# DEVELOPMENT CONDITIONS

## SEA 85-L-059-6

## July 29, 2009

If it is the intent of the Board of Supervisors to approve SEA 85-L-059-6 located at 5917 Telegraph Road [Tax Map 82-4 ((1)) 31A, 32 and 33], previously approved for a private school of general education, a nursery school, a child care center and uses in a floodplain to permit increase in land area and associated modifications to site design and development conditions pursuant to Sect. 3-401 and 3-404 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those 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 this application, as qualified by these development conditions.*

3. This Special Exception Amendment 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 amendment shall be in substantial conformance with the approved Special Exception Amendment plat entitled Special Exception Amendment Plat, The Browne Academy and prepared by R.C. Fields, Jr. & Associates which is dated August 25, 2008 and revised through May 21, 2009 and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. A copy of this Special Exception Amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*

5. Upon the issuance of the non-RUP for this SEA, the combined maximum daily enrollment of the private school of general education and the nursery school/child care center shall be limited to a maximum of 365 students. *

6. The maximum number of employees on the site at any one time shall not exceed eighty (80)*.

7. The normal hours of operation shall be limited to 7:00 AM to 6:00 PM Monday through Friday. Special events, such as teacher's conferences, open houses, etc. which are not part of the normal operations of the school may occur at other times.*

8. Proposed parking lot lighting shall be limited to a height not to exceed 10 feet, and shall use full cut-off fixtures as shown on the SEA Plat. Outdoor recreational facilities shall only be used during regular school hours. No outdoor lighting of the outdoor recreation facilities shall be provided. In addition, building-mounted lighting on the multi-purpose building shall be located at a height not to exceed 18 feet and shall consist of full cut-off fixtures, as shown on the SEA Plat.

9. The School shall meet with the designated representative(s) of the Greater Wilton Woods Citizens Association (GWWCC) periodically or when appropriate, as mutually determined by the School and the GWWCC, to maintain continuing communication on any issues that may concern the GWWCC. The School shall designate the Director of Finance and Operations to serve as the contact person for the GWWCC for any School issues that affect the community.

10. Tree Preservation: A Tree Preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

    The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the SEA for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SEA and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

11. Tree Preservation Walk-Through. The services of a certified arborist or landscape architect shall be retained, limits of clearing and grading shall be marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

12. Limits of Clearing and Grading. The limits of clearing and grading shall be strictly observed as shown on the SEA, subject to allowances specified in these proffered 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, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

13. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition below.

    All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing 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 (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure 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 the UFMD, DPWES.

14. Root Pruning. Root pruning shall be performed as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

    a. Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.

    b. Root pruning shall take place prior to any clearing and grading, or demolition of structures.

    c. Root pruning shall be conducted with the supervision of a certified arborist.

    d. An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

15. Demolition of Existing Structures. A demolition plan prepared in consultation with a certified arborist shall be provided that demonstrates how the demolition of all existing features and structures (including the driveway) within areas protected by the limits of clearing and grading as shown on the SEA Plat will be conducted in a manner that does not impact on individual trees or groups of trees that are to be preserved as reviewed and approved by UFMD, DPWES.

16. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The services of a certified arborist or landscape architect shall be retained to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

17. A reforestation plan for the RPA located in the northeastern portion of the property shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by Urban Forest Management, DPWES, and shall be implemented as approved. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include, but not be limited to the following:

    - plant list detailing species, sizes, and stock types of trees and other vegetation to be planted

- soil treatments and amendments if necessary
- mulching specifications
- methods of installation
- maintenance
- mortality threshold
- monitoring
- replacement schedule

18. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.

19. An Access Hold Harmless Agreement shall be executed with the County for all adverse effects which may arise as a result of the location of any structures and/or facilities within a floodplain area.

20. Best Management Practices (BMPs) shall be provided for the site which meet the requirements of the Chesapeake Bay Preservation Ordinance (CBPO) as determined by DPWES. In the event any required BMPs cannot be provided in accordance with the required standards of the CBPO and in substantial conformance with the SEA, then approval of a Special Exception Amendment shall be required.

21. The US Army Corps of Engineers shall be consulted in writing prior to the final site plan approval to determine whether or not any action is required to ensure compliance with 404 of the Clean Water Act. Any required actions shall be complete prior to commencing grading activity on the site. If any necessary permissions are not granted or the required actions are not completed, this Special Exception Amendment shall be null and void.

22. Prior to site plan approval or upon the demand of either Fairfax County or VDOT, whichever should first occur, right-of-way to match the existing right-of-way dedications on either side of Parcel 33 from the centerline along the Telegraph Road frontage shall be dedicated and conveyed in fee simple to the Board of Supervisors as shown on the SEA Plat.

23. Prior to issuance of the Non-RUP, an 8-foot wide asphalt trail shall be provided within a 13-foot wide trail easement on the front of Parcel 33 along Telegraph Road in the location shown on the SEA Plat. A trail easement for public access purposes shall be executed in a form reviewed and approved by the Fairfax County Attorney's office. The trail easement shall be recorded among the Fairfax County land records prior to site plan approval. The trail shall be maintained by the Fairfax County DPWES.

24. A pedestrian walkway easement shall be conveyed to the Board of Supervisors to permit Fairfax County to construct, operate and maintain a County pedestrian walkway within the easement area. The easement area shall be ten (10) feet in width and extend along the southern boundary of the site from Dewey Drive eastward to the southeast corner of the site and then extend northward along the eastern boundary of the site a distance of eighty (80) feet from the southeast

corner, as generally depicted on sheet 2 of 8 of the Special Exception Plat. This conveyance shall be subject to and not supersede existing County and Fairfax County Water Authority easements shown on the Special Exception Plat.

This conveyance shall occur within thirty (30) days of demand by Fairfax County once the following events occur:

a. The area proposed for the easement is approved by the Board of Supervisors for a County pedestrian walkway and funding for the construction of the walkway has been allocated by the Board of Supervisors.

b. The Director of the Department of Public Works and Environmental Services approves any further modification of the transitional screening yard in this area needed to accommodate the installation of the walkway.

c. The County agrees to relocate at its cost any portion of the Applicant's existing fence that is located less than ten (10) feet from the southern boundary of the site to a location that coincides with the interior boundary of the ten (10) foot wide easement area, if said relocation is determined necessary by the County for the installation of the walkway.

Upon the completion of these prerequisites, a pedestrian walkway easement shall be executed in a form reviewed and approved by the Fairfax County Attorney's Office. The deed of easement shall then be recorded among the Fairfax County land records. Upon the recordation of the easement, the pedestrian walkway easement area and any walkway surface constructed by the County shall thereafter be operated and maintained by Fairfax County.

25. No more than three (3) signs shall be posted in prominent places along the perimeter of the restored RPA prohibiting access into the restored RPA area, except for maintenance reasons. The Applicant shall post a similar sign prohibiting access into the area of the conservation easement on Lot 33, except for maintenance reasons. The text on these signs and their locations shall be subject to the review and approval 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 shall not be valid until this has been accomplished.

Pursuant to Sect. 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 as evidenced by the issuance of a new non-RUP. 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.