



# County of Fairfax, Virginia

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

November 21, 2012

G. Evan Pritchard  
Walsh, Colucci, Lubeley, Emrich &  
Walsh, P.C.  
2200 Clarendon Boulevard  
13<sup>th</sup> Floor  
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 93-L-014-02

Dear Mr. Pritchard:

At a regular meeting of the Board of Supervisors held on November 20, 2012, the Board approved Special Exception Amendment Application SEA 93-L-014-02 in the name of Burgundy Farm Country Day School, Inc. The subject property is located at 3700 Burgundy Road on approximately 23.66 acres of land zoned R-4 in the Lee District [Tax Map 82-2 ((1)) 5, 6, and 8; 82-2 ((11) 1]. The Board's action amends Special Exception Application SE 93-L-014 previously approved for a nursery school, child care center and private school of general education to permit increase in land area, building additions and associated modifications to site design and development conditions, pursuant to Section 3-404 of the Fairfax County 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 (\*); minor modifications to previous development conditions have been underlined:

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 for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment / Special Permit 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 space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.

**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 Amendment shall be in substantial conformance with the approved Special Exception Amendment / Special Permit Amendment Plat entitled Burgundy Farm Country Day School, and prepared by Oculus, seal dated September 12, 2012, 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. \*
5. In the event that a future amendment to this SEA does not require a modification to the SPA, the applicant may file an SEA only, as determined by the Zoning Administrator.
6. Following initial establishment of the Special Exception Amendment use, as described below, the option to delay construction of Phase 2 to a time in the future shall be retained by the applicant and an extension of time shall not be required. \*
7. The combined maximum daily enrollment for the nursery school, the summer day camp, child care center, and private school of general education shall be limited to 300 children. \*
8. A maximum of fifty-one (51) full-time employees shall be permitted on site at any one time. \*
9. Within 180 days of approval of the SPA, the applicant shall bring the maintenance building located along the southern property line, containing the dimensions of 30.69 feet by 40.06 feet and labeled as "MAINTENANCE BLDG" on the SEA/SPA Plat into conformance through one of the following methods: modify the structure to comply with the previously approved variance for this structure (40 feet by 28 feet structure located 21.2 feet from the front lot line), comply with the Zoning Ordinance's location regulations for the structure, or remove the structure.
10. The existing dwelling located on lot #1 may be demolished and replaced with a new structure, provided that such new structure is consistent with the architecture and residential character of the surrounding dwellings, as determined by DPZ. Any new structure shall be of a height that does not exceed the height of the existing dwelling and shall be located within the building envelope of the existing dwelling as depicted on the SEA/SPA Plat.
11. Irrespective of any signs shown on the SEA/SPA plat, all signage shall comply with the provisions of Article 12 of the Zoning Ordinance. The proposed freestanding sign shown near lot #1 shall not be internally illuminated.

12. Outdoor lighting shall be in conformance with the Performance Standards contained in Article 14 of the Zoning Ordinance.
13. The applicant shall implement green building elements on site under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program, or its equivalent, or the Collaborative for High Performance Schools (CHPS) program. If the applicant pursues the LEED program option, the Applicant shall submit a scorecard of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system that is available at the project's registration, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council, that the applicant anticipates attaining for the Loft building. A professional engineer or architect shall provide certification statements confirming that the items on the scorecard meet a range of LEED credits that is no less than the minimum credits necessary to attain LEED certification of the project at the Certified level. Prior to issuance of the Non-Residential Use Permit (Non-RUP), certification of compliance with this commitment shall be submitted to the Department of Planning and Zoning, Environment and Development Review Branch.
14. The applicant shall document the existing conditions of the application property through photographic recordation for the purpose of recording and documenting the current conditions of the standing structures and the cultural landscape of the campus and shall provide follow up photo documentation once all proposed changes, plantings, landscaping, demolitions, additions and relocations are completed. The documentation shall include a sketch plan map, based upon the plat and existing vegetation map for this application, showing the location of the photographic angle of views and each photograph shall be identified. The number and angle of photographic views and sketch plan maps shall be coordinated with the Department of Planning and Zoning (DPZ) Historic Preservation planner; either prior to taking of the photographs or prior to final submission of the documentation. All photographs and sketch plan map shall be submitted to the Virginia Room of the Fairfax County Public Library and to the Fairfax County Department of Planning and Zoning (DPZ) Historic Preservation planner. The applicant shall provide written documentation to DPZ that all required documentation has been submitted to the Virginia Room.
15. Prior to any land disturbing activities, a Phase I Archaeology Survey of the areas of the parcels that are to undergo ground disturbing activities, using a scope of work provided by the Resource Management Division of the Park Authority, shall be provided to the Park Authority Resource Management Division prior to site plan approval. The Phase I study shall include a metal detector survey. If potentially significant archaeological resources are discovered, Phase II testing and Phase III data recovery shall be performed by the Applicant as may be recommended by the Park Authority Resource Management Division. Copies of subsequent studies, including the archaeology report, field notes, photographs,

and artifacts, shall also be forwarded to the Park Authority Resource Management Division within thirty (30) days of the study or survey completion.

16. All vehicle stacking shall occur on-site. During regularly scheduled arrival and dismissal periods, staff and/or volunteers shall supervise unloading and loading of children. All loading and unloading of children (including before and after school care) shall be done on site. Carpooling shall be encouraged as a mechanism to minimize daily vehicular trips to the site. To facilitate carpool arrangements, zip code rosters shall be provided to all families.
17. All parking shall be accommodated on-site. \*
18. The applicant shall seek a waiver from DPWES of the dustless surface requirement, or other approval determined to be appropriate by DPWES, for the gravel driveway and parking lots. If approved, the applicant shall implement the conditions associated with such approval. If not approved, the applicant shall satisfy all applicable DPWES requirements.
19. Irrespective of what is shown on the SEA/SPA Plat, right-of-way up to twenty-six (26) feet from the southern property line along the common boundary of the site with Parcel 4A shall be dedicated to the Board of Supervisors, in fee simple, within sixty (60) days upon demand by DPWES or the Virginia Department of Transportation (VDOT) at such time as the extension and improvement of Burgundy Road is necessary to allow public street access to Parcel 4A. All ancillary easements along the extended Burgundy Road frontage of the site shall be conveyed to the Board of Supervisors at the time of dedication. \*
20. The applicant shall satisfy VDOT entrance requirements and demonstrate adequate sight distance for all applicable access points to the site, as determined by VDOT at the time of site plan review.
21. The pedestrian path depicted on the SEA/SPA Plat between parcel one and the existing southern parking lot shall be a mulched path or other similar material and shall not contain impervious surface within the limits of the EQC or floodplain as depicted on the SEA/SPA Plat.
22. Prior to site plan approval, stormwater management (SWM) and best management practice (BMP) facilities shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES, unless waived by DPWES. If the SWM/BMP facilities approved by DPWES are not in substantial conformance with those shown on the SEA/SPA Plat, a Special Exception Amendment shall be required.
23. The applicant shall demonstrate to the satisfaction of DPWES that adequate outfall will be provided in accordance with the PFM prior to site plan approval.

24. The applicant shall submit and receive approval of a floodplain study for the subject property prior to site plan approval, if required by DPWES.
25. The Applicant shall submit a geotechnical study of the Application Property to the Geotechnical Review Board through DPWES and shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural problems, to the satisfaction of DPWES, prior to site plan approval, if required by DPWES, and in accordance with the provisions of the Public Facilities Manual. The recommendations of the Geotechnical Review Board shall be implemented.
26. The limits of clearing and grading shall be in substantial conformance with that shown on the SEA/SPA Plat. Any expansion of the limits of clearing and grading shall be permitted only for safety concerns where no other option is available as determined by the Geotechnical Review Board and DPWES.
27. The applicant shall remove all existing barbed wire on the fence and reduce the fence height to 6 feet around the perimeter of the property.
28. The applicant shall attempt to preserve the approximately 28-inch diameter sweet gum and 30-inch diameter white oak trees located between the Loft and Middle School/Gym and in the vicinity of bioretention areas D and E that UFMD staff identified as candidates for preservation. In the event that these two trees do not survive the construction activities, as determined by UFMD, the applicant shall plant two new trees. The selection of species and location shall be reviewed and approved by UFMD.
29. All proposed plantings shall consist of non-invasive species and the applicant shall incorporate the use of native species to the greatest extent feasible, as determined by UFMD. All non-native species proposed shall be reviewed and approved by UFMD.
30. The applicant shall submit an invasive species management plan with all site plan submissions that provides for the management and treatment of invasive and undesirable plants, growing in all areas shown to be preserved and along the western boundary of parcel 8, that are likely to endanger the long-term ecological functionality, health, and regenerative capacity of the early successional forest communities, for review and approval by the Urban Forest Management Division. The management plan shall incorporate the following information:
  - Identify targeted invasive plant species to be suppressed and managed;
  - Identify targeted area of invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan;
  - Identify proposed method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of proposed method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees

and vegetation will be protected (for example, if mechanical equipment is proposed in save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced);

- Identify how targeted species will be disposed;
- If chemical control is proposed, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist;
- Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) when will treatments begin and end during a season and proposed frequency of treatments per season;
- Identify potential areas of reforestation and provide recommendation;
- Provide for the submission of annual reports to UFMD staff with the opportunity for inspection; and,
- Identify the duration of the invasive program.

31. A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions as follows.

A. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. 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 SEA/SPA and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. 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. Tree Appraisal: The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be

identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

C. Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading 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 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. Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the SEA/SPA, subject to allowances

specified in these proffered 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 SEA/SPA, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

E. 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" condition 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 the UFMD, DPWES.

F. Root Pruning: The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. 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 the 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.

- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

G. Demolition of Existing Structures: The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the SEA/SPA shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.

H. 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 as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist 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 be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

These development conditions incorporate and supersede all previous development conditions. 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 Amendment 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 construction has commenced and been diligently prosecuted. Construction of at least one (1) new structure or proposed site improvement on site shall constitute establishment of the Special Exception Amendment. The Board of Supervisors may grant additional time 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 around the perimeter of the site in favor of a six-foot chain link fence and the existing vegetation and supplemental plantings shown on the SEA plat.
- Waived the loading space requirement.

- Waived the peripheral parking lot landscaping requirements.

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova  
Supervisor Jeffrey McKay, Lee District  
Tim Shirocky, Acting 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  
Donald Stephens, Department of Transportation  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation