County of Fairfax, Virginia

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

January 30, 2013

Mr. David S. Houston
Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042

Re: Special Exception Application SE 2012-HM-009

Dear Mr. Houston:

At a regular meeting of the Board of Supervisors held on January 29, 2013, the Board approved Special Exception Application SE 2012-HM-009 in the name of InSite Real Estate Investment Properties, LLC. The subject property is located in the northwest quadrant of the intersection of Centreville Road and West Ox Road on approximately 1.52 acres of land, zoned C-5, R-1 and SC, in the Hunter Mill District [Tax Map 25-1 ((1)) 18F]. The Board's action permits a child care center and nursery school with a total enrollment of 206 children pursuant to Sections 3-104 and 4-504 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. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.

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 "The Gardner School" prepared by Walter L. Phillips, Inc., and dated May 3, 2012, as revised through January 16, 2013, 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.

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4. The child care center enrollment shall be limited to children between the ages of 6 weeks to 5 years.

5. The maximum daily enrollment of the child care center shall be limited to 206 children.

6. The maximum number of children using the outdoor play area at any given time shall not exceed 99.

7. The maximum number of staff permitted on-site at any one time shall not exceed 30.

8. Hours of operation shall be limited to 6:30 a.m. to 6:30 p.m. Monday through Friday. Any special event activities held after 6:30 p.m. shall be concluded by 9:00 p.m.

9. During regularly scheduled arrival and dismissal periods, staff and/or volunteers shall supervise and coordinate the unloading and loading of children outside of the building. All loading and unloading of children shall be done on site. Drop off and pick up times shall be staggered and designated times shall be issued to parents in order to minimize the number of vehicles on site at any one time. Carpooling shall be encouraged for both parents and employees as a mechanism to minimize daily vehicular trips to the site. To facilitate carpool arrangements, zip code rosters shall be provided to all families and employees.

10. Measures such as, mass transit and biking shall be encouraged as a mechanism to minimize daily vehicle trips to the site.

11. Irrespective of that shown on the SE Plat, a maximum of ten of the westernmost parking spaces along the north side of the travel aisle and a maximum of ten of the westernmost parking spaces along the south side of the travel aisle (maximum total of 20 parking spaces) shall be delineated (with signage) as employee parking spaces.

12. Forty-two parking spaces shall be provided, as shown on the SE Plat.

13. Density credit shall be reserved in accordance with provisions of paragraph 4 of Section 2-308 of the Zoning Ordinance. Consistent with such provisions, density/intensity attributable to land areas dedicated to the Fairfax County Board of Supervisors (the "Board") is hereby reserved to the residue of the Subject Property.

14. Right-of-way along West Ox Road shall be dedicated as shown on the SE Plat and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of site plan approval for the property or upon demand by Fairfax County, whichever occurs first.

15. Four feet of right-of-way along Centreville Road shall be dedicated as shown on the SE Plat for a future bike lane, and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of site plan approval for the property or upon demand by Fairfax County, whichever occurs first.

16. The existing left turn lane striping along eastbound West Ox Road shall be extended at least 50 feet, subject to Virginia Department of Transportation (VDOT) approval.

17. The Applicant shall provide bicycle racks on the subject property. The number and location of the racks shall be determined at the time of site plan, consistent with the Fairfax County Policy and Guidelines for Bicycle Parking subject to the approval of the Fairfax County Department of Transportation (FCDOT). The bike racks shall be inverted U-style racks or other design as approved by FCDOT.

18. The height of any light fixtures on the site shall not exceed twelve feet. All lighting on the site shall be in conformance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.

19. All new signage shall comply with provisions of Article 12 of the Zoning Ordinance.

20. Stormwater Management (SWM) and Best Management Practices (BMP) facilities in accordance with the Public Facilities Manual (PFM) shall be provided in substantial conformance with that shown on the SE Plat, subject to DPWES review and approval. Adjustments to the size, type, materials, and number of facilities following engineering may occur at the time of site plan submission, subject to DPWES approval.

21. Adequate Outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM) as determined by DPWES at the time of site plan review.

22. A Phase I Archaeology Survey of the Application Property, using a scope of work provided by the Cultural Resource Management and Protection Section of the Park Authority shall be provided to the Park Authority Resource Management Division prior to site plan approval. If potentially significant archaeological resources are discovered, Phase II testing and Phase III data recovery shall be performed by the Applicant as may be recommended by the Park Authority Cultural Resource Management Division. Copies of subsequent studies, photos, materials, etc. shall also be forwarded to the Park Authority Resource Management Division within thirty (30) days of the study or survey completion.

23. Tree conservation shall be provided as shown on the SE Plat, and as required by Article 13 of the Zoning Ordinance and the PFM.

24. Notwithstanding the proposed planting shown on the SE Plat, transitional screening requirements shall be met with existing vegetation to be supplemented with additional plantings to meet the intent of Transitional Screening 1 along the southern and western property boundaries as determined necessary by the Urban Forest Management Division (UFM), DPWES; all plantings shall be native, non-invasive species, as approved by UFM DPWES.

25. Notwithstanding the proposed planting shown on the SE Plat, underplantings shall be provided along the Centreville Road and West Ox Road frontages of the site as determined necessary by UFM, DPWES.

26. A tree preservation plan shall be submitted as part of the first and each subsequent site plan submission as follows.

    A. Tree Preservation Plan. The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent submissions of the site plan review process. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 10 inches in diameter and greater (measured at 4 1/2 -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located in the area to be left undisturbed and within 25 feet of the limits of clearing and grading, and in the disturbed area and within 10 feet of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits

of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-059. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, including but not limited to: crown pruning, root pruning along the limits of clearing (LOC), mulching, fertilization, installation of welded wire tree protection fencing and others as necessary, shall be included in the plan.

B. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or registered consulting arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting as part of the tree preservation plan. During the tree preservation walk-through meeting which shall occur prior to the commencement of construction, the Applicant's certified arborist or registered consulting arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

C. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by 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 the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

D. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge

welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

E. Root Pruning. The Applicant shall root prune after the tree preservation walk-though, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation 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, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or registered consulting

arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

*24. The applicant will include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council (USGBC), or LEED equivalent certification that the applicant anticipates attaining. A LEED, or LEED equivalent-accredited professional who is also a professional engineer or licensed architect will provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED, or LEED equivalent certification of the project.

In addition, prior to site plan approval, the applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning as a team member in the USGBC's LEED, or LEED equivalent online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED, or LEED equivalent credits and will not be provided with the authority to modify any documentation or paperwork.

Prior to building plan approval for any building to be constructed, the applicant will submit documentation, to the Environment and Development Review Branch of DPZ, regarding the U.S. Green Building Council's preliminary review of design-oriented credits in the LEED, or LEED equivalent program. This documentation will demonstrate that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED, or LEED equivalent certification. Prior to release of the bond for the project, the applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED, or LEED equivalent certification from the U.S. Green Building Council for each building on the property.

*25. The architecture of the proposed building will employ materials that are residential in character (brick, masonry, cementitious siding – no vinyl) in

earth tones, generally in conformance with Exhibit A.

*26. All construction vehicles shall access the site from Centreville Road and from the east along West Ox Road. All construction personnel, including contractors, shall be informed of this restriction.

*These development conditions, as approved by the Board, are misnumbered; the conditions are presented in this letter, as approved (ie numbers 24, 25, 26 are repeated).

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

The Board also:

- Waived the minimum lot area and lot width requirements for the R-1 and C-5 Districts.

- Modified the eight-foot wide trail requirement along Centreville Road to allow the existing five-foot wide concrete sidewalk to remain.

- Waived construction of the on-road bike lane and road improvements due to constraints on the property.

- Modified the interior parking lot landscaping requirement to that shown on the SE Plat and as conditioned.

- Waived the barrier requirement along the northern and western boundaries of the subject property.

- Waived the tree preservation target requirement in favor of the proposed landscaping shown on the SE Plat.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Catherine Hudgins, Hunter Mill District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, 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
Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

EXHIBIT A

The Gardner School

An Academically Focused Preschool
Ages 6 Weeks to 5 Years

Hunter Mill District
Fairfax County, Virginia

NORR
ARCHITECTS PLANNERS