DEVELOPMENT CONDITIONS

SE 2010-DR-030

July 21, 2011

If it is the intent of the Board of Supervisors to approve SE 2010-DR-030 located at 10200 Colvin Run Road (Tax Map 12-4 ((1)) 32) for use as a medical care facility pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, 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 the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled Brightview Special Exception, prepared by BC Consultants and dated October 19, 2010 as revised through June 27, 2011, consisting of 18 sheets, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

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

6. Foundation landscaping around the building, including a mix of shrubs, ornamental trees, and ground cover, shall be provided to enhance the residential character of the building.

7. If stormwater management/BMP waiver(s) are not granted by DPWES, the applicant shall provide stormwater management/BMP controls to the satisfaction of DPWES. If stormwater management/BMP facilities are not in substantial conformance with the SE Plat, the applicant may be required to submit a Special Exception Amendment.

8. Internally-illuminated signs shall not be allowed on the site.

9. In order to mitigate the building's impact on the viewshed from Colvin Run Road, the applicant shall install a mix of plantings that are primarily evergreen and include a mix of heights and types, along the entire road frontage, subject to review and approval by Urban Forest Management.

10. The applicant shall maintain at least 4 percent of the beds for residents who are eligible for the Virginia Department of Social Services' Auxiliary Grant program.

11. The Applicant shall contribute the sum of $90,000 to the Fairfax County Park Foundation, to be used for capital at Colvin Run Mill Park, as determined by the Fairfax County Park Authority in consultation with the Fairfax County Park Foundation. Such contribution shall be paid in three installments: $30,000 shall be due at the issuance of the first RUP or Non-RUP, as applicable; $30,000 shall be due at such time as the facility has an occupancy greater than 50%; and the remaining $30,000 shall be due at such time as the facility is 90% occupied, or two years from the date of the first RUP, whichever occurs first.

12. A fence, board on board or other similar solid type, a maximum of six feet in height, shall be installed along the western property line. The fence shall meander through the transitional screening, with plantings along both sides of the fence, to soften the appearance from both sides. The applicant shall coordinate with the immediately adjacent neighbors to the west prior to site plan submission relative to the location of the fence and plantings. The final location of the fence and transitional screening plantings shall be subject to review and approval by Urban Forest Management Division, DPWES.

13. Trash and/or recycling collection shall be limited to the hours of 7:00 am-7:00 pm, Monday through Friday. No weekend pickups shall be allowed.

14. Food and linen delivery hours shall be restricted to 7:00 am- 7:00 pm, Monday through Friday only, unless unusual circumstances such as emergencies, atypical weather, or traffic conditions require delivery outside of the standard hours or weekdays.

15. All parking lot lighting poles shall be a maximum of fifteen feet in height, including the base, and in accordance with Paragraph 14 of Section 9 of the Zoning Ordinance.

16. Excepting for safety or aesthetic reasons, or to comply with other requirements of other development conditions contained herein, the applicant will ensure that all of the following types of appliances, fixtures, and building components used in the project shall be ENERGY STAR qualified: clothes washers; dishwashers; refrigerators/freezers; ceiling fans; ventilation fans (including kitchen and bathroom fans); light fixtures; exit signs; programmable thermostats; windows and doors; skylights; roofing materials; and water heaters. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. This letter shall also explain any exceptions and the reasoning behind the exception

(safety, aesthetic reasons, or compliance with other approved development conditions). The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns with compliance. This commitment will apply only to appliances, fixtures and building components provided with the initial construction of the development; this commitment will not apply to subsequent purchasers of dwelling units.

17. The applicant shall use energy efficient heating and cooling systems that are at least 10% more efficient than 2009 IECC (International Energy Conservation Code) minimum requirements.

18. The applicant shall only use adhesives and sealants that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.1. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.

19. The applicant shall only use paints and coatings that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.2. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.

20. The applicant shall only use flooring systems that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.3. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.

21. The applicant shall only use composite wood and agrifiber products that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.4. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be

submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.

22. Prior to Site Plan approval, the existing conditions for the property shall be documented through photographic recordation for the purpose of recording and documenting the existing standing structures, the cultural landscape and the relationship of the site to Colvin Run Road prior to development and/or demolition. The documentation shall include at a minimum the exteriors of the standing structures and landscape features, as stipulated below, to be photographed prior to any land disturbing activity on site. The documentation shall include a clear sketch plan map, based upon the existing conditions and vegetation map for this application, showing the location where each photograph was taken. The number and angle of photographic views and sketch plan map shall be coordinated with the Department of Planning and Zoning (DPZ) Historic Preservation planner prior to final submission of the documentation. All photographs and sketch plan shall be submitted to the Virginia Room of the Fairfax County Public Library and to the Fairfax County Department of Planning and Zoning (DPZ) Historic Preservation Planner. The applicant shall provide written documentation to DPZ that required documentation has been submitted to the Virginia Room.

<u>Photographic documentation for dwelling, garage and site context shall include</u>:

- View of each façade
- Perspective view, front façade and one side
- Perspective view, rear and one side
- Details of the buildings such as views of the main entrance, stairs, signage, prominent window(s), chimney(s) and any unique architectural and/or character defining features
- General views from a distance sufficient to show environmental setting, landscaping, and cultural landscape features and elements
- General streetscape views to and from the property along Colvin Run Road.

23. <u>A. Tree Preservation</u>: 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 Special Exception 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 12-0507 and 12-0509. 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. The Applicant shall retain the services of a certified arborist or Registered Consulting 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 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.

C. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception 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 Special Exception Plat, 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, 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. Root Pruning. The Applicant shall root prune, 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 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.

F. 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 Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffer, 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.

24. All sidewalks and/or trails shown on the SE Plat shall be maintained by the applicant.

25. At the time of site plan approval, a public access easement shall be provided in a form approved by the County Attorney, for the purpose of providing access to the sidewalks along the Colvin Run Road frontage, in the approximate location shown on the SE plat.

26. The applicant shall install a detectable surface across the driveway entrance to connect the proposed pedestrian path, subject to review and approval by VDOT.

27. The maximum number of units shall be 90, not to exceed 94 beds.

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

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