CL # 51
1/12/09

County of Fairfax, Virginia

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

January 26, 2009

David S. Houston
Pillsbury, Winthrop, Shaw, Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102

Re: Special Exception Amendment Application SEA 83-D-030-08

Dear Mr. Houston:

At a regular meeting of the Board of Supervisors held on January 12, 2009, the Board approved Special Exception Amendment Application SEA 83-D-030-08 in the name of The Madeira School, Incorporated. The subject property is located at 8134 and 8328 Georgetown Pike on approximately 371.16 acres of land zoned R-E in the Dranesville District [Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 1]. The Board's action amends Special Exception Application SE 83-D-030, previously approved for a private school of general education to permit increases in student enrollment from 338 up to 360 and staff from 105 up to 109, site modifications, and associated revisions to the development conditions pursuant to Section 3-E04 of the Fairfax County Zoning Ordinance, by requiring conformance with the following 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. Site Plan: This Special Exception Amendment 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 Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat **entitled The Madeira School and prepared by Dewberry and Davis which is dated January 11, 2008 as revised through September 29, 2008 (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.

3. *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 shall be located in a manner that minimizes disturbance as determined by the Urban Forest Management Division.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. *Enrollment and Staff: Maximum daily enrollment shall not exceed three-hundred-thirty-eight (338) students. Faculty and staff shall not exceed one-hundred-five (105) on site at any one time.

5. *Parking: The minimum number of parking spaces required shall be provided as determined by the Director, DPWES. Parking lot landscaping as required by Article 13 shall also be provided.

6. *Erosion and Sediment Control: Erosion and sediment control measures shall 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, DPWES.

7. *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 shall be limited to a maximum of thirty-seven (37). Use of these structures shall be for faculty, staff and their families only. In addition, there may be a maximum of seven (7) accessory units located in dorms and the stable/horse barn, which are provided to residents who have work responsibilities in those buildings.

8. *Non-RUP/RUP: No individual housing unit shall be occupied until a valid Non-Residential-Use Permit (Non-RUP) or Residential Use Permit (RUP) has been granted. No Non-RUP or RUP shall be issued until the individual unit is served by approved sewage disposal and water supply systems, as determined by the Director, DPWES.

9. *Stormwater Management and Best Management Practices: Stormwater management facilities and best management practices shall be provided in accordance with the requirements of the Public Facilities Manage as required by the Director, DPWES. This condition shall not preclude the approval of any waivers of these requirements that satisfy the provisions for such waivers.

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 shall be dedicated upon demand of either Fairfax County or the Virginia Department of Transportation in fee simple. Further, the applicant shall grant temporary construction easements to Fairfax County or the Virginia Department of Transportation required with the improvements to Route 193. The public access easement which has been granted pursuant to a site plan waiver for trail construction shall be retained.

11. *Potomac Heritage National Scenic Trail/Georgetown Pike Trail: The Applicant has previously contributed $89,000 for the purpose of construction of 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 an alternative location in the general vicinity of the subject property. The trail shall be constructed as a major trail as outlined on the Trails Plan and shall be constructed of stone dust. If the trail is constructed as currently depicted on the Trails Plan, the trail shall 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 shall be returned to the Applicant.

12. Tree Preservation Plan:

    a. The Applicant shall submit a tree preservation plan as part of the public improvement plan/site plan submission(s) for this site. The tree 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 Urban Forest Management Division ("UFMD"). The tree preservation plan shall 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 shall provide for the preservation of those areas shown for tree preservation on the SEA Plat. 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.

    b. All tree preservation-related work occurring in or adjacent to tree preservation areas shall 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 top soil 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. shall be subject to the review and approval of UFMD. The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, wheel barrows, 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 shall not occur unless pre-approved by UFMD.

c. The Applicant shall retain the services of a certified arborist or landscape architect, and shall 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 shall 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 shall 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 shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

d. The limits of clearing and grading as shown on the SEA Plat shall be strictly adhered to, subject to allowances for the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. 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 shall be located in the least disruptive manner necessary as determined by UFMD. A replanting plan shall 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 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. All tree protection fencing shall 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 shall 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 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.

f. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) root pruning shall be conducted with the supervision of a certified arborist; and (4) a UFMD representative shall 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 shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFMD. The Applicant shall 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 shall be described

and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.

13. Reforestation: A reforestation plan for the area of the EQC where the existing wastewater treatment plant is to be demolished shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval in writing by the Urban Forest Management Division (UFMD), Fairfax County Department of Public Works and Environmental Services (DPWES), and shall be implemented as approved, and as field verified by UFMD. The plan shall 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 shall be based on the requirements for RPA restoration in the Chesapeake Bay Preservation Ordinance and shall include, but not be limited to, the following:

    - Plant list detailing species, sizes, quantities and stock type of trees and other vegetation to be planted;
    - Soil treatments and amendments if necessary;
    - Mulching specifications;
    - Methods of installation;
    - Maintenance;
    - Mortality threshold;
    - Monitoring, and
    - Replacement schedule.

14. Sight Distance: Prior to approval of the next site plan or minor site plan, the Applicant shall 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, DPWES and the Fairfax County Department of Transportation (FCDOT).

15. Outdoor Recreation Fields and Courts: The outdoor recreation fields, athletic courts and other athletic courts shall not be lighted for play; this condition shall not preclude the installation of security lighting.

16. The applicant will 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.

17. The unique and endangered plant species that are identified in "*Ecological Communities of the Potomac Gorge in Virginia*" along the riverfront shall

continue to be protected and the riverfront area shall be stewarded conscientiously.

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 itself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be 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.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction of the relocated private sewage treatment facility 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:

- Modified the transitional screening requirement along all boundaries to that shown on the SEA Plat.
- Modified the barrier requirement along all boundaries to that shown on the SEA Plat.
- Reaffirmed the previously-approved modification of the trail requirement along Georgetown Pike in favor of the previously-granted easement and construction escrow previously posted by the school.
- Waived the requirement for the stream valley trail along to Potomac River.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Supervisor John W. Foust, Dranesville 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
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
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
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation

Amended

COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 83-D-030-08
(Staff will assign)

RECEIVED
Department of Planning & Zoning
APR 04 2008
Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	**NAME** The Madeira School, Inc.
	MAILING ADDRESS 8328 Georgetown Pike McLean, VA 22102-1200
	PHONE HOME ( ) **WORK** (703) 556-8200
	PHONE MOBILE ( )
PROPERTY INFORMATION	**PROPERTY ADDRESS** 8328 & 8134 Georgetown Pike McLean, VA 22102-1200
	TAX MAP NO. 20-1-((1))-14 and 20-2-((1))-1 **SIZE (ACRES/SQ FT)** 371.16 acres (total)
	ZONING DISTRICT R-E **MAGISTERIAL DISTRICT** Dranesville
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	**ZONING ORDINANCE SECTION** Par. 3K of Sect. 3-E04
	PROPOSED USE Private School of General Education, and to permit [illegible] increase in [illegible] staff.
AGENT/CONTACT INFORMATION	**NAME** David S. Houston - Pillsbury Winthrop Shaw Pittman LLP
	MAILING ADDRESS 1650 Tysons Boulevard McLean, VA 22102-4859
	PHONE HOME ( ) **WORK** (703) 770-7544
	PHONE MOBILE (703) 915-7300
MAILING	**Send all correspondence to (check one):** ☐ **Applicant –or-** ☑ **Agent/Contact**

Notify

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

David S. Houston
TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

Date Application accepted: 4/4/08 Virginia Ruffner Application Fee Paid: $ n/a