



FAIRFAX COUNTY

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

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April 14, 2004

Francis A. McDermott, Esquire
Hunton and Williams
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

RE: Special Exception Amendment Application
Number SEA 99-S-012

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on February 23, 2004, the Board approved Special Exception Amendment Application Number SEA 99-S-012 in the name of The Country Club of Fairfax, Inc. located at 5110 Ox Road and 11101 Braddock Road (Tax Map 68-1 ((1)) 17, 18 and 20) previously approved for uses in a floodplain, pursuant to Section 2-904 of the Fairfax County Zoning Ordinance to permit uses in a floodplain, a country club, a golf course, and site modifications by requiring conformance with the following development conditions. These conditions supersede all previous conditions for the application property. Conditions previously approved by the BZA or BOS or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.*
3. A copy of this Special Exception Amendment 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 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 "Special Exception Amendment Plat The Country Club of Fairfax", prepared by William H. Gordon Associates, Inc., consisting of 13 sheets. Sheets 1-6A are dated May 12, 2003, as revised through December 29, 2003; Sheets 7-12 are dated February 9, 1999, as revised through December 29, 2003; Sheet 13 is dated June, 1999, as revised through December 29, 2003, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

Operations

5. The hours of operation shall be limited to the following:
 - Use of the clubhouse shall be limited to 7:00 a.m. to 10:30 p.m. on Sundays through Thursdays, and 7:00 a.m. to 1:00 a.m. on Fridays and Saturdays; occasional exceptions to these hours of operation shall be allowed to accommodate special functions. These functions shall not include the use of the lighted tennis courts, and the special functions shall conclude by 1:30 a.m.
 - Use of the enclosed tennis courts shall be limited to 7:00 a.m. to midnight, seven days a week.
 - Use of the lighted outdoor tennis courts shall be limited to 7:00 a.m. to 10:00 p.m., seven days a week, and the lights shall be shut-off within 15 minutes after the closing time.
 - Use of the swimming pool and all golf course facilities shall be limited to hours between sunrise and sunset, seven days a week, with exceptions for the swimming pool to accommodate special functions, not to exceed 10 times per year.
6. The total membership shall not exceed 900.*
7. Parking shall be provided as shown on the Special Exception Amendment Plat. Accessible parking shall be provided in accordance with Article 11 of the Zoning Ordinance, as determined by DPWES. All parking shall be on-site.
8. All new or replacement outdoor lighting shall comply with Part 9 of Article 14 of the Zoning Ordinance. The combined height of said new or replacement outdoor lighting shall not exceed twelve (12) feet, in conformance with the Photometric Plan for the pool area on file with Department of Planning and Zoning.

9. The previously approved and existing tennis courts, which are the southernmost existing courts on the Special Exception Amendment Plat, may continue to be lighted as described below; however, when such lighting is replaced, it must comply with the Zoning Ordinance.
 - The combined height of the light standards and fixtures shall not exceed 22 feet in height; all fixtures shall utilize full cut-off lights.
 - The lights shall be designed to focus light directly on the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
 - The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use.*
10. Outdoor storage of sand, gravel and mulch within concrete bins shall be permitted on-site, as depicted on the Special Exception Amendment Plat next to the new "Maintenance Building" and labeled as "Material Storage Yard (Concrete Pad)".

Flood Plain, Water Quality and Stormwater Management

11. All permitted land disturbing activities within the floodplain/Resource Protection Area (RPA) shall be completed consistent with the Special Exception Amendment Plat in the least disruptive manner practicable, as reviewed and determined by DPWES and the Urban Forester.*
12. Prior to issuance of any permits or initiation of any activities which are subject to this Special Exception Amendment, the applicant shall demonstrate compliance with the Chesapeake Bay Preservation Ordinance (CBPO) to the satisfaction of DPWES, subject to any approved exceptions or modifications. In conjunction with any application for activities within the RPA/floodplain deemed other than maintenance activities, per the CBPO, as defined by the DPWES, a Water Quality Impact Assessment (WQIA) shall be required, to the satisfaction of DPWES. Any and all conditions pertaining to approval of the CBPO exceptions, the floodplain study and the WQIA shall be included in these conditions by reference.*
13. No plans or permits for any area(s) affected by this Special Exception Amendment shall be issued unless and until a floodplain study is approved by DPWES.*
14. At the time of site plan submission, an alternative stormwater drainage system shall be proposed along the area of the 14th fairway to re-direct the existing drainage outfall away from the property noted on the Plat as Linney property (Tax Map parcel 68-1

((6)) 26), subject to authorization by the affected off-site property owners (of Tax Map parcels 68-1 ((5)) 9A, 10 and 68-1 ((6)) 26) to the diversion of this water; the redirected water shall drain through Country Club of Fairfax property as determined with final engineering and as approved by DPWES. Should the redirected water drain directly into the stream rather than the 14th fairway pond, it shall be demonstrated to the satisfaction of DPWES that said drainage shall not further degrade the downstream channel.*

15. Outfall within the subject Special Exception Amendment area will be treated with appropriate and adequate outfall protection to meet all Virginia and Fairfax County Erosion and Sedimentation Control regulations, to satisfaction of DPWES.*
16. Stream restoration measures shall be implemented along the East Fork Branch of Popes Head Creek in the locations identified on and consistent with the Stream Restoration Plan detailed on Sheet 13 of the Special Exception Amendment to enhance and further the rehabilitation of the existing stream banks to a more natural condition, to establish riparian buffer zones and/or to construct aquatic benches to improve water quality and to stabilize existing eroded areas of the site. The Stream Restoration Plan will be submitted to DPWES for review and approval with the final site plan.*
17. In order to address the objectives of the Water Supply Protection Overlay District (WS) and to protect the water quality of the East Fork Branch of the Popes Head Creek, a Golf Course Water Quality Management Plan for the 18-hole golf course shall be developed and implemented. This Plan shall consist of the following elements:
 - A. An Integrated Pest Management Plan (IPM) shall be developed using the guidelines established by the Virginia Cooperative Extension Service Pest Management Guide and shall be designed to manage and limit the excessive applications of fertilizers, herbicides and other chemicals to protect water quality. The IPM shall provide for periodic monitoring and adjustments in order to achieve the objective of reducing the overall amounts of nutrients and pesticides applied to the property over time. The IPM and all parameters to be monitored shall be reviewed by Fairfax County Office of the Virginia Cooperative Service and approved by the Northern Virginia Soil and Water Conservation District Office as determined by DPWES prior to site plan. A copy of the pesticide management program and records of all chemical applications shall be kept on site at all times. Records shall be made available to county staff.
 - B. A long term Stream Restoration Management Plan (SRMP), shall be provided which shall be designed to provide for erosion control for those areas of the proposed construction improvements noted in the Stream Restoration Plan (Sheet 13 of the Special Exception Amendment Plat). The SRMP shall include

the establishment of riparian buffers and guidelines for stream bank stabilization, and shall be reviewed and approved by the Northern Virginia Soil and Water Conservation District Office, prior to approval of the site plan.*

18. Stormwater management and BMP facilities shall be configured and constructed to the satisfaction of DPWES in a location that is in substantial conformance with the Special Exception Amendment Plat.
19. Erosion and sediment control measures shall be installed at all stages of construction. A "super silt fence" shall be installed along the limits of clearing and grading for new areas of land disturbance, as well as along all RPA boundaries, and shall remain for the duration of all land disturbing activity or until it is determined by DPWES that the area is stabilized. If deemed necessary by DPWES, controls shall be designed 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.
20. Maintenance materials, fuels, herbicides, pesticides, fertilizers or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 115.4 and 261.30 et. seq. shall be stored outside of the 100 year floodplain zone, as approved by DPWES. Appropriate measures shall be implemented for the storage and use of potentially hazardous materials associated with the golf course operation. These measures shall be contained in the Golf Course Water Quality Management Plan and reviewed by the Northern Virginia Soil and Water Conservation District and DPWES.*
21. Any areas of the stream bank restored pursuant to this Special Exception Amendment that may be damaged or eroded due to stormwater runoff, stormwater event or golf course use shall be stabilized within 30 days following damage occurrence. Any such required restoration of stream riparian buffer areas, stream banks or stream beds shall be performed at the earliest time that is conducive due to weather or soil conditions, as determined by DPWES.*
22. Minor adjustments as may be permitted by the Zoning Ordinance to the Golf Course improvements within the 100-year floodplain and RPA shall be permitted consistent with the final approvals of the Special Projects Branch of DPWES.*
23. To minimize disturbances in the RPA and to restore the existing eroded stream channel, dam reconstruction measures on Fairway #14 shall be provided as proposed on the Stream Restoration Plan (Sheet 13 of SEA Plat), and as approved by DPWES. Other appropriate environmentally sensitive solutions and engineered solutions, which are mutually acceptable to the Country Club of Fairfax and DPWES may be employed. It shall be understood that the resulting solution may require modifications and/or waivers to the Public Facilities Manual (PFM) and/or State standards.*

Landscaping and Tree Save

24. Existing vegetation and proposed landscaping shown along the lot lines on the Special Exception Amendment Plat shall fulfill the Transitional Screening (TS) requirements, except on the northern property boundary directly adjacent to the proposed maintenance building, parking area and cart barn, where installation of additional plantings shall be completed in the buffer area to measure thirty-five (35) feet in width, and except on the eastern property boundary directly adjacent to the proposed outdoor tennis courts, where installation of additional plantings shall be completed in a buffer area to measure thirty-five (35) feet in width, subject to the review of the Urban Forestry Division. Additionally, the southern property line adjacent to the proposed tennis courts shall be planted with vegetation consistent with TS-1, as determined by the Urban Forester. Existing barriers shall fulfill the barrier requirements.*
25. All proposed evergreen trees shall measure a minimum of six (6) feet in height at the time of planting. All other proposed landscaping species and methods of installation shall be to the satisfaction of the Urban Forestry Division. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary, as determined by the Urban Forestry Division. Prior to the issuance of a Non-Residential Use permit for the pool/tennis house, service building, and/or cart barn, an effective vegetative screening and buffer area shall be provided, as determined by the Urban Forester, consistent with the Special Exception Amendment.*
26. Plantings proposed to be installed along the stream shall include native riparian species and those species that tolerate extreme hydrologic conditions, to the satisfaction of the Urban Forester. Common ornamental plants and hybridized landscaping species shall not be included in the stream bank preservation and restoration areas. Boundary limits shall be delineated to mark the vegetated riparian areas, and signs shall be posted to discourage encroachment by foot or by golf cart into the vegetated riparian areas.*
27. Existing vegetation within the RPA defined in conjunction with the removal of the culverts on the 15th fairway, as determined by DPWES shall be preserved and protected in accordance with the CBPO. The proposed relocated 7th tee and the proposed cart path for the 15th green and fairway shall be constructed outside of the protected and preserved vegetated areas within the RPA boundary, to the satisfaction of DPWES in accordance with CBPO. No construction of the relocated 7th tee shall commence until the removal of the culverts on the 15th fairway is completed, in accordance with the design details established under the Stream Restoration Management Plan, as detailed for "Zone C" on Sheet 13 of the Special Exception Amendment Plat, to the satisfaction of DPWES.
28. All trees shown to be preserved shall be protected by a tree protection fence. Tree protection fencing to consist of four foot high, orange plastic fence attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart shall

be erected at the limits of clearing and grading as shown on the Plat. All tree protection fencing shall be installed, as approved by the Urban Forester, prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

Miscellaneous

29. Right-of-way along the site's frontage on Route 123 shall be dedicated in accordance with the adopted Comprehensive Plan in order to provide a six-lane divided roadway, sixty-five (65) feet from centerline, with the additional eleven (11) feet for a right-turn lane, 250 feet in length, to the site entrance, and all ancillary easements for construction; ancillary easements not to exceed fifteen (15) feet in width for construction. Fencing within the dedication area shall be relocated for the length of the right turn lane. The right-of-way shall be dedicated to the Board of Supervisors and conveyed in fee simple at the time of site plan approval or upon demand by Fairfax County, whichever happens first. All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these conditions shall be subject to the provisions of Paragraph 4, of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject property.*
30. Irrespective of the bulk tabulation note on page 2 of the Special Exception Amendment Plat, no building height shall exceed 36 feet.
31. The exterior elevations of the proposed tennis/pool/fitness house in the southeastern corner of the site shall be consistent with the conceptual elevation shown on Sheet 1 of the Special Exception Amendment Plat. The exterior elevations of the cart barn and proposed maintenance building in the northeastern corner of the site shall be consistent with the conceptual elevations shown on Sheet 6A of the Special Exception Amendment Plat, all as determined by DPWES. All sides of each structure shall be similar in regard to design, colors and materials.

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 permits through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 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 has commenced. The Board of Supervisors may grant

additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- **Modified the transitional screening and barrier requirements along all property boundaries in favor of that depicted on the Special Exception Amendment Plat, and as conditioned.**
- **Modified the Additional Standards under Paragraphs 2 and 3 of Section 9-528 of the Zoning Ordinance, regarding the 50 foot setback from residential district for structures and parking, as shown on the Special Exception Amendment Plat.**
- **Waived the service drive requirement along the Ox Road/Route 123 frontage.**

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

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Gerald E. Connolly
Supervisor Elaine McConnell Springfield District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES - Bonds & Agreements
Department of Highways, VDOT
Irish Grandfield, Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

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Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Thank you very much. Ms. Harsel.

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Commissioner Harsel: That was understood that he approved it with the conditions dated January 13.

Commissioner Murphy: January 9.

Commissioner Harsel: January 9, okay.

Commissioner Murphy: I said that.

Vice Chairman Byers: Anything else?

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(The motions carried unanimously.)

HEB

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT THE MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES IN FAVOR OF THAT DEPICTED ON THE SEA PLAT.

Commissioner Hall: Seconded.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS IT ADOPT THE MODIFICATION OF THE ADDITIONAL STANDARDS UNDER PARAGRAPH 2 AND 3 OF SECTION 9-528 OF THE ZONING ORDINANCE REGARDING THE 50 FOOT SETBACKS FROM RESIDENTIAL DISTRICTS WITH STRUCTURES IN PARKING AS SHOWN IN THE SEA PLAT.

Commissioner Hall: Seconded.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG THE OX ROAD/ROUTE 123 FRONTAGE.

Commissioner Hall: Seconded.

Board Agenda Item
February 23, 2004

4:30 p.m.

Public Hearing on Special Exception Amendment Application SEA 99-S-012 (The Country Club of Fairfax, Inc.) to Amend SE 99-S-012 Previously Approved for Uses in a Floodplain to Permit Golf Course, Country Club and Site Modifications, Located on Approximately 150.85 Acres Zoned R-C and WS, Springfield District

The application property is located at 5110 Ox Road and 11001 Braddock Road, Tax Map 68-1 ((1)) 17, 18 and 20.

On Wednesday, January 14, 2004, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of SEA-99-S-012, subject to the development conditions dated January 9, 2004;
- Modification of the transitional screening and barrier requirements along all property boundaries in favor of that depicted on the SEA Plat;
- Modification of the 50 foot setback requirement from residential districts required under Section 9-528 of the Zoning Ordinance to that shown on the SEA Plat; and
- Waiver of the service drive requirement along the Ox Road/Route 123 frontage.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
January 14, 2004
Verbatim Excerpt

SEA 99-S-012 – THE COUNTRY CLUB OF FAIRFAX COUNTY

After Close of the Public Hearing

Vice Chairman Byers: Close public hearing. Recognize Mr. Murphy.

Commissioner Murphy: Thank you Mr. Chairman. It is a straightforward application. We saw one application dealing with The Fairfax Golf and County Club several years ago where we dealt with some very sensitive environmental issues which I am pleased to say were cleaned up by the applicant and the Club and they are doing a really fine job. This is simply an application to increase some of the activities at the Club to put in a pool, a wading pool, a children's pool and extra tennis courts. It meets all the criteria for the Zoning Ordinance and also I want to thank the applicant for working with the citizens. We had a citizens' meeting. No one showed up which is always a positive sign.

Commissioner Harsel: I did.

Commissioner Murphy: I said citizens. I want –

Commissioner Harsel: I came as a citizen.

Commissioner Murphy: Well, okay, I want to pay special attention -- pay particular thanks to Mrs. Harsel who has the District across the street and who joined us for our meeting and also spent two hours riding around the golf course with Mr. McDermott in a golf cart which certainly warmed the cockles of my heart. That was a sight to behold. So, Mrs. Harsel has no problems and we have amended development conditions this evening that really have some cosmetic changes that have been agreed upon by the applicant and the staff. Everything looks really good. So for the first case of 2004, I WOULD LIKE TO MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 99-S-012, SUBJECT TO DEVELOPMENT CONDITIONS DATED JANUARY 9, 2004.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Mrs. Hall. Any discussion? All in favor of the motion to recommend the Board of Supervisors approve SEA 99-S-012, say aye.

Commissioners: Aye.