

County of Fairfax, Virginia
Planning Commission Meeting
May 26, 2021
Verbatim Excerpt

SEA 83-D-030-09 - THE MADEIRA SCHOOL, INC., - Appl. under Sect. 3-0E04 of the Zoning Ordinance to amend SE 83-D-030 previously approved for a private school of general education to permit modifications to site design and development conditions. Located at 8328 Georgetown Pike, McLean, 22102 on approx. 376.16 ac. of land zoned R-E. Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 1. (Dranesville District)

During Commission Matters

Commissioner Ulfelder: Yes. I was not present for the hearing last week, but I did watch it and I've read the staff reports, and all of the public correspondence. And so, I'm prepared to make the motion this evening. This is a special exception amendment for the Madeira School, which is located on a beautiful campus over on Georgetown Pike in McLean. It's a – it's a all-girls school, which as many of you know the – the number of all-girls schools in the country is – is shrinking. But this is another of a series over the years of changes, upgrades, renovations, new buildings, etcetera, that the Madeira School has over the – over time as it has grown and become successful has undertaken to improve its educational institution and to provide for the girls. It's a – half the student body are boarders; the other half are [inaudible] this and the three things they're planning to do. One is they are planning to replace their currently outmoded science building with a new science, technology, engineering, and math building, which will go with an enhanced what they call STEAM program at the school for young women. [Inaudible] houses – some additional housing for faculty and staff. As you might know, it is difficult for young faculty to find housing in anywhere near in the area where the school is located that isn't very costly and therefore, they're faced with long commutes. And this would provide for an opportunity for more faculty members, young faculty members with families to live on campus. And third, they're going to replace an older Farmhouse with a newer Farmhouse, which will be used for housing but also for a variety of events, as well as upgrades for renovations for the riding stables and riding ring. Equestrian activities are an important part of this school's overall activities. So that's important to them, as well. As you know, there were some comments and just prior to the public hearing, there was a new revision added that outlines some specific measures for bird protection at the new STEAM building in terms of windows and birds often fly into them. And now – and this week revisions were added. They are planning among other things for the new faculty housing to tear down an existing old residence – the log house residence called the Laurels, but there were questions about its historic value. And we've added some provisions to allow the school or require the school to market it and see if they can find a buyer who is interested in the historic preservation of that structure. Although it may be two log cabins stuck together [inaudible] and to work with the buyers to – to remove the structures at the buyer's expense and relocate them if they so choose. Only after that can they then would – only if that fails would they be allowed to actually [inaudible] structure [inaudible] with [inaudible] I think those additional provisions in the – in the conditions improves this application and address some of the issues that were raised. So, does anybody have any questions about those changes?

Secretary Sargeant: Are there any questions? Comments?

Commissioner Ulfelder: If not – if not, before I move on the applications, I request that the applicant or the applicant’s agent confirm for the record, their agreement to the proposed development conditions now dated March 25th, 2021.

Secretary Sargeant: Did we hear the applicant?

David Houston, Applicant’s Agent, Bean, Kinney and Korman, P.C.: Yes. This is David Houston from Bean, Kinney and Korman representing the Madeira School. I do affirm and confirm our agreement with the conditions. I think they’re dated May 25th....

Commissioner Ulfelder: [Inaudible]

Mr. Houston: You had said March...

Commissioner Ulfelder: Yes, [inaudible]. Thank you.

Mr. Houston: But we – we are in agreement as written tonight.

Commissioner Ulfelder: Okay.

Secretary Sargeant: Okay. Thank you very much.

Commissioner Ulfelder: Thank you. With that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 83-D-030-09, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 25TH, 2021.

Secretary Sargeant: Is there a second?

Commissioner Niedzielski-Eichner: Niedzielski-Eichner seconds.

Secretary Sargeant: Who seconded?

Commissioner Niedzielski-Eichner: Niedzielski-Eichner.

Secretary Sargeant: Thank you. All in favor of the motion, say aye.

Commissioners: Aye.

Secretary Sargeant: Any opposed? Hearing none, the motion passes.

Commissioner Ulfelder: I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS REAFFIRM THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DATED MAY 26TH, 2021, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioner Niedzielski-Eichner: Niedzielski-Eichner seconds.

Secretary Sargeant: We have a second from Commissioner Niedzielski-Eichner. Is there – all in favor of the motion, say aye.

Commissioners: Aye.

Secretary Sargeant: Any opposed? Hearing none, the motion passes.

The motion carried by a vote of 11-0. Commissioner Murphy was absent from the meeting.

SL

PROPOSED DEVELOPMENT CONDITIONS

SEA 83-D-030-09

May 25, 2021

If it is the intent of the Board of Supervisors to approve SEA 83-D-030-09, located at Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 001 (8328 Georgetown Pike), to permit site modifications to a previously approved private school of general education, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions or those with minor modifications 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 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 Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Land Development Services (LDS). Any plan submitted pursuant to this Special Exception Amendment must be in substantial conformance with the approved Special Exception Amendment Plat entitled The Madeira School, prepared by Dewberry Engineers Inc., dated September 11, 2020 as revised through April 8, 2021 (SEA Plat), and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. *Limits of Clearing and Grading: The limits of clearing and grading shown on the Special Exception Amendment Plat are to be considered approximate and are subject to final utility location and engineering design. Utilities that are located within the Environmental Quality Corridors (EQC) must be located in a manner that minimizes disturbance as determined by the Urban Forest Management Division (UFMD).
5. *Enrollment and Staff: Maximum daily enrollment must not exceed 338 students. Faculty and staff must not exceed 105 on site at any one time.
6. *Parking: The total number of parking spaces required must be provided as determined by the Director, LDS. Parking lot landscaping as required by Article 13 must also be provided.

7. *Erosion and Sediment Control during Construction: Erosion and sediment control measures must be installed at all stages of construction to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook, as determined by the Director, LDS.
8. *Faculty and Staff Housing: The number of residences, consisting of single family detached dwellings and multi-family units, as defined by the Fairfax County Zoning Ordinance must be limited to a maximum of 45. Use of these structures must be for faculty, staff and their families only. In addition, there may be a maximum of 12 accessory units located in dorms and the stable/horse barn, which are provided to residents who have work responsibilities in those buildings.
9. *Non-RUP/RUP: No individual housing unit will be occupied until a valid Non-Residential-Use Permit (Non-RUP) or Residential Use Permit (RUP) has been granted. No Non-RUP or RUP will be issued until the individual unit is served by approved sewage disposal and water supply systems, as determined by the Director, LDS.
10. *Route 193: Right-of-way along Route 193 which has been previously reserved pursuant to a site plan waiver for the future widening of that roadway must be dedicated in fee simple upon demand of either Fairfax County or the Virginia Department of Transportation. Further, the applicant must grant any temporary construction easements required for the improvements to Route 193 to Fairfax County or the Virginia Department of Transportation. The public access easement which has been granted pursuant to a site plan waiver for trail construction must be retained.
11. *Potomac Heritage National Scenic Trail/Georgetown Pike Trail: The applicant has contributed \$89,000 for the purpose of construction the Comprehensive Plan Trail along Georgetown Pike, at a location to be determined in the future by the County and agreeable to the applicant, or on alternative location in the general vicinity of the subject property. The trail must be constructed as a major trail as outlined on the Trails Plan and must be constructed of stone dust. If the trail is constructed as currently depicted on the Trails Plan, the trail must be constructed generally in the location of the existing trail easement; provided, however, for security reasons, the trail may, after consultation with the County, be relocated closer to Georgetown Pike right-of-way. If the cost of constructing the trail is less than \$89,000, as determined by the County, all unused funds must be returned to the applicant.

12. *Tree Preservation Plan:

- A. The applicant must submit a tree preservation plan as part of the first and all subsequent site plan submissions. The tree preservation plan must be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and must be subject to the review and approval of the Urban Forest Management Division (UFMD). The tree preservation plan must consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 6 inches in diameter and greater that are located up to 25 feet to either side of the limits of clearing and grading shown on the SEA Plat. At a minimum, the tree preservation plan must provide for the preservation of those areas shown for tree preservation on the SEA Plat. The condition analysis ratings must be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, must be included in the plan.
- B. All tree preservation-related work occurring in or adjacent to tree preservation areas must be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing topsoil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. must be subject to the review and approval of UFMD. The use of equipment in tree preservation areas must be limited to hand-operated equipment such as chainsaw, wheelbarrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment must not occur unless pre-approved by UFMD.
- C. The applicant must retain the services of a certified arborist or landscape architect, and must have the limits of clearing and grading in the areas of tree preservation marked with a continuous line of flagging prior to the walk-through meeting with the UFMD to be held prior to any clearing and grading. During the tree preservation walk-through meeting, the applicant's certified arborist or landscape architect must walk such limits of clearing and grading with an UFMD 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 must be implemented. Trees within the preservation areas that are identified specifically by UFMD in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated must be removed using a chain saw and such removal must be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this must 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.
- D. The limits of clearing and grading as shown on the SEA Plat must be strictly adhered to, subject to allowances for the installation of fences, utilities and/or trails as determined necessary by the Director, LDS. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they must be located in the least disruptive manner necessary as determined by UFMD. A replanting plan must be developed and implemented, subject to approval by UFMD for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- E. All trees shown to be preserved on the tree preservation plan must 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, must be erected at the limits of clearing and grading. All tree protection fencing must be installed after the tree preservation walk-through meeting described above but prior to any clearing and grading activities. The installation of all tree protection fencing must be performed under the supervision of a certified arborist and UFMD, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFMD must 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 will occur until the fencing is installed correctly, as determined by UFMD.
- F. The applicant must root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments must be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement site plan submission. The

- details for these treatments must be reviewed and approved by UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and must include, but not be limited to the following: (1) root pruning must be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning must take place prior to any clearing and grading; (3) root pruning must be conducted with the supervision of a certified arborist; and (4) a UFMD representative must be informed when all root pruning and tree protection fence installation is complete.
- G. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the applicant must be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by UFMD. The applicant must retain the services of a certified arborist or landscape architect to monitor on-site all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFMD approvals. The monitoring schedule must be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.
13. *Sight Distance: Prior to approval of the next site plan or minor site plan, the applicant must demonstrate that all obstacles within the required sight distance at the site's entrance from Georgetown Pike (Rt. 193) have been removed to the satisfaction of the Director, LDS and the Fairfax County Department of Transportation (FCDOT).
14. *Outdoor Recreation Fields and Courts: The outdoor recreation fields, athletic courts and other athletic courts must not be lighted for play; this condition does not preclude the installation of security lighting.
15. *Guided Tours: The applicant must partner with the Nature Conservancy, or other qualified trail and conservation organizations, to conduct guided tours on the existing trails at least three times per year on the School campus. At the applicant's discretion, a member of the applicant's faculty or staff may accompany the partner on each hike. All participants may be required to indemnify and hold the applicant harmless from any injury or damage that may occur as a result of the tours.
16. *Endangered Plant Species: The unique and endangered plant species that are identified in "*Ecological Communities of the Potomac Gorge in Virginia*" along the riverfront must continue to be protected and the riverfront area must be stewarded conscientiously.

17. Use Limitations for Horse-Riding Facility and Recreational Fields: The horse-riding facilities and recreational fields must not be used for events for the general public, even if those events are sponsored by the School, unless such events are approved by a Temporary Special Permit, subject to the review and approval of the Department of Planning and Development (DPD) in consultation with FCDOT.
18. Architecture: The final architectural design of the buildings must be consistent with the general design and type, quality, and proportion of materials depicted in the illustrative perspectives and renderings in the SEA Plat.
19. Phase I Archaeological Survey: Prior to site plan approval for each of Sites 1, 2, 4, 6, 9, and 15 (identified on Sheet 25 of the SEA Plat), the applicant must complete a Phase I archaeological survey for areas undisturbed and previously not surveyed. These areas must include all staging and access egress locations. If sites are significant or potentially eligible for inclusion onto the National Register of Historic Places (including new or existing sites), such sites must undergo Phase II archaeological testing. If sites are deemed significant or eligible, avoidance or Phase III data recovery is required.

At the completion of any cultural resource studies, the applicant must provide two copies (one hard copy, one digital copy) of the archaeology report as well as field notes, photographs, and artifacts to the Park Authority's Resource Management Division (Attention: Liz Crowell) within 30 days of completion of the study. For artifact catalogues must include the database in Access™ format, as well as digital photography, architectural assessments, including line drawings. If any archaeological, architectural or other sites are found during cultural resources assessments, the applicant must update files at VDHR, using the VCRIS system.

20. Invasive Management Plan: At the time of site plan submission for the STEAM building, and subject to UFMD approval, an invasive management plan must be provided for the areas of invasive species removal (as shown on the SEA Plat) that includes the following information:
 - Identification of targeted species to be suppressed or managed.
 - Identification of targeted area of invasive management or suppression.
 - Method of management or suppression.
 - Timing of removal and treatments.
 - Identification of potential areas for reforestation.
 - Identification of requirement to submit monthly monitoring reports to UFMD during construction.
 - Identification of approximate duration of invasive management program during construction.

Invasive species removal must occur prior to the Non-RUP issuance of the STEAM building.

21. *Reforestation: A reforestation plan for the area of EQC encroachment caused by the construction of the STEAM Building must be submitted concurrently with the first and all subsequent site plan submissions for review and approval in writing by UFMD, Fairfax County Department of Public Works and Environmental Services (DPWES), Environment and Development Review (EDRB) and must be implemented as approved, and as field verified by UFMD. The plan must contain an appropriate size, quantity, quality and selection, of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan must include, but not be limited to, the following:
- Plant list detailing species, sizes, quantities and stock type of trees and other vegetation (i.e. shrubs and other understory species) to be planted;
 - Soil treatments and amendments if necessary;
 - Mulching specifications/types;
 - Methods of installation;
 - Maintenance;
 - Mortality threshold;
 - Monitoring;
 - Replacement schedule;
 - Slope Protection; and
 - Details for planting on steep slopes.
22. Protection of Steep Slopes (Erosion and Sediment Control post Construction): To prevent continued and ongoing erosion on steep slopes, the applicant must install slope protection on all newly disturbed slopes. This must include both inorganic products (manufactured such as erosion control blankets) and stone as well as organic (plant material and organic mulches). Plans and details regarding slope protection must be submitted concurrently with the first and all subsequent site plan submissions for review and approval in writing to DPWES and EDRB. The submission must include, but not be limited to, the following:
- Product specifications and cut sheets for all manufactured products
 - Construction details (plan and section)
 - Methods of installation;
 - Monitoring/ inspection schedule and frequency
 - Replacement
 - Planting/Revegetation

23. Eroded Beds and Banks: Prior to site plan approval for the STEAM building, the site plan must demonstrate repair and revegetation of all eroded bed and banks within the general vicinity of the existing amphitheater, subject to the review and approval of DWPES and EDRB. Such repair and revegetation must be constructed prior to non-RUP issuance of the STEAM building.
24. Conservation Plan: Prior to site plan approval of Site 2 (Sheet 25 of the SEA Plat), the applicant must update the August 22, 2012 Soil and Water Quality Conservation Plan entitled "The Madeira School Equestrian Operation" in consultation with the Northern Virginia Soil and Water Conservation District. The updated and signed conservation plan must be followed.
25. Soil Remediation. Soil in planting areas that contain construction debris and rubble, are compacted, or are unsuitable for the establishment and long-term survival of landscape plants, must be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the SEA Plat. The applicant must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by UFMD. Soil remediation must take place only after site disturbance is complete, including all vehicle and equipment trafficking, but before replacement of topsoil.
26. Native Species. The applicant must use native species and natural landscaping in the "Proposed Natural Landscaping" areas labeled on the SEA Plat. A planting plan must be provided at the time of site plan review for each of the proposed structures, subject to the review and approval of UFMD and EDRB.
27. Green Building: The applicant must certify the proposed residential units through one of the following third-party Green Building rating systems:
 - EarthCraft: Certification in accordance with the EarthCraft House Program as demonstrated through documentation provided to EDRB prior to the issuance of a RUP.
 - NGBS (formerly NAHB): Certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted the Environment and Development Review Branch (EDRB) of DPD from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling unit/building.
 - NGBS (formerly NAHB): Certification in accordance with the National Green Building Standard (NGBS) using either the ENERGY STAR® Qualified

Homes path for energy performance, or another approved energy performance path, as demonstrated through documentation submitted the Environment and Development Review Branch (EDRB) of DPD from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling unit/building. To use an energy path other than ENERGY STAR, the dwelling unit must provide both the above referenced certification documentation and additional documentation demonstrating equivalent or greater energy performance to the ENERGY STAR standard prior to the issuance of the RUP for each dwelling unit/building.

28. Electric Vehicle ("EV") Charging Stations. Prior to non-RUP issuance for the STEAM building, a minimum of one universal EV charging station (serving two parking spaces) must be provided in the main campus parking lot near the Student Center in consultation with LDS and EDRB.

The applicant must also provide space and infrastructure to accommodate a minimum of four (4) additional electric vehicle ready parking spaces. "Electric-vehicle-ready" means the provision of space, conduit banks, conduits, and access points allowing for the easy installation of vehicle charging stations in the future, and does not include the installation of transformers, switches, wiring, or charging stations.

29. Drainfields: The septic system designer and the applicant must coordinate with the Fairfax County Health Department and UFMD to incorporate a dispersal method that preserves existing vegetation to the extent practicable, as determined by UFMD.
30. Reserve Drainfields: The reserve drainfields must not be cleared or graded until it becomes necessary to utilize the reserve areas.
31. Tree Canopy Replacement: Tree canopy removed for construction of the proposed active and reserve drainfields must be replaced at a ratio of 1:1. Replacement tree canopy must be located within the same general vicinity of the trees removed to the greatest extent possible, subject to review and approval by the UFMD.
32. Stormwater: The applicant must install stormwater management facilities for each of Sites 1, 2, 4, 6, 9, and 15 (identified on Sheet 25 of the SEA Plat) in substantial conformance with the SEA Plat and in accordance with the Fairfax County Stormwater Management Ordinance and the Public Facilities Manual. At the time of site plan review, the applicant may substitute alternative stormwater quality control facilities, subject to review and approval by DPWES. However, the

applicant must not substitute alternative stormwater quality control facilities with the purchase of off-site nutrient credits.

Stormwater management for Sites 3, 5, 7, 8, 11, 12, 13, and 14 must be in conformance with the Fairfax County Stormwater Management Ordinance and the Public Facilities Manual.

33. Pedestrian Lighting: Prior to the first non-RUP issuance for the proposed horse-related facilities, the applicant must install bollard lights (or equivalent, as approved by the Zoning Administrator) along the pedestrian paths as shown on the SEA Plat.
34. Signage: Signage visible from Georgetown Pike must not include a freestanding changeable copy or electronic display.
35. EQC Recordation: Prior to site plan approval for the STEAM building, the applicant must provide DPD with the revised EQC limits in a digital format compatible with DPD Geographic Information System (GIS) data so that DPD can update GIS systems accordingly.
36. Location of Drainage Outfalls: At the time of construction, the contractor must field locate drainage outfalls, ensuring that they are located within the flattest areas possible, to dissipate water and minimize future erosion on steep slopes.
37. Bird-Friendly Design Elements: In an effort to reduce bird injury and death due to in-flight collisions with the proposed STEAM building, the applicant must include a bird friendly design element, as determined by the applicant, in the architectural plans of the new STEAM building to be constructed on the property. The bird friendly design element may include, but not be limited to, the use of color, texture, opacity, fritting, frosting, patterns, louvers, screens, interior window treatments, or ultraviolet materials that are visible to birds, the angling of outside lights, curbing of excessive or unnecessary night-time illumination, the use of decoys, and division of glass swaths. This element must be identified in the building permit submission set prior to issuance of a building permit for the STEAM building.
38. The Laurels. The Property is currently improved by a single family detached log cabin home known as the "Laurels" that was relocated to the Property in 1988.
 - A. Marketing and Sale. Prior to removing the Laurels from the Property, the applicant must market the structure to any qualified potential purchaser, using a licensed broker with expertise in similar properties, for a minimum period of one hundred twenty (120) days. The applicant must provide public notice as to the availability of the existing house for moving and/or salvage in media

- outlets such as local newspapers, professional trade publications, to historical and/or architectural organizations and/or through appropriate internet sites. The purchaser of the Laurels ("Purchaser") must be required to de-construct or otherwise safely move the Laurels to a location of the Purchaser's choosing off the Property. If the applicant does not receive a bona fide offer to purchase the Laurels within the 120-day marketing period, then the applicant must have the right to remove the structure from the Property.
- B. Requirements with respect to Purchase of the Laurels. The applicant may require a potential purchaser of the Laurels to demonstrate, among other things, the financial ability to (i) deconstruct and reconstruct the Laurels in accordance with any requirements of the Virginia Department of Historic Resources and/or in compliance with the recommendations of a relocation company familiar with the relocation of similar structures, or (ii) relocate the Laurels intact to another location utilizing a relocation company familiar with the relocation of such structures. The Purchaser must be given not less than sixty (60) days to complete the deconstruction/reconstruction or move of the Laurels.
- C. Removal. In the event that the Laurels is not purchased within the allotted time, the applicant must notify DPD in writing no less than sixty (60) days prior to removing such structure to document compliance with this development condition.
39. Heritage Resources Recordation Form: Prior to approval of the building permit for demolition for the existing farmhouse, the existing science building, and the Laurels cabin, the applicant must complete and submit a Heritage Resources Recordation Form (HRRF), provided by DPD-Heritage Resources, and provide background information and photographs of each of the structures for county records and files to DPD-Heritage Resources.
40. Approval Expiration: Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment will automatically expire, without notice, thirty (30) months after the date of approval unless a non-RUP or RUP for one of the proposed structures has been issued or construction of one of the proposed structures 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 amendment. 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.

In the event that the subject special exception amendment is not established per this condition, the previous approval of SEA 83-D-030-08 would govern the site.

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, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment is not valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

WAIVERS AND MODIFICATIONS

SEA 83-D-030-09 (THE MADEIRA SCHOOL, INC.)

- Reaffirmation of a modification of the transitional screening and barrier requirements along all boundaries to that shown on the SEA Plat.
- Reaffirmation of the modification of the trail requirements along Georgetown Pike.
- Reaffirmation of the waiver of the trail requirement along the Potomac River.