APPLICATION ACCEPTED: May 14, 2008
PLANNING COMMISSION: December 11, 2008
BOARD OF SUPERVISORS: January 12, 2009 @ 3:30

County of Fairfax, Virginia

December 4, 2008

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SEA 85-S-109-02

BRADDOCK DISTRICT

APPLICANT:	Medical Facilities of America XXIX (29) LP
ZONING:	R-1
PARCEL(S):	78-3 ((1)) 12A
ACREAGE:	7.66 acres
FAR:	0.14
PLAN MAP:	Alternative Uses; incorporation into the Burke RPC or residential use at 2-3 du/ac
SE CATEGORY:	Category 3- Medical Care Facility
PROPOSAL:	To amend SE 85-S-109, previously approved for a medical care facility to permit a 4,234 square foot building addition and associated parking expansion.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 85-S-109-02, subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of the requirement in Part 3 of Article 9 that no freestanding nursing facility be established except on a parcel of land fronting on and with direct access to an existing or planned collector or arterial street.

S. Zottl

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/

Staff recommends approval of a modification for the 100 foot setback requirement between the medical care facility and the adjacent land zoned R-1.

Staff recommends approval of a modification of the parking of vehicles near R district lot lines as required in Section 9-609.

Staff recommends approval of a waiver of the 600' maximum private street length.

Staff recommends approval of a modification of the transitional screening requirement for the southeastern property line to allow the landscaping as shown on the SEA Plat.

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.

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

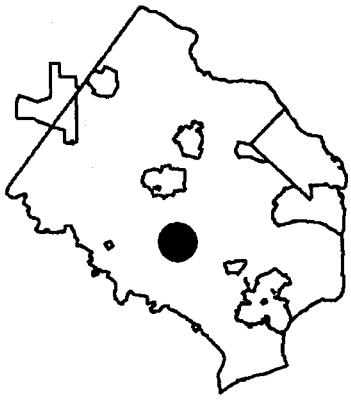
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

N:\SEA\SEA 85-S-109-2 MFA\Staff Report--Cover.doc

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).

Special Exception Amendment

SEA 85-S -109-02



Applicant: MEDICAL FACILITIES OF AMERICA XXIX (29)LP

Accepted: 05/14/2008

Proposed: AMEND SE 85-S-109 PREVIOUSLY APPROVED FOR MEDICAL CARE FACILITY TO PERMIT SITE MODIFICATIONS AND BUILDING ADDITIONS

Area: 7.66 AC OF LAND; DISTRICT - BRADDOCK

Zoning Dist Sect: 03-0104

Art 9 Group and Use: 3-06

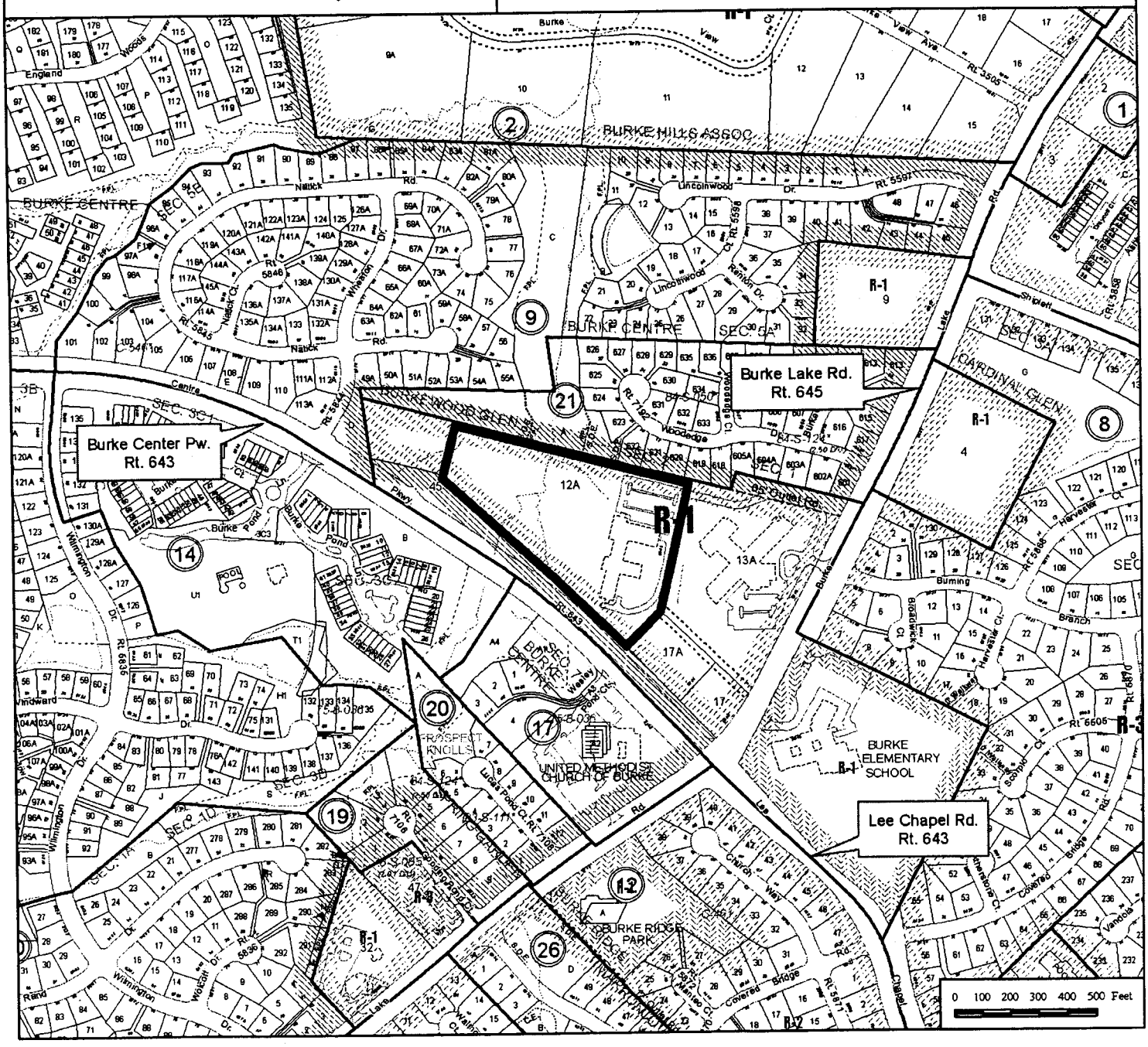
Located: 9640 BURKE LAKE ROAD

Zoning: R- 1

Plan Area: 3,

Overlay Dist:

Map Ref Num: 078-3- /01/ /0012A



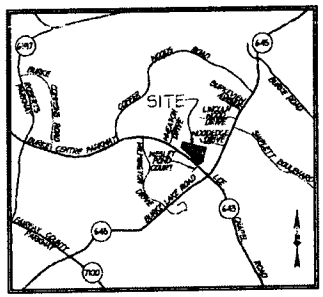
DATE	REVISION
07/10/2008	RESPONSE TO COUNTY COMMENTS DATED 06/17/08
08/26/2008	RESPONSE TO COUNTY COMMENTS DATED 06/17/08 AND 07/16/08

SPECIAL EXCEPTION AMENDMENT PLAT
SEA 85-S-109-02

BURKE HEALTH & REHABILITATION CENTER

BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA

FIRST SUBMISSION DATE: April 7, 2008
SECOND SUBMISSION DATE: July 10, 2008
THIRD SUBMISSION DATE: September 3, 2008



VICINITY MAP
SCALE: 1" = 2000'

SHEET INDEX

1. COVER SHEET
2. NOTES & TABULATIONS
3. EXISTING CONDITIONS PLAN
4. EXISTING VEGETATION MAP
5. SPECIAL EXCEPTION PLAN
6. LANDSCAPE PLAN
7. BMP & SWM COMPUTATIONS
8. ARCHITECTUAL ELEVATIONS

PREPARED BY:
christopher consultants
engineering · surveying · land planning
9900 main street (fourth floor) fairfax, va 22031-3907
703.273.0020 fax 703.273.7636

COMMONWEALTH OF VIRGINIA
WILLIAM R. ZIMMER
Lic. No. 21914
9/2/08
PROFESSIONAL ENGINEER

OWNER/DEVELOPER
MEDICAL FACILITIES OF AMERICA 29 LIMITED PARTNERSHIP
2917 PENN FOREST BLVD., SUITE 200
PO BOX 29600
ROANOKE, VIRGINIA
24018-0797

C-5507

DATE	REVISION
07/10/2008	RESPONSE TO COUNTY
	COMMENTS DATED 06/17/08
08/26/2008	RESPONSE TO COUNTY
	COMMENTS DATED 07/07/08
	AND 07/16/08

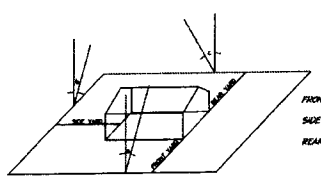
GENERAL NOTES

1. THE SUBJECT PROPERTY IS IDENTIFIED ON FAIRFAX COUNTY ASSESSMENT MAP 78-3 ((1)) PARCEL 12A.
2. THE TOTAL SITE AREA OF THE PROPERTY IS 7.44 AC. OR 333,670 SF.
3. THE EXISTING ZONING OF THE SUBJECT PROPERTY IS R-1 (RESIDENTIAL DISTRICT, ONE DWELLING UNIT/ACRE).
4. THIS SUBMISSION IS AN APPLICATION FOR A CATEGORY 3 SPECIAL EXCEPTION AMENDMENT TO PERMIT A BUILDING ADDITION TO THE EXISTING MEDICAL CARE FACILITY BUILDING.
5. THE BOUNDARY SURVEY IS BASED ON A CURRENT FIELD SURVEY COMPLETED BY christopher consultants ltd., MAY 1, 2007.
6. TOPOGRAPHIC INFORMATION IS FROM A FIELD RUN TOPOGRAPHIC SURVEY BY christopher consultants, ltd., MAY 1, 2007. THE CONTOUR INTERVAL IS ONE (1) FOOT.
7. THE PROPERTY SHOWN HEREON IS LOCATED ON F.I.R.M. MAP COMMUNITY PANEL NO. 5155250075 D, DATED MARCH 8, 1980 ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
8. NO TITLE REPORT IS FURNISHED.
9. THE SUBJECT PROPERTY IS LOCATED IN THE BRADDOCK DISTRICT AND THE POHICK CREEK WATERSHED OF FAIRFAX COUNTY, VA. REFER TO SHEET 7 FOR INFORMATION AND NARRATIVES FOR STORM WATER MANAGMENT (SWM), BEST MANAGEMENT PRACTICES (BMP) AND SITE OUTFALL.
10. THE SUBJECT PROPERTY IS CURRENTLY SERVED BY PUBLIC WATER AND PUBLIC SEWER PROVIDED BY FAIRFAX COUNTY.
11. TO THE BEST KNOWLEDGE OF THE ENGINEER AND DEVELOPER, THERE ARE NO EXISTING GRAVES OR BURIAL SITES LOCATED ON THE PROPERTY.
12. NO HAZARDOUS OR TOXIC SUBSTANCES ARE KNOWN TO BE PRESENT ON SITE.
13. NO ADVERSE EFFECTS TO NEIGHBORING PROPERTIES ARE ANTICIPATED WITH THIS PROJECT.
14. THERE ARE NO SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION ON THE SUBJECT PROPERTY.
15. TO THE BEST KNOWLEDGE OF THE ENGINEER AND DEVELOPER, THIS DEVELOPMENT PLAN CONFORMS TO ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, UNLESS OTHERWISE SPECIFICALLY NOTED.
16. NOTWITHSTANDING THE IMPROVEMENTS AND TABULATIONS SHOWN ON THIS PLAN, THE APPLICANT RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE FINAL DESIGN TO COMPLY WITH FINAL ENGINEERING AND NON CRITERIA AND REGULATIONS WHICH MAY BE ADOPTED BY FAIRFAX COUNTY SUBSEQUENT TO THE SUBMISSION OF THIS APPLICATION, PROVIDED THAT SUCH MODIFICATIONS ARE CONSISTENT WITH THE APPROVED SPECIAL EXCEPTION AMENDMENT PLAT.
17. SITE IMPROVEMENTS SHOWN HEREIN ARE PRELIMINARY. FINAL SITE IMPROVEMENTS WILL BE CONFIGURED AT THE TIME OF SITE PLAN APPROVAL, SUBJECT TO MARKET CONDITIONS, BUT CONSISTENT WITH THE APPROVED SPECIAL EXCEPTION AMENDMENT PLAT.
18. ALL EXISTING UTILITY EASEMENTS HAVING A WIDTH GREATER THAN 25 FEET ARE SHOWN ON THE EXISTING CONDITIONS PLANS.

WAIVERS AND MODIFICATIONS

1. A MODIFICATION IS BEING REQUESTED FOR THE REQUIREMENT THAT NO FREESTANDING NURSING FACILITY (SEC. 9-308 ADDITIONAL STANDARDS FOR MEDICAL CARE FACILITIES) SHALL BE ESTABLISHED EXCEPT ON A PARCEL OF LAND, FRONTING ON, AND WITH DIRECT ACCESS TO AN EXISTING OR PLANNED COLLECTOR OR ARTERIAL STREET AS DEFINED IN THE ADOPTED COMPREHENSIVE PLAN (9-308.4). THIS IS AN EXISTING MEDICAL FACILITY THAT IS PROPOSING AN ADDITION, THAT ONLY HAS DIRECT ACCESS, BUT DOES NOT FRONT ON, BURKE LAKE ROAD (RT. 645).
2. PER FAIRFAX COUNTY LETTER DATED OCTOBER 22, 1987 REGARDING APPROVED SEA 85-S-109-1 & SEA 85-S-108-2, A MODIFICATION WAS APPROVED REGARDING THE 100-FOOT SETBACK REQUIREMENT BETWEEN THE MEDICAL CARE FACILITY AND THE ADJACENT LAND ZONED R-4. THE CONTINUATION OF THIS MODIFICATION IS BEING REQUESTED FOR THE REQUIREMENT THAT NO BUILDING SHALL BE LOCATED CLOSER THAN 100 FEET TO ANY LOT LINE WHICH ABUTS AN R-A THROUGH R-4 DISTRICT (9-308.5). THE MODIFICATION SHALL APPLY TO THE SIDE OF THE EXISTING BUILDING (ALONG THE EASTERN PROPERTY LINE) WHICH IS +/-41.7 FEET FROM ITS SIDE YARD LOT LINE AND ABUTS AN ADJACENT R-1 PARCEL.
3. A MODIFICATION IS BEING REQUESTED FOR THE REQUIREMENT THAT THERE SHALL BE NO PARKING OF VEHICLES CLOSER TO ANY LOT LINE WHICH ABUTS AN R DISTRICT THAN A DISTANCE EQUAL TO THE DIMENSION OF THE ABUTTING CORRESPONDING YARD (9-609.6). EXISTING PARKING ALONG THE EASTERN PROPERTY LINE OF THE PARCEL ENCROACHES ON TO THE ABUTTING R-1 PARCEL.
4. PER FAIRFAX COUNTY LETTER DATED OCTOBER 22, 1987 REGARDING APPROVED SEA 85-S-109-1 & SEA 85-S-108-2, A WAIVER WAS GRANTED TO WAIVE THE 600 FOOT MAXIMUM STREET LENGTH REQUIREMENT FOR PRIVATE STREETS (11-302.2). THE CONTINUATION OF THIS WAIVER IS BEING REQUESTED.
5. THE APPLICANT REQUESTS A FAIRFAX COUNTY WAIVER OF THE STORMWATER MANAGEMENT REQUIREMENTS FOR THIS SITE DUE TO THE MINOR INCREASE IN SITE RUNOFF AND CLOSE PROXIMITY TO THE FLOODPLAIN.
6. THE APPLICANT REQUESTS A MODIFICATION OF THE REQUIREMENTS FOR PARKING AT A CONVALESCENT FACILITY (11-109.4). THIS SPECIAL EXCEPTION AMENDMENT PLAT IS FOR THE BUILDING ADDITION AND 24 NEW PARKING SPACES. THERE WILL NOT BE AN INCREASE IN THE NUMBER OF EMPLOYEES. THE ADDITIONAL PARKING SPACES WILL ALLEVIATE AN EXISTING PARKING SHORTAGE.
7. THE APPLICANT REQUESTS A MODIFICATION OF THE 23' TWO-WAY AISLE WIDTH (7.0002.2) REQUIREMENT FOR THE PROPOSED PARKING SPACES LOCATED WITHIN THE EXISTING EMERGENCY ACCESS LANE. THE NEW PARKING SPACES WILL BE DESIGNATED FOR EMPLOYEE PARKING ONLY.
8. THE APPLICANT REQUESTS A MODIFICATION OF THE TRANSITIONAL SCREENING (12-0.304) REQUIREMENT ALONG THE SOUTHEASTERN BOUNDARY DUE TO THE LOCATION OF EXISTING MATURE TREES AND A 6' BOARD ON BOARD FENCE. THE APPLICANT WILL PROVIDE SUPPLEMENTAL EVERGREEN TREES IN THE AREAS WITHOUT EXISTING TREES.

ANGLE OF BULK PLANE DETAIL



FRONT YARD: ≥ 1/4 90' BUT NOT LESS THAN 40'.
SIDE YARD: ≥ 1/8 45' BUT NOT LESS THAN 20'.
REAR YARD: ≥ 1/8 45' BUT NOT LESS THAN 25'.

ZONING TABULATION
R-1 RESIDENTIAL DISTRICT, ONE DWELLING UNIT/ACRE
CATEGORY 3 SPECIAL EXCEPTION

SUBJECT PROPERTY IDENTIFIED AS:

PARCEL NUMBER	EXISTING ZONING	ACREAGE
78-3-((1))-002A	R-1	±7.44 AC.

ZONING REGULATIONS:

R-1 RESIDENTIAL DISTRICT, ONE DWELLING UNIT/ACRE

MINIMUM LOT AREA: 36,000 SF
MINIMUM LOT WIDTH: 150 FEET (INTERIOR LOT)
MAXIMUM BUILDING HEIGHT: 60 FEET
MINIMUM YARD REQUIREMENTS:
FRONT YARD: 90' ANGLE OF BULK PLANE, BUT NOT LESS THAN 40'
SIDE YARD: 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 20'
REAR YARD: 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25'
MAXIMUM FLOOR AREA RATIO: 0.15 FOR USES OTHER THAN RESIDENTIAL OR PUBLIC
OPEN SPACE: NONE REQUIRED
TREE COVER: 20% REQUIRED
INTERIOR PARKING LOT LANDSCAPING: 5% REQUIRED (2,340 SF)

DEVELOPMENT TABULATIONS

PROPOSED DEVELOPMENT STANDARDS	EXISTING SITE CONDITIONS	PROPOSED ADDITION	TOTAL EXISTING & ADDITION
FLOOR AREA	41,909 SF	14,234 SF	±46,143 SF
FLOOR AREA RATIO	0.12	N/A	±0.14
MAXIMUM BUILDING HEIGHT	22.13'	±1'*	±22.13'
OPEN SPACE*	7.65 / 5.7 AC. / 247,265 SF	-8,454 SF	7.29 / 5.5 AC. / 238,811 SF
ON-SITE PARKING SPACES	67	+24	91*

CHART NOTES

* THE TABLE ABOVE PROVIDES INFORMATION ON THE EXISTING SITE DEVELOPMENT CONDITIONS. THE OPEN SPACE CATEGORY WAS NOT REQUIRED BY COUNTY REGULATIONS AND/OR PROVIDED BY APPLICANT AT TIME OF ORIGINAL SUBMISSION

TREE COVERAGE

TREE COVER REQUIRED: 20% OF ADJUSTED GROSS SITE AREA (TOTAL BUILDING FOOTPRINT) = 1.57,414 AC
GROSS SITE AREA (325,944 SF)
- BUILDING FOOTPRINTS FOR SITE PLANS (48,148 SF)
= 277,576 SF ADJUSTED GROSS SITE AREA

TREE COVER PROVIDED: 15.48 OR 674,350 SF / 13.6 AC

PARKING TABULATION
FOR PROPERTY

PARKING SPACES REQUIRED : 1 SPACE PER 3 RESIDENTS PLUS 1 ADDITIONAL SPACE FOR EACH EMPLOYEE

TOTAL NUMBER OF RESIDENTS: 120
TOTAL NUMBER OF EMPLOYEES ON MAIN SHIFT: 82*
* FACILITY OPERATES ON THREE STAFF SHIFTS

TOTAL PARKING SPACES REQUIRED: 122
TOTAL NUMBER OF ON-SITE PARKING SPACES PROVIDED: 91** (INCLUDES 3 HANDICAP SPACES, 1 IS VAN ACCESSIBLE)

** A PARKING REDUCTION STUDY SHALL BE SUBMITTED UNDER SEPARATE COVER FOR THIS SPECIAL EXCEPTION AMENDMENT APPLICATION.

LOADING SPACES REQUIRED : 2 SPACES
LOADING SPACES PROVIDED : 2 SPACES

christopher consultants
engineering · surveying · land planning
5600 mark street (fourth floor) fairfax va. 22031-3837
703.573.5600 fax 703.573.7505

COMMONWEALTH OF VIRGINIA
WILLIAM R. ZINN
No. 21914
09-03-08
PROFESSIONAL ENGINEER

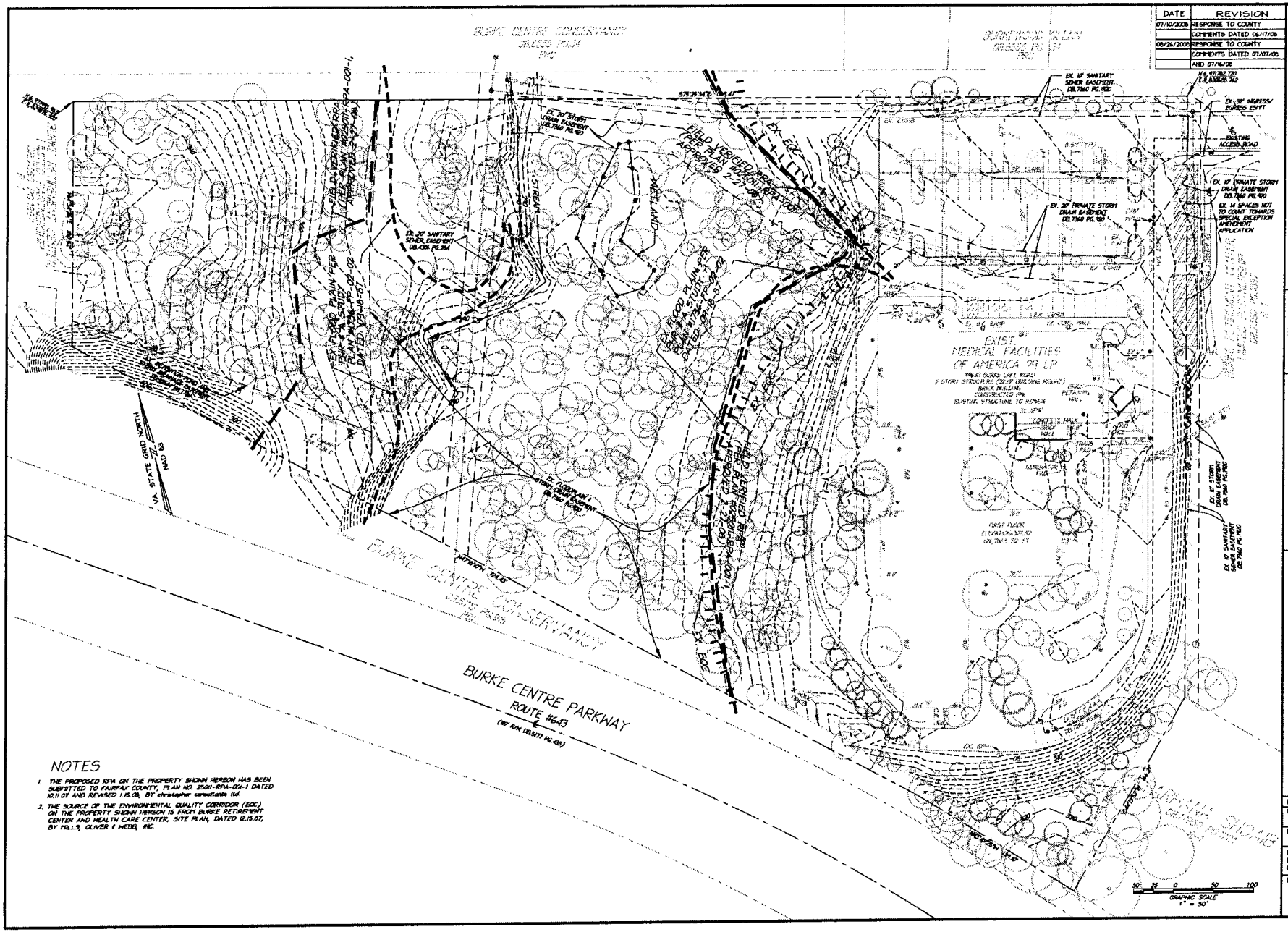
NOTES & TABULATIONS

SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT NO: 07260
SCALE: AS SHOWN
DATE: 04-07-08
DESIGN: JR
DRAWN: KR
CHECKED:
SHEET No.
2 of 8

C-5507

DATE	REVISION
07/10/2008	RESPONSE TO COUNTY COMMENTS DATED 06/17/08
08/26/2008	RESPONSE TO COUNTY COMMENTS DATED 07/01/08 AND 07/16/08



NOTES

1. THE PROPOSED RPA ON THE PROPERTY SHOWN HEREON HAS BEEN SUBMITTED TO FAIRFAX COUNTY, PLAN NO. 2501-RPA-001-1 DATED 10.11.07 AND REVISED 1.15.08, BY christopher consultants ltd
2. THE SOURCE OF THE ENVIRONMENTAL QUALITY CORRIDOR (EQC) ON THE PROPERTY SHOWN HEREON IS FROM BURKE RETIREMENT CENTER AND HEALTH CARE CENTER, SITE PLAN, DATED 12.15.87, BY HILLS, OLIVER & HEBEL, INC.

christopher consultants
engineering · surveying · land planning
9500 mill. ave. (south bldg) fairfax va. 22031-2607
703.273.6820 fax 703.273.7808

COMMONWEALTH OF VIRGINIA
WILLIAM E. ZINN
No. 21913
08-07-08
PROFESSIONAL ENGINEER

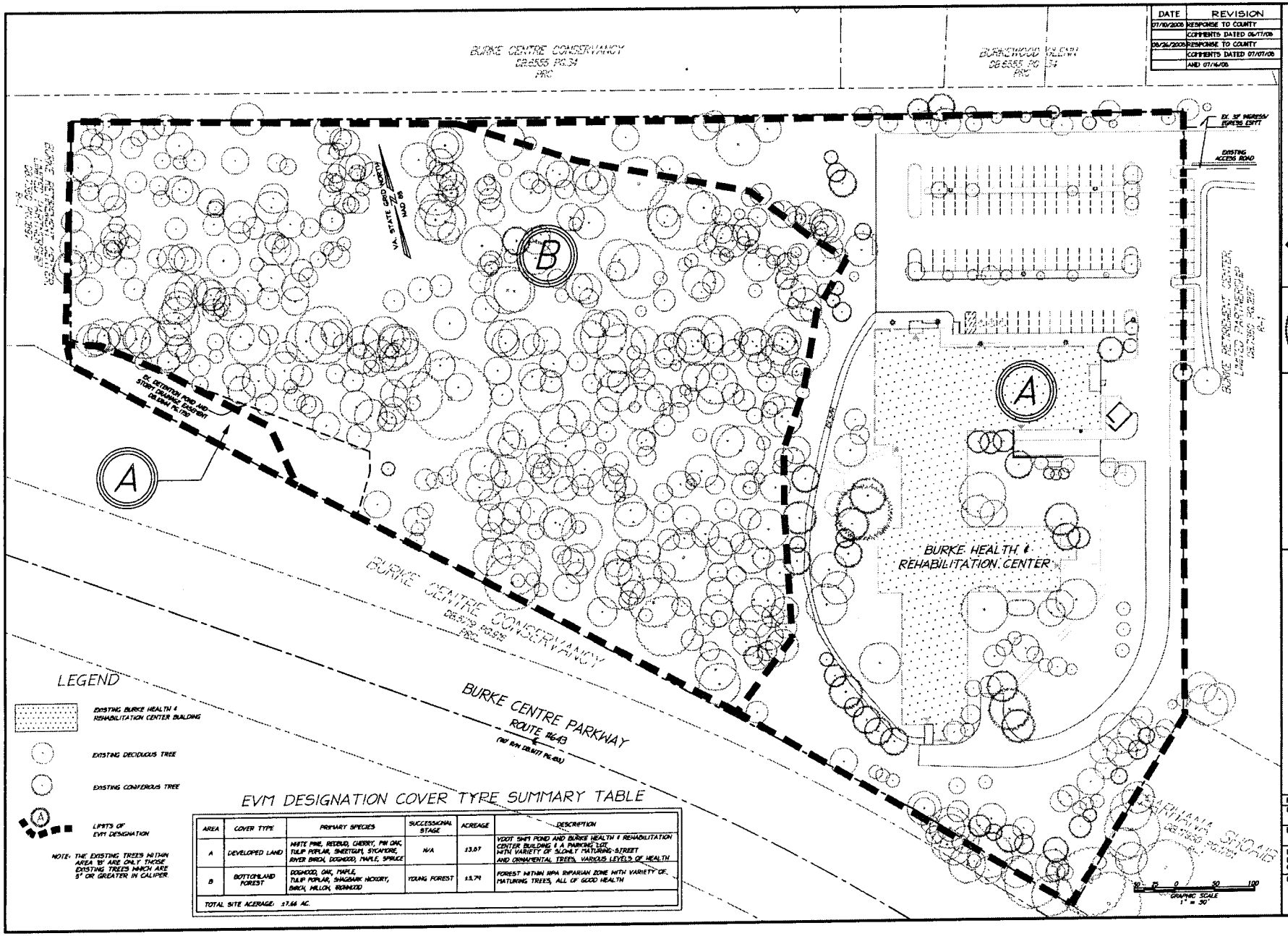
EXISTING CONDITIONS PLAN

SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT NO.	07250
SCALE	1"=50'
DATE	04-07-08
DESIGN	JR
DRAWN	JR
CHECKED	
SHEET No.	3 of 8

C-5507

DATE	REVISION
07/10/2008	RESPONSE TO COUNTY
	COMMENTS DATED 06/17/08
08/26/2008	RESPONSE TO COUNTY
	COMMENTS DATED 07/07/08
	AND 07/16/08



LEGEND

- EXISTING BURKE HEALTH & REHABILITATION CENTER BUILDING
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- (A) LIMITS OF EVM DESIGNATION

NOTE: THE EXISTING TREES WITHIN AREA 'B' ARE ONLY THOSE EXISTING TREES WHICH ARE 5" OR GREATER IN CALIPER

EVM DESIGNATION COVER TYPE SUMMARY TABLE

AREA	COVER TYPE	PRIMARY SPECIES	SUCCESSIONAL STAGE	ACREAGE	DESCRIPTION
A	DEVELOPED LAND	WHITE PINE, REDBUD, CHERRY, PIN OAK, TULIP POPLAR, SWEETGUM, SYCAMORE, RIVER BIRCH, DOGWOOD, MAPLE, SPRUCE	N/A	±3.87	VDOT SWM POND AND BURKE HEALTH & REHABILITATION CENTER BUILDING & A PARKING LOT WITH VARIETY OF SLOWLY MATURING STREET AND ORNAMENTAL TREES, VARIOUS LEVELS OF HEALTH
B	BOTTOMLAND FOREST	DOGWOOD, OAK, MAPLE, TULIP POPLAR, SHAGBARK HICKORY, BIRCH, WILLOW, REDBUD	YOUNG FOREST	±3.79	FOREST WITHIN RPA RIPARIAN ZONE WITH VARIETY OF MATURING TREES, ALL OF GOOD HEALTH
TOTAL SITE ACREAGE: ±7.66 AC.					

christopher consultants
engineering · surveying · land planning
8600 Ox Road (North Blvd) Fairfax Va. 22031-3807
703.273.6820 fax 703.273.7536

COMMONWEALTH OF VIRGINIA
WILLIAM K. ZIEGLER
No. 23013
08-07-08
PROFESSIONAL ENGINEER

EXISTING VEGETATION MAP

SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT No: 07350
SCALE: 1"=50'
DATE: 04-07-08
DESIGN: JR
DRAWN: JR
CHECKED:
SHEET No.
4 of 8

C-5507

DATE	REVISION
07/10/2008	RESPONSE TO COUNTY
	COMMENTS DATED 06/17/08
08/26/2008	RESPONSE TO COUNTY
	COMMENTS DATED 07/07/08
	AND 07/16/08

BURKE CENTRE CONSERVANCY
DB.6555 PG.34
PRC

BURKEWOOD VILLAS
DB.6555 PG.34
PRC

622 621 620

EX. 10' SANITARY SEWER EASEMENT DB.7340 PG.1920

EX. 10' INGRESS/EGRESS EASMT

EXISTING ACCESS ROAD

EX. 10' PRIVATE STORM DRAIN EASEMENT DB.7340 PG.1920

EX. 14 SPACES NOT TO COUNT TOWARDS SPECIAL EXCEPTION AMENDMENT APPLICATION

EX. 20' PRIVATE STORM DRAIN EASEMENT DB.7340 PG.1920

FIELD VERIFIED RPA (PER PLAN #2530-RPA-001-1) APPROVED 2-27-08

FIELD VERIFIED RPA (PER PLAN #2530-RPA-001-1) APPROVED 2-27-08

EX. EOC

EX. 20' SANITARY SEWER EASEMENT DB.4061 PG.254

EX. 10' STORM DRAIN EASEMENT DB.7340 PG.1920

EX. FLOOD PLAIN PER RPA & STUDY PLAN #1736-FP-02-02 DATED 09-16-07

EX. FLOOD PLAIN PER RPA & STUDY PLAN #1736-FP-02-02 DATED 09-16-07

WETLAND

STREAM

LOT 76-5-((1))-0012A
AREA= ±7.66 AC.
ZONED: R-1
USE: NURSING / ASSISTED LIVING FACILITY

EXIST MEDICAL FACILITIES OF AMERICA 29 LP
WILD BURKE LAKE ROAD
2 STORY STRUCTURE (22.15' HIGH, INCLUDING HEIGHT)
BRICK BUILDING CONSTRUCTED 1998
EXISTING STRUCTURE TO REMAIN

FIRST FLOOR ELEVATION=307.30' F.F.

PROP. 1 STORY BLDG. ADDITION 14,234 S.F. F.F.= 306.30'

PROP. BIKE RACK LOCATION

BRICK RETAINING WALL

CONCRETE WALK

GENERATOR PAD

TRANS PAD

EX. 10' STORM DRAIN EASEMENT DB.7340 PG.1920

PROP. 6" PVC TO RUN ALONG EX. E.P.

EX. EMERGENCY ACCESS

LIMITS OF CLEARING AND GRADING

PROP. VAL EXIT

EX. 20' SANITARY SEWER EASEMENT DB.7340 PG.1920

BURKE RETIREMENT CENTER LIMITED PARTNERSHIP
DB.7340 PG.1920
R-1

BURKE CENTRE CONSERVANCY
DB.5279 PG.1938
PRC

BURKE CENTRE PARKWAY
ROUTE #643
(167 R/W DB.6171 PG.483)

VA. STATE GRID NORTH

NAD 83

EX. DETENTION POND AND STORM DRAIN EASEMENT

EX. FLOOD PLAIN & STORM DRAIN EASEMENT DB.7340 PG.1920

EX. 10' STORM DRAIN EASEMENT DB.7340 PG.1920

EX. 10' STORM DRAIN EASEMENT DB.7340 PG.1920

BURKE CENTRE CONSERVANCY
DB.5279 PG.1938
PRC

VERIANA STATIONS
DB.7350 PG.1931
R-1

DRAWING SCALE
1" = 30'

LEGEND

- LIMITS OF CLEARING AND GRADING
- EXISTING CONTOUR
- EDGE OF PAVEMENT
- EDGE OF PAVEMENT LABEL
- EXISTING CURB
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- SAN — EXISTING SANITARY SEWER
- EXISTING UTILITY EASEMENTS AS LABELED
- FENCE (ALL TYPES)
- PROPOSED SIDEWALK
- X X X X X X X — EXISTING SIDEWALK TO BE REMOVED
- EX. 14 SPACES NOT TO COUNT TOWARDS SPECIAL EXCEPTION APPLICATION
- (TBR) — TO BE REMOVED

NOTE:
REFER TO SHEET 6 FOR ARCHITECTUAL ELEVATIONS.

christopher consultants
engineering · surveying · land planning
8000 maple street (fourth floor) · fairfax va. 22031-3807
703.573.5672 · fax: 703.573.7636

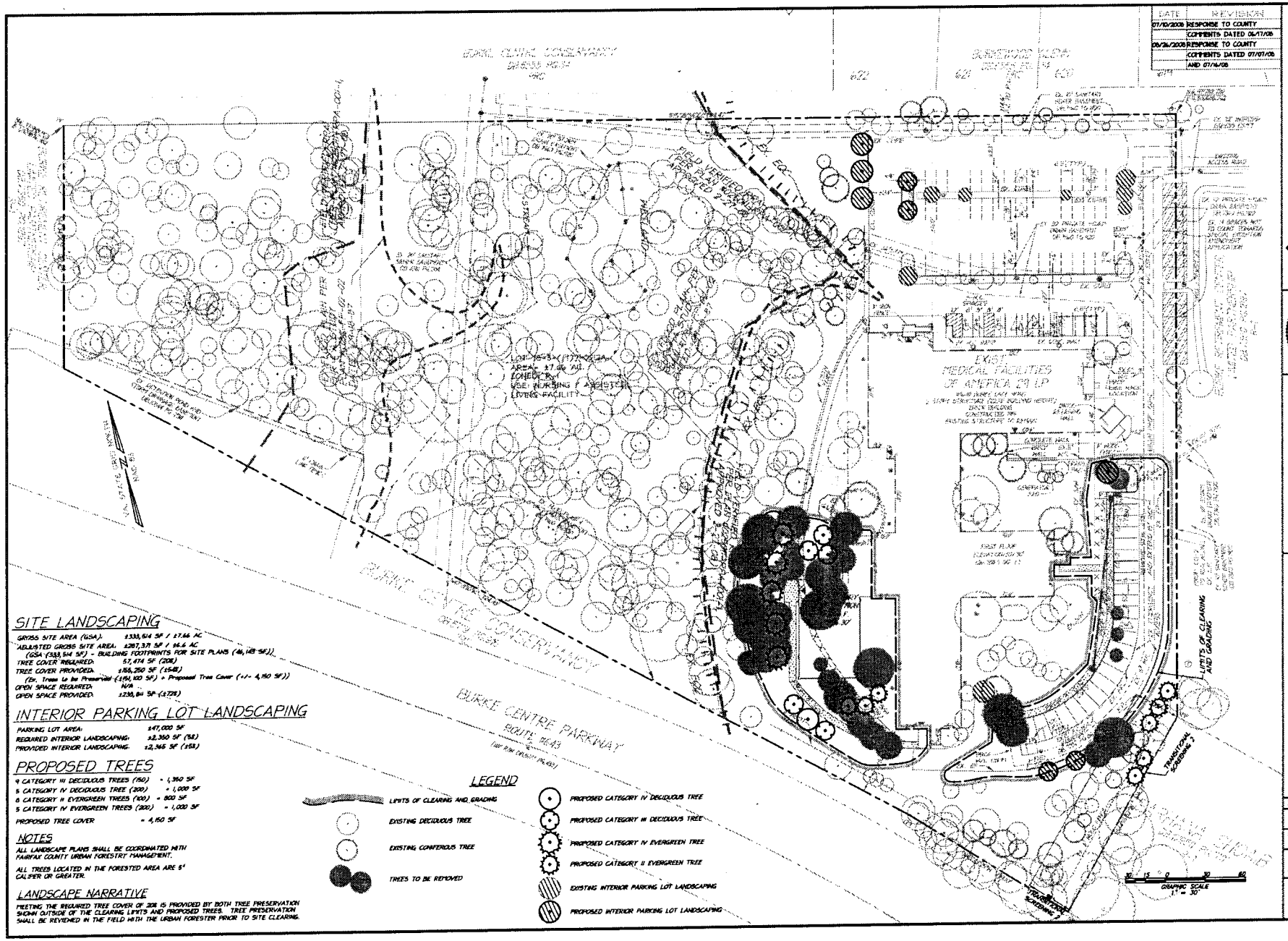
COMMONWEALTH OF VIRGINIA
WILLIAM R. ZIEGLER
No. 21014
09-03-08
PROFESSIONAL ENGINEER

SPECIAL EXCEPTION AMENDMENT PLAN

SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT NO 07260
SCALE 1"=30'
DATE 04-07-08
DESIGN JR
DRAWN JR
CHECKED
SHEET No.
5 of 8

C-5507



SITE LANDSCAPING

GROSS SITE AREA (GSA): ±333,614 SF / ±7.66 AC
ADJUSTED GROSS SITE AREA: ±287,371 SF / ±6.6 AC
(GSA (333,614 SF) - BUILDING FOOTPRINTS FOR SITE PLANS (46,143 SF))
TREE COVER REQUIRED: 57,474 SF (20%)
TREE COVER PROVIDED: ±155,250 SF (±54%)
(Ex. Trees to be Preserved (±151,100 SF) + Proposed Tree Cover (+/- 4,150 SF))
OPEN SPACE REQUIRED: N/A
OPEN SPACE PROVIDED: ±238,841 SF (±72%)

INTERIOR PARKING LOT LANDSCAPING

PARKING LOT AREA: ±47,000 SF
REQUIRED INTERIOR LANDSCAPING: ±2,350 SF (5%)
PROVIDED INTERIOR LANDSCAPING: ±2,365 SF (±5%)

PROPOSED TREES

9 CATEGORY III DECIDUOUS TREES (150) = 1,350 SF
5 CATEGORY IV DECIDUOUS TREE (200) = 1,000 SF
8 CATEGORY II EVERGREEN TREES (100) = 800 SF
5 CATEGORY IV EVERGREEN TREES (200) = 1,000 SF

PROPOSED TREE COVER = 4,150 SF

NOTES

ALL LANDSCAPE PLANS SHALL BE COORDINATED WITH FAIRFAX COUNTY URBAN FORESTRY MANAGEMENT.

ALL TREES LOCATED IN THE FORESTED AREA ARE 5" CALIPER OR GREATER.

LANDSCAPE NARRATIVE

MEETING THE REQUIRED TREE COVER OF 20% IS PROVIDED BY BOTH TREE PRESERVATION SHOWN OUTSIDE OF THE CLEARING LIMITS AND PROPOSED TREES. TREE PRESERVATION SHALL BE REVIEWED IN THE FIELD WITH THE URBAN FORESTER PRIOR TO SITE CLEARING.

LEGEND

- LIMITS OF CLEARING AND GRADING
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- TREES TO BE REMOVED
- PROPOSED CATEGORY IV DECIDUOUS TREE
- PROPOSED CATEGORY III DECIDUOUS TREE
- PROPOSED CATEGORY IV EVERGREEN TREE
- PROPOSED CATEGORY II EVERGREEN TREE
- EXISTING INTERIOR PARKING LOT LANDSCAPING
- PROPOSED INTERIOR PARKING LOT LANDSCAPING

DATE	REVISION
07/10/2008	RESPONSE TO COUNTY COMMENTS DATED 06/17/08
08/26/2008	RESPONSE TO COUNTY COMMENTS DATED 07/07/08 AND 07/16/08

christopher consultants
engineering · surveying · land planning
9900 main street (fourth floor) fairfax va. 22031-3907
703.273.6820 fax 703.273.7636

COMMONWEALTH OF VIRGINIA
WILLIAM R. ZINK
No. 21614
08-03-08
PROFESSIONAL ENGINEER

LANDSCAPE PLAN

SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT NO. 07250
SCALE: 1"=30'
DATE: 04-07-08
DESIGN: KR
DRAWN: KR
CHECKED:
SHEET No. 6 OF 8

C-5507

BMP CALCULATIONS

II. Watershed Information

Part 1: List all of the Subareas and "C" Factors used in the BMP Computations

Subarea Designation & Description	"C"	Acres
A1 FLOODPLAIN ESMT/ CONSERVATION AREA	0.30	2.699
A2 ONSITE UNCONTROLLED	0.54	4.958

Phosphorus Removal - "Occoquan Method"

Part 2: Compute the Weighted Average "C" Factor for the area that is receiving credit

(A) Area of the Site (a) acres 7.656

(B)

Subarea Designation	"C"		Acres		Product
A1 FLOODPLAIN ESMT/ CONSERVATION AREA	0.30	x	2.70	=	0.81
A2 ONSITE UNCONTROLLED	0.54	x	4.96	=	2.68
	(b) Total		=		3.49

(C) Weighted average "C" factor 0.46

Part 3: Compute the Total Phosphorus Removal for the Site

Subarea Designation	BMP Type	Rem Eff %		Offsite Reduction		Area Ratio		"C" Factor Ratio	Product
A1 CONSERVATION EASEMENT	CON ESMT	100	x	1.00	x	2.70 / 7.66 = 0.352	x	0.30 / 0.46 = 1.000	35.24
A2 ONSITE UNCONTROLLED		0	x	1.00	x	4.96 / 7.66 = 0.648	x	0.54 / 0.46 = 1.186	0.00
								(a) Total =	35.24%

* INCLUDES OPEN SPACE AREA PER PFM 6-0402

Part 4: Determine Compliance with Phosphorus Removal Requirement

(A) Select Requirement (a) 20.1 %

Water Supply Overlay District (Occoquan Watershed) = 50% (Fairfax County and Prince William County)

Chesapeake Bay Preservation Area (New Development) = 40% (Fairfax County) 50% (Prince William County)

Chesapeake Bay Preservation Area (Redevelopment) = [1-0.9 x ("Tpre"/"Tpost")] x 100 = ## 20.1 %

(B) If Line 3(a) 35.24 > Line 4(a) 20.1 the phosphorus removal requirement is satisfied

STORMWATER RUNOFF CALCULATIONS

Stormwater Calculations

Storm Intensity

i_{10} =	5.45
i_{25} =	7.27

Predevelopment

Total Lot Area(Ac)	Impervious Area(ft²)	Percent Impervious	C	2-year storm(cfs)	10-year storm(cfs)
7.656	75134	22.9	0.436	18.19	24.27

Post Development

Total Lot Area(Ac)	Impervious Area(ft²)	Percent Impervious	C	2-year storm(cfs)	10-year storm(cfs)
7.656	84759	25.4	0.452	18.86	25.16

SWM/BMP NARRATIVE

THE BURKE HEALTH & REHABILITATION CENTER IS CURRENTLY SITUATED ON +/-7.66 ACRES OF LAND IN THE BRADDOCK DISTRICT OF FAIRFAX COUNTY NEAR THE NORTHWEST CORNER OF BURKE LAKE ROAD AND BURKE CENTRE PARKWAY. THE EXISTING BUILDING HAS A FOOTPRINT OF APPROXIMATELY +/-26,800 SQUARE FEET. A PORTION OF THE BUILDING IS ONE STORY AND THE REMAINDER OF THE BUILDING IS TWO STORIES. A +/-4,234 SQUARE FOOT, SINGLE STORY ADDITION AND 24 ADDITIONAL PARKING SPACES ARE PLANNED FOR THE FACILITY. THE EXISTING IMPERVIOUSNESS OF THE SITE IS +/-25% THE IMPERVIOUSNESS OF THE SITE AFTER THE PROPOSED ADDITION WILL BE +/-25%

THE ENTIRE SITE CURRENTLY DRAINS, UNDETAINED, TO AN UNNAMED TRIBUTARY OF POHICK CREEK THAT RUNS NORTHWARD THROUGH THE WESTERN PORTION OF THE SITE. THE TRIBUTARY HAS MAPPED FLOODPLAIN LIMITS PREPARED BY PATTON, HARRIS, RUST AND ASSOCIATES (1734-FP-02-2, APPROVD 09/18/1987). RUNOFF FROM THE SITE EITHER SHEET FLOWS THROUGH EXISTING WOODS (WHICH WILL REMAIN UNDISTURBED THROUGH THIS PROPOSED CONSTRUCTION) INTO THE FLOODPLAIN OR IS PIPED THROUGH AN UNDERGROUND SYSTEM (WHICH PROVIDES AN OUTFALL FOR THE ADJACENT BURKE RETIREMENT CENTER POND) TO A RIPRAP DITCH THAT DISCHARGES THROUGH THE FLOODPLAIN INTO THE RECEIVING STREAM ON SITE. THE ADDITION WILL NOT HAVE ANY IMPACT ON THE EXISTING DRAINAGE PATTERNS, AND NO DETENTION IS PLANNED FOR THE SITE. A STORMWATER MANAGEMENT WAIVER REQUEST WILL BE SUBMITTED DURING THE FINAL SITE PLAN STAGE. BEST MANAGEMENT PRACTICES FOR THE INCREASE IN IMPERVIOUS AREA WILL BE ADDRESSED BY USING THE FLOODPLAIN EASEMENT AS CONSERVATION AREA.

THE DRAINAGE AREA TO THE FLOODPLAIN AT THE NORTH END OF THE SITE IS 3.76 ACRES. THE DRAINAGE AREA OF THE ENTIRE TRIBUTARY IS 553 ACRES AT THE POINT WHERE IT REACHES POHICK CREEK, APPROXIMATELY 1300 FEET UPSTREAM OF ITS CROSSING OF BURKE LAKE ROAD. AT THIS POINT, THE DRAINAGE AREA OF POHICK CREEK IS APPROXIMATELY 5,620 ACRES WHICH IS SIGNIFICANTLY LARGER THAN ONE SQUARE MILE (640 ACRES) AND THEREFORE SATISFIES THE COUNTY'S REQUIREMENTS FOR DOWNSTREAM EXTENT OF REVIEW.

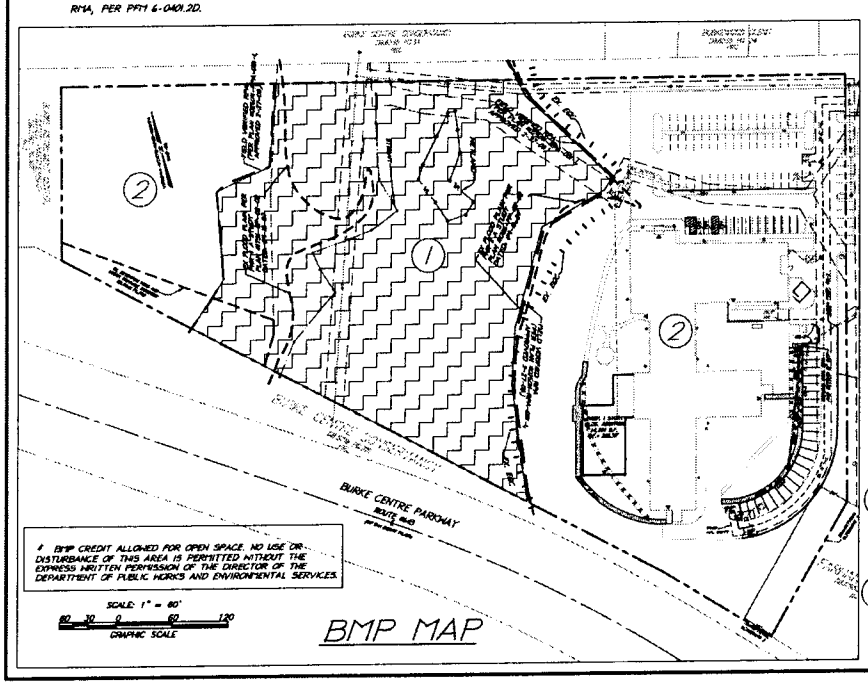
THE CONDITION OF THE RECEIVING CHANNEL IN THIS OUTFALL AREA IS GOOD. AN INVESTIGATION OF THE STEAM FROM THE SOUTH END OF THE SITE TO POHICK CREEK REVEALED A CHANNEL WITH ONLY MILD EROSION, NO SIGNS OF EXCESSIVE FLOODING, VERY LITTLE LITTER, AND CLEAR WATER. THE STREAM BED IS GENERALLY ROCKY. APPROXIMATELY 1500' DOWNSTREAM OF THE SUBJECT SITE IS A 5.5-ACRE DETENTION POND WITH A GOOD GRASS COVER AND CLEAN OUTLET STRUCTURE. DIRECTLY BEFORE THIS DRY POND IS A CULVERT CONSISTING OF 4 RCP PIPES WHICH PASS UNDERNEATH BURKE VIEW COURT. APPROXIMATELY 500' AFTER THE DRY POND, THE STREAM PASSES THROUGH ANOTHER CULVERT WHICH ALSO CONSISTS OF 4 RCP PIPES WHICH GO UNDERNEATH COFFER WOODS ROAD. A LITTLE FURTHER DOWNSTREAM, THE STREAM ALSO PASSES THROUGH A SINGLE 36-INCH CMP CULVERT UNDER A GRAVEL ROAD BEHIND THE TOWNHOUSES ON BURKE TOWNE COURT. ALL OF THE CULVERTS ARE CLEAR AND IN GOOD CONDITION.

THE DOWNSTREAM ANALYSIS PORTION OF THE ADEQUATE OUTFALL REQUIREMENTS OF THE PUBLIC FACILITIES MANUAL WILL BE MET BY REVIEWING THE RECEIVING STREAM FROM THE SITE TO THE EXTENT OF REVIEW LOCATED AT POHICK CREEK. CROSS SECTIONS ALONG THE RECEIVING STREAM WILL BE "ANALYZED BY THE USE OF A 2-YEAR FREQUENCY STORM TO VERIFY THAT STORMWATER WILL NOT OVERTOP CHANNEL BANKS NOR CAUSE EROSION OF CHANNEL BED OR BANKS." IF IT IS DETERMINED THAT THE RECEIVING STREAM IS INADEQUATE, PROPORTIONAL IMPROVEMENT AND NO ADVERSE IMPACT WILL BE SHOWN USING THE METHOD APPROPRIATE TO THE TYPE OF INADEQUACY. THE REMAINDER OF THE ADEQUATE OUTFALL REQUIREMENTS IS ALREADY ADDRESSED BY THE EXISTING SITE.

SWM/BMP NARRATIVE

DATE	REVISION
07/10/2006	RESPONSE TO COUNTY
	COMMENTS DATED 06/17/06
08/24/2006	RESPONSE TO COUNTY
	COMMENTS DATED 07/07/06
	AND 07/14/06

THIS PROJECT QUALIFIES AS REDEVELOPMENT DUE TO THE FACT THAT THERE WILL NOT BE A NET INCREASE IN IMPERVIOUS AREA INSIDE OF THE RPA AND NOT MORE THAN A 20% INCREASE IN IMPERVIOUS INSIDE OF THE RMA, PER PFM 6-0401.2D.



BMP CREDIT ALLOWED FOR OPEN SPACE. NO USE OR DISTURBANCE OF THIS AREA IS PERMITTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES.

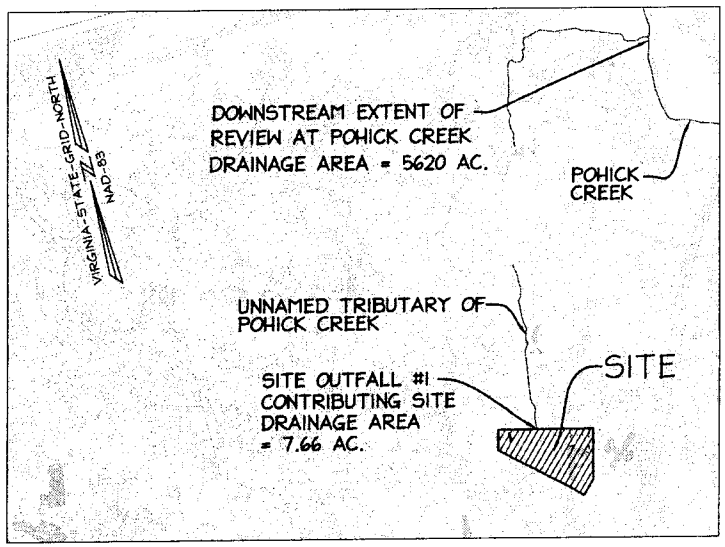
SCALE: 1" = 60'
60 30 0 60 120
GRAPHIC SCALE

BMP MAP

LEGEND

1 FLOODPLAIN EASEMENT AREA TO BE USED AS NATURAL OPEN SPACE.#

2 UNCONTROLLED AREA



OVERALL DRAINAGE MAP

SCALE: 1" = 500'

christopher consultants
engineering · surveying · land planning
9500 main street, fourth floor · fairfax va. 22031-3007
703.273.8800 · fax 703.273.7636

COMMONWEALTH OF VIRGINIA
WILLIAM R. TOWNE
No. 21414
09-05-06
PROFESSIONAL ENGINEER

BMP & SWM COMPUTATIONS

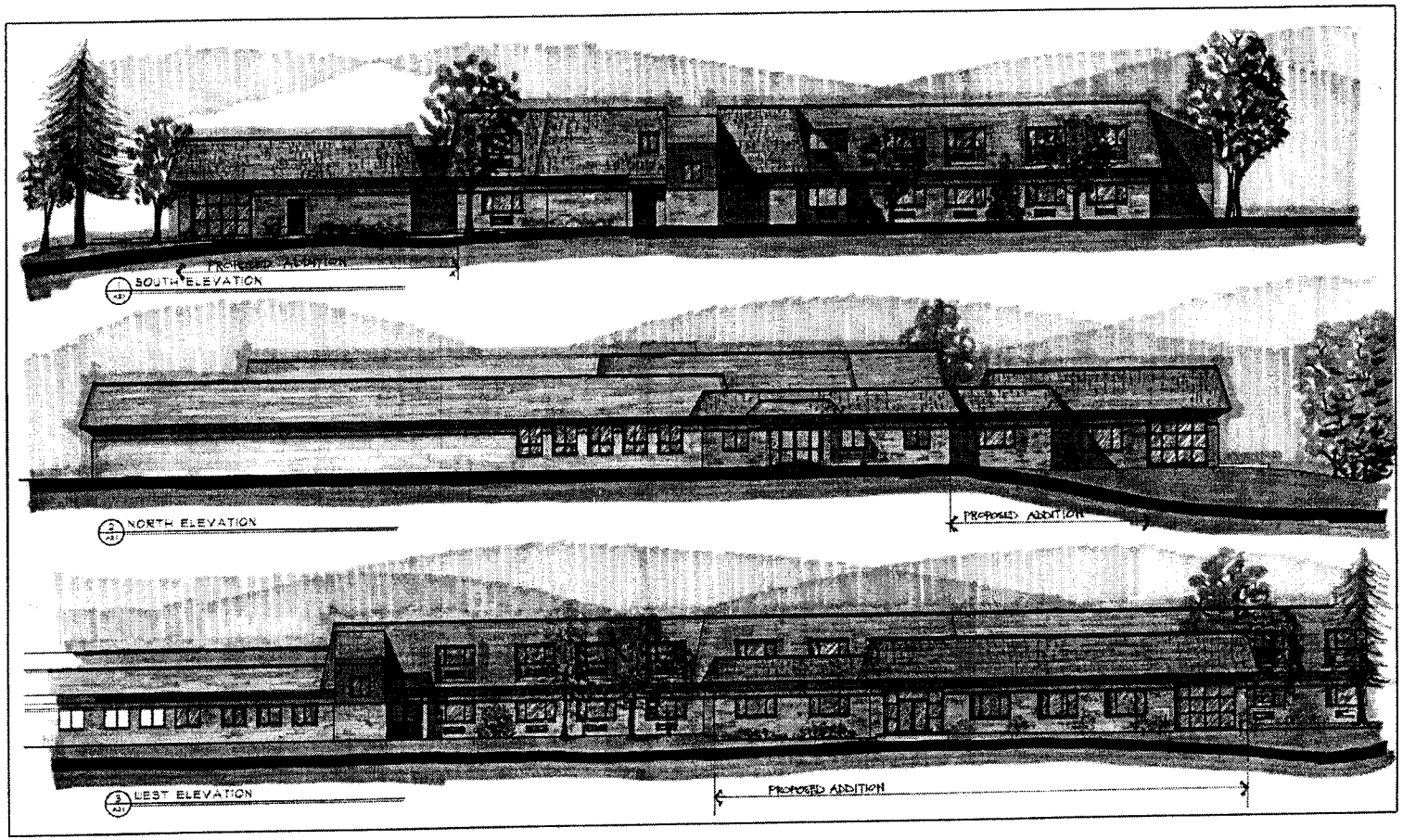
SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT NO	072501
SCALE	AS SHOWN
DATE	04-07-06
DESIGN	DPI
DRAWN	JR
CHECKED	
SHEET No.	7 of 8

C-5507

DATE	REVISION
07/10/2005	RESPONSE TO COUNTY
	COMMENTS DATED 06/17/05
08/26/2005	RESPONSE TO COUNTY
	COMMENTS DATED 07/07/05
	AND 07/16/05

THIS SHEET IS ONLY CERTIFIED AS PART OF OUR PLAN SET.



John F. Heltzel AIA
9309 FORESTWOOD LANE, MANASSAS, VA 20110 PHONE (703)880-8170 FAX (703) 861-8671 WWW.HELTZELAIA.COM

NOT FOR CONSTRUCTION FOR ILLUSTRATIVE PURPOSES ONLY!

christopher consultants
engineering · surveying · land planning
9900 main street (fourth floor) fairfax va. 22031-3007
703.273.8820 fax 703.273.7638

COMMONWEALTH OF VIRGINIA
WILLIAM R. ZINK
No. 21914
09-03-08
PROFESSIONAL ENGINEER

ARCHITECTUAL ELEVATIONS

SPECIAL EXCEPTION AMENDMENT PLAT
BURKE HEALTH & REHABILITATION CENTER
FAIRFAX COUNTY, VIRGINIA

PROJECT NO. 072501
SCALE: NTS
DATE: 04-07-05
DESIGN:
DRAWN: KR
CHECKED:
SHEET No.
8 of 8

C-5507

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

DESCRIPTION OF THE APPLICATION

The applicant, Medical Facilities of America XXIX (29) LP, requests an amendment to SE 85-S-109, previously approved for a medical care facility, to permit the construction of a 4,234 square foot building addition and 24 parking spaces.

Hours of Operation:
The existing Health & Rehabilitation center operates as a twenty-four hour facility as it provides both inpatient health care and rehabilitative services.

Number of Patrons/Patients:
The proposed addition is intended to serve approximately 120 existing patients at the Health & Rehabilitation Center; no additional beds are proposed with this application.

Number of Employees:
The applicant proposes a maximum number of 82 employees plus 1 maintenance staff member on the property at any one time.

Waivers and Modifications:
The applicant is also requesting the following waivers and modifications:

- A modification of the requirement in Part 3 of Article 9 that no freestanding nursing facility be established except on a parcel of land fronting on and with direct access to an existing or planned collector or arterial street.

- Continuation of a previously approved modification for the 100' setback requirement between the medical care facility and the adjacent land zoned R-1.

- The modification of the parking of vehicles near R district lot lines as required in Section 9-609.

- The continuation of an approved waiver of the 600' maximum private street length.

- Modification of the transitional screening requirement for the southeastern property line to allow the landscaping as shown on the SEA Plat.

Copies of the proposed development conditions, applicant's affidavit, and statement of justification can be found in Appendices 1-3 of this report.

LOCATION AND CHARACTER

The site is located at 9640 Burke Lake Road, in the northwest quadrant of the intersection of Burke Center Parkway and Burke Lake Road. The site is zoned R-1 and is currently developed with a 41,909 square foot medical care facility known as the Burke Health & Rehabilitation Center. Access to the site is obtained through an existing access road that connects to Burke Lake Road through the adjacent Heatherwood nursing facility property. Due to their compatible uses and working relationship, The Burke Health and Rehabilitation Center and the Heatherwood facility have a symbiotic relationship and create a campus-like environment. The western portion of the site contains an Environmental Quality Corridor (EQC), floodplain, and Resource Protection Area (RPA). These areas are heavily wooded, and no existing or proposed development is located in these areas.

SURROUNDING AREA DESCRIPTION			
Direction	**Use**	**Zoning**	**Plan**
North	Open Space and Single-family residential	PRC	RPC
South	Open space	PRC	RPC
East	Medical care facility (Heatherwood) and Single-family residential	R-1	R-1 and Public Facility
West	Open space	R-1	R-1 and Public Facility

BACKGROUND

On November 18, 1985, the Board of Supervisors approved SE 85-S-109 for a 120 bed medical care facility and imposed development conditions. Prior to this approval, the property was vacant; the medical care facility use was established on May 17, 1987. On October 19, 1987, the Board of Supervisors approved SEA 85-S-109-1 and imposed development conditions to modify the lot and building configuration approved under SE 85-S-109. At this time, the Board also modified the 100-foot setback requirement between the medical care facility and the adjacent land zoned R-1. The Board also modified the transitional screening requirements in favor of that shown on the SEA Plat, as modified by the development conditions. See Appendix 4 for the previously approved SEA Plat and development conditions.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: Area III, Pohick Planning District

Planning Sector: P6 Middle Run Community Planning Sector

Plan Map: Alternative Uses; incorporation into the Burke RPC or residential use at 2-3 du/ac

Plan Text:

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Pohick Planning District, P6- Middle Run Community Planning Sector, as amended through August 6, 2007, page 69, the Plan states:

> "4. Parcels 78-3((1))9, 12A, 13A, 17, 17A, 32, and 47 and 77-3((1))5, 5A, 6B and 6C on the perimeter of the Burke Centre Residential Planned Community are shown on the Comprehensive Land Use Plan map for Alternative Uses. These parcels are appropriate for incorporation into the Burke Centre RPC or residential use at 2-3 dwelling units per acre. This recommendation is consistent with long-standing land use guidance for these parcels on the periphery of Burke Centre."

Additional relevant plan text can be found in Appendix 5.

ANALYSIS

Special Exception Amendment Plan (Copy at front of staff report)

Title of SEA Plat:	Burke Health and Rehabilitation Center
Prepared By:	Christopher Consultants
Original and Revision Dates:	April 7, 2008 as revised through September 3, 2008

Description of Plat:

The SEA Plat contains the following sheets:

Sheet 1 is the cover sheet.
Sheet 2 contains notes and tabulations.
Sheet 3 shows the existing site conditions.
Sheet 4 is the existing vegetation map
Sheet 5 shows the proposed site modifications.
Sheet 6 is the proposed landscape plan.
Sheet 7 contains BMP and stormwater management computations.
Sheet 8 shows architectural elevations.

The existing Burke Health and Rehabilitation Center works closely with the existing Heatherwood nursing facility, which shares its eastern property line. These facilities were established around the same time and create a campus-like environment. There is a significant amount of vegetation throughout both properties, and the sites are nestled between an existing residential neighborhood, Burke Center Parkway, and Burke Lake Road.

The applicant proposes to construct a 4,234 square foot building addition to the existing Burke Health and Rehabilitation medical care facility. The proposed addition is one story and is located on the southwestern portion of the existing building, in an area that is currently vegetated. The existing vegetation in this area will be removed to accommodate the new portion of the structure and will be replaced by groupings of evergreen and deciduous trees. There is also an existing sidewalk that will be re-routed along the edge of the proposed addition. The building addition will be compatible in color and materials with the existing building.

In addition to the building expansion, the applicant has proposed 24 parking spaces to add to the existing 67 spaces already on the site. These parking spaces will be located on the southeastern portion of the site, perpendicular to an existing emergency access road and turn-around. While 122 parking spaces are required, a total of 91 will be provided. The applicant has submitted a parking reduction study (#25011-PKS-001-1) to the Board of Supervisors; this study is currently under review by the Code Analysis Division of the Department of Public Works and Environmental Services. It will be presented to the Board of Supervisors as an action item at a date to be determined.

Including the addition, the total square footage of the site will be 46,143, bringing the FAR to 0.14. The site will provide 72% open space; this is largely due to the existing EQC, RPA, and floodplain that occupy the western portion of the site.

Land Use Analysis (Appendix 5)

The applicant is proposing a modest expansion of an existing use for recreational and rehabilitative services. The proposed addition is found to be in harmony with the Comprehensive Plan; there are no outstanding land use issues.

Environmental Analysis (Appendix 5)

Issue: Proposed Vegetation

Approximately 3.79 acres of the site consists of a variety of mature trees location within the RPA/EQC, which will remain undisturbed. Several mature trees outside of the protected area will be removed to accommodate the proposed building addition and expansion of the existing parking area. It is recommended that additional trees be planted to the west and south of the proposed addition within the area of clearing and grading to replace the existing trees that will be removed.

Resolution:

The applicant has revised their landscape plan to show proposed landscaping in the areas to the west and south of the proposed addition, within the limits of clearing and grading. This issue has been addressed.

Urban Forest Management Analysis (Appendix 6)

Issue: Number of plants proposed in the southeastern transitional screening yard

UFMD recommends reducing the number of proposed plants in the southeastern transitional screening yard so as to not interfere with the roots and overhanging canopy of the existing trees.

Resolution:

The applicant has removed some of the proposed vegetation to be placed in the southeastern transitional screening yard. This will ensure the survivability of the already established vegetation. This issue has been addressed.

Stormwater Management Analysis (Appendix 7)

Issue: There is a floodplain on the site.

There is a floodplain on the site, and a floodplain study is required.

Resolution:

A floodplain study was completed on September 18, 1987. The plan number is 1736-P-02-02, and a note containing this information has been added to the SEA Plat. This issue has been addressed.

Issue: Stormwater detention

The applicant shall indicate how stormwater detention will be met. The applicant requests a waiver of on-site detention requirements; a formal application needs to be submitted to the Director, DPWES for this purpose.

Resolution:
The applicant will be requesting a waiver of the stormwater management requirement at Site Plan review due to the minimal increase in site runoff from the proposed building addition. A preliminary review of this request indicates that the waiver is likely to be approved. Best Management Practices (BMP) for the increase in impervious area is proposed to be addressed by taking credit for the on-site open space. This issue will be further addressed at the time of Site Plan review.

Transportation Analysis (Appendix 8)

Issue: Bus shelter pad

The applicant should provide a bus shelter pad located at the southeastern portion of the site along Burke Center Parkway, along with a concrete loading pad between curb

and sidewalk. The applicant should also provide any necessary ancillary easements and any necessary pedestrian connections and curb cuts.

Resolution:

Staff has proposed a development condition that requires the applicant to provide a bus shelter pad and any ancillary easements and pedestrian connections and curb cuts. With the imposition of the development condition, this issue is addressed.

Issue: Bike racks

The applicant should provide sheltered bike racks.

Resolution:

The applicant has proposed a bike rack to be placed on the northeast side of the building, adjacent to the loading area. Staff has proposed a development condition that will require the applicant to provide sheltered bike racks. This issue has been addressed.

ZONING ORDINANCE PROVISIONS

Bulk Standards R-1		
Standard	**Required**	**Provided**
Lot Size	Min. 36,000 sf	7.66 acres (333,514 sf)
Lot Width	Min.150'	890'
Building Height	Max. 60'	22'
Front Yard	50° ABP, but no less than 40'	160'
Side Yard	45° ABP, but no less than 20'	62'
Rear Yard	45° ABP, but no less than 25'	46'
FAR	Max. 0.15	0.14
Parking Parking Spaces	122 spaces	91 spaces*
Loading Spaces	2 spaces	2 spaces
Transitional Screening Southeast (R-1 zoning, residential use)	TS 2 (35')	TS 2 (with modification)
Barrier Southeast (R-1 zoning, residential use)	Barrier D, E, or F required	Barrier F provided (6' wood fence)

* The applicant has submitted a parking reduction study (#25011-PKS-001-1) to the Board of Supervisors; this study is currently under review by the Code Analysis Division of the Department of

Public Works and Environmental Services. It will be presented to the Board of Supervisors as an action item at a date to be determined.

As noted in the Bulk Standards chart, the site conforms to all of the standards of the R-1 District, with the exception of the parking requirements and the southeastern transitional screening yard. The applicant has submitted a parking reduction study that is currently under review by the Code Analysis Division of the Department of Public Works and Environmental Services, and has requested a modification of the southeastern transitional screening yard requirement.

Staff has included a development condition that will require the applicant to reduce development to an intensity that can be parked or to submit an SEA application should the parking reduction study not be approved by the Board of Supervisors. This ensures that the proposal will be subject to the parking requirements in the Zoning Ordinance should the reduction not be approved.

Waivers/Modifications

A modification of the requirement in Part 3 of Article 9 that no freestanding nursing facility be established except on a parcel of land fronting on and with direct access to an existing or planned collector or arterial street.

While the site does have direct access to an existing collector street (Burke Lake Road), the property does not have frontage on this road. Therefore, the applicant has requested a modification for this requirement. Access to the site is through the adjacent Heatherwood site, which is a compatible use. Both sites generate low trips per day; therefore, staff does not object to this modification.

A modification for the 100 foot setback requirement between the medical care facility and the adjacent land zoned R-1.

The Board previously approved this waiver under SEA 85-S-109. As the subject property provides adequate screening from the R-1 zoned parcels, staff does not object to this modification. (Additionally, the existing setback is not further impacted by this request.)

A modification of the parking of vehicles near R district lot lines as required in Section 9-609.

The applicant has requested a modification of this requirement, as the existing parking along the eastern lot line encroaches into this minimum distance. As the adjacent Heatherwood facility is an established and compatible use, staff does not object to this modification.

The continuation of an approved waiver of the 600' maximum private street length.

The Board previously approved this waiver under SEA 85-S-109-02. As the proposed building addition and parking area do not interfere with fire and ambulance access, staff does not object to the continuation of this waiver.

Modification of the transitional screening requirement for the southeastern property line to allow the landscaping as shown on the SEA Plat.

The applicant is providing the required transitional screening yard width. There is existing established vegetation in this area, and the applicant seeks a modification to allow the existing vegetation to remain. The applicant has proposed additional supplemental vegetation to be planted in this area. Therefore, staff does not object to this modification.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 9)

General Special Exception Standards (Sect. 9-006)
Category 3 Standards (Sect. 9-304)
Additional Standards for Medical Care Facilities (Sect. 9-308)

General Special Exception Standards (Sect. 9-006)

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. The applicant has proposed a building addition to the existing medical care facility and the addition of parking spaces. Staff believes that, with the imposition of the development conditions, the use proposed in SEA 85-S-109-02 satisfies all of the General Special Exception Standards.

Category 3 Standards (Sect. 9-304)

The Category 3 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to Site Plan Review. With the approval of the Parking Reduction Study and approval of the southeastern transitional screening yard modification, the proposed use meets these standards.

Additional Standards for Medical Care Facilities (Sect. 9-308)

Additional Standard 1 requires, in addition to the development of a recommendation and report by the Healthcare Advisory Board, that the HCAB solicit information and comment from providers and consumers of health services. This case will be heard by the HCAB on December 8, 2008. Their report will be forwarded to the Planning

Commission and the Board of Supervisors under separate cover prior to the Board of Supervisors public hearing on this case.

Additional Standard 2 requires that the Advisory Board and the Board of Supervisors consider a) that there is demonstrated need for the proposed facility, b) that any proposed specialized care facility can provide for a working relationship with a general hospital sufficiently close, and c) the proposed facility will contribute to the implementation of a plan for comprehensive health care for the area proposed to be served. This Standard will be addressed in the HCAB report, which will be forwarded under separate cover prior to the Board of Supervisors public hearing on this case.

Additional Standard 3 requires that all such uses be designed to accommodate service vehicles with access to the building at a side or rear entrance. The proposed building addition and associated parking do not impact the existing service vehicle entrances located near the side entrance; therefore, this standard is met.

Additional Standard 4 requires that no freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the Comprehensive Plan. The application has requested a modification to this standard as the site has direct access to, but does not front on, Burke Lake Road. As previously noted, staff does not object to this modification. Access to the site is through a compatible use; this will not change with this request.

Additional Standard 5 states that no building shall be located close than 45 feet to any street line or closer than 100 feet to any lot line witch abuts an R-A through R-4 street. The applicant has requested a continuation of an approved modification for the 100' setback requirement between the medical care facility and the adjacent land zoned R-1. As previously noted, staff does not object to this modification.

Additional Standard 6 states that in the R-E through R-5 Districts, no such use shall be located on a lot containing less than 5 acres. The subject property is zoned R-1 and is 7.66 acres; therefore, this standard is met.

Additional Standard 7 describes additional signage for hospitals. As this use is a medical care facility, this Additional Standard is not applicable.

CONCLUSIONS AND RECOMMENDATIONS

Summary of Zoning Ordinance Provisions

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

Staff Conclusions

Staff concludes that the subject application to permit a building addition and associated parking expansion for a previously approved medical care facility is in

harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SEA 85-S-109-02, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the requirement in Part 3 of Article 9 that no freestanding nursing facility be established except on a parcel of land fronting on and with direct access to an existing or planned collector or arterial street.

Staff recommends approval of a modification for the 100 foot setback requirement between the medical care facility and the adjacent land zoned R-1.

Staff recommends approval of a modification of the parking of vehicles near R district lot lines as required in Section 9-609.

Staff recommends approval of a waiver of the 600' maximum private street length.

Staff recommends approval of a modification of the transitional screening requirement for the southeastern property line to allow the landscaping as shown on the SEA Plat.

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.

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

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. Clerk's Letter and Reduction of Plat for SEA 85-S-109-01
5. Plan Citations and Land Use & Environmental Analysis
6. Urban Forest Management Analysis
7. Stormwater Management Analysis
8. Transportation Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SEA 85-S-109-02

December 4, 2008

If it is the intent of the Board of Supervisors to approve SEA 85-S-109-02, located at 9640 Burke Lake Road (Tax Map 78-3 ((1)) 12A) for use as a medical facility 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; these conditions shall supersede previous development conditions. Conditions that are substantively the same and have been carried forward from the previous approval are marked with an asterisk (*).

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 Burke Health and Rehabilitation Center, prepared by Christopher Consultants and dated April 7, 2008 as revised through September 3, 2008, 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. The Environmental Quality Corridor (EQC) as shown on the Special Exception Amendment Plat shall be preserved in an undisturbed, natural state, except that the developer shall have the right to construct and provide for utilities, siltation and erosion devices, trash and debris removal, stormwater detention facilities, a trail, and other activity if determined necessary by the County. Where disturbance of the EQC is unavoidable as determined by the Fairfax County Department of Public Works and Environmental Services (DPWES) for the above activities, a tree preservation and limits of clearing plan shall be submitted to and approved by the Urban Forest Management Division (UFMD) prior to any such disturbance. Disturbed vegetation shall be replanted with indigenous vegetation to the maximum extent possible, as determined by UFMD prior to issuance of the Non-Residential Use Permit (Non-RUP) for the medical care facility.*

5. All required ADA accessible parking spaces will be located adjacent to the building such that no travel aisles will have to be crossed to access the facility.*

6. Alternative access to the building shall be provided so that service vehicles can access the facility without using the main entrance as determined by DPWES.*

7. In order to preserve as much of the site's existing vegetation as possible, landscaping and screening shall be provided in accordance with that shown on the SEA Plat. This screening

shall fulfill the intent of Article 13 of the Zoning Ordinance between the medical care facility, the uses across Burke Center Parkway, and the residential uses on Lot 17A. The existing vegetation shall be supplemented as necessary to screen the adjacent residential uses from the medical care facility, as determined by DPWES. A barrier consistent with the Zoning Ordinance requirements shall be placed along the southern boundary of the site and along that portion of the eastern boundary which abuts Lot 17A.*

8. All existing vegetation west of the easternmost EQC boundary shall remain undisturbed except as permitted in these conditions. No barriers shall be constructed west of the easternmost EQC boundary that bisects the site. Any recreation facilities in this area shall be approved by UFMD and the Department of Planning and Zoning (DPZ) prior to site plan approval.*

9. Prior to the issuance of a Non-RUP for the building addition and subject to approval by Fairfax County Department of Transportation (FCDOT) and VDOT, for the bus stop location identified as stop number 01573 on the Fairfax County Bus Stop Inventory Program, the applicant shall install a concrete loading pad (between curb and sidewalk), a bus shelter pad, and any necessary pedestrian connections and curb cuts. The applicant shall also provide an easement for the shelter, with notice that advertising may be displayed on bus shelters constructed by others upon the subject locations.

10. The bus shelter pad shall be constructed and any necessary easements required to provide this connection shall be obtained.

11. Four sheltered bike racks shall be provided on the site.

12. Foundation landscaping around the building addition shall be provided.

13. Outdoor seating (2 benches) shall be provided in the area of the proposed building addition.

14. Regardless of what is shown on the plan, handicap parking will conform to ADA guidelines.

15. Parking for the subject property shall be in conformance with the conditions associated with Parking Reduction Study Number 25011-PKS-001-1, as may be modified by the Board of Supervisors. If the Board of Supervisors does not approve Parking Reduction Study Number 25011-PKS-001-1, the applicant shall reduce the development to an intensity which can be parked or file a Special Exception Amendment application.

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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 29, 2008
(enter date affidavit is notarized)

I, Jill D. Switkin, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 100074c

in Application No.(s): SEA 85-S-109-02
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

==========

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Medical Facilities of America XXIX (29) Limited Partnership t/a Burke Health and Rehabilitation Center Agent: William H. Fralin, Jr. Amanda L. Gannon Thomas (nmi) Oneta	2917 Penn Forest Boulevard Roanoke, VA 24018	Applicant/Title Owner
Christopher Consultants, Ltd. Agent: Elaine S. Pickering Kevin M. Washington Kelly L. Reichel John B. Rinaldi	9900 Main Street, Fourth Floor Fairfax, VA 22031	Agents/Civil Engineer
John F. Heltzel AIA, P.C. Agent: John F. Heltzel Elizabeth Anne Hooper	9389 Forestwood Lane Manassas, VA 20110	Agents/Architect

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

100074c

Special Exception Attachment to Par. 1(a)

DATE: October 29, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

(**NOTE**: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Cooley Godward Kronish LLP Agents: Antonio J. Calabrese, Esq. Mark C. Looney, Esq. Colleen P. Gillis Snow, Esq. Jill D. Switkin, Esq. Brian J. Winterhalter, Esq. Shane M. Murphy, Esq. Jeffrey A. Nein, AICP, Planner Meaghen P. Murray, Planner (former) Molly M. Novotny, Planner Ben I. Wales, Planner Katherine D. Youngbluth, Planner (former) Jason R. Rogers, Planner (former)	Reston Town Center One Freedom Square 11951 Freedom Drive Suite 1500 Reston, VA 20190	Attorney/Agents

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number(s))

==========

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE**: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Medical Facilities of America, Inc.
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

(1) The Estate of Elbert H. Waldron
(2) G. Wayne Fralin Trust U/W Horace G. Fralin
(3) Kay Leigh Ferguson Trust U/W Ann H. Fralin
(4) William Heywood Lee Fralin Revocable Trust U/D/T 4-48-06

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

100074c

Special Exception Attachment to Par. 1(b)

DATE: October 29, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Christopher Consultants, Ltd.
9900 Main Street, Fourth Floor
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Christopher W. Brown
William R. Goldsmith, Jr.
Louis (nmi) Canonico
William R. Zink
Ruth R. Fields

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
John F. Heltzel AIA, P.C.
9389 Forestwood Lane
Manassas, VA 20110

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
John F. Heltzel
Jeanine K. Heltzel

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Elbert H., Evelyn J., and Karen H. Waldron Charitable Foundation, Inc.
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

This not-for-profit corporation/charitable foundation has no shareholders, nor does it have a 10% or greater interest in Medical Facilities of America XXIX (29) Limited Partnership, the Applicant/Title Owner.

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Estate of Elbert H. Waldron
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiaries:
Karen H. Waldron
Elbert H. Waldron Trust U/A 5/95

==========

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Elbert H. Waldron Trust U/A 5/95
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiaries:
i) Morgan G. Hough Trust U/A 4/95
ii) Karen H. Waldron Trust U/A 5/95
iii) Karen H. Waldron Special Revocable Trust
iv) Elbert H., Evelyn J., and Karen H. Waldron Charitable Foundation, Inc.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Morgan G. Hough Trust U/A 4/95
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiary:
Morgan G. Hough

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Karen H. Waldron Trust U/A 5/95
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiary:
Karen H. Waldron

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Karen H. Waldron Special Revocable Trust
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiary:
Karen H. Waldron

==========

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: October 29, 2008
(enter date affidavit is notarized)

10007Hc

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
G. Wayne Fralin Trust U/W Horace G. Fralin
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiary:
G. Wayne Fralin

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Kay Leigh Ferguson Trust U/W Ann H. Fralin
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiary:
Kay Leigh Ferguson

==========

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
William Heywood Lee Fralin Revocable Trust U/D/T 4-48-06
c/o Medical Facilities of America
2917 Penn Forest Boulevard
Roanoke, VA 24018

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Beneficiary:
W. Heywood Fralin

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number(s))

==========

1(c). The following constitutes a listing*** of all of the **PARTNERS,** both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
Cooley Godward Kronish LLP
Reston Town Center, One Freedom Square
11951 Freedom Drive
Reston, VA 20190
(check if applicable) [✓] The above-listed partnership has no limited partners·

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Gian-Michele a Marca
Jane K. Adams
Maureen P. Alger
Michael F. Armstrong (former)
Gordon C. Atkinson
Michael A. Attanasio
Jonathan P. Bach
Celia Godwag Barenholtz
Frederick D. Baron
James A. Beldner
John M. Benassi (former)
Keith J. Berets
Laura A. Berezin
Laura Grossfield Birger
Russell S. Berman
Barbara L. Borden
Jodie M. Bourdet
Wendy J. Brenner
Lance W. Bridges (former)
Matthew J. Brigham
Robert J. Brigham
John P. Brockland
James P. Brogan
Nicole C. Brookshire
Matthew D. Brown
Alfred L. Browne III
Robert T. Cahill
Antonio J. Calabrese
Linda F. Callison
Roel C. Campos
William Lesse Castleberry
Lynda K. Chandler
Ethan E. Christensen

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Cooley Godward Kronish LLP
Reston Town Center, One Freedom Square
11951 Freedom Drive
Reston, VA 20190

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Richard E. Climan
Samuel S. Coates
Alan S. Cohen
Thomas A. Coll
Joseph W. Conroy
Jennifer B. Coplan
Carolyn L. Craig
John W. Crittenden
Janet L. Cullum
Nathan K. Cummings
John A. Dado
Craig E. Dauchy
Darren K. DeStefano
Scott D. Devereaux
Jennifer Fonner DiNucci
James J. Donato
Michelle C. Doolin
John C. Dwyer
Robert L. Eisenbach, III
Lester J. Fagan
Brent D. Fassett
David J. Fischer
M. Wainwright Fishburn, Jr.
Keith A. Flaum
Grant P. Fondo
Daniel W. Frank
Richard H. Frank
William S. Freeman
Steven L. Friedlander
Thomas J. Friel, Jr.
Koji F. Fukumura
James F. Fulton, Jr.
Phillip J. Gall
William S. Galliani
Stephen D. Gardner
John M. Geschke
Kathleen A. Goodhart
Lawrence C. Gottlieb
Shane L. Goudey
William E. Grauer
Jonathan G. Graves
Paul E. Gross
Kenneth L. Guernsey
Patrick P. Gunn
Zvi (nmi) Hahn
John B. Hale
Andrew (nmi) Hartman
Amy (nmi) Hartman (former)
Bernard L. Hatcher
Matthew B. Hemington
Cathy Rae Hershcopf
John (nmi) Hession
Gordon (nmi) Ho
Suzanne Sowachka Hooper
Mark M. Hrenya
Christopher R. Hutter
Jay R. Indyke
Craig D. Jacoby
Eric C. Jensen
Robert L. Jones
Barclay J. Kamb
Richard S. Kanowitz
Kimberly J. Kaplan-Gross
Jeffrey S. Karr
Scott L. Kaufman
Sally A. Kay
J. Michael Kelly
Jason L. Kent
James C. Kitch
Michael J. Klisch
Michael H. Knight
Jason M. Koral
Barbara A. Kosacz
Gary M. Kravetz (former)
Kenneth J. Krisko
John G. Lavoie
Shira Nadich Levin
Alan (nmi) Levine
Michael S. Levinson
Elizabeth L. Lewis
Michael R. Lincoln
James C. T. Linfield
David A. Lipkin
Chet F. Lipton
Cliff Z. Liu
Samuel M. Livermore
Douglas P. Lobel
J. Patrick Loofbourrow
Mark C. Looney
Robert B. Lovett
Andrew P. Lustig
Michael X. Marinelli
John T. McKenna
Daniel P. Meehan
Beatriz (nmi) Mejia
Thomas C. Meyers
Erik B. Milch
Robert H. Miller
Chadwick L. Mills
Brian E. Mitchell
Patrick J. Mitchell
Ann M. Mooney
Gary H. Moore
Timothy J. Moore
Webb B. Morrow III
Kevin P. Mullen
Frederick T. Muto
Ross W. Nadel (former)
Ryan E. Naftulin

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Cooley Godward Kronish LLP (continued)
Reston Town Center
11951 Freedom Drive
Reston, VA 20190

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Stephen C. Neal
James E. Nesland
Alison (nmi) Newman
William H. O'Brien
Thomas D. O'Connor
Vincent P Pangrazio
Timothy G. Patterson
Anne H. Peck
D. Bradley Peck
Susan Cooper Philpot
Benjamin D. Pierson
Frank V. Pietrantonio
Mark B. Pitchford
Michael L. Platt
Christian E. Plaza
Lori R. E. Ploeger
Thomas F. Poche
Anna B. Pope
Marya A. Postner
Steve M. Przesmicki
Seth A. Rafkin
Frank F. Rahmani
Marc (nmi) Recht
Thomas Z. Reicher
Eric M. Reifschneider
Michael G. Rhodes
Michelle S. Rhyu
Paul M. Ritter (former)
Julie M. Robinson
Ricardo (nmi) Rodriguez
Adam C. Rogoff
Jane (nmi) Ross
Richard S. Rothberg
Adam J. Ruttenberg
Adam L. Salassi
Thomas R. Salley III
Richard S. Sanders
Glen Y. Sato
Martin S. Schenker
Joseph A. Scherer
Paul H. Schwartz
William J. Schwartz
Brent B. Siler
Gregory A. Smith
Whitty (nmi) Somvichian
Mark D. Spoto
Wayne O. Stacy
Neal J. Stephens
Donald K. Stern
Michael D. Stern
Anthony M. Steigler
Steven M. Strauss
Myron G. Sugarman
Christopher J. Sundermeier
Ronald R. Sussman
C. Scott Talbot
Mark P. Tanoury
Philip C. Tencer
Gregory C. Tenhoff
Michael E. Tenta
Timothy S. Teter
John H. Toole
Robert J. Tosti
Michael S. Tuscan
Edward Van Gieson
Miguel J. Vega
Erich E. Veitenheimer III
Aaron J. Velli
Robert R. Vieth
Lois K. Voelz
Craig A. Waldman
Kent M. Walker
David A. Walsh
David M. Warren
Steven K. Weinberg
Thomas S. Welk
Christopher A. Westover
Francis R. Wheeler
Brett D. White
Peter J. Willsey
Nancy H. Wojtas
Jessica R. Wolff
Nan (nmi) Wu
John F. Young
Kevin J. Zimmer

Additions:

- Elias J. Blawie
- Matthew T. Browne
- Dennis (nmi) Childs
- Renee R. Deming
- Sonya F. Erickson
- M. Manuel Fishman
- Alison J. Freeman-Gleason
- Jon E. Gavenman
- Kevin F. Kelly
- Robin J. Lee
- Natasha V. Leskovsek
- Mark A. Medearis
- Keith A. Miller
- Amy E. Paye
- John W. Robertson
- John H. Sellers
- Renee (nmi) Schwartz
- Mark B. Weeks
- Mark (NMI) Windfield-Hansen
- Mavis L. Yee

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Medical Facilities of America XXIX (29) Limited Partnership
2917 Penn Forest Boulevard
Roanoke, VA 24018

(check if applicable) [ ] The above-listed partnership has no limited partners·

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Medical Facilities of America, Inc. (sole General Partner)

Medical Facilities of Virginia II Limited Partnership (sole Limited Partner)

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: October 29, 2008
(enter date affidavit is notarized)

100074c

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Medical Facilities of Virginia II Limited Partnership
2917 Penn Forest Boulevard
Roanoke, VA 24018

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Medical Facilities of America, Inc. General Partner

Estate of Elbert H. Waldron* Limited Partners
William Heywood Lee Fralin
Revocable Trust U/D/T 4-48-06*
Kay Leigh Ferguson Trust U/W Ann Huff
Fralin
The Cates Living Trust
Challen Cates Living Trust
Lilly Ann Bechtel Trust II
Karen W. Lester Trust
G. Wayne Fralin Trust
Elbert H. Waldron and E. J. Waldron
Family Trust
Karen H. Waldron
Luis Warf
G. Ronald Hager
BFS Medical Facilities Holdings, LP
Robert Frank Peck
William K. Anglim
Trevor Holly Cates Trust
Katherine Fralin Walker Trust
Katherine Fralin Walker
Robert P. Fralin Trust
Robert P. Fralin
William W. Cates
Morgan G. Hough
Morgan G. Hough Trust
Carole S. Whitney
Adam Fralin Bechtel Trust II
Kay Leigh Ferguson Trust
William H. Fralin, Jr.
Mark W. Fralin
Michael G. Fralin
William S. Fralin
Donald W. Rhinehart
The Trevor Cates Separate Property Trust
Jill Fralin Trivellin
John T. Fralin
Gale E. Fralin

* Owns 10% or more of Applicant/Title Owner

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 29, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 85-S-109-02
(enter County-assigned application number(s))

100074c

==========

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on the line below.)
None.

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 85-S-109-02
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: October 29, 2008 100074c
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.
EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on line below.)

Myron G. Sugarman, a partner at Cooley Godward Kronish LLP, made a contribution in excess of $100 to the Connolly for Congress campaign.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature: Jill Switkin

(check one) [✓] Applicant [✓] Applicant's Authorized Agent

Jill D. Switkin
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 29th day of October 2008, in the ~~State~~/Comm. of Virginia, County/~~City of~~ Fairfax.

Betty C. Levshion
Notary Public

My commission expires: 10/31/2010

BETTY C. LEVSHION
Notary Public
Commonwealth of Virginia
322548
My Commission Expires Oct 31, 2010

RECEIVED
Department of Planning & Zoning
APR 18 2008
Zoning Evaluation Division

Statement of Justification
SEA 85-S-109-02

Medical Facilities of America 29 LP
Health & Rehabilitation Center Expansion

I. INTRODUCTION

Medical Facilities of America 29 LP (the "Applicant") requests approval of an amendment to Special Exception SE 85-S-109 to permit construction of a modest addition to the Burke Health & Rehabilitation Center, identified on the Fairfax County Tax Map as 78-3((1)) 12A (the "Property"). The proposed amendment to Special Exception SE 85-S-109, which initially was approved by the Fairfax County Board of Supervisors in 1985 to permit a medical care facility (the "Burke Health & Rehabilitation Center or the Health & Rehabilitation Center") and was amended in 1987 to permit the facility's reconfiguration, is consistent with Fairfax County's Comprehensive Plan and will allow the Applicant to expand its rehabilitation efforts with existing patients.

II. BACKGROUND

The Property is approximately 7.66 acres in size and is located north of Burke Center Parkway, west of Burke Lake Road and just north and west of the intersection of those two roads, within the Middle Run Community Planning Sector of the Pohick Planning District. The Property, locate on the perimeter of the Burke Center Planned Residential Community ("PRC"), is shown on the Comprehensive Land Use Plan map for Alternative Uses and is appropriate for incorporation into the Burke Centre PRC or for residential uses at 2-3 dwelling units per acre.

The Property is zoned R-1 and contains an approximately 41,909 square foot Health & Rehabilitation Center. The R-1 District is intended to provide for single family detached dwellings and to allow other selected uses which are compatible with the low density residential character of the district. Those uses include congregate living facilities, independent living facilities and medical facilities, among others ("Category 3 Quasi-Public Uses").

In 1985, the Fairfax County Board of Supervisors ("BOS") approved the use of a medical care facility (SE-85-S-109) on the Property. Under this approval, the Health & Rehabilitation Center was permitted up to 120 patient beds, a dining and kitchen area, and a recreational area. In October 1987, a Special Exception Amendment (SEA 85-S-109) to revise the Health & Rehabilitation Center configuration relative to the kitchen and dining area was approved by the BOS. Further, the BOS approved Special Exception Amendment (SEA 85-S-109-1) to further modify the configuration of the Health & Rehabilitation Center to relocate a portion of the proposed building and associated parking lot outside the floodplain limits located within the Property. No additional patient rooms were proposed with these special exception amendments.

II. SPECIAL EXCEPTION AMENDMENT

This application requests approval of a second amendment to Special Exception SE 85-S-109 to permit construction of an approximately 4,234 square foot recreational and rehabilitative addition (the "Addition") to the Health & Rehabilitation Center. The single-story addition is

proposed on the west side of the Health & Rehabilitation Center while an additional 24 parking spaces will be provided on the east side to accommodate guests and employees.

The Applicant intends to use the Addition for the benefit of current Health & Rehabilitation Center patients and to enhance patient care, not to increase its registration. As such, no new patient rooms are proposed with the Addition. Similarly, the Special Exception Amendment does not introduce any use not already permitted. Rather, the result of the Addition is a more progressive medical care facility than that existing and in operation under the current zoning approvals.

The Addition is driven by the changing needs of the elderly population in Fairfax County. In the 1980s, when the Health & Rehabilitation Center was initially designed and approved, medical care facilities and post-acute care rehabilitation were in substantially less demand than they are today. However, our elderly residents are living longer and are being discharged from hospitals sooner, with a need for ongoing rehabilitative care. In fact, the Health & Rehabilitation Center's post-acute care population has doubled in the last two years and now comprises 50 percent of the facility's total patient population.

The Health & Rehabilitation Center fulfills only the basic rehabilitative needs of its patients. The modest Addition will permit the Health & Rehabilitation Center to house all of its physical, occupational and speech therapists, progressive rehabilitative technology and associated computer equipment in a single location. The Addition also will serve Health & Rehabilitation Center patients by giving them a larger space in which to conduct physical, occupational and speech therapy.

An Environmental Quality Corridor ("EQC") stream valley is located within the Property and is approximately 80 feet from the proposed Addition at its closest point. Additionally, the proposed Addition lies alongside a 100-year floodplain easement line. The Applicant intends to take all necessary measures to protect and preserve the wooded areas and steep slopes adjacent to the EQC stream valley and floodplain. No clearing or grading is anticipated in these areas, which will allow the environmentally sensitive areas to remain in their natural state.

III. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Middle Run Community Planning Sector of the Pohick Planning District is designated as one of Fairfax County's most stable neighborhoods of single-family, townhouse and multi-family units, with complementary commercial and institutional uses. The Comprehensive Plan classifies the Middle Run Community Planning Sector as Suburban Neighborhood, with this portion located within the South Run watershed as Low Density Residential Area.

The Middle Run Community Planning Sector is located in the southwestern quadrant of Fairfax County, north of Ox Road (Route 123)/Fairfax County Parkway, and south of the Southern Rail Road line. The Comprehensive Land Use Map designates the Property for Alternative uses or residential uses at up to 3 dwelling units per acre.

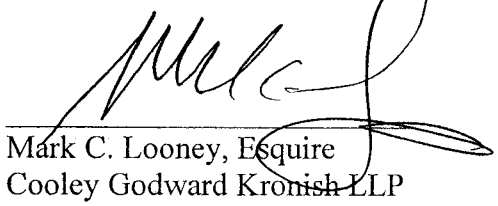
The Policy Plan portion of the Comprehensive Plan encourages development of healthcare facilities to provide a productive lifestyle for the aging population and physically disabled. The Applicant's proposed Addition supports this policy by introducing medically-advanced physical

therapy exercise equipment and a progressive medical/physical rehabilitation program into the community.

The proposed Addition at this distinct and unique location will be a compatible and complementary use to the surrounding residential communities. The proposed Addition will be architecturally compatible with the existing Health & Rehabilitation Center, as well as surrounding residential and institution uses, and is designed to mitigate visual impacts. With the Addition, the Burke Medical Center is developing a sophisticated health care facility while expanding the County's tax base and promoting the well-being of County residents. The Applicant's proposed Addition, therefore, is consistent with the Policy Plan's recommendation to promote a variety of healthcare facilities in underserved areas.

CONCLUSION

As proposed, the proposed Addition to the Burke Health & Rehabilitation Center will enhance the facility's status as a state-of-the-art medical care facility and is consistent with the guidance and standards set forth in the Comprehensive Plan and the Zoning Ordinance. The expansion at this facility will allow the Applicant to provide a broader-range of health-related services in an underserved area of the County. Therefore, the Applicant requests approval by the Board of Supervisors of this much needed amendment to the existing Special Exception.



Mark C. Looney, Esquire
Cooley Godward Kronish LLP

311930 v8/RE

IV. CONFORMANCE WITH ZONING ORDINANCE SECTION 9-011 (WRITTEN STATEMENT)

A. Type of operation: The Applicant proposes to add an approximately 4,234 square foot recreational and rehabilitative facility to the existing Health & Rehabilitation Center.

B. Hours of operation: The existing Health & Rehabilitation Center operates as a twenty-four hour facility since it provides inpatient health care and rehabilitative services. However, the hours at which the maximum number of employees that are on the Property at any one time is typically between 9 am and 5 pm.

C. Estimated number of patrons/clients/patients/pupils/etc.: The proposed Addition is directed to serve approximately 120 existing patients at the Health & Rehabilitation Center. No new patient rooms are proposed with this application.

D. Proposed number of employees/physical trainers/etc.: The Applicant proposes a maximum of 82 employees plus 1 maintenance personnel on the Property at any one time.

E. Estimate of traffic impact for the proposed use: The proposed Addition is accessory to and supportive of the Health & Rehabilitation Center, and no new patient rooms are proposed. The Applicant does not anticipate adverse impacts to AM and PM peak hour, and/or Average Daily Trips (ADT) traffic as a result of the Addition. If determined to be necessary by Staff, Applicant will provide a Traffic Impact Study addressing traffic impacts for the proposed use during the review process.

F. Vicinity of general area to be served by the use: The proposed Addition will serve the Pohick Planning District specifically and also Fairfax County generally.

G. Description of building façade and architecture of proposed new building or additions: The existing building is brick. The proposed Addition will be complementary and compatible to the existing brick façade.

H. A listing, if known, of all hazardous or toxic substances as set forth in applicable county, state and federal regulations: To the best of the Applicant's knowledge, there are no such materials located or stored on the Property.

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, standards or conditions: To the best of the Applicant's knowledge, the proposed development will comply with all applicable standards, ordinances and regulations.

V. CONFORMANCE WITH ZONING ORDINANCE SECTION 9-006 (GENERAL STANDARDS)

A. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. The Applicant's proposed Addition conforms to the guidelines of the Comprehensive Plan, and will increase the accessibility of health care services in the area of the Property.

B. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. The proposed use is in harmony with the general purpose and intent of the R-1 zoning district because it provides complementary and compatible uses with the low density residential character of the district. The R-1 zoning district permits medical care facilities by special exception, and the proposed Addition is a less intensive use than many uses permitted by special permit and special exception in the R-1 zoning district.

C. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The Addition will not adversely affect the future development of neighboring properties. The properties adjacent to and abutting the Property are already developed in conformance with the Comprehensive Plan.

D. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. Pedestrian access to the site will continue to be provided via the sidewalks located along the surrounding streets. The site layout provides for safe and efficient pedestrian and vehicular circulation through and within the site.

E. In addition to the standards which may be set forth in this Article for a particular use, the Board shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance. Landscaping in accordance with Article 13 of the Zoning Ordinance is provided on site.

F. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. R-1 open space requirements are not applicable to the Property, as the site is not within a clustered development. However, the site layout for the Health & Rehabilitation Center, as expanded, provides for 74 percent open space.

G. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11. As indicated on the Special Exception Plat, adequate utilities, stormwater management, parking and loading will be provided on the site. The impervious surface associated with the proposed Addition will have a neglible impact on water quality and a minimal impact on stormwater runoff.

H. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the BZA may impose more strict requirements for a given use than those set forth in this Ordinance. Signage will be provided in conformance with Article 12 of the Zoning Ordinance.

VI. CONFORMANCE WITH ZONING ORDINANCE SECTION 9-304 (CATEGORY 3 STANDARDS)

A. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to

residents of properties within the general area of the location. Not applicable. The Applicant is a private corporation; therefore, the proposed Addition is not a public use.

B. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located. The existing Health & Rehabilitation Center and proposed Addition on the Property will comply with the lot size requirements of the R-1 zoning district.

C. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Section 9-607, the maximum building height for a Category 3 use may be increased. The proposed Addition on the Property will comply with the bulk regulations of the R-1 zoning district.

D. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14. The Applicant's proposal complies with the performance standards specified in Article 14 for the R-1 zoning district and will not require the submission of a sports illumination plan.

E. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. The Applicant will comply with the provisions of Article 17 prior to establishment of its proposed Addition.

VII. CONFORMANCE WITH ZONING ORDINANCE SECTION 9-308 (MEDICAL CARE FACILITIES)

1. In its development of a recommendation and report as required by Par. 3 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information from comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of Supervisors shall be bound by any such information or comment. The Health Care Advisory Board may hold such hearing or such hearings as may seem appropriate, and may request of the Board of Supervisors such deferrals of Board action as may be reasonably necessary to accumulate information upon which to base a recommendation. Not applicable. The Health & Rehabilitation Center was established with SE 85-S-109 and received the necessary approvals from the Health Care Advisory Board at that time. The Applicant's proposal will require no new approvals, as the Addition is an accessory use and is unrelated to primary health care services.

2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:

   a. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account

alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant. The need for the existing Health & Rehabilitation Center on the Property was demonstrated at the time of SE 85-S-109.

b. Any proposed treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services. Not applicable.

c. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility. The proposed Addition will contribute to the comprehensive health care experience by providing recreational and rehabilitative uses for post-acute care.

3. All uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance. The existing medical care facility layout currently provides adequate access for service vehicles. The proposed use will have no adverse impact on vehicular circulation.

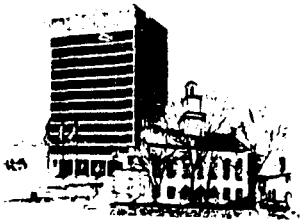
4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan. The Applicant's proposed Addition is for recreational and rehabilitative uses for the existing Health & Rehabilitation Center. The Health & Rehabilitation Center does not front on a collector or arterial street; however, has direct access to a collector road (Burke Lake Road (Rt. 645)).

5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District. The Health & Rehabilitation Center was granted a modification to encroach the building setback as part of SEA 85-S-109-1 and SEA 85-S-108-2. The Applicant is seeking continuance of the modification for the Health & Rehabilitation Center along its eastern property line. The Addition will be located no closer than 45 feet to any street line or 100 feet to any abutting R-A through R-4 District.

6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres. The Burke Health & Rehabilitation Center, together with the proposed recreational and rehabilitative Addition, is located on 7.66 acres.

7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order o provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs. Not applicable.

APPENDIX 4



COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 2030

COUNTY
1987
ON OF
ADMINISTRATION

October 22, 1987

Francis A. McDermott, Esquire
Hazel, Beckhorn, Thomas, Fiske and Hanes
4084 University Drive
Post Office Box 547
Fairfax, Virginia 22030

Re: Special Exception Amendment
Number SEA 85-S-109-1
(Concurrent with SEA 85-S-108-2)

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on October 19, 1987, the Board approved Special Exception Amendment Number SEA 85-S-109-1, in the name of Medical Facilities of America, located at Tax Map 78-3 ((1)) pt. 12, pt. 15 and pt. 16 for use as a medical care facility pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat and these conditions.

4. The Environmental Quality Corridor (EQC) as shown on the Special Exception Amendment revised September 1987, shall be preserved in an undisturbed, natural state, except that the developer shall have the right to construct and provide for utilities, siltation and erosion devises, trash and debris removal, stormwater detention facilities, a trail, and other activity if determined necessary by the County. Where disturbance of the EQC is unavoidable as determined by the Department of Environmental Management (DEM) for the above activities, a tree preservation and limits of clearing plan shall be submitted to and approved by the County Arborist prior to any such disturbance. Disturbed vegetation shall be replanted with indigenous vegetation to the maximum extent possible, as determined by DEM and the County Arborist prior to issuance of the Non-Residential Use Permit for the medical care facility.

5. All required handicap parking spaces will be located adjacent to the building such that no travel aisles will have to be crossed to access the facility.

6. Alternative access to the building will be provided so that service vehicles can access the facility without using the main entrance as determined by DEM.

7. In order to preserve as much of the site's existing vegetation as possible, landscaping and screening shall be provided in accordance with that shown on the Special Exception Amendment Plat as revised September, 1987. This screening shall fulfill the intent of the Article 13 of the Zoning Ordinance between the medical care facility and the uses across Burke Centre Parkway and the residential uses on lot 17A in that existing vegetation shall be supplemented as necessary to screen the adjacent residential uses from the medical care facility as determined by DEM. A barrier consistent with the Zoning Ordinance requirements shall be placed along the southern boundary of the site and along that portion of the eastern boundary which abuts lot 17A.

8. All existing vegetation west of the easternmost EQC boundary shall remain undisturbed except as permitted in these conditions. No barriers shall be constructed west of the easternmost EQC boundary that bisects the site. Any recreation facilities in this area shall be approved by the County Arborist and Office of Comprehensive Planning prior to Site Plan approval.

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.

Under Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception Amendment unless the activity authorized has been established, or unless construction has commenced, and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception Amendment. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

The Board also modified the 100-foot setback requirement between the medical care facility and the adjacent land zoned R-1.

Further, the Board modified the transitional screening requirements between these two uses (Special Exception Amendment Applications SEA 85-S-108-2 and SEA 85-S-109-1) in favor of that shown on the Special Exception Amendment Plats, as modified by the development conditions.

In addition, the Board directed that the Director of the Department of Environmental Management waive the 600-foot maximum street length requirement for private streets.

If you have any questions concerning this Special Exception Amendment, please give me a call.

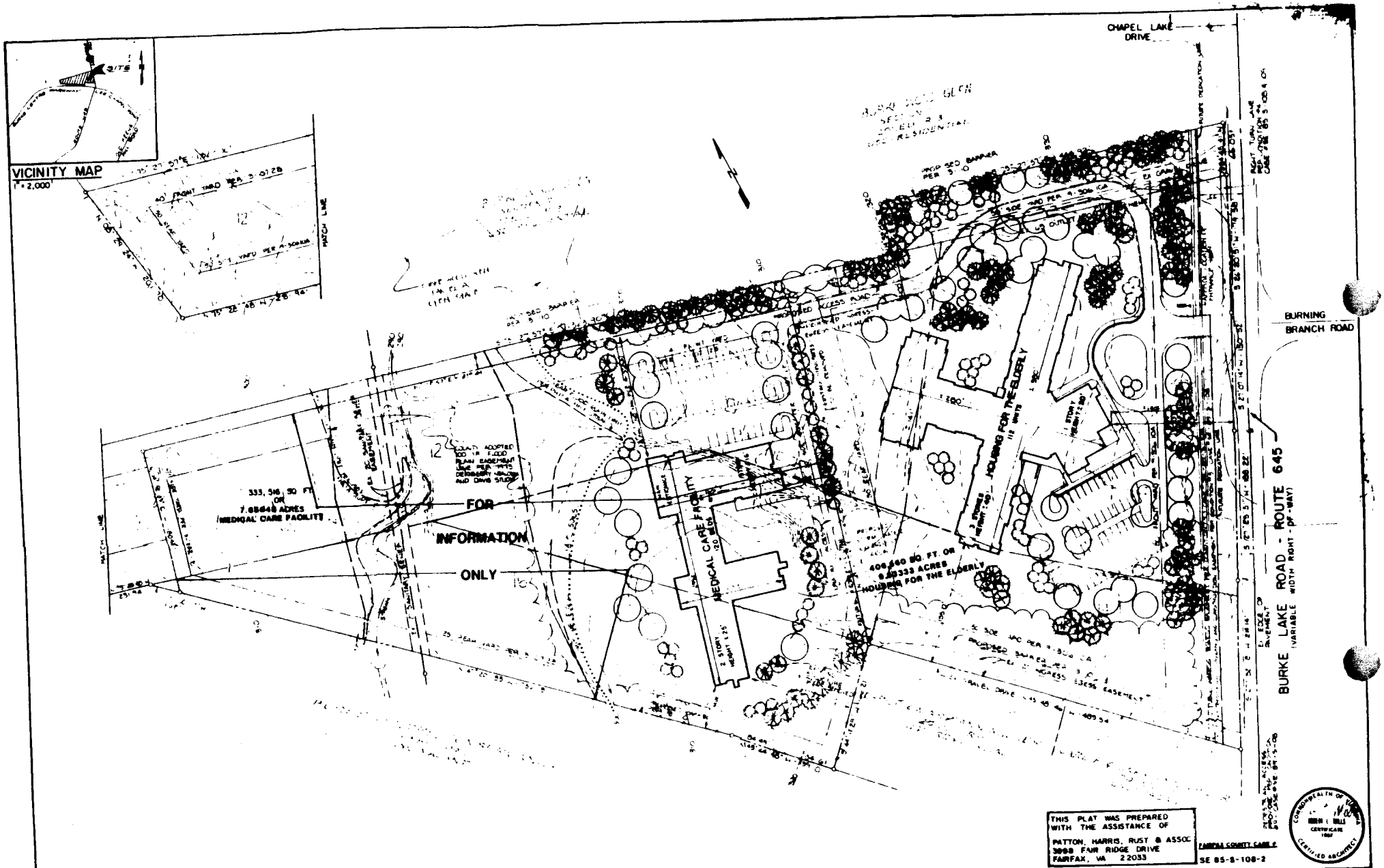
Very truly yours,

Ethel W. Register

Ethel W. Register, CMC, Agency Director
Office of the Clerk to the Board

EWR/ns

cc: Joseph T. Hix
Real Estate Division, Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Donald D. Smith
Permit, Plan Review Branch
Seldon H. Garnet, Chief
Inspection Services Division
Building Plan Review Branch
Barbara A. Byron, Director
Zoning Evaluation Division



MOW MILLS, OLIVER & WEBB, INC.
ARCHITECTS · ENGINEERS BLACKSBURG, VIRGINIA

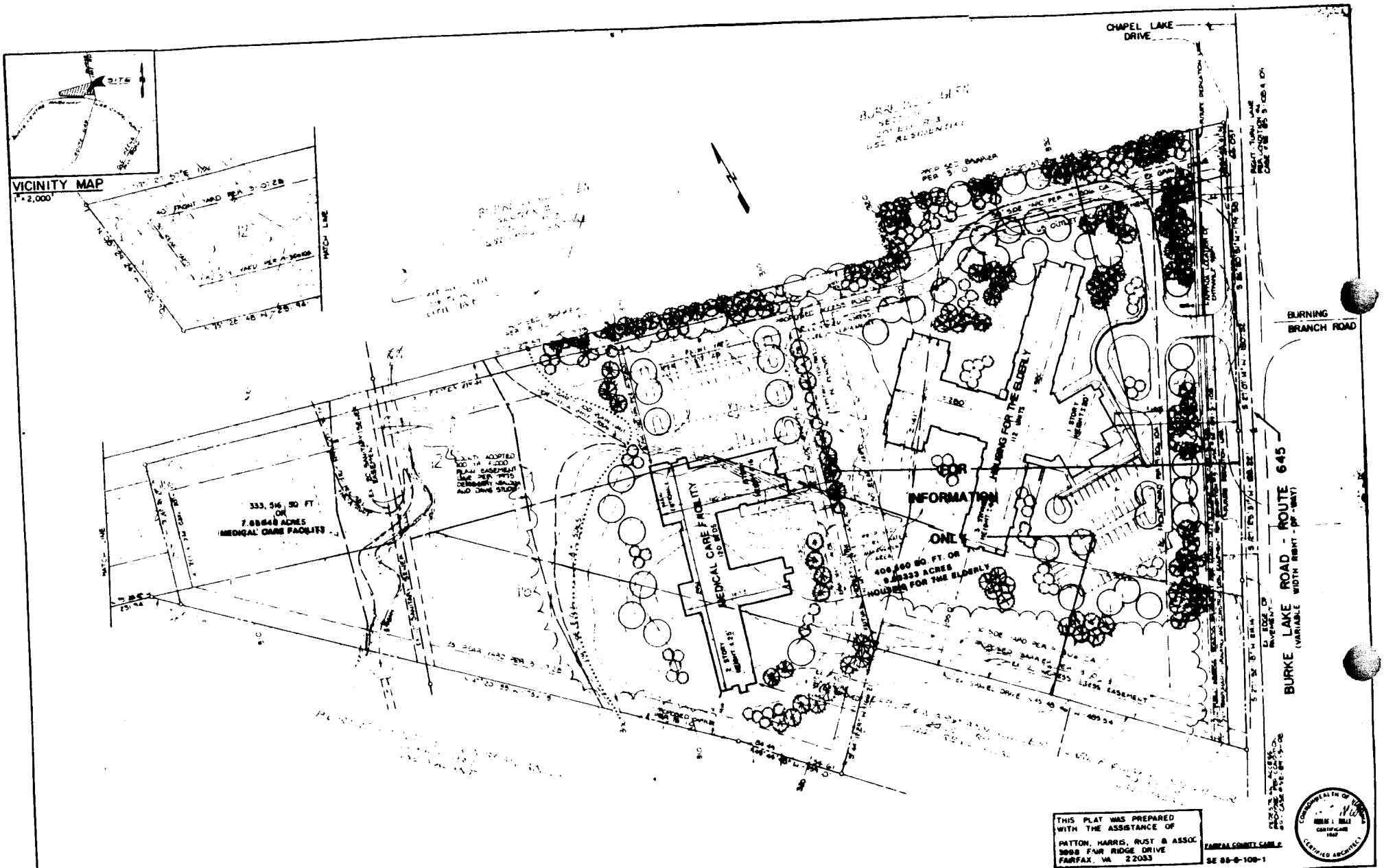
designed	WON
drawn	TAC, KLH
checked	
approved	
comm. no.	8532
date	30 APRIL 1987

BURKE RETIREMENT CENTER & HEALTH CARE CENTER
HOUSING FOR HE ELDERLY
SPRINGFIELD DISTRICT, FIRFAX COUNTY, VIRGINIA

no.	revisions	date
	[illegible]	11-4-87

SPECIAL EXCEPTION AMENDMENT PLAT
SCALE 1" = 50' CONTOUR INTERVAL = 2'

SHEET 1 OF 2



MOW MILLS, OLIVER & WEBB, INC.
ARCHITECTS · ENGINEERS BLACKSBURG, VIRGINIA

designed WON
drawn TAC, KLH
checked

approved
comm. no. 8332
date 30 APRIL 1987

BURKE RETIREMENT CENTER & HEALTH CAR CENTER
MEDICAL CARE FACILITY
SPRINGFIELD DISTRICT, FAIRFAX COUNTY, VIRGINIA

no.	revisions	date

SPECIAL EXCEPTION AMENDMENT PLAT
SCALE 1" = 50' CONTOUR INTERVAL = 2'

SHEET 1 OF 2

County of Fairfax, Virginia

MEMORANDUM

DATE: July 24, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis and Environmental Assessment: SEA 85-S-109-02
Medical Facilities of America

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Exception Amendment (SEA) application dated April 7, 2008 as revised through July 10, 2008. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested.

DESCRIPTION OF THE APPLICATION

The applicant, Medical Facilities of America XXIX 29 LP, proposes to amend the existing special exception approved in 1985 for a medical care facility on a 7.66 acre site to permit site modifications and building additions. A one-story 4,234 square foot addition for recreational and rehabilitative services on the west side of the existing facility and 24 additional parking spaces on the east side are proposed. The applicant is proposing a total of 91 parking spaces on the site; the Fairfax County Zoning Ordinance requires 122 spaces. The proposed floor area ratio will increase from .12 to .14, with an increase in impervious area from 23 to 25 percent of the site. 3.91 acres of the 7.66 acre site is a Resource Protection Area (RPA) and an Environmental Quality Corridor (EQC) and 100-year floodplain also exists.

LOCATION AND CHARACTER OF THE AREA

The subject property is located on the perimeter of the Burke Centre Planned Residential Community (PRC) directly to the north of Burke Centre Parkway and to the west of Burke Lake Road. Bordering the property to the east are a senior living facility and single-family detached home. A thin strip of vacant land that is part of the senior living facility parcel runs along the northern boundary of the subject property and connects to a larger piece of vacant land to the west of the property that is also part of the same parcel. To the north of the thin strip of land is a neighborhood of single-family detached homes that is part of the Burke Centre PRC. Directly to the south is a thin strip of private open space and across Burke Centre

Parkway are a church and single-family attached houses that are all part of the Burke Centre PRC.

COMPREHENSIVE PLAN CITATIONS:

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Pohick Planning District, P6- Middle Run Community Planning Sector, as amended through August 6, 2007, page 69, the Plan states:

"4. Parcels 78-3((1))9, 12A, 13A, 17, 17A, 32, and 47 and 77-3((1))5, 5A, 6B and 6C on the perimeter of the Burke Centre Residential Planned Community are shown on the Comprehensive Land Use Plan map for Alternative Uses. These parcels are appropriate for incorporation into the Burke Centre RPC or residential use at 2-3 dwelling units per acre. This recommendation is consistent with long-standing land use guidance for these parcels on the periphery of Burke Centre."

Environment

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, pages 7 to 15, the Plan states:

"Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements. . . .

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques...

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Objective 3: **Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .

Objective 9: **Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.**

Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC)... Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.

- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.

- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.

- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements...:

- All 100 year flood plains as defined by the Zoning Ordinance;

- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;

- All wetlands connected to the stream valleys; and

- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to

the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical.

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered. . . .

Objective 10: **Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way. . . ."

COMPREHENSIVE PLAN MAP: Alternative Uses

LAND USE ANALYSIS

The applicant is proposing a modest expansion of an existing use for recreational and rehabilitative services. The proposed addition is found to be in harmony with the Comprehensive Plan.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been

identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities.

Water Quantity and Quality The subject property is located in the Pohick Creek watershed. An unnamed tributary of Pohick Creek traverses the property south to north in the western portion of the site. The proposed building addition is adjacent to the RPA, EQC and floodplain, but will not impact these environmentally sensitive areas. An RPA re-delineation was approved by the Department of Public Works and Environmental Services in February 2008.

The entire site drains, undetained, to the Pohick Creek tributary. Runoff from the site either sheet flows through the wooded area on site into the floodplain or is piped through an underground system to a riprap ditch that discharges through the floodplain into the stream onsite. The applicant plans to submit a stormwater management (SWM) waiver request. The proposed building addition and parking lot expansion will increase the site's imperviousness from 23 to 25 percent. Best management practices (BMP) for the increase in impervious area is proposed to be addressed by using the floodplain easement as a conservation area.

The adequacy of the submission materials as well as any proposed SWM/BMP measures will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

Vegetation Approximately 3.79 acres of the site consists of a variety of maturing trees located with the RPA/EQC, which will remain undisturbed. Several mature trees outside of the protected area will be removed to accommodate the proposed building addition and expansion of the existing parking lot. The applicant has proposed to provide additional trees in the existing parking lot and several trees in the area near the proposed parking lot expansion. It is recommended that additional trees be planted to the west and south of the proposed addition within the area of clearing and grading to replace the existing trees that will be removed.

COUNTYWIDE TRAILS PLAN

No trails are depicted on the Countywide Trails Plan Map.

PGN: JRB

County of Fairfax, Virginia

MEMORANDUM

July 16, 2008

TO: Suzianne Battista, Staff Coordinator
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Burke Health and Rehabilitation Center, SEA 85-S-109-02, 025011-ZONA-001-1

The following comments are based on a review by Urban Forest Management Division staff of the above referenced SEA request, stamped as received by the Department of Planning and Zoning on July 11, 2008, and a response letter to comments made June 16, 2008.

1. **Comment:** In response to our previous comment about the required transitional screening 2 and barriers D, E or F along the northern, southern and southeastern property boundaries of the site, where adjacent to residential uses, applicant has submitted requests for modifications of these requirements as shown on the plat. Only the southeast boundary is adjacent to residential use and the other boundaries have similar uses (and vegetation) as pointed out in your response. Additional vegetation is proposed along the southeast boundary to supplement the existing vegetation. However, it is UFMD's opinion that too much additional vegetation is proposed and that the new vegetation and the existing trees interfere with each. Planting this many trees is not conducive to long term survival of both existing and proposed trees.

   Recommendation: UFMD does not believe that modifications of transitional screening are required along the northern and southern boundary as the adjacent use is not residential and therefore no transitional screening is required. We recommend removal of the requests for modification to avoid confusion. Furthermore, UFMD recommends reducing the number of proposed plants in the southeastern transitional screening yard so as not to interfere with the roots and overhanging canopy of the existing trees.

2. **Comment:** The proposed trees are expressed in medium and large deciduous and evergreen trees, but no sizes, only sf is given. When specifying what trees are proposed it would be clearer to use the Categories as used in Table 12.7 of the PFM.

   Recommendation: When specifying which trees are proposed, use Category I, II III or IV trees, plus their size as expressed in the PFM table 12.7.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

3. **Comment:** When looking at the interior parking lot landscaping trees it is slightly confusing to determine which trees are new and which trees are existing. It would be greatly appreciated if the symbols for existing and proposed trees could be made more evident.

   Recommendation: Use symbols or shading that differentiate the existing trees from the proposed interior parking lot landscaping trees.

   Please call if you have any questions.

AID/
UFMID #: 137240

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

County of Fairfax, Virginia

MEMORANDUM

June 16, 2008

TO: Suzianne Battista, Staff Coordinator
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Burke Health and Rehabilitation Center, SEA 85-S-109-02, 25011-ZONA-001-1

The following comments are based on a review by Urban Forest Management Division staff of the above referenced SEA request, stamped as received by the Department of Planning and Zoning on April 18, 2008, and a site visit on June 10, 2008.

1. **Comment:** Transitional screening 2 and barriers D, E or F are required along the northern, southern and southeastern property boundaries of the site, where adjacent to residential uses. The required transitional screening yards are not shown and labeled.

   Recommendation: Show and label all required transitional screening yards and barriers. If they cannot be provided, a modification request needs to accompany this SEA request, or a waiver/modification request shall be submitted to the Urban Forest Management Division for review.

2. **Comment:** The interior parking lot landscaping calculations are incorrect. Interior parking lot landscaping credit has been taken for many evergreens (only deciduous trees may be counted toward interior parking lot landscaping per the PFM), for trees that are located within a sanitary sewer and a storm sewer easement and for trees that are in very poor condition and dying (two dogwoods in the storm sewer).

   Recommendation: Provide adjusted interior parking lot landscaping calculations which remove evergreens, dead and dying vegetation as well as trees that are located in utility easements.

3. **Comment:** It is not clear if tree cover credit has been taken for trees located within the sanitary sewer easement on the north side of the project or the storm sewer easement that runs through the middle of the site.

   Recommendation: If tree cover credit has been taken for these trees, remove them from the tree cover calculations and submit adjusted tree cover calculations.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

4. **Comment:** It is not clear if there is work proposed on the emergency access road other then additional parking to be created on the north side. The limits of clearing on the south side of this access road are shown too close to the trunk of a large river birch that is presently used toward meeting the interior parking lot landscaping calculations. This tree is close to the edge of pavement and overhanging the access road. Any work in the root zone of this tree could compromise the health of this tree.

   Recommendation: If no work is proposed on the access road (asphalt is not removed, no grading proposed) we recommend moving the limits of clearing to the edge of the pavement.

Please contact me if you have any questions.

AID/
UFMID #: 137240

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

County of Fairfax, Virginia

MEMORANDUM

DATE: SEP 2 4 2008

TO: Suzanne Battista, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer QK
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Amendment Application SEA 85-S-109-2, Burke Health & Rehabilitation Center, LDS Project #025011-ZONA-001-2, Special Exception Amendment, Plat Dated July 10, 2008, Tax Map #078-3-01-00-0012-A, Braddock District

We have reviewed the referenced submission and offer the following comments:

Chesapeake Bay Preservation Ordinance (CBPO)
A Resource Protection Area was established on this site in 2003. This RPA has been redelineated (025011-RPA-001-1) and approved in 2007. The plat depicts the approved RPA redelineation plan number, and approval date.

The applicant is meeting the best management practices requirements by using the credit for the on-site open space.

Floodplain
There is a floodplain on the site and the applicant has provided a reference to the floodplain study.

Downstream Drainage Complaints
Three are no downstream drainage complaints for this site.

Stormwater Detention
The applicant requests a waiver of on-site detention requirements. A formal application needs to be submitted to the Director, DPWES for this purpose.

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359

Site Outfall

The applicant has provided the outfall narrative. Cross-sections and velocity details need to be submitted with the site plan.

Please contact me at 703-324-1720 if you have any questions or require further clarification.

QK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application File (1228-ZONAV-003-A-2)

County of Fairfax, Virginia

MEMORANDUM

DATE: July 7, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division,
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 85-S-109)

SUBJECT: Transportation Impact

REFERENCE: SEA 85-S-109-2; Medical Facilities of America XXIX (29) LP
Traffic Zone: 1589
Land Identification Map: 78-3 ((01)) 12A

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the special permit amendment plat dated April 7, 2008.

The application proposes to add approximately 4,234 square feet of recreational and rehabilitive facility to the existing 41,909 square foot health and rehabilitation center.

The department has reviewed the subject application and mentions the following:

- The applicant should provide a bus shelter pad located at the south-eastern portion of their site along Burke Center Parkway (Route 643), along with a concrete loading pad between curb and sidewalk), any necessary easements and any necessary pedestrian connections and curb cuts.

- The applicant should provide sheltered bicycle racks.

AKR/AK C:SEA85S109Medicl Facilities
CC: Michelle Brickner, Director, Design Review, DPW & ES

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot

FCDOT
Serving Fairfax County for 25 Years and More

(7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:

(a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and

(b) the maximum permitted FAR for the zoning district shall not be exceeded.

C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:

(1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and

(2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

9-005 Establishment of Categories

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-007 Conditions and Restrictions

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

9-008 Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 014 below.

the special exception shall be referred to the Health Care Advisory Board for a recommendation and report, which shall be developed in accordance with the provisions of Par. 1 and Par. 2 of Sect. 308 below and furnished to the Planning Commission and Board of Supervisors.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-305 Additional Standards for Conference Centers and Retreat Houses

1. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

9-306 Additional Standards for Independent Living Facilities

1. Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with handicaps, as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse and/or caregiver, if any.

2. The Board specifically shall find that applications under this Section adequately and satisfactorily take into account the needs of elderly persons and/or persons with handicaps for transportation, shopping, health, recreational and other similar such facilities and shall impose such reasonable conditions upon any exception granted as may be necessary or expedient to insure provisions of such facilities.

3. The Board shall find that such development shall be compatible with the surrounding neighborhood, shall not adversely affect the health or safety of persons residing or

10. The minimum front, side and rear yard requirements shall be as follows, except greater yards may be required by the Board:

    A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet.

    B. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.

11. Transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, an independent living facility shall be deemed a multiple family dwelling.

12. The provisions of Par. 6 above shall not be applicable to proffered rezoning and approved special exception applications or amendments thereto approved prior to May 20, 2003 or for special exception applications approved prior to May 20, 2003 for which a request for additional time to commence construction is subsequently requested in accordance with Sect. 9-015. Additionally, Par. 6 above shall not be applicable, unless requested by the applicant to rezoning and special exception amendment applications filed on or after May 20, 2003, which propose no increase in density over the previously approved density.

9-307 Additional Standards for Congregate Living Facilities

1. Congregate living facilities located in a building, which but for its institutional use would be a single detached dwelling, shall comply with the applicable single family detached minimum yard requirements of the zoning district in which located. Such facilities located in any other structure shall be located no closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-1 through R-4 District.

9-308 Additional Standards for Medical Care Facilities

1. In its development of a recommendation and report as required by Par. 3 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information and comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of Supervisors shall be bound by any such information or comment. The Health Care Advisory Board may hold such hearing or hearings as may seem appropriate, and may request of the Board of Supervisors such deferrals of Board action as may be reasonably necessary to accumulate information upon which to base a recommendation.

2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:

    A. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account alternative facilities and/or services in existence or approved for construction, and

the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.

B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.

C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.

3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.

5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.

7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs.

9-309 Additional Standards for Child Care Centers and Nursery Schools

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

A. That area not covered by buildings or required off-street parking spaces.

B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.

C. Only that area which is developable for active outdoor recreation purposes.

GLOSSARY

This Glossary is provided to assist the public in understanding
the staff evaluation and analysis of development proposals.
It should not be construed as representing legal definitions.
Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan
or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggared work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District
ADU	Affordable Dwelling Unit
ARB	Architectural Review Board
BMP	Best Management Practices
BOS	Board of Supervisors
BZA	Board of Zoning Appeals
COG	Council of Governments
CBC	Community Business Center
CDP	Conceptual Development Plan
CRD	Commercial Revitalization District
DOT	Department of Transportation
DP	Development Plan
DPWES	Department of Public Works and Environmental Services
DPZ	Department of Planning and Zoning
DU/AC	Dwelling Units Per Acre
EQC	Environmental Quality Corridor
FAR	Floor Area Ratio
FDP	Final Development Plan
GDP	Generalized Development Plan
GFA	Gross Floor Area
HC	Highway Corridor Overlay District
HCD	Housing and Community Development
LOS	Level of Service
Non-RUP	Non-Residential Use Permit
OSDS	Office of Site Development Services, DPWES
PCA	Proffered Condition Amendment
PD	Planning Division
PDC	Planned Development Commercial
PDH	Planned Development Housing
PFM	Public Facilities Manual
PRC	Planned Residential Community
RC	Residential-Conservation
RE	Residential Estate
RMA	Resource Management Area
RPA	Resource Protection Area
RUP	Residential Use Permit
RZ	Rezoning
SE	Special Exception
SEA	Special Exception Amendment
SP	Special Permit
TDM	Transportation Demand Management
TMA	Transportation Management Association
TSA	Transit Station Area
TSM	Transportation System Management
UP & DD	Utilities Planning and Design Division, DPWES
VC	Variance
VDOT	Virginia Dept. of Transportation
VPD	Vehicles Per Day
VPH	Vehicles per Hour
WMATA	Washington Metropolitan Area Transit Authority
WS	Water Supply Protection Overlay District
ZAD	Zoning Administration Division, DPZ
ZED	Zoning Evaluation Division, DPZ
ZPRB	Zoning Permit Review Branch