PROPOSED DEVELOPMENT CONDITIONS-REVISED

SEA 84-M-121-03

March 14, 2011

If it is the intent of the Board of Supervisors to amend SEA 84-M-121 located at 3819 Gallows Road (Tax Map 60-3 ((24)) 4, 5, and 5A) previously approved for a private school of general education, to permit an increase in land area, and an addition of a nursery school and child care center, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supersede all previous conditions for the subject property. Previously approved conditions are marked with an asterisk.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.*

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*

3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Westminster School", prepared by Tri-Tek, dated April 21, 2010, and last amended December 6, 2010, 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.

4. The maximum daily enrollment for the private school of general education shall be limited to 360 students. The before and after school child care shall be limited to a maximum daily enrollment of 120 students from all programs on-site. A maximum of 70 employees (teachers and staff) will be on-site at any one time.

5. The maximum hours of operation will be from 7:30 a.m. to 5:30 p.m. Monday through Friday. Specifically, the extended day care will be offered beginning at 7:30 am and ending at 5:30 p.m. The nursery school will run from 8:30 a.m. to 12:00 p.m. (noon) for three year olds and 8:30 a.m. to 2:30 p.m. for four year olds. Kindergarten and grades one through eight will have academic hours between 8:30 a.m. and 3:00 p.m. Generally extracurricular activities shall be permitted after regular school hours; evening and weekend activities are permitted until 11:00 p.m. This limit on extracurricular activities may be exceeded up to five times annually provided that the Broyhill Crest Community Organization and the Mason District Supervisor's office are notified in writing at

least two weeks prior to the event. The school shall appoint a liaison to attend the Broyhill Crest Community meetings.

6. The building addition shall be limited to 18,300 square feet and shall not exceed a height of two stories (25 feet). Exterior building materials for the addition shall consist of materials similar to the main school building.

7. The applicant will provide a minimum of nine school buses as transportation for no fewer than 120 of the enrolled students.

8. The vehicular entrance to the site shall be designed and constructed so that it connects to Gallows Road per VDOT standards, as approved by DPWES.*

9. Vehicular ingress and egress to/from the site shall be right turn only; this shall be posted.*

10. A sidewalk shall be provided from Gallows Road into the site to provide pedestrian access from Gallows Road through the parking area to the school entrance, as shown on the Special Exception Amendment Plat.*

11. A landscape plan shall be submitted as part of site plan(s) and shall be reviewed and approved by the Urban Forest Management Branch. The plan shall provide for landscaping consistent in quality and quantity with that shown on the SEA Plat, with the addition of the following:

    - Vegetation consistent with a Type I Transitional Screening Yard and having a buffer width of 25 feet shall be installed within the landscape strip along the northern property line near the play area as determined by the Urban Forest Management Branch of DPWES. Additional trees and plant materials shall be added to the buffer shown on the northern property line of the SEA plat where determined to be necessary to mitigate the impact of the playing field on the adjacent residential property. Existing vegetation shall be preserved and supplemented along all boundaries, except Gallows Road, to meet the intent of Transitional Screening Type I. The number, quality and species required shall be determined by the Urban Forest Management Branch. The existing vegetation in these areas shall be preserved to the maximum extent possible. The applicant shall contract with a certified arborist to prepare a tree preservation plan to protect and preserve existing trees, worthy of preservation. The plan shall include limits of disturbance, and location and type of tree protection. The plan shall also include recommended activities designed to improve the health and increase the survival potential of the trees to be preserved, which shall be implemented to the satisfaction of UFM. The Applicant shall provide landscaping on the Application Property as generally shown on Sheet (#3) of the Special Exception Plat, pursuant to the approval of the Urban Forest Management Branch. Deciduous trees shall be a minimum of two to two and one-half inches in caliper and evergreen trees a minimum of six to eight feet in height at time of planting.

    - The limits of clearing and grading shall be clearly marked with a continuous line of flagging prior to the pre-construction meeting and shall clearly

delineate the limits of clearing and grading with such flagging throughout the construction period. To ensure the preservation of trees to the maximum extent possible, the limits of clearing and grading and tree save areas shall be protected by tree protection fencing, consisting of 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no farther than 10 feet apart. The tree protection fencing shall be made clearly visible to all construction personnel. The tree protection fencing shall be installed prior to the performance of any clearing and grading activities on the site. Trees within the tree protection fencing that are damaged or destroyed by construction activities shall be replaced as determined by the Urban Forester.

- If trees #1 (40-in. diameter silver maple), #5 (46-in. diameter silver maple), or #11 (41-in. diameter tulip poplar) are to be preserved as part of the site plan, a full report and recommendations shall be included as part of the first and all subsequent submissions of the site plan. This report shall be based on a thorough risk assessment conducted by a Certified Arborist with training in tree risk assessment in urban areas (as identified on Sheet 6 of 6 of the Special Exception Plat).

12. A six foot high fence shall be provided between the transitional screening and the subject site along the northern and southern boundaries. This fence shall be solid wood (as detailed on Sheet 2) other than where the transitional screening is less than 25 feet in width, in which case a six foot high brick, architectural block wall, or aluminum fence (as detailed on Sheet 2) shall be constructed.

13. The outdoor playing fields shall not be leased, rented, or otherwise made available to groups not affiliated with the school.*

14. No lighting shall be provided for the outdoor playing fields and the use of outdoor public address speaker systems or bull horns shall be prohibited.*

15. Outdoor lighting fixtures used to illuminate the parking area and walkways shall not exceed 12 feet in height. All fixtures shall be fully shielded and directed downward, to prevent glare and light spillover onto the surrounding residential properties. Outdoor building-mounted security lighting shall also be shielded and directed inward to prevent glare. All parking lot lighting, with the exception of necessary security lighting, shall be turned off within one hour of the last scheduled evening activity.*

16. Stormwater management facilities and best management practices shall be provided on-site generally as shown on the SEA Plat. The final design shall be subject to the approval of DPWES. If the required design is not in substantial conformance with that shown on the SEA Plat, the applicant may be required to apply for a Special Exception Amendment for approval of the resulting change.

17. Heating and air conditioning and associated mechanical units (HVAC systems) shall be placed to the interior of the site to minimize the noise impact on the surrounding residential properties. The design of the HVAC system for the school shall be such that as many of the components as possible shall be

located inside the building. The units shall be subject to Zoning Ordinance performance standards with respect to noise levels, and shall be further surrounded by vegetative screening and fencing so as to minimize the exterior noise to the maximum extent possible.*

18. Trash dumpsters shall be screened with wood or masonry enclosures which are designed to be compatible with the buildings and shall be screened from adjacent residential properties with vegetation.*

19. At the time of site plan review, trails shall be provided as determined by DPWES.*

20. All signage shall be in conformance with Article 12 of the Zoning Ordinance, and pole-mounted signs shall not be permitted.*

21. The proposed use shall be in conformance with all applicable Performance Standards in Article 14 of the Zoning Ordinance.*

22. A resident caretaker(s) may be permitted to occupy the building labeled "2 story wood, frame and block, 2,414 sq.ft." The resident caretaker shall be the proprietor, owner and/or employee of the private school of general education and his/her family. If a resident caretaker does not occupy the building it may be used for accessory uses associated with the private school of general education.*

23. A demolition permit shall be obtained from DPWES prior to any demolition work commencing on the house located at 3819 Gallows Road, Tax Map 60-3 ((24)) 3. Prior to the issuance of a demolition permit for the house: the Historic Preservation Planner (DPZ) and staff from the Fairfax County Park Authority (FCPA) Resource Stewardship Branch shall be notified and shall be allowed access to the house and the surrounding area prior, during, and immediately after the demolition work for purposes of documentation. The house shall be documented through photographic recordation (for the purpose of recording and documenting the existing one-story single-family residential dwelling and its cultural landscape). The documentation shall include at a minimum the exterior of the house and landscape features, as stipulated below, to be photographed prior to any land disturbing activity on site. The documentation shall include a sketch plan map, based upon the existing conditions and vegetation map for this application, showing the location of the photographic angle of views and each photograph shall be identified. All photographs and the sketch plan map shall be submitted to the Virginia Room of the Fairfax County Public Library and to the Fairfax County Department of Planning and Zoning (DPZ) Historic Preservation planner prior to the issuance of a demolition permit. Also, the applicant is to provide written documentation to DPZ that the required documentation has been submitted to the Virginia Room.

    Photographic documentation of the dwelling and site context shall include the following:

    1. View of each façade
    2. Perspective view, front façade and one side
    3. Perspective view, rear and one side

4. Details of the dwelling (such as view of main entrance and stairs, patio, prominent window(s), planter(s), and chimney(s))
5. General views from a distance sufficient to show environmental setting, landscaping, and cultural landscape features and elements

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 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.