

cc: Mitchell



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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V I R G I N I A

November 29, 1993

Keith C. Martin, Esquire
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Arlington, Virginia 22201

RE: Special Exception Amendment/
Special Exception Renewal
Number SEA/SER 90-M-003

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held of November 15, 1993, the Board approved SER/SEA 90-M-003, in the name of The Montessori School of Northern Virginia, Incorporated, located at 6829 Pacific Lane (Tax Map 71-2 ((8)) 93B) for use as a private school of general education, nursery school and child care center pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions. These development conditions supersede those approved with SE 90-M-003.

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

2.

3. This Special Exception Amendment/Special Exception Renewal is subject to the provisions of Article 17, Site Plans. A waiver of the Site Plan may be permitted as determined by the Director of the Department of Environmental Management (DEM). Any plan submitted pursuant to this Special Exception Amendment/Special Exception Renewal shall be in conformance with the approved Special Exception Plat, entitled Montessori School of Northern Virginia, prepared by Dewberry and Davis and dated March 2, 1993, as revised through August 27, 1993, and these conditions, except that:
 - A. If, in the future, the Virginia Department of Transportation (VDOT) should decide that a cul-de-sac is required at the terminus of Pacific Lane, the Montessori School of Northern Virginia shall dedicate and convey in fee simple to the Board of Supervisors a sufficient amount of land to provide such cul-de-sac. In the event VDOT desires to place the cul-de-sac on school grounds, the school shall pay for the cost of bringing this ground to finish grade level.
 - B. If, in the future, VDOT or the County should decide that the access road at the terminus of Pacific Lane to the parking lot needs widening, the Montessori School of Northern Virginia shall maintain the present buffer between itself and the adjacent property and shall widen the road on the school building side as approved by VDOT.
4. The maximum daily enrollment for the private school of general education, nursery school and child care center shall be 135 students.
5. The hours of operation for the private school of general education and nursery school shall be limited to 9:00 a.m. to 3:00 p.m., Monday through Friday during the normal school year.
6. Enrollment in the private school of general education, nursery school and day care shall be limited to children two (2) to nine (9) years of age.
7. Meetings during weekdays after normal school hours (9:00 a.m. to 3:00 p.m.) during the normal school year) exceeding 10 people shall not exceed 14 per school year and be over by 9:30 p.m. Additionally, all parking for these meetings shall be accommodated on-site and shall not exceed 24 vehicles.

8. Weekend activities shall be limited to eight (8) times per year to provide an opportunity for events such as open houses, book fairs, fund raisers, elementary school graduations, annual meetings, community events and work parties performing repairs and maintenance on the school. All weekend activities shall be restricted to Saturday from 10:00 a.m. to 6:00 p.m. or Sunday from 12:00 p.m. to 6:00 p.m. Commercial contractors, or volunteers numbering less than ten individuals, performing property repair, water removal and mowing are not subject to the eight (8) times per year limitation. Outdoor work performed on weekends by commercial contractors shall be restricted to Saturdays unless commercial contractors can only perform such work on Sunday. Emergency repairs shall not be subject to this limitation. Parking for these activities shall be accommodated on-site or by alternative arrangement to accommodate any overflow parking off-site subject to approval by the Zoning Administration Division of OCP. Should a shared parking agreement be determined to be necessary, in accordance with the provisions of Article 11 of the Zoning Ordinance, such an agreement shall be subject to the approval of the Board of Supervisors.

9. In addition to the meetings described in Development Conditions 7 and 8 above, ten (10) school functions, including, but not limited to, holiday and annual school events, class programs, assemblies with guest performers, parent-child lunches (not to exceed two (2) classes), parent volunteer appreciation events (not to exceed twenty (20) parents), and parent/teacher meetings, are permitted during the normal school year. These activities shall be limited as follows:
 - A. A maximum of seven (7) events may be held during the school day (9:00 am to 3:00 pm) on Monday through Friday;
 - B. A maximum of three (3) events may be held after school hours on Monday through Thursday and shall be concluded by 9:30 pm.

Parking for these school functions shall be accommodated on-site or by alternative arrangement to accommodate any overflow parking off-site subject to approval by the Zoning Administration Division of OCP. Should a shared parking agreement be determined to be necessary, in accordance with the provisions of Article 11 of the Zoning Ordinance, such an agreement shall be subject to the approval of the Board of Supervisors.

10. The applicant shall submit a calendar of all planned after hour meetings, weekend activities and school functions by the beginning of the school year to the President of Hillbrook/Tall Oaks Civic Association and the 10 residences on Pacific Lane, Cherry Lane and Dodson Drive closest to the school. Any changes to the submitted calendar shall be submitted to the Civic Association and 10 residences at least two (2) weeks in advance, except when off-site parking is anticipated when such changes shall be submitted one (1) month in advance. As a minimum, this calendar and subsequent changes shall include the date of the activity, the type or purpose of the activity and the time frame, and off-site arrangements for parking, if any.
11. Extended day care is permitted on-site in accordance with the following restrictions:
 - A. Children receiving extended day care shall be enrolled in the school of general education, nursery school or be children of staff members.
 - B. Extended day care shall be provided only on school days and only from the hours of 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. and only during the normal school year.
 - C. The number of children participating in the extended day care program shall not exceed 50 per day. These numbers shall be documented by the school so that they can be monitored and enforced by the County's Zoning Enforcement Branch.
 - D. In providing extended day care between the hours of 7:00 a.m. and 9:00 a.m., and between 3:00 p.m. and 6:00 p.m., the school shall minimize cars coming into the school by appointing a Ride Share Coordinator to determine the residences of children needing child care and to schedule car pools, van pools and buses to reduce the number of vehicle trips to the site if requested. A copy of the ridesharing strategy and schedule shall be available to the Neighborhood Advisory Committee, if requested. The number of cars dropping off and picking up children in extended day care shall not exceed fifteen (15) per day, exclusive of staff cars. Staff cars, transporting extended day care participants, shall be limited to ten (10) per day.

12. The gate at the site entrance shall remain open during all hours of operation of the school and child care center and shall be closed at all other times, unless otherwise required by VDOT. A large reflective marker, such as an "End of Road" marker, shall be placed on the gate for visibility when the gate is closed. In addition, no trespassing signs shall be posted at the school entrance when the gate is closed to discourage loitering and unauthorized activity when the school is closed. The school shall take reasonable steps to enforce the no trespassing signs.
13. In order to avoid traffic on-site and spillover impacts onto the public street, departure times of children at noon shall be staggered.
14. Transitional Screening 1 shall be provided along the western and southern boundaries. Existing vegetation shall be used where possible to satisfy this requirement, provided it is supplemented where necessary to meet the planting requirements of Transitional Screening 1. The need for supplemental plantings shall be determined by the County Arborist in coordination with the Applicant and Hillbrook/Tall Oaks Civic Association. At a minimum, supplemental plantings shall be provided along the western boundary in the vicinity of the parking lot in order to screen the parking lot from the adjacent residential property.
15. Any dumpster located on the property shall be enclosed by a solid barrier, as determined by Department of Environmental Management (DEM).
16. A public access easement having a minimum width of 15 feet shall be provided extending from Indian Run Stream Valley Park and the dedicated street parcel.
17. The number of children using the outdoor play area at any one time shall not exceed 75 or as otherwise provided by law. The playground shall not be used before 9:30 a.m. or after 5:00 p.m.
18. The number of faculty and staff on-site at any one time shall be limited to twenty (20).

19. The applicant shall meet with the Hillbrook/Tall Oaks Civic Association periodically, or when appropriate, to maintain communication on the continuing operation of the school and any issues that may concern the surrounding community. Either party may request a meeting. Such meetings shall be scheduled at least two weeks in advance and shall be held at a reasonable time and location.
20. The applicant shall allow unannounced on-site inspection by any County health, safety or zoning enforcement official.
21. The applicant shall file with the Mason District Police substation, the Hillbrook/Tall Oaks Civic Association and the Annandale Fire Department the names and telephone numbers of at least five (5) individuals who can be contracted in case of an emergency or problem with the school after normal school hours.
22. The applicant shall meet all county requirements regarding the posting of signs and shall coordinate with the Hillbrook/Tall Oaks Civic Association prior to putting up any permanent signs which can be readily viewed by neighbors.
23. The applicant shall erect and maintain a speed bump at the entrance of the school, so as to slow vehicles entering and exiting the premises.
24. The applicant shall take strong measures to ensure that parents and staff obey all posted speed limits, traffic signs and laws when driving through the Hillbrook/Tall Oaks neighborhood; such measures will be coordinated with the Hillbrook/Tall Oaks Civic Association.
25. A copy of these Special Exception Amendment/Special Exception Renewal conditions shall be posted in a conspicuous place on the subject property and be made available to the public and all Departments of the County of Fairfax during hours of permitted use.

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 Amendment/Special Exception Renewal shall not be valid until this has been accomplished.

Under Section 9-015 of the Zoning Ordinance, this Special Exception Amendment/Special Exception Renewal shall automatically expire, without notice, thirty (30) months after the approval date of the Special Exception Amendment unless a Non-RUP for the activity authorized has been established, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception Amendment/Special Exception Renewal. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

The Board also waived the barrier requirements along the western and southern boundaries in favor of the existing transitional screening and subject to the Special Exception Amendment/Special Exception Renewal development conditions.

If you have questions regarding the expiration of this Special Exception Amendment/Special Exception Renewal or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,


Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvs., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority