



APPLICATION ACCEPTED: August 3, 2006
PLANNING COMMISSION: November 29, 2006
BOARD OF SUPERVISORS: December 4, 2006, 4:00 PM

County of Fairfax, Virginia

November 15, 2006

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-D-022

DRANESVILLE DISTRICT

APPLICANT:	Sugarland Hill LLC
ZONING:	R-1
PARCEL(S):	6-3 ((1)) 11
ACREAGE:	4.62
OPEN SPACE:	61.9%
PLAN MAP:	Residential, 3-4 du/ac
SE CATEGORY:	Category 3, Use 4; Independent Living Facility
PROPOSAL:	To amend SE 01-D-022 previously approved for Housing for the Elderly to permit a change in development conditions and site modifications.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 01-D-022 subject to the updated development conditions contained in Appendix 1.

Staff recommends approval of the modification of front yard setback to permit 48 feet, per Sect. 9-306, Additional Standards for Independent Living Facilities

Staff recommends approval of the modification of rear yard setback to permit 36.1 feet, per Sect. 9-306, Additional Standards for Independent Living Facilities.

O:\clee01\SEA\Sugarland Hills\Staff Report Cover.doc

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/

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.

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

SEA 02-D-022 Proposal:

The applicant, Sugarland Hill LLC, requests to amend the Special Exception (SE) for Housing for the Elderly to permit a modification of the front and rear yard setbacks for the existing facility. It should be noted that since the approval of the SE for Housing for the Elderly, the Zoning Ordinance was amended to define the use as an “Independent Living Facility” under Sect. 9-301. The independent living facility was recently constructed within the required minimum front and rear yard setbacks of the Zoning Ordinance and as depicted on the SE plat. According to the applicant, engineering inaccuracies resulted from multiple engineering firms sharing building and survey information during construction. No physical changes are proposed to the built environment. The revised development conditions are included as Appendix 1. The applicant’s affidavit is included as Appendix 2. The applicant’s statement of justification is included as Appendix 3.

Waivers and Modifications:

The applicant is seeking a modification of the front yard setback to permit a 48 foot setback where a 50 foot setback is required, and a modification of the rear yard setback to permit 36.1 feet where 37.5 feet is required, per Sect. 9-306, Additional Standards for Independent Living Facilities.

LOCATION AND CHARACTER

Site Description:

The 4.62 acre site is located on the west side of Dranesville Road and contains the recently constructed independent living facility with eighty (80) rental units, including five (5) affordable dwelling units, associated parking spaces, landscaping, and an access drive to the adjacent north property.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Herndon Town Center (Retail)	C-8	Retail
South	Bowl America parking lot	R-1	Residential, 3-4 du/ac
East	Stream Valley Park Residential (SFD)	R-1	Public Park
West	Loudoun County ¹	N/A	N/A

¹ The adjacent parcel is owned by the applicant and is proposed for retirement housing.

BACKGROUND

Site History:

June 13, 1976 – RZ C-583 to rezone the property from RE-1 (R-1) District to the C-D (C-6) District was withdrawn.

November 19, 2001 – Out-of-Turn Plan Amendment (OTPA) S00-III-UP1 for Tax Map 6-3 ((1)) 11 and 11A was approved by the Board of Supervisors (BOS) to change the designation from Public Park to Residential, 3-4 dwelling units per acre.

September 9, 2002 – SE 01-D-022 was approved by the Board of Supervisors to permit Housing for the Elderly (now Independent Living Facility), pursuant to Sect. 3-104, with development conditions. The BOS also (1) modified the transitional screening requirement and waiver of the barrier requirement to the east, and (2) modified Additional Standard 10 for Housing for the Elderly (now Independent Living Facility) to permit a 37.5 foot rear yard, in accordance with the SE plat (see Appendix 4).

2006 – Construction completed for a three story building housing an eighty (80) unit Independent Living Facility, including five (5) affordable dwelling units, and associated parking spaces, landscaping and an access drive to the adjacent property to the north.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning Sector:	Upper Potomac Planning District
Plan Map:	Residential, 3-4 dwelling units per acre
Plan Text:	Greater Herndon Community Planning Sector (UP4)

The Fairfax County Comprehensive Plan, Area III, 2003 Edition, Upper Potomac Planning District, as amended through July 10, 2006, states the county's guidelines for development for this area. There are no site specific recommendations for this property.

ANALYSIS

Special Exception Plan (Copy at front of staff report)

Title of SE Plat:	Sugarland Hill Apartments, Independent Living Facilities
Prepared By:	Huntley, Nyce & Associates, Ltd.

Original and Revision Dates: June 21, 2006,
as revised through November 3, 2006

Description of Plat:

The SE plat consists of four sheets. **Sheet 1**, Special Exception Plat, depicts the site layout including the building footprint, interior drive aisles, parking spaces, landscaped areas, transitional screening, and the adjacent property to the west. The sheet also includes site notes, site tabulations, landscape tabulations, tree cover calculations and tree schedule. **Sheet 2**, Existing Conditions, Notes, depicts the site at the time of the original SE request. **Sheet 3**, Front Elevation for the Fairfax County Units, depicts the architectural renderings for the facility. **Sheet 4**, Front, Side and Rear Elevations for the Loudoun County Units, depicts the architectural renderings for the retirement housing units on the adjacent property to the east.

Land Use, Transportation, Environmental Analyses

There are no land use, transportation or environmental issues associated with this application request for modification of Additional Standard 10 for the front and rear yard building setbacks.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	36,000 square feet	4.62 acres
Lot Width	150 feet	580 feet
Building Height	50 feet ¹	50 feet
Front Yard	50 feet ¹	50 feet, approved with SE 48 feet, requested with SEA
Side Yard	30 feet ¹	119 feet
Rear Yard	50 feet ¹	37.5 feet, ² approved with SE 36.1 feet,³ requested with SEA

¹ Required per section 9-306, Additional Standards for Independent Living Facility, Par. 10

² The BOS granted a modification of Additional Standard 10 with the original SE application for the rear yard setback to permit a 37.5 foot setback where a 50 foot rear yard setback is required adjacent to Loudoun County. The 37.5 foot setback is permitted with the condition that the adjacent site is developed with housing for the elderly.

³ As constructed, it is 1.4 feet less than the maximum required 37.5 feet. Additional Standard 10 requires a 50 foot front yard setback for developments adjacent to land adopted in the Comprehensive Plan for 0.2 to 8 du/ac.

Waivers/Modifications

Modification of the Front Yard and Rear Yard Setback Requirement (Appendix 6)

Sect. 3-906, Additional Standards for Independent Living Facilities (formerly Housing for the Elderly) requires a 50 foot setback where a yard abuts or is across a street from an area adopted in the Comprehensive Plan for 0.2 to 8 dwelling units per acre. The area across Dranesville Road east of the subject site is the Stream Valley public park and an adjacent residential neighborhood, developed as single-family detached, zoned R-1 (1-2 dwelling units per acre). The subject independent living facility building has a 48 foot front yard setback where the Ordinance requires 50 feet—a difference of two (2) feet, which does not adversely impact the development site, as approved by Board with SE 01-D-022, or the adjacent properties.

The building has a 36.1 foot rear yard building setback, where the Board of Supervisors approved a 37.5 foot setback. The Board granted a modification of the 50 foot rear yard for a reduction to 37.5 feet with the original SE if the applicant demonstrated that the parcel would be developed for elderly housing; otherwise, a 50 foot buffer would be required. The adjacent parcel is currently in the Loudoun County zoning review process with a proposal for six (6) attached residential units developed specifically as retirement housing. The difference of 1.4 feet does not adversely impact the development site, as approved by the Board with SE 01-D-022, or the adjacent properties.

Other Zoning Ordinance Requirements:

An Independent Living Facility is a Category 3 Special Exception use in the R-1 District. All uses on the site must meet the Additional Standards for an Independent Living Facility. The Board approved the special exception in 2002, at which time the Zoning Ordinance categorized the use as Housing for the Elderly. Since that time, the Ordinance has been amended to redefine the use as an Independent Living Facility with no change to the additional standards. The additional standards were evaluated at the time of the original approval. The facility continues to meet the requirements.

Special Exception Requirements (Appendix 7)

General Special Exception Standards (Sect. 9-006)

The proposed use and development as shown on the SEA plat meets all General Special Exception Standards with the proposed development conditions.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The request for modification of the front yard and rear yard setback is in harmony with the Comprehensive Plan, and in conformance with the applicable Zoning Ordinance provisions with the approval of the development conditions.

Recommendations

Staff recommends approval of SEA 01-D-022 subject to the updated development conditions contained in Appendix 1.

Staff recommends approval of the modification of front yard setback to permit 48 feet, per Sect. 9-306, Additional Standards for Independent Living Facilities

Staff recommends approval of the modification of rear yard setback to permit 36.1 feet, per Sect. 9-306, Additional Standards for Independent Living Facilities.

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. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previous SE 02-D-022 Plat, Clerk's Letter, Development Conditions
5. Additional Standards for Independent Living Facilities
6. Special Exception Requirements
7. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SEA 01-D-022

November 14, 2006

If it is the intent of the Board of Supervisors to amend SE 01-D-022 located at 1100 Dranesville Road (Tax Map 6-3 ((1)) 11) previously approved for Housing for the Elderly to permit an Independent Living Facility pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, the staff recommends that the Board conditions the approval by requiring conformance with the following development conditions which shall incorporate and supersede previously approved conditions (conditions carried forward from the previous approval are marked with an asterisk *):

- * 1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- * 2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
- * 3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Sugarland Hill Housing for the Elderly", prepared by Huntley, Nyce & Associates, Ltd., and dated June 21, 2006, as revised through November 3, 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. A copy of the Special Exception Amendment development conditions and Residential Use Permit SHALL BE POSTED in a conspicuous place on the property and made available to all departments of the County of Fairfax during the hours of operation.
- * 5. The facility shall provide housing only to those persons who are sixty-two (62) years of age or older and couples where either the husband or wife is sixty-two (62) years of age or older. In the event the Zoning Ordinance is amended to lower the age restriction for an Independent Living Facility (formerly Housing for the Elderly), the facility shall be subject to the age restriction of the Zoning Ordinance, as amended.

- * 6. Affordable dwelling units shall be provided, regardless of the provision of elevators, in accordance with Sect. 2-800 of the Zoning Ordinance. A minimum of five (5) ADUs shall be provided.
- * 7. The on-site recreational facilities shall be for the use of residents, including the elderly housing units located in Loudoun County, employees and invited guests only. There shall be no use of the site's facilities by the general public.
- * 8. The façade of the structure shall be in substantial conformance with Sheet 3 of the Special Exception Amendment Plat. Similar materials, architectural details, color and façade treatments shall be used on all sides of the structure, as determined by DPWES.
- * 9. All outdoor pole lighting fixtures shall be full-cut-off, focused downward and shielded to minimize glare, and shall meet the Performance Standards set forth in Article 14 of the Zoning Ordinance. All building mounted security lights shall be shielded to minimize light trespass onto adjacent properties.
- * 10. Landscaping shall be provided in accordance with the special exception amendment plat in terms of quality, quantity and location, subject to Urban Forest Management approval.
- * 11. Best Management Practices (BMP) and stormwater detention shall be provided to meet on-site requirements in accordance with the Public Facilities Manual (PFM), subject to DPWES approval.
- * 12. In order to restore a natural appearance to the proposed stormwater management pond, extensive planting in appropriate planting areas surrounding the ponds shall be provided in keeping with the planting policies of Fairfax County. The replacement plantings shall utilize a variety of native tree species and be designed for low maintenance. The minimum requirement for the sizes and quantities of replacement trees for the ponds shall be as specified in the PFM and approved by Urban Forest Management.
- * 13. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. There shall be no pole mounted signs permitted on-site. If lighted, signage shall be internally lighted or lighted from the top of the sign downward.
- * 14. The EQC shall be placed in a conservation easement and remain undisturbed open space with the exception of the removal of diseased, dead or dying trees or other vegetation and selective maintenance to remove noxious or poisonous weeds, subject to the Urban Forest Management approval.

- * 15. Prior to site plan approval it shall be demonstrated to the satisfaction of DPWES that the adjacent parcel to the west in Loudoun County is permitted to be developed as housing for the elderly, congregate care facility for the elderly or similar use. If this is not demonstrated, the site plan shall reflect a minimum fifty (50) foot wide landscape buffer from the Loudoun County property line and the site plan shall be submitted to the Zoning Administrator for review and approval in consultation with the Dranesville Planning Commissioner. However, if the adjacent parcel to the west in Loudoun County is utilized as open space/active recreation space and placed in an easement to restrict future development other than housing for the elderly, congregate care facility for the elderly or similar use, no modification to the proposed rear yard shall be required.
- * 16. Interparcel access shall be provided west of the site in Loudoun County to Woodson Drive via Westminster Place.
- * 17. Prior to entering into a lease agreement, residents shall be notified in writing of the presence of the bowling alley located to the south of the site. This notification shall include the hours of operation and types of events conducted at the bowling alley.
- * 18. Barrier F (6 foot tall wood fence) shall be maintained along the southern boundary of the site adjacent to Tax Map 6-3 (91)) 11A.

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 Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, six (6) 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 amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.