



REZONING APPLICATION FILED: January 17, 2006
REZONING APPLICATION AMENDED: February 28, 2006
SPECIAL EXCEPTION APPLICATION FILED: January 17, 2006
APPLICATION AMENDED: February 28, 2006
PLANNING COMMISSION: June 15, 2006
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

June 1, 2006

STAFF REPORT

**REZONING APPLICATION RZ 2006-LE-003
SPECIAL EXCEPTION APPLICATION SE 2005-LE-028
RESOURCE PROTECTION AREA WAIVER 00739-WRPA-003-1
(Associated with RZ 2006-LE-002 & SE 2005-LE-027)**

LEE DISTRICT

APPLICANT:	Piney Run Development, LLC
EXISTING ZONING:	R-1
PROPOSED ZONING:	R-1
PARCELS:	100-1 ((1)) 23A pt., 24, 25
ACREAGE:	35.91 acres
FLOOR AREA RATIO (FAR):	0.36
DENSITY:	10.47 du/ac
OPEN SPACE:	25.5 acres (71 percent)
PLAN MAP:	Commercial Recreation with option for 2-3 du/ac
SE CATEGORY:	Category 3 and Category 5
PROPOSAL:	Develop an Independent Living Facility with 376 dwelling units of which 56 (15%) will be affordable dwelling units and retain the green for the adjacent golf course within the application property

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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WAIVERS/MODIFICATIONS:

Modify Transitional Screening, Waiver Barriers, Increase Building Height from Fifty Feet to Sixty-Five Feet, Change Age Restriction from 62 Years Minimum to 55 Years Minimum

STAFF RECOMMENDATIONS:

Staff recommends that RZ 2006-LE-003 be denied. However, should the Board of Supervisors approve RZ 2006-LE-003, staff recommends that the approval be subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that SE 2005-LE-028 be denied. However, should the Board of Supervisors approve SE 2005-LE-028, staff recommends that the approval be subject to the proposed development conditions contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Piney Run Development, LLC, is proposing to develop an independent living facility with 376 units for the elderly, including 56 affordable dwelling units (15 percent). The gross floor area (GFA) of the proposed two buildings and the two existing sheds that are to remain on the site will total 618,340 square feet (sq. ft.), resulting in an overall floor area ratio (FAR) of 0.40 and a density of 10.47 du/ac. Open space covers approximately 27 acres or 75 percent of the 35.91 acre application property. A total of 717 parking spaces are proposed, or 1.85 spaces per unit plus 21 spaces devoted to employee parking. The majority of the parking spaces will be located under the buildings; 182 spaces are shown above ground. A concurrent request to allow construction of a stormwater management/best management practices facility (SWM/BMP facility) in the Resource Protection Area/Environmental Quality Corridor (RPA/EQC) associated with Piney Run, in lieu of the parking area currently in that location, has also been filed (RPA Encroachment Request 7239-WRPA-003-1). A request to allow underground detention in a residential project filed with the application has been withdrawn by the applicant (see Appendix 4).

The applicant has filed two zoning applications for this proposal:

- RZ 2006-LE-003: A 25.35 acre portion of the property is subject to proffers associated with RZ 1997-LE-041, which rezoned that land from the PDH-4 to the R-1 District to allow the construction of the existing driving range that is proposed to be replaced by the independent living facility. RZ 2006-LE-003 was filed on the whole 35.91 acre site to be redeveloped as the independent living facility to rezone it from R-1 to R-1 and replace the proffers for RZ 1997-LE-041.
- SE 2005-LE-028: This application has been filed because an independent living facility is a special exception use in the R-1 District. In addition, the special exception includes a golf course use because the first green and the cart path to the second hole for the Hilltop Golf Course will temporarily remain within the land covered by this special exception until such time as phase 2 of the golf course is constructed.

The applicant is also requesting the following modifications and waivers be approved:

- a modification of the transitional screening yard requirements along the northern, eastern and southern boundaries;
- a waiver of the barrier requirement along all boundaries;

- a modification of the age limitations contained in Par. 1 of Sect. 9-306 to 55 years of age in lieu of 62 years of age;
- a modification of the additional standard for independent living facilities that limits building height in a residential district to fifty feet (Par. 9, Sect. 9-306) to allow a portion of one of the buildings to be up to 65 feet in height.

In addition, approval of the two associated applications on the Hilltop Golf Course, RZ 2006-LE-002 and SE 2005-LE-027, is required to amend the previous approval for the Hilltop Golf Course to delete the golf driving range within the land area that is to be redeveloped as the independent living facility. The golf course applications also propose to delete the previously approved miniature golf course and the C-6 zoning required to implement that facility and to approve the short game practice area and otherwise revise the golf course to reflect this proposal. The two applications filed on the golf course (RZ 2006-LE-002 and SE 2005-LE-027) are scheduled to be heard concurrent with the two applications addressed by this report on the proposed independent living facility.

A reduced copy of the combined proposed Generalized Development Plan/Special Exception Plat (GDP/SE Plat) for the proposed independent living facility is included in the front of this report. The draft proffers for RZ 2006-LE-003 are contained in Appendix 1; the proposed development conditions for SE 2005-LE-028 are included as Appendix 2. The applicant's affidavit is Appendix 3 and the applicant's statements regarding the application are included as Appendix 4. A copy of the locator map and a reduction of the GDP/SE Plat for the associated applications on the golf course, RZ 2006-LE-002 and SE 2005-LE-027, are found in Appendix 5.

This special exception application for the independent living facility is a Category 3, Quasi-Public Uses, special exception and has been filed pursuant to the provisions of Sect. 9-306. In addition, the independent living facility must also comply with the Standards for All Category 3 Uses in Sect. 9-304. The golf course hole is a Category 5, Commercial and Industrial Uses of Special Impact, special exception use and must comply with the additional standards contained in Sect. 9-528. The golf course use is also subject to the Standards for All Category 5 Uses in Sect. 9-503. The General Standards for all special exception uses found in Sect. 9-006 are applicable to both uses. The most relevant standards are contained in the Excerpts from the Zoning Ordinance found in Appendix 17.

LOCATION AND CHARACTER

The application property is located north of Telegraph Road and west of Piney Run, which forms the eastern boundary of the application property. Between the application property and Telegraph Road is a portion of the Hilltop Golf Course, which will be redeveloped with a clubhouse, parking, a short game practice area, if

RZ 2006-LE-002 and SE 2005-LE-027 are approved. This area of the golf course includes the existing first tee and a putting green associated with the golf course. Access to the application property will be provided through this portion of the Hilltop Golf Course.

The southern 10.35 acres (part of Tax Map Parcel 23A) were developed with a golf driving range, consisting of parking, a double deck tee box and associated facilities, after zoning approval was granted for the Hilltop Golf Course in 1998. It includes the green for the first hole and a cart path to the second tee. The northern third of this application property (Tax Map Parcels 24 and 25) is developed with a single house, outbuildings and pasture land that is generally located in the floodplain.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Kingstowne Park	PDH-4	Public Park
South	Hilltop Golf Course	C-6	Private Recreation
East	Piney Run Subdivision Piney Glen Subdivision	R-1 PDH-3	1-2 du/ac 2-3 du/ac
West	Hilltop Golf Course KROC Open Space Kingstowne Park	R-1 PDH-4 PDH-4	Private Recreation 3-4 du/ac Public Park

BACKGROUND

RZ 85-L-092

Parcel 23A was rezoned from the R-1 to the PDH-4 District to allow the development of fifty single family detached dwelling units, which were never constructed. Subsequently, on June 5, 1995, PCA 85-L-092 was approved to allow a reduction in the number of dwelling units and allow a driving range as a secondary use in the PDH-4; only the driving range was constructed. The PDH-4 District was then rezoned back to the R-1 District pursuant to RZ 1997-LE-041, which, in conjunction with other cases as described below, allowed the development of the golf course and the associated facilities. The records with regard to RZ 85-L-092 and PCA 85-L-092 are on file with the Department of Planning and Zoning.

Hilltop Golf Course and Driving Range

RZ 1997-LE-041 rezoned 25.64 acres of Parcel 23A from PDH-4 District to the R-1 District to allow this land to be part of the golf course and golf driving range (see Appendix 6). Concurrent zoning case RZ 1997-LE-043 rezoned approximately 7 acres of Parcel 23A adjacent to Telegraph Road to the C-6 District to allow a miniature golf

course (see Appendix 7). In addition, SP 97-L-037, on approximately 106 acres, was approved concurrently with these zoning cases to allow the golf course, miniature golf course, driving range, and associated parking and other facilities. The miniature golf course and clubhouse adjacent to Telegraph Road were never constructed. The golf course and driving range and associated parking were constructed. The Clerk to the Board of Zoning Appeals letter, the resolution and a reduction of the SP Plat are contained in Appendix 8.

Piney Run Sanitary Sewer Extension & Improvement Project X00826

The Board of Supervisors has authorized funding to extend sewer service to the nine lots within the Piney Run subdivision in response to a petition by the homeowners in that subdivision. A survey by the Department of Health found that two lots were experiencing Class I failures and that the other systems had exceeded their estimated useful life by approximately 25 years. There are also topographic, lot size and house locations constraints that limited the potential areas for replacement systems on the lots that would meet the current requirements. As a result, the area was recommended for and included in the sanitary sewer E & I program. During the feasibility review, five different alignments were examined and the route through the Piney Run stream valley to connect to the existing line at the golf course was found to be best able to serve all nine dwellings, including basement areas, while meeting ground cover requirements. The draft proffers include a commitment to construct the sewer line, provide a connection on-site and provide the associated easements to the edge of the Piney Run subdivision provided that all necessary approvals can be obtained.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area IV
Planning District:	Rose Hill Planning District
Planning Sector:	Lehigh Community Planning Sector (RH4)

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the portion of the property located on Parcel 23A. On page 69 of the Rose Hill Planning District of the 2003 edition of the Area IV Plan, under the heading, "Recommendations, Land Use," under the sub-heading "Rest of Sector," the Plan states:

46. Parcels 100-1 ((1)) 14, 15, 17, 19, 20, and 23A are planned for private recreation with an option for residential use at 2-3 dwelling units per acre. It is recommended that they be consolidated, with any private recreation development that takes place on the site of the Hilltop landfill. A commercial recreation facility may be appropriate on the southern part of parcel 23A with screening sufficient to minimize its off-site impacts. If parcels 19 & 20 are consolidated and develop independently of the recreational area, interparcel access to parcel 23A should be provided.

There is no site specific text applicable to Parcels 24 and 25.

The Comprehensive Plan Map shows Parcel 23A to be planned for Residential at 2-3 du/ac and shows Parcels 24 and 25 to be planned for Residential at 4-5 du/ac.

In Appendix 1 of the Policy Plan (2003 edition), the Comprehensive Plan provides the following guidance with regard to the review of multifamily residential development and elderly housing in areas identified in the Comprehensive Plan as Suburban Neighborhoods.

APPENDIX 1

GUIDELINES FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT

The following guidelines are desirable characteristics for sites to be considered for multifamily development. Although the guidelines outline desired characteristics, certain circumstances might warrant multifamily development on a site even when these guidelines are not entirely met.

Guidelines for Suburban Neighborhoods:

1. Multifamily sites in designated Suburban Neighborhood areas should be in close proximity to community-serving retail. In addition, multifamily sites should be centrally located with respect to community services such as libraries, houses of worship, park/recreational facilities, and schools.
2. To accommodate traffic flow, the site should have adequate access to an arterial or to a collector street. An appropriate transportation analysis should be performed in conjunction with proposed multifamily development, with approval made contingent on the satisfactory resolution of identified transportation issues.
3. Sites for multifamily residential development should be located where it is County policy to provide public water and sewer service.
4. The required site size for multifamily development in Suburban Neighborhoods is dependent upon density, setback requirements, open space, parking, social and recreational amenities to be provided, and building height. These factors will tend to determine minimum site size. Generally, in areas of the County which have a reasonable supply of vacant or underutilized land, sites should be above the size necessary to meet Zoning Ordinance requirements (a minimum of 200 units). This enhances the ability to support a package of private amenities such as swimming pools, tennis courts, a clubhouse, etc. If proposed multifamily projects contain more than 600 units, diversity in architectural style, layout and transition should be encouraged.

5. Environmental concerns should be considered in site selection. Multifamily development is not appropriate in areas designated as Low Density Residential Areas. Environmental Quality Corridors and areas subject to airport noise greater than DNL 60 dBA generally should be avoided.

Guidelines for Multifamily Residential Development for the Elderly:

Locational guidelines for housing for the elderly should recognize the needs of the elderly as well as site characteristics. With regard to residents for whom health and mobility have become a concern, guidelines for the location of multifamily residential development should be modified as described below. With regard to residential facilities such as congregate housing and nursing homes, which are designed to serve the elderly population in need of continuous medical/nursing care, these developments are less location sensitive than other elderly residential developments.

1. Public transportation and community services should be located within a reasonable walking distance and should be accessible via paved walkways that are lighted, secure, and well maintained. Crosswalks should be delineated, and adequate provisions should be made for crossing heavy traffic (e.g., pedestrian crossing signals). If neither public transportation nor community services are located within a short walking distance (i.e., a 5-7 minute walk), the elderly housing development should provide shuttle bus service which can offer residents comparable access to community services.
2. The topography of the site, and that between the site and nearby destinations, should be taken into consideration when siting residential development for the elderly. Pedestrian facilities should not be located on slopes greater than 5-8%, and such maximum slopes should not be continuous for more than 75 feet.
3. Safety and security are of particular concern to the elderly. To the extent possible, the architecture and site design for multifamily residential development for the elderly should incorporate features which reduce the potential for crime and enhance the security of residents.

ANALYSIS

Combined Generalized Development Plan and Special Exception Plat
(Reduction at front of staff report)

Title of GDP/SE Plat:	Piney Run
Prepared By:	Urban Engineering & Assoc., Inc.
Original and Revision Dates:	June 30, 2005 as revised through May 26, 2006

Combined GDP/SE Plat (Piney Run Independent Living Facility)	
Sheet #	Description of Sheet
1 of 19	Cover Sheet including Soils Map, Vicinity Map, Sheet Index and part of the Stormwater Management Notes
2 of 19	Notes including General Notes, Site Tabulations, Density Penalty Calculations, Bulk Plane Illustrative
3 of 19	Certified Plat
4 of 19	Existing Conditions and Vegetation Map
5 of 19	GDP/SE Plat Overview at 1" = 80' Scale
5A of 19	Building Overview at 1" – 40' Scale
6 of 19	Plan showing Southern Part of Site and Offsite Access Road at 1" = 40' Scale
7 of 19	Plan showing Central Part of Site at 1" = 40'
8 of 19	Plan showing Eastern Part of Site at 1" = 40'
9 of 19	Plan showing Northern Part of Site at 1" = 40'
9A of 19	Landscape Plan Overview
10 of 19	Landscape Plan - Southern Part of Site and Access Road
11 of 19	Landscape Plan – Center Part of Site
12 of 19	Landscape Plan – Eastern Part of Site
13 of 19	Landscape Plan – Northern Part of Site
14 of 19	SWM/BMP Plan and Computations
A1 of 19	Architectural Elevations and Illustratives Open Space & Amenities Plan; Illustrative Courtyard Examples, Lighting Plan, Typical Site Section
A2 of 19	Architectural Elevations and Illustratives Building Sections, Perspective Illustration, Landscape Details of Courtyards, Building Elevations
A3 of 19	Illustrative Overview of Site including Adjacent Properties

The following features are depicted on the proposed combined GDP/SE Plat for the proposed independent living facility and the two parts of the existing golf course within the application property, the first green and cart path to the second tee:

- Site Layout.** The independent living facility is proposed to be located in two buildings. The southernmost building is identified as Building 1 and the northernmost building as Building 2. Each building is shown on Sheet A1 – A3 to have four stories on top of the parking garage. Along the portion of the face of Building 2 that faces Piney Run, the garage is faced with residential units. The buildings are shown to be a maximum 65 feet tall. The proposed buildings each have several wings, with terraces to be located between the wings. Each building is provided with a main entry that is accessed by a separate drive aisle that loops off of the access road. A covered entry is shown with a landscaped island between the access road and the entry. A community center and a pool are proposed as part

Building 1. Three of the existing structures, consisting of barns or sheds with approximately 2,940 sq. ft., are proposed to be retained in the northern portion of the property which is developed with a house and outbuildings. The house and other outbuildings, such as sheds are to be demolished.

The existing green for the first hole and cart path to the second tee of the existing golf course that are to be retained on the site are located south of the first building. These facilities are to remain temporarily until such time as the golf course is reconfigured upon closure of the Hilltop Golf Course.

- *Vehicular Access.* As noted above, access to the independent living facility will be from Telegraph Road through the easternmost portion of the Hilltop Golf Course. A single entrance will provide access for both the golf course and the independent living facility. Appendix 4 contains information from the applicant's agent stating that the contract for the sale of the property for the independent living facility includes a commitment to provide access to the independent living facility by the owner of the golf course property. Once within the application property, the access road runs between Building 1 and the RPA to the east. When the access road reaches the front of Building 2 it turns to the west and runs between the two buildings. The loading spaces and access to the underground parking for each of the buildings is provided from this road segment. The access road then connects to travelways behind each building that provide access to the parking lots along the western boundary. Access is provided around the southern side of Building 1 back to the access road.
- *Parking.* Parking is to be primarily underground (535 spaces) and in three surface lots (182 spaces) located to the west of the proposed buildings, away from the RPA/nature preserve. Twenty-one of the parking spaces are provided for employees. The resulting parking ratio is 1.85 spaces per proposed dwelling unit with the total number of parking spaces proposed is 717 spaces, including the 21 spaces for employees. The notes on the GDP/SE Plat limit the number of parking spaces to a maximum of 1.85 spaces per unit plus parking and the number of surface parking spaces to 182. The option to reduce the number of spaces is retained provided that the minimum zoning ordinance requirements are met. The surface parking lots are to be paved with porous asphalt or other similarly porous paving material. Each of the surface parking lots includes a landscape island between the parking lot and the adjacent travelway or within the center of the parking lot. Seven parking spaces are shown near the main building entrances, three at Building 1 and four at Building 2.
- *Pedestrian Facilities.* There are three types of pedestrian facilities proposed within this property: the internal sidewalks around the proposed buildings, the trails within the nature preserve and connections to off-site pedestrian facilities. The internal sidewalks surround the facility and generally connect from the parking areas to the rest of the facility.

The sidewalks are proffered to be five feet wide. The trails within the nature preserve are intended to allow residents and guests and to access that area for enjoyment of that facility and maintenance as required; the southern portion of the nature preserve area does not include pedestrian facilities. The GDP/SE Plat includes an eight foot wide stone dust trail connection from Kingstowne Park to the north through the property. A five foot wide sidewalk is proposed along the access road to provide direct pedestrian access from the residences to Telegraph Road. Additional nature trails connect to the sidewalk along the access road and the connecting trail between the park and Telegraph Road.

- Open space, RPA/EQC and Tree Preservation. Given that portions of the site were mined for gravel and have been developed with either the golf driving range or with pastures, the primary areas of tree cover are located within the RPA/EQC area that is to become the nature preserve. The RPA/EQC is shown to be preserved and pursuant to the proffers will be restored through the removal of invasive species in cooperation with the Audubon Society. The applicant has also proffered to provide a tree preservation plan for the area within the RPA/EQC.
- Landscaping: Landscaping is to be provided within the portion of the site that is to be developed with the buildings, parking areas and access road. An overview of the proposed landscaping is shown on Sheet 10 at a scale of 1" = 80'. Sheets 11 through 13 depict the same information at forty scale. A legend identifying what the tree symbols identify is not provided.

Street trees located on forty foot centers are shown along the off-site portion of the access road, with additional trees within a central island in that portion of the access road. As one enters the independent living facility property, the number of trees is increased adjacent to the proposed stormwater management facility. The pattern of street trees is then continued within the facility along the access road as it travels between the buildings and to serve the parking areas.

Around the buildings, landscaping is shown in the area of the main entrances to the buildings and where the buildings are setback from the adjacent roads or parking areas. Where Building 2 overlooks the proposed nature preserve the vistas to the nature preserve are retained. Trees and shrubbery are shown in the areas where the buildings are setback from the access roadways. A similar treatment is shown in the landscaped islands at each entrance. The landscape islands at the entries are a minimum of 25 feet in depth and are a minimum of 50 feet long. Additional screening vegetation is proposed along the edges of the parking areas and along the roadway the length of the southern side of Building 1. The two parking areas located along the access roadways are separated from the access road by landscaped islands that accommodate either trees similar to those used in the streetscape or a row of shrubs. A

sixteen foot wide landscaped island is shown in the third parking area along with landscaping around the outer edges of the parking lot.

Stormwater Management/Best Management Practices: Stormwater management and best management practices requirements are to be satisfied within the proposed SWM/BMP facility to be located immediately north of the golf course parcel to the south of the application property and east of the access road. The SWM/BMP facility is to be located on the site of an existing parking lot associated with the golf driving range. This parking lot was constructed in an area that was identified as RPA after the construction of the parking lot and based on the recent re-mapping of the RPA boundaries. The applicant has filed the appropriate application to allow the SWM/BMP facility in the RPA (7239-WRPA-003-01). This request is scheduled to be heard concurrently with these zoning applications.

Land Use Analysis

The application property is depicted on the Plan Map with two different residential density ranges, 4-5 dwelling units per acre on the northern portion (Parcels 24 and 25 consisting of 10.52 acres) and 2-3 du/ac on the southern portion of the site (part of Parcel 23A consisting of 25.39 acres). There is site specific Plan text pertaining to Parcel 23A. As noted in the chart addressing the surrounding uses, the site generally abuts outdoor recreation uses (the golf course to the south and west, homeowners open space (the flood plain of Piney Run to the east and Kingstowne open space to the west), large lot single family detached to the east or parkland (Kingstowne Park to the north. Continuation of the golf course use, the green for one hole and the cart path, is consistent with the recommendations of the Comprehensive Plan text that include commercial recreation use on the southern part of Parcel 23A as an option.

The Land Use Element of the Policy Plan includes Guidelines for Multifamily Residential Development in Appendix 1. These guidelines are split into two portions, one addressing multi-family development in suburban neighborhoods and one that addresses multi-family residential development for the elderly. This proposal meets the guidelines for suburban neighborhoods as follows:

- While this site is not in immediate proximity to the commercial development, the first criteria is addressed by the following nearby shopping facilities: the Landsdowne Shopping Center, which currently includes the Kingstowne Library, is within a mile and a quarter; the Hayfield Shopping Center is a mile from the site, with highway commercial uses such as a bank and a quick-service food store along Telegraph Road on the way to the Hayfield Shopping Center; and, finally the Kingstowne Towne Center is within three miles of the property.
- The property has access to Telegraph Road, an arterial road, thereby satisfying the second guideline, which recommends that multi-family

development in suburban neighborhoods have adequate access to a collector road.

- Sewer and water service are available at this site, as recommended by the third guideline.
- The site is an adequate size to provide more than half of it as open space (75% in this instance) and to provide on-site amenities for the future residents, as recommended by the fourth guideline.
- The fifth guideline states that multi-family dwellings should not be located in areas designated for low density residential development nor should they be located in sites affected by airport noise greater than 60 dBA; neither of these applies in this instance.

This site meets the guidelines for multi-family residential development for the elderly as follows:

- While public transportation is not available on the segment of Telegraph Road that is located near the property, service is available to the west at Telegraph Road and Beulah Road and to the east at Leaf Road, an entrance to Fort Belvoir located approximately 1300 feet from the entrance to the site. In addition, the applicant is committed to provide shuttle service for the residents; however, that service is limited to three trips daily, partially satisfying the first guideline;
- The topography of the site and the surrounding is such that walking pathways that are generally level, satisfying the second guideline;
- The security of the future residents is addressed by having underground parking and by having an on-site staff including a concierge, thereby satisfying the third guideline.

Environment (Appendix 9)

Issue: Resource Protection Area/Environmental Quality Corridor

The subject property includes a portion of the Piney Run stream valley. The GDP/SE Plat delineates a field verified Resource Protection Area (RPA) for the subject property. The field verified RPA differs from what is currently shown on County maps. However, this RPA boundary delineation was previously approved by the Department of Public Works and Environmental Services (DPWES) under plan number 7239-RPA-001-1. The May 26, 2006 GDP/SE Plat shows that the RPA boundary is similar to that for the Environmental Quality Corridor (EQC), except in the center of the site where the EQC extends beyond the RPA. Some areas of the RPA/EQC were disturbed and/or developed with surface parking and internal roads. Much of the previous disturbance will be removed as part of the

applicant's proposal to construct a stormwater management/best management practices facility within the RPA/EQC, as discussed under Water Quality and regarding 7239-WRPA-003-1 later in this report and the removal of the existing house and outbuildings on Parcels 24 and 25. The draft proffers include a commitment to construct a sanitary sewer line from the existing lateral serving the golf course across Piney Run to provide sewer service to Piney Run subdivision, where there are failing septic systems, which will also disturb the RPA/EQC. The draft proffers include a commitment to re-vegetate the disturbed area to the extent allowed by DPWES.

The GDP/SE Plat and the draft proffers include a commitment to establish a 25-acre preservation area in the northern and eastern sections of the site. A 10-acre portion of this area shall be restored to a more natural state in coordination with guidance from the Audubon Society of Northern Virginia. The draft proffers also state that the entire 25 acres will be placed in a conservation easement in the name of the Northern Virginia Conservation Trust prior to bond release. The draft proffers also include a commitment to prepare and implement a restoration plan for that portion of Piney Run which crosses the application property in conjunction with the Virginia Department of Environmental Quality, the Army Corps of Engineers and the Northern Virginia Soil and Water Conservation District. The proposed restoration measures may include a variety of bio-engineering measures, such as, regarding the channel overbank areas, selective placement of rip-rap/fiber rolls and stabilization plantings.

Resolution:

The proffered commitment to create a preservation area within a 25 acre portion of the site that encompasses the RPA associated with Piney Run and places that area within a conservation easement ensuring its protection. The proposed nature preserve will be affected by the commitment to provide a sanitary sewer connection to serve the existing dwelling on Piney Run and to the east of the site that have failing septic fields discussed under public utilities below. It is not clear at this time whether the construction of the sewer line will affect the acceptance of a conservation easement by the Northern Virginia Conservation Trust.

Issue: Water Quality

The proposed development of the subject property is an intensification of the water quality impacts associated with the driving range that this facility is proposed to replace. Preservation of the RPA/EQC areas for the subject property is shown on the GDP/SE Plat and in the draft proffers. The GDP/SE Plat includes a proposed SWM/BMP facility to be constructed within the area now identified as part of the RPA/EQC. Normally the location of such facilities in the RPA/EQC would not be permitted. However, this facility will replace an existing surface parking area built in conjunction with the driving range based on a previously approved RPA delineation. The draft proffers and the GDP/SE Plat include

additional Low Impact Development (LID) techniques which may be employed to meet the water quality requirements for the proposed surface parking lots.

The applicant has filed a request to encroach in an RPA, 7239-WRPA-003-1, to allow the construction of the SWM/BMP facility, which will be addressed at the same public hearing as the two applications addressed by this report. In addition to the construction of the pond, the proposal includes the demolition of an existing dwelling, several outbuildings from the RPA. Appendix 10 includes a copy of the DPWES staff report regarding this request. That report concludes that the proposal meets the requisite findings to allow an encroachment in an RPA and recommends its approval subject to certain development conditions which are also included in Appendix 10. The proposed development conditions require that the disturbed areas of the RPA be re-vegetated, including the area where the pond will be constructed.

Issue: Lighting

The GDP/SE Plat includes references to outdoor lighting in several areas. Glare from lighting is an increasing problem in the County and measures are typically recommended to reduce the impacts of outdoor lighting on neighboring properties.

Staff feels that the applicants should make commitments to meet the minimum standards for outdoor lighting making use of shielded/full-cutoff lighting and limiting the hours of outdoor lighting to the greatest extent possible.

Resolution:

This issue is adequately addressed by the draft proffers, which states that all lighting will be shielded to prevent light spillage, all parking lot fixtures will be limited to 12 feet tall and will include cutoff fixtures and will comply with the provisions of the Zoning Ordinance applicable to outdoor lighting.

Tree Preservation (Appendix 11)

Since the portion of the site that is proposed to be developed with the independent living facility has been developed with the existing golf driving range, there is no tree cover within the portion of the application property to be developed; however, the vegetation within the RPA/EQC is to be preserved.

Transportation Analysis (Appendix 12)

Access to the Proposed Independent Living Facility: As noted above, the application property for the independent living facility does not have direct access to Telegraph Road, the closest public street. Access to the independent living facility is proposed to be combined with the existing entrance to the golf course. As part of the construction of the golf course, the existing two lane section of Telegraph Road was improved to provide turn lanes at the entrance. In addition, right-of-way was proffered to accommodate the planned widening of Telegraph

Road to a four-lane divided section pursuant to VDOT Project 0611-029-303-C502 and funding was proffered for a half-section of that road along the site's frontage. Funds were also escrowed for the future construction of the planned trail along Telegraph Road.

Planned Improvements through Fort Belvoir: The Transportation Plan in this area includes a future four-lane divided facility, generally known as Old Mill Road through Fort Belvoir that would intersect Telegraph Road in this vicinity; however, the exact location of the intersection has not been established. While it would be desirable that the intersection of the future road and Telegraph Road align with the entrance to this facility, it is not clear at this time where the intersection will be. Therefore, the draft proffers address this contingency by stating that the applicant will coordinate with others and document the status of that connection at the time of first site plan submission to address the status of left turn access into the site's entrance.

Proffered Off-site Improvement: The draft proffers include a commitment to provide interim improvements to the intersection of Telegraph Road and Hayfield Road; the applicant has stated that these commitments were made in response to requests made by members of the community. The capacity of that intersection is to be improved by re-striping the southbound right turn lane as a through/right lane, adding new signs and pavement markings, modifying the traffic signal and eliminating of on street parking along Hayfield Road, provided that all improvements can be done within existing rights-of-way and they are approved by VDOT and the County. The draft proffers state that the intersection improvements will be completed prior to the issuance of the 201st Residential Use Permit (RUP) and place a limitation on the expenditure for the interim improvements of \$200,000. If these improvements at the Hayfield intersection cannot be implemented, the applicant will escrow the funds for those improvements up to an amount of \$200,000. As proffered, at the county's discretion, these funds may be used to fund a signal at the entrance to the golf course and independent living facility or other road improvements in the vicinity.

Traffic Signal at the Site Entrance: The draft proffers also separately commit that the applicant will do a signal warrant analysis at the site's entrance after occupancy of 85 percent of the independent living facility and install the signal should it be warranted, which is unlikely to occur unless and until there is a connecting road from the south, through Fort Belvoir.

Transportation Demand Management: The draft proffers also include a commitment to undertake limited Transportation Demand Management strategies (TDM) to reduce vehicle trips from the independent living facility. These include: a shuttle service, a teleworking center, wiring for high capacity data/networks in the units, a concierge service for deliveries, the provision of SmarTrip cards to future residents, providing transit information on-site, and the potential installation of a bus shelter in front or near the property in a location determined by the County or VDOT. Currently, there is not bus service along this segment of Telegraph Road;

however, bus service extends to Beulah Road to the west and Leaf Road to the east.

The following issues are identified in the comments of the Fairfax County Department of Transportation contained in Appendix 11.

Issue: Area between the Proposed Buildings

The area between the two buildings has been a concern during the review of various versions of the plan submitted by the applicant. It includes within close proximity the entrances to the garages proposed under each building and the loading spaces required for the use. While this area has been improved with subsequent versions of the GDP/SE Plat, conflicts between automobiles using the parking garages and vehicles using the loading spaces are possible. The extent of the conflicts is dependent on the frequency that the loading spaces are used.

Resolution:

This issue has been partially addressed as noted above; however, additional improvement is desirable.

Issue: On-site Directional Signage

The draft proffers include a commitment to provide signage directing vehicles exiting the property to go west on Telegraph Road to reach I-95. These signs may not be needed and may become obsolete when traffic patterns in the area change. This commitment should be deleted from the proffers.

Resolution:

This issue has not been adequately addressed.

Issue: Sidewalks

The GDP/SE Plat includes sidewalks throughout the portion that is to be developed, which were not shown to be five feet in width. The draft proffers include a proffered commitment that all the sidewalks be a minimum of five feet in width.

Resolution:

This issue has been adequately addressed.

Trails

The applicant's statement of justification and the draft proffers include a trails network within the proposed nature preserve and a trail connection between

Kingstowne Park (Parcel 63A) and Telegraph Road. While this stream valley trail link is not shown on the trails map, it provides a trail connection between the park and the trail along Telegraph Road. The GDP/SE Plat shows a trail from the existing trails in Kingstowne Park along the Piney Run stream valley from the park that connects to the access road around the SWM/BMP. The draft proffers for this application state that the trail will be eight feet wide and be constructed with stone dust. The draft proffers for the portion of Parcel 23 A included in the applications for the golf course (RZ 2006-LE-002 and SE 2005-LE-027) commit that a connection will be built from the access road to Telegraph Road.

Public Facilities

Park Authority Analysis (Appendix 13)

Impacts on Park Authority Facilities

While there are some recreational facilities, a pool and internal exercise room, to be provided on the site and there is an adjacent private golf course, the future residents will result in an increased demand on Park Authority Recreation facilities. To address this impact, the Park Authority has requested that \$185,500 be provided to address the future resident's needs for picnic areas, ball fields and courts within the park system. The draft proffers include a commitment to provide a contribution of \$25,000.

Heritage Resources (Appendix 13)

The draft proffers include a commitment to undertake a Phase 1 archeological survey, which, if warranted, would be expanded to include Phase 2 or Phase 3 surveys if necessary as determined by the County. The draft proffers also include a commitment to provide \$1,600 for a historic marker related to the Potter Hill Civil War action.

Sanitary Sewer Analysis (Appendix 14)

The property is located in the Dogue Creek (L) watershed and will be sewered into the Noman M. Cole, Jr. Pollution Control Plant. The existing 8-inch line located in an easement on the property is adequate for the proposed use at this time. There appears to be adequate capacity for the proposed development at this time when existing uses and proposed development recommended by the Comprehensive Plan are taken into account.

As noted in the Background section, the draft proffers include a commitment to process the plans, provide easements and construct a sewer link to Piney Run subdivision, located east of the property. That subdivision contains failing septic systems, systems that exceeded their estimated useful life under full use and has lots with topographic, house location and other constraints that restrict the feasibility of installing replacement septic systems that meet today's requirements. Of the five possible routes examined as part of the feasibility analysis, the route across the Piney Run stream valley to the existing manhole serving the golf course was found to best serve all the homes and their basements while meeting other requirements. This commitment represents a major portion of the Piney Run Sanitary Sewer E & I project previously authorized by the Board of Supervisors.

Fire and Rescue Department Analysis (Appendix 15)

This property is serviced by Station #437, Klingstowne. This service currently meets fire protection guidelines.

Water Service Analysis (Appendix 16)

The property is located in the service area of the Fairfax County Water Authority. Adequate domestic water service is available from the existing 8-inch main located at the property. Depending on the configuration of the onsite water mains, additional water main extensions may be necessary.

ZONING ORDINANCE PROVISIONS (Appendix 17)

Proposed Independent Living Facility

The bulk requirements, building height, yards and density or intensity, for this project are specified in the Additional Standards for Independent Living Facilities contained in Sect. 9-306 of the Zoning Ordinance. While the lot width and lot size requirements of the R-1 District apply, the additional standards supersede the bulk requirements for the R-1 District.

Bulk Standards (Independent Living Facility)		
Standard	Required	Provided
Lot Size	18,000 sq. ft.	35.91 acres
Lot Width	100 feet	920 feet
Building Height	50 feet	65 feet ¹
Front Yard ²	50 feet	180 feet
Side Yard ²	50 feet	50 feet
Rear Yard ²	50 feet	640 feet
Density ³	11.45 du/ac	10.47 du/ac

Bulk Standards (Independent Living Facility)		
Standard	Required	Provided
Floor Area Ratio (FAR) ⁴	Not Specified	0.40
Open Space ⁵	54 percent	75 percent
Parking Spaces	1 sp per 4 du and 1 sp per employee on Major Shift (376÷4) + 21 = 115 spaces	773 spaces (2 sp per du and 21 employee spaces)
Loading Spaces ⁶	5 spaces	5 spaces

1. The application includes a request to modify this requirement, contained in Par. 9 of Sect. 9-306, to allow a building height of up to 65 feet for Building 2.
2. The yard requirements for an independent living facility are based on the uses recommended by the adopted Comprehensive Plan for the adjacent properties. Fifty foot deep yards are required where the independent living facility abuts land planned for 0.2 to 8 dwelling units per acre, in this instance, around all boundaries. (See Par. 10, Sect. 9-306).
3. See the discussion regarding density pursuant to the provisions of Par. 6, Sect. 9-306 in the section entitled "Determination of Allowable Density" below.
4. Par. 4 of Sect. 9-306 requires that the floor area ratio information be provided to assist the Board in determining if the proposed facility is consistent with the neighborhood.
5. The amount of open space required for an independent living facility is determined by the density range recommended by the Comprehensive Plan (see Par. 6 of Sect. 9-306). In this instance, the 10.52 acre portion that is planned at 3-4 du/ac requires fifty (50) percent open spaces and the portion planned at 2-3 du/ac requires fifty-five (55) percent open space. The percentage noted above blends these two requirements $\{(10.52 \text{ ac} \times .5) + (25.39 \text{ ac} \times .55)/35.91 \text{ ac}\} = 54 \text{ percent}$ required.
6. The notes on the GDP/SE Plat state that the applicant may request a modification of this requirement pursuant to the provisions of Par.3, Sect. 11-202, which allows the Director, DPWES to reduce the number of required loading spaces.

Transitional Screening			
Direction	Use	Standard	Provided
North (PDH-4)	Park	Not Required	N/A
South (R-1)	Golf Course	Not Required	N/A
East (PDH-3 & R-1)	Single Family Residential	Screening Yard 1 - 25 ft.	Modification Requested
West (PDH-4 & R-1)	HOA Open Space; Golf Course	Screening Yard 1 – 25 ft. Not Required	Modification Req. N/A

Modification: Transitional Screening

Basis: Par. 3 of Sect. 13-304

As demonstrated by the above chart and by the description of the surrounding area, the proposed independent living facility abuts open space uses on all sides. The golf course abuts the site on the south and west; to the north is the Kingstowne Park; part of the western boundary abuts homeowners association (HOA) open space in Kingstowne; and along the eastern boundary formed by Piney Run the property abuts additional land within the Piney Run EQC. The application proposes to retain the Piney Run EQC as a nature preserve, which staff has concluded provides an appropriate transition to the residentially zoned

and developed properties to the east. A portion of the western boundary also abuts HOA open space. This land, within Kingstowne, is undisturbed wooded land and the nearest residential lot is approximately 450 feet away from the application property and up a steep rise. The portion of the application property abutting this HOA property is to be developed with parking areas with Building Number 2 located approximately 130 feet from the property line. One of the parking areas is proposed to be constructed on Parcel 24, which is the location of the existing house, which is set into the hill. However, it is at the toe of the slopes that are part of the wooded open space associated with Kingstowne. Staff recommends that parking not be placed in this portion of the site. There are approximately 75 parking spaces within Parcel 24; the site exceeds the Zoning Ordinance requirement by approximately 600 spaces. If these spaces are deleted, approximately 621 spaces would be provided for the 376 units or 1.65 spaces per unit. Otherwise, Staff has concluded that this development would provide an appropriate transition to the west. Staff recommends that the requested modifications to the transitional screening yard requirement not be approved unless the parking area on Parcel 24 is deleted.

Barrier			
Direction	Use	Standard	Provided
North (PDH-4)	Park	Not Required	N/A
South (R-1)	Golf Course	Not Required	N/A
East (PDH-3 & R-1)	Single Family Residential	Barrier D, E or F	Waiver Req.
West (PDH-4 & R-1)	HOA Open Space, Golf Course	Barrier D, E or F. Not Required	Waiver Req. N/A

^{1.} Barrier D – 42-48 inch chain link fence; Barrier E – 6 foot wall of architectural block or brick; Barrier F – 6 foot tall solid wood fence.

Waiver: Barrier

Basis: Par. 12 of Sect. 13-304

The proposed nature preserve is intended to be open to the public and the provision of a barrier along the Piney Run floodplain and adjacent Kingstowne HOA open space would be contrary to that intention. In addition, the given the topography of the site the barrier would be ineffective and would not provide screening beyond that provided by distance and the existing vegetation. Therefore, staff has concluded that approval of the requested waiver of the barrier requirement is appropriate.

Determination of Allowable Density (Par. 6, Sect. 9-306 and Par. 2, Sect. 2-308)

Pursuant to the provisions of Par. 6 of Sect. 9-306, the allowable density for an independent living facility is based on the residential density ranges recommended by the Comprehensive Plan rather than the underlying residential

zoning district. The residential density range is then adjusted by a multiplier of four, with the higher end of the adjusted range applicable if fifteen percent of the proposed independent living dwelling units are committed to be affordable units. In this instance, the application property has two different residential density ranges within its bounds. The northern 10.52 acres (Parcels 24 and 25) are recommended for development at a density of 3-4 du/ac; the southern 25.39 acres (part of Parcel 23 A) are recommended for development at 2-3 du/ac. The draft proffers commit the applicant to provide fifteen percent of the units as affordable dwelling units.

However, in excess of thirty percent of the property within each of the two density ranges in the Plan are characterized by floodplains with adjacent steep slopes and areas with marine clay soils. Therefore, the allowable density on the property is limited by the provisions of Par. 2, Sect. 2-308, which limits the density on that portion of the site within the affected areas that exceeds thirty percent of the site to one-half of the density that would otherwise be allowed.

Within the northern 10.25 acres, 6.62 acres constituting 62.9 percent of Parcels 24 and 25, contains areas of marine clay soils or are located within the floodplain and adjacent steep slopes. Accordingly, the number of independent living facility units attributable to Parcels 24 and 25 is determined as follows:

High End of the Density Range	4 du/ac
High End of the Density Range with Multiplier	16 du/ac
Total Acreage	10.52 acres
Portion in Affected Classes	6.62 acres (62.9 %)
Portion subject to Density Penalty	3.46 acres (32.9%)
Portion not subject to Penalty	7.06 acres (67.1%)

$(3.46 \text{ acres} \times 8) + (7.06 \times 16) = 140$ independent dwelling units

Within the southern 25.39 acres, 13.16 acres constituting 51.8 percent of the part of Parcel 23A included in the application, contains marine clay soils or are located within the floodplain and adjacent steep slopes. Accordingly, the number of independent living facility units attributable to this portion of the application property is determined as follows:

High End of the Density Range	3 du/ac
High End of the Density Range with Multiplier	12 du/ac
Total Acreage	25.39 acres
Portion in Affected Classes	13.16 acres (51.8 %)
Portion subject to Density Penalty	5.54 acres (21.8 %)
Portion not subject to Density Penalty	19.85 acres (78.2%)

$(5.54 \text{ acres} \times 6) + (19.85 \text{ acres} \times 12) = 271$ independent living units
Therefore, a total of 411 independent living units could be allowed on this property; the applicant is proposing 376 independent living units at a density of 10.47 du/ac.

Special Exception Standards (Appendix 16)

Section 9-003 allows the Board of Supervisors, in conjunction with the approval of a special exception, to modify the applicable standards where deemed necessary as long as the resultant development will not adversely affect the use or development of adjacent properties. SE 2005-LE-028 includes requests to modify two of the standards for the independent living facility, the age restrictions found in Par. 1, Sect. 9-306 and the fifty foot height limitation specified in Par. 9, Sect. 9-306. These requests will be addressed below.

Additional Standards for Independent Living Facilities (Sect. 9-306)

Category 3 Standards (Sect. 9-304)

General Special Exception Standards (Sect. 9-006)

With regard to Sect. 9-306, Additional Standards for Independent Living Facilities:

- Par. 1 addresses the age and/or disability occupancy restrictions required for an independent living facility. The applicant has requested that this limitation be modified to reflect the federal age limitations for adult communities, 55 years rather than 62 years as specified. Staff does not object to modification of this standard.
- Par. 2 requires that the Board find that applications for independent living facilities adequately and satisfactorily take into account the needs of the residents for transportation, health, recreational and other similar such facilities. As noted in the Description of the Proposed Independent Living Facility, the Land Use Analysis and in the discussion regarding transit access, this project, as modified by the proposed development conditions, includes on-site services, recreational opportunities and transportation options for the future residents that would satisfy this additional standard, if the shuttle service were to be expanded. However, as noted in the Park Authority comments, the applicant has proffered to provide \$25,000 of the recommended \$185,500 contribution to provide recreation facilities in parks in the vicinity.
- Par. 3 addresses the compatibility of the proposed facility with the surrounding neighborhood, that the health and safety of the persons residing in the neighborhood not be adversely affected and that the facility not be detrimental to the public welfare or injurious to property or improvements in the

neighborhood. As noted throughout this report, staff has concluded that this facility will be compatible with the existing neighborhood and not detrimental to the uses in the neighborhood, with the exception of the parking area proposed within Parcel 24.

- Par. 4 requires that a floor area ratio (FAR) calculation be provided to assist the Board in determining if the project is consistent with the scale of the surrounding neighborhood. The FAR of the proposed project is 0.40. The proposed facility is compatible with the neighborhood as noted in the discussion in the Land Use Analysis.
- Par. 5 requires that such a project be located on land fronting on or with direct access to a collector street or a minor arterial. As noted elsewhere in this report, while the application property does not have frontage on a public street, the proposed access road through the adjacent golf course connects to Telegraphs Road, a principal arterial as defined by the Zoning Ordinance.
- Par. 6 addresses the density limitations and open space requirements for an independent living facility; as noted above in the chart addressing Bulk Standards and in the discussion regarding allowable density, the application meets the requirements of this paragraph.
- This project does not propose to include assisted living facilities or skilled nursing care on site, which would be otherwise permitted pursuant to the provisions of Par. 7, provided that these facilities are designed solely for the residents as an accessory use.
- The draft proffers state that the facilities in the development shall be solely for the use of residents, employees and invited guests as required by Par. 8.
- As noted in the Bulk Requirements Chart above, the building height exceeds the limitation of fifty feet for independent living facilities in a residential district specified in Par. 9 and the application includes a request to modify this requirement. The immediate surroundings for the proposed buildings consists of open space – on adjacent properties such as Kingstowne and the golf course or within the EQC associated with Piney Run within the application property. The proposed buildings are four levels of units set on top of an underground parking garage that is set into the hillside that rises from the Piney Run stream valley. The four stories devoted to dwelling units will extend forty feet from the lobby level to the top of the uppermost level of dwelling units, with a roof on top. As a result of the topography, which drops approximately 30 feet from the western boundary to the floodplain, portions of the underground garage will be exposed on the eastern side, which

effectively increases the building height. Given the surrounding uses and the topography, staff does not object to the requested increase in building height provided that the parking lot proposed within Parcel 24 is deleted from the GDP/SE Plat.

- Par. 10 addresses the yard requirements for this use, which are satisfied as noted above in the Bulk Standards chart;
- Par. 11 states that, for the purposes of transitional screening as required by the provisions of Article 13, Landscaping, Screening, an independent living facility shall be considered a multi-family dwelling; this issue is addressed in the previous discussion of the proposed modifications of the transitional screening yard requirement, which staff recommends be approved if the parking lot is removed from Parcel 24;
- Par. 12 addresses the impacts of the revised provisions adopted in 2003 to previously approved projects and is not applicable to this application.

With regard to Sect. 9-304, Standards for All Category 3 Uses:

- Par. 1 addresses public uses and is not applicable to this application.
- Par. 2 addresses the minimum lot size requirements, which as noted in the Bulk Standards Chart above, are satisfied by the application property.
- Par. 3 addresses conformance with the bulk standards in the underlying zoning district. As demonstrated above, the standards contained in Par. 6 of Sect. 9-306 have been satisfied.
- Par. 4 states that the performance standards of Article 14, Performance Standards, are applicable to Category 3 Special Exception uses. These standards will have to be met during future construction activities and during the on-going operation of the proposed independent living facility.
- Par. 5 states that, prior to establishment; all uses are subject to the provisions of Article 17, Site Plans and site plan approval will be required prior to the commencement of development activities on the site.

Golf Course

A commercial golf course is subject to the Additional Standards for Golf Courses and Country Clubs in Sect. 9-528. The 35.91 acre application property for the

zoning applications for the independent living facility (RZ 2006-LE-003 and SE 2005-LE-027) includes the green for the first hole and part of the cart path for the adjacent Hilltop Golf Course. These elements of the golf course meet the first paragraph because the golf hole is located on a property that is in excess of 15 acres in size and are part of a facility that covers 80.8 acres. Further, the parts of the course located on this property include neither structures nor parking areas; therefore, the provisions of Par. 2 and 3 requiring that structures and parking areas be located fifty feet from an adjoining residential property are met. The provisions applicable to all Category 5 uses address lot size, bulk requirements, the performance standards of Article 14 of the Zoning Ordinance and state that the requirements of Article 17, Site Plans are applicable. There are no structures associated with the golf course use within this application property and the performance standards are addressed by the draft proffers.

Transitional screening and barrier requirements are also applicable to the golf course use. However, staff has concluded that the golf course facilities do not affect staff's recommendations with regard the requested modifications of transitional screening and barrier waivers addressed under this topic related to the independent living facility.

Independent Living Facility and Golf Course

With regard to the provisions of Sect. 9-006, General Standards, which are applicable to all special exception uses:

- As discussed in the Land Use Analysis section, this proposal satisfies the recommendations of the Comprehensive Plan with regard to multi-family development and for elderly housing and is designed to be compatible with the adjacent development, thereby satisfying the requirement of Par. 1 to be in harmony with the adopted Comprehensive Plan. The proposed independent living facility has been designed to fit into the community by:
 - Providing a building with varying heights and other design features that will break up the mass of the building as seen from Telegraph Road and from the north;
 - The proposed facility is to be located in an area that is largely open space consisting of the Piney Run flood plain to the east, Kingstowne Park to the north, large expanses of Kingstowne homeowners open space to the west and the golf course to the south and west so as to not affect nearby residential uses;

- Placing the majority of the parking underground so as to reduce the amount of paving visible around the site; and,
- Utilizing the topography of the site to screen the underground parking.

However, the proposed parking lot on Parcel 24 does not fit in with the surrounding community and should be deleted from the GDP/SE Plat.

- The purpose and intent of the R-1 District is to provide locations for single family detached dwellings at a density of two dwelling units per acre. The provisions of this District also allow approval of an independent living facility with the approval of a special exception. Pursuant to the provisions of Sect. 9-306, the density of this use is determined by the density recommendations of the Comprehensive Plan, rather than by the provisions of the R-1 District. In addition, as noted above, this project satisfies the additional standards for this use and meets the purpose and intent of the Zoning Ordinance with regard to the proposed use.
- Staff has concluded that the proposed independent living facility will not adversely affect the relationship of the facility with the adjacent properties, with the exception of the parking lot proposed within Parcel 24; therefore, staff has concluded that Par. 3 is not satisfied.
- As noted in the discussion regarding Transportation, the vehicular and pedestrian traffic associated with this facility will not be hazardous nor conflict with neighborhood traffic, as required by the provisions of Par. 4.
- As noted in the discussions regarding the proposed modifications of the transitional screening yard requirements and the waiving of the barrier requirement, staff has concluded that the proposed screening along the periphery of this site is appropriate as supplemented by the development conditions provided that the parking lot is removed from Parcel 24;
- As noted in the Bulk Standards chart, the amount of open space is in excess of the amount required for this uses pursuant to the provisions of Sect. 9-306, satisfying the requirements of Par. 6.
- Par. 7 addresses utilities and parking at the site. The SE Plat includes 7173 parking spaces, which far exceeds the required parking (115 spaces) for the proposed independent living facility. Therefore, even with the elimination of the 75 spaces proposed within Parcel 24, more than sufficient parking should be available for this use. Utilities are in place to serve the existing development; in addition, the applicant has proffered to extend sewer service

across Piney Run from the site to serve the Piney Run subdivision where the existing septic systems are failing. Therefore, staff has concluded that Par. 7 is considered to be satisfied with regard to utility service to the site and not satisfied with regard to parking.

- Par. 8 addresses signage. The SE Plat addressed signage with a note that states that all signage on the site would be required to conform to the provisions of Article 12, Signs.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As described in the Land Use Analysis and addressed in the discussion of the proposed transitional screening modification and the barrier waiver requests, the proposed Independent living facility is generally appropriate in this location. The application package includes commitments to:

- Provide interim improvements at the intersection of Hayfield Road and Telegraph Road, further, if the proposed interim intersection improvements are deemed not to be appropriate by the County, provide \$200,000 for other transportation improvements in the area, including a signal at the entrance to the site, should the county decide that is appropriate;
- Extend sanitary sewer service to Piney Run subdivision located to the east of the application property, a distance of approximately 1300 feet;
- Have approximately 75 percent of the property as open space;
- Restore the northern 10 acres of the property that had been previously used as pasture;
- Develop and implement a restoration plan for Piney Run in cooperation with the NVSWCD;
- Place the Piney Run stream valley portion of the site in a conservation easement;
- Provide \$25,000 to the Park Authority for the development of recreation facilities in the vicinity; and,
- Provide an eight foot wide connector trail between Kingstowne Park and Telegraph Road (which is not shown on the Trails Plan).

However, the parking lot proposed in the northwest corner of the site on Parcel 24 is not appropriately located. In addition, several details with regard to the proffers and GDP/SE Plat should be addressed prior to the approval of these applications. The following issues should be addressed:

- The \$200,000 limitation to the commitment to provide intersection improvements at Hayfield Road and Telegraph Road should be eliminated and the improvements done even if the costs exceed that amount;
- It would be desirable that the area between the buildings be redesigned to reduce the conflicts between the garage entrances, the loading spaces and the traffic traveling through this portion of the site;
- Parking should be reduced to 1.6 spaces per unit plus employee parking;
- The proffers should increase a contribution to the Park Authority to address the impact of the future residents on the recreation facilities in nearby parks;
- The amount of landscaping could be increased within the independent living facility;
- More frequent/extensive shuttle service should be available to the residents and employees;

Recommendation

Staff recommends that RZ 2006-LE-003 be denied. However, should the Board of Supervisors approve RZ 2006-LE-003, staff recommends that the approval be subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that SE 2005-LE-028 be denied. However, should the Board of Supervisors approve SE 2005-LE-028, staff recommends that the approval be subject to the proposed development conditions contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffer Statement
2. Proposed Special Exception Development Conditions
3. Affidavit
4. Applicant's Statements
5. Locator Map and Combined GDP/SE Plat for RZ 2006-LE-002 & SE 2005-LE-027
6. Clerk to the Board's letter and Proffers for RZ 1997-LE-041
7. Clerk to the Board's letter and Proffers for RZ 1997-LE-043
8. Board of Zoning Appeals Resolution and Special Permit Plat for SP 97-LE-037
9. Environmental Analysis
10. Staff Report for 7239-WRPA-003-1 and Proposed WRPA Development Conditions
11. Comments of Urban Forest Management
12. Comments of the Fairfax County Department of Transportation
13. Comments of the Park Authority
14. Sanitary Sewer Analysis
15. Fire and Rescue Analysis
16. Water Service Analysis
17. Selected Excerpts from the Zoning Ordinance
18. Glossary of Terms

DRAFT PROFFERS**Piney Run Development, LLC****RZ 2006-LE-003****May 31, 2006**

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950, as amended, the owners and Piney Run Development, LLC (hereinafter referred to as the “Applicant”), for themselves, their successors and assigns in RZ 2006-LE-003, filed on property identified as Fairfax County Tax Map reference 100-1 ((1)) 23A, part, 24 and 25 (hereinafter referred to as the “Application Property”), hereby proffer to the following, provided that the Fairfax County Board of Supervisors (hereinafter referred to the “Board”) approves a rezoning of the Application Property, containing approximately 35.91 acres, from the R-1 District to the R-1 District, in conjunction with a Generalized Development Plan/Special Exception Plat (hereinafter referred to as the “GDP/SE Plat”) for an independent living facility and accessory uses. If accepted, these proffers shall supersede and replace any previous proffers approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT (GDP/SE PLAT)

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”) development of the Application Property shall be in substantial conformance with the GDP/SE Plat, entitled “Piney Run,” containing eighteen (18) sheets prepared by Urban Engineering and Associates, Inc., dated June 30, 2005 as revised through May 26, 2006.
- b. Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the GDP/SE Plat may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor modifications to the building footprints shown on the GDP/SE Plat, and make other modifications provided that such modifications are in substantial conformance with the GDP/SE Plat as determined by the Zoning Administrator and do not increase the number of dwelling units, decrease required setbacks to the periphery, increase the building height shown on the GDP/SE Plat, or decrease open space.

2. TRANSPORTATION

- a. The private street shown on the GDP/SE Plat shall be constructed of materials with a depth and width of pavement consistent with the Public Facilities Manual (“PFM”) standards for public streets. The access road shall be open for use prior to the issuance of the first Residential Use Permit (“RUP”). Purchasers shall be advised of the requirement to maintain the private street, including the portion of the private street located off site on the property identified as Fairfax County Tax Map reference 100-1 ((1)) 23A, part, that is not a part of the Application Property, and the estimated costs prior to entering into a contract of sale. This requirement to maintain the street as constructed and the estimated maintenance costs shall be included in the homeowners’ association documents prepared for the Application Property.

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- b. That portion of the private street located off-site on Parcel 100-1 ((1)) 23A part, and shown on the GDP/SE Plat for RZ 2006-LE-003 and SE 2005-LE-027, as described in Proffer 2.a., shall be constructed concurrently with the development of the Application Property and be open to traffic prior to the issuance of the first RUP for the independent living facility. The private street shall be landscaped as shown on the GDP/SE Plat. The Applicant shall provide to the Department of Public Works and Environmental Services (DPWES) at the time of site plan approval evidence of a right to ingress/egress to Telegraph Road. Said ingress/egress shall be for the benefit of the residents of the proposed independent living facility on the Application Property.
- c. The Applicant shall construct sidewalks, a minimum of five (5) feet in width, along the internal street network, as shown on the GDP/SE Plat to connect the residential buildings to Telegraph Road, prior to the issuance of the first RUP. The Applicant shall record a public ingress-egress easement over the portions of the sidewalks that are adjacent to the access road described in Proffer 2.b. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's office, and recorded among the Fairfax County land records.
- d. At the time of the first site plan submission, the Applicant shall consult with the Fairfax County Department of Transportation ("FCDOT") to determine the status of planned improvements to widen Telegraph Road to four (4) lanes divided south of Hayfield Road. If Telegraph Road widening is not anticipated by FCDOT within twelve (12) months of the first site plan submission confirmation in writing that interim improvement plans at the Telegraph Road/Hayfield Road intersection should proceed, the Applicant shall initiate the design of the improvements outlined below. Subject to Fairfax County and Virginia Department of Transportation ("VDOT") approval, Applicant shall reconfigure the intersection at Telegraph Road and Hayfield Road to increase its capacity as an interim improvement, as shown in the attached exhibit, entitled "Piney Run/Telegraph Road; Roadway Striping at Hayfield Traffic Signal", prepared by Patton, Harris, Rust and Associates, as revised through February 2006.

Said improvements shall consist of: a) restriping the southbound right turn lane on Telegraph Road for a shared through/right traffic operation, b) new signs and pavement markings, c) corresponding modification of the traffic signal, and d) the elimination of on-street parking on the west side of Telegraph Road adjacent to Hayfield High School. Said improvements are to be designed within the existing VDOT right-of-way and easements. The improvements plan shall be submitted prior to the second submission of the site plan for the Application Property. The improvements shall be placed in service prior to the issuance of the two hundredth (200th) RUP. If the interim improvements described herein are not approved by Fairfax County or VDOT, or the improvements cannot be implemented within the existing VDOT right-of-way and/or easements, the Applicant shall provide an equivalent monetary contribution to Fairfax County, not to exceed \$200,000.00, at the time of issuance of the two hundred and first (201st) RUP. The monetary contribution may be designated by Fairfax County, at its discretion, for

either the traffic signal referenced in Proffer 2.e., or other road improvements in the vicinity of the Application Property.

- e. The Applicant shall perform a traffic signal warrant study at the entrance to the Application Property on Telegraph Road 120 days after 85% occupancy of the first residential building that is constructed. If the traffic volumes, including trips associated with the undeveloped units, satisfy VDOT signal warrants, the Applicant shall request in writing to Fairfax County that the transportation funds from Proffer 2.d be allocated to installation of a traffic signal at the Telegraph Road entrance. Subject to the approval of Fairfax County and VDOT, the Applicant shall design and install the traffic signal, including pedestrian activated crossings.
- f. The Applicant shall coordinate on the design status of improvements by others associated with the Richmond Highway/Telegraph Road Connector. At the time of the first site plan submission, the Applicant shall document in writing the status of the possible Telegraph Road improvements, to include recommendations if left turn access in and/or out of the site will be maintained with funded transportation improvements.

3. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

The Applicant shall implement the following transportation demand management (TDM) strategies to reduce vehicle trips from the Application Property during the AM and PM peak hours. The TDM strategies shall be implemented prior to issuance of the first RUP for the Application Property. Strategies shall include the following:

- a. The Applicant shall establish a shuttle van service for residents and employees to provide access to the Springfield-Franconia Metro Station, local shopping, and medical care offices. Said shuttle shall provide, at a minimum, three (3) round trips per day. Said shuttle shall be operated by the homeowners association established for the residential development. Prospective purchasers shall be made aware of the cost of this service prior to entering into a contract for sale and in the homeowners association documents.
- b. The Applicant shall provide a teleworking center wired with high capacity data/network connections available for the use of all residents.
- c. The Applicant shall pre-wire all dwelling units with high capacity data/network connections in addition to standard phone lines.
- d. The Applicant shall establish a concierge service whereby residents can arrange services such as dry cleaning, pharmacy, grocery and package deliveries.
- e. The Applicant shall provide SmarTrip cards to each resident on a one time basis at settlement for the initial purchase of dwellings on the Application Property. The

Applicant shall provide, for a period of one year, SmarTrip cards to each employee at the time of initial employment. SmarTrip cards for each resident and employee shall include a pre-paid value of Twenty-Five Dollars (\$25.00).

- f. The Applicant shall provide Metro maps, schedules and forms, ridesharing and other relevant transit option information available to residents and employees in a common area; such as a central lobby or community room.
- g. If, at the time of site plan approval, bus service is scheduled or planned along Telegraph Road in front of this site, the Applicant shall install two (2) bus shelters along both sides of Telegraph Road at the entrance to the Application Property, subject to the approval of Fairfax County and/or VDOT. If the bus shelters are not approved, or bus service is not scheduled or planned, the Applicant shall contribute the amount of Forty Thousand Dollars (\$40,000.00) to Fairfax County at time of site plan approval for the installation of bus shelters along Telegraph Road in the vicinity of the Application Property. Prior to submittal of the site plan, the Applicant shall contact FCDOT for a determination as to the location of the proffered shelters or whether the monetary contribution is appropriate.

4. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

- a. The Applicant shall provide a stormwater management (SWM) wet pond and best management practices (BMPs) on the Application Property in the general location on the GDP/SE Plat and in accordance with the requirements of the PFM and the Chesapeake Bay Preservation Ordinance, unless waived or modified by the DPWES. The Applicant shall also utilize, if acceptable to DPWES, low impact development techniques, including, but not limited to, bio retention facilities, rain gardens and infiltration trenches on the remainder of the Application Property, as applicable, to minimize the amount of impervious area on the Application Property, reduce discharge velocities leaving the Application Property, increase time of concentration on the Application Property, increase infiltration into the ground, and reduce the concentration of run-off from impervious areas.
- b. The proposed SWM wet pond, including its perimeter, and/or the rain garden or other low impact development techniques shall be landscaped to the maximum extent possible as determined by Urban Forestry Management, DPWES (UFM), pursuant to the policy adopted by the Board, using native or other desirable hydrophilic vegetation species. The landscaping plan for the SWM facility shall be submitted with the first site plan for review and approval by UFM.
- c. The Applicant shall construct the maintenance access road for the SWM pond as shown on the GDP/SE Plat of a permeable material subject to the approval of DPWES. Portions of this road may also be used as the trail referenced in Proffer 6.b.

- d. The Applicant, in coordination with DPWES, the Army Corps of Engineers, the Virginia Department of Environmental Quality and the Northern Virginia Soil and Water Conservation District, shall prepare and implement a stream restoration plan for that portion of Piney Run that crosses the Application Property. Restoration measures used to mitigate on-site development impacts may include bio-engineering techniques, such as regrading of the channel overbank areas, selective placement of riprap/fiber rolls, and stabilization plantings.

5. TREE PRESERVATION, LANDSCAPING, AND OPEN SPACE

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

- a. Tree Preservation Plan. 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 UFM. 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 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the GDP/SE Plat. 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 GDP/SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. The use of motorized equipment in the forested portion that is protected by the limits of clearing and grading for each phase of the project shall be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes, and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless previously approved by UFM.
- b. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. 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 occur in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation 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 UFM.

The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, 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 UFM.

- c. Root Pruning and Mulching. The Applicant shall: 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM for all tree preservation areas. All treatment shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and 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.
 - Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
 - Immediately after the phase II erosion and sedimentation (“E&S”) activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment.
 - Mulch shall consist of hardwood mulch or an approved equivalent.
 - An UFM representative shall be informed when all root pruning and tree protection fence installation is complete.
- d. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant’s certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM 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 specifically by UFM 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 the adjacent trees and associated understory vegetation and soil conditions.

- e. Tree Protection Fencing All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence. Tree protection fencing (super silt fence) shall be erected at the limits of clearing and grading as shown on the phase I and phase II E&S control sheets. Trenching for the super silt fence shall not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types 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 days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM, the Lee District Supervisor, and representative of the Lee District Land Use and Transportation Advisory Committee 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 UFM.

- f. Site Monitoring. During any clearing or tree/vegetation/structure removal or transplantation of vegetation on the Application 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 UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFM approvals. The monitoring schedule shall be described and detailed in the landscaping plan, and reviewed and approved by UFM.

- g. Replacement Value. A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained to determine the replacement value of trees noted "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 site plan. The replacement value shall take into consideration the age and size of the trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

At the time of site plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted to ensure preservation and/or replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty-three (33%) of the amount of the letter of credit. In addition to this replacement obligation, a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized construction activity shall be paid. At the time of the issuance of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to any amount up to twenty percent (20%) of the total amounts originally committed. The amount of funds to be released shall be determined by UFM. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the conservation escrow, or sooner, if approved by UFM.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by UFM, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with UFM, and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. In addition to the replacement obligation, the Applicant shall also make a payment to the Fairfax County equal to the value of any tree shown to be preserved on the GDP/SE Plat that is determined by UFM to be dead or dying due to unauthorized construction activities. This payment shall be based on the "Trunk Formula Method" noted above and be paid to a fund established by the County for furtherance of tree preservation objectives.

6. PRESERVATION AREA

- a. The Applicant shall create a 25 acre preservation area on the north and east side of the Application Property as shown on the GDP/SE Plat that will be open to the public through the recordation of public access easement. The Applicant shall coordinate with the Audubon Society of Northern Virginia to remove invasive grasses from approximately 10 acres of open pasture, improve the soil quality and replant the 10 acres as a natural wildflower meadow. Further, the Applicant shall utilize existing structure(s) for an outdoor pavilion/nature area, open to residents, their guests and invitees. The Applicant may install a variety of other structures to enhance the preservation area, which may include bridges over streams and brooks, park benches, gazebos and informative nature kiosks.
- b. The Applicant shall construct pedestrian trails, as shown on the GDP/SE Plat within the preservation area of the Application Property between Telegraph Road and the Kingstowne Park property identified as Fairfax County Tax Map reference 91-3 ((1)) 63A to connect said open space to the existing Kingstowne Park trail system, subject to

any necessary approvals, in accordance with the following:

- i. The pedestrian trails shall be a maximum of eight (8) feet wide and shall be improved with materials that may include stone-dust, asphalt, or a combination thereof, subject to the approval of DPWES. Final location of the pedestrian trails shall be determined at the time of site plan approval and shall be subject to the approval of UFM and the trails planner.
 - ii. The Applicant shall record a public ingress-egress easement over the pedestrian trails. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's Office, and recorded among the Fairfax County land records.
- c. Subsequent to the construction of the outdoor pavilion/nature area, installation of any public improvements, and recordation of easements, but prior to final bond release, the Applicant shall record a conservation easement on the preservation area to benefit the Northern Virginia Conservation Trust (NVCT). Said easement shall provide for the preservation and maintenance, in perpetuity, of approximately 25 acres of open space and pedestrian trails as described in herein.

7. RECREATION

The Applicant shall provide the following amenities, which shall be available for use prior to the issuance of the first RUP for the buildings in which the amenity is located constructed on the Application Property:

- a. A community room for the use of the residents shall be provided in Building 1.
- b. A swimming pool shall be provided adjacent to the community room.
- c. Outdoor landscaped terraces/gardens shall be provided as generally shown on Sheets 6-9 of the GDP/SE Plat. Outdoor facilities shall include specialty paving, benches, tables, and chairs.

8. PARKS

Prior to the issuance of the first building permit, the Applicant shall make a contribution in the amount of Twenty-Five Thousand Dollars (\$25,000.00) to the Fairfax County Park Authority for recreational facilities located in the vicinity of the Application Property.

9. PUBLIC IMPROVEMENT

Subject to the approval of DPWES and the Army Corps of Engineers, the Applicant shall

process any required plans and/or permits, and subsequently construct a sanitary sewer line to serve existing dwellings located in the Piney Run subdivision to the east of the Application Property. The Applicant shall not be obligated to either construct, or pay costs associated with, sanitary sewer connections to individual dwelling units within the Piney Run subdivision. If the sanitary sewer line is approved and constructed, the Applicant shall revegetate, to the extent feasible, in coordination with UFM, the disturbed area with seedlings of native plant species. Should the plans and/or permits necessary to construct sanitary sewer line be disapproved, the Applicant's obligation to construct said public improvement shall be null and void.

10. HERITAGE RESOURCES

- a. The Applicant shall conduct a Phase I archaeological study of the Application Property and submit it to the Cultural Resource Protection Section (FCCRPS) of the Fairfax County Park Authority for review and approval, prior to final site plan approval. If warranted by the Phase I study, the Applicant shall undertake Phase II and Phase III archaeological studies for FCCRPS review and approval prior to any land-disturbing activities on the Application Property.
- b. Prior to the issuance of the first RUP, the Applicant shall make a contribution in the amount of Sixteen Hundred Dollars (\$1,600.00) to either the Fairfax County History Commission (the "History Commission") or the Franconia Museum for the installation of a historical marker identifying the location of Potter Hill Civil War Activity in the area of Beulah Street and Telegraph Road. If necessary, the Applicant shall work diligently, as demonstrated to DPWES to obtain an easement from the owner of the property identified as Fairfax County, Tax Map reference 100-1 ((1)) 11A or other location as approved by the History Commission that will allow installation and maintenance of the historical marker on said property by others. The Applicant shall not be responsible for research or preparation of text for the historical marker.

11. AFFORDABLE HOUSING

In accordance with Section 9-306(2) of the Zoning Ordinance, 15% of all constructed dwelling units shall be Affordable Dwelling Units (ADUs). The ADUs shall be administered in accordance with the provisions of Par 8 of Article 2 of the Zoning Ordinance.

12. DESIGN

- a. The architectural design of the buildings shall be in general conformance with the style and character of the building elevations shown on Sheets A1 and A2 of the GDP/SE Plat. Buildings shall be constructed primarily with a combination of masonry, siding, glass materials. Vinyl siding shall not exceed 20% of total building surfaces. All buildings shall be served with an elevator.

- b. Each independent living unit shall meet the definition of a dwelling unit per the Zoning Ordinance and shall include a kitchen. The units shall be constructed in accordance with Americans with Disabilities Act (ADA) and Federal Housing Act (FHA) requirements for housing for seniors. All public areas and public doorways shall be wheelchair accessible. All resident units shall be FHA adaptable and have lever hardware, doorways wide enough for wheelchairs, low profile thresholds, an emergency call system, large print unit identification system, non-glare lighting and structural blocking within the unit bathrooms to accommodate ready conversion to an adaptable unit. The initial purchaser shall have the option to include accessible features within the unit such as railings, grab bars, accessible kitchen and bathroom features.
- c. The community room described in Proffer 7.a above, and all common areas within the buildings, shall be wheelchair accessible through features such as, but not limited to, low pile carpeting, low profile thresholds, lever door hardware, non-glare lighting and emergency call buttons. Bathrooms that serve the common areas shall be fully accessible.
- d. To prevent lighting from adversely impacting adjacent properties, exterior building lighting shall be shielded in a manner which prevents light spillage. All parking lot lighting fixtures shall be equipped with "cut-off" luminaries and shall be a maximum of twelve (12) feet in height. The fixtures shall be generally consistent with that shown on Sheet A1 of the GDP/SE Plat or an approved equivalent. All lighting standards shall comply with Zoning Ordinance Article 14, Part 9, Outdoor Lighting Standards.

13. HOMEOWNERS ASSOCIATION

The Applicant shall establish a homeowners' association (HOA) for the proposed development to own, manage, and maintain open space areas including the common tree save areas and all other community owned land and improvements. Restrictions placed on the use of open space/buffer areas, and the maintenance responsibilities of the HOA shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.

14. GEOTECHNICAL

Prior to Site Plan approval, if required by DPWES, and in accordance with the provisions of the Public Facilities Manual, 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. The recommendations of the Geotechnical Review Board shall be implemented.

15. SIGNS

No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited

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by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or off-site to assist in the initial sale of residences on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.

16. SUCCESSORS AND ASSIGNS

These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

17. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute not one in the same instrument.

18. MISCELLANEOUS

- a. The residents shall be restricted to those who are fifty-five (55) years of age or older and couples where either the husband or the wife is fifty-five (55) years of age or older, in accordance with the Fair Housing Act (FHA).
- b. The construction of the buildings on the Application Property may be phased.
- c. The individual sections/buildings within the Application Property may be subject to Proffered Condition Amendments without joinder and/or consent of other property owners of the other sections/buildings.

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[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT / CONTRACT PURCHASER OF TAX MAP
100-1 ((1)) 23A PT., 24 AND 25

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PINEY RUN DEVELOPMENT LLC

By: Clark Realty Capital, L.L.C., its Managing
Member

By: W. Cleve Johnson, Manager

By: CEI Realty, Inc., Manager

By: _____
Lawrence C. Nussdorf, President

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

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TITLE OWNER OF TAX MAP 100-1 ((1)) 23A PT., 24 AND
25

HILLTOP SAND & GRAVEL COMPANY, INC.

By: Clemens S. Gailliot, Jr.
Its: President

[SIGNATURES END]

PROPOSED DEVELOPMENT CONDITIONS

SE 2005-LE-028

June 1, 2006

If it is the intent of the Board of Supervisors to approve SE 2005-LE-028 located at Tax Map 100-1 ((1)) 23A pt., 24 and 25 (7836 and 7908 Telegraph Road) for an independent living facility and a golf course pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled Piney Run, prepared by Urban Engineering & Associates, Inc. and dated June 30, 2005 as revised through May 26, 2006, 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.
4. At such time as an expansion of the Hilltop Golf Course is expanded, the green for the existing first hole shall be removed or converted to become a recreation facility for the use of the residents and guests only.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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

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