



APPLICATION FILED: January 15, 2009
PLANNING COMMISSION: July 8, 2009
PLANNING COMMISSION DECISION ONLY: September 24, 2009
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

September 16, 2009

STAFF REPORT ADDENDUM

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 Attachment 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.

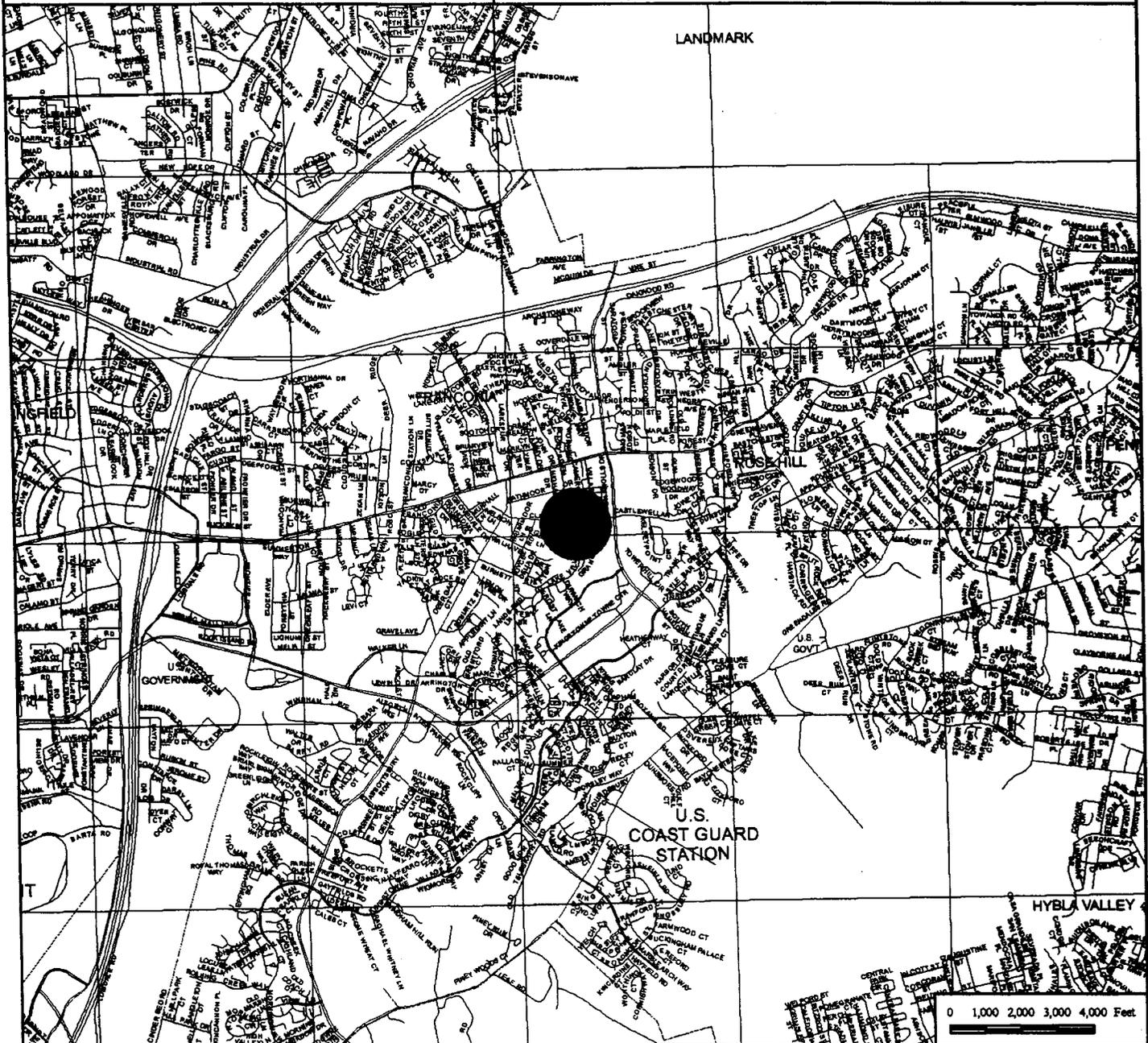
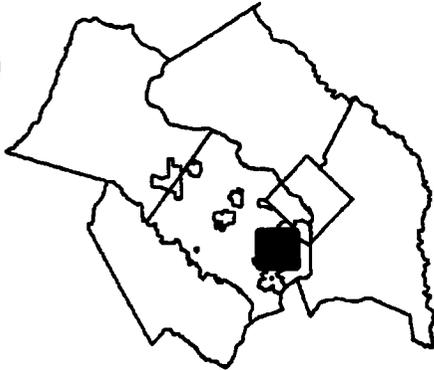


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

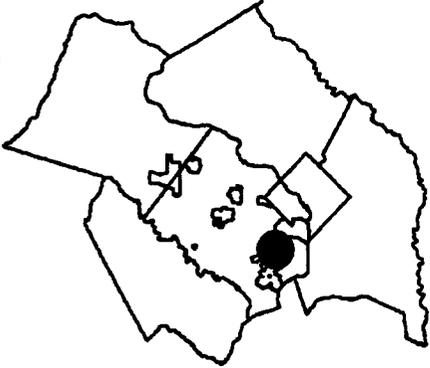
SE 2009-LE-001

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

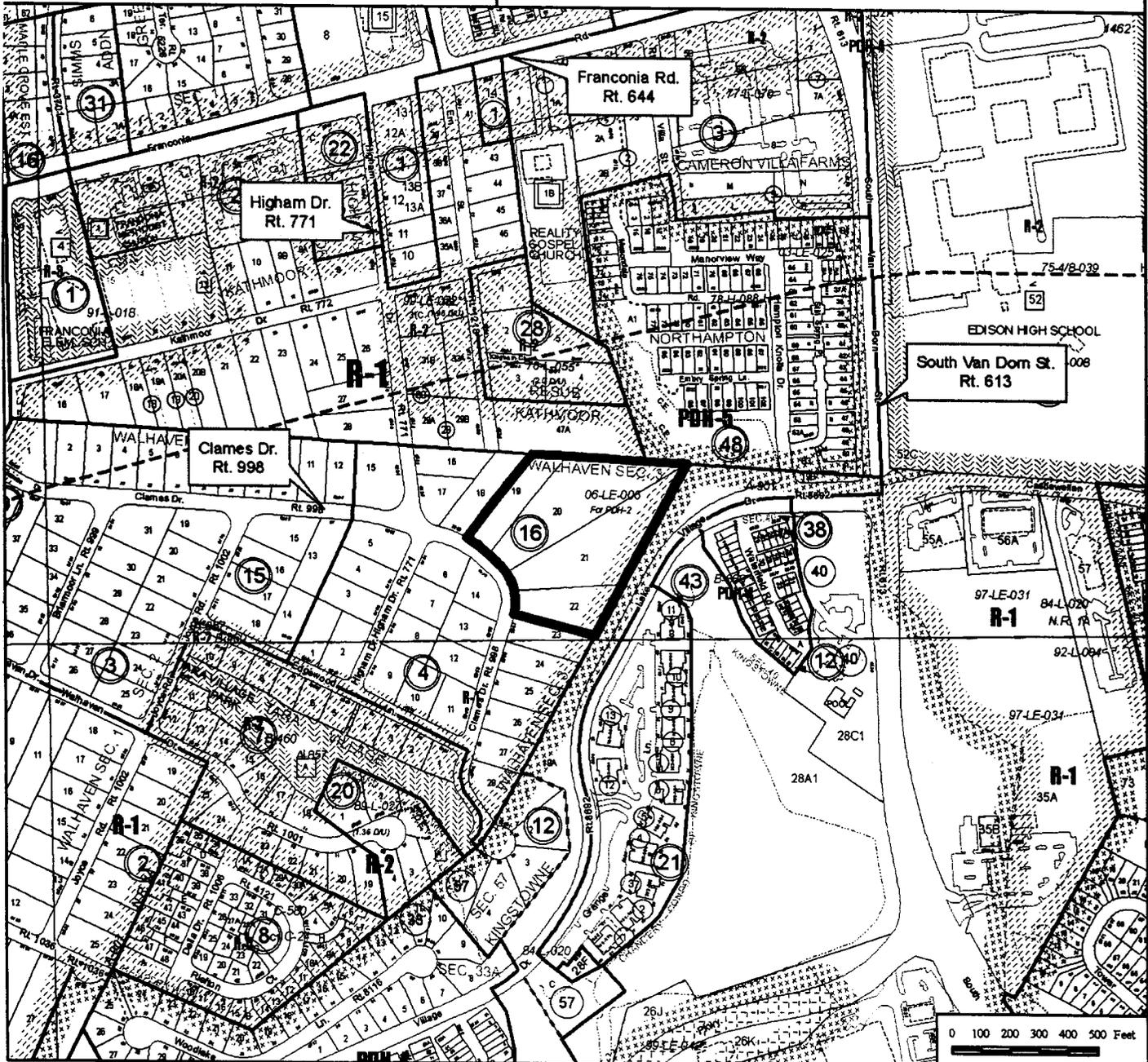


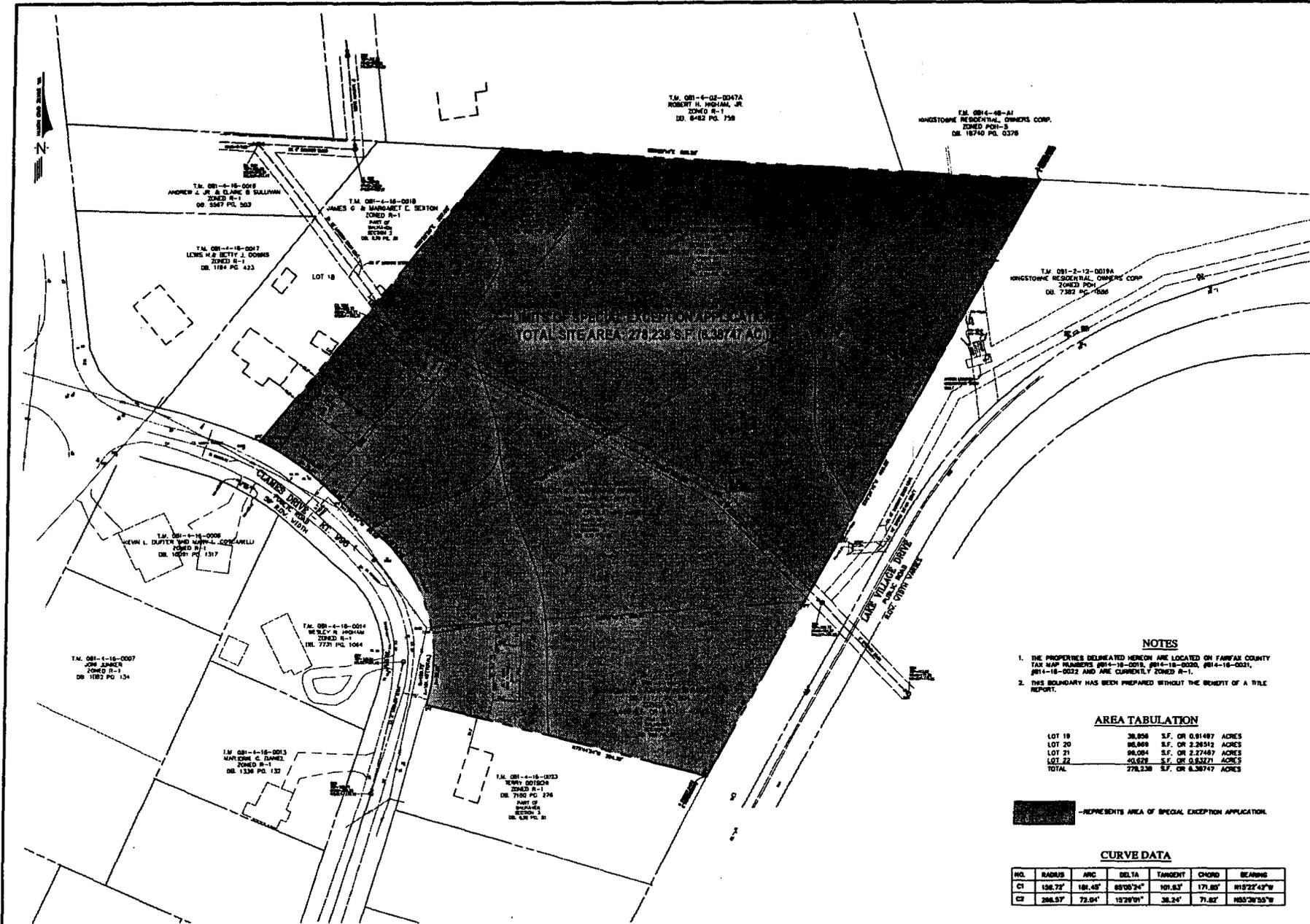
Special Exception

SE 2009-LE-001



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/16/ /0021 /16/ /0022





T.M. 081-6-02-0047A
ROBERT H. WISHAM, JR.
ZONED R-1
DB. 8482 PG. 758

T.M. 081-48-A1
HINGSTON RECREATIONAL OWNERS COMP.
ZONED R-1
DB. 18740 PG. 0378

T.M. 081-4-16-0018
ANDREW J. & CLARE B. SULLIVAN
ZONED R-1
DB. 5587 PG. 203

T.M. 081-4-16-0018
JAMES G. & MARGARET L. SERTON
ZONED R-1
PART OF
BROOKS 2
DB. 5438 PG. 8

T.M. 081-4-16-0017
LEWIS H. & BETTY J. DOWNS
ZONED R-1
DB. 1184 PG. 423

T.M. 081-2-12-0019A
HINGSTON RECREATIONAL OWNERS COMP.
ZONED R-1
DB. 7382 PG. 1006

T.M. 081-4-16-0008
LEVIN L. DUPRE AND MARINA COZZARELLI
ZONED R-1
DB. 1007 PG. 1317

T.M. 081-4-16-0014
WOLFE R. JOHNSON
ZONED R-1
DB. 7721 PG. 1064

T.M. 081-4-16-0007
JOHN ZIMMER
ZONED R-1
DB. 1082 PG. 134

T.M. 081-4-16-0015
MARCO E. BAMEL
ZONED R-1
DB. 1336 PG. 132

T.M. 081-4-16-0023
TERRY DUTSCH
ZONED R-1
DB. 7192 PG. 126
PART OF
BROOKS 2
DB. 5438 PG. 8

- NOTES**
1. THE PROPERTIES DELINEATED HEREON ARE LOCATED ON FAIRFAX COUNTY TAX MAP NUMBERS 0814-16-0012, 0814-16-0020, 0814-16-0031, 0814-16-0032 AND ARE CURRENTLY ZONED R-1.
 2. THIS BOUNDARY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

AREA TABULATION

LOT	S.F.	ACRES
LOT 19	38,856	S.F. OR 0.81487 ACRES
LOT 20	98,889	S.F. OR 2.26512 ACRES
LOT 21	98,084	S.F. OR 2.24487 ACRES
LOT 22	41,622	S.F. OR 0.93227 ACRES
TOTAL	278,230	S.F. OR 6.38747 ACRES

■ REPRESENTS AREA OF SPECIAL EXCEPTION APPLICATION.

CURVE DATA

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	BEARING
C1	156.72'	181.45'	89°00'24"	101.83'	171.85'	N15°22'42"W
C2	286.97'	72.84'	152°01'	38.24'	71.82'	N55°28'55"W

NO.	DATE	DESCRIPTION	SCALE	APPROVED BY

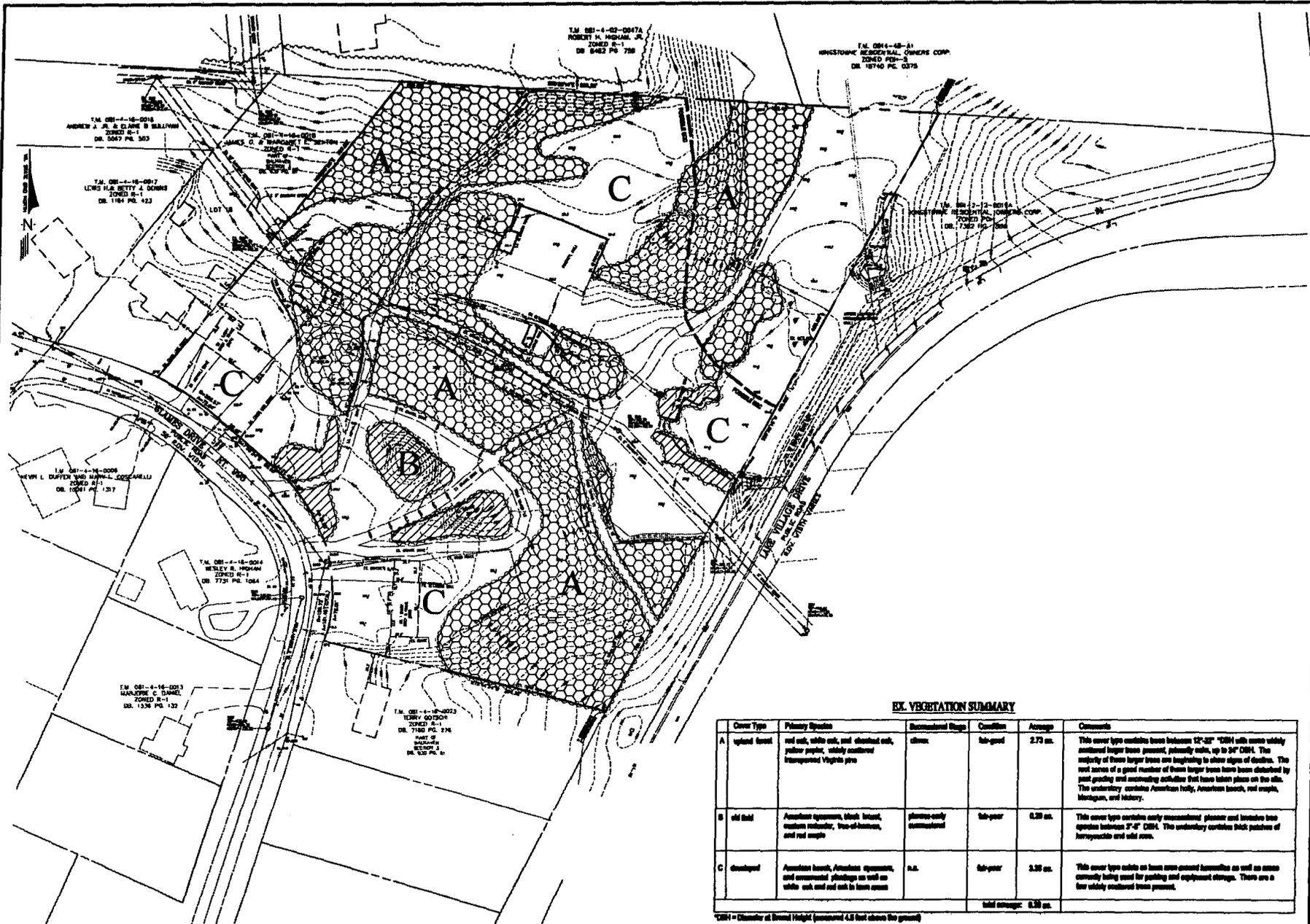
NO.	DATE	DESCRIPTION

urban



PROPERTY MAP
WALHAVEN WOODS
PLAT OF SPECIAL EXCEPTION
LIBE DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: OCTOBER 2005
SCALE: 1" = 40'
C.L. N/A

SHEET
2
OF
6
FILE NO.
MISC 1734



EX. VEGETATION SUMMARY

Cover Type	Primary Species	Successional Stage	Condition	Average	Comments
A upland forest	red oak, white oak, and diamond oak, yellow poplar, white oak/red transparent Virginia pine	climax	sub-grown	2.75 ac.	This cover type contains trees between 12"-12" DBH with some white oak/red transparent larger trees present, primarily oak, up to 34" DBH. The majority of these larger trees are beginning to show signs of decline. The root zones of a good number of these larger trees have been disturbed by past grading and associated activities that have taken place on the site. The understory contains American holly, American hickory, red maple, hickory, and sycamore.
B old field	American sycamore, black locust, eastern redbud, tree-of-heaven, and red maple	plumage early successional	sub-year	0.28 ac.	This cover type contains early successional plumage and invasive tree species between 2"-4" DBH. The understory contains thick patches of horsetail and wild rose.
C developed	American hickory, American sycamore, and occasional plantings as well as white oak and red oak in lawn areas	n.a.	sub-year	3.58 ac.	This cover type exists on lawn area around homesites as well as areas currently being used for parking and equipment storage. There are a few widely scattered trees present.
				total coverage:	6.61 ac.

*DBH = Diameter at Breast Height (measured 4.5 feet above the ground)
 NOTE: Existing vegetation distribution provided by Zaner & Associates, Inc. in a study dated February 16, 2006 that was subsequently verified and updated by Urban, Ltd. in a field study on April 4, 2008.

REVISION APPROVED BY DIVISION OF FORESTRY

DATE	DESCRIPTION	BY
08-27-08		
08-28-08		
08-28-08		
08-28-08		

Urban, Ltd.
 1000 West 10th Street
 Norfolk, VA 23510
 www.urban-ltd.com

urban
 - Virginia's Premier Land Use Consultants -

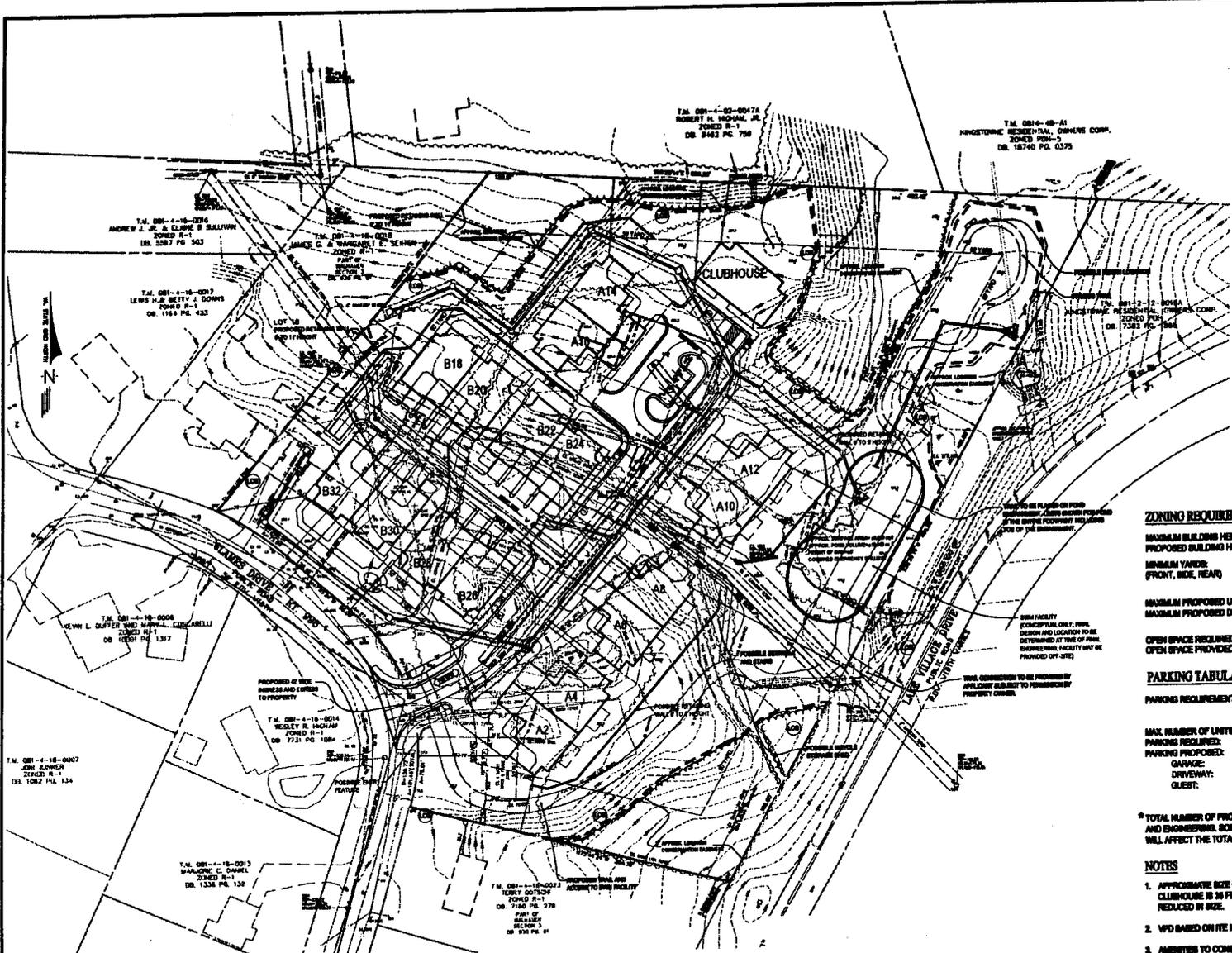
DATE: OCTOBER 2008

WALHAVEN WOODS
PLAT OF SPECIAL EXCEPTION
 LIBE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 40'

SHEET 3 OF 8

FILE NO. MISC 1734



- PLAN LEGEND:**
- PROPOSED CONTOUR
 - PROPOSED STORM DRAIN
 - PROPOSED TREE LINE
 - PROPOSED FENCE
 - PROPOSED SWL CENTER
 - PROPOSED STREET CENTERLINE
 - PROPOSED SIDEWALK / DRIVEWAY BUILT
 - PROPOSED SWL CENTER
 - PROPOSED WATER
 - PROPOSED STORM DRAIN
 - LIMITS OF CLEARING AND GRADING
 - PROPOSED TERRACE
 - PROPOSED 4 TO 12 VEE TRAIL

ZONING REQUIREMENTS (R-1 WITH SPECIAL EXCEPTION)

- MAXIMUM BUILDING HEIGHT: 35 FT.
- PROPOSED BUILDING HEIGHT: 35 FT.
- MINIMUM YARD: 30 FT. WHERE YARD ABUTS OR IS ACROSS STREET FROM AN AREA ADOPTED IN THE COMPREHENSIVE PLAN FOR 0.2 TO 8 DWELLING UNITS PER ACRE.
- MAXIMUM PROPOSED UNITS: 32 UNITS
- MAXIMUM PROPOSED DENSITY: 32 / 6.357AC. = 5.01 UNITS/AC.
- OPEN SPACE PROVIDED: 6% (2.61 AC.)
- OPEN SPACE PROVIDED: 6% (2.61 AC.)

PARKING TABULATIONS

- PARKING REQUIREMENT:** 1 SPACE PER 4 DWELLING UNITS, PLUS 1 SPACE PER EMPLOYEE OR STAFF MEMBER ON DUTY
- MAX. NUMBER OF UNITS:** 32
- PARKING REQUIRED:** 8
- PARKING PROVIDED:**
- | | | |
|-----------|----|------------|
| GARAGE: | 46 | 66 SPACES |
| DRIVEWAY: | 46 | 66 SPACES |
| GUEST: | 17 | 17 SPACES |
| | 67 | 137 SPACES |

* TOTAL NUMBER OF PROPOSED SPACES SUBJECT TO CHANGE WITH FINAL DESIGN AND ENGINEERING. SOME UNITS MAY HAVE AN OPTION FOR A 2-CAR GARAGE WHICH WILL AFFECT THE TOTAL NUMBER OF PARKING SPACES.

NOTES

1. APPROXIMATE SIZE OF CLUBHOUSE IS 40' x 70'. MAXIMUM HEIGHT OF CLUBHOUSE IS 30 FEET. CLUBHOUSE FOOTPRINT MAY BE MODIFIED OR REDUCED IN SIZE.
2. YTD BASED ON THE MAXIMUM NUMBER OF 3.48 FOR SENIOR ADULT HOUSING.
3. AMENITIES TO CONSIST OF A CLUBHOUSE, PICKUP AREA, FITNESS TRAIL, AND BENCHES. BICYCLE STORAGE MAY BE PROVIDED WITHIN A BEAMA-ALONE STRUCTURE OR MAY BE INCORPORATED WITHIN THE CLUBHOUSE.
4. MAINTENANCE ACCESS TO THE STORM WATER MANAGEMENT FACILITY MAY BE PROVIDED BY A 12 FOOT WIDE ASPHALT TRAIL OR A COMBINATION OF ASPHALT AND GEOLOCK (GRABCONCRETE), WITH A MINIMUM ASPHALT TRAIL WIDTH OF 6 FEET.

DATE	BY	REVISION	APPROVED BY	DATE	BY	REVISION	APPROVED BY	DATE
SPECIAL EXCEPTION PLAT WALHAVEN WOODS PLAT OF SPECIAL EXCEPTION FAIRFAX COUNTY, VIRGINIA CL-2 DATE: OCTOBER 2008								
SHEET OF FILE NO. MISC 1734								

SWP PHOSPHOROUS REMOVAL COMPUTATIONS

Plan Name: Clayton Drive Date: 10/20/20
 Plan Number: 100 Engineer: 100

Watershed Data

Part 1 List All of the Subareas and "C" Factors Used in the SWP Computations.

Subarea Designation and Description	"C" Factor	Area (A)
1. Cretals Residential (RPA) DryPond	0.50	2.00
2. Cretals Residential (RPA) Uncontrolled	0.50	2.00
3. Cretals Open Space OpenSpace	0.50	1.50

NOTE: "C" Factors developed using 1% imperviousness for existing and proposed conditions. "C" Factors for future uses were developed using PPA Table 6.6.

Phosphorus Removal

Part 2 Compute the Weighted Average "C" Factor For the Site.

Subarea Designation and Description	"C" Factor	Area (A)	Product (A)
1. Cretals Residential (RPA) DryPond	0.50	2.00	1.00
2. Cretals Residential (RPA) Uncontrolled	0.50	2.00	1.00
3. Cretals Open Space OpenSpace	0.50	1.50	0.75
Total			2.75

(b) Weighted average "C" factor (A) / (A) = (b)

Part 3 Compute the Total Phosphorus Planned for the Site.

Subarea Designation	SWP Type	Removal Eff. (%)	Area (A)	"C" Factor	Product (B)
1. RPA	DryPond	60.0	2.00	1.50	3.00
2. RPA	Uncontrolled	0.0	2.00	0.50	1.00
3. Open Space	OpenSpace	50.0	1.50	1.50	2.25
Total Phosphorus Removal					6.25

Part 4 Determine Compliance with Phosphorus Removal Requirement.

Detail Requirement	Compliance
Under Supply Credit (Static) (Changeout)	88 %
Changeout By Resource Preservation Area (Plan Development)	48 %
Changeout By Resource Preservation Area (Rehabilitation)	0 %
$1 - (0.8 \times (75\% \times 75\%)) \times 100$	
60.75 %	48 %

Storage Volume

Part 7 Compute the Weighted Average "C" Factor for Each Proposed SWP Facility.

Subarea Designation	"C" Factor	Area (A)	Product (B)
1. Cretals Residential (RPA) DryPond	0.50	2.00	1.00
Total			1.00

Part 8 Determine the Storage Required for SWP/MSW Ponds

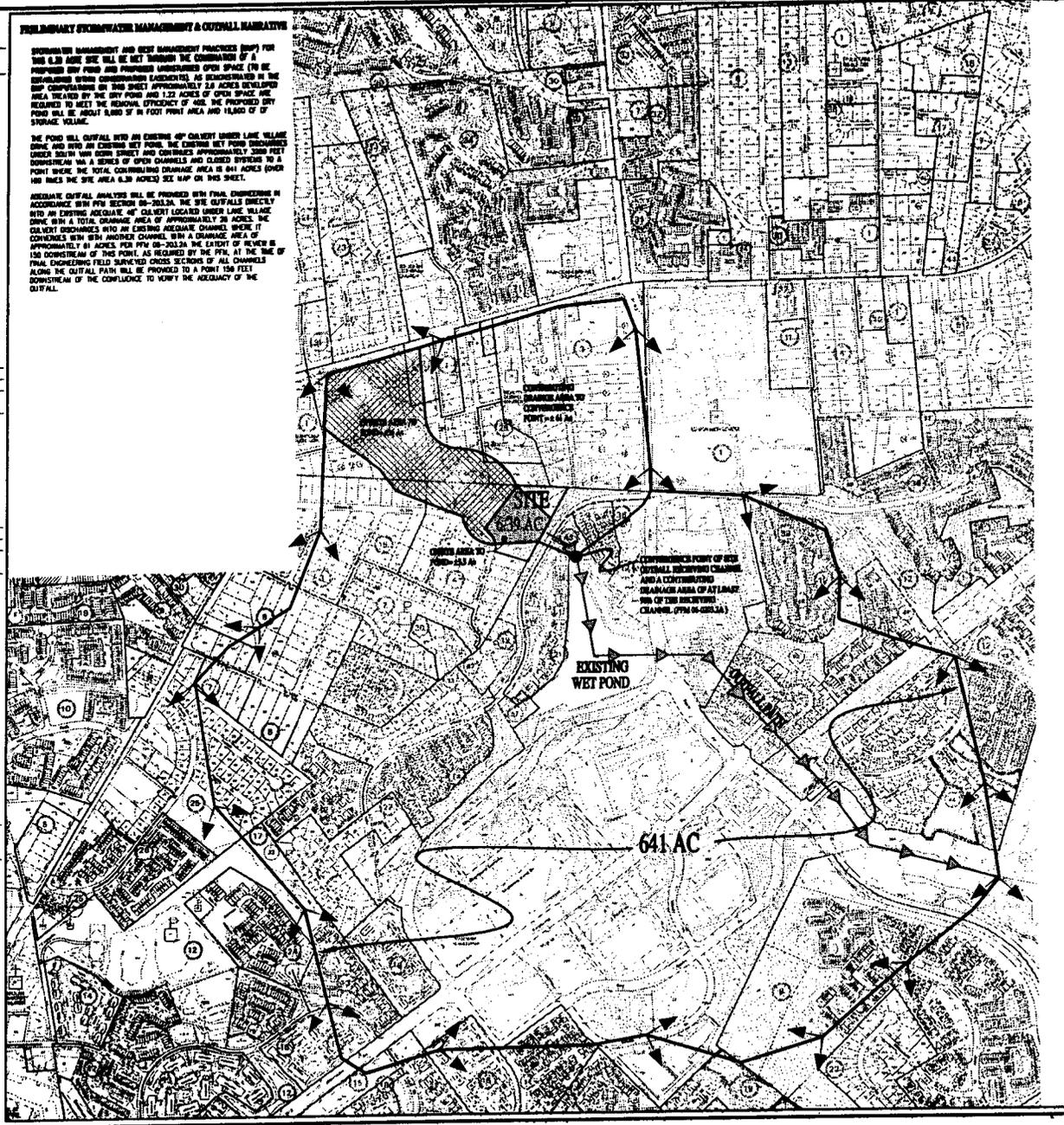
Retention Detention Dry Pond	Design 1 (40 hour detention)	Design 2 (4.0 x Volume of runoff from storm alone)
Check AS-40 value (Appendix 4-3) for SWP storage per acre (20270 "C" - 0.75) or (21.20 x 10mpg)	1000.75 cu ft	1000.75 cu ft
Design 1 (40 hour detention) Line 7 (a) 2.00 x Line 8 (b) 1000.75	2001.50	2001.50
Design 2 (4.0 x Volume of runoff from storm alone) (4028 "C" - 1.00) x Line 7a 0.50	2014.00	2014.00
Design 1 (4.0 x Volume of runoff from storm alone used along with extended detention above permanent pond)		
Wet Ponds		
2.0 x Line 7(a) 0.50 x Line 8(b) 1000.75	1000.75	1000.75
Retention Detention		
Line 7(a) 2.00 x Line 8(b) 1000.75	2001.50	2001.50
Design 2 (4.0 x Volume of runoff from storm alone)		
4.0 x Line 7(a) 0.50 x Line 8(b) 1000.75	2001.50	2001.50

PRELIMINARY STORMWATER MANAGEMENT & OUTFALL NARRATIVE

STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES (BMP) FOR THIS 6.25 ACRE SITE WILL BE MET THROUGH THE COMBINATION OF A PROPOSED DRY POND AND PROPOSED LANDSCAPED OPEN SPACE (TO BE DEVELOPED UNDER CONSERVATION EASEMENTS), AS SUBMITTED IN THE SWP COMPUTATIONS ON THIS SHEET. APPROXIMATELY 2.4 ACRES DEVELOPER AREA (CREATED BY THE DRY POND AND 1.22 ACRES OF OPEN SPACE) ARE REQUIRED TO MEET THE REMOVAL EFFICIENCY OF 48%. THE PROPOSED DRY POND WILL BE ABOUT 6,000 SF IN FOOT PRINT AREA AND 16,000 CF OF STORAGE VOLUME.

THE POND WILL OUTFALL INTO AN EXISTING 4" COLLECT UNDER LAKE VILLAGE DRIVE AND INTO AN EXISTING SET POND. THE EXISTING SET POND DISCHARGES UNDER SOUTH MAIN DRIVE STREET AND CONTAINS APPROXIMATELY 2,000 FEET DOWNSTREAM VIA A SERIES OF OPEN CHANNELS AND CLOSED DITCHES TO A POINT WHERE THE TOTAL CONTRIBUTING DRAINAGE AREA IS 841 ACRES (OVER 100 TIMES THE SITE AREA 6.25 ACRES) SEE MAP ON THIS SHEET.

ADDITIONAL OUTFALL ANALYSIS WILL BE PROVIDED WITH FINAL ENGINEERING IN ACCORDANCE WITH PPA SECTION 6.6-20.2.1. THE SITE OUTFALLS DIRECTLY INTO AN EXISTING 4" COLLECT LOCATED UNDER LAKE VILLAGE DRIVE WITH A TOTAL DRAINAGE AREA OF APPROXIMATELY 28 ACRES. THE COLLECT DISCHARGES INTO AN EXISTING ANDEGADE CHANNEL WHERE IT CONVERGES WITH ANOTHER CHANNEL WITH A DRAINAGE AREA OF APPROXIMATELY 18 ACRES PER PPA 6.6-20.2.1. THE EXISTING CHANNEL IS 150' DOWNSTREAM OF THIS POINT. AS REQUIRED BY THE PPA, AT THE TIME OF FINAL ENGINEERING FIELD SURVEYED CROSS SECTIONS OF ALL CHANNELS ALONG THE OUTFALL PATH WILL BE PROVIDED TO A POINT 150 FEET DOWNSTREAM OF THE CONFLUENCE TO VERIFY THE ADEQUACY OF THE OUTFALL.

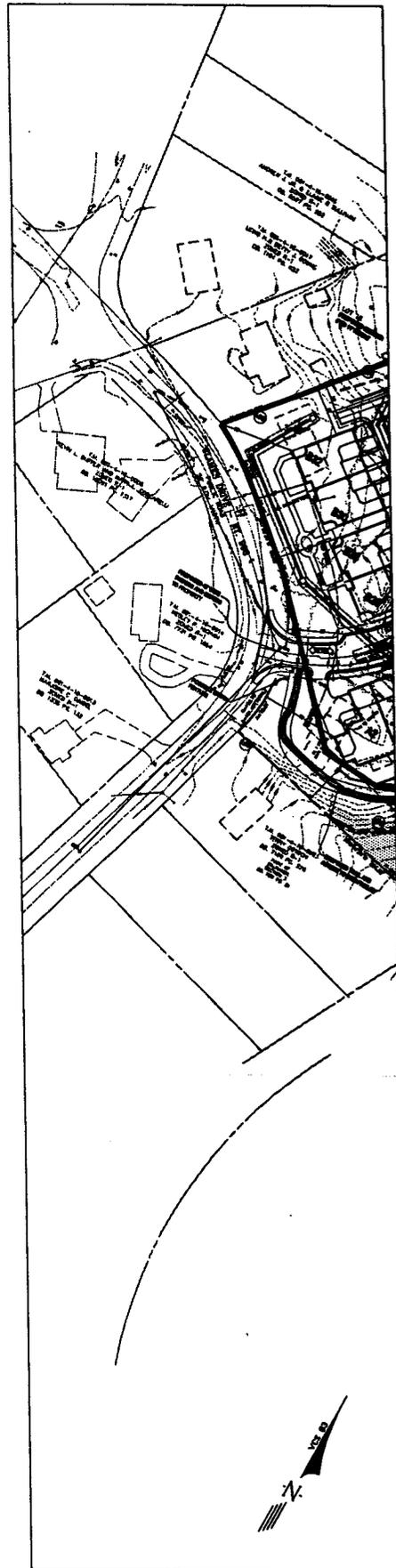
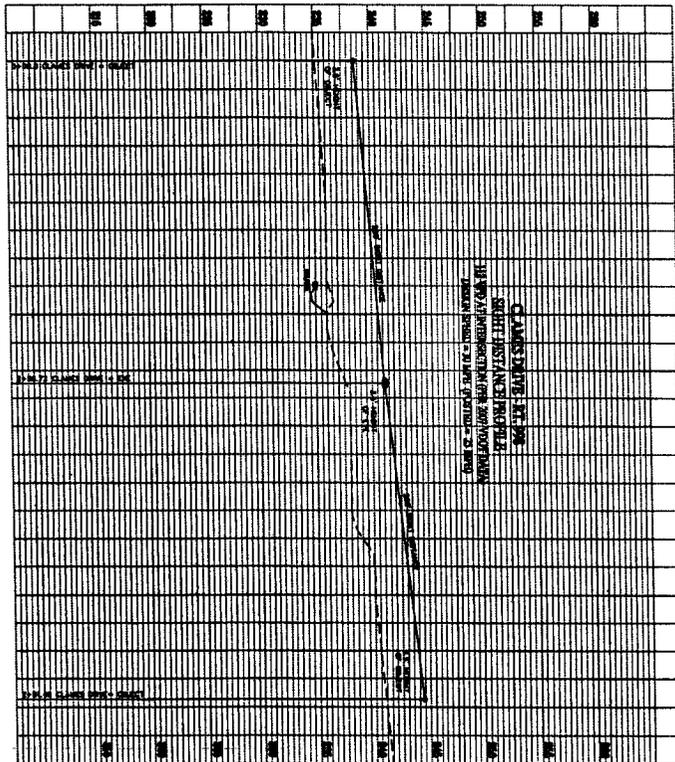


PRELIMINARY SWP PLAN AND NARRATIVE
WALHAVEN WOODS
 PLAT OF SPECIAL EXCEPTION
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE 1" = 400' DATE: OCTOBER 2020
 SHEET 7 of 9
 FILE NO. MISC 1734

DESIGNED BY: [Logo]
 CHECKED BY: [Logo]
 APPROVED BY: [Signature]
 DATE: 10/20/20

FAIRFAX COUNTY, VIRGINIA
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF PERMITS AND INSPECTION

APPROVED BY: [Signature]
 DATE: 10/20/20



PLAT 1181
 5
 4
 3
 2
 1
 FEET

SIGHT DISTANCE PROFILE
WALHAVEN WOODS
PLAT OF SPECIAL EXCEPTION
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 50' CL: 5 DATE: OCTOBER 2008



Urban, Inc.
 10000 Lee Highway
 Alexandria, Virginia 22304
 Tel: 703.688.2000
 www.urban.com

PLAT DATE
10-21-08
04-09-08
03-28-08
03-19-08
03-03-08

No.	DATE	DESCRIPTION	REVIEW APPROVED	DATE

REVISIONS APPROVED BY DIVISION OF DESIGN REVIEW

BACKGROUND

The applicants, Nazir A. and Ashraf N. Bhagat, request a Category 6 Special Exception to permit the development of an independent living facility 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) would result in a density of 5.01 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 a single access point on 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.

On July 8, 2009, the Planning Commission public hearing for SE 2009-LE-001 was held and staff recommended denial of the proposed development, for the following reasons:

- The additional standards for independent living facilities require 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. In staff's opinion, the lack of direct access to a collector street as proposed had the potential to result in significant traffic impacts to the surrounding residential development.
- The application proposed 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 could 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 believed that this location might make it difficult for some residents of the development to access those uses by any other means except automobiles. 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 proposed to provide shuttle service for the residents and guests; however, the costs related to such a service (start up and maintenance) and the

proposed schedule for the service, had not been fleshed out at the time of the public hearing.

- Staff was concerned that the 17 visitor parking spaces proposed with the application may not be sufficient to accommodate all parking on site, and as a result, parking could overflow onto Clames Drive and adversely impact traffic flow along Clames Drive.
- The application did not propose to provide frontage improvements including curb and gutter along the Clames Drive frontage of the application property as recommended. Given the intensity of the proposed use, compared to the surrounding low-density residential development, staff proposed a development condition to ensure that the applicants would provide the frontage improvements as determined by VDOT, and noted that only with the adoption of the proposed development condition, would this issue be resolved.
- The Comprehensive Plan recommends that multifamily development in suburban neighborhoods be adequately sized in order to support the costs of private amenities. Staff believed that the proposed maintenance responsibilities including the proposed clubhouse and maintenance of the private streets and on-site trails could create significant financial burdens on the residents of the proposed 32 units.

Following the Planning Commission public hearing, the applicant submitted a revised SE Plat revised through August 3, 2009, and additional commitments to be incorporated into the proposed development conditions. This addendum discusses the revisions that were made to the SE Plat and development conditions. A reduction of the SE Plat is included at the front of this addendum. A copy of the revised development conditions is contained in Attachment 1 of this addendum.

ANALYSIS

The applicants submitted a revised SE Plat as revised through August 3, 2009, with the following revisions:

- The SE Plat no longer depicts vehicular access from Lake Village Drive to the proposed stormwater management pond in the eastern portion of the site. Vehicular access for pond maintenance is now shown from Clames Drive via a 12-foot wide proposed combined asphalt trail and pond maintenance access trail.
- The SE Plat now shows an additional outfall pipe extended from the northern portion of the stormwater management pond to the northeastern boundary of the site to provide outfall to the existing offsite stormwater

management system.

- The proposed trail which was previously shown along the eastern boundary of the proposed stormwater management pond has been relocated and the SE Plat now depicts a 12-foot wide trail on the pond embankment.

The applicants also submitted additional commitments to be incorporated into the development conditions proposed with this application. The new commitments include:

- Ensuring that the Condominium Owners Association (COA) will utilize individuals whose responsibilities will include but not be limited to, facilitating shared rides, shared maintenance and other services, group activities, and appointments for residents of the independent living facility;
- Contributing half the purchase cost of two "Smart Phones" or equivalent devices with a GPS system at the time of closing for each unit, in order to promote ride sharing and errand exchange among residents of the independent living facility;
- Providing the technological infrastructure necessary to link the 32 units electronically such as a WiFi network, LAN or similar method as an additional vehicle to encourage communication and promote sharing of goods, services and information among residents of the independent living facility;
- Providing a personal elevator in each upper unit (16 in total) on the site;
- Ensuring that the COA documents include restrictions against the conversion of garage spaces to living or storage space that would preclude the parking of vehicles;
- Providing a storage area for at least five (5) bicycles or Segways in or near the clubhouse; and
- Providing three (3) bicycles and two (2) Segways or similar motorized vehicles to the community for free use by residents of the independent living facility.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

While the additional commitments, which have been incorporated into the

proposed development conditions, aim to reduce the initial costs of some of the amenities proposed with the development, they are silent as to the community infrastructure will be maintained in the future. The costs associated with the maintenance of the infrastructure could still be a great burden to the residents of the independent living facility. Staff believes that the revisions to the SE Plat and development conditions since the Planning Commission public hearing do not address staff's concerns about this application as listed in the Background section of this addendum. Given the significant issues that remain outstanding with this application, staff finds that the application is still not in conformance with the Comprehensive Plan guidelines for housing for the elderly.

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 Attachment 1.

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.

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

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

ATTACHMENTS

1. Draft Development Conditions

PROPOSED DEVELOPMENT CONDITIONS

SE-2009-LE-001

September 15, 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 through August 3, 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 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, 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.

24. A condominium owners' association (COA) shall be established for the proposed development to own, manage and maintain open space areas and all other community owned land and improvements, including, but not limited to the clubhouse, private streets and on-site trails.
25. An individual or individuals shall be designated by the COA to provide transit maps, schedules and forms, ridesharing and other relevant transit option information available, to residents and provide other services including scheduling group activities and appointments for the residents of the independent living facility.
26. At the time of closing for each unit, each buyer shall be provided with half the purchase cost of two "Smart Phones" or equivalent devices with a GPS system, in order to promote/facilitate ride sharing and errand exchange among residents of the independent living facility.
27. Prior to the issuance of the 10th Residential Use Permit (RUP), it shall demonstrated that the independent living facility is designed to include a conduit to provide for the installation of information and communications technology that can operate throughout

the proposed development and that can connect to remote locations and networks in order to allow the development to be equipped to provide for applications such as a WiFi network, LAN or similar method as an additional method to encourage communication and promote sharing of goods, services and information. This condition shall not require the applicant to equip the development with any particular application.

28. Each upper unit (16 in total) shall have a ground floor entrance and include a personal elevator.
29. A covenant shall be placed on each residential lot that prohibits the use of the garage for any purpose, which would preclude motor vehicle storage. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the COA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The COA documents shall expressly state this use restriction.
30. A storage area for at least five (5) bicycles or Segways shall be located in or near the clubhouse.
31. Prior to the issuance of the 1st Residential Use Permit (RUP), three (3) bicycles and two (2) Segways or similar motorized vehicles shall be provided to the community by the applicant, for free use by residents of the independent living facility.

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.