LED

County of Fairfax, Virginia

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

May 4, 2006

Timothy S. Sampson, Esquire
Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

Re: Special Exception Amendment Application Number SEA 84-C-076-08
(Concurrent with PCA 200-SU-032-02)

Dear Mr. Sampson:

At a regular meeting of the Board of Supervisors held on May 1, 2006, the Board approved Special Exception Amendment Application Number SEA 84-C-076-08 in the name of INOVA Health Care Services, to amend SE 84-C-076, Tax Map 45-2 ((1)) 41B and 41L and 45-2 ((2)) Parcels 38, 39A, 39B and 46A previously approved for use as a medical care facilities, including an assisted living facility for the elderly and child care center, pursuant to Section 4-304 of the Fairfax County Zoning Ordinance, to permit a construction of building additions and other site modifications by requiring conformance with the following development conditions. (An asterisk indicates development conditions that have been carried forward unchanged from the previous approval).

General:

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

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

3. This Special Exception Amendment is subject to provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat, entitled, "Generalized Development Plan Amendment/Special Exception Amendment, INOVA Fair Oaks Hospital Campus, prepared by Dewberry and Davis, which is dated July 2, 2005, and revised through January 12, 2006. Minor modifications to the approved special exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
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4. Best Management Practices (BMP) facilities, such as, but not limited to, the existing dry pond, bioretention or other facilities indicated on the Special Exception Amendment Plat, designed to meet the Best Management Practices (BMP) requirements of the Water Supply Protection Overlay District (WSPOD) for runoff from the subject site, shall be provided as determined by the Director, DPWES. These measures may also include contribution to regional pond C-44 as determined by DPWES in accordance with the County's pro rata share program for off-site drainage improvements adopted by the Board of Supervisors. In order to preserve as much as possible of the site in its natural state, the applicant shall explore with DPWES the use of an embankment-only facility or other water quality measure(s) which will cause the least amount of disturbance to the existing vegetation as determined by DPWES.

   The Applicant agrees that the amendments to the Public Facilities Manual Section 6-0200, et seq., adopted by the Fairfax County Board of Supervisors on February 6, 2006, effective February 7, 2006, will be applicable to site plans for the subject property submitted subsequent to May 1, 2006 and that the subject property will not thereafter be exempted by the grandfathering provisions of the referenced PFM ordinance amendment or otherwise exempted from the application of the referenced PFM ordinance amendment.*

5. The bed of the existing stormwater best management practice facility situated on the northeast corner of Rugby Road and Alder Woods Drive shall be landscaped with a wetland seed mix and select shrub and tree species, to enhance water quality as well as the appearance of the existing facility. Such re-vegetation shall occur in the bed of the pond and not along the dam, and shall be as approved by Urban Forest Management (UFM) at the time of site plan approval. In addition, shrubs and trees shall be planted adjacent to the banks of the existing linear drainageway, located south of Alder Woods Drive and east of Rugby Road, as approved by UFM.*

6. Mobile and land based telecommunications facilities may be permitted on site in accordance with Sect. 2-514 of the Zoning Ordinance and the proffers accepted with PCA 2000-SU-032-2. *

7. A staggered row of six (6) foot tall evergreen trees, consisting of mixed native species, shall be planted and maintained east of the main parking areas to provide screening to the area along Rugby Road. The number, height and species of the evergreen trees shall be subject to the approval of the UFM. *

8. Parking spaces shall be provided as shown on the SE Plat and as noted; however, the number of parking spaces provided at the ultimate build-out shall not be reduced by more than 5% from that number proposed on the SE Plat. This condition shall not limit the ability of the applicant to phase the provision of parking, so long as the phasing complies with Article 11.*

9. No new beds (above the 182 currently approved) shall be installed prior to approval of a Certificate of Public Need. In addition, no building permit shall be issued for the "Proposed Hospital Expansion North" until such time as a Certificate of Public Need has been approved for such structure.

Assisted Living:

10. The assisted living facility shall be limited to a maximum of 112 residents. *

11. A sidewalk shall be provided along the west side of Joseph Siewick Drive from Alder Woods Drive to a sidewalk connection at the Assisted Living Facility. *

12. The applicant shall participate in the Virginia Department of Social Services Auxiliary Grant Program by providing access to the proposed assisted living facility to a minimum of four residents who participate in the Auxiliary Grant Program. *

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless one of the proposed uses 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 Amendment. 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 reaffirmed the modification of the transitional screening requirements and waived the barrier requirement to that shown on the Generalized Development Plan/Special Exception Amendment Plat, as proffered.

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time, they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Gerald E. Connolly
Supervisor Michael R. Frey, Sully District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Leslie B. Johnson, Deputy Zoning Administrator/Zoning Permit Review
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Charles Strunk, Project Planning Section, Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES
Ken Williams,Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Gordon Goodlett, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools

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