

DEVELOPMENT CONDITIONS

SE 2011-LE-011

December 8, 2011

With the Board of Supervisors approval of SE 2011-LE-011, located at Tax Maps 101-2 ((1)) 0019, to permit a private school of special education pursuant to Sect. 9-310 of the Fairfax County Zoning Ordinance, the Board of Supervisors condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Buckman Road Apartments," prepared by Vika Inc., and dated July 21, 2011, as revised through September 7, 2011, 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. A copy of the Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and shall be made available to all Department of the County of Fairfax during hours of operation of the permitted use.
5. The total maximum daily enrollment for the private school of special education shall not exceed 95 students. A maximum of 40 students may utilize the school at any one time. The number of students who attend the school but do not live within the apartment complex shall be limited to 10 at any one time. There shall be no more than 6 non-residents attending classes for the private school between 7 PM and 8 PM. There shall be no non-residents attending classes for the private school after 8 PM.
6. The maximum number of employees for the private school of special education shall be five onsite at any one time. There shall be no more than three private school employees on-site after 7 PM.
7. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday and 11:00 a.m. to 4 p.m. on Saturday.

8. Prior to issuance of a Non-RUP for the private school of special education within the community center, the applicant shall install two rain barrels by Building #1.

This approval, contingent on the above noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicants shall be themselves 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 as evidence by issuance of a non-residential use permit for the private school of special education. 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.