



# County of Fairfax, Virginia

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

April 29, 2008

Robert F. Flinn  
Flinn & Beagan  
8300 Boone Boulevard, Suite 225  
Vienna, Virginia 22182

Re: Special Exception Application SE 2007-LE-030

Dear Mr. Flinn:

At a regular meeting of the Board of Supervisors held on April 28, 2008, the Board approved Special Exception Application SE 2007-LE-030 in the name of Springfield Post 7327, Veterans of Foreign Wars of the United States, Incorporated. The subject property is located at 7711, 7713, 7715, 7717, and 7719 Beulah Street on approximately 2.52 acres of land zoned R-1 and NR in the Lee District [Tax Map 99-2 ((1)) 44-49]. The Board's action permits a private club and public benefit association pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "*Springfield Post 7327 Veterans of Foreign Wars of the United States, Inc.*", prepared by EMSI Engineering and dated April 2007 and revised through February 21, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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4. Access Points. There shall be only one vehicular entrance to the site from Beulah Street. The entrance shall generally conform to the depiction shown on the SE Plat, as reviewed and approved by the Fairfax County Department of Transportation (FCDOT) and/or the Virginia Department of Transportation (VDOT). Irrespective of what is shown on the SE Plat at the location of the removed southern entrance, additional shrubbery shall be installed between the parking lot and the Beulah Street frontage. The species selected for this landscaping shall be coordinated with Urban Forest Management, DPWES.

5. Right Turn Lane. If, prior to site plan submission, an alternative to a right turn lane from northbound Beulah Street has not been determined to be acceptable to the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation (FCDOT), a right turn lane into the site shall be provided to a standard required by VDOT. Said turn lane (or alternative as determined acceptable by VDOT or FCDOT) shall be constructed and open to traffic prior the issuance of the Non-Residential Use Permit (non-RUP) unless additional time is granted by the Zoning Administrator upon demonstration by the applicant that, despite diligent efforts, the improvement has been delayed. If changes to the landscaping in the area of turn lane is required, any displaced landscaping will be replaced on another part of the site as approved by Urban Forest Management, DPWES.

6. Overhead Utility Lines: Prior to issuance of the non-RUP the overhead public utility lines located onsite shall be placed underground.

7. Easements. Prior to site plan approval of this site, a public access easement shall be filed with the land records of Fairfax County allowing interparcel access to Tax Map Parcel 99-2 ((1)) 50. If the property to the south at Tax Map Parcel 99-2 ((1)) 57 develops as a non-residential use, a public access easement shall be recorded by the applicant prior to the approval of such site plan on the adjacent parcels to the south.

8. Stormwater Management: A stormwater management/best management practices (SWM/BMP) facility, which may include a Filterra, shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. A PFM modification will be required at the time of site plan for the use of the Filterra system as innovative BMP. The applicant shall also provide adequate outfall in accordance with the PFM, as determined by DPWES, at the time of site plan review. If a modification of the PFM to permit the proposed stormwater management and/or best management practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES.

9. Tree Preservation. A Tree Preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan shall be

prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 8 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading as shown on the Special Exception Plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall 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, shall be included in the plan." The applicant shall also submit concurrently a monetary value for each tree surveyed that is to be preserved. The monetary values shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved Tree Preservation Plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond.

10. Tree Bond: A letter of credit, or a cash contribution equal to one half (50%) of the total monetary value of trees to be designated to be preserved as identified above shall be placed with the County. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undisturbed areas identified on the approved SE. The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the site plan, and for work relating to the protection and management of undisturbed areas identified on the approved SE. If the applicant fails to complete any work identified in the approved subdivision plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the applicant will replenish the cash or Tree Bond to its full amount. If the applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used by the County to replenish the Tree Preservation Deposit to its full amount. The cash/Tree Bond may be used by the County as

described in the Tree Preservation condition, above. Any cash or funds remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFMD, DPWES.

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

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

13. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that

is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.

14. Root Pruning and Mulching: Root pruning and mulching shall be performed as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment.
- Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

15. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted in conformance with these conditions and as approved by UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall include once weekly inspections during phase I activities and once monthly inspections during phase II activities. This schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD, DPWES.

16. Bus Shelter. Prior to issuance of the Non-RUP, a concrete bus pad and easement for construction of a bus shelter to be built by others (that may display advertising in accord with Board of Supervisors adopted policies) shall be provided along the Beulah Street frontage of this site. The exact location of this bus shelter pad will be determined by the Fairfax County Department of Transportation. Additional concrete for an approximate length of 50 feet shall be provided between the sidewalk and curb (aka the utility strip) for an approximate length of 50 feet for the general purpose of providing secure footing for the pedestrians that board/ disembark the bus.

17. Soils: Prior to site plan approval, a geotechnical analysis shall be submitted for the review and approval of the DPWES. Any site changes required by that review that are not in substantial conformance with the approved SE Plat and Development Conditions will require a Special Exception Amendment.

18. Green Building Practices. Except for existing office equipment consisting of computers and a fax machine to be transferred from an offsite location to the proposed site, all appliances, fixtures, systems, and building components used in the project, as applicable, shall be ENERGY STAR<sup>®</sup> qualified: heating and cooling systems; vending machines, clothes washers; dishwashers; refrigerators/freezers; ceiling fans; ventilation fans (including kitchen and bathroom fans); light fixtures; exit signs; programmable thermostats; windows and doors; skylights; computers; monitors; printers; laptops; fax machines; copiers; mailing machines; scanners; and televisions and other home electronics equipment such as videocassette recorders and DVD players. Prior to issuance of the Non-Residential Use Permit, the applicant will submit to the Department of Planning and Zoning, Environment and Development Review Branch, certification of compliance with this commitment from an officer of VFW Post 7327. Records of compliance shall be maintained for review and inspection by County Staff.

19. Outdoor Lighting. All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance architecture. Light poles shall be limited to a height of 25 feet.

20. Hours. The hours of operation shall be limited to 9:00 A.M. to 12:00 A.M. midnight, seven days a week.

21. Membership: The maximum number of members attending meetings shall be 225; the maximum number of full-time employees shall be two (2). The maximum number of guests attending special events at the site, including bingo and weddings, shall be based on the occupancy load.

22. Signage: All signage shall conform with the requirements of Article 12 of Zoning Ordinance. Irrespective of the sign location shown

on the SE Plat, the proposed monument sign location may be placed at an alternate location onsite so long as the sign conforms to the requirements of the Zoning Ordinance.

23. Architecture. The architecture shall be in general conformance with that shown on the SE Plat. The materials shall be limited to Hardiplank siding or similar material for the structure in the front and split-faced concrete masonry unit (CMU) block or equal for the structure in the back.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**The Board also:**

- Waived the barrier requirements along the western and southern boundaries of the site.
- Modified the trail requirement set forth in the Comprehensive Plan in favor of the existing six-foot asphalt trail along Beulah Street frontage.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Gerald E. Connolly  
Supervisor Jeffrey McKay, Lee District  
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Audrey Clark, Director – Building Plan Review, DPWES  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Jose Comayagua, Director, Facilities Management  
Denise James, Office of Capital Facilities/Fairfax County Public Schools  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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Zoning Evaluation Division