



FAIRFAX COUNTY

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**OFFICE OF THE CLERK
BOARD OF SUPERVISORS**
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December 13, 2002

Elizabeth D. Baker, Land Use Coordinator
Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Special Exception Application
Number SE 2002-PR-016

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on November 18, 2002, the Board approved Special Exception Application Number SE 2002-PR-016 in the name of Saintsbury, LLC, located at 9605 and 9615 Saintsbury Drive, (Tax Map 48-1 ((1)) 92 pt. 93 pt. 95, 145 and 48-3 ((1)) 54A pt.) to permit housing for the elderly pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, 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 "Saintsbury Plaza" prepared by VIKA, Incorporated and dated January 10, 2002, revised to October 24, 2002 and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. Right-of-way for a future eastbound right turn lane along the Saintsbury Drive frontage of the site as shown on the Special Exception Plat, shall be dedicated and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of final site plan approval for the property or upon demand by VDOT, whichever occurs first.
5. The area to be dedicated for the future right turn lane from eastbound Saintsbury Drive to the future extension of Vaden Drive shall be graded to the anticipated elevation and contours of the future right turn lane as determined by the Fairfax County Department of Transportation so as to minimize the need for future grading upon construction of the turn lane, and to reduce the impacts of roadway construction to the subject site and the applicant's proposed retaining wall.
6. The housing for the elderly facility shall be accessed via a private street connection from Saintsbury Drive as shown on the Special Exception (SE) Plat. Written notification shall be provided to all initial purchasers specifying that the Condominium Owners' Association will be responsible for the maintenance of the private streets serving the development 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.
7. Prior to final site plan approval, \$10,000 shall be contributed to Fairfax County toward installation of a future traffic signal at the intersection of Vaden Drive and Saintsbury Drive. This amount shall be determined by DPWES, as adjusted yearly based on ten (10)-year trends by the Virginia Highway Construction Bid Index as published in the Engineering News Record from the date of the special exception approval.
8. Individual units in the housing for the elderly facility shall be rented/sold only to individuals 55 years of age or older or couples where the husband or wife is 55 years of age or older.
9. The architectural design of the buildings shall be in substantial conformance with the style and character of the building elevations depicted on Sheets A-1 (8) through A-6 (13) of the SE Plat. Buildings shall be constructed with a combination of masonry (65%), siding (35%) and glass materials. All buildings shall be served with an elevator. The maximum building height shall not exceed 50 feet.
10. A community room for the use of the residents and their guests shall be provided in Building #1. This community room shall be for the use of residents only. An outdoor landscaped patio/plaza shall be provided adjacent to the community room, as generally shown on SE Plat. Outdoor facilities shall include specialty paving, benches, tables and chairs, and landscaping.

11. Outdoor lighting fixtures used to illuminate the parking area and walkways shall not exceed 12 feet in height, shall be of low intensity design and shall utilize full cut off fixtures which shall focus directly on the subject property. No up-lighting shall be used for design elements such as signs, landscaping, or architectural illuminations. Subject to Virginia Department of Transportation (VDOT) approval, additional pedestrian-oriented lighting shall be provided at the site's entrance at Saintsbury Drive in order to better light the sidewalks in this portion of the site.
12. All signs shall be in accordance with Article 12 of the Zoning Ordinance.
13. A landscape plan shall be submitted as part of the site plan and shall be coordinated with and approved by the Urban Forestry Division, DPWES. This plan shall be in substantial conformance with the landscaping as shown on the SE Plat.
14. Additional supplemental landscaping shall be provided along the western property boundary as reviewed and approved by the Urban Forestry Division in order to provide additional transitional screening to the existing single-family detached dwellings located to the west of the subject site. This supplemental landscaping shall be shown on the landscape plan.
15. In an effort to further screen the proposed use from the adjacent residential development, supplemental plantings shall be provided off-site on Tax Map Parcels 48-3 ((4)) 24, 25 and 26 subject to the provision of letters of permission from the owners of those properties. The applicant will work with the owners of Tax Map Parcels 48-3 ((4)) 24, 25, and 26 to decide the nature of the proposed supplemental landscaping. This landscaping shall be completed prior to the issuance of the first Residential Use Permit (RUP) for the first residential building at a time determined by the Urban Forestry Division, DPWES. Written request for permission to plant the off-site landscaping shall be sent by certified mail, return receipt requested. Subject to the granting of letters of permission from the owner(s) of Parcels 24, 25, and 26, within ninety (90) days from the applicant's written request, supplemental plantings shall be provided on said lots. If permission at no cost to the applicant is not granted by a property owner, the applicant shall document failed attempts to receive permission to the Department of Public Works and Environmental Services (DPWES), and shall thereby be relieved of any obligation to provide off- site supplemental plantings on that property.
16. In order to reduce maximum interior noise to a level of approximately 45 dBA Ldn, units within Buildings 2 and 3 (within 425 feet of centerline of Interstate 66) identified as being impacted by highway noise having levels projected to be greater than 70 dBA Ldn, shall employ the following acoustical measures. These units shall be identified on the site plan:

- Exterior walls shall have a laboratory Sound Transmission Class (STC) rating of at least 39.
- Doors and windows shall have a laboratory STC rating of at least 32. If glazing constitutes more than 20% of any façade, they shall have the same laboratory STC ratings as walls.
- Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to reduce maximum interior noise to a level of approximately 45 dBA Ldn, the remainder of the units within Buildings 2 and 3 shall employ the following acoustical measures:

- Exterior walls shall have a laboratory Sound Transmission Class (STC) rating of at least 39.
 - Doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any façade, they shall have the same laboratory STC ratings as walls.
 - Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
17. In order to achieve a maximum exterior noise level of approximately 65 dBA Ldn in the outdoor activity areas, a six-foot tall solid masonry or stone faced wall/feature shall be constructed along the northern perimeter of the landscaped courtyard planned between Buildings 2 and 3, as shown on Sheets LA-1 (14) and LA-2 (15) of the SE Plat.
 18. The limits of clearing and grading as shown on the SE Plat shall be strictly adhered to and be considered the maximum limits.
 19. Prior to final bond release, the Environmental Quality Corridor (EQC) and minor floodplain associated with Hatmark Branch shall be dedicated in fee simple to the Park Authority.
 20. Prior to final site plan approval, \$15,000 shall be contributed to the Fairfax County Park Authority (FCPA) to be utilized for improvements to area park facilities.
 21. Prior to the issuance of the first Residential Use Permit for the third residential building on the subject site, shuttle service shall be provided between the subject site and the Vienna Metro station at least three times a day. Trips to local shopping may also be provided. Shuttle service may be provided by participation in other shuttle service in the

area with costs shared on a pro-rata basis. The shuttle shall be provided by the applicant at no cost to the Condominium Owners Association (COA) for one year. If the applicant relinquishes control of the COA prior to the issuance of the first RUP for the third residential building, these funds shall be escrowed by the applicant. The COA will then be financially responsible for operating the shuttle bus service and this obligation shall be disclosed to all prospective homebuyers before entering into a contract of sale and within the COA documents. However, if the shuttle is not provided through participation with other shuttle service in the area and if the COA votes by a 2/3 majority of the total ownership to eliminate the shuttle service, as demonstrated to the Providence District Supervisor and Department of Planning and Zoning, then this development condition shall be considered null and void.

22. Seventeen (17) two-bedroom dwelling units, each of approximately 900 square feet in size, shall be provided as affordable dwelling units and shall be subject to Part 8 of Article 2 of the Zoning Ordinance.
23. Interparcel access to the abutting property to the east shall be provided in the southeastern corner of the site (as shown on the SE Plat). At the time of site plan approval, all easements for construction of interparcel access on the subject site shall be provided for construction of this interparcel access. A public access easement shall be provided through the site to Saintsbury Drive.
24. Despite the limits of the Environmental Quality Corridor (EQC) depicted on the SE Plat, the limits of the EQC associated with Hatmark Branch shall be coterminous with the minor floodplain associated with Hatmark Branch.
25. A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12-inches in diameter and greater ten feet to either side of the limits of clearing and grading shown on the SE Plat for the entire site. The tree survey shall also include areas of clearing and grading not shown on the SE Plat resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

26. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative of the Urban Forestry Division, DPWES, to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. 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 the adjacent trees.
27. In order to protect trees, root pruning, mulching, and tree protection fencing (as described in Development Condition #28) shall be provided for the entire site. All three treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the Urban Forestry Division, DPWES 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.
 - Tree protection fence shall be installed immediately after root pruning and shall be positioned directly in the root-pruning trench and backfilled for stability or just outside the trench within the disturbed area.
 - Immediately after the Phase II erosion and sediment activities are complete, mulch shall be applied at a depth of four inches extending 10 feet inside the undisturbed area without the use of motorized equipment.
 - An Urban Forestry Division representative shall be informed when all root pruning and tree protection fence installation is complete.
28. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing four foot high, 14 gauge welded wire attached to six foot steel posts driven 18 inches into the ground and placed no further than ten feet

apart, shall be erected at the limits of clearing and grading as shown on the demolition and Phase I and II erosion and sediment control sheets for the entire site.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to commencement of any clearing, grading or demolition activities, the Urban Forestry Division, DPWES, shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

29. A reforestation/restoration plan for the EQC and minor floodplain areas shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by the Urban Forestry Division, DPWES. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The restoration/reforestation plan shall include, but not be limited to the following: plant list detailing species, sizes and stock type of trees and other vegetation to be planted; soil treatments and amendments if necessary; mulching specifications; methods of installation; maintenance; mortality threshold; monitoring; and replacement schedule. The planting schedule shall be coordinated and approved by the Urban Forestry Division, DPWES. Implementation of the plan shall occur prior to final bond release.
30. The services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts shall be retained by the applicant in order to ensure conformance with all tree preservation development conditions. The monitoring schedule shall be described and detailed in the tree preservation plan and reviewed and approved by the Urban Forestry Division, DPWES.
31. Pedestrian walkways shall not be constructed at a grade of greater than seven percent.
32. Retaining walls constructed on the property shall be faced with ~~masonry~~ or stone and shall be a maximum of ten feet in height.
33. The proposed underground stormwater management facilities shall be maintained by the applicant, its successors and assigns, in accordance with the regulations of DPWES. Said maintenance responsibility shall be incorporated in an agreement to be reviewed and approved by the Fairfax County Attorney's office and recorded among the Fairfax County land records. Said agreement shall address the following issues:
 - Future replacements of facilities when warranted;

- County inspection and all other issues as may be necessary to ensure that the facilities are maintained by the applicant in good working order acceptable to the County so as to detain the flow of stormwater which results from development of the subject site;
- Liability and insurance in an amount acceptable to the applicant and Fairfax County;
- A restriction that the applicant, their successors and assigns, shall not petition DPWES for future maintenance; and
- An establishment of an initial reserve fund by the applicant for future maintenance and/or replacement in the amount of \$5,000 with any future Condominium Owners' Association to be formed with respect to the subject site. Said reserve fund shall be established prior to the conveyance of the first residential unit on the subject site.

Any future purchasers shall be advised prior to entering into a contract of sale that the Condominium Owners' Association shall be responsible for the maintenance of the underground stormwater management facilities. These maintenance responsibilities shall also be contained within the Condominium Owners' Association documents. If the proposed underground facility is not approved by DPWES, an amendment to this special exception will be required.

34. Should the proposed units be operated rental units, at least one loading space will be provided.
35. Prior to any land disturbing activities, a Phase I archaeological survey and if necessary, a Phase I assessment, shall be performed in accordance with Virginia Department of Historic Resources Guidelines and submitted to the County Archeologist.
36. Concurrent with its submission to the Department of Public Works and Environmental Services (DPWES), each submission of the site plan shall be forwarded to the Providence District Planning Commissioner for the purpose of administrative review and comment.

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 Residential Use Permits 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.

The Board also:

- **Modified Additional Standard One of Section 9-306 of the Zoning Ordinance to permit a reduction in the minimum age requirement from 62 to 55 years of age.**
- **Waived the 600-foot maximum length requirement for private streets.**
- **Modified the transitional screening requirements along the eastern and western property lines to that shown in the Special Exception Plat.**
- **Waived the barrier requirements along the eastern and western property lines.**
- **Waived the off-street loading space requirement in accordance with the proposed development conditions.**

If you have questions regarding the expiration of this Special Exception 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
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor Connolly, Providence District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner

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