



# County of Fairfax, Virginia

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

April 27, 2011

Frank Stearns  
801 N. Fairfax Street, Suite 209  
Alexandria, VA 22314

Re: Special Exception Amendment Application SEA 99-S-012-03

Dear Mr. Stearns:

At a regular meeting of the Board of Supervisors held on April 26, 2011, the Board approved Special Exception Amendment Application SEA 99-S-012-03 in the name of Country Club of Fairfax, Incorporated and T-Mobile Northeast, LLC. The subject property is located at 5110 Ox Road on approximately 150.85 acres of land zoned R-C and WS in the Springfield District [Tax Map 68-1 ((1)) 17, 18 and 20]. The Board's action amends Special Exception Application SE 99-S-012 previously approved for a golf course, country club and uses in a floodplain to permit a telecommunications facility (a simulated evergreen tree monopole up to 100 feet high), related equipment and site improvements pursuant to Sections 2-904 and 3-104 of the Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals 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.\*

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**Office of the Clerk to the Board of Supervisors**

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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 shall be in substantial conformance with the approved Special Exception Amendment plat entitled "The Country Club of Fairfax", prepared by Entrex Communication Services, Inc. consisting of nine sheets dated June 29, 2009, and last amended January 24, 2011, and the previously approved SEA plat entitled "The Country Club of Fairfax" consisting of eight sheets prepared by William H. Gordon Associates, Inc. dated April 25, 2007, as it pertains to the golf course, country club and uses in a floodplain. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
  
5. The telecommunication facility shall be limited as follows:
  - a. The telecommunications facility shall be limited to a treepole-style monopole and the associated equipment enclosure. The treepole-style monopole shall not exceed 100 feet in height (inclusive of all appurtenances). The pole of the monopole should imitate natural tree bark as closely as possible.
  - b. The equipment compound located at the base of the monopole shall be limited to a maximum of 1,575 square feet as depicted on the SEA Plat. An eight-foot high solid board on board fence shall completely enclose the equipment compound.
  - c. The equipment compound may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunication facility. Equipment shelter/cabinets shall have a maximum height of 7.5 feet and shall be located within the fenced equipment compound as shown on the SEA Plat. Equipment shelter/cabinets shall not be visible from outside the fence.
  - d. The number of antennas shall be limited to a total of 36, to be located on three elevations, as depicted on the SEA plat. All antenna platforms and antennas shall be located within the branch structures of the treepole-style monopole.
  - e. There shall be no outdoor storage of materials, equipment, or vehicles within the equipment compound of the telecommunication facility. Any component(s) of the telecommunication facility shall be removed within 120 days after such component(s), including, but not limited to the telecommunications facility and the monopole, are no longer in use.

- f. Access to the telecommunications facility shall be restricted to routine maintenance visits and emergency situations.
- g. No signals or lights or illumination shall be permitted on the monopole other than those required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or Fairfax County. A steady red marker light shall be installed and operated at all times, unless the Police Department determines that such marker light is not necessary for flight safety of police and emergency helicopters.
- h. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunication facility. No commercial advertising, whether installed as signs or flags, shall be allowed on the treepole-style monopole, antennas, antenna support structures or related equipment cabinets or structures.

The following conditions shall apply to the golf course and country club located on the application property.

#### Operations

- 6. 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 1:30 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.
  - 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
  - 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.\*
- 7. The total membership shall not exceed 900.\*

8. Parking shall be provided as shown on the SEA plat. Accessible parking shall be provided in accordance with Article 11 of the Zoning Ordinance, as determined by DPWES. All parking shall be onsite.\*
9. All new or replacement outdoor lighting shall comply with Part 9 of Article 14 of the Zoning Ordinance. With the exception of the tennis court lighting subject to Development Condition 10 below, the combined height of any new or replacement outdoor lighting as measured from grade to the top of the fixture shall not exceed 14 feet. All such lighting shall be in conformance with the Photometric Plan prepared by Girard Engineering and dated September 11, 2003, on file with the Department of Planning and Zoning, which plan shall be submitted as part of any site plans for the site.\*
10. The existing tennis courts depicted on Sheet 3 of the SEA Plat may continue to be lighted as described below; however, when such lighting is replaced, the height of any light fixture shall not exceed 22 feet in height from grade to the top of the fixture. These lights shall be controlled with an automatic shut-off device that turns off when the courts are not in use.
11. Outdoor storage of sand, gravel and mulch shall be permitted on-site if such are located in enclosed storage bins or on concrete pads, as depicted on the SEA Plat.

#### Floodplain, Water Quality and Stormwater Management

12. All permitted land disturbing activities within the floodplain/RPA shall be completed consistent with the SEA plat and completed in the least disruptive manner practicable, as reviewed and determined by DPWES and the Urban Forester.\*
13. Unless already completed, prior to issuance of any permits or initiation of any activities which are subject to this SEA, 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 routine maintenance activities, per the CBPO, as defined by the DPWES, a Water Quality Impact Assessment (WQIA) shall be submitted and approved by 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.\*

14. All plans or permits for any area(s) affected by this Special Exception Amendment shall be consistent with the floodplain study titled "Country Club of Fairfax Minor Flood Plain Study prepared by William H. Gordon Associates, Inc., and dated April 1999, as approved by DPWES.\*
15. No site plan shall be approved unless adequate outfall is provided to meet PFM requirements (unless waived and/or modified) to the satisfaction of DPWES\*
16. If not previously implemented, stream restoration measures shall be implemented and maintained along the East Fork Branch of Popes Head Creek in the locations identified on and consistent with the SEA Plat and the "Soil and Water Quality Conservation Plan and Stream Restoration Management Plan for the Country Club of Fairfax" prepared by William H. Gordon Associates, Inc. and dated April 26, 2000. These restoration measures shall maintain and further the rehabilitation of the existing stream banks to a more natural condition; and maintain the riparian buffer zones and/or aquatic benches to improve water quality and to continue to stabilize existing eroded areas of the site.\*
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 consisting of the following elements shall be implemented to the satisfaction of DPWES:
  - A. An Integrated Pest Management Plan (IPM) dated April 26, 2000, has been developed using the guidelines established by the Virginia Cooperative Extension Service Pest Management Guide and has been designed to manage and limit the excessive applications of fertilizers, herbicides and other chemicals to protect water quality. The IPM provides 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. A copy of the pesticide management program and records of all chemical applications shall be

kept on site at all times, and shall be made available to county staff upon request.

- B. A long term Stream Restoration Management Plan (SRMP) has been provided titled "Soil and Water Quality Conservation Plan and Stream Restoration Management Plan for the Country Club of Fairfax" prepared by William H. Gordon Associates, Inc. and dated April 26, 2000, which is designed to provide for erosion control for those areas of proposed construction improvements noted in the Stream Restoration Plan. The SRMP includes the establishment and maintenance of the riparian buffers and guidelines for stream bank stabilization, and has been reviewed and approved by the Northern Virginia Soil and Water Conservation District Office.\*
18. Stormwater management and BMP facilities shall be configured and constructed to the satisfaction of DPWES in a location(s) that is in substantial conformance with the SEA Plat.\*
19. Erosion and sediment control measures shall be installed at all stages of construction. "Super silt fence" shall be installed along the limits of clearing and grading for any 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 and/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 detailed in the "Soil and Water Quality Conservation Plan and Stream Restoration Management Plan for the Country Club of Fairfax" prepared by William H. Gordon Associates, Inc. and dated April 26, 2000, and approved by the Northern Virginia Soil and Water Conservation District and DPWES, shall be implemented for the storage and use of potentially hazardous materials associated with the golf course operation.\*
21. Any areas of the stream bank previously restored that may be damaged or eroded due to stormwater runoff, stormwater event or golf course use shall be stabilized within 30 days following such damage of erosion. Any 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. To minimize disturbances in the RPA and to restore the existing eroded stream channel, dam reconstruction measures on Fairway #14 shall be maintained as shown on the Stream Restoration Plan (Attachment 1), 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

23. All proposed evergreen trees shall measure a minimum of six feet in height at the time of planting. All other proposed landscaping species and methods of installation shall be to the satisfaction of UFM. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary, as determined by UFM.\*
24. 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 UFM. Common ornamental plants and hybridized landscaping species shall not be included in the stream bank preservation and restoration areas. Boundary limits shall be delineated by UFM 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.\*
25. 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 contained in Attachment 1 of these development conditions, to the satisfaction of DPWES.\*
26. 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 six foot steel posts driven 18" inches into the ground and placed no further than 12 feet apart shall be erected at the limits of clearing and grading as shown on the SEA plat. All tree protection fencing shall be installed, as approved by UFM, 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 UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.\*

### Miscellaneous

27. Unless already dedicated, 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, 65 feet from centerline, with the additional 11 feet for a right-turn lane, 250 feet in length, to the site entrance, and all ancillary easements for construction; ancillary easements shall not exceed 15 feet in width. Unless already relocated, fencing within the dedication area shall be relocated within the property limits, to a location determined by DPWES 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 of 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 Par. 4, of Sect. 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject property.\*
  
28. The exterior elevations of the proposed maintenance building in the northeastern corner of the site shall be consistent with the conceptual elevations shown on sheet seven of the SEA plat, 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 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.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, 30 months after the date of approval unless, at a minimum, 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

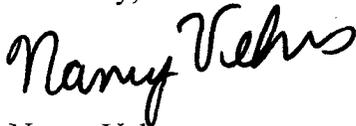
is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**The Board also reaffirmed the following waivers and modifications:**

- Modification of the transitional screening requirements along all property boundaries in favor of that depicted on the SE Plat
- Waiver of the barrier requirements along all property boundaries in favor of that depicted on the SE Plat
- Waiver of the service drive requirements along Route 123
- Modification of Paragraph 2, Section 9-528, of the Zoning Ordinance to permit the location of three structures and tennis courts within 50 feet of a lot line
- Waiver of the required construction of frontage improvements on Route 123 in association with this application

Please note that on March 23, 2011, the Planning Commission approved Public Facilities Application 2232-S09-26 to construct a telecommunications facility on the property of the Country Club of Fairfax. It noted that the application satisfies the criteria of character, location, and extent, as set forth in Section 15.2-2232 of the *Code of Virginia*, as amended.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ph

April 27, 2011

Cc: Chairman Sharon Bulova  
Supervisor Pat Herrity, Springfield District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division  
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  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation