County of Fairfax, Virginia

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

June 4, 2008

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

Re: Special Exception Application SE 2007-MA-028

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on June 2, 2008, the Board approved Special Exception Application SE 2007-MA-028 in the name of The Montessori School of Northern Virginia, Incorporated. The subject property is located at 3433 Rose Lane on approximately 1.17 acres of land zoned R-2 in the Mason District [Tax Map 60-2 ((32)) 1 and 60-2 ((38)) A1]. The Board's action permits a private school of general education, nursery school, and child care center with a maximum daily enrollment of 90 students and modifications to site design pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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 "Valleybrook Montessori" prepared by Burgess & Niple, and dated August 2007, as revised through April 18, 2008, 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.

Office of the Clerk to the Board of Supervisors
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4. A copy of these special exception conditions shall be posted in a conspicuous place, and made available to the public and all departments of the County of Fairfax during hours of operation. Contact information for the Zoning Enforcement Branch of the Department of Planning and Zoning shall be included in the posting. A summary of the operational provisions of these conditions shall be provided to parents at the beginning of each school year.

5. During the regular school year: Maximum daily enrollment (which is the maximum number of children who can attend the school on any given day) is inclusive of the child care center and the nursery school/private school of general education, and is limited to 90 children. Total enrollment is limited to 105 children. If improvements are phased, the maximum daily enrollment for Phase 1 is limited to 45 children, and total enrollment is limited to 75 children. The children enrolled at the facility shall be limited to those aged 18 months through Kindergarten.

6. The maximum number of staff on site at any one time shall be limited to 13. If improvements are phased, the maximum number of staff on site at any one time in Phase 1 shall be limited to 10.

7. All parking for staff, volunteers, visitors, and parents shall be on-site, except as provided in Condition #13c.

8. Before and after school care shall be limited to students enrolled in the Valleybrook Campus only and children of staff members of the Valleybrook Campus. Any children of staff members enrolled in before or after school care but not enrolled in the school shall count towards the maximum enrollment limits. No more than 50 children shall be enrolled in the afternoon extended care program.

9. Regular hours of operation, including before and after school care, shall be limited to 7 am to 6 pm, Monday through Friday, and shall follow the Fairfax County public school "Standard School Year Calendar" (not the year round or modified calendar). Weekend and weeknight events may be held only in accordance with the limitations of the conditions of this special exception.

10. A separate summer session shall be limited to seven weeks duration, with hours limited to 8 am to 5 pm, Monday through Friday; no weekend or weeknight events shall be held during the summer session. The maximum daily enrollment during the summer session shall be limited to 65 children (45 in Phase 1). The children enrolled in the summer session shall also be limited to those aged 18 months through Kindergarten.

11. Classes shall start at least 20 minutes before or at least 20 minutes after the starting bell at Beech Tree Elementary. Classes shall be dismissed at least 20 minutes before or 20 minutes after the dismissal bell at Beech Tree Elementary. This shall not apply to before and after school child care. On snow days, when Fairfax County schools are delayed by two hours, the school shall delay opening by at least one hour.

12. Use of the outdoor area shall be limited to the hours of 9 am to 5 pm year round. The number of children using the outdoor area at any one time shall be limited to:

    a) 90 students during the hours of 9 am to 12 pm;

    b) 75 students during the hours of 12 pm to 3 pm; and

    c) 50 students during the hours of 3 pm to 5 pm.

    This condition shall not limit the use of the outdoor area for outdoor events as allowed by Condition #13c. In the playground area, hard play surface shall not exceed 1,750 square feet.

13. a) Activities involving more than 15 but fewer than 50 persons and held during the hours of operation shall be limited to 19 per year. All parking for such activities shall be on-site. If parking cannot be accommodated on-site, shuttle service (by car or bus) from outside Holmes Run Valley residential community shall be utilized.

    b) Activities involving more than 15 but fewer than 50 persons held outside the hours of operation shall be limited to a maximum of 10 per year. Any such activities held on a weeknight shall conclude by 8 pm, except for activities attended only by adults (and babes-in-arms), which shall conclude by 9 pm; any such activities held on a Saturday shall be limited to the hours of 10 am to 5 pm and in conformance with Condition #12. There shall be no such activities held on Sunday. All parking for such activities shall be on-site. If parking cannot be accommodated on-site, shuttle service (by car or bus) from outside Holmes Run Valley residential community shall be utilized.

    c) Events involving over 50 persons shall be limited to a maximum of four per year, with no more than three occurring on a weeknight or Saturday. All such events outside the hours of operation shall conclude by 9 pm weeknights and shall be limited to 10 am to 5 pm on Saturdays. There shall be no events on Sundays. Such events involving over 50 persons shall be coordinated with Beech Tree Elementary School to minimize traffic impacts. A special parking provision for the events

involving over 50 persons shall be permitted. The majority of attendees of these events shall either (1) park at a satellite location outside of Holmes Run Valley residential community and utilize either a shuttle bus or carpool to the school, or (2) park on-site. A minority of attendees may park only on the east side of Rose Lane between the school and Annandale Road. Such on-street parking shall be in full conformance with all traffic regulations.

d) Activities involving 15 or fewer persons may be permitted during or outside the hours of operation. Such activities occurring outside the hours of operation shall be limited to two per month, only one of which may be outdoors (in conformance with Condition #12), and shall not occur on Sundays. All participants of such activities shall park on-site; if parking cannot be accommodated on-site, shuttle service (by car or bus) from outside Holmes Run Valley residential community shall be utilized. Such activities shall conclude by 9 pm on weeknights and shall be limited to 10 am to 5 pm on Saturdays.

e) This condition shall not limit staff of this campus working independently at the facility outside of hours of operation; however, any such work shall be concluded by 9 pm on weeknights and shall be limited to 10 am to 5 pm on weekends. There shall be no outdoor, free play associated with staff use of the facility and grounds.

f) Custodial staff and emergency maintenance access shall be excluded from the restrictions in this development condition.

g) Routine outdoor contractor maintenance such as lawn mowing and yard cleanup shall be limited to 9 am to 8 pm Monday through Friday and 10 am to 2 pm on Saturday.

14. The school facilities shall not be rented to or otherwise utilized by any group other than the children enrolled at the Valleybrook campus, their parents, and Valleybrook staff, but upon agreement with the Holmes Run Valley Citizen's Association (HRVCA), may be made available for neighborhood use.

15. a) The school shall designate an individual to serve as the on-site community liaison as a point of contact for the neighborhood citizens. The name, telephone number and e-mail address of this liaison shall be provided to the Mason District Supervisor's office, the principal of Beech Tree Elementary School and the President of HRVCA at least 30 days prior to the beginning of the first school year after approval of this application, and thereafter any time the coordinator changes.

b) An annual calendar of activities and events, as permitted by Condition #13 a-c, shall be provided to the principal of Beech Tree Elementary School and the President of HRVCA at least 30 days prior to the beginning of each school year after approval of this application, and upon any change to the calendar of events.

c) The school's liaison shall report the expected enrollment to the HRVCA prior to the beginning of each school year and each summer session, and shall report the actual enrollment one month after the beginning of each school year and one week after the beginning of the summer session.

16. A Transportation Management Plan (TMP) shall be developed and implemented in order to manage MSNV traffic in Holmes Run Valley and to minimize the number of vehicular trips generated by the school during the weekday morning and afternoon peak hours. For the purposes of this condition, morning and afternoon peak hours are considered the peak hours of the use, not the peak hours of traffic on the surrounding street network. The TMP shall include the following components:

a) TMP Coordinator: An individual or school committee shall be designated to develop, implement and monitor the plan and serve as a liaison with the, Beech Tree Elementary School and the HRVCA. Written notice of and contact information for the designated TMP Coordinator shall be provided to principal of Beech Tree Elementary School, the HRVCA, the Fairfax County Department of Transportation (FCDOT) and the Mason District Supervisor's Office at least 30 days prior to the beginning of the first school year after approval of this application, and thereafter any time the coordinator changes.

b) Procedure Manual: All parents shall receive written information in the form of a Procedure Manual prior to the commencement of each school year that clearly establishes transportation procedures, which shall be implemented, as well as restrictions on vehicle maneuvers when driving to or from the school. This information shall also be reviewed verbally with parents at Back to School Night. A copy of the Procedure Manual shall be provided to the HRVCA, FCDOT and the Mason District Supervisor's Office. The Procedure Manual shall include, but not be limited to, all items in subparagraph 16d, titled "Vehicle Management."

c) Trip Reduction

i. *Objectives*: The Trip Reduction goal is to limit vehicular trips associated with the school to no more than 131 total trips (inbound and outbound) in the morning peak hour and 97 total trips (inbound and outbound) in the afternoon peak hour.

ii. *Monitoring*: Beginning the first school year in which enrollment reaches 76 students, and continuing in conformance with this condition, analysis of traffic generated by the site shall be conducted. The scope of this analysis shall be coordinated with and approved by FCDOT. The date on which counts will be taken shall be a typical day selected at random by the head of the school in accordance with the approved scope and shall not be provided to staff or parents in advance. Copies of the analysis shall be submitted to FCDOT and the Mason District Supervisor's office within 30 days of completion of traffic counts.

The trip reduction goal is met if the observed average trip generation in the morning peak hour and the afternoon peak hour is less than or equal to that listed in this condition. If the data shows conformance with the goal, as determined by FCDOT, retesting shall not be required for a five year period, unless requested by FCDOT. If the trip reduction goal is not met for any study period, the applicant shall identify additional measures to reduce peak hour traffic and implement those measures. Retesting shall be required the next school year, and continued until the goal is met, as determined by FCDOT, at which point retesting shall not be required for a five year period. If the goal is not met for any two consecutive years, the school shall, in coordination with FCDOT, identify additional measures to reduce trip generation and implement those measures. These may include, but shall not be limited to, a reduction in student enrollment the following school year or mandatory shuttling of students. These additional measures may be discontinued only if the trip reduction goal is met in a follow-up study, as determined by FCDOT.

iii. *Self-Monitoring*: In addition to the monitoring described above, and beginning the first school year in which Phase 2 operations are established, the school shall take traffic

counts three times per school year (1) once two weeks after the opening of school in the fall; (2) once later in the fall; and (3) once after the winter holiday. The date on which counts will be taken shall be a typical day selected at random by the head of the school and not provided to staff or parents in advance. These trip counts shall be kept in a log at the school and made available to HRVCA upon request through the community liaison.

Should the trip reduction goals, as laid out in Paragraph c.i. of this condition, titled "*Objectives*," not be met as measured by the self-monitored traffic counts, the school shall implement additional measures to reduce trip generation. Retesting shall occur every three weeks until the trip reduction goal is met for two consecutive traffic counts, at which time the regular schedule of self-monitored traffic counts shall resume.

d) Vehicle Management: In addition to the procedures noted in development conditions 7 and 13, the following vehicle management procedures shall be implemented and shall be included in the Procedure Manual:

i. *Drop-off and Pick-up Times:* Drop-off and pick-up times shall be defined in conformance with a daily schedule of classes.

ii. *Drop-off and Pick-up Procedures:* During regularly scheduled arrival and dismissal periods, in order to maximize the stacking capacity of the driveway when one lane of the driveway is full and avoid vehicular queuing on Rose Lane, additional vehicles shall form a double line in the driveway; and staff and/or volunteers shall supervise unloading and loading of children. All drop-off and pick-up (including before and after school care) shall be done on-site.

iii. *Carpooling:* Carpooling shall be encouraged as a mechanism to minimize daily vehicular trips to the site. Zip code rosters shall be provided to all families to facilitate carpool arrangements.

iv. If cars begin to queue on Rose Lane waiting to enter the school drive during designated drop-off and pick-up times, they will be directed by staff to return later.

Staff shall be designated to instruct vehicles exiting the site to exit to the right if the exit queue is interfering with the drop-off.

v. Drivers shall not make U-turns on any neighborhood street, shall not block driveways or intersections, and shall not turn around in residents' driveways.

vi. The school shall provide sufficient trained staff, as well as procedures and instructions to parents and staff, to ensure that all persons comply with this development condition. Additionally, the school shall have a process for addressing identified infractions to Conditions # 7, 13 and 16.

17. All truck deliveries to the school and trash removal shall be scheduled to occur during school hours but outside of the designated drop-off and pick up times for children.

18. A landscape plan shall be submitted concurrent with site plan review and shall provide for the number, sizes and locations of trees and plantings consistent with that shown on the SE Plat and the additional requirements of these conditions. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM). Minor modifications may be permitted by UFM to the extent that these do not change the designations of individual trees, or result in significant physical impacts to the areas designated to be left undisturbed. The landscape plan shall include, at a minimum, one new tree with a minimum caliper of two inches and two evergreen shrubs for each existing tree removed. The landscape plans for Phase 1 and Phase 2 shall be coordinated with and agreed to by HRVCA prior to site plan submission or prior to implementation should site plan review not be required. If agreement cannot be reached, the landscape plan shall be submitted to the Planning Commission for review and approval prior to submission to DPWES (or implementation if site plan review is not required).

19. At the time of site plan submission, a tree survey shall be submitted that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees shown on the Special Exception Plat to be preserved, as well as all on and off-site trees, living or dead with trunks 6 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the 9th or latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading for review by the Urban Forest Management

Division. This tree survey shall be prepared by a Certified Arborist with experience in the preparation of tree preservation plans, and shall be coordinated with and agreed to by HRVCA prior to site plan submission. If agreement cannot be reached, the landscape plan shall be submitted to the Planning Commission for review and approval prior to submission to DPWES.

20. The applicant shall take necessary steps and actions to ensure the long-term survival, and continuing structural integrity and health of trees designated on the SE Plat to be preserved, including those located outside the limits of clearing and grading. If any of these trees is found to be dead, dying, diseased, or hazardous (as determined by UFM) at or prior to, the final release of the project bond, and that such was not the result of unapproved construction practices, the applicant shall provide for restoration and remuneration by:

    a) providing for the removal of the above ground portions of trees;

    b) restoring understory plants and/or soil conditions damaged during tree removal activities (as determined by UFM); and

    c) provide for the restoration of the associated loss in canopy coverage in accordance with the tree cover guidance found in the Public Facilities Manual.

21. The applicant shall: a) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls; b) mulch to a minimum depth of 3 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion; and c) then provide tree protection fencing approved by the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services ("DPWES"), where deemed necessary by UFM. The areas that will be root pruned and mulched shall be clearly identified on the Tree Designation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets and demolition plan (if provided) sheets of the site plan submission. The details for these treatments shall be included in the Tree Designation Plan and shall be subject to the review and approved of UFM.

    All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following limitations:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading and/or demolition of structures.
- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning shall be conducted with the on-site supervision of a certified arborist.
- 14 gauge welded wire tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment
- Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- UFM, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

22. A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained to determine the replacement value of all trees 8 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading as shown on the SE Plat for the entire site. These trees and their value shall be identified on the landscape plan at the time of the first submission of the site plan. The replacement value shall take into consideration the age and size of thee trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management, DPWES.

At the time of site plan approval, the Applicant shall post a cash bond or letter of credit payable to the County of Fairfax to ensure replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. Any trees shown to be preserved on the Tree Preservation Plan that die or are dying due to construction activities NOT permitted on the approved plan shall be replaced with trees of equivalent species and size and the bond monies for

said trees shall not be refunded. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by Urban Forest Management, DPWES, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with Urban Forest Management, DPWES, and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement.

Any funds remaining in the letter of credit or cash bond will be released two years from the date of release of the project's conservation escrow, or sooner, if approved by Urban Forest Management, DPWES.

23. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. Any exterior lighting shall be a maximum of 10 feet in height, as measured from the ground to the top of the fixture. A copy of the lighting plan shall be provided to HRVCA for review prior to submission of the site plan.

24. All signage on the property shall be in conformance with Paragraph 2M of Section 12-208 of the Zoning Ordinance. Temporary signage shall not be posted except for notification of an open house not more than once a year for no more than one week. A copy of the signage plan shall be provided to HRVCA for review prior to submission of the sign permit.

25. Stormwater management and water quality facilities shall be provided in conformance with the SE Plat, as reviewed and approved by DPWES. A copy of the SWM plan shall be shall be provided to HRVCA for review prior to submission of the site plan.

26. No new windows shall be constructed on the north side of the second floor in either phase of the development.

27. The multi-purpose room shall not be used for the purpose of increasing the maximum daily enrollment.

28. All trash shall be kept in enclosed containers.

29. During Phase II construction, the School shall present to HRVCA a schedule for proposed construction prior to initiation. It shall include expected start and completion dates. The School shall keep HRVCA informed of construction delays.

30. Construction scheduling shall be coordinated with Beech Tree Elementary School to minimize overlap with the major construction planned for the elementary school.

31. Construction shall be limited to the hours of 8 am to 5 pm, Monday through Friday, with the exception that no construction shall occur on federal holidays. Saturday construction may be permitted for indoor work in accordance with Fairfax County regulations. Outdoor construction may be permitted on Saturdays between 10 am and 3 pm only. All construction vehicles shall remain onsite, and construction workers shall not park or loiter on surrounding streets or properties. This shall not preclude construction vehicles from temporarily parking on the street to load and unload materials and/or equipment. Such vehicles shall not be permitted to park overnight on any residential street within the Holmes Run Valley residential community. All construction trash and debris shall be kept in appropriate containers and removed periodically to maintain site appearance.

32. A listing of School and contractor contact persons with telephone numbers shall be provided to HRVCA for emergency contact at any time. This information shall be provided to HRVCA and adjacent property owners.

33. Parking shall be provided as shown on Exhibit 1 (titled *MSNV Valleybrook – Exhibit 1* prepared by Ritter Architects and dated May 1, 2008) of these conditions, subject to receipt of a waiver to permit the use of tandem parking for a portion of the required parking. Said waiver shall be pursued in good faith by the Applicant at time of site plan submission. If such a waiver is not approved, parking shall be provided as shown on Exhibit 2 (titled *MSNV Valleybrook – Proposed Site Plan Revised 'A'* prepared by Ritter Architects and dated April 19, 2008).

34. Notwithstanding that shown on the SE Plat, where the barriers shown on Exhibit 1 of these conditions conflict with those shown on the SE Plat, the barriers shown on Exhibit 1 shall be provided, and those noted to be "provided at Phase 1" shall be installed prior to the beginning of the first school year after approval of this application.

35. The Applicant shall select plantings proposed with Phase 2 development (as shown on the SE Plat), and shall install these plantings with Phase 1 to

enhance existing screening. These plantings will not be disturbed by Phase 2 construction.

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, at least 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.

The Board also:

- Modified the transitional screening requirements, in favor of that shown on the SE Plat and further modified by the development conditions.

- Modified the barrier requirement, to allow the barrier to be located as shown on the SE Plat as modified by the development conditions.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Gerald E. Connolly
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
José Comayagua, Director, Facilities Management
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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Department of Planning & Zoning
JUL 09 2008
Zoning Evaluation Division