



APPLICATION FILED: January 15, 2009
PLANNING COMMISSION: July 8, 2009
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

June 24, 2009

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2009-LE-001

LEE DISTRICT

APPLICANT: Nazir A. Bhagat and Ashraf N. Bhagat

ZONING: R-1

PARCEL(S): 81-4 ((16)) 19, 20, 21, and 22

ACREAGE: 6.39 acres

DENSITY: 5.01 du/ac

OPEN SPACE: 64%

PLAN MAP: Residential; 1-2 du/ac

SE CATEGORY: Category 3: Independent Living Facility

PROPOSAL: Development of an independent living facility for consisting of 32 dwelling units (8 separate buildings containing 4 units in each).

WAIVERS/MODIFICATIONS: Waiver of the additional standard for Independent Living facilities requiring that such use be on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare per Sect. 9-306 of the Zoning Ordinance;

Waiver of the barrier requirements along the northern, western and southern boundaries of the site; and

St. Clair Williams

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



Modification of the transitional screening requirements along the northern, western and southern boundaries of the site;

STAFF RECOMMENDATIONS:

Staff recommends denial of SE 2009-LE-001. However, should the Board of Supervisors approve SE 2009-LE-001, staff recommends that the approval be subject to the draft development conditions contained in Appendix 1.

It should be noted that it is not the intent of the 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; and that should this application be approved, such approval does not interfere with, abrogate or annul any easements, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

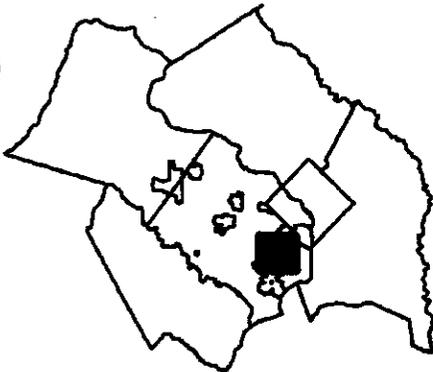
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



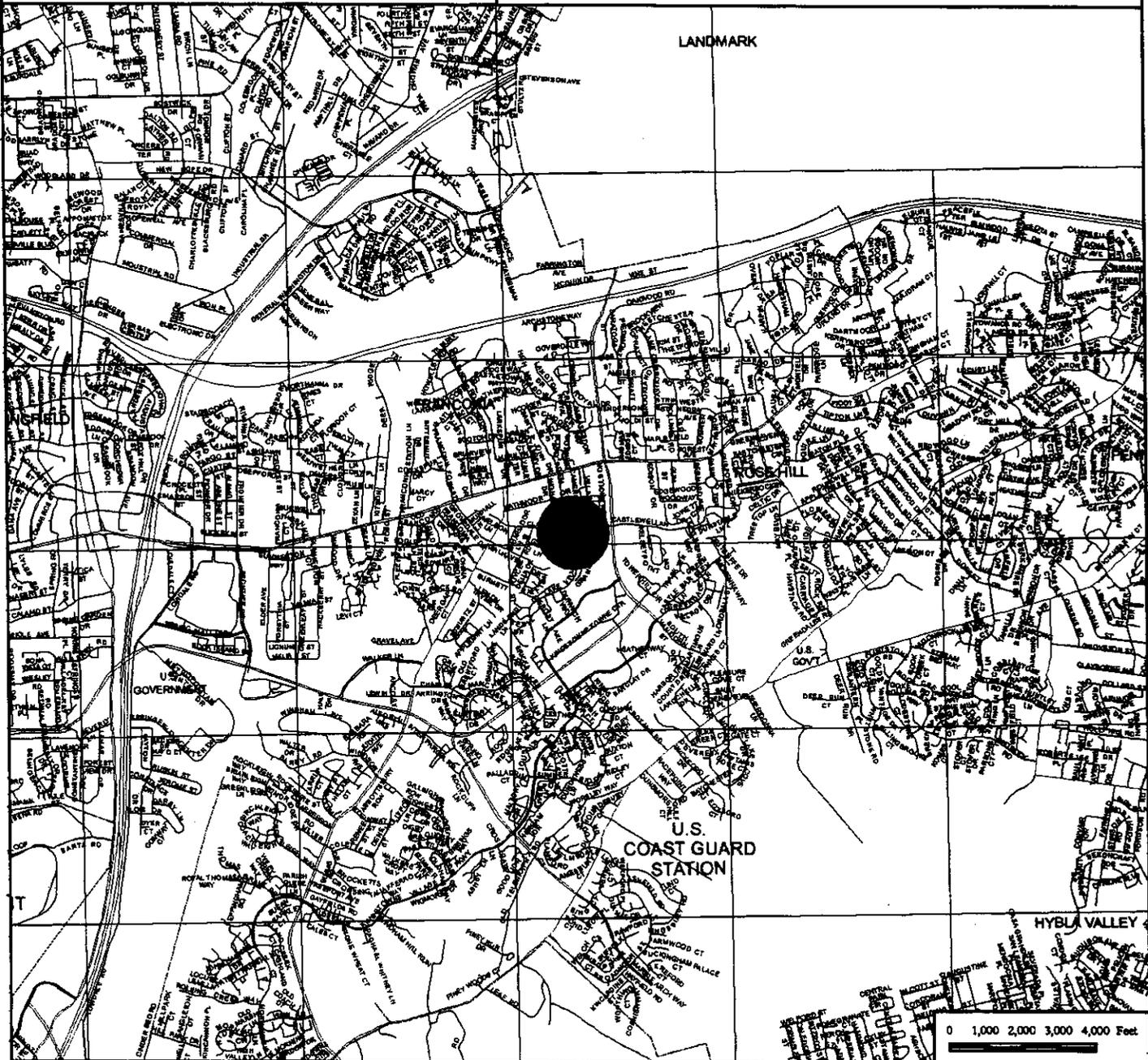
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2009-LE-001

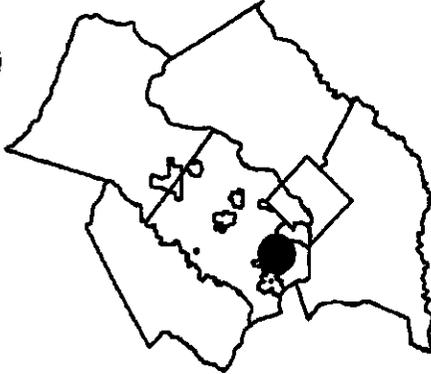


Applicant: NAZIR A. AND ASHRAF N. BHAGAT
Accepted: 01/15/2009
Proposed: INDEPENDENT LIVING FACILITIES
Area: 6.39 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect: 03-0104
Art 9 Group and Use: 3-4
Located: 5966, 5970, 5974 AND 5978 CLAMES DRIVE
Zoning: R- 1
Plan Area: 4,
Overlay Dist:
Map Ref Num: 081-4 /16/ /0019 /16/ /0020
/16/ /0021 /16/ /0022

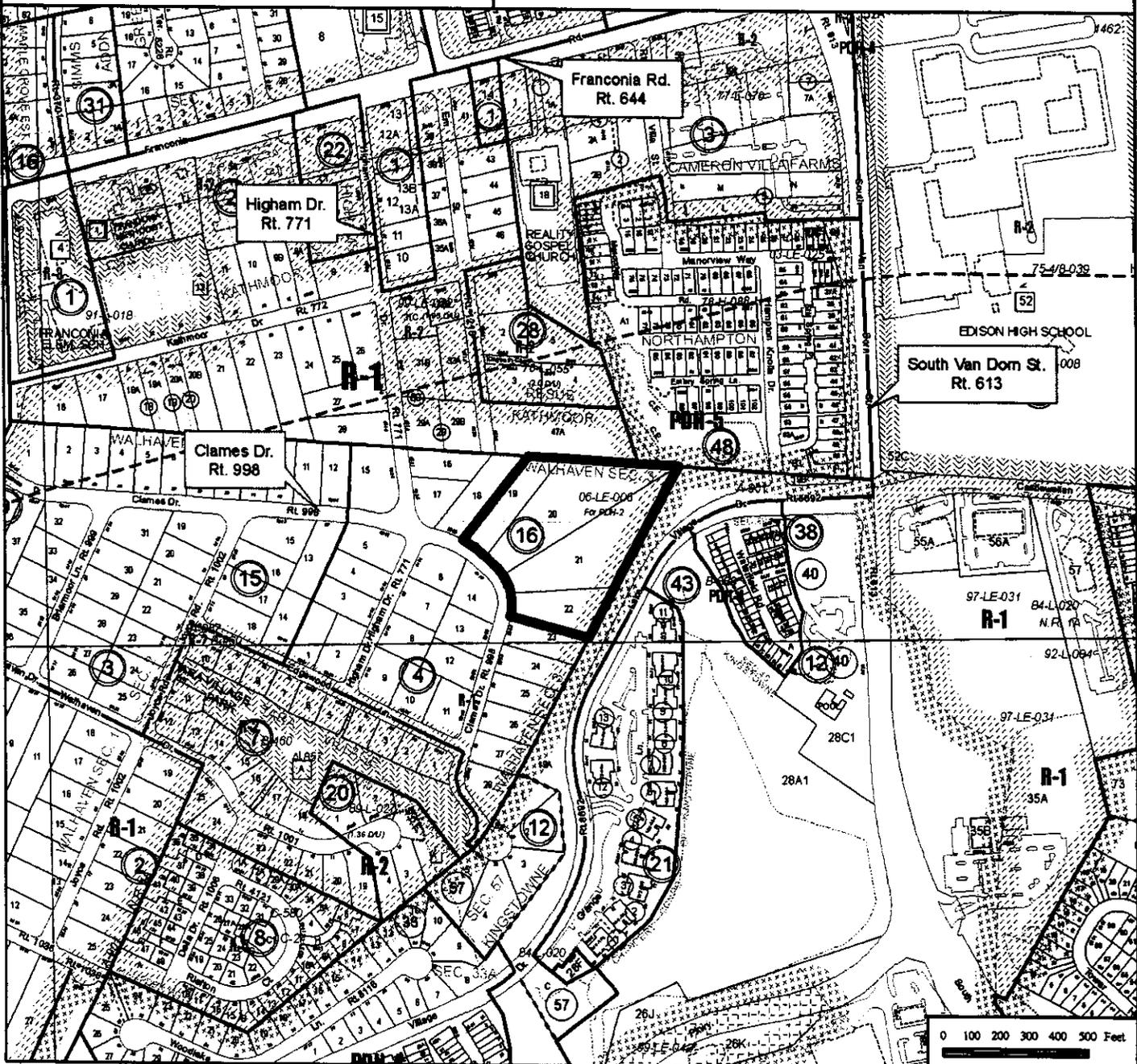


Special Exception

SE 2009-LE-001



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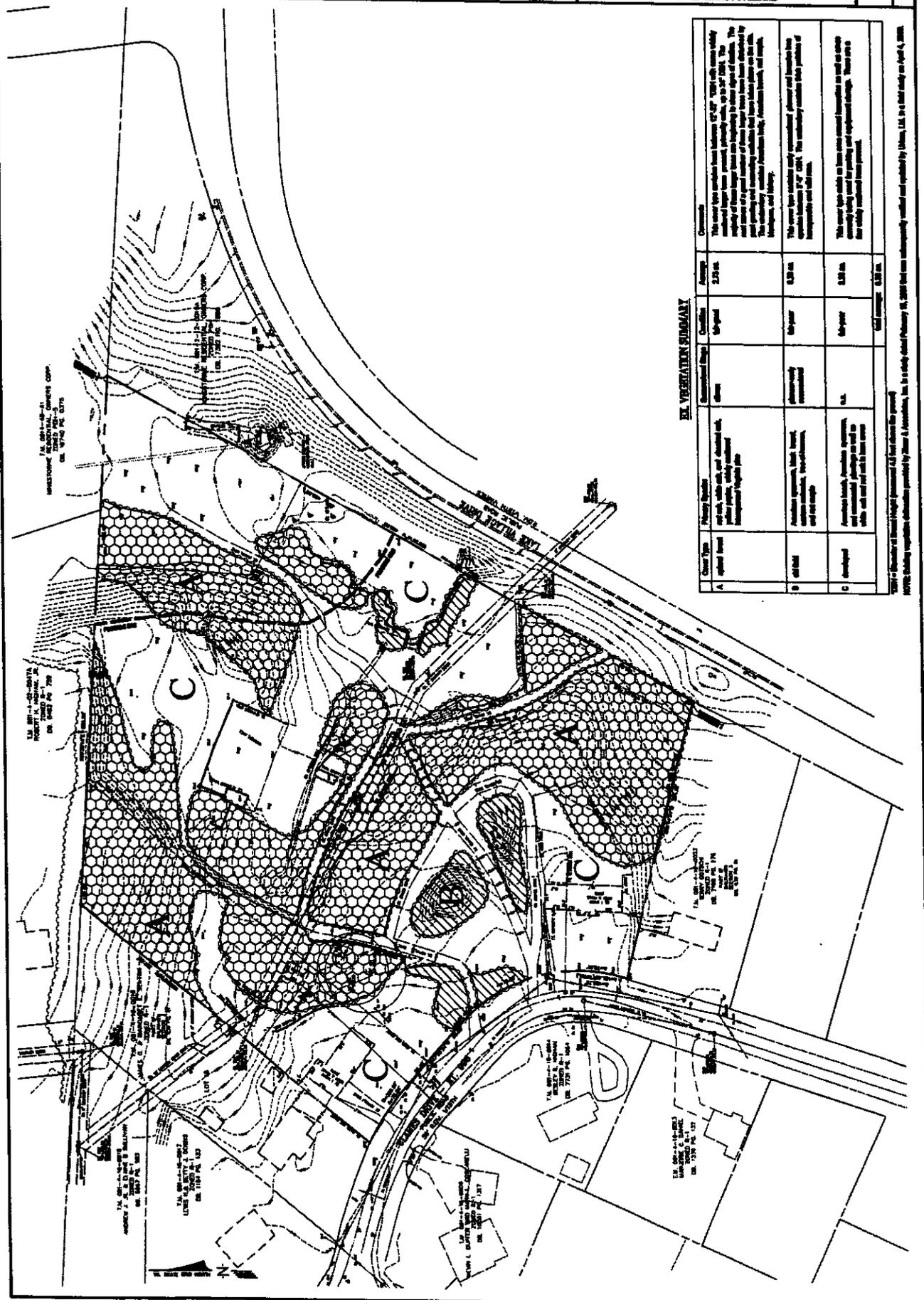


DATE	REVISION	BY	APP'D




PLAT OF SPECIAL EXCEPTION
 WALTHAVEN WOODS
 LESS DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 DATE: OCTOBER 2008
 SHEET 1 OF 1

EXISTING VEGETATION MAP
 MISC. 1724



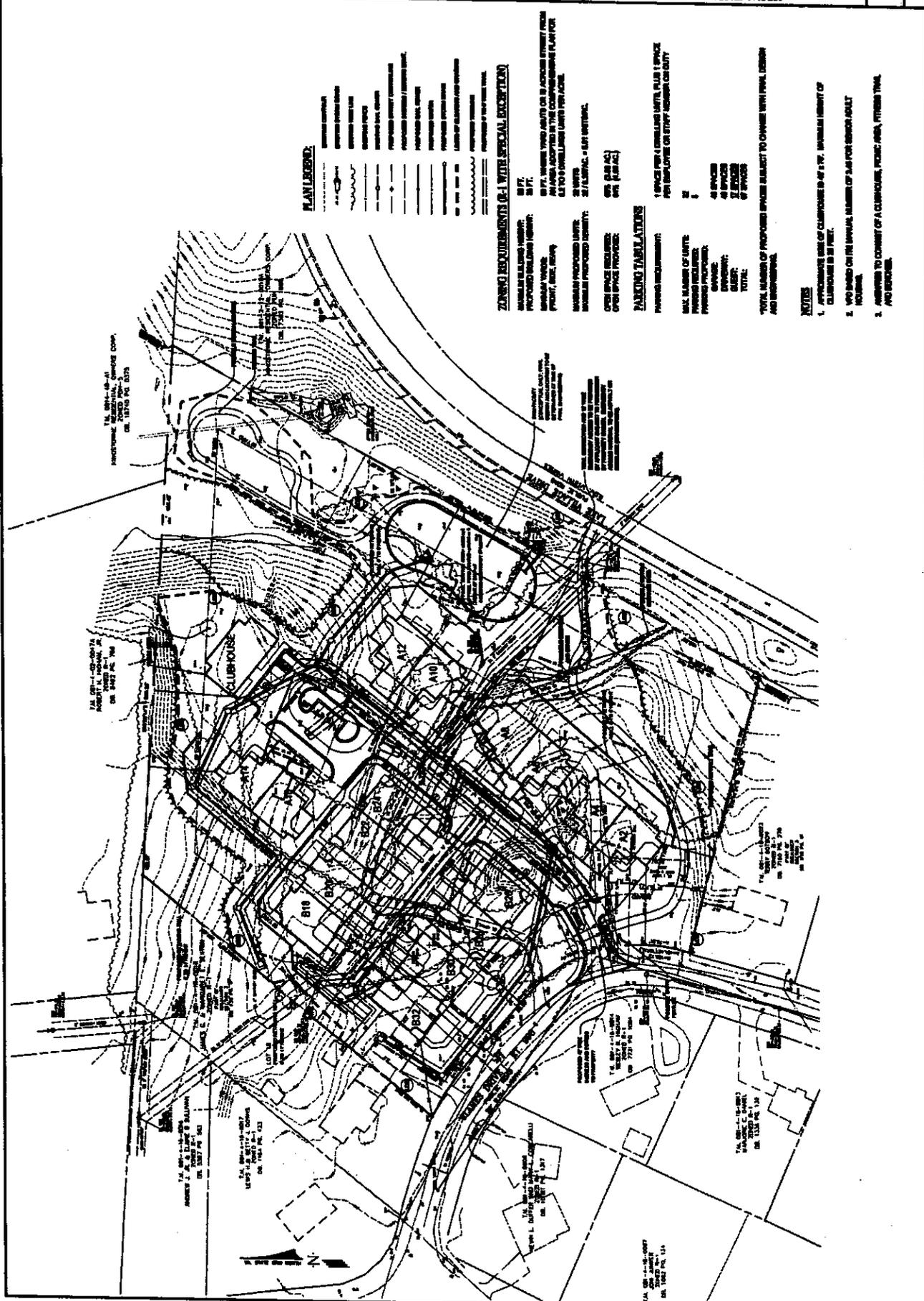
EX. VEGETATION SUMMARY

Class Code	Planty Species	Successional Stage	Condition	Average	Comments
A	Open field, with oak and chestnut oak. Some large oaks present.	Open	Open field	2.0%	This area is open field with scattered oaks and chestnut oaks. The majority of trees are less than 10 years old and are in the early stages of succession. The vegetation is primarily oak and chestnut oak.
B	Open field, with oak, chestnut oak, and red maple.	Open field	Open field	0.8%	This area is open field with scattered oaks and chestnut oaks. The majority of trees are less than 10 years old and are in the early stages of succession. The vegetation is primarily oak and chestnut oak.
C	Open field, with oak, chestnut oak, and red maple.	Open field	Open field	0.8%	This area is open field with scattered oaks and chestnut oaks. The majority of trees are less than 10 years old and are in the early stages of succession. The vegetation is primarily oak and chestnut oak.
				Total Average:	3.6%

Note: The above information was prepared by Urban, LLC, in a field study on April 4, 2008. The above information was prepared by Urban, LLC, in a field study on April 4, 2008.

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	10/20/08
2
3
4
5
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8
9
10

DATE: 10/20/08
 DRAWN BY: ...
 CHECKED BY: ...



PLAN LEGEND:

- 1. EXISTING BUILDING FOOTPRINT
- 2. EXISTING DRIVEWAY
- 3. EXISTING DRIVEWAY
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ZONING REQUIREMENTS (G-1 WITH SPECIAL EXCEPTION)

- MINIMUM BUILDING HEIGHT: 35 FT.
- MINIMUM BUILDING FOOTPRINT: 10,000 SQ. FT.
- MINIMUM VOLUME: 100,000 CU. YD.
- MINIMUM FRONT SETBACK: 25 FT.
- MINIMUM SIDE SETBACK: 10 FT.
- MINIMUM REAR SETBACK: 10 FT.
- MINIMUM LOT AREA: 10,000 SQ. FT.
- MINIMUM LOT WIDTH: 100 FT.
- MINIMUM LOT DEPTH: 100 FT.
- MINIMUM LOT COVERAGE: 10%.
- MINIMUM LOT AREA PER FOOTPRINT: 100 SQ. FT./SQ. FT.
- MINIMUM LOT AREA PER VOLUME: 100 SQ. FT./CU. YD.
- MINIMUM LOT AREA PER SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER FRONT SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER SIDE SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER REAR SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER FRONT AND SIDE SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER FRONT AND REAR SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER SIDE AND REAR SETBACK: 100 SQ. FT./FT.
- MINIMUM LOT AREA PER FRONT, SIDE AND REAR SETBACK: 100 SQ. FT./FT.

PARKING TABLETTERS

- 1. SPACE FOR 1 CAR (MINIMUM 8' X 12')
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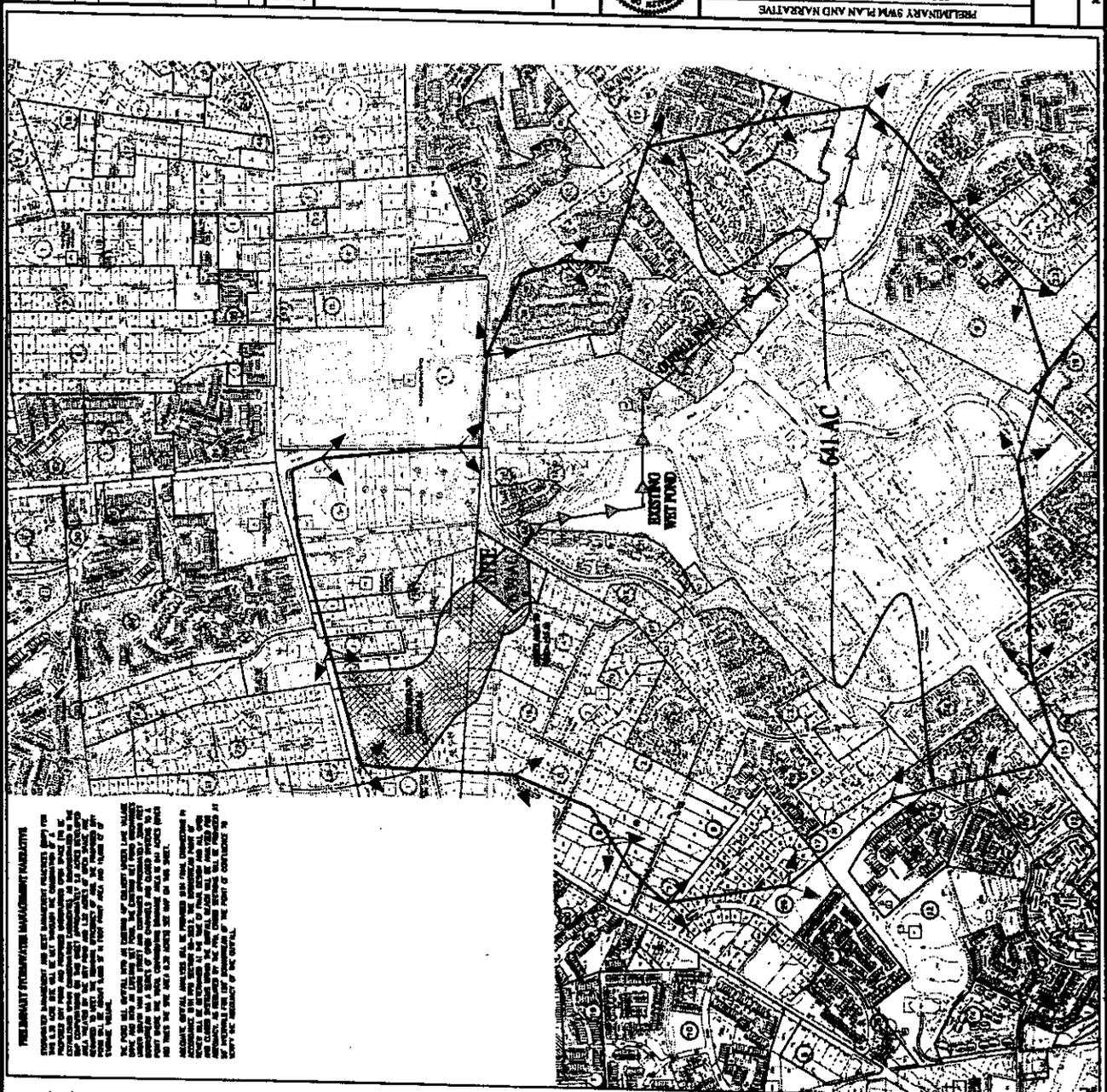
NOTES

1. APPROXIMATE GROUND ELEVATION IS 5 FT. HIGHER THAN SHOWN ON THIS PLAN.
2. VOID SPACE ON THE UNPAVED SURFACE OF THE ROAD SHALL BE MAINTAINED.
3. APPROVED TO CONFORM TO A CURBHOUSE, PAVING AREA, FITNESS TRAIL, AND BENCHES.

DATE	DESCRIPTION	BY




PRELIMINARY SWM PLAN AND NARRATIVE
 WILHAVEN WOODS
 PLAT OF SPECIAL EXCEPTION
 LEE COUNTY, VIRGINIA
 DATE: OCTOBER 2018
 SHEET NO. 1 OF 1
 SCALE: AS SHOWN



PRELIMINARY FLOODPLAIN MANAGEMENT REGULATIONS
 THE CITY OF FAIRFAX HAS ADOPTED THE FOLLOWING REGULATIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY OF FAIRFAX FROM THE HAZARDOUS EFFECTS OF FLOODING. THESE REGULATIONS ARE ADOPTED IN ACCORDANCE WITH THE FLOODPLAIN MANAGEMENT ACT OF 1973 (45 U.S.C. § 1601) AND THE FLOODPLAIN MANAGEMENT REGULATIONS ACT OF 1974 (45 U.S.C. § 1602). THESE REGULATIONS SHALL BE APPLIED TO ALL DEVELOPMENT AND CONSTRUCTION OF STRUCTURES AND WORKS IN THE FLOODPLAIN OF THE CITY OF FAIRFAX. THESE REGULATIONS SHALL BE APPLIED TO ALL DEVELOPMENT AND CONSTRUCTION OF STRUCTURES AND WORKS IN THE FLOODPLAIN OF THE CITY OF FAIRFAX. THESE REGULATIONS SHALL BE APPLIED TO ALL DEVELOPMENT AND CONSTRUCTION OF STRUCTURES AND WORKS IN THE FLOODPLAIN OF THE CITY OF FAIRFAX.

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	1.00
2	Site Preparation	1	Lot	1.00
3	Site Preparation	1	Lot	1.00
4	Site Preparation	1	Lot	1.00
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98	Site Preparation	1	Lot	1.00
99	Site Preparation	1	Lot	1.00
100	Site Preparation	1	Lot	1.00

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

DESCRIPTION OF THE APPLICATION

This application is a request for a Category 6 Special Exception to permit the development of an independent living community for senior adults. The application includes a request to waive the minimum age limitation (62 years old) for independent living facilities to allow persons 55 years of age and above. The development would consist of 32 dwelling units (8 separate buildings consisting of 4 units in each). The resulting density would be 5 units per acre (32 units/6.39 acres). The maximum height for the proposed buildings would be 35 feet in height. Access to the site would be from Clames Drive. Under the site layout, 97 parking spaces are proposed, including 17 visitor spaces. A total of 64% open space is proposed consisting mainly of deciduous and evergreen trees.

The applicant's affidavit and statement of justification can be found in Appendices 2-3, respectively.

Waivers/Modifications:

- Waiver of the additional standard for Independent Living facilities requiring that such use be on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare per Sect. 9-306 of the Zoning Ordinance.
- Waiver of the barrier requirements along the northern, western and southern boundaries of the site.
- Modification of the transitional screening requirements along the northern, western, and southern boundaries of the site to that shown on the site.

LOCATION AND CHARACTER

Site Description:

The 6.39 acre subject property is zoned R-1 and consists of four parcels located in the northeast quadrant of the Walhaven Subdivision (Sect. 3), off of Clames Drive, east of Lake Village Drive. The site once contained an illegal junk yard. While an extensive, court ordered clean up of the site has occurred, the site continues to contain various piles of concrete, scrap metal, and tree debris scattered in various locations throughout the site. There are several existing concrete structures located throughout the site, including various retaining walls and sheds. Several asphalt and gravel driveways are located throughout the site as well. The existing vegetation on the property consists of Virginia pine, American holly, American beech, oak and tulip trees. There is an Environmental

Quality Corridor (EQC) area located in the northern portion of the site.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential; Single-family attached (Northampton Subdivision)	PDH-5	Residential; 2-3 du/ac
North	Residential; Single-family detached (Kathmoor Subdivision)	R-1	Residential; 1-2 du/ac
South	Residential; Single-family detached (Walhaven Subdivision)	R-1	Residential; 1-2 du/ac
East	Open Space (Kingstowne Residential Owners Corporation)	PDH - 4	Residential; 1-2 du/ac
West	Residential; Single-family detached (Walhaven Subdivision)	R-1	Residential; 1-2 du/ac

BACKGROUND

On February 2, 2006, RZ/FDP 2006-LE-006 was filed, seeking to rezone the subject site from R-1 to PDH-2 in order to construct 11 dwelling units at 1.72 dwelling units per acre with 45% open space. The application was later withdrawn.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area IV, Rose Hill Planning District

Planning Sector: RH4 Lehigh Planning Sector

Plan Map: Residential; 1-2 du/ac

There is no specific Plan text for the subject site. However, the Policy Plan language does contain location guidelines for multifamily residential development, which are applicable to this request.

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

Guidelines for Suburban Neighborhoods:

- 1. Multifamily sites in designated Suburban Neighborhood areas should be in close proximity to community-serving retail. In addition, multifamily sites should be centrally located with respect to community services such as libraries, houses of worship, park/recreational facilities, and schools.*
- 2. To accommodate traffic flow, the site should have adequate access to an arterial or to a collector street. An appropriate transportation analysis should be performed in conjunction with proposed multifamily development, with approval made contingent on the satisfactory resolution of identified transportation issues.*
- 3. Sites for multifamily residential development should be located where it is County policy to provide public water and sewer service.*
- 4. The required site size for multifamily development in Suburban Neighborhoods is dependent upon density, setback requirements, open space, parking, social and recreational amenities to be provided, and building height. These factors will tend to determine minimum site size. Generally, in areas of the County which have a reasonable supply of vacant or underutilized land, sites should be above the size necessary to meet Zoning Ordinance requirements (a minimum of 200 units). This enhances the ability to support a package of private amenities such as swimming pools, tennis courts, a clubhouse, etc. If proposed multifamily projects contain more than 600 units, diversity in architectural style, layout and transition should be encouraged.*
- 5. Environmental concerns should be considered in site selection. Multifamily development is not appropriate in areas designated as Low Density Residential Areas. Environmental Quality Corridors and areas subject to airport noise greater than DNL 60 dBA generally should be avoided.*

Guidelines for Multifamily Residential Development for the Elderly:

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

- 1. Public transportation and community services should be located within a reasonable walking distance and should be accessible via paved walkways that are lighted, secure, and well maintained. Crosswalks should be delineated, and adequate provisions should be made for crossing heavy*

traffic (e.g., pedestrian crossing signals). If neither public transportation nor community services are located within a short walking distance (i.e., a 5-7 minute walk), the elderly housing development should provide shuttle bus service which can offer residents comparable access to community services.

2. *The topography of the site, and that between the site and nearby destinations, should be taken into consideration when siting residential development for the elderly. Pedestrian facilities should not be located on slopes greater than 5-8%, and such maximum slopes should not be continuous for more than 75 feet.*
3. *Safety and security are of particular concern to the elderly. To the extent possible, the architecture and site design for multifamily residential development for the elderly should incorporate features which reduce the potential for crime and enhance the security of residents.*

Special Exception Plat (copy at front of staff report)

Title of SE Plat: Walhaven Woods Plat of Special Exception

Prepared By: Urban, Ltd.

Original and Revision Dates: October 2008 as revised through May 28, 2009.

Plat Description:

The submitted materials consist of eight (8) sheets.

Walhaven Woods Plat of Special Exception	
Sheet #	Description of Sheet
1 of 8	Cover Sheet, Contact Information, Sheet Index, Vicinity Map
2 of 8	Property Map
3 of 8	Existing Vegetation Map
4 of 8	General Notes, Soils Map, Illustrative, Details, and Elevations
5 of 8	Site Layout, Site Tabulations
6 of 8	Landscape Plan
7 of 8	Preliminary Stormwater Management Plan & Narrative
8 of 8	Sight Distance Profile

The SE Plat consists of the following features:

Site Layout: The independent living facility consists of eight separate buildings, containing four units each (two up/two down). All buildings are located a minimum of 50 feet from the western and southern boundaries of the site along both sides of the main private street which provides access to the site from Clames Drive. The three buildings (containing units A1 – A12), located on the east side of the main private street are oriented towards the private street. The two southernmost buildings (containing units B25-B32) on the western side of the main private street, are oriented towards Clames Drive. North of those buildings are two more buildings (containing units B17 – B24), which are oriented towards the northern boundary of the site, facing the side of the two northernmost residential building (units A13-A16). A 5,000 SF clubhouse is proposed to be located at the northern portion of the site, setback 50 feet from the northern property boundary. All of the proposed buildings on the site will be a maximum of 35 feet in height.

Vehicular Access: As noted above, access to the independent living facility will be from Clames Drive. Once within the application property, the private access road network provides access to all of the proposed units. The minimum right-of-way width for the proposed private streets is twenty-four (24) feet.

Parking: A total of 97 parking spaces are proposed for the site. Each unit is proposed to have 2.5 spaces within the garage and driveway. The garages are proposed to accommodate 1.5 spaces, including one space for a vehicle and ½ of a space for a Segway if necessary. Seventeen (17) visitor parking spaces are provided.

Pedestrian and Recreation Facilities: Pedestrian facilities are proposed throughout the property. The sidewalks are proposed to be five feet wide, and to provide a connection from Clames Drive into the site and to all of the proposed units and clubhouse. An eight-foot wide asphalt trail is shown along the south and southeastern portions of the site providing access to Lake Village Drive through the offsite Kingstowne Residential Owners Corporation (KROC) property. The asphalt trail also provides a connection to a proposed fitness trail along the eastern side of the proposed stormwater management pond and the northeastern section of the property. The SE Plat depicts a “possible bench location” along the fitness trail and a “possible bicycle shed” in the southeastern portion of the site along the eight-foot wide asphalt trail. A picnic area is shown at the rear (north) of the proposed clubhouse and the clubhouse is proposed to host activities including, but not limited to, on-site activity programs such as fitness and exercise classes.

Landscaping, Open Space and Tree Preservation: Landscaping consisting mainly of deciduous and evergreen trees is to be provided predominately along the periphery of the proposed development. Tree preservation areas are depicted along the northwest (10,630 SF), northeast (15,880 SF) and southeast (13,590 SF) portions of the site, and areas of reforestation are shown adjacent to tree preservation areas at the northeast and southeast portions of the site. The total amount of open space proposed for the site is 64%.

Stormwater Management/Best Management Practices: Stormwater management (SWM) and best management practices (BMP) requirements are to be satisfied within the proposed stormwater management pond to be located along the eastern boundary of the site, near the site's pedestrian connection to Lake Village Drive. The SE Plat includes a note which states that the SWM facility is conceptual only and that the final design and location is to be determined at the time of final engineering.

ANALYSIS

Land Use Analysis

The subject 6.39 acre property is located within the Lehigh Community Planning Sector. The Comprehensive Plan map shows portions of the site as planned for residential use at a density of 1-2 dwelling units per acre (du/ac). All of the properties abutting the application property are planned for residential use at a density of 1-2 du/ac or 2-3 du/ac. The maximum density of independent living facilities is based upon the density of the land use recommendation for the subject property set forth in the Comprehensive Plan modified by the corresponding multiplier set forth in the Zoning Ordinance. The Comprehensive Plan recommended density for the application property is 1-2 du/ac; therefore, per the Zoning Ordinance standard, the maximum density allowed for the proposed use is eight (8) du/ac (4 x 2 du). The applicant is requesting to develop the site into an independent living facility consisting of 32 units. The resulting density would be 5.0 du/acre.

The Land Use Element of the Policy Plan includes Guidelines for Multifamily Residential Development. These guidelines, which were laid out at the beginning of this report are split into two portions, one addressing multifamily development in suburban neighborhoods, and one that addresses multifamily residential development for the elderly.

The following guidelines for suburban neighborhoods are desirable characteristics for sites to be considered for multifamily development.

Multifamily sites in designated Suburban Neighborhood areas should be in close proximity to community-serving retail. In addition, multifamily sites should be centrally located with respect to community services such as libraries, houses of worship, park/recreational facilities, and schools.

The subject site is not in close proximity to community-serving retail. The closest community-serving retail and is located more than a quarter of a mile away at the Kingstowne Towne Center, which is separated from this site by a lake (Kingstowne stormwater management pond). The applicant has indicated that bicycles and Segways would be made available for residents of the independent living facility; however, Segways are not permitted on sidewalks or trails in the County and staff believes it would be dangerous for residents to use Segways on the public streets in the area. Furthermore, the use of bicycles and even walking may be difficult for some residents of the site due to the varying steep grades on the property and south of the property; therefore, this guideline has not been satisfied.

To accommodate traffic flow, the site should have adequate access to an arterial or to a collector street. An appropriate transportation analysis should be performed in conjunction with proposed multifamily development, with approval made contingent on the satisfactory resolution of identified transportation issues.

The property does not have access to a collector street or major thoroughfare, and is thereby does not satisfy the second guideline. This issue is discussed more fully in the Transportation Analysis.

Sites for multifamily residential development should be located where it is County policy to provide public water and sewer service.

Sewer and water service are available at this site, as recommended by the third guideline.

The required site size for multifamily development in Suburban Neighborhoods is dependent upon density, setback requirements, open space, parking, social, and recreational amenities to be provided, and building height. These factors will tend to determine minimum site size. Generally, in areas of the County, which have a reasonable supply of vacant or underutilized land, sites should be above the size necessary to meet Zoning Ordinance requirements (a minimum of 200 units). This enhances the ability to support a package of private amenities such as swimming pools, tennis courts, a clubhouse, etc. If proposed multifamily projects contain more than 600 units, diversity in architectural style, layout, and transition should be encouraged

The application proposes a maximum of thirty-two (32) residential units, which is well below the minimum of 200 units recommended by the Comprehensive Plan. Staff believes that the number of units proposed will make it difficult and burdensome for the residents to support and maintain the private facilities and amenities proposed with the development, which includes, but is not limited to, maintenance of the private streets. Staff believes that this standard has not been met.

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

The subject property is located in an area designated for low-density residential development (1-2 du/ac). While the proposed density meets the maximum density requirements for independent living facilities in this area, staff is concerned that the proposed development will have adverse impacts on the traffic flow along Clames Drive and the surrounding community due to the number of trips that may be generated by such a use, combined with the lack of access to a collector street or major thoroughfare.

Guidelines for Multifamily Residential Development for the Elderly

Public transportation and community services should be located within a reasonable walking distance and should be accessible via paved walkways that are lighted, secure, and well maintained. Crosswalks should be delineated, and adequate provisions should be made for crossing heavy traffic (e.g., pedestrian crossing signals). If neither public transportation nor community services are located within a short walking distance (i.e., a 5-7 minute walk), the elderly housing development should provide shuttle bus service which can offer residents comparable access to community services.

Access to public transportation is a crucial factor with regards to the location of elderly housing as it reduces the need for residents to drive to access services including, but not limited to, grocery stores and restaurants. Public transportation is not available on the segments of Clames Drive or Lake Village Drive that are located near the property. While service is available to the east at South Van Dorn Street, the change in grade between the property and Lake Village Drive may be difficult for some residents to travel in order to get to South Van Dorn Street. The applicant has proposed to provide shuttle service for the residents and guests; however, the details on the costs (bus, driver, etc.) and the proposed schedule for the service has not been evaluated at this point; for that reason, staff believes that this guideline has been satisfied.

The topography of the site, and that between the site and nearby destinations, should be taken into consideration when siting residential development for the elderly. Pedestrian facilities should not be located on slopes greater than 5-8%, and such maximum slopes should not be continuous for more than 75 feet.

The topography of the site, and that between the site and nearby destinations, should be taken into consideration when siting residential development for the elderly. Pedestrian facilities should not be located on slopes greater than 5-8%, and such maximum slopes should not be continuous for more than 75 feet. As previously discussed, given the varying steep topography on the site and to the east and south of the site, it may be difficult for some of the residents to travel the

walking pathways necessary to access community serving retail and/or public transportation. As such, staff does not feel that this guideline has been satisfied.

Safety and security are of particular concern to the elderly. To the extent possible, the architecture and site design for multifamily residential development for the elderly should incorporate features, which reduce the potential for crime and enhance the security of residents.

Safety and security are of particular concern to the elderly. To the extent possible, the architecture and site design for multifamily residential development for the elderly should incorporate features which reduce the potential for crime and enhance the security of residents. The applicant proposes to construct all of the buildings in accordance with Americans with Disabilities Act (ADA) and Federal Housing Act (FHA) requirements for housing for seniors. All public areas and public doorways will be wheelchair accessible and all units will be FHA adaptable. The applicant also proposes to provide on-site staff to provide security and concierge services. However, information has not been provided regarding any security measures proposed for the development.

Staff believes that the nature of the use, as proposed, has the potential to result in significant traffic impacts to the surrounding residential neighborhood and would not be in harmony with the Policy Plan guidelines regarding the location for multifamily dwelling units in suburban neighborhoods nor for multifamily residential development for the elderly.

Environmental Analysis (See Appendix 4)

Issue: Water Quality

A small stream channel crosses the application property at the eastern corner of the site. With the exception of a small section located just offsite of the property, the channel is currently piped upstream and downstream of this site. In general, staff supports the concept of daylighting and restoration of such stream channels where it would provide a benefit to the development. Unfortunately, in this instance, the daylighting of the existing stream channel on the subject property would result in a very narrow corridor with a stream channel having very steep (10-12 feet high) embankments on both sides of the stream, thus creating a potentially hazardous condition.

Resolution:

Rather than daylighting the section of the stream that runs through the site, the applicant proposes to pipe the small segment of the stream channel and restore the natural vegetation in that area. In staff's opinion, this proposal would provide more long-term benefits and a safer condition at this location than day lighting the stream channel.

Issue: Marine Clay Soils

Marine Clay soils are common in this area of the County and are noted for slippage potential and can cause damage to structures. The Zoning Ordinance requires a density penalty to be enforced when Marine Clay soils cover thirty percent (30%) or more of the property. In this instance Marine Clay soils have not been previously noted on the County Soils maps for the site, however, due to the frequency of such soils in this area of the County, staff recommended that a geotechnical study be conducted for the site to determine if and how much of this type of soils are located on the property.

Resolution:

The applicant will be required to provide a geotechnical study prior to site plan approval for the proposed development. Should this study result in a determination that Marine Clay soils cover thirty percent or more the site, the density penalty will be enforced. Any modification of the plans that are not in substantial conformance with the SE Plat will require a Special Exception Amendment.

Urban Forest Management Analysis (See Appendix 5)**Issue: Limits of Clearing and Grading**

Urban Forest Management Division (UFMD) staff indicated that the limits of clearing and grading depicted on the SE Plat at the western portion of the site would provide minimal preservation for the existing off-site red oak and white oak trees located on the abutting property to the east of the application property [Tax Map Parcel 81-4 ((16)) 0018]. UFMD staff recommended that the proposed limits of clearing and grading should be adjusted 10 feet to the east to provide a larger save area for the existing off-site trees identified in their comments.

Resolution:

The applicant has not revised the limits of clearing and grading shown on the SE Plat. Staff has proposed development condition language to ensure that tree preservation practices such as root pruning and substantial tree protection fencing along the limits of clearing line where significant off-site trees are located, to the satisfaction of UFMD. However, staff would continue to urge the applicant to revise the limits of clearing and grading.

Issue: Waiver of the barrier requirements along the northern, western, and southern boundaries of the site

The applicant has requested a waiver of the barrier requirements long all boundaries of the property where a barrier is required (northern, western, and

southern boundaries). The applicant's justification for this request is that through a combination of site design and landscaping techniques the area between the proposed development and the property line has been designed to minimize the impact to the abutting properties and that the abutting properties are zoned R-1, as is the application property.

Resolution:

Per Zoning Ordinance standards, all of the proposed buildings on the site are set back a minimum of 50 feet from the boundaries of the site. Based on the difference in grade between the proposed buildings and the abutting properties and the 50-foot set back proposed for the buildings on the site, staff does not object to the waiver request along the northern and eastern boundaries. However, regarding the southern boundary of the site, UFMD has determined that the justification provided by the applicant does not appear to be in conformance with the circumstances specified in the Zoning Ordinance, due to the topography in that area and a proposed asphalt trail cuts through the 50-foot side yard area near the southern boundary of the site. Therefore, UFMD recommended that Barrier D, E, or F should be provided in accordance with the Zoning Ordinance.

Resolution:

Staff has proposed a development condition to ensure that Barrier D, E, or F shall be provided along the southern boundary of the site in accordance with the Zoning Ordinance. With the adoption of the proposed development conditions, staff believes the issue will be resolved.

Issue: Modification of the transitional screening requirements along the northern, western, and southern boundaries of the site to that shown on the site

The applicant has requested a modification of the transitional screening requirement along the northern, western, and southern boundaries of the site, based on the same justification provided with the barrier waiver request. Staff does not object to the modification requests for the northern and eastern boundaries of the site, however, as previously discussed UFMD staff determined the justification was not valid regarding the southern boundary of the site for the same reasons discussed with the barrier waiver request. UFMD staff believes that the required plantings should be provided to meet the 75% tree cover that is required with the transitional screening applicable to that boundary of the site and recommended that Transitional Screening Yard 3 landscaping should be provided to meet the 75% tree canopy coverage requirements in accordance with the Zoning Ordinance.

Resolution:

Staff has proposed a development condition to ensure that Transitional Screening Yard 3 landscaping shall be provided along the southern boundary of the site to meet the 75% tree canopy coverage requirements in accordance with the Zoning Ordinance. With the adoption of the proposed development conditions, staff believes the issue will be resolved.

Transportation Analysis (See Appendix 6)**Issue: Sight Distance**

The Fairfax County Department of Transportation (FCDOT) reviewed the subject application and recommended that the applicant should provide sight distance profiles for the site access to Clames Drive to ensure that safe access can be provided to the site.

Resolution:

The applicant has revised the SE Plat to add Sheet 8, which provides the sight distance profile for the site access to Clames Drive, demonstrating that adequate sight distance will be provided. Therefore, this issue has been resolved.

Issue: On site Parking

The initially submitted SE Plat depicted 17 visitor parking spaces (6 on-street spaces, 10 off-street spaces) to be provided on the site. FCDOT staff recommended that the applicant should ensure that all parking will be provided on site, as there was concern that given the number of staff on the site and visitors on the site, parking might overflow onto Clames Drive and adversely affect traffic flow along Clames Drive. Independent living facilities have a lower parking requirement than standard multifamily dwellings; however, in this case the lack of direct access to public transportation may increase the use of vehicles by residents and guests. The applicant has proposed to provide shuttle service for residents and guests on the site, but the specifics on the shuttle schedule have not been developed at this time.

Resolution:

The SE Plat continues to show 17 visitor parking spaces to be provided on the site. Therefore, this issue has not been resolved.

Issue: Frontage Improvements

Virginia Department of Transportation (VDOT) and FCDOT staff have recommended that frontage improvements including curb and gutter should be provided along the Clames Drive frontage of the application property.

Resolution:

The applicant has not proposed to provide the frontage improvements recommended by VDOT and FCDOT staff. Given the intensity of the proposed use, compared to the surrounding low density residential development, staff believes that the recommended improvements should be provided. Staff has proposed a development condition to ensure that the applicant provides the frontage improvements as determined by VDOT. With the adoption of the proposed development condition, this issue will be resolved.

Issue: Waiver of the additional standard for Independent Living facilities requiring that such use be on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare per Sect. 9-306 of the Zoning Ordinance.

Par. 5 of Sect.9-306 of the Zoning Ordinance requires that all independent living facilities be on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare. The applicant has requested a waiver of this special exception standard as Clames Drive is a local street (not a collector street or major thoroughfare).

Resolution:

Staff does not support the waiver request. In staff's opinion, the intent of this standard is to ensure that such uses are appropriately located in areas where roads providing access to such uses can handle to intensity of the use. The lack of direct access to a collector street as proposed has the potential to result in significant traffic impacts to the surrounding residential development and is a major concern for staff. Typically, elderly housing development assumes that the majority of the residents will no longer be part of the regular workforce, thereby reducing expected impacts to transportation. However, in this case, the applicant is seeking a modification, which would permit residents as young as fifty-five to be part of this community, which may result in increased vehicle trips to and from the site compared to the typical elderly housing development. Given that all of the abutting properties are zoned for low-density residential development or open space, staff believes that the application property is not the appropriate location for such a use. Therefore, this issue has not been resolved.

Stormwater Management Analysis (See Appendix 7)**Issue: Stormwater Management Requirements**

The applicant proposes to address the water quality control requirements for the application property through a combination of a dry pond and conservation easements that are to be established on the site. However, the boundaries of the proposed conservation easements are not shown on the SE Plat. The applicant should revise the SE Plat to clearly show the

proposed boundaries of the conservation easements to be established on the site in order for staff to make a determination on the adequacy of the conservation easements.

Water quantity control for the application property will also be provided by a dry pond. However, for the dry pond to be provided as shown on the SE Plat, the following issues need to be addressed:

- an easement from the Kingstowne Residential Owners Corporation would be required for the dam embankment,
- the embankment seems as if it would encroach into wetlands, and
- the limits of clearing and grading do not extend far enough from the pond embankment, as required by the Public Facilities Manual (PFM 6-1605.3A).

Resolution:

The applicant has not addressed these issues; therefore, staff cannot make a determination on the adequacy of the stormwater management measures proposed for the development.

Issue: Adequate Outfall

The plat states that an outfall analysis and narrative meeting PFM requirements will be provided with the site plan. However staff recommends that an adequate outfall analysis should be provided with the review of this special exception application.

Resolution:

The demonstration of adequate outfall is a special exception application requirement. The outfall analysis should be provided at this time. To ensure that proper analysis is provided prior to construction of the proposed buildings on the site, staff has proposed a development condition to ensure that adequate outfall is demonstrated prior to site plan approval.

Park Authority Analysis (Appendix 8)

While there are some recreational facilities to be provided on the site, based on the number of expected residents, there will be an increased demand on Park Authority recreation facilities in the Lee District. To address this impact, the Park Authority has requested that \$44,640 (\$1,395 per dwelling unit) be provided to enhance the recreational opportunities for the residents in the proposed development. Staff has proposed a development condition to ensure that the applicant will contribute \$44,640 to the Park Authority.

Fire and Rescue Analysis (Appendix 9)

The application property is serviced by the Fairfax County Fire and Rescue Department Station #405, Franconia and currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 10)

The application property is located in the Dogue Creek (L) watershed and would be sewered into the Noman M. Cole Control Plant.

ZONING ORDINANCE PROVISIONS (See Appendix 11)

Per Par. 10, Sect. 9-306 of the Zoning Ordinance, for independent living facilities, a 50-foot minimum yard is required for any yard that abuts or is across the street from an area adopted in the Comprehensive Plan for 0.2 to 8 dwelling units per acre.

Bulk Standards R-1		
Standard	Required	Provided
Min Lot Size	36,000 square feet	278,238 square feet
Min Lot Width	150 ft.	~306 ft.
Max. Building Height	50 ft.	35 ft.
Min Front Yard ¹	50 ft.	50 ft.
Min Side ¹	50 ft.	50 ft.
Min Rear Yard ¹	50 ft.	50 ft.
Max Density ²	4 x 2 du = 8 du/ac	5.0 du/ac
Min Open Space ³	60%	64%
Min Parking Spaces	1 per 4 du (32/4) = 8 spaces	97 spaces (incl. 17 visitor spaces)
Transitional Screening		
North (SFD)	TS 1 – 25 ft.	Planting modification requested
East (SFD) (Open Space)	N/A	N/A
South (SFD)	TS 1 – 25 ft.	Planting modification requested
West (SFD)	TS 1 – 25 ft.	Planting modification requested
Barrier		
North (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	Waiver requested

Bulk Standards R-1		
Standard	Required	Provided
East (SFD)	N/A	N/A
South (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	Waiver requested
West (SFD)	D, E or F (42-48 inch chain link fence, 6-foot high wall, or 6-foot high solid wood or architecturally solid fence)	Waiver requested

1. The yard requirements for an independent living facility are based on the uses recommended by the adopted Comprehensive Plan for the adjacent properties. Fifty foot deep yards are required where the independent living facility abuts land planned for 0.2 to 8 dwelling units per acre. (See Par. 10, Sect. 9-306)
2. See the discussion regarding density pursuant to the provisions of Par. 6, Sect. 9-306 below.
3. The amount of open space required for an independent living facility is determined by the density range recommended by the Comprehensive Plan as stated in Par. 6 of Sect. 9-306.

OTHER ZONING ORDINANCE REQUIREMENTS:

Special Exception Standards (See Appendix 11)

General Special Exception Standards (Sect. 9-006)

Category 3 Standards (Sect. 9-304)

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

General Standards (Sect. 9-006)

Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, the proposed development is not in harmony with the Policy Plan guidelines for the location of multifamily residential development and the guidelines for the location of elderly housing. Therefore; this standard has not been met.

Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. As previously discussed, Par. 5 of Sect.9-306 of the Zoning Ordinance requires that all independent living facilities be on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare. Staff believes that the intent of this standard is to ensure that such uses are appropriately located in areas in which roads providing access to such uses can handle to intensity of the use. Clames Drive is a local street and staff believes that the transportation impacts the proposed development will have detrimental effects on traffic flow along Clames Drive and the surrounding neighborhood. Therefore, in staff's opinion, this standard has not been met.

Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable

zoning district regulations and the adopted Comprehensive Plan. It further states that 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. Per the Zoning Ordinance standards for independent living facilities, a 50-foot minimum yard is required for any yard that abuts or is across the street from an area adopted in the Comprehensive Plan for 0.2 to 8 dwelling units per acre. Based on that requirement, a 50-foot minimum yard is required along the entire periphery of the site. The proposed layout provides this setback. However the applicant has requested a modification of the transitional screening planting requirements (Sect. 13-300) in order to permit modified planting materials within the transitional screening areas on the site. The applicant has also requested a waiver of the barrier requirements to permit the modified plantings shown on the SE Plat. While the Zoning Ordinance does allow to Board of Supervisors to waive and/or modify transitional screening and barrier requirements when a building, a barrier and/or the land between a development and the property line has been designed to minimize adverse impact through a combination of techniques, UFMD has indicated that the justification provided by the applicant does not appear to be in conformance with the circumstances specified in the Zoning Ordinance. UFMD recommended that Barrier D, E, or F and transitional screening yard landscaping should be provided along the southwest portion of the site to meet the 75% tree canopy coverage requirements in accordance with the Zoning Ordinance. Staff has proposed a developed condition to ensure that Barrier D, E, or F and transitional screening yard landscaping shall be provided as recommended by UFMD. With the adoption of the proposed development conditions staff believes this standard will be met.

Par. 4 states that 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. The proposed application would create additional impacts on the surrounding public street system. As previously discussed, Par. 5 of Sect.9-306 of the Zoning Ordinance requires that all independent living facilities be on a parcel of land fronting on, and with direct access to a collector street or major thoroughfare. The applicant has requested a waiver of this special exception standard. The intent of this standard is to ensure that such uses are adequately located in areas where roads providing access to such uses can handle to intensity of the use. The lack of direct access to a collector street as proposed has the potential to result in significant traffic impacts to the surrounding residential development. Furthermore elderly housing development assumes that the majority of the residents will no longer be part of the regular workforce, thereby reducing expected impacts to transportation. However, in this case, the applicant is seeking a modification which would permit residents as young as fifty-five to be part of this community, therefore there may be increased vehicle trips to and from the site compared to the typical elderly housing development. Based on these issues, staff believes that this issue has not been met.

Par. 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. As discussed in paragraph 3 above, staff has proposed a developed condition to ensure that Barrier D, E, or F and transitional screening yard landscaping shall be provided as recommended by UFMD. With the adoption of the proposed development conditions, staff believes this standard will be met.

Par. 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. This standard is not applicable, as there is no requirement for open space in the R-1 District.

Par. 7 states that adequate utility, drainage, parking, loading facilities to serve the proposed use shall be provided. As discussed previously, a total of 64% open space, which is in conformance with the Zoning Ordinance requirements for the site. Staff is concerned that the 17 visitor parking spaces will not be sufficient to accommodate all parking on site and that parking could overflow onto Clames Drive and adversely impact traffic flow along Clames Drive. Furthermore, the applicant has not addressed issues raised concerning the proposed stormwater management measures for the site. Due to the outstanding issues related to parking and stormwater management for the development, staff believes this standard has not been met.

Par. 8 states that 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. Staff has proposed a development condition to ensure that any signage on the site is in conformance with Article 12 of the Zoning Ordinance. With the adoption of the development condition, this standard will be met.

Sect. 9-304, Standards for All Category 3 Uses

Par. 1 addresses public uses and is not applicable to this application.

Par. 2 addresses the minimum lot size requirements, which as noted in the Bulk Standards Chart above, are satisfied by the application property.

Par. 3 addresses conformance with the bulk standards in the underlying zoning district. As demonstrated above, the standards contained in Par. 6 of Sect. 9-306 have been satisfied.

Par. 4 states that the performance standards of Article 14, Performance Standards, are applicable to Category 3 Special Exception uses. These standards will have to be met during future construction activities and during the on-going operation of the proposed independent living facility.

Par. 5 states that, prior to establishment; all uses are subject to the provisions of Article 17, Site Plans and site plan approval will be required prior to the commencement of development activities on the site.

Sect. 9-306, Additional Standards for Independent Living Facilities

Par. 1 addresses the age and/or disability occupancy restrictions required for an independent living facility, which are incorporated into the proposed development conditions. The applicant seeks a modification which would permit residents as young as fifty-five to be part of this community. As previously discussed, typically elderly housing development assumes that the majority of the residents will no longer be part of the regular workforce, thereby reducing expected impacts to transportation, schools, and recreation facilities. However if the age restriction is modified to permit residents 55 years of age and above there may be increased transportation impacts compared to the typical elderly housing development. Furthermore, the applicant has not provided any justification for a modification of the age restrictions for the proposed independent living facility. Staff has proposed a development condition to ensure that units in the independent living facility will be occupied only by individuals 62 years of age or older. With the adoption of this development condition this standard will be satisfied.

Par. 2 requires that the Board find that applications for independent living facilities adequately and satisfactorily take into account the needs of the residents for transportation, health, recreational and other similar such facilities. A fitness trail is proposed along the northeastern section of the property. The SE Plat depicts a "possible bench location" along the fitness trail and a "possible bicycle shed" in the southeastern portion of the site along the eight-foot wide asphalt trail. A picnic area is shown at the rear (north) of the proposed clubhouse and the clubhouse is proposed to host activities including, but not limited to, on-site activity programs such as fitness and exercise classes. Staff has proposed a development condition to ensure that the applicant will contribute \$44,640 to the Park Authority to enhance the recreational opportunities for the residents of the development. However, as previously noted, public transportation is not available on the streets adjacent to the proposed development, and the service available along South Van Dorn Street is not easily accessible due to steep grading. The applicant has proposed to provide shuttle service for the residents and guests; but has not provided a schedule for the shuttle service at this point. The applicant has indicated that bicycles and Segways would be made available for residents of the independent living facility; however, Segways are not permitted on sidewalks or trails in the County and it would be dangerous for residents to use Segways on the public streets in the area. Furthermore the use of bicycles and even walking may be difficult for some residents of the site due to the varying grades on the property and south of the property; therefore this standard has not been satisfied.

Par. 3 addresses the compatibility of the proposed facility with the surrounding neighborhood, that the health and safety of the persons residing in the

neighborhood not be adversely affected and that the facility not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. As noted throughout this report, staff believes that the proposed development may be detrimental to the uses in the neighborhood given the site does not front or provide access to a collector street or major thoroughfare. The nature and intensity of the use, as proposed, has the potential to result in significant traffic impacts to the surrounding residential development. Therefore, staff believes this standard has not been met.

Par. 4 requires that a floor area ratio (FAR) calculation be provided to assist the Board in determining if the project is consistent with the scale of the surrounding neighborhood. The applicant has not provided the proposed FAR tabulation for the proposed development; therefore, this standard has not been met.

Par. 5 requires that such a project be located on land fronting on or with direct access to a collector street or major thoroughfare. As noted elsewhere in this report, staff does not support the applicant's requested waiver of this standard. The lack of direct access to a collector street as proposed has the potential to result in significant traffic impacts to the surrounding residential development. In addition to that, the applicant is seeking a modification that would permit residents as young as fifty-five to be part of this community, which staff believes would result in an increase in vehicle trips to and from the site compared to the typical elderly housing development. The combination of these two factors would create adverse impacts to traffic flow along Clames Drive and throughout the surrounding low-density residential neighborhood. Based on these issues, staff believes that this issue has not been met.

Par. 6 addresses the density limitations and open space requirements for an independent living facility. While the application is in conformance with most of the applicable bulk standards, the SE depicts a vehicle turnaround area in the southwestern portion of the site, which encroaches into the 50-foot yard area required for the proposed use. Staff has recommended that the applicant revise the SE Plat to redesign the turnaround area so that it does not encroach into the required 50-foot yard area. The SE Plat continues to show the vehicle turnaround area encroaching into the 50-foot yard area; therefore, this issue remains outstanding

This project does not propose to include assisted living facilities or skilled nursing care on site, which would be otherwise permitted pursuant to the provisions of Par. 7, provided that these facilities are designed solely for the residents as an accessory use.

Par. 8 states that the facilities in the development shall be solely for the use of residents, employees and invited guests. The proposed amenities on the site include a 5,000 SF clubhouse proposed to host activities including, but not limited to, on-site activity programs such as fitness and exercise classes, a proposed fitness trail, "possible bench location" along the fitness trail and a "possible bicycle shed". A picnic area is shown at the rear (north) of the proposed clubhouse. Staff believes that this standard has been met.

Par. 9 states that the maximum density of independent living facilities is based upon the density of the land use recommendation for the subject property set forth in the Comprehensive Plan modified by the corresponding multiplier set forth in the Zoning Ordinance. The density proposed with this application is 5.0 dwelling units per acre, which is conformance with the Zoning Ordinance density multiplier standards; therefore, this standard has been met.

Par. 10 addresses the yard requirements for this use, which are satisfied as noted above in the Bulk Standards chart.

Par. 11 states that, for the purposes of transitional screening as required by the provisions of Article 13, Landscaping, Screening, an independent living facility shall be considered a multifamily dwelling. The applicant has requested a modification of the transitional screening planting requirements in order to permit modified planting materials within the transitional screening areas on the site and a waiver of the barrier requirements. UFMD has indicated that the justification provided by the applicant does not appear to be in conformance with the circumstances specified in the Zoning Ordinance and recommended that Barrier D, E, or F and Transitional Screening Yard 3 landscaping be provided along the southwest portion of the site in accordance with the Zoning Ordinance. Staff has proposed a developed condition to ensure that Barrier D, E, or F and Transitional Screening Yard 3 landscaping shall be provided as recommended by UFMD. With the adoption of the proposed development conditions, staff believes this standard will be met.

Par. 12 addresses the impacts of the revised provisions adopted in 2003 to previously approved projects and is not applicable to this application.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As previously discussed, this application is a request for a Category 3 Special Exception to permit an independent living facility. The resulting density would be 5.0 du/acre. Staff has identified several issues which indicate that the subject property is not the appropriate location for the proposed use and that the proposed development is not in conformance with the Comprehensive Plan guidelines for the proposed use. These issues include:

- The additional standards for independent living facilities requires that such uses be located on land fronting on or with direct access to a collector street or major thoroughfare in order to ensure that such uses are adequately located in areas where roads providing access to such uses can handle to intensity of the use. Staff believes that the lack of direct access to a collector street as proposed has the potential to result in significant traffic impacts to the surrounding residential development.
- The application proposes to permit residents as young as 55 years of age to reside in this community. Typically, elderly housing development (62 years of age and above) assumes that the majority of the residents will no longer be part of the regular workforce, thereby reducing expected impacts to transportation. In this situation, if the age restriction is reduced to 55 years of age and above, there may be increased vehicle trips to and from the site compared to the typical elderly housing development causing even greater impacts on Clames Drive and the surrounding community.
- The application property is located more than a quarter of a mile away from any community-serving retail uses. Staff believes that this might make it difficult for some residents of the development to access those uses.
- Public transportation is not available on the streets abutting the property, and due to the steep grade change between the subject site and Lake Village Drive , it may be difficult for some residents to walk the route (via Lake Village Drive) to get to South Van Dorn Street to access public transportation. The applicant has proposed to provide shuttle service for the residents and guests; however, the costs related to such a service and the proposed schedule for the service, have not been fleshed out at this point.
- The varying steep topography on the site and adjacent to the site might make it difficult for some of the residents to travel the walking pathways necessary to access community serving retail and/or public transportation.
- Staff is concerned that the 17 visitor parking spaces proposed with the application might not be sufficient to accommodate all on site, and as a result, parking could overflow onto Clames Drive and adversely impact traffic flow along Clames Drive.
- The application does not propose to provide frontage improvements including curb and gutter along the Clames Drive frontage of the application property as staff has recommended. Given the intensity of the proposed use, compared to the surrounding low-density residential development, staff has proposed a development condition to ensure that the applicant provides the frontage improvements as determined by VDOT. Only with the adoption of the proposed development condition, will this issue be resolved.

- The Comprehensive Plan recommends that such uses should be adequately sized in order enhance the ability to support costs of private amenities. Staff believes that the proposed development of a maximum of 32 units may create significant financial burdens on the residents who will be responsible for maintaining the amenities on the site as well as maintaining the private streets within the development.

Staff Recommendations

Staff recommends that SE 2009-LE-001 be denied. However, should the Board of Supervisors approve SE 2009-LE-001, staff recommends that the approval be subject to the draft development conditions contained in Appendix 1.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Land Use Analysis & Environmental Analysis
5. Urban Forest Management Analysis
6. Transportation Analysis
7. Stormwater Management/Best Management Practices Analysis
8. Park Authority Analysis
9. Fire and Rescue Analysis
10. Sanitary Sewer Analysis
11. Zoning Ordinance Provisions
12. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE-2009-LE-001

June 24, 2009

If it is the intent of the Board of Supervisors to approve SE 2009-LE-001 in the name of Bhagat, located at Tax Map No. 81-4 ((16)) 19, 20, 21, and 22 to permit an independent living facility pursuant to Sect. 9-301(4) of the Zoning Ordinance, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Walhaven Woods Plat of Special Exception" prepared by Urban, Ltd., and dated October 2008, revised to May 28, 2009 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. Frontage improvements including, but not limited to sidewalk, curb and gutter shall be provided along the Clames Drive frontage of the site as determined by the Virginia Department of Transportation (VDOT).
5. Pedestrian connections including five-foot (5') wide sidewalks, asphalt trails, and fitness trail shall be constructed as shown on the SE Plat.
6. All parking for the site shall be provided on site.
7. The independent living facility shall be accessed via a private street connection from Clames Drive. Written notification shall be provided to all initial purchasers specifying that the Condominium Owners' Association will be responsible for the maintenance of the private roads on the site prior to entering into a contract of sale. This maintenance responsibility shall also be disclosed within the Condominium Owners' Association documents. An initial reserve fund of \$7,500 for maintenance and replacement for private streets shall be established by the applicant.
8. Individual units in the independent living facility shall be occupied only by individuals 62 years of age or older or couples where the husband or wife is 62 years of age or

older 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. These restrictions shall be incorporated into the association documents that will govern this property.

9. Each independent living unit shall meet the definition of a dwelling unit per the Zoning Ordinance and shall include a kitchen. The units shall be constructed in accordance with Americans with Disabilities Act (ADA) and Federal Housing Act (FHA) requirements for housing for seniors. All public areas and public doorways shall be wheelchair accessible. All resident units shall be FHA adaptable and have lever hardware, doorways wide enough for wheelchairs, low profile thresholds, an emergency call system, large print unit identification system, non-glare lighting and structural blocking within the unit bathrooms to accommodate ready conversion to an adaptable unit. The initial purchaser shall have the option to include accessible features within the unit such as railings, grab bars, accessible kitchen and bathroom features.
10. The architectural design of the buildings shall be in substantial conformance with the style and character of the building elevations depicted on Sheet 4 of the SE Plat.
11. The maximum building height shall be 35 feet as defined in the Zoning Ordinance.
12. A shuttle service for residents shall be provided for trips to, such as but not limited to, shopping, health care visits and to transit facilities (the Franconia/Springfield Metrorail station). The scheduling and frequency of trips shall be based on resident needs.
13. A common area of a minimum of 5,000 square feet shall be provided which shall include space for social programs. All common areas shall be wheelchair accessible through features such as, but not limited, to low pile carpeting, low profile thresholds, lever door hardware, non-glare lighting and emergency call buttons. Bathrooms that serve the common areas shall be fully accessible.
14. On-site services and activities shall include but are not limited to: on-site staff to provide security and concierge services, meal service, on-site activity programs such as fitness and exercise classes, guest speakers, games and crafts. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.
15. A contribution of \$1,395 per unit (\$44,640) shall be submitted to the Fairfax County Park Authority at the time of Subdivision plan approval, for its use in establishing and maintaining parks and recreational facilities in the Lee District. The contribution amount shall be adjusted by increases to the Marshall and Swift Building Cost Index from the date of the Board of Supervisor's approval of this special exception application to the date of Subdivision plan approval.

16. The maximum number of independent living units shall not exceed 32.
17. Stormwater Management and Best Management Practices Facilities in accordance with the Public Facilities Manual (PFM) shall be provided in substantial conformance with the SE Plat, unless waived by DPWES. If the SWM/BMP facilities approved by DPWES are not in substantial conformance with SE Plat, a Special Exception Amendment shall be required.
18. Adequate Outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM) as determined by DPWES at the time of site plan review.
19. Prior to Site Plan approval, if required by DPWES, and in accordance with the provisions of the PFM, the Applicant shall submit a geotechnical study of the Application Property to the Geotechnical Review Board through DPWES and shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural problems, to the satisfaction of DPWES. The recommendations of the Geotechnical Review Board shall be implemented.
20. The limits of clearing and grading shown on the SE plat shall be strictly conformed to during all phases of site plan approval and construction on the site.
21. A landscape plan shall be submitted as part of the first and all subsequent submissions of the site plan and shall be coordinated with and approved by the Urban Forest Management Division (UFMD), DPWES. This plan shall be in substantial conformance with the landscape concepts plan as to quantity and quality of plantings, and in substantial conformance with the location of plantings as shown on sheet 6 of the SE Plat and these development conditions.
22. Barrier D, E, or F and Transitional Screening 3 planting requirements shall be provided along the southwest portion of the site to meet the 75% tree canopy coverage requirements in accordance with the Zoning Ordinance, as determined by UFMD.
23. A tree preservation plan shall be submitted as part of the first and subsequent site submissions as follows.

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

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet

from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

B. Tree Preservation Walk-Through. “A certified arborist shall be retained, and shall mark the limits of clearing and grading with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the certified arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

C. Limits of Clearing and Grading. “The limits of clearing and grading shall be strictly conformed to as shown on the SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

D. Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

E. Tree Appraisal: “A professional arborist with experience in plant appraisal shall be retained, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

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

F. Root Pruning. “The roots shall be pruned, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and

adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted under the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

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

H. Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: JUN 4 2009
 (enter date affidavit is notarized)

I, Lori R. Greenlief, Land Use Planner, 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

103391-6

in Application No.(s): SE 2009-LE-001
 (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)
Nazir A. Bhagat Ashraf N. Bhagat	6374 Lakeview Drive Falls Church, VA 22041	Applicant/Title Owners of Tax Map Nos. 81-4 ((16))-19, 20, 21, 22
Urban Ltd. Agents: David T. McElhaney Alvis H. Hagelis	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agents
McGuire Woods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(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).

SPECIAL EXCEPTION AFFIDAVIT

DATE: JUN 4 2009
(enter date affidavit is notarized)

1033916

for Application No. (s): SE 2009-LE-001
(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)

Urban Ltd.
7712 Little River Turnpike
Annandale, VA 22003

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)

Barry B. Smith
J. Edgar Sears, Jr.
Brian A. Sears

(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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: JUN 4 2009
(enter date affidavit is notarized)

1033916

for Application No. (s): SE 2009-LE-001
(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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(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)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bilik, R. Eric | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. William | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

(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: JUN 4 2009
(enter date affidavit is notarized)

103391 w

for Application No. (s): SE 2009-LE-001
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(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)

Covington, Peter J.
Cramer, Robert W.
Cromwell, Richard J.
Culbertson, Craig R.
Cullen, Richard (nmi)
de Cannart d'Hamale, Emmanuel
De Ridder, Patrick A.
Dickerman, Dorothea W.
DiMattia, Michael J.
Dooley, Kathleen H.
Dorman, Keith A.
Downing, Scott P.
Edwards, Elizabeth F.
Ey, Douglas W., Jr.
Feller, Howard (nmi)
Fennebresque, John C.
Foley, Douglas M.
Fox, Charles D., IV
France, Bonnie M.
Freedlander, Mark E.
Fuhr, Joy C.
Getchell, E. Duncan, Jr.
Gibson, Donald J., Jr.
Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)

Gordon, Alan B.
Grant, Richard S.
Greenberg, Richard T.
Grieb, John T.
Harmon, Jonathan P.
Harmon, T. Craig
Harmon, Yvette (nmi)
Hartsell, David L.
Hayden, Patrick L.
Hayes, Dion W.
Heberton, George H.
Horne, Patrick T.
Hosmer, Patricia F.
Hutson, Benne Cole
Isaf, Fred T.
Jackson, J. Brian
Jarashow, Richard L.
Jeffcoat, Brenton D.
Johnston, Barbara Christie
Kanazawa, Sidney (nmi)
Katsantonis, Joanne (nmi)
Keenan, Mark L.
Kennedy, Wade M.
King, Donald E.
King, Sally Doubet
Kittrell, Steven D.
Kratz, Timothy H.

Krueger, Kurt J.
Kutrow, Bradley R.
La Fratta, Mark J.
Lias-Booker, Ava E.
Lieberman, Richard E.
Little, Nancy R.
Long, William M.
Manning, Amy B.
Marianes, William B.
Marks, Robert G.
Marshall, Gary S.
Marshall, Harrison L., Jr.
Marsico, Leonard J.
Martin, Cecil E., III
Martin, George Keith
Martinez, Peter W.
Mason, Richard J.
Mathews, Eugene E., III
Mayberry, William C.
McCallum, Steven C.
McDonald, John G.
McElligott, James P.
McElroy, Robert G.
McFarland, Robert W.
McIntyre, Charles Wm.
McLean, J. Dickson
McRill, Emery B.

(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: JUN 4 2009
(enter date affidavit is notarized)

1033916

for Application No. (s): SE 2009-LE-001
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(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)

Muckenfuss, Robert A.
Murphy, Sean F.
Nesbit, Christopher S.
Nunn, Daniel B., Jr.
O'Grady, Clive R. G.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Phears, H.W.
Plotkin, Robert S.
Potts, William F., Jr.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegle, Gregory A.
Rifken, Lawrence E.

Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. Christian
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane Whitt
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Stone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.

Stone, Jacquelyn E.
Swan, David I.
Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Tirone, Joseph G.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. Landis, Jr.
Walker, John Tracy, IV
Walsh, James H.
Watts, Stephen H., II
Werlin, Leslie M.
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. Ramsey, III
White, Walter H., Jr.
Williams, Steven R.
Wilson, Ernest G.
Wilson, James M.
Wren, Elizabeth G.
Young, Kevin J.
Younger, W. Carter

(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: JUN 4 2009
(enter date affidavit is notarized)

1033914

for Application No. (s): SE 2009-LE-001
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(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)

(Former Equity Partner List)

Anderson, Corby C.
Baril, Mary Dalton
Beane, John C.
Carter, Joseph C., III
Cordell, Stephen L.
Culbreth, James H., Jr.
Cutchins, Clifford A., IV
Dillon, Lee Ann
Dimitri, James C.
Douglass, W. Birch, III
Dyke, James Webster, Jr.
Evans, David E.
Fifer, Carson Lee, Jr.
Freye, Gloria L.
Germaise, Susan L.
Goodall, Larry M.
Grandis, Leslie A.

Iselin, Benjamin B.
McArver, R. Dennis
McGoogan, E. Graham, Jr.
Menges, Charles L.
Menson, Richard L.
Michels, John J., Jr.
Middlebrooks, James G.
Milton, Christine R.
Newman, William A.
Pilkington, Kathy L.
Rappaport, Richard J.
Ricciardi, James P.
Russell, Deborah M.
Samson, Gary D.
Samuels,, Lawrence R.
Sippelle, Keith A.
Smith, Stuart (nmi)

Summers, W. Dennis
Suzumoto, Mark K.
Swartz, Charles R.
Van Etten, David B.
Vaughn, Scott P.
Walker, Howard W.
Wells, David M.
Whittemore, Anne Marie
Williamson, Mark D.
Wood, R. Craig
Zirkle, Warren E.

(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

JUN 4 2009

DATE: _____
(enter date affidavit is notarized)

1033911r

for Application No. (s): SE 2009-LE-001
(enter County-assigned application number(s))

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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: JUN 4 2009
(enter date affidavit is notarized)

1033916

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.)

Nazir A. Bhagat donated in excess of \$100 to Sharon Bulova for Chair.
Ashraf N. Bhagat donated in excess of \$100 to Supervisor McKay.

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:

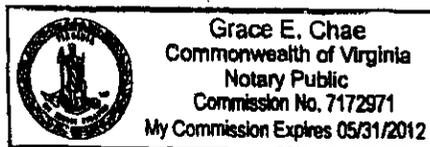
(check one) [] Applicant [x] Applicant's Authorized Agent

Lori R. Greenlief, Land Use Planner
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 4th day of June, 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012



STATEMENT OF JUSTIFICATION

Nazir Bhagat
Independent Living Community
Tax Map Parcels 81-4((16))19, 20, 21, 22
October 23, 2008
Revised April 14, 2009

I. OVERVIEW

This special exception application requests approval for the development of an independent living community for senior adults. The development is designed to offer seniors a unique living experience which encourages mutual support, cooperation in purchase and use of goods and services, energy efficiency (Energy-Star, Hi-Tech Smart Homes), and environmental responsibility. The goal of this development, which utilizes some universal design concepts, is to create a cohesive older adult/retirement community which furthers the concept outlined in the 50+ Action Plan issued by the Board of Supervisors in 2007 of making the County a more "aging-friendly" community. As emphasized in the County's recent community forum, "Reinventing Your Neighborhood", it is important for the County to encourage the creation of communities where older adults can "age in place". The proposed community will create such an environment where the needs of the aging population can be met efficiently and effectively while allowing this segment of the population to remain a vital element of the surrounding community.

This independent living community will provide a unique housing type which has the look and feel of traditional single family homes, but which consists of quads with two duplex units stacked on top of two others. The upper level units will be accessed by stairs and an optional elevator, which may be installed at a later date when the homeowner desires or needs it due to physical limitations. This design provides improved ambient lighting and a measure of "single family dwelling living" for these senior adults - a very different atmosphere than the typical multi-family apartment or condo type arrangement found in most independent living facilities in the County. Each dwelling unit will be adaptable to permit single level living, permitting the active adult to "age in place". A commons building will be provided with meeting/exercise/hobby space, a business/computer center, a warming kitchen and possibly amenities such as a communal library and/or a communal pantry for staples. The goal of the community is to create and foster an environment where residents have the ability and the resources to ride-share to Metro and to activities such as grocery shopping, to utilize internet connectivity and community message boards to coordinate activities among the residents and to arrange for delivery of goods (e.g. groceries) and services (e.g. physical therapy and cosmetology), and to share services such as landscaping and other maintenance tasks so economies of scale can lead to lower costs. Additionally, residents would have the ability to participate in regular on-going activities such as book clubs, bridge, chess, dances, etc. and depending on resident interest, seminars regarding age-related topics such as wellness, universal design, computers, and financial planning. While the actual

mix of services and transportation arrangements will depend upon resident needs and may evolve with trends in technology and the surrounding community, they may be summarized as:

- A focus on extensive communications and social interactions to promote a sense of community and neighborhood involvement amongst seniors,
- A focus on the needs of the senior residents in the areas of wellness, healthy living trends and financial planning, and
- A focus on cooperative purchases of or shared use of goods and services or the use of barter to reduce costs.

The property is ideally located and the use thus, ideally situated, to afford the residents retail and cultural amenities within walking distance of Kingstowne. The unique location makes it possible for the services above to be provided and the transportation needs of this senior community to be reduced. For example, the presence of churches, a library, bus stop, and shopping within walking distance, of INOVA medical facilities slightly more than a mile away, and of a choice of two METRO stations approximately two miles away, together with the proposed pedestrian path to Lake Village Drive presents residents with multiple options from walking to Segways to vans and commuter buses for transportation and ride-sharing. Furthermore, common facilities will include a computer server and a bulletin board to permit residents to post information on ride sharing, group activities, exchange of services, borrowing of equipment, cooperative purchases, etc. The small scale of the community allows this program to work.

II. DESCRIPTION OF PROPERTY/SPECIAL EXCEPTION REQUEST

The property is located on Clames Drive in the eastern-most portion of the Walhaven subdivision, just to the west of Lake Village Drive and the Chancery of Kingstowne Condominiums. For more than 50 years, the properties were utilized as a "junk recycling yard" with vehicles and other piles of scrap metal strewn throughout on the site. Continuing zoning violations for illegal use and prohibited structures were issued on the property over the years. The Applicant succeeded in completing the necessary environmental studies and clearing the site of illegal structures and tons of trash after assembling the properties in 2005, paving the way for the site to be restored and utilized for residential development as it was intended.

The application includes 4 lots which are zoned R-1 and total 6.38 acres. The properties are planned for residential use at 1-2 dwelling units per acre. Utilizing the density multiplier specified in Sect. 9-306 of the Zoning Ordinance, the maximum permitted density for this independent living community would be 51 units. The special exception plat shows 8 separate buildings each containing 4 units, two below and two above. The proposed 32 units represent just over half of the maximum density allowed by the Ordinance for independent living facilities. The upper level "A" units will have two car garages and the lower level "A" units and all of the "B" units will have 1 ½ car

garages. The square footage of the units will average 2,600 sf. The minimum parking requirement specified in the Zoning Ordinance for independent living units is 8 spaces and a total of 98 spaces are provided, 18 of which are visitor spaces. Note that while the 1 ½ car garages are only counted as 1 car for parking requirement purposes, the garages are designed specifically to enable residents to park Segways and other alternative means of transportation.

A commons building of up to 5,000 square feet in size and a maximum of 35 feet in height is located in the northern portion of the site. Possible uses within the commons building are described above. A multi-use trail is shown from the Walhaven Woods entrance to a connection to Lake Village Drive, leading to Kingstowne Center and the bus stops on Van Dorn Street. Stormwater management will be accommodated in a dry pond located in the eastern portion of the site.

The site experienced severe degradation over the years prior to Mr. Bhagat's ownership. In 2002, Mr. Bhagat began working to resolve the zoning violations of the previous owner as well as completing the appropriate environmental studies needed to move toward restoring the natural beauty of the site, expending substantial effort and expense to remove decades of trash and debris from the site. The proposed layout for the retirement community was sensitively designed to preserve treed areas resulting in a natural amenity for the future residents and the neighbors.

III. CONFORMANCE WITH THE ADOPTED COMPREHENSIVE PLAN

The proposed development is within the Rosehill District of the RH4 Lehigh Community Planning Sector. There is no specific Plan text for this property. The concept for future development for the area in the Comprehensive Plan recommends that most of the sector develop as Suburban Neighborhood. The Plan Map indicates that the properties are planned for residential use between 1 and 2 dwelling units per acre. The maximum allowed number of independent living units is 51 according to Section 9-306 of the Zoning Ordinance. A maximum of 32 units is proposed with the special exception. This use is in harmony with the Comprehensive Plan recommendations.

IV. CONFORMANCE WITH THE ZONING ORDINANCE

The application meets the standards specified in Sects. 9-304 and 9-306.

Sect. 9-006, General Standards for a Special Exception

1. The proposed use is in harmony with the adopted Comprehensive Plan. See discussion above.
2. The use is in harmony with the general purpose and intent of the applicable zoning district regulations. All bulk regulations are satisfied.
3. The proposal is sensitively designed to minimize visual impact to adjacent properties through placement of the proposed homes and streets. The architectural style, height and bulk of the buildings will be compatible with the residential scale of the neighborhood.

4. The ITE trip generation rate for this type of use is low compared to a single family detached dwelling community and this community in particular will have minimal transportation impacts because it is of such a small scale and will utilize co-housing concepts like ride-sharing. The number of units has specifically been capped at 32 which equates to a daily trip generation of 112 trips which is less than projected were the site to develop per the Comprehensive Plan density for single family detached dwellings (120 trips). Additionally, for this segment of the population, peak hour trips are considerably lower. Furthermore, high gasoline costs point to less heavy traffic patterns in the future.
5. Acknowledged.
6. The amount of open space required for independent living facilities is double that required for a cluster subdivision in the R-1 District. The proposal meets the required open space of 60%.
7. The amount of parking provided far exceeds the amount required in the Zoning Ordinance for this use. Adequate stormwater and drainage management is provided.
8. Signs shall be regulated by Article 12.

Sect. 9-304, Standards for All Category 3 Uses

1. N/A
2. The lot size requirement is met for this application.
3. The bulk regulations for the R-1 are satisfied
4. The performance standards specified for the R-1 will be met.
5. The use shall be subject to Article 17, Site Plans.

Sect. 9-306, Additional Standards for Independent Living Facilities

1. The Applicant respectfully request a waiver of the age limitation to allow persons 55 years of age to reside in the development.
2. The purpose of creating the community is to provide for the needs for the retired and aging population and allow them to remain in a vibrant urban environment close to shopping, cultural and recreational amenities. As the needs of the residents dictate, transportation services and health care options will be implemented in the community. By bringing a segment of the population with like needs together in a community, these needs are more efficiently and more easily met.
3. The proposed community will fit into the fabric of the surrounding area. While Walhaven subdivision itself is zoned R-1, it is one of the older subdivisions of the County where the majority of the lots are actually ½ acre in size and have a higher density character than the R-1 zoning would indicate. The proposed architecture (see attached elevation sketch) will be residential in scale. The units may have a basement or a terrace, but they all will be designed to permit the senior residents to live on a single level, as they “age in place”. The Walhaven subdivision is a changing community with many new large homes being built on existing or combined lots. A look at the larger community shows condos and townhomes directly to the east in Kingstowne, a new PDH-5 neighborhood just to the

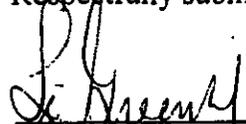
northeast and many institutional uses (churches and schools) in the area. The site will be well-landscaped and well maintained and will add value to the surrounding area. Heights will be kept within residential scale at no more than 35 feet. The units are oriented so as to present the "shorter" side of each set of units to the adjoining property lines. Areas of mature vegetation will be preserved and other areas of the property will be enhanced with landscaping.

4. The information required in this standard is shown on the special exception plat.
5. The Applicant respectfully requests a waiver of this standard. Given the scale of this development (32 units), access on a major thoroughfare or collector street is not necessary to avoid traffic impacts. The ITE trip generation rates for this type of use are low and this community in particular will have minimal transportation impacts because it is of such a small scale and will utilize co-housing concepts like ride-sharing. Access on a collector or major thoroughfare seems much more important for the larger independent living facilities which are multi-family apartment type development with unit numbers in the 100's.
6. The density has been calculated using the density multiplier and this standard is met.
7. There will be no assisted living component in this development.
8. The facilities shall be utilized solely by the residents and their guests.
9. The maximum height shall be 35 feet.
10. Due to reorientation of units A-14 and A-16 to allow for more tree save area, the Applicant now respectfully requests a waiver of the 50 foot setback for one corner of the clubhouse to allow the corner to be 40 feet from the lot line.
11. A waiver of the barrier requirement is requested. A modification of the transitional screening requirement is requested in order to allow for the landscaping to be provided as shown on Sheet 6 of 7 of the special exception plat.
12. N/A

V. CONCLUSION

The proposed development is consistent with current Comprehensive Plan recommendations and shall comply with all ordinances, regulations and adopted standards of Fairfax County. For all of the aforementioned reasons, the Applicant respectfully requests the Staff and the Planning Commission to endorse, and the Board of Supervisors to approve this Special Exception request.

Respectfully submitted,



Lori R. Greenliet
Land Use Planner

ATTACHMENT A

The following information is provided pursuant to the provisions of Section 9-011 of the Fairfax County Zoning Ordinance.

- A. Type of operation: Independent living facility.
- B. Hours of Operation: 24 hours per day, 7 days per week.
- C. Proposed number of employees: 5 fulltime with responsibilities similar to that of a concierge.
- D. Estimated number of patrons: N/A
- E. Traffic Impact: The ITE rate for independent living facilities is 3.48 trips per day. Based on this rate, the 32 independent living units would generate less trips than if the property were to develop at the recommended Comprehensive Plan density.
- F. Area served: Northern Virginia.
- G. Architectural compatibility: The property will be developed with residential buildings in keeping with the newer homes in the Walhaven subdivision as well as those in Kingstowne. The homes will be 35 feet or less in height and will contain architectural features such as dormers, shutters and porches, very much in a residential scale.
- H. Hazardous or toxic substances: There will be no hazardous or toxic substances generated, utilized, stored or otherwise located on the property as a result of the proposed use.
- I. Statement of conformance: The proposed use will conform to the applicable standards and other regulations related to an independent living facility. Adequate utilities, drainage, parking and other facilities necessary to serve this use will be provided.

\\REA\224406.5



County of Fairfax, Virginia

MEMORANDUM

DATE: June 10, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment: SE 2009-LE-001
Bhagat – Independent Living Facility

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the special exception (SE) plat dated October 21, 2008 revised through April 9, 2009. 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. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicants, Nazir and Ashraf Bhagat, are requesting special exception approval to permit the development of an independent living facility on four parcels which are currently occupied with one single family dwelling. The subject property contains approximately 6.4 acres. The proposed independent living facility would be comprised of thirty-two units within eight structures. A clubhouse is also noted as an amenity for the proposed development. The proposed maximum building height would not exceed 35 feet. The applicant is proposing to provide 97 conventional parking spaces.

LOCATION AND CHARACTER OF THE AREA

The property is located on Clames Drive, just west of Lake Village Drive. Properties located immediately north, west and south of the subject property are predominantly zoned R-1 and developed with single-family dwellings. Properties to the north and east of the site are zoned PDH-5 and PDH-4 and are part of the Kingstowne development.

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COMPREHENSIVE PLAN CITATIONS:

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Rose Hill Planning District as amended through December 8, 2008, RH4 Lehigh Community Planning Sector, pages 65-66, the Plan states:

“Much of the rest of the sector is substantially developed in stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. The densities planned and approved for Kingstowne and Manchester Lakes are, in many cases, greater than those planned for the residential areas surrounding these developments. These two large developments were approved after extended study and careful consideration of their size and characteristics including the amenities and public improvements provided. Other areas adjacent to or near these developments are planned for lower densities.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.”

Environment

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on page 7 through 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...

Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the *Policy Plan*. Where

applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas.

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. . . .

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed. . . .

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 non-point 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.”

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on page 12, the Plan states:

“Unlike some parts of the United States, Fairfax County is not subject to major natural disasters such as earthquakes, or major forest fires. However the County is not free of natural and human made hazards to new and existing development.

There are hazards to property in some areas of the County posed by wet or unstable soils. Marine clay soils found in the eastern part of the County and shrink-swell clay soils found primarily in the western area can cause foundation failures, cracked and shifting walls, and in extreme cases, catastrophic slope failure. Asbestos bearing soils may pose a health risk to construction workers requiring special precautions during excavation.

Objective 6: **Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils.**

Policy a: Limit densities on slippage soils, and cluster development away from slopes and potential problem areas.

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards.”

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, page 16, the Plan states:

“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: Residential use at 1-2 dwelling units per acre

LAND USE ANALYSIS

The applicant's request to develop an age restricted development consisting of 32 dwelling units within eight structures and a clubhouse raises concerns regarding location and intensity. A typical elderly housing development assumes that the majority of the residents will no longer be part of the regular workforce, thereby reducing expected impacts to transportation, schools, and recreation facilities. The applicant seeks a modification which would permit residents as young as fifty-five to be part of this community. This raises concerns regarding the impacts to those items previously noted. The Comprehensive Plan also recommends that such uses be located on a collector road. Clames Drive does not meet this Comprehensive Plan guideline and traffic generation from the proposed use remains a concern as a result. The applicant has also indicated that this use would evolve over time in order to meet the needs of individual residents. This raises the concern that the proposed use might eventually be transformed into an assisted living facility requiring more staff, parking, and modified facilities. The possible intensification of the use may result in land use conflicts between the proposed use and the existing single-family detached homes in the area. In other similar applications development conditions have required that no resident be under the age of 19. One of the reasons that this type of use is permitted by special exception in areas where the residential densities are typically lower is that they are expected to have fewer impacts on infrastructure and public facilities, such as parks and school. The inclusion of a development condition requiring this age restrictions is commonly applied to this type of use and should be applied for this requested use as well. Given these concerns, staff feels that the proposed use of this site as an independent living facility is not fully in harmony with the land use recommendations of the Comprehensive Plan guidance.

Intensity

The intensity of the proposed use may result in impacts on adjacent residential parcels. Noise and vehicle traffic and related activities of the proposed use appear to exceed the level of activity associated with a low residential use density at 1-2 dwelling units per acre as envisioned by the Comprehensive Plan for this area. The lack of direct access to a collector road is a significant concern for staff. While the applicant has indicated that traffic generation will not be significant, staff feels that the nature and intensity of the use, as proposed, has the potential to result in significant traffic impacts to the surrounding residential development.

Building Layout, Design, and Open Space

Building Layout and Design. The proposed development is composed of eight structures with each containing four residential units. A clubhouse is also proposed. Each of the buildings is residential in character and is generally consistent with the character of newer homes in the surrounding residential development. The proposed height of the structures will not exceed 35 feet. The proposed limits on the height of the structures, location of the structures along with the proposed tree preservation, landscaping, screening, and barriers are anticipated to effectively screen the proposed development from existing surrounding uses.

Open Space. The applicant has identified approximately 64% of the proposed development site as open space. This exceeds the 60% requirement for the proposed use. Developed portions of the site are generally concentrated in the central areas of the proposed development, which lends itself to the establishment or retention of vegetated areas on the boundaries of the site.

The applicants have made some effort to overcome some of staff's initial concerns regarding the proposed development of the subject property. However, the primary concern regarding the proposed use is that the intensity of a development of this type may ultimately exceed what might otherwise be deemed appropriate for this location. The use is not oriented to a collector road as recommended by the Comprehensive Plan and the number of proposed residents and employees could have an impact on the existing road network in the immediate vicinity of this site resulting in undesirable consequences for the residential area immediately adjacent to this site. As such, staff concludes that the application is not in harmony with the land use recommendations of the Comprehensive Plan.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. 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 Quality

Issue:

There is a small stream channel which crosses the eastern corner of the site. With the exception of a small section located just offsite of this property the channel is currently piped upstream and downstream of this site. Staff normally supports the concept of daylighting and restoration for such stream channels. However, the applicant has indicated that this would result in a very narrow corridor with a stream channel having 10-12 foot high steep embankments on both sides of the stream creating a potentially hazardous condition at this location given the existing upstream and downstream conditions.

Resolution:

While the concept of continuing to pipe this stream or any stream is clearly the least desirable option, staff feels that it may be appropriate in this instance given the existing conditions, apparent limited benefits and potential hazards which would be created if this channel were restored to a more natural condition for this short stretch of the stream. As such, staff has reluctantly agreed that piping this small segment while restoring natural vegetation in this area would appear to provide more long-term benefits and a safer condition at this location.

Problem Soils

Issue:

A preliminary subsurface investigation prepared for the applicant revealed the presence of some Marine Clay soils on the subject property. These soils are noted for slippage potential and can cause damage to structures. The full extent of these soils on the subject property is not currently known at this time. Under typical circumstances the Zoning Ordinance would require that a density penalty be enforced if these soils cover thirty percent or more of the property as mapped on Fairfax County Soils maps. However, in this instance these soils were not previously noted on the County Soils maps.

Resolution:

The applicant has been advised that they are likely to be required to provide a geotechnical study prior to site plan submission. Should this study result in a determination that these soils do cover thirty percent or more the site, then the density penalty would be enforced. The applicant has indicated that they are aware of this and will modify the plans accordingly if required to do so.

PGN: JRB

Additional Comprehensive Plan Citations:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Land Use section as amended through September 22, 2008, on pages 13 and 14, the Plan states:

"APPENDIX 1

GUIDELINES FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT

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

Guidelines for Suburban Neighborhoods:

1. Multifamily sites in designated Suburban Neighborhood areas should be in close proximity to community-serving retail. In addition, multifamily sites should be centrally located with respect to community services such as libraries, houses of worship, park/recreational facilities, and schools.
2. To accommodate traffic flow, the site should have adequate access to an arterial or to a collector street. An appropriate transportation analysis should be performed in conjunction with proposed multifamily development, with approval made contingent on the satisfactory resolution of identified transportation issues.
3. Sites for multifamily residential development should be located where it is County policy to provide public water and sewer service.
4. The required site size for multifamily development in Suburban Neighborhoods is dependent upon density, setback requirements, open space, parking, social and recreational amenities to be provided, and building height. These factors will tend to determine minimum site size. Generally, in areas of the County which have a reasonable supply of vacant or underutilized land, sites should be above the size necessary to meet Zoning Ordinance requirements (a minimum of 200 units). This enhances the ability to support a package of private amenities such as swimming pools, tennis courts, a clubhouse, etc. If proposed multifamily projects contain more than 600 units, diversity in architectural style, layout and transition should be encouraged.
5. Environmental concerns should be considered in site selection. Multifamily development is not appropriate in areas designated as Low Density Residential Areas. Environmental Quality Corridors and areas subject to airport noise greater than DNL 60 dBA generally should be avoided.

Guidelines for Multifamily Residential Development for the Elderly:

Locational guidelines for housing for the elderly should recognize the needs of the elderly as well as site characteristics. With regard to residents for whom health and mobility

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

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



County of Fairfax, Virginia

MEMORANDUM

April 23, 2009

TO: St. Clair Williams, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Walhaven Woods; SE 2009-LE-001

RE: Request for assistance dated April 16, 2009

This review is based upon Special Exception Plat SE 2009-LE-001 stamped "Received, Department of Planning and Zoning, April 14, 2009." A site visit was conducted on February 25, 2009.

General Comment: Comments of the previously submitted SE were provided to DPZ in my memo dated March 2, 2009. The comments contained in that memo are still valid for this latest SE submission. Additional comments are provided to address the proposed limits of clearing and grading, landscaping, and draft proffers.

- 1. Comment:** The proposed limits of clearing and grading at the western portion of the site will provide minimal preservation for the existing off-site red oak and white oak trees located on 81-4 ((16)) 0018.

Recommendation: The proposed limits of clearing and grading should be located 10 feet to the east to provide a larger save area for the existing off-site trees.

- 2. Comment:** It does not appear easements for all proposed and existing public utilities have been identified.

Recommendation: Easements for all proposed and existing public utilities should be shown and identified. Trees should not be located within any proposed or existing easement and trees should be located at least 5 feet away from all storm drain easements containing pipes.

- 3. Comment:** The proposed justification to waive the barrier requirement and to reduce the required 10-year canopy coverage from 75% to 50% for the transitional screening yard at the southwest portion of the site, identified as Buffer D-E on the SE, does not appear to be

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in conformance with the circumstances specified in section 13-304 of the Zoning Ordinance.

Recommendation: Barrier D, E, of F and transitional screening yard landscaping should be provided to meet the 75% tree canopy coverage requirements in accordance with ZO section 13-303 paragraphs 3A(1), (2), and (3).

4. **Comment:** Given the nature of the tree cover on this site, and depending upon the ultimate development configuration provided, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following proffer language to ensure effective tree preservation:

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

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Tree Preservation Walk-Through. "The Applicant shall retain the services of a certified arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using

a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

Limits of Clearing and Grading. “The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

Tree Appraisal: “The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph

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

Root Pruning. "The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted under the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete."

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

Site Monitoring. "During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES."

Walhaven Woods
SE 2009-LE-001
April 23, 2009
Page 5 of 5

Please contact me 703-324-1770 if you have any questions.

TLN/
UFMID #: 144187

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

March 2, 2009

TO: St. Clair Williams, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Walhaven Woods; SE 2009-LE-001

RE: Request for assistance dated February 5, 2009

This review is based upon Special Exception Plat SE 2009-LE-001 stamped "Received, Department of Planning and Zoning, December 10, 2008." A site visit was conducted on February 25, 2009.

Site Description: This site appears to be a vacant junk yard with various piles of concrete, scrap metal, and tree debris scattered in various locations throughout the site. There are several existing concrete structures located throughout the site as well, including various retaining walls and sheds. There are also several existing asphalt and gravel driveways located throughout the site.

There are various types of vegetation located on this property. The northwest corner of the site contains Virginia pine, American holly, American beech, red oak and tulip trees. This vegetation appears to be in fair condition and should be considered for preservation. The northern portion of the site located in the proposed EQC consists primarily of American beech, chestnut oak, tulip tree and American holly. This vegetation appears to be in fair to good condition and should be considered a priority for preservation. The southeast corner of the site consists primarily of American beech, tulip tree, American holly, white oak, and chestnut oak. This vegetation appears to be in fair to good condition and should also be considered for preservation.

1. **Comment:** An existing vegetation map has been provided however, it is over four years old and the information contained in the summary may not be accurate.

Recommendation: Provide a current and up to date EVM that depicts the location of any of the cover types identified in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505. The EVM submitted with



the SE must accurately delineate all areas of the cover types, and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

- 2. Comment:** The proposed limits of clearing and grading at the western portion of the site will provide minimal preservation for the existing off-site red oak and white oak trees located on 81-4 ((16)) 0018.

Recommendation: The proposed limits of clearing and grading should be located 10 feet to the east to provide a larger save area for the existing off-site trees.

- 3. Comment:** The northwest corner of the site contains Virginia pine, American holly, American beech, red oak and tulip trees. This vegetation appears to be in fair condition and should be considered for preservation.

Recommendation: A tree save area should be provided at the northwest corner of the site to preserve the existing trees and vegetation in this area.

- 4. Comment:** The northern portion of the site located in the proposed EQC consists primarily of American beech, chestnut oak, tulip tree and American holly. This vegetation appears to be in fair to good condition and should be considered a priority for preservation.

Recommendation: A tree save area should be provided at the northern portion of the site inside the proposed EQC to preserve the existing trees and vegetation in this area.

- 5. Comment:** The southeast corner of the site consists primarily of American beech, tulip tree, American holly, white oak, and chestnut oak. This vegetation appears to be in fair to good condition and should also be considered for preservation.

Recommendation: A tree save area should be provided at the southeast corner of the site to preserve the existing trees and vegetation in this area.

- 6. Comment:** The 'Tree Canopy Cover Requirements' on sheet 6 do not appear to be in conformance with the 2009 Tree Conservation Ordinance which became effective on January 1, 2009, and it is unclear how the 10-year tree canopy requirements for this site will be met.

Recommendation: Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0507. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition, preliminary 10-year tree canopy calculations in accordance with PFM 12-0510 and PFM Table 12.12, should be provided on the SE demonstrating how Article 13, 10-year tree canopy requirements will be met.

- 7. Comment:** Sheet 6 of the SE, which appears to be a proposed landscape plan sheet, is illegible as it appears the existing conditions layer is overlaid with the proposed

landscaping. As a result, specific comments and recommendations regarding the proposed landscaping can not be provided in their entirety at this time.

Recommendation: A legible landscape plan sheet should be provided as part of the SE for further review and comment by UFMD.

8. **Comment:** It does not appear easements for all proposed and existing public utilities have been identified.

Recommendation: Easements for all proposed and existing public utilities should be shown and identified.

9. **Comment:** Several proposed landscape trees located in various areas throughout the site appear to be planted within 4' of a restrictive barrier, such as a curb and/or sidewalk.

Recommendation: The minimum width of any planting area should be 8', measured from the interior sides of the restrictive barrier and trees should be planted no closer than 4' from any restrictive barrier.

10. **Comment:** Transitional screening type 1 and barrier A or B are required along the property lines adjacent to the single family detached dwellings. A request to waive or modify the transitional screening and barriers to permit the installation of plant material as generally depicted on the SE is included on sheet 4, however, it is unclear if the proposed landscaping meets the intent of the new transitional screening and barrier requirements per section 13-303 of the Zoning Ordinance that became effective on January 1, 2009. As a result, it is unclear if a modification/waiver is necessary.

Recommendation: Transitional screening yards should be labeled along the property lines adjacent to the single family detached dwellings. Transitional screening calculations should be provided on the SE in accordance with ZO section 13-303 paragraphs 3A(1), (2), and (3) and landscaping should be provided to meet the intent of these requirements.

11. **Comment:** The northwest corner of the site adjacent to off-site lot 81-4 ((02))0047A contains very little vegetation below six feet in height.

Recommendation: Supplemental vegetation should be provided at the northwest corner of the site to provide landscaping and screening at least six feet in height.

12. **Comment:** The EQC located at the northeast corner of the site contains open locations suitable for supplemental planting and reforestation.

Recommendation: A supplemental planting and reforestation plan should be included as part of the SE.

13. **Comment:** Given the nature of the tree cover on this site, and depending upon the ultimate development configuration provided, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following proffer language to ensure effective tree preservation:

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

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Tree Preservation Walk-Through. "The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions."

Limits of Clearing and Grading. "The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE,

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

Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

Root Pruning. “The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

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

Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.”

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 144187

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE: March 19, 2009

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 2009-LE-001)

SUBJECT: Transportation Impact

REFERENCE: SE 2009-LE-001; Nazir Bhagat
Traffic Zone: 1491
Land Identification Map: 81-4 ((16)) 19, 20, 21, 22

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the submitted plat dated October 28, 2008.

This special exception application requests approval for the development of an independent living community for senior adults. This department has reviewed the subject application and provides the following comments:

- The applicant should provide sight distance profiles for the site access to Clames Drive.
- The applicant should ensure that all parking is on site.

AKR/AK W: SE 2009-LE-001NazirBhagat
CC: Michelle Brickner, Director, Design Review, DPW & ES



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

March 16, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2009-LE-001, Walhaven Woods
Tax Map No.: 081040 /16/ /0019 /16/ /0020 /16/ /0021 /16/ /0022

Dear Ms. Coyle,

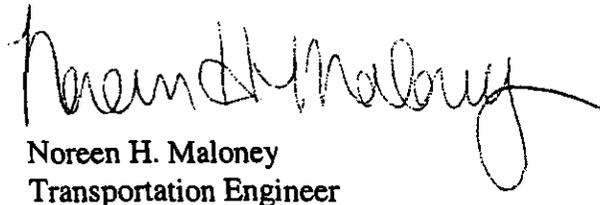
This office has reviewed the special exception plat relative to special exception application 2009-LE-001 and offers the following comment.

Private streets originating from public facilities are considered commercial entrances. The entrance along Clames Drive should be designed in accordance with VDOT's *Minimum Standards of Entrances to State Highways*.

Curb and gutter should be constructed along the frontage of Clames Drive.

For any additional information please contact this office.

Sincerely,


Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver



County of Fairfax, Virginia

MEMORANDUM

DATE: May 22, 2009

TO: St. Clair Williams, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2009-LE-001, Nazir & Ashraf Bhagat, Special Exception Plat dated October, 2008, LDS Project #24599-ZONA-001-2, Tax Map #81-4-16-0019 through -0022, Lee District

We have reviewed the subject application and offer the following comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site.

Water quality control is proposed through a dry pond and conservation easements. The boundaries of the conservation easements are not shown on the plan.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Stormwater Detention

Detention is proposed to be provided by a dry pond. As sited on the plat,

- i) an easement from the Kingstowne Residential Owners Corporation would be required for the dam embankment,
- ii) the embankment seems as if it would encroach into wetlands, and
- iii) the limits of clearing and grading do not extend far enough from the embankment (PFM 6-1605.3A).

Site Outfall

The plat states that an outfall analysis and narrative meeting PFM requirements will be provided with the site plan.



St. Clair Williams, Staff Coordinator
Special Exception Application #SE 2009-LE-001
Page 2 of 2

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

BF/

cc: Craig Carinci, Director, Stormwater Planning Division
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager
Park Planning Branch 

DATE: March 12, 2009

SUBJECT: SE 2009-LE-001, Walhaven Woods
Tax Map Number(s): 81-4((16)) 19,20,21,22

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated October 2008, for the above referenced application. The Development Plan shows a senior adult community, with 32 new multi-family dwelling units on four parcels totaling 6.39 acres. Based on an average multi-family household size of 1.72 in the Rose Hill Planning District, the development could add 50 new residents (32 new multi-family (1.72 each) – 2 existing single family (2.87 each) = $55 \times 5 = 50$) to the Lee Supervisory District.

COMPREHENSIVE PLAN CITATIONS

1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 6, p. 8)

“Objective 6: Ensure the mitigation of adverse impacts to park and recreation facilities and service levels caused by growth and land development through the provision of proffers, conditions, contributions, commitments, and land dedication.”

“Policy a: Offset residential development impacts to parks and recreation resources, facilities and service levels based on the adopted facility service level standards (Appendix 2). The provision of suitable new park and recreational lands and facilities will be considered in the review of land development proposals in accordance with Residential Development Criteria - Appendix 9 of the Land Use element of the Countywide Policy Plan.”

“Policy b: To implement Policy a. above, residential land development should include provisions for contributions, or dedication, to the Park Authority of usable parkland and facilities, public trails, development of recreational facilities on

private open space, and/or provision of improvements at existing nearby park facilities.”

2. Park and Recreation Needs (Comprehensive Plan, Area IV, Rose Hill Community Planning Sector, Land Use Recommendations, Rest of Sector, pp. 65)

“Much of the rest of the sector is substantially developed in stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type, and intensity and in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.”

Objective 8 (pp 62) “Ensure that the necessary public facilities are in place prior to the completion of residential or commercial development. Public parkland dedication and parkland facilities should be provided in accordance with requirements and standards set by the County Park Authority.”

ANALYSIS AND RECOMMENDATIONS

Plan recommendations provide for parkland dedication and provision of park facilities in this area. The applicant shows a small area of active recreation on the plan with no facilities identified. The applicant property is not located near existing parks making a parkland dedication unfeasible.

Six existing parks (Tara Village, Manchester Lakes, Franconia Forest, Greendale Golf Course, Dogue Crèek Stream Valley, and part of Indian Run Stream Valley) are located near the proposed development, but meet only a portion of the demand for parkland generated in the Rose Hill Planning District. In addition to parkland needed, the recreational facilities in greatest need in this area include trails, rectangle fields, basketball courts, and playgrounds.

The Park Authority requests that the applicant make a monetary contribution or provide in-kind improvements at nearby parks to enhance the recreational opportunities for the residents in the proposed development.

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential development application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact of the proposed development, the applicant should contribute \$44,650 (or \$1,395 per unit) to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

Enhancements to nearby parks are offered as an alternative to a cash contribution to meet the Comprehensive Plan recommendations. The Park Authority is available to meet with the applicant to discuss the different options for improvements to the park.

The proposed development should also integrate accessible on-site park facilities that are pedestrian-oriented, provide visual enhancement, a sense of identity, opportunities for exercise and social interaction, and enjoyment of outdoor open space. Doing so would fit with the applicant's statements that this development would provide such amenities, which are not shown on the plan. To meet this need, the developer could provide a fitness trail loop around the proposed stormwater pond linking to the proposed asphalt trail in the southern part of the development near the proposed stormwater pond. Amenities such as landscaped areas, benches, picnic tables, and pavilion, could also be provided for the residents of this development in the area east of the proposed tree save.

SUMMARY OF RECOMMENDATIONS

The section summarizes the Park Authority recommendations:

- Contribute to the Park Authority \$44,650.00 (Average of \$1,395 per dwelling unit) or provide in-kind improvements at nearby parks.
- Applicant should integrate accessible on-site park facilities that provide visual enhancement, a sense of identity, opportunities for exercise and social interactions, and enjoyment of outdoor open space. These spaces should feature non-motorized access and be integrated with development on this site. Facilities may include a fitness trail network, landscaped areas, benches, picnic tables, and pavilion,

FCPA Reviewer: AG
DPZ Coordinator: SCDW

cc: Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: June 16, 2009

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

FROM: Eric Fisher (246-3501)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Special Exception
Application SE 2009-LE-001

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #405, Franconia
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.





County of Fairfax, Virginia

MEMORANDUM

DATE: April 10, 2009

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. SE2009-LE-001
Tax Map No. 081-4-/16/ /0019, 0020, 0021, 0022

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Dogue Creek (L) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMCCPCP).
2. Based upon current and committed flow, there is excess capacity in the NMCCPCP at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located on the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application Previous Rezonings</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Submain	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Main/Trunk	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Interceptor	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
Outfall	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

5. Other pertinent information or comments:



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.

9-304 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.

9-306 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 working in the neighborhood of the proposed use and shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
4. To assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units shall be shown on the plat submitted with the application.
5. No such use shall be established except on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.
6. The density of such use shall be based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements set forth in the schedule provided below. Where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range shall be determined in accordance with Sect. 2-804. A minimum of fifteen (15) percent of the total number of dwelling units shall be Affordable Dwelling Units (ADUs). When 100 percent of the dwelling units are ADUs, the total number of units should be calculated using the high end of the residential density range as set forth in the adopted comprehensive plan plus the addition of a twenty (20) percent density bonus. All ADUs shall be administered in accordance with the provisions of Part 8 of Article 2.
7. Independent living facilities may include assisted living facilities and skilled nursing facilities designed solely for the residents as an accessory use.
8. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.

9. In residential districts, the maximum building height shall be 50 feet and in commercial districts the maximum building height shall be as set forth in the district in which located, except that in all cases greater heights may be approved by the Board.

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.

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