



County of Fairfax, Virginia

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

March 24, 2010

Lori R. Greenlief
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

Re: Special Exception Application SE 2009-DR-008

Dear Ms Greenlief:

At a regular meeting of the Board of Supervisors held on March 23, 2010, the Board approved Special Exception Application SE 2009-DR-008 in the name of Oakcrest School. The subject property is located on the south side of Crowell Rd. approx. 1,200 feet east of its intersection with Hunter Mill Rd and north of Dulles Toll Rd on approximately 42,500 square feet of land, zoned R-E in the Dranesville District [Tax Map 18-4 ((1)) 26C; 18-4 ((8)) A and 4]. The Board's action permits a private school of general education with a total daily enrollment of 450 students pursuant to Sections 3-E04 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

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 "Oakcrest School," consisting of 24 sheets (as detailed in the following chart), and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

<i>Sheet</i>	<i>Prepared by</i>	<i>Dated</i>
1	paradigm design, inc.	1-26-2009 as rev. to 12-16-2009
2	Vika, Inc.	11-2007 as rev. to 12-16-2009
3	paradigm design, inc.	1-26-2009 as rev. to 12-16-2009
4	Wetland Studies & Solutions, Inc.	6-2008 as rev. to 12-16-2009
5, 5A, 6, 6A, 7, 7A	Vika, Inc.	1-2009 as rev. to 2-22-2010
8 - 12	SEM partners, Inc.	1-26-2009 as rev. to 12-16-2009
13	paradigm design, inc.	8-24-2009 as rev. to 12-16-2009
Option B Sht 1	paradigm design, inc.	1-26-2009 as rev. to 12-16-2009
Option B Sht 2	paradigm design, inc.	8-24-2009 as rev. to 12-16-2009
14	paradigm design, inc.	1-26-2009 as rev. to 12-16-2009
15 - 19	paradigm design, inc.	8-24-2009 as rev. to 12-16-2009

4. Prior to the issuance of any permits for any clearing or ground-disturbing activities on the site, SPA 91-C-070-4 shall be vacated so that it does not apply to the application property, and any activities associated with that approval shall cease on the application property (Tax Map 18-4 ((1)) 26C and 18-4 ((8)) 4 and A).
5. A copy of these special exception conditions shall be posted in a conspicuous place on the property, and made available to the public and all departments of the County of Fairfax during hours of operation.

6. Architecture shall be in general conformance with that shown on Sheets 8-10 of the SE Plat.
7. Any retaining walls provided which are not shown on the SE Plat shall not exceed three feet in height.
8. The architectural treatment of the portions of any retaining walls over two feet in height that face the eastern, northern, or western lot lines shall consist of a split face, landscape block, masonry, concrete, concrete tie or stone finish, and shall be of a color compatible with the other structures on the property.
9. The maximum daily enrollment shall be limited to 450 students, grades 6-12, as further limited by condition #19.
10. The maximum number of staff on-site at any one time shall be 90.
11.
 - (a) The primary hours of operation, to include regular extracurricular activities, shall be limited to 7:00 am to 6:00 pm, Monday - Friday.
 - (b) Evening hours of operation for parent/teacher conferences and similar meetings shall be permitted Monday - Friday, but shall be scheduled to end by 10:00 pm.
 - (c) Other evening activities shall be permitted Monday - Friday, but shall be scheduled to end by 10:00 pm, Monday - Thursday and by 11:00 pm Friday, and shall be limited to a maximum of eight occurrences per month.
 - (d) Weekend activities shall be limited to 9:00 am to 11:00 pm on Saturday and 9:00 am to 5:00 pm on Sunday. Weekend activities with an anticipated attendance of 30 or more shall be limited to four events per month. No more than twice a year an indoor event on a Saturday may extend until 12:00 midnight.
 - (e) Weekend outdoor activities shall not extend beyond 7:30 pm.
 - (f) The school buildings and outdoor playing fields shall not be leased, rented, or otherwise made available to groups not affiliated with or sponsored by the school.
12. Any on-site summer camp or summer school activities shall be subject to the following restrictions:
 - (a) The total maximum daily enrollment shall be limited to 450 children (as further limited by condition #19), limited to children entering 1st grade through those who have just graduated from 12th grade.
 - (b) The hours of operation of the summer camp / summer school shall be limited to 8 am to 5 pm, Monday - Friday.
13. Prior to the first day of school each year, a neighborhood liaison committee shall be established to coordinate and meet with interested

neighbors to discuss and address neighborhood concerns regarding the school. The neighborhood liaison committee shall designate a contact person, and the name and phone number of the contact person shall be provided to the presidents of surrounding civic associations and the office of the Dranesville District Supervisor, prior to the first day of school.

14. No lighting shall be provided for the outdoor playing fields/tennis courts, and the use of outdoor public address speaker systems or bull horns shall be prohibited. However, this shall not preclude the use of a temporary public address speaker system to be used for outdoor graduation/baccalaureate ceremonies.
15. All lighting, including security lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. Any light fixtures provided on the site shall be limited to a maximum height of 12 feet, from ground level to the top of the fixture.
16. Indoor recreation space shall be provided for each student enrolled in accordance with the provisions of Chapter 30 of the Code.
17. All vehicular parking shall be provided on-site. If additional parking is required during any special event, off-site parking and shuttle service shall be provided.
18. Procedures and policies, to include incentives and a car pool coordinator, shall be established to promote the maximum use of car pools. The car pool coordinator (whose duties may be part of other duties assigned to that individual) shall be responsible for contacting families that do not participate in the car pool program to encourage participation and additional car pool efforts.
19. (a) The following vehicle trip generation caps shall be maintained during both the regular school year and summer activities:

	≤ 250 students	251-325 students	326-400 students	401-450 student
AM Commuter Peak Hour	198 vehicle trips per hour	244 vehicle trips per hour	284 vehicle trips per hour	302 vehicle trip per hour
PM Commuter Peak Hour	43 vehicle trips per hour	53 vehicle trips per hour	61 vehicle trips per hour	65 vehicle trip per hour
Daily Maximum	620 vehicle trips	806 vehicle trips	992 vehicle trips	1,116 vehicle tr

- (b) A record of the School's trip generation by semester, using study methodology as established in subparagraphs (c) and (d) below, shall be maintained, which records shall be made available upon request

by FCDOT, the Department of Planning and Zoning (DPZ), and/or the Dranesville Supervisor's office.

- (c) The weekday AM Commuter Peak Hour shall be the 60-minute period during which the highest volume of mainline through trips occurs between 6:30 and 9:30 AM. The weekday PM Commuter Peak Hour shall be the 60-minute period during which the highest volume of mainline through trips occurs between 4:00 and 7:00 PM. Mainline through trip counts shall be determined by mechanical and/or manual traffic counts conducted by an independent contractor on Hunter Mill Road and Crowell Road, as approved by FCDOT. Mainline through trip counts shall be conducted on a typical school day during a typical school week (i.e. no holidays, parent/teacher conferences, teacher in-service days, etc.) and shall be averaged over three consecutive school days (excluding Monday and Friday).
 - (d) For purposes of determining whether the trip generation limits identified in subparagraph (a) are met, the number of vehicles entering and exiting the School shall be recorded for 24 hours, and during the AM and PM Commuter Peak Hour as identified in subparagraph (c). Counts of vehicles entering and exiting the school shall be conducted on a typical school day during a typical school week (i.e. no holidays, parent/teacher conferences, teacher in-service days, etc.) and shall be averaged over three consecutive school days (excluding Monday and Friday).
 - (e) The initial Non-RUP may not be issued for more than 250 students. Prior to each increase in enrollment above 250 students the School shall demonstrate to the Fairfax County Department of Transportation (FCDOT), using study methodology as established in subparagraphs (c) and (d) above, that for the two consecutive semesters in the regular school session immediately preceding the request, the number of vehicle trips generated by the School does not exceed the trip generation caps established in subparagraph (a).
 - (f) A new Non-RUP shall be instituted for each enrollment increase. Such Non-RUPs shall not be issued until FCDOT determines that the terms of this condition have been met. No enrollment increase above 250 shall be permitted for more than 75 students more than the previous enrollment limit, until it has been demonstrated that the trip generation limits identified in subparagraph (a) have been met for two consecutive semesters at that enrollment level.
20. Access shall be provided to the site from Hunter Mill Road only. The Crowell Road entrance option shown on the sheets of the SE Plat titled

“Exhibit Access – Option B,” and sheets 5A, 6A and 7A shall not be implemented.

21. Prior to the issuance of a Non-Residential Use Permit, all transportation improvements shown on the SE Plat (including frontage improvements, turn lanes and relocation of utility poles) shall be completed, as approved by the Virginia Department of Transportation (VDOT). Improvements shown on the SE Plat associated with an entrance on Crowell Road shall not be required.
22. The temporary cul-de-sac of Forest Hills Drive shall be converted from a temporary cul-de-sac to a permanent cul-de-sac in dedicated right-of-way, subject to VDOT approval, and the excess right-of-way shall be vacated.
23. Prior to the issuance of a Non-Residential Use Permit, a roundabout shall be installed at the intersection of Crowell Road and Hunter Mill Road, with a design consistent with that shown on the SE Plat, and approved by VDOT and Fairfax County.
24. If additional right-of-way or easements are needed to accommodate the roundabout at the intersection of Crowell Road and Hunter Mill Road, the Applicant shall make all reasonable efforts to acquire such right-of-way and easements. In the event the Applicant is not able to acquire the right-of-way or easements necessary, the Applicant shall submit a written request to Fairfax County to acquire the right-of-way or easements by means of its condemnation powers. In conjunction with such request, the Applicant shall forward to the appropriate County agency: (1) plat, plans and profiles showing the necessary right-of-way and easements to be acquired; (2) an appraisal, prepared by an independent appraiser approved by the County, of the value of the right-of-way and easements to be acquired and of all damages, if any, to the residue of the affected parcel(s); (3) a sixty (60) year title search certificate of the affected parcel(s) on which the easement is to be acquired; and (4) cash in an amount equal to appraised value of the right-of-way and easements and of all damages to the residue of the affected parcel(s). In the event the owner of the affected parcel(s) is awarded more than the appraised value of the parcel(s) and of the damages to the residue in a condemnation suit, the Applicant shall pay the amount of the award in excess of cash amount to the County within fifteen (15) calendar days of said award. It is understood that the Applicant upon demand shall pay all other costs incurred by the County in acquiring the right-of-way and easements to the County. Prior to and during the contemplated condemnation proceedings described above, the Applicant, its successors and assigns, shall be permitted to submit, process, and receive approval of site plan(s) and development permits for other portions of the Application Property as described herein.

25. (a) Prior to site plan approval, a public access easement (at least 30 feet in width) providing access to the application property from Hunter Mill Road in the location shown on the SE Plat shall be recorded in the land records of Fairfax County in a form acceptable to DPWES and the County Attorney.

(b) The entrance drive shall be designed generally as shown on the SE Plat, and shall be constructed to PFM standards and with a minimum width of 24 feet. No additional entrances shall be provided onto the entrance drive within 200 feet of its intersection with Hunter Mill Road, and a concrete island shall be provided at its intersection with Hunter Mill Road that provides a positive directional movement to the right, such that left turns are prohibited.
26. Vehicular access to the Traction Power Substation Site (TPSS) shown on the SE Plat may be provided from the internal road system without amendment of the special exception.
27. In conjunction with the dedication/sale of the land for the TPSS, an access easement shall be provided to MWAA (or, as appropriate, the Washington Metropolitan Area Transit Authority) to permit periodic access to the TPSS from the internal road system.
28. If sewer service is not available to the site, a special exception amendment shall be required to provide a septic system, or other alternative system as approved by the Health Department, on the property.
29. The applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails within of the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas within the limits of clearing and grading that must be disturbed.
30. Dead, dying, or invasive vegetation may be removed from the areas protected by the limits of clearing and grading, if approved by UFM.
31. If removal of the existing off-site berm, extending across Tax Map Parcel 18-4 ((8)) 5, is necessary to achieve the grading and development shown on the SE Plat, the applicant shall request approval from the property owner to remove the berm and stabilize the area. If such approval is not granted, the applicant shall demonstrate that the grading and landscaping on the application property is in substantial conformance with that shown on the SE

Plat, or shall apply for a special exception amendment to modify those elements.

32. To provide an effective, year round screen along the northernmost 550 feet of the eastern property boundary, the vegetation shown on the SE Plat shall be further supplemented by understory plantings to provide ground level screening, as recommended and approved by UFM.
33. If it is determined by the Urban Forest Management Division of DPWES (UFM) that the landscaping shown on the SE Plat outside of the preservation area along the eastern boundary of the site, along with the additional plantings required by these conditions, does not meet the intent of Transitional Screening I, such landscaping shall be further supplemented with additional plantings to meet the intent of Transitional Screening I, as determined by UFM.
34. A landscape plan shall be submitted concurrent with site plan review and shall provide for the number, sizes and locations of trees and plantings consistent with that shown on the SE plat and the additional requirements of these conditions. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM). Minor modifications may be permitted by UFM to the extent that these do not result in significant physical impacts to the areas designated to be left undisturbed.
35. At the time of site plan submission, a tree survey shall be submitted that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees shown on the Special Exception Plat to be preserved, as well as all on and off-site trees, living or dead with trunks 6 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the 9th or latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading for review by the Urban Forest Management Division. This tree survey shall be prepared by a Certified Arborist or Landscape Architect with experience in the preparation of tree preservation plans.
36. The applicant shall take necessary steps and actions to ensure the long-term survival, and continuing structural integrity and health of trees designated on the SE Plat to be preserved. If any of these trees is found to be dead, dying, diseased, or hazardous (as determined by UFM) at or prior to, the final release of the project bond, and that such was not the result of unapproved construction practices, the applicant shall provide for restoration and remuneration by:
 - a) providing for the removal of the above ground portions of trees

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

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

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

- Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
 - UFM, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.
38. Irrespective of that shown on the SE Plat, all signage shall conform to Sect. 12-208 of the Zoning Ordinance.
 39. Outdoor construction activities shall be limited to the hours of 7:00 am – 7:00 pm, Monday through Friday and 9:00 am – 6:00 pm, Saturday. No outdoor construction activities shall take place on Sundays or Federal Holidays.
 40. No construction traffic shall enter the site from Crowell Road, subject to VDOT approval of non-Crowell Road construction entrances.
 41. If porta-potties are provided for temporary use at the outdoor athletic fields/tennis courts, they shall not be located within 100 feet of any property line.
 42. If a scoreboard is provided at the outdoor athletic fields/tennis courts, no more than one shall be permitted and it shall not be located within 100 feet of any property line and it shall be fully screened from view from off-site.
 43. The existing berm on Tax Map Parcel 18-4 ((8)) 4 shall be retained, with additional landscaping as shown on the SE Plat provided to supplement the existing landscaping.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of

additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Modified the transitional screening requirements on the east and south in favor of existing vegetation and as shown on the SE Plat.
- Modified the location of the required barrier along the eastern and southern boundaries in favor of that shown on the SE Plat.

Sincerely,



Nancy Vehrs *on # for*
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation