



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 24, 2010

Lori R. Greenlief
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

Re: Special Exception Amendment Application SEA 87-D-025

Dear Ms. Greenlief:

At a regular meeting of the Board of Supervisors held on March 23, 2010, the Board approved Special Exception Amendment Application SEA 87-D-025 in the name of Vinson Hall Corporation. The subject property is located at 6251 Old Dominion Drive on approximately 17.18 acres of land zoned R-2 in the Dranesville District [Tax Map 31-3 ((1)) 77A and 83]. The Board's action amends Special Exception Application SE 87-D-025, previously approved for an independent living facility to permit building additions and associated modifications to site design and development conditions pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Plat entitled "Vinson Hall Special Exception Amendment" prepared by Smith Engineering., and dated May 22, 2009, revised through December 22, 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.

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4. No more than 276 independent living facility units and 49 assisted living facility units shall be located on the application site.
5. The Arleigh Burke Pavilion shall be architecturally compatible with the surrounding single-family detached residential community and be no more than 40 feet in height.*
6. The new independent living facility building constructed on the site shall be no more than 56 feet in height.
7. The parking garage in the southwestern portion of the site, adjacent to Kirby Road shall be constructed with no more than one level at grade. If an additional level of parking is provided, the additional level shall be below grade as viewed from Kirby and Park Roads, as depicted on the attached exhibit.
8. A public access easement shall be recorded in the land records by the applicant over the on-site internal trail that parallels Park Road.*
9. A six-foot (6') wide concrete sidewalk shall be constructed on Parcel 31-3 ((1)) 77A along the entire Kirby Road frontage of the site, to PFM standards and provide a connection between the existing sidewalk located on Parcel 31-3 ((1)) 83. This sidewalk connection shall be aligned with the existing sidewalk located on the County School property on the south side of Park Road. A curb cut and crosswalk across Park Road shall be provided. Internal, on-site trails shall connect to the Kirby Road sidewalk. The six-foot (6') wide concrete sidewalk along the Kirby Road frontage of the site shall be maintained by the applicant.*
10. Adequate sight distance shall be demonstrated for all access points to the site, as determined by the Virginia Department of Transportation (VDOT) at the time of site plan review. Minor modifications to the access points to demonstrate adequate sight distance may be provided as determined by VDOT.
11. Prior to site plan approval, turn lane warrants for the existing entrances shall be provided for the review and approval of VDOT.
12. The entrances to the site along Kirby Road and Old Dominion Drive shall be designed in accordance with VDOT *Minimum Standards of Entrances to State Highways*, as determined by VDOT.
13. Individual units in the independent living facility shall be occupied only by individuals 62 years of age or older or couples where one party 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.

14. Each independent living unit shall meet the definition of a dwelling unit per the Zoning Ordinance and shall include a kitchen. The buildings 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 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 lever hardware, railings, grab bars, accessible kitchen and bathroom features.
15. For all new buildings constructed on the site, all appliances, fixtures, systems, and building components used in the project, as applicable, shall be ENERGY STAR® qualified: vending machines, clothes washers; dishwashers; refrigerators/freezers; ventilation fans (including kitchen and bathroom fans); light fixtures; exit signs; programmable thermostats; windows and doors and skylights. Prior to issuance of the Residential Use Permit (RUP), certification of compliance with this commitment shall be submitted to the Department of Planning and Zoning, Environment and Development Review Branch. Records of compliance shall be maintained for review and inspection by County Staff.
16. Irrespective of that which is shown on the SEA Plat, all signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.
17. Stormwater Management (SWM) and Best Management Practices (BMP) Facilities in accordance with the Public Facilities Manual (PFM) shall be provided in substantial conformance with the SEA Plat, unless waived by DPWES. If the SWM/BMP facilities approved by DPWES are not in substantial conformance with the SEA 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 the issuance of occupancy permits for 75% of the new market rate independent living facility units, a minimum of fifteen percent (15%) new affordable dwelling units (ADUs) shall be provided on site, based on the total number of new market rate independent living facility units. These ADUs shall be administered in accordance with the applicable provisions of Part 8 of Article 2 of the Zoning Ordinance.
20. A landscape plan shall be submitted as part of the first and all subsequent submissions of the site plan for the review and approval of the Urban Forest Management Division (UFMD), DPWES. This plan shall be in substantial conformance with the landscape concept plan as to quantity and quality of plantings, and in substantial conformance with the location of plantings as shown on sheet 7 of the SEA Plat and these development conditions. Plantings provided on the site shall be comprised of at least

60% native species, as determined by UFMD. All non-native species proposed shall be approved by UFMD.

21. A tree preservation plan shall be submitted as part of the first and all 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 within 25 feet to either side of the limits of clearing and grading shown on the SEA Plat. 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 or registered consulting arborist shall be retained, and the limits of clearing and grading shall be marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the certified arborist or registered consulting 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 in substantial conformance with the limits of clearing and grading shown on the SEA Plat, subject to allowances specified in these development 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 SEA, 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" development condition 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 or registered consulting 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 certified 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 within twenty-five (25) feet of the limits of clearing and grading 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 48-inch oak tree discussed within this development condition shall be not be bonded but shall be subject to the requirements set forth within this condition. 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 should any trees within twenty-five (25) feet of the limits of clearing and grading that are shown to be saved 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. 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 development condition shall be returned/released to the Applicant.

In the event that the 48-inch oak tree located near the main entrance to the proposed independent living facility building is determined to be dying by UFMD due to authorized construction activities, the entrance area shall be planted in substantial conformance with the alternative detail shown on Sheet 8 of the SEA plat. If the 48-inch oak is determined to be dying by UFMD due to unauthorized construction activities, the entrance area shall be landscaped in substantial conformance with the alternative detail shown on Sheet 8 of the SEA Plat and also provide additional trees either in that area or elsewhere on the property to achieve the canopy equal to the canopy of the 48-inch oak tree.

F. Root Pruning. The roots shall be pruned, as needed to comply with the tree preservation requirements of these development conditions. 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 SEA Plat shall be done by hand without heavy equipment unless approved otherwise by UFMD, DPWES, and shall be 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. Any work in tree preservation areas, including the

removal of existing structures and improvements that require the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump grinders, etc. or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UMFD, 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 stated in these development conditions and as approved by the UFMD. The services of a certified arborist or registered consulting arborist shall be retained to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, 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 Amendment 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 of the improvements shown on the SEA Plat 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.

The Board also:

- Waived Section 9-306 of the Zoning Ordinance to permit a maximum building height of 56 feet for the proposed independent living facility and 65 feet for the existing independent living facility, rather than 50 feet.

- Waived Section 9-306 of the Zoning Ordinance to allow the assisted living facility units on the site to be occupied by residents other than those moving from the independent living facility.
- Modified the Countywide Trails requirement along Old Dominion Drive and Kirby Road to permit the existing and proposed sidewalks, as depicted on the SEA Plat.
- Waived Section 6-0303.8 of the Public Facilities Manual to permit the use of an underground detention facility in a residential area, subject to the development conditions entitled Waiver Number 6713-WPFM-001-1, dated September 24, 2009, as contained in Appendix Eight of the staff report.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Eric Teitelman, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

Vinson Hall

retirement community

Kirby Sections



