DEVELOPMENT CONDITIONS

SEA 85-M-101-3

November 23, 2009

If it is the intent of the Board of Supervisors to approve SEA 85-M-101-3 located on Tax Maps 71-3 ((8)) 5, 71-4 ((20)) 1 and 4 at 7010 Braddock Road (the northwest quadrant of the intersection of Braddock Road and Backlick Road) previously approved pursuant to SE 85-M-101-2 for a private school of special education pursuant to Sect. 3-104 and 3-504 of the Fairfax County Zoning Ordinance to permit the addition of a telecommunications facility (flagpole monopole and related equipment compound area) pursuant to Sect. 3-104 and 3-504 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 all previous conditions (those conditions carried forward from previous approval are marked with 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.*

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "T-Mobile Northeast LLC and Phillips School - Annandale", prepared by Entrex Communications Services, Inc, dated May 1, 2007, as revised through October 12, 2009, 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.

<u>Private School of Special Education</u>

4. The total maximum daily enrollment for the school site shall not exceed 198 students and the maximum number of employees shall not exceed 140 on site at any one time.*

5. All bus trips shall be scheduled to arrive after 8:45 AM and to depart before 3:00 PM so that bus trips will not conflict with peak travel hours.*

6. At such time as there is a funded road project for improvements to Backlick Road, an additional right-of-way to 56 feet from the centerline of Backlick Road shall be dedicated to the Board of Supervisors in fee simple.*

7. At such time as there is a funded road project for improvements to Braddock Road, six feet of additional right-of-way along the Braddock Road frontage shall be dedicated in fee simple to Fairfax County to accommodate the construction by others of an additional left turn lane for eastbound traffic as determined by DPWES and/or the Virginia Department of Transportation (VDOT).*

8. If it is determined by VDOT and FCDOT that additional Right of Way and/or ancillary easements are needed along west side of Backlick Road for the construction of VDOT Project 4YP201, Sub Projects PB024 and PB025, which includes sidewalk and road improvements for the northwest corner of the intersection of Backlick and Braddock Roads, then the additional Right of Way and/or ancillary easements shall be dedicated upon request.

9. At such time as Tax Map Parcel 71-3 ((8)) 7A and/or Parcel 71-4 ((20)) 3 redevelop to a use other than a single family detached residence, an inter-parcel connection with a public access easement shall be provided to those parcels as determined by DPWES.*

10. Tree Save Areas:

    A. Chain link tre e protection fencing shall be installed at the limits of clearing and grading in the keystone arch area (as shown on the Special Exception Amendment Plat to the southeast of the existing house to be removed) surrounding the 91 cm red maple and the tree save area surrounding the 107 cm pine and 20 cm dogwood in the northeastern corner of the property prior to any demolition or construction activity to protect those trees during construction.*

    B. No soil disturb ance, except for the location of individual piers for fence installation, shall take place within the dripline of the 107 cm tulip poplar on the northern property boundary. The piers for this fence shall be located as far from the trunk as possible and shall be repositioned as necessary to avoid damaging large tree roots.*

11. The existing trees and/or shrubs located along the northern boundary of Tax Map Parcel 71-4 ((20)) 3 and the northern and southern boundaries of 71-4 ((20)) 1 shall be maintained in good condition and include regular maintenance. This maintenance includes, but is not limited to, removal of dead/diseased plantings and their prompt replacement to maintain the required landscaping of this Special Exception Amendment.

12. Outdoor lighting fixtures used to illuminate the parking area and walkways between buildings shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance and shall not exceed 12 feet in height. Lighting of the new parking areas shall be equipped with switching or sensor devices such that after 10:00 PM or one hour after the end of the last scheduled activity, whichever is later, the amount of overhead lighting in the parking area is reduced by a minimum of 50%. Only motion sensitive lighting that is in conformance with Part 9 of Article 14 of the Zoning Ordinance shall be permitted. This lighting plan shall be subject to review and approval by the Fairfax County Police Department at the time of site plan approval.*

13. The northern facade of the building expansion shall be faced with materials similar to those on the rest of the building's facades, and shall be of similar design to the other facades. The northern facade shall not be a blank, windowless facade, and shall have a number of windows roughly proportional to the number of windows found on the opposite (southern) facade of the proposed building expansion.*

14. In order to ensure that outfall from the property is equal to or less than that which currently exists and to provide for correction of existing design and/or implementation flaws in the outfall system, the applicant shall implement the findings and recommendations of the Storm Water Drainage Study prepared by McGettigan & Dalton, Inc., titled "School for Contemporary Education Building Addition Storm Drainage Study" and dated November 20, 1998, as reviewed by DPWES at the time of site plan approval.*

15. A landscape plan shall be submitted concurrent with site plan review and shall be subject to the review and approval of the Urban Forest Management Department (UFM), DPWES. The existing and supplemental trees and landscaping shall be provided and maintained as shown on the SEA Plat, subject to the review and approval of UFM. Any dead or dying plantings shall be replaced as approved by UFM.

16. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SEA Plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA 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 for such trails or utilities.

17. Additional landscaping with an appropriate size and quality shall be provided to the extent possible in the additional disturbed area that is

located between the proposed retaining walls and the limits of clearing and grading shown on the SEA Plat, as determined by UFM to restore the disturbed area and to further screen the proposed equipment compound area.

Telecommunication Facility

18. Prior to the issuance of a Non-residential Use Permit (Non-Rup) for the telecommunication facility, a site plan amendment for the entire Phillips School property shall be approved and bonded by DPWES to ensure that sufficient SWM/BMP facilities are provided to compensate for the loss of SWM quality from the proposed abandonment of the conservation easement shown on the SEA Plat.

19. The telecommunications tower shall be designed as a flagpole in substantial conformance with the elevation shown on Sheet Z-3 of the SEA Plat. The maximum height of the telecommunications tower shall not exceed 115 feet inclusive of all antennas and other appurtenances.

20. The size, location and configuration of the proposed antennas shall be in substantial conformance with the elevation depicted on Sheet Z-3 of the SEA Plat. Minor modifications to the antennas may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

21. The equipment compound area may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunications facility. Equipment shelters/cabinets shall have a maximum height of eight (8) feet and shall be located within a 1,250 square-foot telecommunications compound area as shown on the SEA Plat.

22. All associated equipment shelters/cabinets for the telecommunication facility shall be enclosed by an eight (8) foot tall board on board fence as shown on the SEA Plat.

23. The flagpole monopole shall not be lighted or illuminated unless required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the County. A steady marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for the flight safety of police and emergency helicopters.

24. There shall be no outdoor storage of materials, equipment, or vehicles within the wireless compound for the telecommunications facility.

25. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility.

26. Should the need arise to alter the telecommunication flagpole from that shown on the SEA Plat, the applicant shall submit engineering and structural data to DPWES affirming that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.

27. Any component(s) of the telecommunications facility shall be removed within one hundred and twenty (120) days after such component(s) are no longer in use.

28. Available space on the telecom flagpole and within the equipment compound area shall be made available for lease for telecommunications purposes to other telecommunications operators, including but not limited to Fairfax County, subject to reasonable industry-standard lease terms and fair market rent.

29. The applicant shall conduct a field test to assure compliance with FCC guidelines for Human Exposure to Radiofrequency Electromagnetic fields as established by Federal Communication Commission Rules and Regulations (47 CFR Part 1.1310 Radiofrequency Radiation Exposure Limits for General Public/Uncontrolled Exposure Standards) after the installation of each carrier's antennas within the flagpole monopole. The cumulative radiofrequency radiation of the antennas shall also be field tested. A report of the results of these field tests shall be provided to the Department of Planning and Zoning (DPZ) and the Fairfax County Department of Information Technology (DIT). In the event that the monitoring indicates that the radiation levels exceed the amounts deemed appropriate by the applicable standards, any and all necessary actions determined necessary and approved by DIT shall be taken immediately to comply with accepted standards and agreements and to reduce radiation emissions to the applicable standards.

30. No flags shall be displayed on the telecommunication monopole.

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, 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.