



County of Fairfax, Virginia

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

September 15, 2010

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

Re: Special Exception Amendment Application SEA 98-P-030

Dear Ms. Greenlief:

At a regular meeting of the Board of Supervisors held on September 14, 2010, the Board approved Special Exception Amendment Application SEA 98-P-030 in the name of Appletree of Fairfax, Incorporated. The subject property is located at 9655 Blake Lane on approximately 1.54 acres of land zoned R-2 in the Providence District [Tax Map 48-3 ((19)) 2 and 3]. The Board's action amends Special Exception Application SE 98-P-030 previously approved for a private school of general education and child care center to permit change in development conditions and associated modifications to site design and development conditions (with no change in enrollment) pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals 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.

Office of the Clerk to the Board of Supervisors
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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 (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 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, who shall be the point of contact for all Advisory Group members. The Appletree School shall provide each member of the Advisory Group with current contact information for the Director of the Appletree School on an annual basis. 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 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 site plan 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. Prior to the issuance of the Non-RUP, 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.

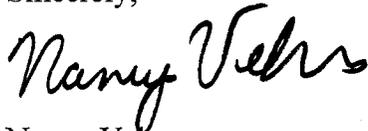
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

The Board also:

- Modified the transitional screening and barrier requirements on the northwest periphery of the property, adjacent to Lot 15, in favor of that depicted on the SEA Plat.
- Waived the transitional screening and barrier requirements on the northeast periphery of the property along Blake Lane.
- Waived the loading space requirement.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

SEA 98-P-030
September 15, 2010

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Cc: Chairman Sharon Bulova
Supervisor Lynda Smyth, Providence 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