



# County of Fairfax, Virginia

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February 1, 2006

## STAFF REPORT

### SPECIAL EXCEPTION APPLICATION SEA 2003-SU-001 (in association with SP 2005-SU-039)

#### SULLY DISTRICT

**APPLICANT:** Mulford Enterprises, Inc.

**ZONING:** R-C, WS

**PARCEL(S):** 64-2 ((3)) 22, 23

**ACREAGE:** 14.41 acres

**FAR:** 0.04

**OPEN SPACE:** 75% (50% Undisturbed)

**PLAN MAP:** Residential 0.1-0.2 du/ac

**SE CATEGORY:** 3-C04

**PROPOSAL:** Amend SE 2003-SU-001 previously approved for a nursery school to permit the addition of caretaker's residences and land area and to permit site modifications and the addition of a riding academy and boarding stable as a Special Permit use.

#### STAFF RECOMMENDATIONS:

Staff recommends approval subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirements along the eastern and southern property lines in favor of existing vegetation.

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#### Department of Planning and Zoning

Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Staff recommends denial of the waiver of the asphalt trail along the frontage of Lot 23 as required by the Comprehensive Plan.

Staff recommends approval of a waiver of the stone dust trail along the frontage of Lots 22 and 23 as required by the Comprehensive Plan.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.  
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



SP APPLICATION FILED: September 30, 2005  
SP APPLICATION AMENDED: January 3, 2006  
BOARD OF ZONING APPEALS: February 28, 2006

# County of Fairfax, Virginia

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February 1, 2006

## STAFF REPORT

**SPECIAL PERMIT APPLICATION**  
**SP 2005-SU-039**  
(in association with SEA 2003-SU-001)

### SULLY DISTRICT

<b>APPLICANT:</b>	Mulford Enterprises, Inc.
<b>ZONING:</b>	R-C, WS
<b>PARCEL(S):</b>	64-2 ((3)) 22, 23
<b>ACREAGE:</b>	14.41 acres
<b>FAR:</b>	0.04
<b>OPEN SPACE:</b>	75% (50% Undisturbed)
<b>PLAN MAP:</b>	Residential 0.1-0.2 du/ac
<b>SE CATEGORY:</b>	3-C03
<b>PROPOSAL:</b>	Add a riding academy with boarding stables to an existing nursery school.

### STAFF RECOMMENDATIONS:

Staff recommends approval subject to the proposed development conditions in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



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For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATIONS**

<b>Applicant:</b>	Mulford Enterprises, Inc.
<b>Location/Address:</b>	15109 Lee Highway
<b>Special Exception Proposal:</b>	Amend SE 2003-SU-001 previously approved for a nursery school to permit the addition of caretaker's residences and land area and to permit modifications to the site and development conditions.
<b>Special Permit Proposal:</b>	Add a riding academy with boarding stables for academy horses only.
<b>Hours for nursery school &amp; riding academy:</b>	8:00 AM – 5:00 PM, Monday – Saturday year round.
<b>Enrollment or nursery school:</b>	Maximum of 150 (Max of 80 per session)
<b>Faculty/Staff:</b>	11 Daily, 1 for riding academy only
<b>Waivers and Modifications:</b>	<ul style="list-style-type: none"><li>- Modification of the transitional screening requirements along the eastern and property lines in favor of existing vegetation;</li><li>- Waiver of dustless surface for the barn access (Will be addressed at site plan);</li><li>- Waiver of the stone dust trail along the frontage of Lots 22 and 23;</li><li>- Waiver of the asphalt trail along the frontage of Lot 23.</li></ul>

**LOCATION AND CHARACTER**

**Site Description:**

The 14.41 acre site is located on the south side of Lee Highway, approximately 150 feet west of White Post Road and 675 feet east of Cedar Spring Road. The site is

developed with a two (2) story school building with an associated playground, a one and a half (1 ½) story residence, and several outbuildings located in the northern half of the site. These buildings are set back from Lee Highway, are well screened, and are residential in appearance. Along with the other existing structures, the site contains an eight (8) stall barn and 100' x 100' paddock area that is used for horseback riding associated with the school. All use associated with the horses is contained to the south of the school buildings, and is surrounded by undisturbed open space on the east, south and west sides.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Centreville Baptist Church	R-C	Res. .1-.2 du/ac
<b>South</b>	Single Family Detached	R-C	Res. .1-.2 du/ac
<b>East</b>	Single Family Detached	R-C	Res. .1-.2 du/ac
<b>West</b>	Approved for Church (SP 01-V-069)	R-C	Res. .1-.2 du/ac

## **BACKGROUND** (Appendix 5)

The site was originally approved for a nursery school by the Board of Supervisors (BOS) in 2003 pursuant to SE 2003-SU-001. This approval made it possible for the school to construct a new 2-story, 40 ft. tall school building (classrooms on the first floor and offices on the second floor), a eight stall barn for horses, tack and feed, and for the existing 1.5-story, 25 ft. tall house to remain to serve as a caretaker's quarters. The approved structures were constructed and improvements were made. The school opened in 2004. In late 2004, the school was found to be in violation of it's zoning and development conditions due to use of the second floor of the school as second caretaker's quarters. Since this infraction occurred, the residents of the school's second floor have moved out, and this SEA was filed permit the residents to return, as well as to reflect minor changes to the approved SE Plat (addition of Lot 23 to the east; addition of a playground area; minor expansion of the bath house; to show a potential location of a future caretakers residence on Lot 23); the addition of Saturday hours, and to permit a riding academy and stable as a Special Permit use. The Special Permit (SP) application was filed to permit a riding academy/boarding stable on site. The riding academy is proposed to remain solely an accessory use to the school; it would consist of up to ten horses on the premises (no commercial boarding); riding lessons would be offered during the regular hours of operation of the school. There would be one instructor and a maximum class size of seven (7), for classes which would last one and a half hours.

**COMPREHENSIVE PLAN PROVISIONS** (Appendix 6)

**Plan Area:** Area III

**Planning Sector:** BR5 – Stone Bridge Community Planning Sector, Bull Run Planning District

**Plan Map:** Residential .1-.2 du/ac

**Plan Text:**

- “1. The land on the southwest perimeter of the County, adjacent to Loudoun County and Prince William County, lying generally along Bull Run and the public parkland associated with Bull Run has remained for the most part open and undeveloped and has a rural character. It is planned for residential development at .1-.2 dwelling unit per acre and public parkland. This is in conformance with the findings of the Occoquan Basin Study. The present very low density development which characterizes this area should remain intact to protect its natural wildlife and water quality.
2. Non-residential uses requiring special exception or special permit approval should be rigorously reviewed. In general, these uses, if permitted at all, should only be located at the boundary of Low Density Residential Areas and Suburban Neighborhoods or where their impact on existing residences is minimal. These uses should be granted only if the following conditions are met:
- Access for the use is oriented to an arterial roadway;
  - The use is of a size and scale that will not adversely impact the character of the area in which it is located; and
  - The use is designed to mitigate impacts on the water quality of the Occoquan Reservoir. [Not shown]”

**ANALYSIS****Special Exception Amendment/Special Permit Plat** (Copy at front of staff report)

Title of SEA/SP Plat (Sheets 1-4B): Mulford School

Prepared By: Bowman Consulting Group, Ltd.

Original and Revision Dates: November 8, 2002 as revised  
January 13, 2006

Title of SEA/SP Plat (Sheet 5): Mulford School

Prepared By: dBF Associates Architects

Original and Revision Dates: November 8, 2002 as revised  
January 9, 2006

The combined Special Exception Amendment/Special Permit Plat (SEA Plat) consists of seven sheets.

- Sheet 1: Contains the cover sheet with vicinity map and notes.
- Sheet 2: Shows the location of the existing structures and proposed pool and bathhouse, paved drive to the pool, fencing, and the proposed future house and driveway on Lot 23. This sheet also shows the undisturbed open space and all the tabulations for the site.
- Sheet 3 & 4: Shows the landscape plan, including the tree cover calculations and plant list. Sheet 4 shows the existing vegetation and conditions.
- Sheets 4A & 4B: These sheets include BMP calculations, water quality narrative outfall narrative and stormwater detention calculations. Sheet 4A shows the water quality and adequate outfall analysis. Sheet 4B shows the cross sections for the site.
- Sheet 5: Shows building elevations and entrance sign detail for illustrative purposes only.

The existing site entrance is located off the south side of Lee Highway on Lot 22. The twenty-seven (27) space parking lot is located at the front of the site and sits just in front of the existing two story colonial style school building. To the west of the school building and connected to the parking lot is the paved access road that connects to the other buildings to the south. Just to the west of the access road and behind the school building is the existing one and a half (1 ½) story house, used as a caretaker's residence. South of the existing house is the proposed location of the fenced in pool and bathhouse which were previously approved, but have not yet been constructed. The pool and bathhouse are connected to the proposed paved access road to provide maintenance and emergency access. There is a gate located at the access road to in keep the pool area secure.

Just past the pool gate, the paved access road becomes a stone dust access road. This access road continues south to the existing eight (8) stall barn and paddock area. The barn and paddock are the location of the proposed Special Permit riding school. This use is limited to a maximum of ten (10) horses, and seven (7) students during any one session. These sessions will occur only during the schools regular hours of operation (Monday – Saturday, 8:00 am – 5:00 pm).

From the barn location, the access road branches off and continues back toward the north of the site and connects to an existing playground area. This playground area is located to the southeast of the main school building on Lot 23. Toward the south of the playground is the location of the proposed future two story house. This house is planned to be used as a caretaker's residence once it is constructed. The existing caretaker's house would at that point be either removed or be placed into another school related use such as office or classroom space.

The southern portion of the site is dedicated undisturbed open space. A large portion of the site along the eastern boundary is also undisturbed open space.

<b>Buildings</b>		
<b>Structure:</b>	<b>GFA</b>	<b>Maximum Height</b>
Existing School Building	9,300 sq. ft.	40 ft.
Existing House (Parcel 22)	1,500 sq. ft.	30 ft.
Existing Barn	2,880 sq. ft.	20 ft.
Existing Trailers	1,350 sq. ft.	Various
Proposed Bathhouse	1,650 sq. ft.	25 ft.
Proposed House (Parcel 23)	9,350 sq. ft.	40 ft.
Proposed Shed	150 sq. ft.	15 ft.

In addition to these physical changes the applicant is also requesting the expansion of the hours of operation for the school to include Saturday in order to provide additional opportunities for the students to take specialized instruction (karate, ballet, riding etc.)

### **Land Use Analysis**

The applicant proposes to maintain the previously approved nursery school with the same maximum daily enrollment of 150 children. The proposed floor area ratio (FAR) of 0.04 is a slight increase from the original application of 0.034 due to a slight increase in the size of the proposed bathhouse and the addition of a proposed residence on Lot 23. This increase is offset by an increase in site area from 7.52 to 14.49 acres with 75% open space (50% undisturbed). The plan also complies with staff's original suggestion that any development be centralized on the site to minimize the site disturbance and maximize the natural buffers. As shown on the SEA/SP Plat, the limits of clearing and grading have not changed from the original SE, and the proposed limits of clearing and grading on the Lot 23 development have been located to maximize undisturbed open space. The combination of low FAR, minimal site alterations and significant open space are generally consistent with the Plan recommendation that SE/SP uses be of size and scale that would not adversely impact the character of the area.

**Transportation Analysis** (Appendix 8)

VDOT & FDOT have both reviewed the application request and have identified no issues.

**Public Facilities Analysis** (Appendix 7)**Issue: Stormwater Detention, Water Quality Control and Outfall**

DPWES reviewed the original submission and noted that the applicant had not provided a stormwater detention narrative or demonstrated that detention and water quality requirements have been met. The applicant needs to ensure that adequate detention capacity is available in the on-site facilities; Best Management Practices (BMP) also needed to be shown on the plan to demonstrate water quality control compliance. The applicant also needed to describe the condition of the outfall to a point where the drainage area is at least 100 times the site area or at least a square mile.

**Resolution:**

The applicant has added two sheets, 4A and 4B, which include both outfall and water quality narratives. The detention calculations are also found on these pages. At the time of site plan review, the applicant will be required to comply with detention and quality control requirements. Staff has also included a condition to address any additional DPWES issues which may arise during site plan review.

**Park Authority Analysis** (Appendix 9)

The Fairfax County Park Authority has expressed concern with a note that is shown on the SEA/SP Plat that requests the waiver of a requirement for a stone dust trail along the Lee Highway frontage of Lot 22. The park staff feels that this trail should not be removed, and that the applicant should follow the Comprehensive Plan's Trail Plan which calls for both a paved and stone dust trail along the frontage of Lots 22 and 23. The stone dust trail requirement was waived with the original SE on Lot 22, but a six (6) foot wide paved trail was constructed on that lot's frontage. The Park Authority feels that this trail is an important pedestrian connection to the park for the Mulford School and elementary school located to the west.

A waiver of the asphalt trail along the frontage of Lot 23 (required by the Comprehensive Plan) has also been requested. The applicant feels that this trail addition would make the school's playground too visible to passersby, and would be a safety issue. Staff believes that this would not be the case, since the playground is set back into the largely undisturbed woods on this parcel. Staff also feels that since the trail was constructed on Lot 22, a waiver of this segment would leave a gap in the future trail connection along the Lee Highway corridor. Staff does not feel

that this request is justifiable, and believes that this trail should be continued along the frontage of Lee Highway.

### **Environmental Analysis (Appendix 6)**

The applicant proposes minor changes to the site with this SEA/SP application. The following issues were raised by staff and subsequently resolved by revisions to the proposal or will be resolved with development conditions.

#### **Issue: Protection of the Occoquan Basin & Water Quality**

In 1982, the Board of Supervisors rezoned approximately 40,000 acres of land within the Occoquan Watershed including the subject property to the R-C (Residential Conservation) District. This district allows no more than one dwelling unit per five acres of land. The rezoning action was taken, pursuant to the recommendations of the Occoquan Basin Study, in recognition of the potential impacts of nonpoint source pollution on the Occoquan Reservoir and the relationship between land use and nonpoint source pollution. The intent of the rezoning was to establish a low land use density as the primary water quality protection mechanism within a large portion of the watershed. In other portions of the watershed, structural water quality protection techniques (best management practices, or BMPs) would be needed in order to meet water quality objectives.

While the intent was to establish very low land use densities within the affected area, the Zoning Ordinance does allow for Special Permit and Special Exception uses in addition to the permitted use of one home per five acres. However, the Comprehensive Plan recommends that such uses “be rigorously reviewed” and states that these uses should be approved only if several conditions are met, including the condition that: “the use is designed to mitigate impacts on the water quality of the Occoquan Reservoir.”

The proposed use is of a character and intensity that has the potential to adversely impact water quality. Specifically, given the nature of the request, there is concern about the potential number of horses on site exceeding the carrying capacity of the pasture and damaging the soils natural capacity to store and filter runoff, causing excessive erosion. The collection and treatment of runoff from the parking area and paddock area is also a concern.

All animal waste indoors as well as outdoors should be collected and taken to a certified landfill. The applicant should maintain a good or excellent pasture condition as defined by Natural Resource Conservation Service (NCRS) technical manuals. The total number of horses on the property should not exceed Northern Virginia Soil and Water Conservation District recommendations.

**Resolution:**

Development conditions will address these issues by limiting the maximum number of horses to ten (10), and requiring the applicant to develop a conservation plan with the Northern Virginia Soil and Water Conservation District.

**Issue: Pool Expansion**

The applicant shows the addition of a pool and pool house in the middle of the site between the school and barn. This pool was shown on the original SE Plat, but was never constructed. The applicant is now planning on the construction of this pool and the attached pool house with a slightly increased footprint. There is also a paved driveway extension to connect the existing drive to the pool area to ease the maintenance of the pool area and provide emergency access.

**Resolution:**

The affected area is already cleared, and the pool was shown on the previously approved SE Plat; the only change proposed is a slight increase in the size of the bathhouse which was necessitated by revisions to meet the Building Code. It is a minimal increase should not have any adverse impacts to the site or surrounding area.

**Issue: Proposed Future House**

The applicant shows a proposed future two-story house with drive on Lot 23. The Plat shows a swath of land up to 60 feet in width to be cleared for the driveway to connect to the interparcel access from Lot 22. This seems like an extremely wide clearing for a 12-foot wide driveway. Staff would encourage the applicant to minimize clearing and grading to lessen the impact on the densely forested area that the drive would pass through.

Staff is also concerned about the existing caretaker's house located just to the south of the main school building. The concern is that once the proposed house is constructed, a third caretaker would take up residence in that house. The primary reason for the applicant filing this SEA is to address a zoning violation that concerns having more caretaker's residences than the site was approved to have.

**Resolution:**

The applicant has stated that the SEA/SP Plat shows general locations of clearing and grading for the future house. At the time the house is to be constructed the limits of clearing and grading would be reduced to minimize the impact on the forested area, and to maintain the maximum amount undisturbed open space. Staff has also proposed a development condition to address the existing caretaker's residence

once the new house is constructed that would require the existing house be removed or used for other school related purpose(s) such as offices or classrooms.

## ZONING ORDINANCE PROVISIONS

Bulk Standards R-C District		
Standard	Required	Provided
Lot Size	5 acres	14.49 acres
Lot Width	200 feet	599.79 feet
Max. Building Height	60 feet	40 feet
Front Yard	50° ABP not less than 40 ft. (48 ft.)	100 feet
Side Yard	45° ABP not less than 40 ft. (40 ft.)	80 feet
Rear Yard	45° ABP not less than 40 ft. (40 ft.)	315 feet
FAR	0.10	0.04
Open Space	N/A	±75% open space (±50% undisturbed)
Parking Spaces	27 spaces	27 spaces + 1 loading

### Waivers/Modifications:

A modification of the transitional screening requirements along the eastern and a portion of the southern property lines in favor of existing vegetation is being requested by the applicant. The site is fairly heavily vegetated along all property lines and over 50% of the site will remain undisturbed; Staff concurs with this request.

The applicant has also requested a dustless surface waiver for the barn access drive. This access point is relatively isolated from the main school building, and even further from the Lee Highway right-of-way, so any dust produced from the access would not be noticed by passers by or even most people on site. This waiver will be addressed at site plan.

As previously discussed, two trail waivers have been requested. Staff feels that, since the asphalt trail was constructed on Lot 22, a waiver of the segment on Lot 23 would leave a gap in the future trail connection along the Lee Highway corridor. Staff does not feel that this request is justifiable, and believes that this trail should be continued along the frontage of Lee Highway. Staff does support the waiver of the stone dust trail, consistent with the original determination by DPWES at Site Plan review that only the paved trail was needed along the frontage of Lot 22.

**Other Zoning Ordinance Requirements:****Special Exception Requirements** (Appendix 10)

## General Special Exception Standards (Sect. 9-006)

General Standard 1 states that the proposed use shall be in harmony with the adopted Comprehensive Plan. In Staff's opinion, this standard has been met. As stated previously, the proposal, with proposed development conditions, is in harmony with the Comprehensive Plan recommendations for location and the proposed use, as conditioned, would be in harmony with the planned very low density residential district.

General Standard 2 states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. The site is zoned for very low intensity residential uses and permits nursery schools as a special exception. The R-C zone is intended for very low intensity uses with minimal impervious surface and which protect water quality. This application conserves 75% open space (50% undisturbed). As proposed and conditioned, this use is in keeping with the intent of the R-C zone. In Staff's opinion, this standard has been met.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or building or impair the value thereof. This application is well buffered from the existing residential uses, and proposes extensive tree save. As stated earlier in the Land Use Analysis, the applicant is in harmony with the Comprehensive Plan in terms of location and would not adversely affect the use or development of neighboring properties. In Staff's opinion, this project, as proposed and conditioned, meets this standard.

General Standard 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. As stated in the VDOT Memo (Appendix 8), the proposal includes interparcel access to the east and west and improvements to Lee Highway which will improve vehicular movement. Additionally, trails will be constructed to enhance pedestrian circulation. In Staff's opinion, this project, as proposed and conditioned, meets this standard.

General Standard 5 states that the BOS shall require landscaping and screening in accordance with provisions of Article 13. The applicant requests a modification of the transitional screening and barrier requirements to permit the landscaping shown on the SEA/SP Plat. Staff believes that adequate buffering will be provided and that

preservation of existing mature vegetation would be appropriate. Staff is of the opinion that this standard has been met.

General Standard 6 states that open space shall be provided as required by the Ordinance. The applicant is providing 75% of the site as open space, and with 50% of that being undisturbed. In Staff's opinion, this standard has been met.

#### Standards for All Category 3 Uses (Sect. 9-304 )

All Category 3 uses must also comply with the lot size and bulk requirements of the zoning district as well as the performance of the Zoning Ordinance and shall be subject to site plan approval; the application meets these requirements.

#### Additional Standards for Child Care Centers and Nursery Schools (Sect. 9-309)

Additional Standard 1 states that in addition to complying with the minimum lot size requirements of the zoning district the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. The SE Plat shows a playground of 8,650 square feet and a recreational field of 11,250 square feet; sufficient outdoor recreational space is available to meet this standard.

Additional Standard 2 requires access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic. The use is proposed on Route 29; sufficient improvements to the entrance (proposed to be signalized) are shown on the SE Plat.

Additional Standard 3 states that all such uses shall be located so as to permit the pick-up and delivery of all persons on the site. The layout proposed achieves this standard.

Additional Standard 4 states that the use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia. Staff has proposed a development condition which specifies this.

#### **Special Permit Requirements** (Appendix 11)

##### General Special Permit Standards (Sect. 8-006)

General Standard 1 states that the proposed use shall be in harmony with the adopted Comprehensive Plan. The riding stable is limited to of a maximum of ten (10) horses, and to be used only as accessory to the school. There will be no riding or horse related use in the undisturbed open space to the south of the barn and paddock area, or any other portion of the site that is designated as undisturbed open space in order to minimize the environmental impact to the site and surrounding areas. In Staff's opinion, this standard has been met. As stated previously, the site, with proposed development conditions, is in harmony with the

Comprehensive Plan recommendations for location and the proposed use would be in harmony with the planned very low density residential district.

General Standard 2 states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. The R-C zone is intended for very low intensity uses with minimal impervious surface and which protect water quality. The riding stable is limited to a maximum of ten (10) horses, and to be used only as accessory to the school during the regular hours of operation of the school. There shall be no riding or horse use in the undisturbed open space to the south of the barn and paddock area or any other portion of the site that is designated as undisturbed open space in order to minimize the environmental impact to the site and surrounding areas. As proposed and conditioned, this use is in keeping with the intent of the R-C zone. In Staff's opinion, this standard has been met.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or building or impair the value thereof. As previously stated, the buildings are residential in character and are centrally located on the site as well as protected by significant buffers of undisturbed open space. The proposed uses represent minimal changes to what was previously approved, and are not anticipated to have any negative impact on neighboring properties. In Staff's opinion, this project, as proposed and conditioned, meets this standard.

General Standard 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. As stated in the Transportation Analysis, the proposal includes interparcel access to the east and west and improvements to Lee Highway which will improve vehicular movement. Additionally, trails will be constructed to enhance pedestrian circulation. In Staff's opinion, this project, as proposed and conditioned, meets this standard.

General Standard 5 states that the BZA shall require landscaping and screening in accordance with provisions of Article 13. The applicant requests a modification of the transitional screening and barrier requirements to permit the existing vegetation as shown on the SEA Plat. Staff believes that adequate buffering will be provided and that the preservation of existing mature vegetation is appropriate. Staff is of the opinion that this standard has been met.

General Standard 6 states that open space shall be provided as required by the Ordinance. There is no open space requirement for this use as defined by the Zoning Ordinance. However, with the recommendations of the Comprehensive Plan

for low impact land use densities, preservation of 50% undisturbed open space meets the intent of the Plan. In Staff's opinion, this standard has been met.

General Standard 7 states that the required parking and loading requirements shall be provided in accordance with the provisions of Article 11, and that adequate utility, drainage and other necessary facilities shall be provided. The applicant has not proposed any changes that alter any of these requirements from the approved SE. Staff is of the opinion that this standard has been met through existing development conditions.

General Standard 8 states that all signs shall be regulated by the provisions of Article 12. However, the BZA, under the authority presented in Sect. 007, may impose more strict requirements for a given use than those set forth in this Ordinance. The applicant has not proposed any sign changes that alter any of these requirements from the approved SE. Staff is of the opinion that this standard has been met through existing development conditions.

Standards for All Category 6 Uses (Sect. 8-603 )

All Category 6 uses must also comply with the bulk requirements of the zoning district as well as the performance of the Zoning Ordinance and shall be subject to site plan approval; the application meets these requirements.

Additional Standards for Riding and Boarding Stables (Sect. 8-609)

All riding and boarding stables must also comply with the minimum lot size and setback of the zoning district and shall be subject to site plan approval; the application meets these requirements as conditioned.

### **Overlay District Requirements**

Water Supply Protection (WSPOD) (Sect. 7-800)

- Discussed in the Public Facilities Analysis

### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied with the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

It is staff's judgment that the request for Special Exception Amendment approval to permit a permit a maximum of two caretaker's residences; addition of land area and change in the hours of operation to permit Saturday classes are in harmony with the

Comprehensive Plan and in conformance with all applicable Zoning Ordinance provisions.

Staff also feels that the Special Permit request to add a riding academy with boarding stables is in harmony with the Comprehensive Plan and in conformance with all applicable Zoning Ordinance provisions.

### **Staff Recommendation**

Staff recommends approval of SEA 2003-SU-001 subject to the proposed development conditions set forth in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirements in favor of existing vegetation.

Staff recommends approval of a waiver of the stone dust trail along the frontage of lots 22 and 23 as required by the Comprehensive Plan.

Staff recommends denial of the waiver of the asphalt trail along the frontage of lot 23 as required by the Comprehensive Plan.

Staff recommends approval of SP 2005-SU-039 subject to the proposed development conditions set forth in Appendix 2.

It should be noted that it is not the intent of Staff to recommend that the Board of Supervisors, in adopting and conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of Staff; it does not reflect the position of the Board of Supervisors.

### **APPENDICES**

1. Proposed Special Exception Development Conditions
2. Proposed Special Permit Development Conditions
3. Affidavit
4. Statement of Justification
5. Previously approved SE Development Conditions and SE Plat
6. Comprehensive Plan Citations and Environmental Analysis
7. Department of Public Works and Site Review Division Analysis
8. VDOT Memo
9. Park Authority Analysis
10. Special Exception Requirements
11. Special Permit Requirements
12. Glossary

## PROPOSED DEVELOPMENT CONDITIONS

SEA 2003-SU-001

February 1, 2005

If it is the intent of the Board of Supervisors to approve SEA 2003-SU-001 located at 15109 Lee Highway (Tax Map 64-2 ((3)) 22, 23) previously approved for use as a nursery school pursuant to Sect. 3-C04 of the Fairfax County Zoning Ordinance to permit nursery school, caretaker residences, increase in land area and site modifications, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward from previous approvals or those with minor modifications 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 "Mulford School" prepared by Bowman Consulting Group, Ltd. and dated January 13, 2006, 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 Departments of the County of Fairfax during hours of operation of the permitted use.

### OPERATIONAL:

5. Hours of operation for the nursery school shall be limited to 8:00 a.m. – 5:00 p.m. Monday through Saturday year-round. There shall be a maximum of two sessions per day – morning (9:00 a.m. to noon) and afternoon (1:00 p.m. to 4:00 p.m.). Students two (2) to four (4) years of age shall not attend in excess of four hours per day and children five and six years of age shall not attend in excess of six and one-half (6 1/2) hours per day. A maximum of 15 students may be on-site for one extra hour in order to eat lunch. There shall be no before or after school care permitted on the site. \*
6. Only children six years old and younger may attend this school. The maximum total daily enrollment for the nursery school shall not exceed 150 students. \*
7. The existing house on site and the second story of the school building may be used as a caretaker's or teacher's (employee of the nursery school) residences. These residences shall not be used for any other purpose. If the proposed residence on Lot 23 is built, it may then be used as a caretaker's or teacher's residence. At such time the new residence is occupied,

the existing caretaker's house must then either be used for school purposes (classrooms/offices) or removed.\*

8. All activities provided for students (e.g., riding, swimming, ballet and piano lessons and karate, etc.) shall occur within the normal hours of operation. At least fifty (50%) percent of those enrolled in the Saturday classes shall be enrolled in the Monday through Friday schedule. There shall be no programs offered outside of the allowed hours of operation, (e.g., full-day summer camps, theater productions, overnight stays, etc.) or which are not offered as part of the curriculum. The riding academy/boarding stable shall only be permitted if approved by the Board of Zoning Appeals (BZA), and shall be subject to all conditions imposed by the BZA with the approval of SP 2005-SU-039.
9. The nursery school shall be subject to the regulations of Chapter 30 of the County Code, (e.g., indoor recreation space), Title 63.1, Chapter 10 of the Code of Virginia and all other applicable County, State and Federal regulations. \*

#### TRANSPORTATION:

10. If not already done, at the time of site plan approval, or upon demand by Fairfax County, whichever occurs first, a dedication and conveyance in fee simple to the Board of Supervisors of right-of-way along the application property's Lee Highway frontage measuring 110 ft. from the centerline shall occur. \*
11. If not already done, a right turn lane and a left turn lane on Lee Highway shall be constructed to VDOT standards, according to design speed, prior to the issuance of a Non-RUP for the nursery school. \*
12. An unobstructed/unrestricted interparcel public access easement and shall be recorded and built to the west (Tax Map 64-2 ((3)) 21) and east (Tax Map 64-2 ((3)) 223) property lines. \*
13. Internal pedestrian connections shall be provided to link the school and other structures with the play areas (pool, horse paddock, etc.), as determined by DPWES. \*

#### ENVIRONMENTAL:

14. A minimum of 50% of the site shall remain as undisturbed open space to include the areas identified on the SE Plat as those areas outside the limits of clearing and grading. No structures, fences, utility locations, and/or clearing and grading shall be permitted within these areas. The undisturbed open space shall not be used for permanent or temporary paddock or housing or riding trails for horses, ponies or other livestock. \*
15. This undisturbed open space shall be placed in a conservation easement. If approved by DPWES, stone dust trails for walking and exercise of pedestrians may be constructed to loop through the rear of the site. If access onto adjacent parcels can be acquired, these trails shall connect with the parcels to the west, south and east. No horse riding shall be done on these trails. \*
16. Any proposed site lighting shall be in accordance with Part 9 of Article 14. The combined height of the light standard and fixtures shall not exceed a maximum of twelve (12) feet. There shall be no lighting of outdoor riding facilities at any time.

17. In order to provide interior noise levels of approximately 45 dBA or less, the school building shall be constructed employing the following acoustical treatment measures:
- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
  - Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20 percent of any facade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20 percent of an exposed facade, then the glazing shall have an STC rating of at least 39.
  - All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimize sound transmission.

Additionally, the fence proposed for the play area shall be architecturally solid, where necessary, to provide noise mitigation. \*

18. Stormwater Management (SWM)/Best Management Practices (BMP) shall be provided as depicted on the SE Plat of as determined by DPWES. If SWM facility is waived, this area shall revert to undisturbed open space. \*
19. The limits of clearing and grading shall be strictly adhered to and shall disturb no more land than shown on the special exception plat. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including UFM, for review and approval. The extent of clearing and grading of construction shall be the minimum amount feasible as determined by DPWES. Prior to and land disturbing activities for construction, a pre-construction conference shall be held on-site between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days. \*
20. If required at time of site plan, a soil study shall be submitted to DPWES for review and approval and implemented as determined by DPWES. These studies shall include compliance with any permit issued pursuant to Section 404 of the Clean Water Act if applicable. \*
21. At time of site plan review, DPWES shall determine the type and dimensions of any required trails on the south side of Lee Highway, immediately adjacent to this site. All trails shall be constructed as required by DPWES. \*
22. Prior to the approval of any grading plan, site plan or any clearing and grading on the site, a tree preservation plan shall be prepared and submitted to UFM for review and approval. A professional with experience in the preparation of tree plans, such as a certified arborist or landscape architect shall be employed to assess the health and condition of all trees in areas potentially impacted by construction approved pursuant to this SE, and in play areas or other open space areas where people may congregate to determine which trees are appropriate for preservation. Any reasonable beneficial treatments necessary to promote the health and safety of these preserved trees, as determined by UFM, shall be implemented. Preservation

treatments shall be performed with the supervision of the landscape professional and may include, but are not limited to, tree pruning, cabling and bracing, root pruning, vertical mulching, general mulching and fertilization.

All trees shown to be preserved on the tree preservation plan shall be protected during demolition, clearing, grading, and construction by a temporary tree protection fence consisting of four foot high 14-gauge welded wire attached to 6 foot steel posts, driven 18 inches into the ground and placed no further than 10 feet apart. Tree protection fencing, consistent with that previously described, shall be erected at the limits of clearing and grading, as shown on the Phase I and II erosion and sediment control sheets in all areas.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fence shall be performed under supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fences have been properly installed.

The demolition of existing structures and features shall be conducted in a manner that minimizes the impact on individual trees and groups of trees to be preserved, as approved by UFM. These methods shall be described in detail on the tree preservation plan.\*

23. The buildings shall be residential in appearance and utilize pitched roofs with varying roof lines to be consistent with the materials and character of the architectural elevations shown on Sheet 5 of 5 of the SE Plat. The maximum building height shall not exceed 40 feet. \*
24. All landscaping proposed on site, including the transitional screening and the buffer area along Lee Highway, shall be approved by UFM and shall utilize native shrubs, trees and grasses, to the greatest extent possible, to provide a naturalized landscape environment. \*
25. The applicant shall obtain a sign permit for the proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance. The freestanding sign proposed at the site entrance shall not exceed 20 square feet and eight (8) ft. in height as shown on the SE Plat and shall not be internally illuminated or uplit. \*
26. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance. \*

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.

## PROPOSED DEVELOPMENT CONDITIONS

SP 2005-SU-039

February 1, 2006

If it is the intent of the Board of Zoning Appeals to approve SP 2005-SU-039 located at 15109 Lee Highway (Tax Map 64-2 ((3)) 22, 23) to permit a riding academy pursuant to Sect. 8-609 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Mulford Enterprises, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 15109 Lee Highway, and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Bowman Consulting Group, Ltd. dated November 8, 2002, revised January 13, 2006, approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit 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 permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The horse paddock and barn on site are for the use of the caretakers and school only (riding lessons/barn visits for the students). There shall be no use of the riding facilities for any type of horse shows or riding demonstrations at any time. There shall be no lighting of outdoor riding facilities or use of loudspeaker systems at any time. There shall be no commercial boarding allowed in this facility. The maximum number of horses on site shall be ten (10) at any one time. \*
6. The riding academy shall be limited to a maximum of seven riders at any one time. Lessons will be a maximum of 1.5 hours in duration, with three sessions daily, Monday through Friday, and five total sessions on Saturday.
7. There shall be no use of Lot 23 by the riding academy. All horse oriented use shall be restricted to Lot 22, outside of the area designated as undisturbed open space.
8. A minimum of 61% of the site (50% in the rear half) shall remain as undisturbed open space to include the areas identified on the SE Plat as those areas outside the limits of clearing and grading. No structures, fences, utility locations, and/or clearing and grading shall be permitted within these areas. The undisturbed open space shall not be used for permanent or temporary paddock or housing or riding trails for horses, ponies or other livestock.
9. This undisturbed open space shall be placed in a conservation easement. If approved by

DPWES, stone dust trails for walking and exercise may be constructed to loop through the rear of the site. If access onto adjacent parcels can be acquired, these trails shall connect with the parcels to the west, south and east. No horse riding shall be done on these trails.

10. A Water Quality Management Plan shall be submitted which has been prepared with the assistance of the Northern Virginia Soil and Water Conservation District, in compliance with the Chesapeake Bay Preservation Ordinance to ensure that the equestrian component does not impact water quality.
11. A conservation plan outlining Best Management Practices (BMP) for the operation shall be developed and implemented, prior to approval of a non-residential use permit, in coordination with the Northern Virginia Soil and Water Conservation District (NVSWCD). The conservation plan shall include management techniques for the operation, including pasture management, animal waste, composting and nutrient management. No animal waste shall be permitted to decay in place or to be washed into natural drainage from the site.

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 responsible for establishing the use as outlined above, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.