



APPLICATION ACCEPTED: February 19, 2010  
PLANNING COMMISSION: June 24, 2010  
BOARD OF SUPERVISORS: Not yet Scheduled

# County of Fairfax, Virginia

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June 10, 2010

## STAFF REPORT

### APPLICATION SEA 98-P-030

#### PROVIDENCE DISTRICT

**APPLICANT:** Appletree of Fairfax, Inc.

**ZONING:** R-2

**PARCEL(S):** 48-3 ((19)) 2 and 3

**ACREAGE:** 1.54 acres

**FAR:** 0.17

**PLAN MAP:** Residential; 2-3 du/ac

**SE CATEGORY:** Category 3; Private School of General Education and Child Care Center

**PROPOSAL:** To amend SE 98-P-030 previously approved for private school of general education and child care center to permit change in the allowable ages of students.

#### STAFF RECOMMENDATIONS:

Staff recommends that the Board of Supervisors approve SEA 98-P-030, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and barrier requirements on the northwest periphery, adjacent to Lot 15 in favor of that depicted on the SEA Plat.

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**Kelli Goddard-Sobers**

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Staff recommends a waiver of the transitional screening and barrier requirements on the northeast periphery along Blake Lane.

Staff recommends a waiver of the Loading Space Requirement.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception Amendment

SEA 98-P-030

Applicant:

APPLETREE OF FAIRFAX, INC.

Accepted:

02/19/2010

Proposed:

AMEND SE 98-P-030 PREVIOUSLY APPROVED FOR PRIVATE SCHOOL OF GENERAL EDUCATION AND CHILD CARE CENTER TO PERMIT CHANGE IN DEVELOPMENT CONDITIONS



Area:

1.54 AC OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 03-0204

Art 9 Group and Use: 3-10 3-11

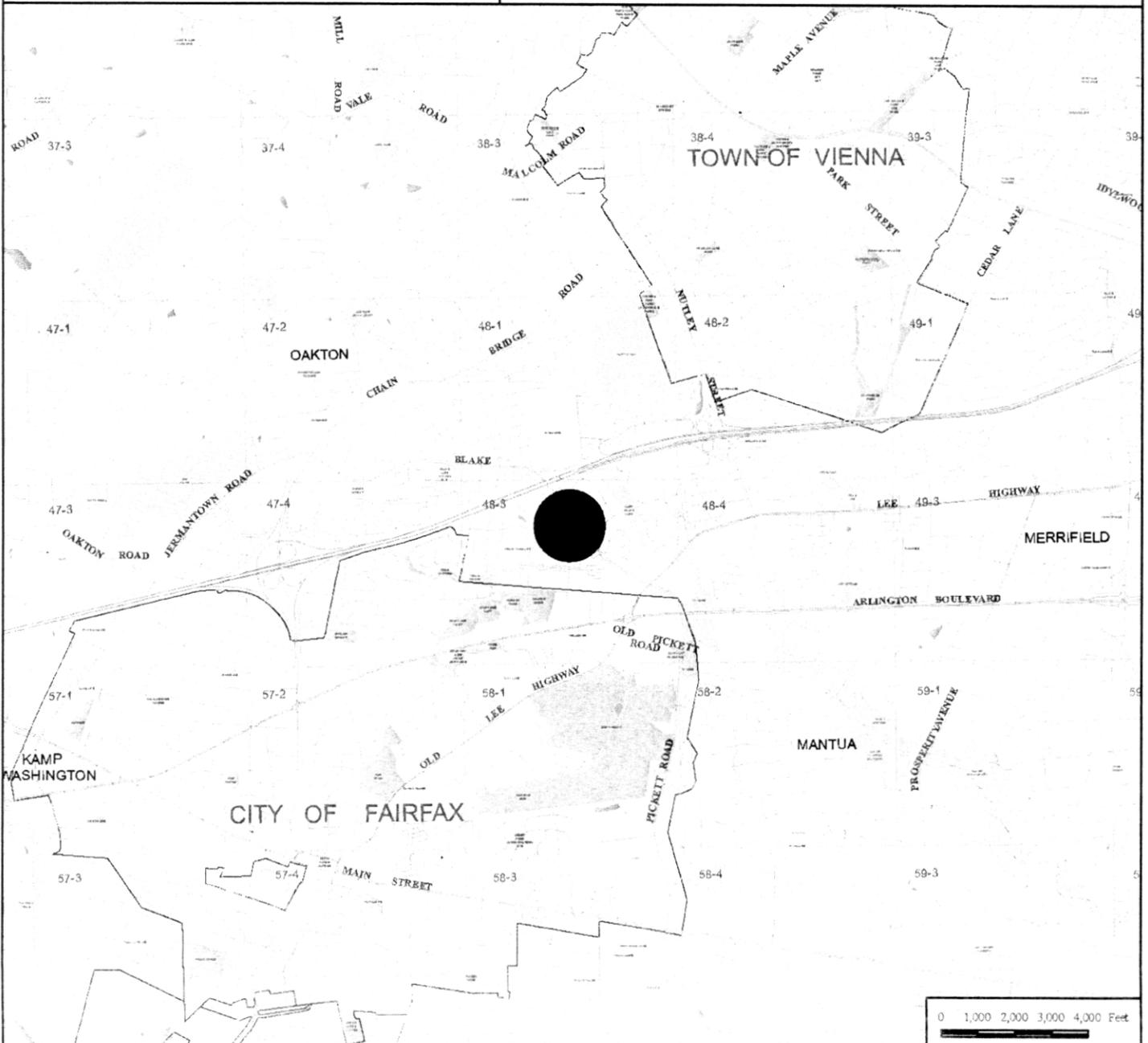
Located: 9655 BLAKE LANE

Zoning: R- 2

Plan Area: 2,

Overlay Dist:

Map Ref Num: 048-3- /19/ /0002 /19/ /0003



# Special Exception Amendment

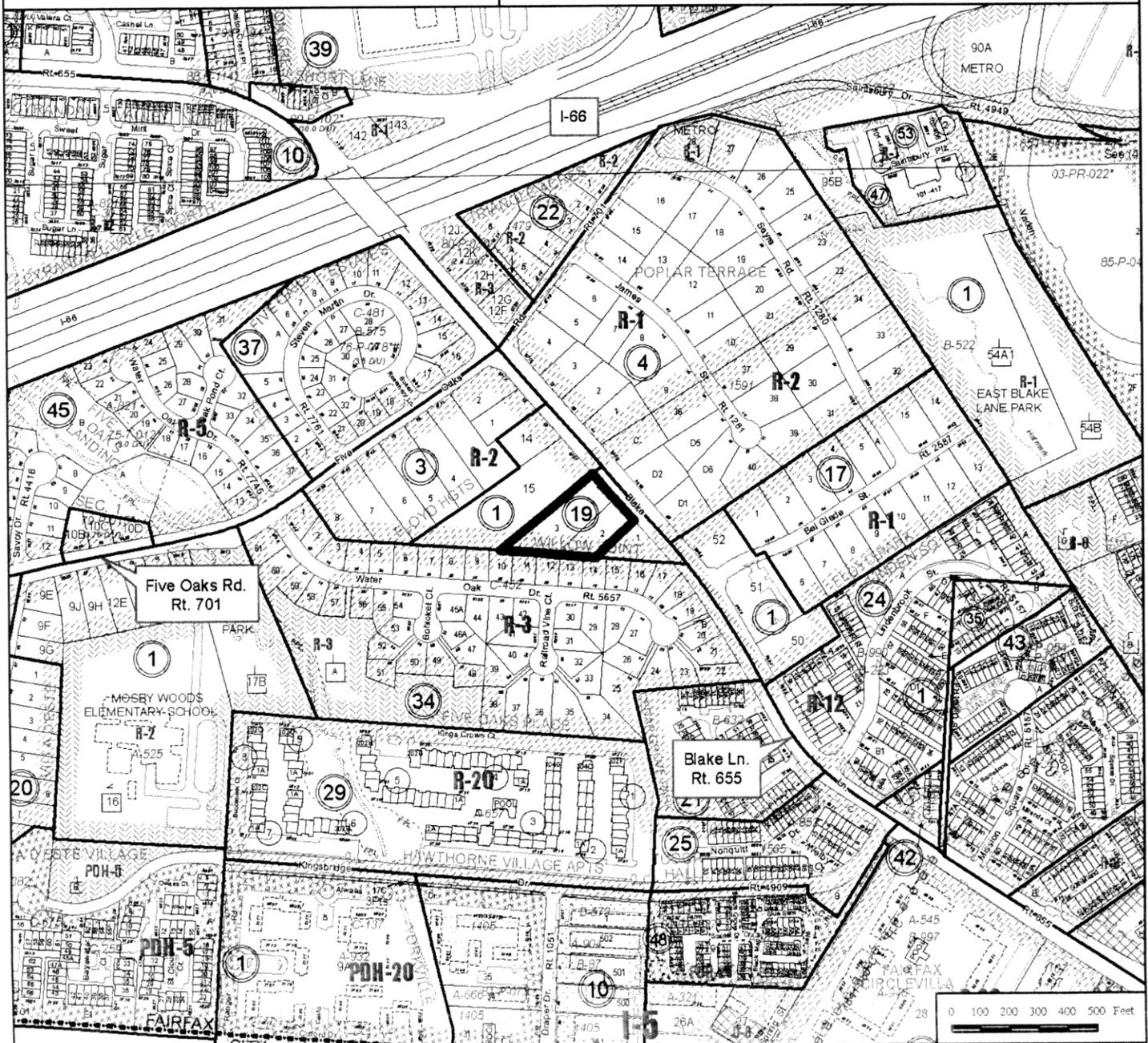
## SEA 98-P-030



Applicant:  
Accepted:  
Proposed:

APPLETREE OF FAIRFAX, INC.  
02/19/2010  
AMEND SE 98-P-030 PREVIOUSLY APPROVED FOR PRIVATE SCHOOL OF GENERAL EDUCATION AND CHILD CARE CENTER TO PERMIT CHANGE IN DEVELOPMENT CONDITIONS

Area: 1.54 AC OF LAND; DISTRICT - PROVIDENCE  
Zoning Dist Sect: 03-0204  
Art 9 Group and Use: 3-10 3-11  
Located: 9655 BLAKE LANE  
Zoning: R-2  
Plan Area: 2,  
Overlay Dist:  
Map Ref Num: 048-3- /19/ /0002 /19/ /0003





**A GLOSSARY OF TERMS USED  
FREQUENTLY IN STAFF REPORTS CAN BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The applicant, Appletree of Fairfax, Inc., wishes to amend SE 98-P-030 previously approved for a private school of general education and child care center, to permit a change in the development conditions. Specifically, the applicant is proposing to increase the allowable ages of students from three years old through fourth grade to infants through fourth grade. No additional building structures are proposed. Only minor site modifications are proposed which include: the posting of two (2) no parking signs; signage for the child care and school drop off/pick up turnaround area; the shifting and restriping of seven (7) parking spaces to allow the conversion of one parking space into a turnaround space; and the addition and striping in of two (2) parking spaces at the residence on Lot 3.

The applicant's proposed development conditions, the applicant's Affidavit and Statement of Justification can be found in Appendices 1-3, respectively.

The applicant is also seeking reaffirmation of a modification of the transitional screening and barrier requirements previously approved with SE 98-P-030 along the northwest periphery, adjacent to Lot 15, and a waiver of the transitional screening and barrier requirements on the northeast periphery along Blake Lane. The applicant is also seeking a reaffirmation of a waiver of the loading space requirement.

**LOCATION AND CHARACTER**

**Site Description:**

The subject property is zoned R-2 and is located on the west side of Blake Lane. The property consists of two lots, Parcels 2 and 3. Parcel 2 is developed with a one-story school building that is divided into three (3) wings, which are connected by two enclosed corridors. Lot 3 accommodates the majority of the playground area, as well as the private residence of the owners of the school. The topography is fairly flat with a mixture of deciduous and evergreen vegetation along the periphery of the site. There is an open space area towards the rear of the site. Some of the open space area is vegetated, and the remainder is covered in dirt and gravel. Access to the school is provided via two asphalt driveways, one along the northwest side of the school building, and the other at the front of the site along Blake Lane. The residence has its own driveway access along Blake Lane.

### Surrounding Area Description:

All of the surrounding properties are residentially zoned. The properties abutting the subject property to the north are zoned R-1 and R-2 and are developed with single-family detached dwellings. The properties to the west and east are zoned R-2, and are developed with a single-family detached dwelling. The properties to the south are zoned R-3 Cluster and are also developed with single-family detached dwellings.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>Northeast</b>	Single-family detached dwellings (Poplar Terrace)	R-1 R-2	Residential, 1-2 du/ac Residential, 2-3 du/ac
<b>South</b>	Single-family detached dwellings (Five Oaks Place)	R-3 Cluster	Residential, 2-3 du/ac
<b>Southeast</b>	Single-family detached dwelling (Willow Point)	R-2	Residential, 2-3 du/ac
<b>Northwest</b>	Single-family detached dwelling (Sutton Road)	R-2	Residential, 2-3 du/ac

## BACKGROUND

### Site History:

On June 19, 1979, the Board of Zoning Appeals (BZA) approved Special Permit S-71-79 in the name of Peter and Wilhelmina Klaassen, to permit the establishment of a child care center for a maximum of 67 children, ages 2-5 on Lot 2 of the Willow Point subdivision. The BZA also approved Variance V-72-79, to allow parking areas and driveways at the day care center to be constructed without the required dustless surface.

On May 12, 1981, the BZA approved V-81-P-051 to allow an addition to the dwelling within 19 feet of the front property line, on the property located at 9657 Blake Lane.

On November 9, 1982, the BZA approved Special Permit S-82-P-089 to allow the name of the permittee to be changed to Appletree of Fairfax, Inc. The Klaassens were the principals involved in the operation of the facility and this change was requested to reflect their corporation.

On May 15, 1984, the BZA denied SPA 82-P-089-1 which requested approval to permit construction of a freestanding building at the rear of Lot 3 and to increase the enrollment to 99 students, ages 2 through 8, for a private school of general education and related facilities with a child care center. A related application, SP 84-P-036, to waive or modify the dustless surface requirement, was withdrawn.

On May 22, 1984, the BZA approved the applicant's request for a waiver of the twelve (12) month limitation on a hearing.

On August 7, 1984, the BZA denied SPA 82-P-089-2, which was a modified version of SPA 82-P-089-1 and SP 84-P-036, for a child care center to permit an addition of land area and to increase the enrollment of the private school of general education to 87 students, ages 2 through 8, with modification or waiver of dustless surface requirement on property located at 9655 and 9657 Blake Lane.

On November 8, 1984, the BZA again waived the limitation on a rehearing and on December 26, 1984, an SPA was filed. The application was identical to SPA 82-P-089-2 except that the proposed driveway was 24 feet in width instead of the previously proposed 25-foot width.

On April 22, 1985, the BZA approved SPA 82-P-089-3, for a child care center and private school of general education, to amend the child care center and private school of general education, to permit an addition of land area and related facilities, and to increase enrollment from 45 to 87 students, ages two (2) through eight (8), with modification or waiver of the dustless surface requirement, on property located at 9655 and 9657 Blake Lane.

On April 26, 1999, the Board of Supervisors (BOS) approved SE 98-P-030 for use as a private school of general education and a child care center which has an enrollment of 100 or more students daily. Specifically, the approved development conditions permitted a maximum enrollment of 105, ages three through fourth grade, provided that there are no more than 51 students on-site between 6:30 a.m. to 8:30 a.m. and 5:00 p.m. to 7:00 p.m.

#### **COMPREHENSIVE PLAN PROVISIONS** (See Appendix 5)

**Plan Area:** Area II  
**Planning District:** Fairfax  
**Planning Sector:** F3 Mosby Woods Community Planning Sector  
**Plan Map:** Residential; 2-3 du/ac  
**Plan Text:**

On page 43 in the Fairfax County Comprehensive Plan, 2007 Edition, Area II, Fairfax Planning District under the F3 Mosby Woods Community Planning Sector as amended through March 9, 2010, the Plan states:

*The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type, and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.*

*Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.*

## ANALYSIS

### **Special Exception Amendment Plat (Copy at front of staff report)**

**Title of SEA Plat:** Appletree School

**Prepared By:** Walter L. Phillips, Inc.

**Original and Revision Dates:** March 13, 1998 as revised through September 3, 1998

### **Description of Special Exception Amendment (SEA) Plat:**

The subject application is only for an increase in the allowable ages of students enrolled at school. The applicant does not propose any new construction or additions to the existing school structure. Therefore, the plat submission requirements were waived to allow the applicant to utilize the approved SE Plat. The approved SE Plat consists of a single sheet depicting the site layout and building locations. The plat depicts the three (3) existing buildings (one of which was proposed at the time the SE Plat was created), associated parking, and various playground equipment on-site. The site is comprised of two lots (2 and 3). Lot 2 is the location of the existing school building. This building is divided into three (3) wings that are attached by enclosed walkways. All three wings are single-story and serve as the primary educational facilities. The second building on-site is a two-story brick private home on Lot 3 where the granddaughter of the school's owners resides. There are no school functions held in this structure.

The plat shows that most of the rear yard is used as a play area with playground equipment located on both lots. The playground equipment includes swings, slides, a metal jungle gym, a basketball hoop, a climbing platform, a sand box, and a wooden playhouse. The playground area is bounded by a four (4) foot-high chain

link fence at the rear of both lots. The chain link fence also serves to protect the 25-foot transitional screening yard located along the southern property line and a portion of the northwestern property line.

A six (6) inch infiltration swale is located at the rear of Lot 3 toward the west. There is a 25-foot wide transitional screening yard all along the perimeter of the school property except for the northwest corner area adjacent to the brick home on Lot 3 and the Blake Lane frontage.

There are a total of twenty (20) parking spaces located on both Lots 2 and 3. Ten (10) of the twenty (20) parking spaces are located on Lot 2 at the entrance of the property along Blake Lane. The remaining ten (10) parking spaces are located on Lot 3 near the playground area and the dumpster. The property has one (1) entrance and one (1) exit on Blake Lane. Vehicles entering the one-way entrance on Blake Lane can either drive straight towards the rear of the site, turnaround and then exit the site or they can turn left onto the front driveway once they enter the site, drive a couple of hundred feet and then exit the site.

### **Land Use and Environmental Analysis**

Under this proposal, the private school of general education and child care center will remain at an FAR of 0.17 which is in harmony with the use and intensity recommendations of the Comprehensive Plan. The maximum approved enrollment of 105 students will not change under this amendment. The applicant is proposing to increase the allowable age of enrollment from 3 years through fourth grade to infants through fourth grade. Some minor site modifications are being proposed which include: signage for the child care and school drop off/pick up turnaround area; the shifting and restriping of seven (7) parking spaces to allow the conversion of one parking space into the turnaround area; the addition of two (2) no parking signs for the emergency access area along the fence between Lots 2 and 3; and the addition and striping in of two (2) parking spaces at the residence on Lot 3. These changes do not raise any land use or environmental issues.

### **Urban Forest Management (UFM) Analysis (Appendix 6)**

There are no tree related issues associated with this application.

### **Fairfax County Park Authority Analysis (Appendix 7)**

Park Authority staff stated that the application bears no adverse impact on land or resources of the Park.

### **Stormwater Management Analysis**

There are no stormwater management issues associated with this application.

## **Transportation Analysis (Appendix 8)**

### **Issue: Traffic**

During the review of this Special Exception Amendment (SEA) application, Fairfax County Department of Transportation (FCDOT) staff raised a concern about vehicles stacking up on Blake Lane during the peak drop-off and pick-up hours at the school. The school's academic program begins at 9:00 a.m. and ends at 3:00 p.m. Under SE 98-P-030, the school was approved to have a maximum daily enrollment of 105 students. However, pursuant to the approved SE development conditions, the school is only allowed to have up to 51 students on-site before 8:30 a.m. and after 5:00 p.m.

During site visits conducted as part of this Special Exception Amendment (SEA) review, staff observed approximately two to three vehicles stacking up on Blake Lane between 9:00 a.m. and 9:05 a.m. in the morning and around 3:00 p.m. in the afternoon. During the review of the original Special Exception (SE), staff raised concerns about the potential for the occurrence of traffic going to the school stacking onto Blake Lane. As such, several development conditions were implemented including the restriction of the number of students on-site during peak traffic hours (7:00 a.m. to 8:15 a.m. and 4:15 p.m. to 6 p.m.). Given staff's observation of stacking issues, the applicant was urged to address this issue.

### **Resolution:**

In order to resolve this issue, the applicant has proposed to implement a new circulation pattern for student drop-off and pick-up. One of the existing parking spaces at the rear of the site would be widened from 8.5 feet to 10 feet for use as the vehicle turnaround area for the student drop off and pick up system. A sign would be installed at the front of the parking space, designating it as the drop-off and pick-up area and also displaying the hours that the space can be used for regular parking. During the peak drop-off hour of 8:30am to 9:30am and peak pick-up time of 2:45 p.m. to 3:30 p.m., vehicles would pull into the turnaround area, back out, and then pull up alongside the school building to drop off or pick up children at the front door. A teacher would escort the child from the vehicle to inside the school building and vice versa. Staff believes that with the implementation of the drop-off and pick-up system, the traffic issue would be resolved.

### **Issue: Parking**

During one of staff's site visits, staff observed that fifteen (15) cars were parked on-site after the school's academic program had already begun. Some of these vehicles were parked in areas that were not designated parking spaces. It was also discovered that one of the areas in which vehicles were parking was previously designated as the school's emergency access area. Staff was concerned about the number of vehicles parked on site (some of which were illegally parked) and the possibility that they all belonged to school employees. Pursuant to SE 98-P-030,

only thirteen (13) full-time employee vehicles are allowed to be parked on-site at any one time. Staff brought this issue to the applicant's attention, who subsequently submitted to staff a list of the arrival and departure times of the school's employees. Staff was able to use this information to determine that between 10:00 a.m. and 2:30 p.m., fifteen (15) vehicles belonging to employees are parked on site. Staff informed the applicant that it would be in their best interest to add more parking spaces on-site, so that the development condition restricting the number of full-time employee vehicles on-site at one time could be modified to reflect the current condition (15).

**Resolution:**

The applicant has proposed a new parking layout which includes the addition of two parking spaces. Specifically, the applicant has proposed to stripe in two additional parking spaces for employees at the front of the residence on Lot 3. Teachers would only be allowed to park in these two parking spaces and the ten parking spaces at the rear of the site on Lot 2. The parking spaces at the front and the side of the building would be available for parents who wish to park and physically walk their children to and from the school building. Additionally, to ensure that no one parks in the emergency access area, the applicant has proposed to install two (2) "no parking" signs, one on either end of the picket fence alongside the emergency access area. With these changes, staff believes that these issues have been resolved.

**ZONING ORDINANCE PROVISIONS**

<b>Bulk Standards (R-2 Zoning)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Area	15,000 SF	1.54 AC
Minimum Lot Width	100 ft	189.47 ft
Max. Building Height	Single-Family Dwelling – 35 ft All other Structures – 60 ft	24 ft (both structures)
Front Yard	Single-Family Dwelling – 35 ft 45 degree angle of bulk plane, 35 ft. min	Dwelling - 11.9 ft School Building - 43.7 ft
Side Yard	Single-Family Dwelling – 15 ft 40 degree angle of bulk plane, 15 ft. min	Dwelling - 28.7 ft School Building – 30 ft
Rear Yard	Single-Family Dwelling – 25 ft 40 degree angle of bulk plane, 25 ft. min	Dwelling - 254 ft School Bldg – 30 ft
Open Space	15%	69%
Maximum FAR	0.20	0.17
Parking Spaces	20	22
Loading Spaces	1	0*

\* Previously waived

Location	Transitional Screening	Barrier	Provided
Northeast	1 - 25 foot wide unbroken strip	D, E or F (6 ft. high)	Previously waived under SE 98-P-030; reaffirmation requested
South	1 - 25 foot wide unbroken strip	D, E or F (6 ft. high)	Provided
Southeast	1 - 25 foot wide unbroken strip	D, E or F (6 ft. high)	Provided
Northwest	1 - 25 foot wide unbroken strip	D, E or F (6 ft. high)	Previously modified under SE 98-P-030 to permit the existing vegetation on-site, a 6-foot high stockade fence, and a 3-foot high wire fence. Reaffirmation requested.

### Waivers/Modifications

#### Waiver of the screening and barrier requirements:

Transitional Screening 1 and either Barrier D, E, or F are required along all of the property lines on the site. The Transitional Screening 1 requirement is a 25-foot wide strip of unbroken open space, planted with mixed evergreens. Barrier D, E, or F require either a 42" - 48" chain link fence, a 6-foot high masonry wall or a 6-foot high solid wood or otherwise architecturally solid fence. The applicant is requesting a reaffirmation of the previously approved modifications and waivers of the following:

- A modification of the transitional screening and barrier requirements along the northwest property line to that shown on the SEA Plat; and
- A waiver of the transitional screening and barrier requirement along the northeastern property line.

#### Modification of the transitional screening and barrier requirements along the northwestern property line

The applicant is requesting a reaffirmation of the modification of the transitional screening and barrier requirement along the northwestern property line to allow the existing vegetation and barrier as shown on the SEA Plat. There is a 6-foot high stockade fence and a 25-foot wide vegetated strip along the lower end of the property line. Along the upper end there are eleven (11) trees and a 3-foot high wire fence. There is no transitional screening next to the driveway entrance for the private residence. The transitional screening and barrier had been previously modified and staff believes the existing vegetation and barrier is still adequate for the site.

Waiver of the transitional screening and barrier requirement along the northeastern property line

The applicant is also requesting a reaffirmation of the waiver of the transitional screening and barrier requirement along the northeastern property line. Staff supports this request.

**Waiver of the loading space requirement**

The applicant has requested a reaffirmation of the waiver of the loading space requirement. Due to the nature of the use (private school of general education and child care center), a loading space is not necessary because deliveries to the school are infrequent and occur outside the peak a.m. and p.m. hours. Therefore, staff supports this request.

**OTHER ZONING REQUIREMENTS**

**Special Exception Requirements (See Appendix 8)**

Additional Standards for Nursery Schools and Child Care Centers (Sect. 9-309)  
Additional Standards for Private Schools of General Education (Sect. 9-310)  
Category 3 Standards (Sect. 9-304)  
General Special Exception Standards (Sect 9-006)

Additional Standards for Nursery Schools and Child Care Centers (Sect. 9-309)

Par. 1 addresses providing adequate useable outdoor recreation space for the students at a rate of 100 sq. ft. per child. This paragraph also includes specifications for useable outdoor recreation space: that the area not be covered by buildings or required off-street parking areas; that the area is located outside the required front yard, that the area be developable as outdoor recreation spaces; and that the area comprise no more than 80 percent of the combined total area of the required front and side yards. The site currently has 16,000 square feet of fenced outdoor recreation area. This is 3,300 square feet less than what was required at the time of the SE approval. However, there is a note on the SE Plat which states that the use of the outdoor recreation area would be phased in such a manner as to ensure that the number of children outdoors at any one time does not exceed applicable county or state requirements. A development condition was implemented to restrict the number of children allowed to play in the outdoor play area to fifty (50) at any one time. Staff has concluded that with the existing outdoor recreational areas, and the continuation of this development condition, the Appletree of Fairfax, Inc. meets this standard.

Par. 2 requires that such schools conform to the standards regarding the type of street and the provision of adequate pick-up and delivery of all persons on the site contained in Sect. 9-309 and notes that schools are subject to the provisions of Chapter 30 of the County Code or Title 63.1, Chapter 10 of the Code of Virginia. With regard to the type of street, Blake Lane is deemed to be an arterial street which is adequate to accommodate the vehicular traffic generated by the number of students at the Appletree of Fairfax, Inc.

Par. 3 addresses the pick-up and delivery of persons on the site occurs within the campus and adequate areas are available for that purpose. The property has one entrance and one exit on Blake Lane. The one-way entrance on Blake Lane leads to two (2) asphalt driveways on-site. One driveway leads to the parking spaces at the rear of the site. The other driveway is at the front of the site. Fairfax County Department of Transportation (FCDOT) staff noted that during peak pick-up and drop-off hours, some vehicles were stacking up on Blake Lane. Staff believes this stacking issue occurs due to a lack of parking spaces and turnaround area on-site. As discussed earlier in the report, the applicant has proposed to implement a student drop-off and pick-up system, a new parking layout, and the addition of two parking spaces. Staff believes these measures would provide adequate areas for the pickup and delivery of persons on-site. Therefore, staff finds this standard has been satisfied.

#### Additional Standards for Private Schools of General Education (Sect. 9-310)

Par. 1 addresses providing adequate useable outdoor recreation space for the students at a rate of 100 sq. ft. per child in grades K-3 and 430 sq. ft. per child in grades 4-12. This paragraph also includes the same specifications and requirements as Par. 1 under the Additional Standards for Nursery Schools and Child Care Centers (Sect. 9-309) discussed above. Staff finds this standard is satisfied. Par. 2 addresses the minimum lot size requirements, which are satisfied by this application. Finally, Par. 3 imposes the same requirements as Par. 2 and 3 of Sect. 9-309. The standards for Par. 3 above were met; therefore, staff believes that this standard has been satisfied.

#### Category 3 Standards (Sect. 9-304)

Par. 1 applies to public uses and is not applicable in this instance since the proposed school is private. Paragraphs 2 and 3 require compliance with the lot size and bulk requirements of the applicable zoning district, which, as demonstrated in the Bulk Standards chart above, are satisfied. Paragraph 4 addresses the performance standards contained in Article 14, Performance Standards. The portion of this article that is relevant to this application is Part 9, Outdoor Lighting Standards, primarily illumination of the outdoor playfield area. These outdoor recreational areas are only used during the regular school hours. Therefore, no illumination is required nor proposed. Par. 5 notes that these approvals are subject to the provisions of Article 17, Site Plans.

General Special Exception Standards (Sect 9-006)

General Standard 1 states that the proposed use at the specified location shall be in harmony with the adopted comprehensive plan. As noted earlier in the staff report, this property is zoned R-2. The Comprehensive Plan text also states that *"infill development in these neighborhoods should be of a compatible use, type, and intensity in accordance with guidance provided by the Policy Plan under Land Use Objectives 8 and 14."* Staff anticipated that there would be a traffic problem due to an increase in the number of students from 87 to 105 at the time of the governing SE approval. To mitigate traffic impacts generated by the site, several development conditions were implemented. However, during the review of the current SEA application, it has come to staff's attention that some vehicles were stacking up on Blake Lane during the school's peak drop-off and pick-up hours. Staff recommended that the applicant implement a student drop-off and pick-up system with a turnaround area and the addition of more parking spaces on-site. The applicant has followed staff's advice and staff believes that the applicant's proposed new parking layout would resolve the existing traffic problem. The development conditions that were previously implemented to prevent traffic from occurring at the site would be carried forward as well. Therefore, staff has concluded that this standard has been met.

General Standard 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The purpose and intent of the R-2 District is *"...to provide for single family detached dwellings at a density not to exceed two (2) dwelling units per acre; to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance."* Staff has concluded that the existing school and the proposed changes do satisfy this standard because the school retains the look of a low-density residential area.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the Comprehensive Plan. As discussed earlier, staff believes that the existing vehicle stacking issue would be resolved with the applicant's proposed new parking layout. Therefore, staff has concluded that this standard has been met.

General Standard 4 states that the vehicular and pedestrian traffic associated with the proposed use not be hazardous or conflict with existing or anticipated traffic in the neighborhood. As noted in the Transportation Analysis and under General Standard 1 above, there are minor conflicts between the vehicular traffic associated with this use and the existing traffic in the neighborhood (specifically, some vehicles were stacking on Blake Lane). However, the applicant has proposed a new parking layout which staff believes would resolve it. There is a sidewalk along the site's frontage on Blake Lane which provides pedestrian access to the site. Therefore, staff finds this standard has been met.

General Standard 5 notes that the provisions of Article 13 regarding transitional screening and barriers are applicable. The transitional screening and barrier along the northwestern boundary had been previously modified and the transitional screening and barrier requirement along the northeastern property line had been previously waived. Staff believes the existing vegetation and barriers still adequately buffer the abutting areas. Therefore, staff finds this standard has been met.

General Standard 6 requires that open space be provided in accordance with the requirements of the applicable zoning district. This standard does not apply as there is no open space requirement for non-residential uses in the R-2 district. General Standard 7 addresses utilities, drainage, parking, loading, and other facilities necessary for a proposed use. Utilities and drainage were met and continue to be met with this application. The loading space requirement was previously waived with the approval of the governing Special Exception. As illustrated on the tabulations, parking was provided which met the requirements of the Zoning Ordinance at the time the Special Exception was approved. However, staff observed vehicles stacking on Blake Lane during the school's peak drop-off and pick-up hours. Staff believes this stacking problem was due to a lack of parking on-site during the arrival and departure times of students in the school. During pick-up and drop-off times, staff observed that the majority of parking spaces were occupied by staff (12 to 15 spaces). Under SE 98-P-030, it was established that no more than 13 full-time staff members are to be parked on-site at any one time. As discussed earlier in the report under General Standard 1, staff believes that the existing parking problem would be resolved with the applicant's proposed new parking layout. Therefore, staff has concluded that this standard has been met.

General Standard 8 addresses signage, noting that all signage associated with the proposed facility must meet the provisions of Article 12, Signs. The applicant proposes to add signage for the drop-off and pick-up turnaround area and two (2) "no parking" signs for the emergency access area. A development condition has been added to ensure that the proposed signage would meet the provisions of Article 12. Therefore, staff finds this standard has been met.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant, Appletree of Fairfax, Inc. wishes to amend SE 98-P-030 previously approved for a private school of general education and child care center, to permit a change in the development conditions. Specifically, the applicant is proposing to increase the allowable ages of students from three years old through fourth grade to infants through fourth grade. No additional building structures are being added to the site. During the review of this application, staff raised the concern of a recurrent vehicle stacking issue which occurs on Blake Lane at approximately 9:00 to 9:05 a.m. and 3:00 p.m. at the school site. While the SEA proposal seeks to allow the school to serve younger children does not necessarily aggravate the issue, staff

believes that this SEA application does present an opportunity to resolve this problem. The applicant has responded to staff's suggestions with a new parking layout and has also proposed to implement a student drop-off and pick-up system. Staff believes that the applicant's proposal would resolve the stacking issue. With the implementation of the proposed development conditions, staff concludes that the subject application is in harmony with the Comprehensive Plan and is in conformance with all of the applicable Zoning Ordinance provisions.

### **Staff Recommendations**

Staff recommends that the Board of Supervisors approve SEA 98-P-030, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and barrier requirements on the northwest periphery, adjacent to Lot 15, in favor of that depicted on the SEA Plat.

Staff recommends a waiver of the transitional screening and barrier requirements on the northeast periphery along Blake Lane.

Staff recommends a waiver of the loading space requirement.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

### **APPENDICES**

1. Proposed Development Conditions with Parking Exhibit and Notes attached
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions and Reduction of SE Plat for SE 98-P-030
5. Comprehensive Plan Citations
6. Urban Forest Management Analysis
7. Park Authority Analysis
8. Transportation Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary of Terms

## PROPOSED DEVELOPMENT CONDITIONS

SEA 98-P-030

June 10, 2010

If it is the intent of the Board of Supervisors to approve SEA 98-P-030 located at Tax Map 48-3 ((19)) 2 and 3, previously approved for a private school of general education and a child care center to permit an increase in the allowable age of students and changes to the development conditions pursuant to Sect. 3-201 and 3-204 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. The use of the properties is limited to the use authorized by this Special Exception Amendment and no other use may be made of the subject property.
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 Appletree School, prepared by Walter L. Phillips Inc. and dated March 16, 1998, as revised through April 19, 1999, and with the Appletree School Screening Plan, dated November 11, 1998, as revised through December 4, 1998, and these conditions.
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. No additional outdoor recreational equipment shall be placed on the property beyond that generally described on the Special Exception Amendment Plat. This condition shall not prohibit repair of existing equipment or the replacement/substitution of new equipment for old on a one-for-one basis in substantially the same size and/or generally within the existing recreational equipment locations.\*
6. The existing stockade fencing along the northwest, southeast, and south property lines shall be retained and/or relocated as shown on the Special Exception Amendment Plat. It shall be the responsibility of the Applicant to ensure that this fence is kept in good repair at all times. The play areas shall be fenced as shown on the Special Exception Amendment Plat.\*

7. One-way vehicular movement shall be provided in the driveway area on Lot 2 as shown on the Special Exception Amendment Plat. To ensure availability of reasonable emergency access, two (2) "No Parking" signs shall be installed on the fence next to the emergency access area.
8. The maximum daily student enrollment of the private school of general education and the child care center shall be a maximum of one hundred and five (105), ages infants through fourth (4<sup>th</sup>) grade, provided that the enrollment shall be monitored in such a manner that the maximum number of children on site between the hours of 6:30 a.m. to 8:30 a.m. and 5:00 p.m. to 7:00 p.m. shall not exceed fifty-one (51). In order to monitor compliance with the foregoing restrictions, the permittee of this Special Exception Amendment shall be required to file, with the Zoning Evaluation Division and the Fairfax County Department of Transportation, at the beginning of each session of the normal school term, and at the beginning of the summer program, a notarized affidavit identifying (1) the total number of students enrolled, full or part time; (2) the age of each student; and (3) the anticipated arrival and departure times.
9. The normal hours of operation of the private school and child care center shall be 6:00 a.m. to 7:00 p.m. Monday through Friday. Except due to emergencies or weather delays, arrivals by students shall not occur prior to 6:30 a.m. and student departures shall not occur after 6:30 p.m. Outdoor activities shall be restricted to the hours of 8:00 a.m. to no later than 5:30 p.m. The use of the facilities shall be exclusively for students enrolled in The Appletree School, their parents and school staff for school-related activities. There shall be no use made of the facilities by any other group or individuals, or for any other purposes.\*
10. Evening and weekend activities of the private school of general education and child care center shall be limited to a maximum of one (1) meeting or activity (indoors only) monthly for parents, staff and/or students of the Appletree School after the normal hours of operation, so long as such activity ends at 9:30 p.m. and the site is cleared of activity associated with the activity by no later than 10:00 p.m. Once a year during the month of December, the Applicant shall be permitted to conduct its "Holiday Gift of Time." This event shall conclude by no later than 10:00 p.m. and the site cleared of activity by 10:30 p.m. A maximum of one (1) staff-only meeting (indoors only) shall be permitted monthly after the normal hours of operation, so long as such staff meeting disbands no later than 8:30 p.m. A maximum of four (4) scheduled activities (indoors only) shall be permitted annually on Saturday mornings between the hours of 9:30 a.m. and 12:30 p.m. and/or Sunday afternoons between the hours of 2:00 p.m. and 5:00 p.m. A calendar of after-hours, Saturday, Sunday or any other special events shall be mailed to the owner(s) of property adjacent to and adjoining the school (Tax Map 48-3 ((10)) 1; 48-3 ((1)) 15; and 48-3 ((34)) 10, 11 12, 13 and 14) at least sixty (60) days in advance of each planned activity and a calendar of such events shall be available at the office of the school for review by any resident of Fairfax County or other interested parties.\*
11. The applicant shall use at least one (1) van/mini-bus vehicle to provide bus service for students and shall provide assistance to patrons in establishing carpools.\*

12. The dwelling at the front of Lot 3 shall be used as a single family residence for the current occupants, a teacher or caretaker only and shall not be used for any purpose associated with the child care center/school of general education.\*
13. The maximum number of full-time employees on-site at any one time shall not exceed fifteen (15).
14. The landscaped areas located to the southern-most and eastern property lines shall be equipped with an irrigation system to protect against seasonal drought. This system may be above ground and shall be maintained for an eight (8) year period from the time the landscaping is installed. The Applicant shall, on an annual basis, enter into a written maintenance agreement, with a certified arborist to provide for maintenance of landscaping materials, which provides for, but is not limited to, proper irrigation, trimming, thinning and appropriate removal of materials where necessary, re-planting of dead and/or dying materials in a timely fashion, mulching, fertilization and spraying where and when necessary. Also on an annual basis, the Applicant shall cause the landscaped area to be inspected by a certified arborist to ensure proper health of the plantings required by Condition 14. As a component of this annual inspection, the certified arborist shall prepare a written report describing the health of the plantings required by Condition 14 and provide recommendations for preventative maintenance or replacement of dead or dying material. A copy of this report shall also be forwarded to the Urban Forestry Branch which, at its discretion, may recommend additional preventative maintenance or replacement measures. The Applicant shall be bound by the findings and recommendations of this report. A copy of this report and any subsequent reports from the Urban Forestry Branch, DPWES, shall be promptly mailed by the Applicants to each abutting property owner to the south and east of the subject property (Tax Map 48-3 ((34)) 10, 11, 12, 13 and 14, Five Oaks Place, and 48-3 ((19)) 1, Willow Point).\*
15. The dumpster or similar trash container shall be located as shown on the Special Exception Amendment Plat and be fully screened from view through the use of a solid, opaque enclosure. The enclosure shall be locked during off-school hours.\*
16. The maximum number of children/students permitted to play in the play areas shall not exceed fifty (50) at any one time. The use of play areas shall comply with all County licensing standards and scheduled playtimes shall be further phased if necessary to comply with licensing standards.\*
17. Use of outdoor lighting and/or audio equipment shall be restricted as follows:
  - A. There shall be no installation or use of loudspeakers, bells, or any other audio equipment installed permanently or temporarily outdoors, including portable equipment.
  - B. Any outdoor lighting shall be shielded so as the element shall not be visible to adjacent properties.

- C. Installation of any new free-standing lights shall be limited to shoebox-style with a height not to exceed eight (8) feet. There shall be no outdoor lighting installed, or temporary lighting structures, in any area designated as playgrounds or outdoor recreation areas.\*
18. Lighting, visual impact and noise from all structures shall be restricted as follows:
- A. Windows and doors of structures shall be appropriately shaded, so that activities within the structures after dusk when artificial lighting is required will not impact on adjacent properties.
- B. Windows and doors shall remain shut at all times when activities are taking place within the "garden/multi-purpose room."
- C. Any bars, impact screens or other devices shall be constructed on the inside of windows and doors and not the exterior of the buildings.
19. In order to provide an on-going mechanism for review of the school's operation and to ensure compliance with these conditions, the Applicant shall be responsible for ensuring the continuance of the Advisory Group. The Advisory Group shall include an authorized representative of the applicant/owner of the special exception property, and the Director of the Appletree School. Written invitations to join the Advisory Group shall be made to each abutting property owner, including property owners of Tax Map 48-3 ((34)) Lots 10-14, Five Oaks Place Subdivision (9716-9724 Water Oak Drive); Tax Map 48-3 ((19)) Lot 1 Willow Point Subdivision (9653 Blake Lane); and Tax Map 48-3 ((1)) 15 (9701 Blake Lane). The Advisory Group shall meet no less than once every six (6) months. Any member of the Advisory Group may call a meeting of it with fourteen (14) days written notice, provided that no more than two (2) meetings in any six (6) month period shall be required. Minutes shall be kept of all meetings. Complete copies of any changes or alterations to the existing siteplan and building permit plan shall be forwarded to the Advisory Group concurrent with their submission to Fairfax County. Membership on, or participation in the Advisory Group, should not be construed as a substitute for individual rights under any provision of law or County Code.
20. The Applicant shall provide a parking lot attendant to direct arriving patrons to available spaces and ensure the lot is used efficiently in connection with events which are anticipated to create parking demands beyond routine parent and staff arrivals/departures, to include but not be limited to, the first day of each school year, scheduled days for parent conferences, the holiday gift of time, and scheduled evening functions involving attendance beyond the school staff.\*
21. All operational requirements of these conditions shall be effective immediately upon approval of this Special Exception Amendment by the Board of Supervisors.\*

22. A sign shall be posted for the turnaround parking space with text indicating its use and the hours the parking space can be used for regular parking. The text on the sign and its location shall be subject to the review and approval of FCDOT.
23. Prior to the issuance of the Non-RUP, the boundary lines for the proposed parking spaces shall be painted to properly delineate the parking spaces as depicted on the parking exhibit.

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.



## Parking Notes

### DESCRIPTION OF PROPOSED DROP-OFF/PICK-UP AREA AND PARKING MODIFICATIONS

1. "NO PARKING" signs with arrows to be affixed to fence between residence and school.
2. Middle parking space in the row of 7 in the rear of the site to be widened to 10 feet to create a turn-around space. Three spaces to the left will be shifted to accommodate. Vehicles will pull into 10 foot side space and back out to then drop off children at front door. This will occur for drop-off between the hours of 8:30am and 9:30 am and pick-up from 2:45pm to 3:30 pm. The space will be signed as such. Please note that existing parking lot meets PFM parking space and aisle width requirements so the turn-around will work on the site.
3. Dumpster pad has been revised to show actual size of enclosed area. Dumpster will be shifted to this location.
4. Picket Fence near residence will be shifted to the west to accommodate an additional gravel space at the residence.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: DEC 29 2009  
 (enter date affidavit is notarized)

I, Lori R. Greenlief, Land Use Planner, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below      107514

in Application No.(s): SEA 98-P-030  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Appletree of Fairfax, Inc. Agent: Kathlena M. Miranda	9655 Blake Lane Fairfax, VA 22031	Applicant/Title Owner of Tax Map Nos. 48-3 (19) 2, 3
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegle Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DEC 29 2009

DATE: (enter date affidavit is notarized)

107514

for Application No. (s): SEA 98-P-030 (enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Appletree of Fairfax, Inc.
9655 Blake Lane
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Paul J. Klaassen
Teresa M. Klaassen

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: DEC 29 2009
(enter date affidavit is notarized)

107514

for Application No. (s): SEA 98-P-030
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(check if applicable) [X] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Equity Partners of McGuireWoods LLP

- List of equity partners including: Alphonso, Gordon R.; Anderson, Arthur E., II; Anderson, Mark E.; Andre-Dumont, Hubert; Bagley, Terrence M.; Barger, Brian D.; Barnum, John W.; Barr, John S.; Becker, Scott L.; Becket, Thomas L.; Beil, Marshall H.; Belcher, Dennis I.; Bell, Craig D.; Beresford, Richard A.; Bilik, R. Eric; Blank, Jonathan T.; Boland, J. William; Brenner, Irving M.; Brooks, Edwin E.; Brown, Thomas C., Jr.; Buchan, Jonathan E.; Busch, Stephen D.; Cabaniss, Thomas E.; Cacheris, Kimberly Q.; Cairns, Scott S.; Capwell, Jeffrey R.; Cason, Alan C.; Chaffin, Rebecca S.; Cobb, John H.; Cogbill, John V., III

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

## Special Exception Attachment to Par. 1(c)

DATE: DEC 29 2009  
(enter date affidavit is notarized)for Application No. (s): SEA 98-P-030  
(enter County-assigned application number (s))

107514

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102(check if applicable)  The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Covington, Peter J.	Grant, Richard S.	La Fratta, Mark J.
Cramer, Robert W.	Greenberg, Richard T.	Lias-Booker, Ava E.
Cromwell, Richard J.	Grieb, John T.	Lieberman, Richard E.
Culbertson, Craig R.	Harmon, Jonathan P.	Little, Nancy R.
Cullen, Richard (nmi)	Harmon, T. Craig	Long, William M.
de Cannart d'Hamale, Emmanuel	Harmon, Yvette (nmi)	Manning, Amy B.
De Ridder, Patrick A.	Hartsell, David L.	Marianes, William B.
Dickerman, Dorothea W.	Hayden, Patrick L.	Marks, Robert G.
DiMattia, Michael J.	Hayes, Dion W.	Marshall, Gary S.
Dooley, Kathleen H.	Heberton, George H.	Marshall, Harrison L., Jr.
Dorman, Keith A.	Horne, Patrick T.	Marsico, Leonard J.
Downing, Scott P.	Hosmer, Patricia F.	Martin, Cecil E., III
Edwards, Elizabeth F.	Hutson, Benne Cole	Martin, George Keith
Ey, Douglas W., Jr.	Isaf, Fred T.	Martinez, Peter W.
Feller, Howard (nmi)	Jackson, J. Brian	Mason, Richard J.
Fennebresque, John C.	Jarashow, Richard L.	Mathews, Eugene E., III
Foley, Douglas M.	Johnston, Barbara Christie	Mayberry, William C.
Fox, Charles D., IV	Kanazawa, Sidney (nmi)	McCallum, Steven C.
France, Bonnie M.	Katsantonis, Joanne (nmi)	McDonald, John G.
Freedlander, Mark E.	Keenan, Mark L.	McElligott, James P.
Fuhr, Joy C.	Kennedy, Wade M.	McElroy, Robert G.
Getchell, E. Duncan, Jr.	King, Donald E.	McFarland, Robert W.
Gibson, Donald J., Jr.	King, Sally Doubet	McIntyre, Charles Wm.
Glassman, Margaret M.	Kittrell, Steven D.	McLean, J. Dickson
Glickson, Scott L.	Kratz, Timothy H.	McRill, Emery B.
Gold, Stephen (nmi)	Krueger, Kurt J.	Muckenfuss, Robert A.
Goldstein, Philip (nmi)	Kutrow, Bradley R.	Muir, Arthur B.

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: DEC 29 2009  
(enter date affidavit is notarized)

107514

for Application No. (s): SEA 98 P-030  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Murphy, Sean F.  
Nesbit, Christopher S.  
Nunn, Daniel B., Jr.  
O'Grady, Clive R. G.  
O'Grady, John B.  
O'Hare, James P.  
Oakey, David N.  
Oostdyk, Scott C.  
Padgett, John D.  
Pankey, David H.  
Parker, Brian K.  
Phears, H.W.  
Plotkin, Robert S.  
Potts, William F., Jr.  
Pryor, Robert H.  
Pusateri, David P.  
Rak, Jonathan P.  
Rakison, Robert B.  
Reid, Joseph K., III  
Richardson, David L.  
Riegler, Gregory A.  
Rifken, Lawrence E.  
Riley, James B., Jr.  
Riopelle, Brian C.

Roberts, Manley W.  
Robinson, Stephen W.  
Rogers, Marvin L.  
Rohman, Thomas P.  
Rosen, Gregg M.  
Rust, Dana L.  
Satterwhite, Rodney A.  
Scheurer, P. Christian  
Schewel, Michael J.  
Schill, Gilbert E., Jr.  
Schmidt, Gordon W.  
Sellers, Jane Whitt  
Shelley, Patrick M.  
Simmons, L. D., II  
Simmons, Robert W.  
Skinner, Halcyon E.  
Slone, Daniel K.  
Spahn, Thomas E.  
Spitz, Joel H.  
Stallings, Thomas J.  
Steen, Bruce M.  
Stein, Marta A.  
Stone, Jacquelyn E.  
Swan, David I.

Tackley, Michael O.  
Tarry, Samuel L., Jr.  
Thornhill, James A.  
Tirone, Joseph G.  
Van der Mersch, Xavier G.  
Vaughn, Scott P.  
Vick, Howard C., Jr.  
Viola, Richard W.  
Wade, H. Landis, Jr.  
Walker, John Tracy, IV  
Walsh, James H.  
Watts, Stephen H., II  
Werlin, Leslie M.  
Westwood, Scott E.  
Whelpley, David B., Jr.  
White, H. Ramsey, III  
White, Walter H., Jr.  
Williams, Steven R.  
Wilson, Ernest G.  
Wilson, James M.  
Wren, Elizabeth G.  
Young, Kevin J.  
Younger, W. Carter

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: DEC 29 2009  
(enter date affidavit is notarized)

107514

for Application No. (s): SEA 98-P-030  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 98.P-030  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: DEC 29 2009  
(enter date affidavit is notarized)

107514

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[ ] Applicant

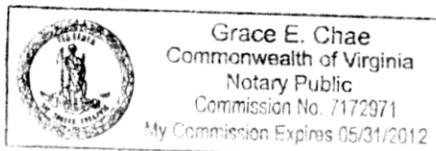
[x] Applicant's Authorized Agent

Lori R. Greenlief  
Lori R. Greenlief, Land Use Planner  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 29th day of December 20 09, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae  
Notary Public

My commission expires: 5/31/2012



STATEMENT OF JUSTIFICATION  
FOR  
SPECIAL EXCEPTION AMENDMENT  
APPLETREE OF FAIRFAX, INC.

December 29, 2009

Revised February 9, 2010

Revised May 7, 2010

Revised June 8, 2010

Pursuant to Sections 3-204 and 9-301 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Appletree of Fairfax, Inc., hereby requests approval of an amendment to an existing special exception to permit a change in the allowable ages for a private school of general education and child-care center on properties identified as Tax Map Reference Number 48-3((19)) 2 and 3.

LOCATIONBACKGROUND

Appletree of Fairfax, Inc. (dba, The Appletree School) is located on 1.53 acres of land, zoned R-2, in the Providence District. The school is operating pursuant to SE 98-P-030 approved in 1999. The school provides a structured environment of learning in addition to before and after school care for the students of the school. Care is also provided during holiday breaks and throughout the summer. The special exception approval currently limits the age of students/children to 3 years old through the 4<sup>th</sup> grade.

PROPOSAL

Appletree School would like the ability to offer care for children younger than 3 years old. No change to the current approved maximum daily enrollment is proposed. The proposed change would allow for Appletree to configure its enrollment as demand necessitates.

The following information is provided pursuant to Section 9-011 of the Fairfax County Zoning Ordinance:

- A. Type of operation: Private School of General Education and Child Care Center.
- B. Hours of operation: The normal hours of operation of the private school and child care center shall be 6:00 A.M. to 7:00 P.M., Monday through Friday. Except due to emergencies or weather delays, arrivals by students shall not occur prior to 6:30 A.M. and student departures shall not occur after 6:30 P.M. Outdoor activities shall be restricted to the hours of 8:00 A.M. to no later than 5:50 P.M. Evening and weekend activities are limited to a maximum of one meeting or activity (indoors only) monthly for parents, staff and/or students after the normal hours of operation, so long as such activity ends at 9:30pm

and the site is cleared by no later than 10:00 pm. Once a year during the month of December, the Applicant conducts its "Holiday Gift of Time" which concludes no later than 10:00pm and the site is cleared by 10:30 pm. A maximum of one staff-only meeting (indoors only) occurs annually on Saturday mornings between the hours of 9:30 am and 12:30 pm and/or Sunday afternoons between the hours of 2:00 pm and 5:00 pm. A calendar of after-hours, Saturday, Sunday or any other special events is mailed to property owners adjacent to the school in accordance with Condition 10 of the previous approval, SE 98-P-030. These are the current approved parameters for the hours of operation.

- C. Number of pupils: 105 students (no change proposed). Maximum number of children on site at any one time is governed by Condition 8 of the previous approval, SE 98-P-030.
- D. Number of employees: The maximum number of full-time employees on-site at any one time shall not exceed fifteen (15).
- E. Estimate of traffic impact: The shift from 3 year care to infant care with no change in the maximum daily enrollment will not change the existing traffic impact.
- F. Vicinity or general area to be served by the use: Washington Metropolitan Area
- G. Architectural compatibility: There are no planned changes to the outside of the buildings.
- H. Hazardous and toxic substances: There are no known hazardous or toxic substances that will be generated on site with this proposed change.
- I. Statement of conformance: To the best of the Applicant's knowledge, the proposed use conforms to the provision of all applicable ordinances, regulations, adopted standards, and any applicable conditions.

CONFORMANCE WITH SECT. 9-303 and 9-310

The shift to care of infants will not change the existing compliance with these standards as approved with SE 98-P-030.

CONFORMANCE WITH SECT.9-006

The shift to care of infants will not change the existing compliance with these standards as approved with SE 98-P-030. It is specifically noted that the applicant is proposing a new drop-off procedure for grades kindergarten and older that will alleviate the circulation issues raised by staff. The Applicant is also proposing to direct staff to

Page 3  
Statement of Justification  
Appletree School of Fairfax, Inc.

park in the rear portion of the site. The attached letter to staff, dated May 7, 2010, revised June 8, 2010, is incorporated as part of this statement.

CONCLUSION:

The request to change the allowable ages of the students/children to allow the care of infants at the school will be a minor alteration that does not affect any aspect of the approved zoning approval (special exception) on the property. There are no outside physical changes proposed for the site with the exception of expanding the center parking space in the rear area of the site in width to create a turn-around space for drop-off and pick-up and restriping the remaining spaces to accommodate that increase in width and adding a gravel space in the rear of the house as shown on the parking exhibit. Two no parking signs will also be added to the fence which separates the house from the school parking lot.. The Applicant commits to continued compliance with all of the development conditions adopted with the approval of SE 98-P-030 with Condition 8 changed to reflect the ability to care for infants. The Applicant respectfully requests the approval of this Special Exception application.

Respectfully submitted,

  
Lori Greenlief  
McGuirewoods LLP

Attachments:

Response letter to staff which has 3 attachments.

McGuireWoods LLP  
1750 Tysons Boulevard  
Suite 1800  
McLean, VA 22102-4215  
Phone: 703.712.5000  
Fax: 703.712.5050  
www.mcguirewoods.com

Lori Greenlief  
Direct: 703.712.5433

McGUIREWOODS

lgreenlief@mcguirewoods.com  
Direct Fax: 703.712.5050

May 7, 2010  
Revised June 8, 2010

Kelli-Mae Goddard-Sobers  
Staff Coordinator  
Department of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035

RE: Response to staffing issue

Dear Ms. Goddard-Sobers:

Thanks for meeting with Katie Miranda from Appletree School and me regarding the issue raised at staffing for the Appletree School of Fairfax. The purpose of this letter is to respond to questions raised about parking/circulation on site.

First, let me clarify how Appletree School operates. They are approved for a school of general education/child care center with a maximum daily enrollment of 105 students. Each year is different regarding the number of students in each grade level, but all students receive academic instruction, whether it be pre-school, kindergarten or upper grades. There are normal academic classes for kindergarten on up and then there are options for the preschoolers as follows: all preschoolers receive academic instruction from 9am to noon; preschoolers are then offered extended care which can be from 9am to 3pm or 7am to 6pm.; the upper grades are also offered the 7am to 6pm extended care which is essentially before and after school care. The difference between Appletree and other schools is that the students who opt for the before and after school care also attend school at Appletree. In other words, no students leave Appletree at 8:00am to attend public elementary school elsewhere and no students arrive at 3:30pm for after school care after attending another school. Those students in the school of general education and in the child care center are one and the same. The child care center at Appletree is part of the school of general education. Thus, pursuant to the definition of School of General Education, which is attached for reference as Exhibit 1, the child care facility is considered a school of general education.

The current request to allow younger children to be cared for would materialize as follows: 2 year olds will receive academic instruction from 9am to noon and children younger than 2 years old will receive care in some incremental time frames yet to be determined. At that point, the facility would be operating as a child care center use also,

as the infants and one year olds will not be in "instruction" as the definition of School of General Education requires. The number of child care center enrollees (those not receiving academic instruction) versus the number of students in the school may vary year to year. The parking requirement for each of those two uses is different and will have to be met regardless of the mix of child care center versus school enrollees. Please note that development condition 8, imposed with the approval of SE 98-P-030, requires that the Applicant submit a notarized affidavit at the beginning of each school session which identifies the number of student enrolled, age and arrival and departure times. It will be clear from this document how many children are enrolled in each of the two uses so parking can be calculated accurately. The Applicant would also agree to providing parking calculations in this affidavit for each school term.

Staff has indicated a possible issue with stacking onto Blake Lane during peak drop off times. This is not a daily occurrence and only happens occasionally. The parking exhibit submitted with this response indicates the resolution to this issue. The center space in the rear aisle of 7 spaces will be widened to 10 feet to create a turn-around space. Parents of children in kindergarten and older will turn around in this space and then drop-off and pick-up at the door of the school. This drop-off and pick-up system will be used during the peak times which are 8:30am to 9:30am and 2:45pm to 3:30pm. The space will be marked with a sign indicating its intended use during those time periods and restricting parking for those periods.

The staff arrival times are staggered as shown on Exhibit 3. During the peak drop off time, 10 staff are present on the site. There are 9 parking spaces available in the rear parking area of the site for staff members. An additional space is available at the residential building on the site. This frees up 10 other spaces for drop-off for the younger children.

In summary, the following measures will be taken to ensure adequate parking and circulation on site:

- The Applicant will include a parking calculation with the letter submitted at the beginning of each term.
- Faculty and staff will be instructed to park in the rear 9 spaces and in the two available spaces at the residence, as well as in the turn-around space (referenced in Bullet 3) when it is not in use for drop-off or pick-up.
- The Applicant will designate the expanded parking space in the rear portion of the site as the turn around space with signage.

The proposed drop-off procedures will free up adequate spaces for those parents parking and walking their children into the facility. The location of the drop-off will allow more than adequate stacking area for the volume of vehicles who will be utilizing the drop-off system during the specified hours. The Applicant believes that these measures

RE: Response to Staffing Issues - Appletree School  
May 7, 2010  
Revised June 8, 2010  
Page 3

will alleviate the issues raised by staff and will agree to development conditions which require the procedure as described.

Please feel free to call me if you have any questions. Thank you for your work on this application.

Best Regards,

A handwritten signature in black ink, appearing to read "L. Greenlief", written in a cursive style.

Lori Greenlief

Exhibits:

1. Definition of School of General Education
2. Parking Space Designation Diagram
3. Arrival and Departures Times for Faculty and Staff

cc: Katie Miranda, Appletree School

## ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

REVERSE FRONTAGE LOT: See LOT, REVERSE FRONTAGE.

ROAD: See STREET.

ROOMING HOUSE: Any building or portion thereof containing sleeping accommodations for five (5) to twelve (12) persons wherein normally a charge is paid for such accommodations. The term 'rooming house' shall be deemed to include the term 'boarding house', but not motel or other accommodations used for transient occupancy.

SATELLITE EARTH STATION: A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

SCHOOL OF GENERAL EDUCATION: A parochial, private school, boarding school, academy, or a school for the mentally or physically disabled giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, but not including (a) a school of special education as defined herein; or (b) a child care center or home child care facility unless conducted as part of a school of general education; or (c) a riding school, however designated.

SCHOOL OF SPECIAL EDUCATION: A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious, or other special subjects, but not including (a) a child care center or home child care facility; or (b) a riding school, however designated.

SEISMOGRAPH: See definitions under VIBRATION.

SERVICE DRIVE: See STREET, SERVICE DRIVE.

SERVICE STATION: Buildings and premises for the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made, but only as accessory and incidental to the primary occupation:

1. Sales and servicing of spark plugs, batteries, and distributors, distributor parts and other motor vehicle related items;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiperblades, grease retainers, wheel bearings, mirrors and the like;
4. Greasing, lubrication and radiator flushing;
5. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor;
6. Emergency wiring repairs;



Full Time Teaching Staff:

1 arrives at 7:00am and departs at 3:00pm  
1 arrives at 7:30am and departs at 3:30pm  
1 arrives at 7:45am and departs at 3:45pm  
2 arrives at 8:00am and departs at 4:00pm  
1 arrives at 8:15am and departs at 4:15pm  
2 arrives at 8:30am and departs at 4:30pm  
2 arrive at 9:00am and depart at 5:00pm

Part Time Teaching Staff:

1 arrives at 9:00am and departs at 3:30pm  
1 arrives at 9:15am and departs at 2:30pm

Full Time Admin Staff

1 arrives at 8:30am and departs at 4:30pm  
1 arrives at 10:00am and departs at 6:00pm

Support Staff

1 arrives at 7:00am and departs at 3:00pm

Part Time Assistant Staff

2 arrive at 3:00pm and depart at 6:00pm  
2 arrive at 3:15 and depart at 6:00pm  
2 arrive at 3:30 and depart at 5:30pm



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

May 19, 1999

Michael J. Giguere, Esquire  
McGuire, Woods, Battle & Boothe LLP  
8280 Greensboro Drive - Suite 900  
McLean, Virginia 22102-3892

RE: Special Exception  
Number SE 98-P-030



Dear Mr. Giguere:

At a regular meeting of the Board of Supervisors held on April 26, 1999, the Board approved Special Exception Number SE 98-P-030 in the name of Appletree of Fairfax, Incorporated located at Tax Map 48-3 ((19)) 2 and 3 for use as a private school of general education and a child care center which has an enrollment of 100 or more students daily pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions; these conditions shall supersede all previous 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. The use of the properties is limited to the use authorized by this Special Exception and no other use may be made of the subject property.
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 Appletree School, prepared by Walter L. Phillips Inc., and dated March 16, 1998, as revised through April 19, 1999, and with the Appletree School Screening Plan, dated November 11, 1998, as revised through December 4, 1998, and these conditions.

4. The proposed building addition shall have no roof ornaments and shall be in substantial conformance with the attached architectural renderings (Exhibit A). The section of the new building addition designated as the "multi-purpose" room shall not exceed twenty-four feet (24') in height; the remaining section of the new building addition located toward the rear of the property shall not exceed twenty feet (20') in height. To reduce the massing of the building when viewed from adjacent property, the exterior color of the addition and the existing school building shall be complementary. The Applicant acknowledges this may require repainting of the existing building immediately west of the addition. The architecture of the addition shall be in substantial conformance with Exhibit A.
5. No additional outdoor recreational equipment shall be placed on the property beyond that generally described on the Special Exception Plat. This condition shall not prohibit repair of existing equipment or the replacement/substitution of new equipment for old on a one-for-one basis in substantially the same size and/or generally within the existing recreational equipment locations.
6. The existing stockade fencing along the northwest, southeast, and south property lines shall be retained and/or relocated as shown on the Special Exception Plat.

It shall be the responsibility of the Applicant to ensure that this fence is kept in good repair at all times. The play areas shall be fenced as shown on the Special Exception Plat.

7. One-way vehicular movement shall be provided in the driveway area on Lot 2 as shown on the Special Exception Plat. To ensure availability of reasonable emergency access, a "No Parking" area shall be striped along the travel aisle which provides access to the parking areas on Lot 3.
8. The maximum daily student enrollment of the private school of general education and the child care center shall be a maximum of one hundred and five (105), ages three (3) through fourth (4th) grade, provided that the enrollment shall be monitored in such a manner that the maximum number of children on site between the hours of 6:30 A.M. to 8:30 A.M. and 5:00 P.M. to 7:00 P.M. shall not exceed fifty-one (51). In order to monitor compliance with the foregoing restrictions, the permittee of this Special Exception shall be required to file, with the Zoning Evaluation Division and the County Department of Transportation, at the beginning of each session of the normal school term, and at the beginning of the summer program, a notarized affidavit identifying (1) the total number of students enrolled, full or part time; (2) the age of each student; and (3) the anticipated arrival and departure times.
9. The normal hours of operation of the private school and child care center shall be 6:00 A.M. to 7:00 P.M., Monday through Friday. Except due to emergencies or weather delays, arrivals by students shall not occur prior to 6:30 A.M. and student departures shall not occur after

6:30 P.M. Outdoor activities shall be restricted to the hours of 8:00 A.M. to no later than 5:30 P.M. The use of the facilities shall be exclusively for students enrolled in The Appletree School, their parents and school staff for school-related activities. There shall be no use made of the facilities by any other group or individuals, or for any other purposes.

10. Evening and weekend activities of the private school of general education and child care center shall be limited to a maximum of one (1) meeting or activity (indoors only) monthly for parents, staff and/or students of the Appletree School after the normal hours of operation, so long as such activity ends at 9:30 p.m. and the site is cleared of activity associated with the activity by no later than 10:00 P.M. Once a year during the month of December, the Applicant shall be permitted to conduct its "Holiday Gift of Time." This event shall conclude by no later than 10:00 P.M. and the site cleared of activity by 10:30 P.M. A maximum of one (1) staff-only meeting (indoors only) shall be permitted monthly after the normal hours of operation, so long as such staff meeting disbands no later than 8:30 P.M. A maximum of four (4) scheduled activities (indoors only) shall be permitted annually on Saturday mornings between the hours of 9:30 A.M. and 12:30 P.M. and/or Sunday afternoons between the hours of 2:00 P.M. and 5:00 P.M. A calendar of after-hours, Saturday, Sunday or any other special events shall be mailed to the owner(s) of property adjacent to and adjoining the school (Tax Map Parcels 48-3 ((19)) 1; 48-3 ((1)) 15; and 48-3 ((34)) 10, 11, 12, 13, and 14) at least sixty (60) days in advance of each planned activity and a calendar of such events shall be available at the office of the school for review by any resident of Fairfax County or other interested parties.
11. The applicant shall use at least one (1) van/mini-bus vehicle to provide bus service for students and shall provide assistance to patrons in establishing car pools.
12. The dwelling at the front of Lot 3 shall be used as a single family residence for the current occupants, a teacher or care taker only and shall not be used for any purpose associated with the child care center/school of general education.
13. The maximum number of full-time employees on-site at any one time shall not exceed thirteen (13).
14. Tree preservation/landscaping shall be provided in conformance with the landscape plan(s) and narrative prepared by Phil Wilber of Frontier Landscaping, entitled "Appletree School Screening Plan" and "9718 Water Oak", and attached hereto (Exhibits B and B-1). Subject to review and approval by the County Urban Forester, adherence to the tree preservation/landscape plan(s) shall be deemed to fulfill the applicable requirements for Transitional Screening. In addition to that shown on the landscape plan, the Applicant shall be responsible for (1) the installation of two (2) six foot (6') tall Leyland Cypress trees on the eastern side of the stockade fence located in the western corner of the site; and (2) the

removal of two (2) existing Mulberry trees at 9716 Water Oak Drive and the planting of two (2) 8'-10' Leyland Cypress trees at 9716 Water Oak Drive. Any off-site landscaping and tree removal shall be implemented upon the Applicant receiving appropriate permission to enter the off-site properties.

15. The landscaped areas located adjacent to the southern-most and eastern property lines shall be equipped with an irrigation system to protect against seasonal drought. This system may be above ground and shall be maintained for an eight (8) year period from the time the landscaping is installed. The Applicant shall, on an annual basis, enter into a written maintenance agreement, with a certified arborist to provide for maintenance of landscaping materials, which provides for, but is not limited to, proper irrigation, trimming, thinning and appropriate removal of materials where necessary, re-planting of dead and/or dying materials in a timely fashion, mulching, fertilization and spraying where and when necessary. Also on an annual basis, the Applicant shall cause the landscaped area to be inspected by a certified arborist to ensure proper health of the plantings required by Condition 14. As a component of this annual inspection, the certified arborist shall prepare a written report describing the health of the plantings required by Condition 14 and provide recommendations for preventive maintenance or replacement of dead or dying material. A copy of this report shall also be forwarded to the Urban Forestry Branch which, at its discretion, may recommend additional preventive maintenance or replacement measures. The Applicant shall be bound by the findings and recommendations of this report. A copy of this report and any subsequent reports from the Urban Forestry Branch, DPWES, shall be promptly mailed by the Applicants to each abutting property owner to the south and east of the subject property (Tax Map 48-3 ((34)) 10, 11, 12, 13, and 14, Five Oaks Place and 48-3 ((19)) 1, Willow Point).
16. At the time of site plan submission, it shall be determined by DPWES if stormwater management (SWM) and best management practices (BMP) facilities shown on the Special Exception Plat are desirable or feasible for the subject property and are in conformance with the Public Facilities Manual. The Applicant and the Advisory Group provided for in Condition #22, below shall review stormwater management and any impact on adjacent properties, as a minimum on an annual basis, and if the Applicants' new addition or subsequent landscaping changes are causing ponding on adjacent properties, then reasonable remedial actions shall be taken to the satisfaction of the Advisory Group and DPWES.
17. In the event that construction or grading encroaches beyond the limits of clearing shown on the Special Exception Plat, any trees damaged or removed shall be replaced on a one-to-one basis with a species as determined by the Urban Forestry Branch, DPWES, and a minimum height of 8 to 10 feet (or an equivalent caliper) at time of planting.

18. The dumpster or similar trash container shall be located as shown on the Special Exception Plat and be fully screened from view through the use of a solid, opaque enclosure. The enclosure shall be locked during off-school hours.
19. The maximum number of children/students permitted to play in the play areas shall not exceed fifty (50) at any one time. The use of play areas shall comply with all County licensing standards and scheduled playtimes shall be further phased if necessary to comply with licensing standards.
20. Use of outdoor lighting and/or audio equipment shall be restricted as follows:
  1. There shall be no installation or use of loudspeakers, bells, or any other audio equipment installed permanently or temporarily outdoors, including portable equipment.
  2. Any outdoor lighting shall be shielded so as the element shall not be visible to adjacent properties.
  3. Installation of any new free-standing lights shall be limited to shoebox-style with a height not to exceed eight (8) feet. There shall be no outdoor lighting installed, or temporary lighting structures, in any area designated as playgrounds or outdoor recreation areas.
21. Lighting, visual impact and noise from all structures shall be restricted as follows:
  1. Windows and doors of structures shall be appropriately shaded, so that activities within the structures after dusk when artificial lighting is required will not impact on adjacent properties.
  2. Windows and doors shall remain shut at all times when activities are taking place within the "garden/multi-purpose room."
  3. Any bars, impact screens or other devices shall be constructed on the inside of windows and doors and not on the exterior of the new proposed building.
22. In order to provide an on-going mechanism for review of the school's operation and to ensure compliance with these conditions, within sixty (60) days of the final approval of this application and prior to site plan submittal, the Applicant shall be responsible for developing an "Advisory Group." The Advisory Group shall include an authorized representative of the applicant/owner of the special exception property, and the Director of the Appletree School. Written invitations to join the Advisory Group shall be made to each abutting property owner, including property owners of Tax Map 48-3 ((34)) Lots 10-14,

Five Oaks Place Subdivision (9716-9724 Water Oak Drive); Tax Map 48-3 ((19)) Lot 1 Willow Point Subdivision (9653 Blake Lane); and Tax Map 48-3 ((1)) 15 (9701 Blake Lane). The Advisory Group shall meet no less than once every six (6) months. Any member of the Advisory Group may call a meeting of it with fourteen (14) days written notice, provided that no more than two (2) meetings in any six (6) month period shall be required. Minutes shall be kept of all meetings. Concurrent with their submission to Fairfax County, a complete copy of the site plan and building plans shall be given to all members of the Advisory Group. Complete copies of any subsequent revision or alterations to the siteplan and building permit plan shall be forwarded to the Advisory Group concurrent with their submission to Fairfax County. Membership on, or participation in the Advisory Group, should not be construed as a substitute for individual rights under any provision of law or County Code.

In the event the Applicant is unable to secure an occupancy permit for the building addition by August 23, 1999, the Applicant may erect a temporary trailer of a size not to exceed 30' x 40' for classroom use in the area of the property generally south and west of the existing residential dwelling unit. Under no circumstance shall the trailer be located in any parking area, travel way or play area. Installation of the trailer shall be in accordance with all applicable County requirements and shall include appropriate skirting of the lower level. If installed, the trailer shall be screened with eight (8) to ten (10) evergreen trees having a planted height of six (6) feet at time of planting. Use of the trailer shall not exceed ninety (90) days from the date of installation and the trailer shall be removed within seven (7) days of the issuance of an occupancy permit for the building addition. In the event installation of the trailer is anticipated, members of the Advisory Group shall be given thirty (30) days notice prior to the expected installation date.

23. The Applicant shall provide a parking lot attendant to direct arriving patrons to available spaces and ensure the lot is used efficiently in connection with events which are anticipated to create parking demands beyond routine parent and staff arrivals/departures, to include, but not be limited to, the first day of each school year, scheduled days for parent conferences, the holiday gift of time, and scheduled evening functions involving attendance beyond the school staff.
24. A copy of these Special Exception conditions shall be posted in a conspicuous location within the school and shall be available to Fairfax County personnel and to the public during hours of operation.
25. All operational requirements of these conditions, which include Conditions 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 24, and 25, which do not involve construction and/or the review of any site plan, landscape plan, building permit, or similar plans by Fairfax County, shall be effective immediately upon approval of this Special Exception by the Board of Supervisors.

SE 98-P-030  
May 19, 1999

- 7 -

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 itself 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.

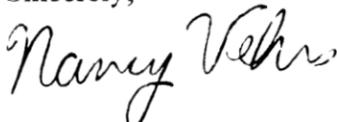
Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional 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.

**The Board also:**

- **Modified the transitional screening and barrier requirements on the northwest periphery, adjacent to Lot 15, in favor of that shown on the Special Exception Plat and subject to the development conditions dated February 9, 1999.**
- **Waived the transitional screening and barrier requirements on the northeast periphery, along Blake Lane, subject to the development conditions dated February 9, 1999.**
- **Waived the interior and peripheral parking lot landscaping in favor of that shown on the Special Exception Plat.**

If you have questions regarding the expiration of this Special Exception or filing a request for additional time, they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns  
Attachments

SE 98-P-030  
May 19, 1999

- 8 -

cc: Chairman Katherine K. Hanley  
Supervisor – Providence District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, DPZ  
Audrey Clark, Chief, Inspection Svcs., BPRB, DPW&ES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Ellen Gallagher, Project Planning Section, Office of Transportation  
Michelle A Brickner Acting Director, Site Development Services, DPW&ES  
DPW&ES – Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner



## CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends that most of this sector be identified as a Suburban Neighborhood. The Flint Hill Suburban Center is located in this sector (see the Flint Hill Suburban Center).

## RECOMMENDATIONS

### Land Use

The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 19 indicates the geographic locations of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. Neighborhoods containing older, more moderately priced housing should be maintained and protected in order to provide affordable housing opportunities. Some of these areas include Fairfax Acres, Dudley Heights and Grays/Grays Oakton.
2. Bannockbairn Estates north of I-66, planned for residential use at 5-8 dwelling units per acre, is an older single-family detached residential subdivision that was bisected by I-66. The portion north of I-66 [(Tax Map 48-3((18)) and ((31)))] may be considered for redevelopment at 8-12 dwelling units per acre with substantial parcel consolidation. This density would be compatible with adjacent development, which is built at a density between 8 and 20 dwelling units per acre.
3. Commercial development in this sector should be limited to those areas designated for commercial use on the Plan map. Existing commercial uses generally should not be intensified, except minimally for modernization or beautification. Additional landscaping and buffering between commercial and residential uses and carefully designed pedestrian connections to adjacent residential areas are strongly encouraged where appropriate. [Not shown]
4. There is a small industrial area on Draper Drive that is planned and developed in a manner similar to adjacent land in Fairfax City. The intensity of development on this land should not exceed .50 FAR. Adjacent to this area is a vacant parcel that is owned by Virginia Power (Tax Map 48-3((1))25), which is programmed for a substation. The substation should be designed with a substantial buffer area (at a minimum - 50 feet) adjacent to residential neighborhoods to the north and east. The buffer area should include berms, barrier walls and landscaping designed to minimize the visual impact of the substation. Transmission lines should access the property from the industrial area to the south or west or be provided underground to minimize the visual impact on the adjoining residential area.



## County of Fairfax, Virginia

**MEMORANDUM**

March 23, 2010

**TO:** Kelli-Mae Goddard-Sobers, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II   
Forest Conservation Branch, DPWES

**SUBJECT:** Appletree School; SEA 98-P-030

**RE:** Request for assistance dated March 2, 2010

As per our March 23, 2010, phone conversation, there are no Urban Forest Management Division comments or recommendations required for Special Exception Amendment 98-P-030, date stamped "Received, Department of Planning and Zoning, December 30, 2009," as there are no tree related issues associated with this application.

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMID #: 148808

cc: RA File  
DPZ File

**Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division**

12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, ITY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)





## FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

**TO:** Regina M. Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager,   
Park Planning Branch, PDD

**DATE:** March 23, 2010

**SUBJECT:** SEA 98-P-030, Appletree School  
Tax Map Numbers: 48-3 ((19)) 2 & 3

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andi Dorlester  
DPZ Coordinator: Kelli-Mae Goddard-Sobers

Copy: Cindy Walsh, Director, Resource Management Division  
Chron Binder  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 7, 2010

**TO:** Regina Coyle  
 Zoning Evaluation Division  
 Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver  
 Site Analysis Section  
 Department of Transportation

**FILE:** 3-5 (SE 98-P-030)

**SUBJECT:** Transportation Impact, Addendum

**REFERENCE:** SEA 98-P-030 Appletree of Fairfax, Inc.  
 Traffic Zone: 1608  
 Land Identification Map: 48-3 ((19)) 2, 3

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated March 16, 1988, and revised through April 19, 1999, plus a depiction and description of the proposed drop-off/pick-up area and parking modifications.

The applicant has provided for a turn-around space in the side parking area so that children may be dropped off at the front door between 8:00 a.m. and 9:00 a.m. and picked up from 2:45 p.m. and 3:30 p.m., which should allow this procedure to occur more easily and quickly.

The number of parking spaces for staff and parents has been increased by adding two spaces at the residence and relocating the dumpster to the location shown on the approved plat. Parking spaces in front of the school will be reserved for parents only. "No parking" signs will be posted on the picket fence to allow the area in front of the fence to remain clear for travel.

With the above modifications and carrying forward the previous conditions regarding monitoring the children on site and reporting to the County, provision of a van/mini-bus vehicle to provide bus service for students, and provision of assistance in establishing carpools, this Department would not object to the subject application.

AKR/LAH/lah

Fairfax County Department of Transportation  
 4050 Legato Road, Suite 400  
 Fairfax, VA 22033-2895  
 Phone: (703) 877-5600 TTY: 711  
 Fax: (703) 877 5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)





# County of Fairfax, Virginia

## MEMORANDUM

DATE: May 17, 2010

**TO:** Regina Coyle  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver  
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 98-P-030)

**SUBJECT:** Transportation Impact

**REFERENCE:** SEA 98-P-030 Appletree of Fairfax, Inc.  
Traffic Zone: 1608  
Land Identification Map: 48-3 ((19)) 2, 3

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated March 16, 1998, and revised through April 19, 1999. The applicant wishes to amend SE 98-P-030 previously approved for a private school of general education and child care center to permit a change in development conditions in order to offer care to children from infants through the 4<sup>th</sup> grade. The current special exception approval limits the age of students/children to three year old through the 4<sup>th</sup> grade. There is no change proposed to the number of students or employees and no physical changes to the site.

There are several existing development conditions that the applicant appears not to have adhered to, namely, numbers 8, 11, and 13. The Department of Transportation has not received the required notarized affidavits at the beginning of each session of the school term and at the beginning of the summer program; the applicant is not using a van/mini-bus to provide bus service for students and has not established any car pools; and there seem to be more than 13 full-time employees on-site at any one time plus part-time employees who also take up parking spaces. If the applicant adds younger children to the school more employees may be required and younger children must be taken into the school by parents and cannot be "dropped off" so that the lack of adequate parking on-site may become even more of an issue.

This application has an observed existing issue with the parking and circulation on-site. At peak times of site generated traffic vehicles back up onto the eastbound lane of Blake Lane. This department cannot recommend approval of this application until the applicant has resolved this issue by increasing the parking and providing for better on-site circulation to drop off and pick up children.

AKR/LAH/lah

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877 5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)



**9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

**9-304 Standards for all Category 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area

## 9-309 Additional Standards for Child Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.
- C. Only that area which is developable for active outdoor recreation purposes.
- D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.

2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

<b>Number of Persons</b>	<b>Street Type</b>
1-75	Local
76-660	Collector
660 or more	Arterial

3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.

4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

### **9-310 Additional Standards for Private Schools of Private Schools of Special Education**

1. In addition to complying with the minimum lot size re district in which located, the minimum lot area for a p education shall be of such size that:

A. 200 square feet of usable outdoor recreation area s child in grades K-3 that may use the space at any one ti

B. 430 square feet of usable outdoor recreation area s child in grades 4-12 that may use the space at any one l

Such usable outdoor recreation area shall be delineate the time the application is filed.

For the purpose of this provision, usable outdoor recrea to:

A. That area not covered by buildings or required off-str

B. That area outside the limits of the required front yard

C. Only that area which is developable for active outdoc

D. An area which occupies no more than eighty (80) total areas of the required rear and side yards.

2. In addition to complying with the minimum lot size n district in which located, the minimum lot area of a education shall be based upon a determination made however, that the proposed use conforms with the pr 304 above.

3. All private schools shall be subject to the provisions : Sect. 309 above. If applicable, such uses shall also be of Chapter 30 of The Code or Title 63.2, Chapter 17 of

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**BANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets, trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**RBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code; includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DUI/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		