.m. on weekdays and that there is no illegal dumping, the doors to the dumpster shall be locked between the hours of 7:00 p.m. and 7:00 a.m., Monday through Friday. The doors to the dumpster shall be locked during the weekends. On the days of trash pick-up, the subject site shall be patrolled by employees to pick up any trash on-site and to ensure that the doors to the dumpster enclosure are fully closed and in good working condition.
21. Grading shall be adjusted along the southern property boundary in a manner which improves the impact of the existing storm drainage on adjacent properties. Supplemental plantings shall be reviewed and approved by UFM for their suitability for existing soil conditions.

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.