



APPLICATION ACCEPTED: May 10, 2012  
PLANNING COMMISSION: December 5, 2012  
BOARD OF SUPERVISORS: tbd

# County of Fairfax, Virginia

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November 29, 2012

## STAFF REPORT

### APPLICATION RZ/FDP 2012-SU-010

#### SULLY DISTRICT

**APPLICANT:** Northern Virginia Health Investors, LLC

**PRESENT ZONING:** I-5

**REQUESTED ZONING:** PRM

**PARCEL(S):** 24-4 ((1))-11B

**ACREAGE:** 8.46 acres

**FAR:** 0.67

**OPEN SPACE:** 35%

**PLAN RECOMMENDATION:** Office

**PROPOSAL:** The applicant seeks to rezone 8.46 acres from I-5 to PRM (Planned Residential Mixed Use) to permit the development of a 166-bed skilled nursing facility and a separate 100 unit independent and 66-bed assisted living facility.

#### STAFF RECOMMENDATIONS:

Staff recommends denial of RZ 2012-SU-010, as proposed. If it is the Board's intent to approve RZ 2012-SU-010, staff recommends that such approval be subject to the execution of proffers consistent with those found in Appendix 1 of this report.

**Brent Krasner, AICP**

Staff recommends denial of FDP 2012-SU-010, as proposed. If it is the Planning Commission's intent to approve FDP 2012-SU-010, staff recommends that such approval be subject to development conditions consistent with those found in Appendix 2 of this report.

**Waivers and Modifications Requested:**

Waiver of Par. 6 of Sec. 6-406 of the Zoning Ordinance to allow a secondary permitted use to comprise more than 50% (50.305%) of the total gross floor area of a proposed PRM District where the maximum allowed is 50%.

Waiver to locate underground stormwater management facilities in a residential area (PFM Section 6-0303.8).

Modification of the Tree Preservation Target Area (PFM Section 12-0508) to allow 25,125 sf. in lieu of the 27,824 sf. required.

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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning 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. 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.

*O:\bkrasner\ZED\Applications\Rezoning\RZ FDP 2012-SU-010 NVHI\Report\RZ 2012-SU-010 - NVHI - Staff Report Cover.doc*



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Rezoning Application

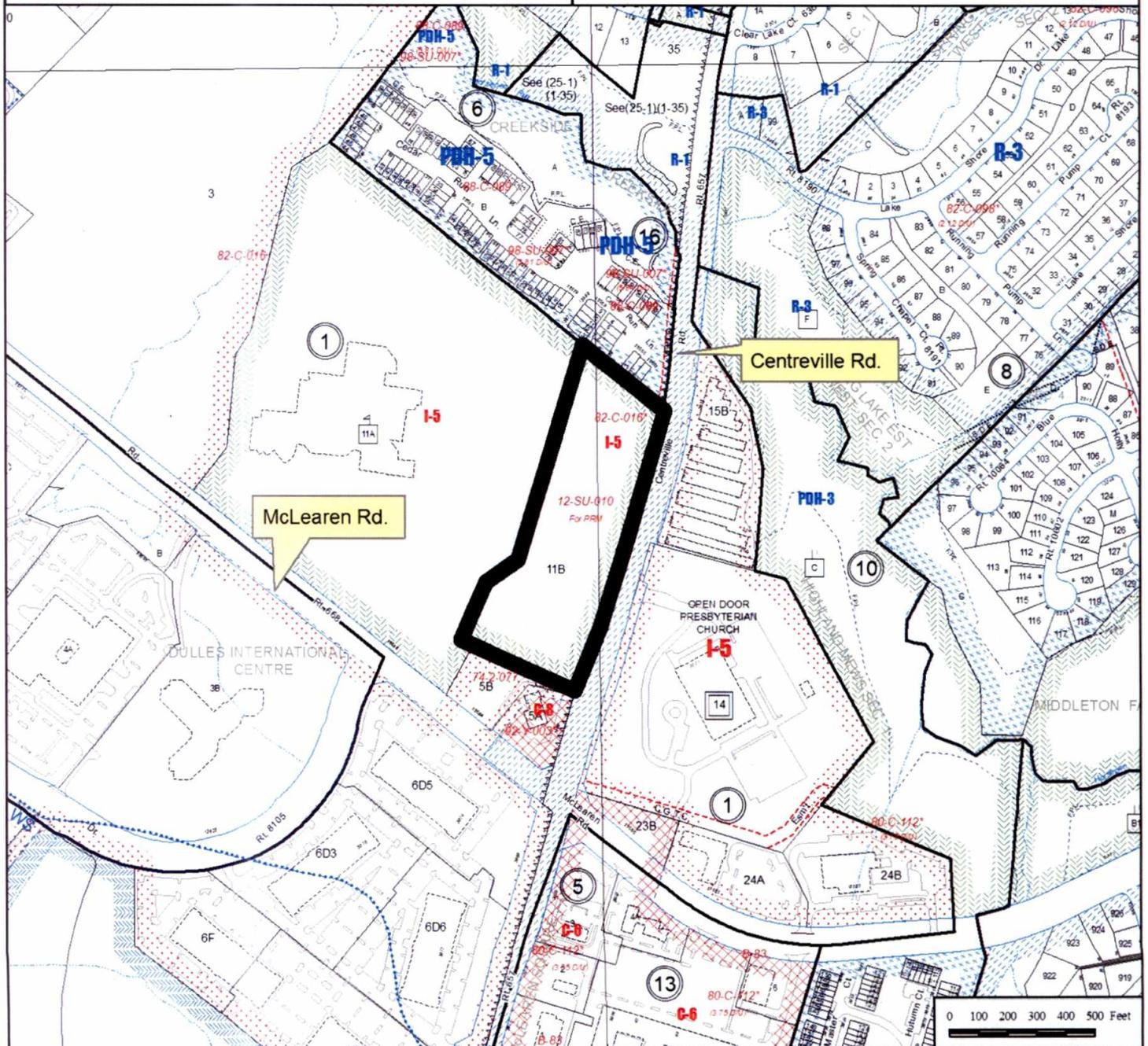
RZ 2012-SU-010

Applicant: NORTHERN VIRGINIA HEALTH INVESTORS, LLC  
Accepted: 05/10/2012  
Proposed: RESIDENTIAL  
Area: 8.46 AC OF LAND; DISTRICT - SULLY ZIP - 20171  
Located: WEST SIDE OF CENTREVILLE ROAD APPROXIMATELY 150 FEET NORTH OF ITS INTERSECTION WITH MCLEAREN ROAD  
Zoning: FROM I- 5 TO PRM  
Map Ref Num: 024-4- /01/ /0011B

# Final Development Plan

FDP 2012-SU-010

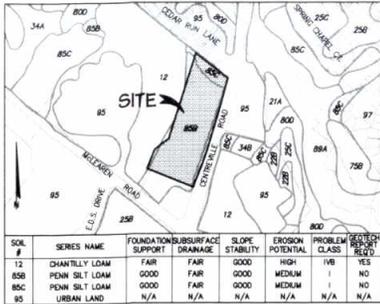
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Zoning: PRM  
Map Ref Num: 024-4- /01/ /0011B



# CONCEPTUAL / FINAL DEVELOPMENT PLAN

# CHANTILLY NURSING AND REHABILITATION CENTER

SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
RZ 2012-SU-010



SOILS MAP/DATA  
SCALE: 1" = 500'

REVISIONS		
NO.	SHEET NUMBER AND REVISION DESCRIPTION	DATE
1.	(1) SITE TABS, REMOVED TREE PRESERVATION TARGET WAIVER REQUEST; (2) & (3) EXISTING TREE DRYLINE (4) LAYOUT, BUILDING LOCATION, # OF UNITS & CLEARING LIMITS. (5) LANDSCAPING, TREE SAVE AREA, TREE COVER CALC, REMOVED TREE PRESERVATION TARGET LETTERS (6) ARCHITECTURAL ELEVATOR FOR INDEPENDENT LIVING BUILDING (7) & (8) ADDED TREES TO BE SAVED (9) NARRATIVES (10) NEW SHEET	8-24-12
2.	(1) SITE TABS, ADDED TREE PRESERVATION TARGET WAIVER REQUEST (2) LAYOUT, BUILDING LOCATION, # OF UNITS & CLEARING LIMITS. (3) LANDSCAPING, TREE COVER CALC, ADDED TREE PRESERVATION TARGET LETTER & 71 NEW SHEETS (4) REVISED SITE TABULATIONS (5) ADDED SITTING AREAS, REVEALED PARKING IN FRONT OF MED. CARE/IND. LIVING BUILDING, ACCESS TO SCHOOL (6) ADDED LANDSCAPING, REV. TREE COVER CALCULATIONS (7) REVISED COURTYARD DESIGN & LANDSCAPING (8) REVISED CROSS-SECTIONS	9-20-12
3.	(1) REVISED SITE TABULATIONS (2) ADDED SITTING AREAS, REVEALED PARKING IN FRONT OF MED. CARE/IND. LIVING BUILDING, ACCESS TO SCHOOL (3) ADDED LANDSCAPING, REV. TREE COVER CALCULATIONS (4) REVISED COURTYARD DESIGN & LANDSCAPING (5) REVISED CROSS-SECTIONS	10-5-12
4.	(1) ADDED BENCHES, REVISED COURTYARD DESIGN BEHIND LL BUILDING (2) REVISED COURTYARD DESIGN & LANDSCAPING (3) NEW SHEET	10-19-12
5.	(1) REVISED PARKING TABULATIONS (2) REVISED PARKING LAYOUT & BENCH NOTS; ADDED TRAIL & COVERED WALKWAY (3) REVISED LANDSCAPING & TREE COVER CALCULATIONS (4) REVISED REAR COURTYARD DESIGN (5) REVISED AND ADDED CROSS-SECTIONS	11-13-12

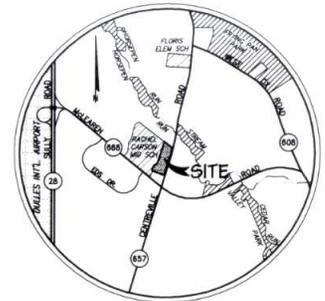
NO CHANGES, OTHER THAN THOSE SPECIFIED ABOVE, HAVE BEEN MADE TO THIS PLAN FROM THAT WAS PREVIOUSLY SUBMITTED OR APPROVED.

### MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

- Plot is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100').
- A graphic depicting the stormwater management facility(ies) and limits of clearing and grading, accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond, infiltration, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet 12.
- Provide:
 

Facility Name/Type and No.	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint (sf)	Storage Volume (cf)	If pond, dam height (ft)
UGS	7.07	0	7.07	5,880	32,333	N/A
- Onsite drainage channels, outfalls, and pipe systems are shown on Sheet 12. Pond inlet and outlet pipe systems are shown on Sheet 12A.
- Maintenance access (road) to stormwater management facility(ies) are shown on Sheet 12. Type of maintenance access (road surface noted on the plot is asphalt).
- Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet 12A.
- A 'stormwater management narrative' which contains a description of how detention and best management practices requirements will be met is provided on Sheet 12.
- A description of the existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet 12.
- A description of how the outfall requirements, including known changes to contributing drainage areas (i.e. drainage diversions), of the Public Facilities Manual will be satisfied is provided on Sheet 12.
- Existing topography with maximum contour interval of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets 12, 12A, 12B.
- A submission waiver is requested for: N/A
- Stormwater management is not required because: N/A

- ### NOTES
- THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NUMBER 24-4(1)118. THE SITE IS CURRENTLY ZONED L-5 & S-C. THE PROPOSED ZONING IS PM & S-C.
  - THE PROPERTY HEREON IS CURRENTLY UNDER THE OWNERSHIP OF BALS-AGLEAREN ROAD ASSOCIATES, L.L.C. IN DEED BOOK 18812 AT PAGE 242 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
  - BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A FIELD RUN SURVEY PREPARED BY CHARLES P. JOHNSON & ASSOCIATES, DATED JANUARY 2012. CONTOUR INTERVAL EQUALS TWO FEET WVD 1928.
  - THERE ARE NO 100-YEAR FLOODPLAINS ON-SITE. NO FLOODPLAIN OR DRAINAGE STUDIES ARE REQUIRED FOR THIS PROJECT.
  - THERE ARE NO RESOURCE PROTECTION AREAS (RPAs) OR ENVIRONMENTAL QUALITY CORRIDORS (EQCs) ON THIS SITE. A WATER QUALITY IMPACT ASSESSMENT WILL NOT BE REQUIRED.
  - TO THE BEST OF OUR KNOWLEDGE, THE SITE HAS NO SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION AND PRESERVATION.
  - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN GRAVES, OBJECTS, OR STRUCTURES MARKING A PLACE OF BURIAL.
  - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR GREATER, NOR ANY MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED WITHIN THE SITE.
  - ALL EXISTING STRUCTURES ARE TO BE REMOVED.
  - EXISTING WELLS ON-SITE ARE TO BE CAPPED AND ABANDONED IN ACCORDANCE WITH HEALTH DEPARTMENT REGULATIONS.
  - SEE SHEET 9 FOR A DESCRIPTION OF THE EXISTING VEGETATION.
  - TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 118.4, 302.A, AND 305; ALL HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VS 672-10-1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280, TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON-SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
  - THIS PROPERTY LIES WITHIN THE SIGN CONTROL (S-C) OVERLAY DISTRICT.
  - ANY SIGNS PROPOSED WITH THIS PLAN SHALL COMPLY WITH ARTICLE 12 OF THE ZONING ORDINANCE.
  - NO DENSITY REDUCTIONS ARE REQUIRED BY ZONING ORDINANCE SECTION 2-308.
  - IN ACCORDANCE WITH THE ADOPTED COMPREHENSIVE PLAN, THE PROPOSED DEVELOPMENT WILL PROVIDE INDEPENDENT LIVING AND MEDICAL CARE FACILITIES AT A 0.34 FLOOR AREA RATIO, AND WILL CONFORM TO ALL APPLICABLE ORDINANCES, REGULATIONS, AND ADOPTED STANDARDS EXCEPT AS NOTED BELOW:
    - A WAIVER OF ZONING ORDINANCE 17-201(2)(B) IS HEREBY REQUESTED. THE PROPERTY TO THE NORTH HAS BEEN DEVELOPED AS TOWNHOUSES AND A TRAVEL LANE CONNECTION WAS NOT PROVIDED. TO THE SOUTH IS A VACANT PARCEL ZONED L-5, WHICH WOULD HAVE LIMITED TRAVEL DEMAND BETWEEN IT AND THE SUBJECT PROPERTY.
    - A MODIFICATION OF THE TREE PRESERVATION TARGET AREA REQUIREMENT IN PFM SECTION 12-506.1 (SEE SHEET 5)
  - PROPOSED PUBLIC IMPROVEMENTS:
    - WATER SERVICE TO BE PROVIDED BY EXISTING 14" AND 18" MAINS LOCATED IN CENTREVILLE ROAD
    - SANITARY SERVICE TO BE PROVIDED BY AN EXISTING 8" MAIN LOCATED IN CENTREVILLE ROAD
  - PARKING SPACES WILL BE PROVIDED AS GENERALLY SHOWN ON THE PLAN. THE NUMBER OF PARKING SPACES MAY BE INCREASED OR DECREASED FROM THAT NUMBER REPRESENTED, AS LONG AS THE MINIMUM NUMBER OF SPACES IS PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE ZONING ORDINANCE.
  - RECREATIONAL FACILITIES ARE PROPOSED WITH THIS DEVELOPMENT.
  - SPECIAL ADVERTISEMENTS ARE PROPOSED WITH THIS PLAN.
  - A DEVELOPMENT SCHEDULE HAS NOT BEEN DETERMINED AT THIS TIME.
  - SEE SHEET 9 FOR ARCHITECTURAL ELEVATIONS.
  - A TRAIL IS NOT REQUIRED FOR THIS PROJECT PER THE FAIRFAX COUNTY TRAILS PLAN. THERE IS AN EXISTING MAJOR ASPHALT TRAIL ON THE OPPOSITE SIDE OF CENTREVILLE ROAD.
  - MINOR MODIFICATIONS TO THE BUILDING FOOTPRINTS, LOT AREAS, DIMENSIONAL UTILITY LAYOUT, AND LIMITS OF CLEARING AND GRADING MAY OCCUR WITH THE FINAL ENGINEERING DESIGN, IN SUBSTANTIAL CONFORMANCE WITH THE CDP/POP, PROVIDED SUCH ARE IN ACCORDANCE WITH THE MINOR MODIFICATIONS PROVISION IN SECTION 16B-403 OF THE ZONING ORDINANCE.



VICINITY MAP  
SCALE: 1" = 2000'

### SITE TABULATIONS

#### INDEPENDENT LIVING/MEDICAL CARE FACILITY

PARCEL 1	182,334 (4,195 Ac)
RIGHT-OF-WAY DEDICATION	2,052 (0.047 Ac)
TOTAL AREA	184,386 (4,242 Ac)

GROSS FLOOR AREA:	
ASSISTED LIVING	40,522 (0.92 Ac)
INDEPENDENT LIVING	122,732 (2.81 Ac)
TOTAL	163,254 (3.73 Ac)

FLOOR AREA RATIO:	PROVIDED = 0.22 *
MAXIMUM = 3.00	* DOES NOT INCLUDE INDEPENDENT LIVING AREA

LANDSCAPED OPEN SPACE:	PROVIDED = 30% (1.28 Ac)
REQUIRED = 20% (0.85 Ac)	

REQUIRED INDEPENDENT LIVING FACILITY:	
125 residents	1 sp/4 residents = 32 spaces
MEDICAL CARE FACILITY (ASSISTED LIVING/ALZHEIMERS):	
56 residents	1 sp/3 residents = 22 spaces
EMPLOYEES:	
38 employees	1 sp/employee = 38 spaces
92 employees	1 sp/employee = 92 spaces

PARKING PROVIDED	159 spaces
TOTAL:	(81 surface + 98 garage)

HANDICAP PARKING	
REQUIRED:	8 spaces (1 van accessible)
PROVIDED:	8 spaces (1 van accessible)

LOADING REQUIRED	162,498 SF GFA	1 sp/1st 10,000 sf GFA + 1 sp/ea. add'l 100,000 SF = 3 spaces
LOADING PROVIDED		3 spaces

TOTAL:	3 spaces
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#### MEDICAL CARE FACILITY

PARCEL 2	181,338 (4,163 Ac)
RIGHT-OF-WAY DEDICATION	2,584 (0.059 Ac)
TOTAL AREA	183,922 (4,222 Ac)

GROSS FLOOR AREA:	
TOTAL	83,720 (1.88 Ac)

FLOOR AREA RATIO:	PROVIDED = 0.46
MAXIMUM = 3.00	

LANDSCAPED OPEN SPACE:	PROVIDED = 40% (1.72 Ac)
REQUIRED = 20% (0.85 Ac)	

PARKING REQUIRED	
INDEPENDENT LIVING FACILITY:	
166 residents	1 sp/3 residents = 56 spaces
EMPLOYEES:	
54 employees	1 sp/employee = 54 spaces
TOTAL:	110 spaces

PARKING PROVIDED	79 surface spaces
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HANDICAP PARKING	
REQUIRED:	4 spaces (1 van accessible)
PROVIDED:	6 spaces (1 van accessible)

LOADING REQUIRED	83,720 SF GFA	1 sp/1st 10,000 sf GFA + 1 sp/ea. add'l 100,000 SF = 2 spaces
LOADING PROVIDED		2 spaces

TOTAL:	2 spaces
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#### TOTAL

PARCELS 1 & 2	364,073 (8,358 Ac)
RIGHT-OF-WAY DEDICATION	4,636 (0.106 Ac)
TOTAL AREA	368,709 (8,464 Ac)

GROSS FLOOR AREA:	
TOTAL	246,974 (5.61 Ac)
FLOOR AREA RATIO:	PROVIDED = 0.34 *
MAXIMUM = 3.00	* DOES NOT INCLUDE INDEPENDENT LIVING AREA

LANDSCAPED OPEN SPACE:	PROVIDED = 35% (3.00 Ac)
REQUIRED = 20% (1.69 Ac)	

PARKING:	PROVIDED = 236 spaces
REQUIRED = 202 spaces	

LOADING:	PROVIDED = 5 spaces
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#### DENSITY CALCULATIONS

FOR INDEPENDENT LIVING (PARCEL 1)

PARCEL 1 (INCLUDING DEDICATION)	4,242 Ac
INDEPENDENT LIVING UNITS	100
UNITS PER ACRE	23.6



#### DEVELOPER

N.V. HEALTH INVESTORS, L.L.C.  
4423 PLEASANT RIDGE ROAD SW  
SUITE 301  
ROANOKE, VA 24014  
(540) 774-7762

#### TABLE OF CONTENTS

- COVER SHEET
- EXISTING CONDITIONS PLAN
- EXISTING VEGETATION MAP
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- CONCEPTUAL LANDSCAPE PLAN
- COURTYARD DESIGNS
- COURTYARD DESIGN & SITE DETAILS
- CROSS-SECTIONS
- ARCHITECTURAL ELEVATIONS
- TREE PRESERVATION PLAN
- 12 & 13 OUTFALL ANALYSIS

**CPI Associates**  
Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors  
3909 Franklin Dr., Ste. 120, Fairfax, VA 22030 • 703.363.7200 • Fax: 703.273.8000  
www.cpi.com • 5849 Spring Hill • 4400 Lakeside, MD • Fryingpan, MD • Fairfax, VA

DATE: APRIL 30, 2012  
REVISED: AUGUST 24, 2012  
SEPTEMBER 20, 2012  
OCTOBER 5, 2012  
OCTOBER 19, 2012  
NOVEMBER 13, 2012



COVER TYPE SUMMARY			
COVER TYPE	PRIMARY SPECIES	CONDITION	AREA (in SF)
	Upland Forest Eastern Redcedar, Maples, Pines	good	281,780
	Early Successional	good	86,100
	Developed Area	-----	829
TOTAL AREA			368,709

COMMENTS :

UPLAND FOREST : The trees in this cover type were in quite good condition with no apparent insect or disease problems, and in the early successional stage of growth.

EARLY SUCCESSIONAL : This cover type was mostly made up of herbaceous material and some scattered juvenile Redcedars.



EXISTING VEGETATION MAP  
**CHANTILLY NURSING AND REHABILITATION CENTER**  
 SULLY DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

CPJ  
 Associates  
 Charles P. Johnson & Associates, Inc.  
 10000 Old Dominion Blvd., Suite 100, Fairfax, VA 22030  
 (703) 261-1111  
 www.cpjassociates.com

DATE: 4/12/12  
 REVISION: NONE  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]



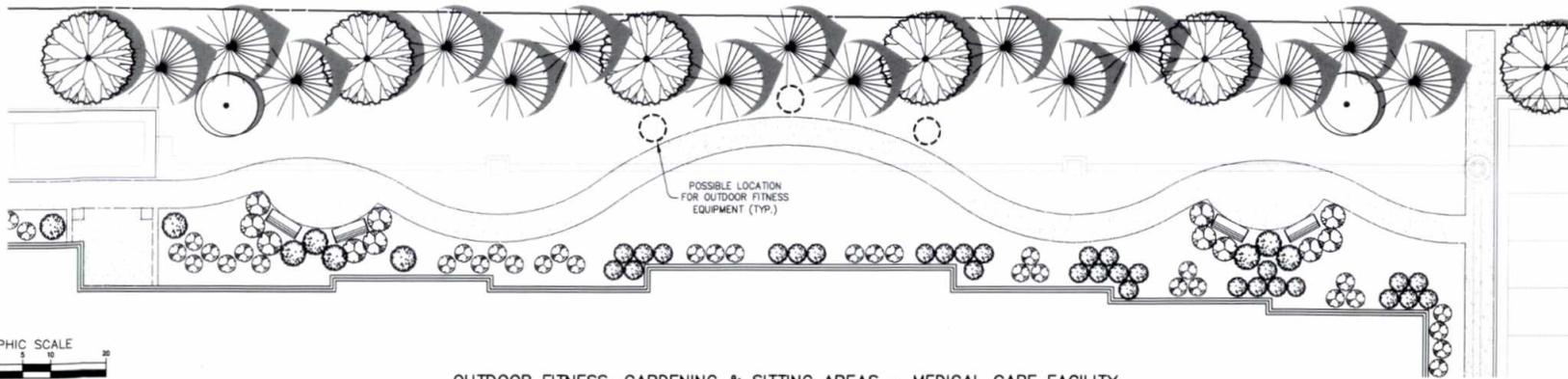
NO.	DATE	DESCRIPTION
1	4/12/12	PREPARED
2	4/12/12	CHECKED
3	4/12/12	APPROVED

PROJECT NO:	11-578
DATE:	4/12/12
SCALE:	1" = 40'
SHEET NO.:	3 OF 13
TYPE:	CDP / FDP





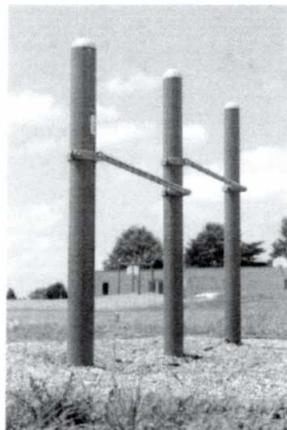




**OUTDOOR FITNESS, GARDENING & SITTING AREAS – MEDICAL CARE FACILITY**



**OUTDOOR FITNESS EQUIPMENT**  
OR EQUIVALENT



**FENCE DETAIL**  
NOT TO SCALE  
(OR EQUIVALENT)  
MANUFACTURER: LONG FENCE  
PRODUCT: CUSTOM IRON FENCE



**FLAGPOLE DETAIL**  
NOT TO SCALE  
(OR EQUIVALENT)  
MANUFACTURER: ALUMINUM FLAGPOLES  
PRODUCT: OUTDOOR COMMERCIAL FLAGPOLE



**TRASH RECEPTACLE DETAIL**  
NOT TO SCALE  
(OR EQUIVALENT)  
MANUFACTURER: MEADOWCRAFT  
PRODUCT: CAMBRIDGE TRASH RECEPTACLE – LINER



**PARKING LOT LIGHT DETAIL**  
NOT TO SCALE  
(OR EQUIVALENT)  
MANUFACTURER: HOLOPHANE  
PRODUCT: MIRROSTAR OUTDOOR LIGHT



**BENCH DETAIL**  
NOT TO SCALE  
(OR EQUIVALENT)  
MANUFACTURER: MEADOWCRAFT  
PRODUCT: SMALL PROMENADE BENCH

**COURTYARD DESIGN & SITE DETAILS**  
**CHANTILLY NURSING AND REHABILITATION CENTER**  
SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA

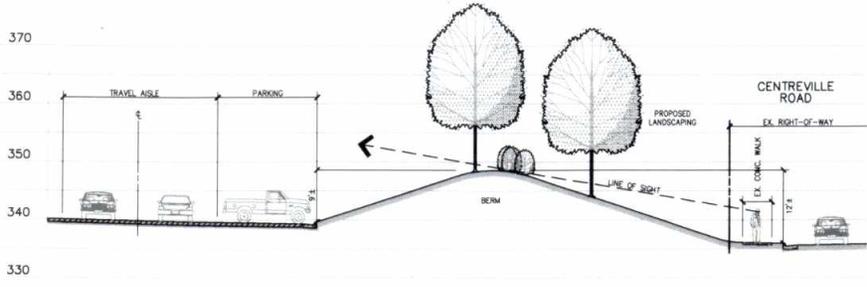


NO.	REVISION	DATE	BY	APP'D.

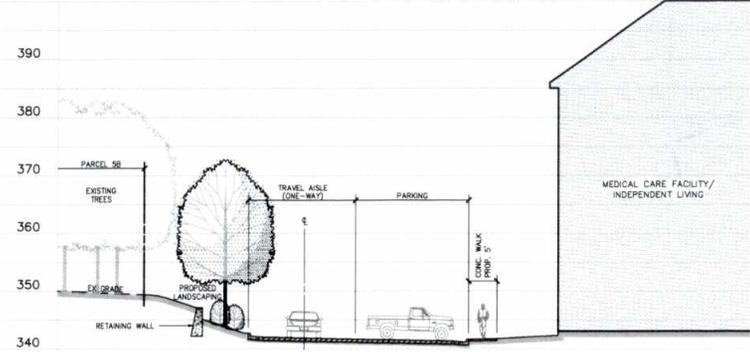
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APPROVED	KLW	DATE	APR. 2012
SHEET	7	OF	13
PRJ. NO.	11-576		
TYPE	CDP / FDP		

DATE: 04/11/12  
 DRAWN BY: KLW  
 CHECKED BY: KLW  
 DATE: 04/11/12  
 REVISION: PRIOR TO APPROVAL  
**Charles P. Johnson & Associates, Inc.**  
**CPJ**  
 ASSOCIATES

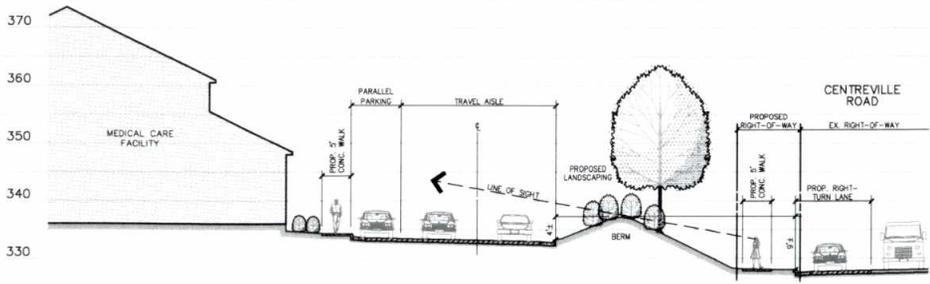
(ACTUAL TYPES OF EQUIPMENT AND EXERCISES TO BE USED MAY VARY, AND ARE TO BE DETERMINED AT TIME OF INSTALLATION)  
 COURTESY OF OUTDOOR-FITNESS, INC.  
<http://www.outdoor-fitness.com/equipment/senior%20packages.html>



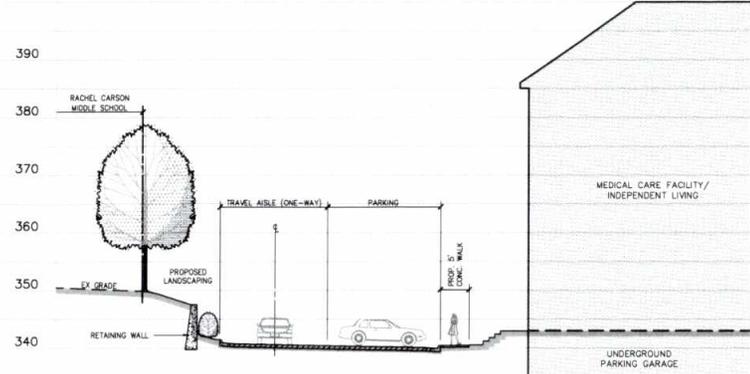
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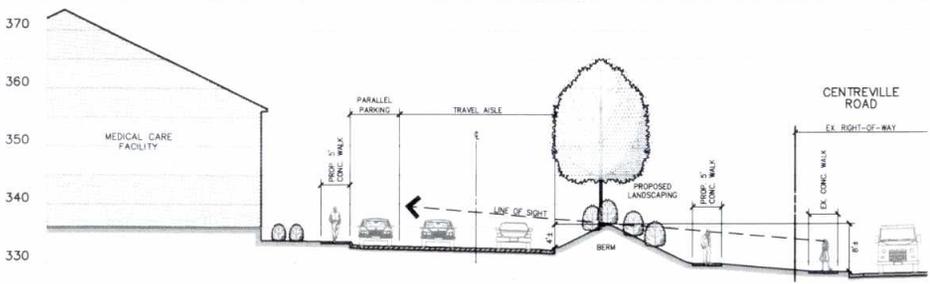
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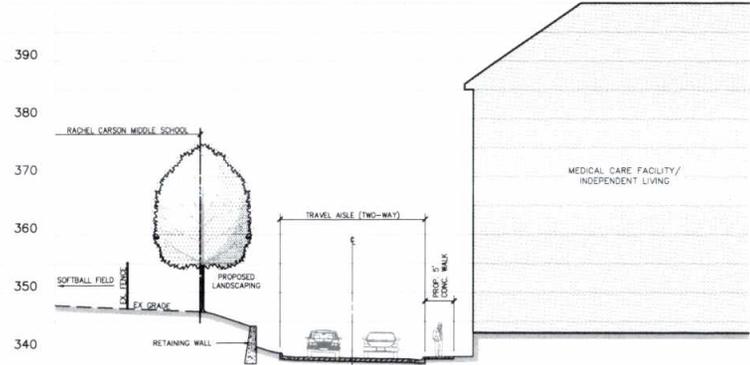
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SECTION E-E  
SCALE: 1" = 10'



SECTION C-C  
SCALE: 1" = 10'



SECTION F-F  
SCALE: 1" = 10'

NO.	DATE	REVISION	APPROVED
1	11-15-12	REVISED & ADDED CROSS SECTIONS	CPJ
2	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
3	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
4	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
5	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
6	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
7	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
8	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
9	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
10	11-15-12	REVISED & ADDED CROSS SECTION	CPJ

Charles P. Johnson & Associates, Inc.  
 10000 N. STATE ST. SUITE 200, FAIRFAX, VA 22031  
 (703) 271-1100 FAX (703) 271-1101  
 WWW.CPJ-VA.COM

CROSS-SECTIONS  
**CHANTILLY NURSING AND REHABILITATION CENTER**  
 SULLY DISTRICT PROJECT, VIRGINIA  
 FAIRFAX COUNTY, VIRGINIA  
 R7 2012-SJ-010



NO.	DATE	REVISION	APPROVED
1	11-15-12	REVISED & ADDED CROSS SECTIONS	CPJ
2	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
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4	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
5	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
6	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
7	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
8	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
9	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
10	11-15-12	REVISED & ADDED CROSS SECTION	CPJ

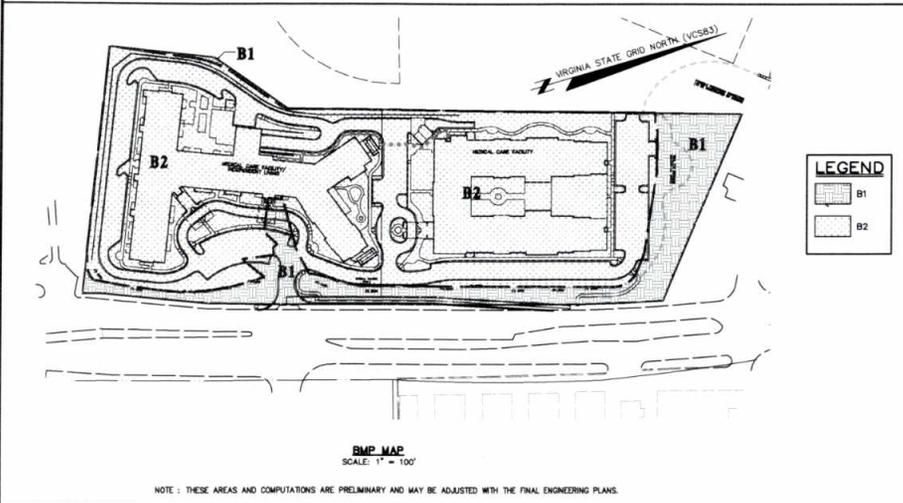
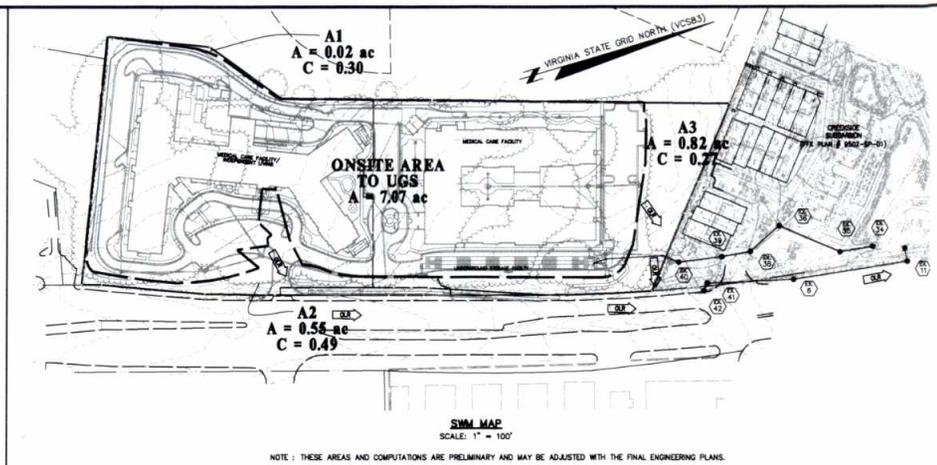
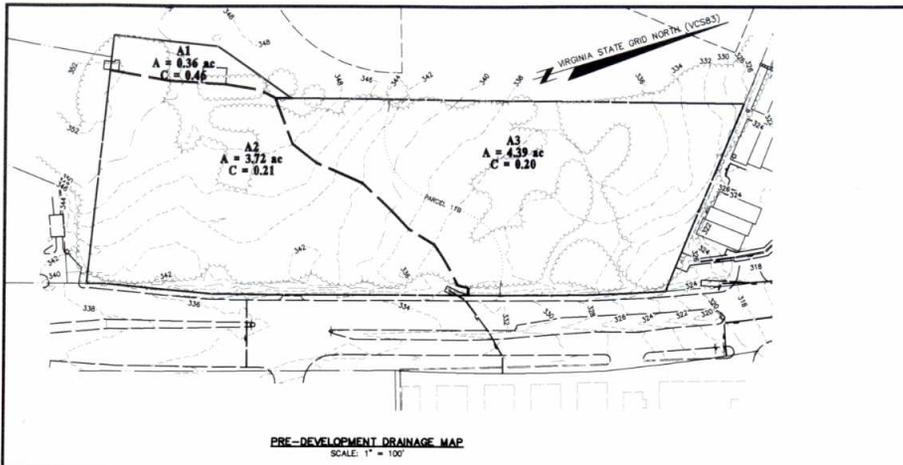
DESIGN	CPJ	DATE	11/15/12
APP'D	CPJ	DATE	11/15/12
SCALE	AS SHOWN	SCALE	AS SHOWN
NO.	DATE	REVISION	APPROVED
1	11-15-12	REVISED & ADDED CROSS SECTIONS	CPJ
2	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
3	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
4	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
5	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
6	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
7	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
8	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
9	11-15-12	REVISED & ADDED CROSS SECTION	CPJ
10	11-15-12	REVISED & ADDED CROSS SECTION	CPJ

SHEET 8 OF 13  
 PROJ. NO. 11-576  
 TYPE: CDP / FDP









**SMM SUMMARY**

Existing Condition	8.46 AC x	5.45 IN/HR x	0.22 =	10.99 CFS
Total Site Area:	8.46 AC	368,709 SF		
Annual Dis. Cfs:	1.39	0.22	0.36	
B1 - Onsite Uncollected	1.39 AC x	5.45 IN/HR x	0.36 =	272 CFS
B2 - Onsite TOUGS/TORM FILTER	7.07 AC x	0.22	0.75	3.63 CFS
Uncontrolled Development				
Q2 =	1.39 AC x	5.45 IN/HR x	0.36 =	272 CFS
Q10 =	1.39 AC x	7.27 IN/HR x	0.36 =	3.63 CFS
Allowable Pond Release				
Q2 =	10.00	2.72	=	7.37 CFS
Q10 =	13.46	3.63	=	9.93 CFS
<b>TOTAL APPROXIMATELY UNDERGROUND FACILITY RELEASE:</b>				
2-YEAR STORM RELEASE: 4.63 cfs @ 7.27 in				
10-YEAR STORM RELEASE: 8.68 cfs @ 9.93 cfs				

EXISTING CONDITIONS	PROPOSED CONDITIONS
Q2 = 0.36 ACRES x 5.45 x 0.48 = 0.90 CFS	A1 = 0.02 ACRES x 0.30 = 0.04 CFS
Q10 = 0.36 ACRES x 7.27 x 0.48 = 1.21 CFS	Q2 = 0.02 ACRES x 5.45 x 0.30 = 0.04 CFS
A2 = 3.72 ACRES x 3.40 x 0.21 = 2.57 CFS	Q10 = 0.02 ACRES x 7.27 x 0.30 = 0.05 CFS
Q2 = 3.72 ACRES x 5.45 x 0.21 = 4.21 CFS	A2 = 0.55 ACRES x 5.45 x 0.49 = 1.49 CFS
Q10 = 3.72 ACRES x 7.27 x 0.21 = 5.70 CFS	Q10 = 0.55 ACRES x 7.27 x 0.49 = 1.99 CFS
A3 = 4.39 ACRES x 3.40 x 0.20 = 6.14 CFS	A3 = 0.82 ACRES x 0.27 = 0.22 CFS
Q2 = 4.39 ACRES x 5.45 x 0.20 = 4.80 CFS	Q2 = 0.82 ACRES x 5.45 x 0.27 = 1.19 CFS
Q10 = 4.39 ACRES x 7.27 x 0.20 = 5.81 CFS	Q10 = 0.82 ACRES x 7.27 x 0.27 = 1.59 CFS

**Existing Storm Sewer Computations Outfall To Creekside Subdivision Plan**

FROM	TO	DRAIN AREA (ACRES)	RUNOFF COEFF	C	Q	TIME OF CONCENTRATION (MIN)	Q (CFS)	PROFILE
FROM THE SITE								
E-42	E-41	0.40	0.48	0.36	0.44	5	7.27	0.98
E-41	E-6	0.00	0.48	0.44	0.00	5	7.27	0.00
E-6	B-11	1.46	0.81	1.10	1.62	5	7.27	8.58
FROM THE SITE								
E-42	E-39	0.17	0.25	0.04	0.04	5	7.27	0.31
E-39	B-30	0.03	0.30	0.01	0.06	5	7.27	0.07
B-30	B-30	0.46	0.20	0.08	0.08	5	7.27	0.58
FROM THE SITE								
B-30	B-30	0.25	0.40	0.10	0.22	5	7.27	0.73
B-30	B-30	0.00	0.00	0.00	0.00	5	7.27	0.00
B-30	B-30	0.20	0.00	0.20	0.00	5	7.27	1.70
B-30	B-34	0.00	0.50	0.00	0.00	5	7.27	0.00

**PRELIMINARY BMP COMPUTATIONS**

Part 1 - List all of the Subareas and "C" Factors used in the BMP Computations

Subarea Designation and Description	"C" Factor	Acres
B1 - Onsite Uncollected	0.36	1.39
B2 - Onsite TOUGS/TORM FILTER	0.75	7.07

Part 2 - Compute the Total Phosphorus Removal at the Site

Subarea Designator	BMP Type	Removal Eff. (%)	Area (Ac)	"C" Factor	Product
B1	Uncollected	0	1.39	0.36	0.00
B2	Stormwater	30	7.07	0.75	16.16
					<b>Total =</b>
					16.16

NOTE: THESE AREAS AND COMPUTATIONS ARE PRELIMINARY AND MAY BE ADJUSTED WITH THE FINAL ENGINEERING PLANS.

**OUTFALL NARRATIVE**

THE SUBJECT PROPERTY CONSISTS OF 8.46 ACRES ON WHICH A SKILLED NURSING AND INDEPENDENT LIVING FACILITIES ARE PROPOSED. THERE WILL BE ALSO A PARKING GARAGE UNDER THE INDEPENDENT LIVING FACILITY. THE EXISTING SITE IS MOSTLY WOODED. THE SITE'S TOPOGRAPHY HAS SLOPES AVERAGING ABOUT 4%. THE EXISTING SITE'S RUNOFF SHEET FLOWS IN THREE DIFFERENT DIRECTIONS: AREA A1 (0.36 ACRES) SHEET FLOWS TO THE NORTHWEST THROUGH RACHEL CARSON MIDDLE SCHOOL. AREA A2 (3.72 ACRES) SHEET FLOWS EASTERS INTO EXISTING STORM SEWER SYSTEMS ALONG CENTREVILLE ROAD (ROUTE # 607). AREA A3 (4.39 ACRES) SHEET FLOWS NORTHWESTERLY INTO THE EXISTING STORM SEWER SYSTEM IN THE CREEKSIDE SUBDIVISION (FAIRFAX COUNTY PLAN # 8502-SP-01).

AFTER DEVELOPMENT, MOST OF THE SITE'S RUNOFF (7.07 ACRES) WILL BE COLLECTED INTO A CLOSED STORM SEWER SYSTEM WHICH WILL DISCHARGE INTO AN ONSITE UNDERGROUND STORAGE FACILITY (UGS). THIS UGS WILL CONTROL STORMWATER AND REDUCE THE POST DEVELOPMENT PEAK FLOW BELOW THE PRE-DEVELOPMENT PEAK FLOWS (SEE THIS SHEET AND SHEET BA FOR COMPUTATIONS). THE UNDERGROUND STORAGE FACILITY WILL DISCHARGE INTO THE EXISTING STORM SEWER SYSTEM IN THE CREEKSIDE SUBDIVISION. THE ULTIMATE OUTFALL FOR THE SITE IS THE 100-YEAR FLOODPLAIN FOR HORSEPOUN RUN. THE EXISTING STORM SEWER SYSTEM HAS BEEN ANALYZED AND FOUND TO HAVE ADEQUATE CAPACITY TO HANDLE FLOWS FROM THE SITE DUE TO THIS DEVELOPMENT. EXISTING AREAS A1 & A2 WILL CONTINUE TO SHEET FLOW OFFSITE AND THE RUNOFF WILL BE REDUCED (SEE RUNOFF COMPUTATIONS THIS SHEET).

THE SITE HAS BEEN GRADED IN SUCH A MANNER AS TO PROVIDE OVERLAND RELIEF FOR THE 100-YEAR STORM EVENT WITHOUT FLOODING ANY BUILDINGS DOWNSTREAM. IN THE EVENT OF FAILURE OR BLOCKAGE OF THE STORM DRAINAGE SYSTEM, RUNOFF FROM 100-YEAR STORM WILL FLOW DOWN THE PRIVATE DRIVEWAY TO CENTREVILLE ROAD TO THE EAST. THE RUNOFF WILL THEN BE COLLECTED INTO EXISTING STORM STRUCTURES ALONG CENTREVILLE ROAD AND ULTIMATELY DISCHARGED INTO THE EXISTING FLOODPLAIN FOR HORSEPOUN RUN. THE OVERLAND RELIEF DIRECTIONS HAVE BEEN SHOWN ON SMM MAP ABOVE.

THE OVERALL DRAINAGE MAP SHOWN ON SHEET BA DEPICTS THE DRAINAGE AREA WHERE THE SITE OUTFALLS INTO THE EXISTING FLOODPLAIN FOR HORSEPOUN RUN. THE SITE AREA (8.46 ACRES) DRAINS INTO THE EXISTING FLOODPLAIN AT POINT "X" IS LESS THAN 1% OF THE OVERALL DRAINAGE AREA (APPROXIMATELY 2.80 ACRES). THE EXISTING STREAM CHANNEL IS WELL DEFINED WITH STABILIZED BED AND BANK. THEREFORE, PER PFM 8-0203.2B, THE EXTENT OF THE REVIEW OF THE DOWNSTREAM DRAINAGE IS COMPLETED AT POINT "X".

IT IS THEREFORE THE ENGINEER'S OPINION THAT AN ADEQUATE OUTFALL EXISTS FOR THIS PROJECT AND THE DEVELOPMENT WILL NOT HAVE AN ADVERSE IMPACT ON DOWNSTREAM PROPERTIES.

**STORMWATER MANAGEMENT AND BMP SUMMARY**

STORMWATER MANAGEMENT WILL BE PROVIDED BY MEANS OF AN UNDERGROUND STORAGE FACILITY (SEE SHEET BA FOR PRELIMINARY UGS VOLUME SIZING). THE UGS WILL REDUCE THE POST-DEVELOPMENT PEAK FLOWS FROM THE SITE BELOW THE PRE-DEVELOPMENT PEAK FLOWS.

BMPs FOR THIS SITE WILL BE PROVIDED AS A STORMFILTER WHICH CONSISTS 2'-8 1/2" X 10' WELLS (SEE SHEET BA FOR PRELIMINARY STORMFILTER DESIGN PROVIDED BY THE MANUFACTURER). THE STORMFILTER WILL PROVIDE APPROXIMATELY 45.7% BMPs, WHICH IS MORE THAN THE REQUIRED 40% BMPs.

**OUTFALL ANALYSIS**

**CHANTILLY NURSING AND REHABILITATION CENTER**

SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA

PRJ 7017 - S11 - 1011

DATE: 11/13/2012

REVISION: 01

APPROVAL: [Signature]

DESIGNER: [Signature]

SCALE: AS SHOWN

PROJECT: 1213

DATE: 11/13/2012

TYPE: CDP / FDP

Charles P. Johnson & Associates, Inc.  
13140 Lee Blvd., Suite 200, Fairfax, VA 22033, TEL: 703.343.3333, FAX: 703.343.3334  
www.charlesjohnson.com



**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The applicant, Northern Virginia Health Investors, LLC, requests a rezoning from the I-5 District to the PRM District and associated Final Development Plan approval in order to construct an independent/assisted living facility and a separate skilled nursing facility on an 8.46 acre lot on Centreville Road in Chantilly. The independent and assisted living facility would contain a total of 160 units in a four story building, totaling 163,254 sf. in floor area and 67 feet in height. One hundred of these units would be designated for independent living, with the balance reserved for assisted living, including 24 units for memory-impaired residents (The assisted living component contains a total of 66 beds). According to the applicant, the facility would contain two dining rooms and a central kitchen in addition to other services for residents like a hair salon and fitness center. The adjacent skilled nursing facility would contain 166 beds, in a two-story structure measuring 83,720 sf. in floor area and 35 feet in height. In total, between both facilities, the applicant expects approximately 82 employees during the largest shift.

A reduced copy of the Conceptual Development Plan/Final Development Plan (CDP/FDP) is included at the front of this report. The proposed proffers, final development plan conditions, the Applicant's Affidavit, and the Statement of Justification are contained in Appendices 1, 2, 3 and 4, respectively.

**Waivers and Modifications:**

- Waiver of Par. 6 of Sec. 6-406 to allow a secondary permitted use to comprise more than 50% (50.305%) of the total gross floor area of a proposed PRM District where the maximum allowed is 50%.
- Waiver to locate underground stormwater management facility in a residential area (PFM Section 6-0303.8), subject to Waiver # 009329-WBMP-001-1 Conditions dated November 20, 2012, as contained in Appendix 9, as Attachment A.
- Modification of the Tree Preservation Target Area (PFM Section 12-0508) to allow 25,125 sf. in lieu of the 27,824 sf. required.

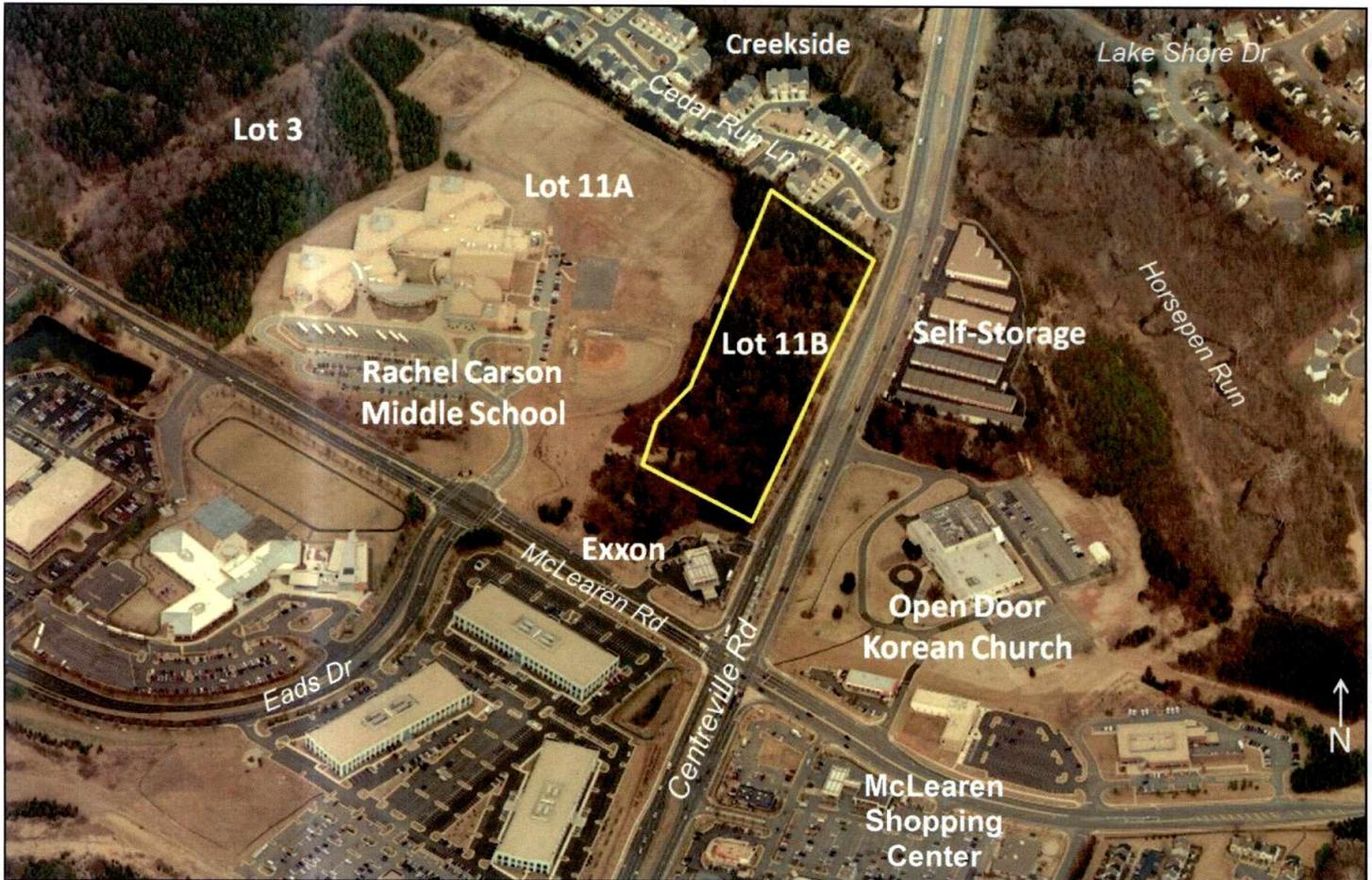
**LOCATION AND CHARACTER**

**Location:**

The 8.46 acre, rectangular-shaped property is located on the west side of Centreville Road, approximately 150 feet north of the intersection with McLearen Road.

**Site Description:**

The property is currently vacant. The site is heavily wooded with cedar and a variety of deciduous trees.



**Figure 1 – Aerial View of Site and Surrounding Area**

**Surrounding Area Description:**

The site abuts the Creekside townhouses to the north and the Rachel Carson Middle School to the west. A self-storage facility and a large church are located across Centreville Road, to the east. An Exxon service station and a vacant parcel are located to the south (See Figure 1). A summary of the surrounding uses, zoning, and comprehensive plan recommendations is provided in the following table:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Townhouses	PDH-5	Residential @ 5 units/ac.
East	Self-Storage/Church	I-5	Office/Light Industrial
South	Service Station	C-8	Retail
West	Public Middle School	I-5	Public Facility

**BACKGROUND**

The subject property is undeveloped. The property was originally part of a larger parcel of land that was subject to the following zoning applications:

- June 26, 1982 – RZ 82-C-016 was approved by the Board of Supervisors to rezone an undeveloped 82 acre property, including the subject site, from the R-1 to I-5 District, subject to proffers dated July 20, 1982.
- 1995 - A portion of the original 82 acre parcel was acquired by the Fairfax County School Board and subdivided into two new parcels, making a total of three lots subject to the original proffers (Lots 3, 11A, and 11B [the application property]). Lot 11A was developed with the Rachel Carson Middle School; Lots 3 and 11B remain undeveloped.
- November 1, 2011 – PCA 82-C-016 was approved by Board which amended the proffers, now dated October 17, 2011, to allow the Rachel Carson Middle School to have an additional vehicular access point onto McLearen Road.

**COMPREHENSIVE PLAN PROVISIONS (Appendix 5)**

- Plan Area:** III
- Planning District:** Upper Potomac
- Planning Sector:** UP-6, Sully
- Special Area:** Dulles Suburban Center, Land Unit D-2
- Plan Map:** Office

**Plan Text:**

The Fairfax County Comprehensive Plan ( 2011 Edition, Dulles Suburban Center, as amended through March 6, 2012, Land Unit D, p.75) provides land use recommendations specific to the subject property. The Comprehensive Plan’s discussion of Land Unit D-2 advises that the area east of Rachel Carson School is planned for low intensity office use at a maximum FAR of 0.5. In relationship to the adjacent school, the plan states that careful attention should be paid to addressing the effects of future development on Rachel Carson Middle School. It should also be noted that, although not specifically referenced in each land unit, the plan states that institutional uses (such as medical care facilities) and uses allowed by special permit and special exception may be considered as optional uses throughout the Dulles Suburban Center, subject to a set of design and performance elements (these are reviewed in the land use analysis section, below).

**CONCEPTUAL/FINAL DEVELOPMENT PLAN ANALYSIS**

**Conceptual/Final Development Plan**

(Copy at front of report)

<b>Title of CDP/FDP:</b>	“Conceptual/Final Development Plan Chantilly Nursing and Rehabilitation Center”
<b>Prepared By:</b>	Charles P. Johnson & Associates
<b>Original and Revision Dates:</b>	April 30, 2012, revised through November 13, 2012

**Description of CDP/FDP:**

***Proposed Layout***

The applicant’s revised Final Development Plan shows the four-story (plus one underground parking level) independent/assisted living facility located at the southern end of the site in a modified “K”-shaped building. Two porte-cocheres located at the front of the building provide separate entrances for the independent and assisted units (the independent living entrance is at the south, the assisted living at the north). Two outdoor courtyard areas are provided at the northern and western sides of the building. The skilled nursing facility is located at the northern end of the site, about 115 feet north of the other building, in a “U”-shaped structure that opens to the north. A landscaped courtyard is provided within the “U” and a landscaped walking path is located on the building’s west side, adjacent to the property line. In the latest revision, the applicant has added a five foot wide covered pedestrian walkway that would connect a rear entrance of the independent/assisted living facility to a rear entrance of the nursing home, running at grade across the drive aisle between the two buildings. No details or notes have been provided that indicate the height or design of this feature, although it is noted that, due to one-way

circulation it is anticipated that fire equipment will need access. The single vehicular access point to the site is situated towards the southern end of the property, aligned with the existing median break on Centerville Road. The short driveway leads to an intersection with the visitor parking area at the independent living facility in one direction and the nursing facility in the other. An internal driveway rings the periphery of site, except to the west of the nursing facility (the driveway is shown as one-way around the independent living facility and two-way around the skilled nursing facility.) A drive aisle is also shown between the two buildings and provides access to the main entrance for the skilled nursing facility. Three loading spaces are provided at the rear of the independent living facility and one is shown at the skilled nursing facility. A pedestrian and emergency vehicle access point to Rachel Carson Middle School is shown at the northern end of the site. Additional surface parking is located between the two buildings: in parallel spaces to the east of the skilled nursing facility, and to the north and south of the nursing and independent living facilities, respectively. With the inclusion of the garage, a total of 238 parking spaces are provided. Access to the parking garage is at the rear of the independent living building. Stormwater management is proposed via an underground vault located in front of the skilled nursing facility under the drive aisle, adjacent to Centerville Road.

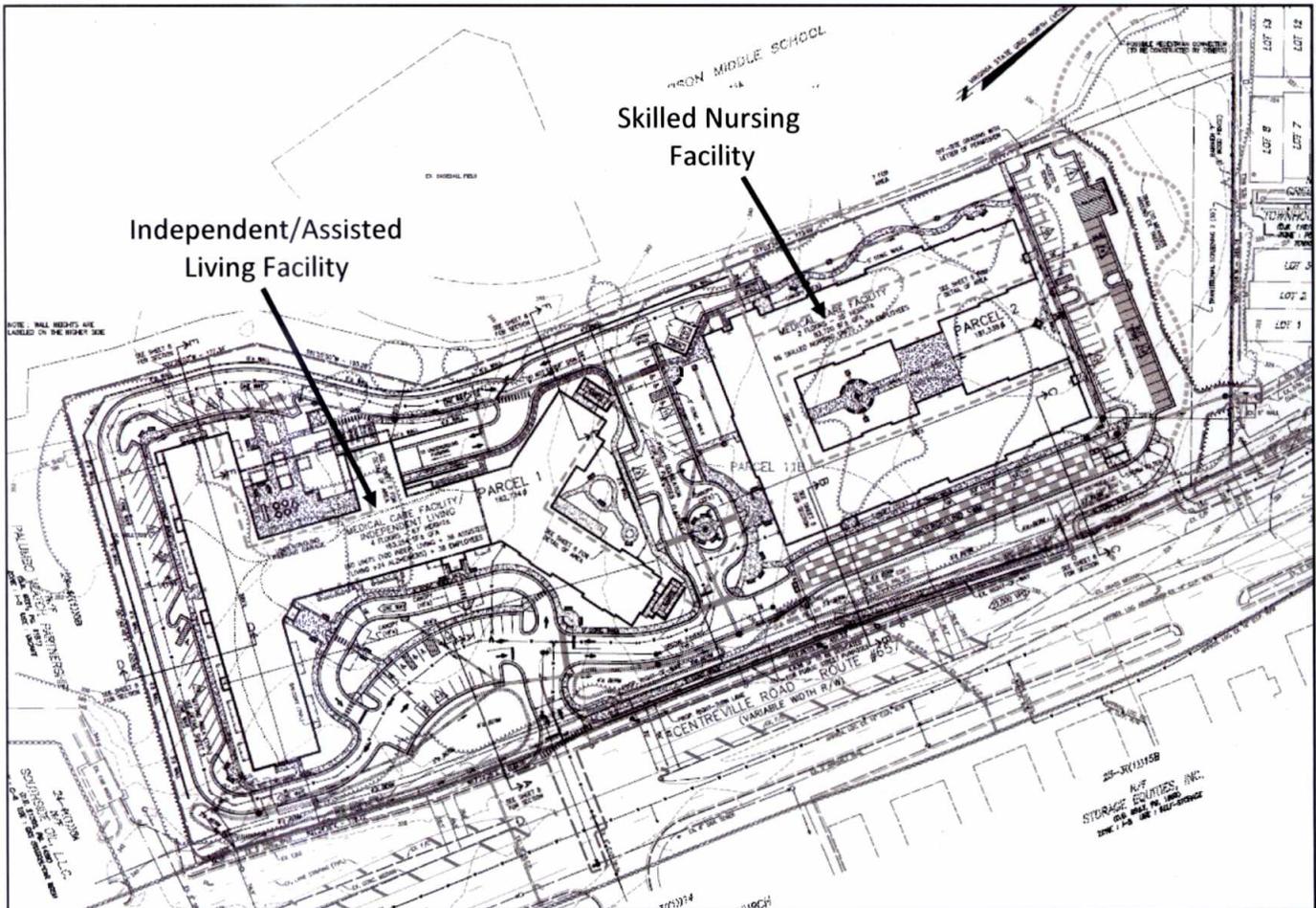


Figure 2 - Site Layout

An approximately 21,100 sf. area of mature trees at the far northern end of the site is to be preserved as a buffer to the adjacent townhouses. A retaining wall, ranging in height from three to seven feet, is shown along southern property line and, approximately, the southern half of the western property line.

### ***Parking***

The parking tabulations on Sheet 1 of the CDP/FDP exceed the zoning ordinance requirements for independent living and medical care facilities. The 166 residents and 54 employees at the skilled nursing facility generate the need for 110 spaces, while the 191 residents and 38 employees at the assisted and independent living facility require a total of 92 parking spaces, for a grand total of 202 parking spaces on the site. The applicant is proposing to provide a total of 238 spaces (140 surface spaces and 98 in the proposed garage). The surface parking is spread throughout the site, mainly around the periphery of the buildings. A 29 space visitor parking area is provided at the front of the assisted/independent living facility.

### ***Landscaping and Open Space***

The Zoning Ordinance requires a minimum of 20% open space for the 8.46 acre site; 35% (3.0 acres) is being provided, primarily through a series of four landscaped courtyards and by the preservation of 21,100 sf. of wooded land at the northern end of the site. Sheet 5 of the CDP/FDP shows the proposed planting concept for the site, which includes a landscaped berm along Centreville Road, parking lot plantings, and several planted courtyard and sitting areas. A landscaped walkway with sitting areas is shown at the rear of the skilled nursing facility and, with the latest submission, a meandering pathway is indicated to traverse the tree save area at the northern end of the site. The applicant's calculations as provided on Sheet 5 show that the proposal just meets the minimum interior and peripheral parking area planting requirements. In addition, the applicant is requesting a modification of the tree preservation target area requirement.

### ***Architecture***

Proposed building elevations from Centreville Road have been provided for both facilities on Sheet 9 of the CDP/FDP. While the overall building layout and footprints have not significantly changed, the architectural facades of the buildings have been revised from earlier submissions. The design of the independent/assisted living facility (see Figure 3) has been improved to address some of staff's concerns about articulation, the quality of materials, and the overall aesthetic as viewed from surrounding properties. The design now includes a brick and fiber cement facade and features residential elements such as balconies, dormer windows on a steeply-pitched gable roof, and shutters. Similarly, the design of the skilled nursing facility (see Figure 4) features a colonial-style scheme that also includes a gable roof, dormer windows, and fiber cement siding with brick accents.



**Figure 3 – Proposed Façade of Independent/Assisted Living Facility**



**Figure 4 – Proposed Façade of Skilled Nursing Facility**

***Stormwater Management***

The site falls within the Horsepen Run watershed. The stormwater management (SWM) narrative on Sheet 12 of the CDP/FDP indicates that stormwater for the site will be accommodated by a large underground detention facility located under the drive aisle between the skilled nursing facility and the planted berm along Centreville Road. The underground facility requires a waiver to be approved by the Board of Supervisors in conjunction with this application in order to be located in a residential development (PFM 6-0303.8). An application for the waiver was received and recommended for approval by DPWES (see the Waiver and Modifications section below). According to the narrative and adequate outfall analysis, the underground structure will ultimately outfall to the Horsepen Run floodplain and will reduce post-development peak flows below pre-development peak flows. A stormfilter has been proposed to meet BMP requirements.

## STAFF ANALYSIS

### **Land Use/Environmental Analysis (Appendix 7)**

According to the Comprehensive Plan, the land to the east of Rachel Carson Middle School (the application property), is planned for low intensity office use with a maximum FAR of 0.50. However, throughout the Dulles Suburban Center, the Comprehensive Plan indicates that optional uses, including institutional uses and other uses allowed by special exception or special permit, may be considered, subject to a set of performance criteria (The Fairfax County Comprehensive Plan, 2011 Edition, Dulles Suburban Center, as amended through March 6, 2012, Performance Criteria for Optional uses, pp. 20-22). These criteria include evidence that the proposed traffic impacts will be less than development at the baseline plan recommendation; land use compatibility; economic vitality; and excellence in design; these criteria are in addition to the area-wide recommendations for the Dulles Suburban Center and are reviewed below:

#### *Traffic Impacts- Proposed Use versus Baseline Plan Recommendation*

The proposal for independent/assisted living and a skilling nursing facility is likely to generate less traffic, particularly at peak hour, than the plan recommendation for office use at 0.50 FAR. In their statement of justification, the applicant has discussed the low-trip generating nature of the proposed uses. Many, if not most, of the future residents of the both facilities will not be driving. In addition, the employee shift changes will often occur outside of peak travel hours. Compared with approximately 184,000 sf. of office use (based on 0.5 FAR on 8.46 ac.), FCDOT is satisfied that the proposed use will not generate more trips than the baseline plan recommendation.

#### *Land Use Compatibility-Residential Use*

Optional residential uses in the Dulles Suburban Center must demonstrate that they are compatible with surrounding land uses by conforming to the following relevant guidelines:

Be compatible with adjacent existing and planned development in terms of building heights, scale and density.

The proposed buildings will be taller and/or more intense than the surrounding school, townhouses, and commercial uses to the south and east. While this does not automatically make them incompatible, careful attention must be paid to the architectural design, landscape treatment along Centreville Road and around the site's periphery, as well as connectivity with adjacent uses. Staff has concerns with each of these items and they are discussed individually in subsequent sections of this report.

Assure that development of adjacent lands can occur in a fashion which is compatible through joint application and/or demonstration that the zoning for adjacent lands would be compatible with the proposed use.

Ideally, the application property could be consolidated with the service station property and the adjacent vacant parcel (Lots 5A and 5B); however, the existing commercial zoning for those properties is not incompatible with the applicant's proposal. In addition, the proposed retaining wall will separate and screen the proposed use from those properties.

Predominately residential projects as opposed to mixed-use projects should be approximately 10 acres in size to create a high quality living environment including recreational and other on-site amenities, at a minimum.

The application property is 8.46 acres in size and relatively narrow in shape. The large footprint of the proposed buildings and surface parking areas has left little space for on-site amenities and recreation space. Over several revisions to the plan, the applicant has added additional seating areas and walking paths. Additional details for the proposed outdoor courtyards has also been provided; however, it is staff's opinion that the amount of *usable* outdoor open space is insufficient for the development and does not provide a high-quality living environment as described in the Comprehensive Plan.

Provide for affordable housing as outlined in the Plan text for the Dulles Suburban Center.

The applicant has proposed a proffer that provides for six percent of the independent living units to be affordable dwelling units; and the proffer allows for an exemption from the ADU requirement if the Building Construction type changes to a Type 1, 2, 3 or 4 at site plan. Staff recommends that the proposed proffer language be revised so that ADUs are provided in accordance with the Zoning Ordinance. In addition, staff recommends that a similar six percent commitment be provided for the skilled nursing facility.

#### *Contribute to the Economic Vitality of the Area*

The Health Care Advisory Board has indicated that there is a legitimate need for both independent/assisted living and skilled nursing services both in Fairfax County in general and in this portion of the County, in particular. Staff concurs with this finding and has no concerns with the impact of the proposed development on the economic vitality of the area.

#### *Provides Excellence in Design*

Optional uses in the Dulles Suburban Center must demonstrate that they are providing high quality design as demonstrated by the proposal's ability to respond to the Design Guidelines for the Dulles Suburban Center (The Fairfax County

Comprehensive Plan, 2011 Edition, Dulles Suburban Center, as amended through March 6, 2012, Design Guidelines for Dulles Suburban Center, pp. 132-135):

### High Quality Development

The Comprehensive Plan indicates that a proposal within the Dulles Suburban Center should provide a high-quality development that is functionally integrated, orderly, identifiable and attractive. It should also create a positive and easily recognizable identity for the Dulles Suburban Center as a whole, and also for individual development by establishing a sense of place.

While proposals are not expected to be identical to existing development, Objectives 8 and 14 of the Dulles Suburban Center Guidelines state that they should fit into the fabric of the community. The properties to the north are developed with single family attached dwellings at 4-5 units per acre, and Rachel Carson Middle School is located to the west of the property. The applicant proposes to develop Parcel 2, a 4.22 acre portion of the subject property with a two-story (35 feet tall), 166 bed, 83,720 square foot nursing care facility. The 4.24 acre Parcel 1 is proposed for a 163,254 square foot, four-story (67 feet tall), 160-unit multi-family assisted and independent living building with one level of underground parking. It should be noted that the shallow depth to bedrock in this area may require blasting in order to construct at least a portion of the subsurface parking garage and perhaps the underground stormwater detention vault as well. If, for any reason, the applicant decides this method is not feasible, a proffered condition amendment/final development plan amendment would be necessary.

The combined two buildings will create a hybrid development of up to 0.67 FAR, or 30.3 dwelling units per acre. The applicant has provided revised elevations that show greater attention to architectural design; however, staff remains concerned that the two structures still do not present a unified design theme that might help to foster a greater sense of an integrated senior-care campus. Overall, the proposal falls short of high-quality design. The mass and placement make the site appear as though the buildings have been sited independently. This can be improved by reconfiguring the two buildings' mass, and including a higher commitment to green building techniques and design.

### Pedestrian and Vehicular Circulation

The internal site driveway rings the periphery of the site with parking around and in between the two buildings. The driveway is shown with a one-way (clockwise) operation around the independent living facility and two-way around the skilled nursing facility. The Comprehensive Plan recommends a vehicular and pedestrian circulation system that minimizes conflicts between these different modes of travel. Staff proposed that the applicant consolidate the two buildings into one single structure, or eliminate the vehicular path that separates the two facilities.

This would allow for a secured pedestrian access between buildings, reduced exposure to the elements, provide open space for active and passive recreation, and generally make more efficient use of the land. The applicant has declined to re-design, stating that the two facilities are separately operated. At the request of the West Fairfax Land Use Committee, the applicant has proffered to a covered connection, but has not provided a graphic as to how this would look or function; this issue remains unresolved.

### Open Space and Landscaping

The applicant is providing three acres, or 35%, of open space which is greater than the Zoning Ordinance requirement of 20%. However, this figure is somewhat misleading, as the CDP/FDP identifies a tree preservation area of 0.48 acres on the northern edge of the property that doubles as a transitional screening buffer to the adjacent single family community, which provides a large portion of the sites open space. The proposal also indicates an interior courtyard and a linear outdoor fitness and seating area on the eastern side of the building on Parcel 2. Parcel 1 will have a courtyard and a memory garden. The frontage along Centreville Road is buffered by a landscaped berm that varies from three feet to nine feet in height (new proffers say an average of four feet in height). A retaining wall is also proposed along the southern and western boundary of the property that reaches up to seven feet in height. As submitted, there is not substantial *usable* open space on site as intended by the Comprehensive Plan. The current layout creates a narrow band of open space along the boundaries of the property. This provides inadequate area for recreation and landscaping.

Recent development along Centreville Road has included a consistent 4 foot tall heavily-landscaped berm to soften its appearance from the public right-of-way. The proposed berm along Centreville Road in the current application is insufficiently landscaped and does not meet the standards for high quality design, nor does it provide an amenity to future residents. The number of plantings included along the berm has not been significantly increased over several revisions and includes several large gaps in tree cover. As proposed, the berm would be ineffective in buffering the project from Centreville Road. It should be redesigned to a consistent four feet with substantial understory tree and shrub plantings arranged in a curvilinear pattern, consistent with other projects along Centreville Road and in the Dulles Suburban Center (the latest proffers reflect an average height of four feet, but do not address additional plantings). In addition, the retaining wall should be limited as much as possible. Additional graphics and perspectives of this feature that indicate the proposed color and materials should be provided as staff has significant concerns about the visual effect of this feature on the application property as well as the adjacent properties.

### Parcel Consolidation

The Comprehensive Plan encourages parcel consolidation in order to realize the benefit of wider-scale urban design and circulation/access principles. While it would

have been ideal for the applicant to consolidate with Parcels 5A and 5B to the southeast to provide greater flexibility in design and site planning, as well as a second point of access, staff recognizes this was not realistic at the current time; however, staff believes greater effort should be made to integrate or transition to the property to the south. The applicant is proposing a three to seven foot retaining wall with minimal landscaping along the southern boundary that fails to provide any transition to the adjacent property.

### Recommendation

Staff believes that the two facilities, as currently proposed, are too intense for the site. The applicant should consider consolidating both structures, and/or reducing surface parking thereby reducing the footprint of the buildings to facilitate the provision of additional tree preservation and open space amenities. It is staff's opinion that the proposed development is not consistent with the goals for the Dulles Suburban Center and therefore, not consistent with the recommendations of the Comprehensive Plan.

## **ENVIRONMENTAL ANALYSIS**

### **Green Building**

Within this portion of the Dulles Suburban Center, applicants are expected to commit to green building practices through certification under established rating systems like LEED or another comparable third-party system. The applicant has proffered a commitment to several residential programs, under which the proposed project may not be eligible, prior to the issuance of their RUP, as well as an unenforceable commitment to LEED for New Construction, which may also present eligibility challenges. Staff has concerns that no appropriate rating system for a healthcare use has been identified with this commitment and recommends that the applicant provide an enforceable green building proffer designed to address the issues specific to healthcare uses, such as LEED for Healthcare that would help to distinguish the proposal as exhibiting high-quality design as recommended by the Comprehensive Plan.

### **Stormwater Management**

Given the proximity of the subject site to the environmentally sensitive lands associated with the Horsepen Run Stream Valley and the existing rocky soils, staff recommends the applicant consider alternatives to underground detention that might include surface facilities designed as open space amenity features. This issue remains outstanding.

**Urban Forest Management (Appendix 8)**

Staff notes that the site is heavily wooded and would be largely cleared, except for a 21,100 sf. area at the northern end of the site. The Urban Forest Management Branch of DPWES reviewed the application and initially identified several concerns related to tree canopy credit, interior parking lot landscaping, and transitional screening. After several revisions to the plans, many of these issues have been addressed, with the exception of a request to add additional planting details and a tree legend to the courtyard layouts. A development condition has been proposed requiring these details be provided. It is staff's opinion, however, that the relatively meager site plantings and the need to deviate from the tree preservation target area are a direct result of the large footprint of the proposed buildings, which could be ameliorated by changes in the site layout. Staff recommends that the applicant continue to work with the Urban Forester to pursue additional opportunities to preserve existing mature trees on the property, instead of pursuing a waiver of the target area requirement, as with a new development such as this, ample opportunity for preservation of additional tree cover exists. If existing vegetation cannot reasonably be preserved, then additional supplemental plantings are expected to achieve similar long-term results.

**Transportation Analysis (Appendix 9)**

The applicant's statement of justification provides a short narrative which indicates the peak traffic generated by the proposed uses are significantly less than what would be expected with a by-right development in the I-5 district and would occur predominantly at off-peak hours. County Staff has requested that the applicant construct a bus shelter so that the existing Connector Route #929 bus stop on Centreville Road at Cedar Run Lane can be relocated to serve the facility. A proffer has been proposed which requires either the applicant to construct the shelter or to escrow adequate funds for its construction in the future. All previously identified transportation issues identified by Fairfax County DOT and VDOT have been addressed.

**Stormwater Management (Appendix 10)**

According to the applicant's stormwater narrative and adequate outfall analysis, an underground detention facility is proposed in front of the nursing facility that will ultimately outfall to Horsepen Run, to the east of Centreville Road. A Storm Filter that provides 45.7% phosphorus removal is proposed to meet the water quality (BMP) requirement. Final determination of the adequacy of the existing and proposed system will be made by DPWES at the time of site plan review. A waiver from the PFM (PFM Section 6-0303.8) is required to locate an underground detention facility in a residential development. This waiver must be approved by the Board concurrently with the rezoning application. DPWES has reviewed the waiver request (009329-WBMP-001-1) and recommended approval subject to conditions listed in Attachment "A" of Appendix 9, and the proposed development conditions in Appendix 2.

**Park Authority** (Appendix 11)

The Park Authority reviewed the application and identified several issues and recommendations. While some of these have been addressed, several remain at least partially unresolved:

*On-site Park Spaces and Amenities*

Staff is concerned that many of the outdoor spaces and particularly the concrete-surfaced courtyard shown to the rear of the independent/assisted living facility are insufficiently shaded from the sun. This is of particular concern with an elderly population. Staff recommends that additional shade trees or an overhead canopy be provided to minimize reflected heat effects and to create greater utility for longer periods of the year. Staff also recommends that picnic tables or movable tables be provided throughout the site in lieu of, or in addition to, some of the benches to provide a more versatile amenity. Overall, FCPA staff believes that on-site accessible outdoor space is a vital component of senior care facilities and recommends that the applicant continue to explore opportunities for providing additional quality space on-site. This issue remains unresolved.

*Recreation Contribution*

While the applicant has proffered to provide the \$1,700 per non-ADU unit required for open space and recreational features in the PRM district (per Sec.6-409 and 16-404 of the Zoning Ordinance), this offsets only a portion of the impact on recreational facilities anticipated to be generated by new residents of the development. Staff disagrees with the applicant's contention that their resident population, particularly those in independent living, is unlikely to utilize public parks. Therefore, staff has requested that the applicant contribute a fair share contribution of \$893 per new resident to offset the effects to service levels at nearby facilities. The applicant has not proffered to provide any fair share contribution; as such, this issue remains unresolved.

**Health Care Advisory Board** (Appendix 11)

Par. 5 of Sec. 6-406 of the Zoning Ordinance requires that all medical care facilities (skilled nursing and assisted living facilities) be subject to the Special Exception review procedures in Par. 3 of Article 9 regardless of the fact that such uses are permitted by-right (subject to FDP approval) in the PRM zone. Pursuant to Par. 3 of Sec. 9-303 and Pars. 1 and 2 of Sec. 9-308, the Health Care Advisory Board (HCAB) is to provide a recommendation and report to the Board on all applications for a medical care facility. Accordingly, HCAB held a public meeting on September 2, 2012, to specifically review the skilled nursing facility and assisted living components of the subject application. Given the different services, populations, and state regulations, HCAB reviewed the assisted living and the skilled nursing facilities separately.

*Assisted Living Facility (The Crossings at Chantilly)*

The assisted living facility will consist of a total of 60 rental apartment units including 24 units to be reserved for Alzheimer patients. The facility will be operated independently of the proposed skilled nursing facility by a subsidiary of the applicant. Residents will be provided with three meals per day, laundry service, housekeeping, access to hospitality services, transportation, and medication administration. HCAB acknowledged that there are few existing assisted living facilities in the surrounding area, and based on the materials submitted by the applicant and the testimony presented at the hearing, voted to recommend that the Board approve the application for the assisted living facility.

*Skilled Nursing Facility (Chantilly Health and Rehabilitation Center)*

The skilled nursing facility will consist of 166 beds, divided approximately evenly into private and semi-private rooms with full baths. The facility would provide three levels of nursing care including, short term, long term and memory care. Residents would utilize decentralized dining and activity centers and have access to social programs and activities. Based on testimony from families of current residents at Commonwealth Care and Rehabilitation in Fairfax City (the facility from which the beds approved by the State are being transferred and which has been operated by the applicant since 2010), HCAB has concerns about ongoing staffing deficiencies. These concerns are corroborated in the overall Medicare Quality Rankings for the Commonwealth facility that have given the facility a two out of five stars or "below average" rating.<sup>1</sup> The Medicare ratings also indicate that based on the results of the most recent State health inspection in March 2012, the Commonwealth facility received a 1-star or "much below average" rating. HCAB indicates that a careful review of the data showed many of the cited deficiencies were substantive and not related to the age or condition of the building. Based on this information and the testimony received in writing and in person at the hearing, HCAB finds that while there is a legitimate need for the beds in Fairfax County, the applicant's documented operational deficiencies raise serious concerns. Accordingly, HCAB is recommending that the Board condition any approval of the new skilled nursing facility on a commitment that the applicant will address their existing operational problems and continue to maintain at least a three stars or "average" overall Medicare rating. In order to address this concern a proffer has been proposed requiring the applicant to remedy any violations in a timely manner and submit copies of the Virginia Department of Health's health deficiency reports and plans of corrective action to HCAB if the overall Medicare rating for the skilled nursing facility falls below three stars. This will serve as notification of the cited deficiencies and provide HCAB the ability comment in any subsequent state or federal proceeding.<sup>2</sup>

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<sup>1</sup> The federally reported Medicare Quality Rankings utilize data from State health inspections and inspections of staffing levels along with self-reported survey data to rank skilled nursing facilities across a range of quantitative and qualitative measures. The data is compiled by Medicare and reported both individually and as an overall rating for the facility from 1 star or "much below average" to 5 stars or "much above average". In depth information about the Medicare Five Star Quality Ratings system can be found at <http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/downloads/usersguide.pdf>

<sup>2</sup> Health deficiency reports are issued to an operator of a nursing home by the Virginia Department of Health after a health inspection reveals violations.

**Fairfax County Public Schools (FCPS) (Appendix 11)**

Given the proximity of the site to Rachel Carson Middle School, FCPS recommended that some type of inter-parcel access be created to facilitate possible school expansion in the future. While the applicant had concerns about granting a full vehicular access, the applicant has agreed to provide an emergency access easement to the school property through the northern portion of the parking area. This access would be controlled by a gate and is shown on the CDP/FDP. In addition, a paved pedestrian access to the Rachel Carson property has been provided in the same location, to allow a potential trail connection across the corner of the school property that could connect with the Creekside development and ultimately to the adjacent stream valley trail and Centerville Road; this trail is not noted to be constructed; staff has proposed a development condition to require construction prior to the Non-RUP for the skilled nursing facility.

**Sanitary Sewer (Appendix 12)**

The property is located within the Horsepen Creek Watershed, and would be ultimately serviced by the Blue Plains Treatment Plant. There is an existing 8-inch line located in Centerville Road, 180 feet from the proposed building, which is deemed adequate at this time.

**Water Service (Appendix 13)**

An existing 14" water main along Centerville Road is sufficient to service the proposed development.

**Fire and Rescue (Appendix 14)**

The proposed development would be served by Fire Station #436-Frying Pan. Based on a review of the CDP/FDP, the Fire Marshal has not identified any concerns with the proposed layout, but has recommended one fire hydrant in proximity to each of the proposed buildings. It should be noted that the Fire Marshall has not reviewed the latest revision to the plan that includes the covered walkway. Any connection between the two buildings must be approved by the Fire Marshal; a development condition has been proposed to this effect.

**Health Department**

The Health Department has no outstanding concerns. Any food service operations at the proposed facilities will be subject to applicable County codes.

**ZONING ORDINANCE PROVISIONS** (Appendix 15)**Planned Development District Standards**

All rezoning proposals to a “planned” District must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations and Article 16, Development Plans.

**Article 6****Sect. 6-401 Purpose and Intent**

*This section states that the PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, and to otherwise implement the stated purpose and intent of this Ordinance.*

While the proposed uses are ideally compatible with one another and pose no direct conflict to the adjacent properties, staff does not believe that the CDP/FDP, as submitted, promotes a high standard in functional design or layout as envisioned with a planned district. The large footprints of the proposed buildings and surface parking areas on a relatively narrow site, have prevented the applicant from providing substantial usable open space or outdoor amenities consistent with other development in the immediate area. Moreover, the proposed layout has failed to successfully integrate the two buildings. Instead of capitalizing on the opportunity to develop a unified campus, the applicant has separated the two buildings with a two-way drive aisle and surface parking and provided few visual cues that the two structures are part of a common development plan. Overall, it is staff’s opinion that the CDP/FDP, as proposed, does not meet the purpose and intent of the PRM District.

**Sect. 6-401, 6-402, 6-406 Planned Residential Mixed Use (PRM) District – Principal and Secondary Permitted Uses, Use Limitations**

Per Section 6-402 of the Zoning Ordinance, multiple family dwellings and public uses are the only principal permitted uses in the PRM District. Medical Care Facilities (assisted living facilities and skilled nursing facilities) are permitted (per Par. 17.G of Sec. 6-403) as secondary uses, only in a PRM District which contains one or more principal uses. In addition, Par. 6 of Sec. 6-406 states that secondary uses shall only be permitted where at least fifty (50) percent of the total gross floor area in the development is devoted to multiple family dwellings. Before filing the current application, the applicant received a determination from the Zoning Administration Division (see Appendix 17), that the proposed independent living units could be considered as multi-family dwelling units for the purpose of satisfying the principal permitted use requirements of the PRM district. The assisted living and skilled nursing uses could then be permitted as secondary uses in conformance with Sec. 6-403. However, a calculation of the total proposed gross floor area for the various uses reveals that the 122,734 sf. dedicated to the independent living (multi-family) units

represents only 49.695% of the total 246,974sf. for the entire development. As this is less than the 50.0% specified in Par. 6 of Sec. 6-406, a waiver will be required to allow the secondary uses to comprise more than 50% of the floor area in a proposed PRM District. This is discussed further in the waivers and modifications sections of this report.

### **Sect. 6-407, 6-408 Lot Size Requirements, Bulk Regulations**

*This section states that a minimum of two acres is required for approval of a PRM District. The maximum permitted FAR is 3.0*

The area of this rezoning application is 8.46 acres and the proposed FAR is 0.67. The proposal is in conformance with these requirements.

### **Sect 6-406 Open Space**

*Par. 1 of this section requires a minimum of 20% of the gross area as open space in the PRM District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$1,700/du.*

The applicant proposes to retain 35% of the site as open space, primarily in the tree save area at the northern end of the site and in several courtyards and peripheral buffers. The applicant has also proffered to provide the required monetary contribution per unit to be provided on-site or at nearby FCPA facilities; no additional FCPA fair share contribution has been provided.

## **Article 16**

### **Section 16-101 General Standards**

*General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.*

The comprehensive plan recommends the subject site for low-intensity office uses at a 0.50 FAR maximum. Institutional uses are permitted as an option, subject to performance criteria outlined in the Plan and discussed above. The proposed development of both buildings would have a total FAR of 0.67 on the 8.46 acre site. Although technically in compliance with the Zoning Ordinance, as discussed earlier, it is staff's opinion that, as depicted in the current CDP/FDP, the proposal may be functionally too intense for the subject site, as it has not allowed for a high-quality or an innovative layout with substantial *usable* open space as recommended in the Dulles Suburban Center design guidelines in the Comprehensive Plan.

*General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.*

As proposed, it is staff's opinion that the CDP/FDP does not provide a high standard of design or layout as intended for the PRM District more so than development proposal under a conventional district. Under the current I-5 zoning independent living is not be permitted; however the medical care facilities would be permitted by special exception subject to a maximum FAR of 0.5. It is not readily apparent to staff that the currently submitted CDP/FDP at 0.67 FAR has distinguished itself through high-quality design, above a plan for a medical care facility alone under a conventional district. In exchange for the added intensity and relaxation of certain bulk standards in a Planned District, the Zoning Ordinance intends to encourage innovative design and an integration of development over a wider area, particularly where more than one building is proposed, as it is here. That integration and a cohesive residential environment have not been successfully provided in the current submission.

*General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.*

The proposal has a total of 35 percent of the 8.46 acre wooded lot as open space. The largest contiguous portion of this space is the 21,100 sf. tree save area at the northern end of the site. The remainder of the site is being completely cleared for the development. The applicant will also be leveling the existing topography at the southwestern portion of the lot, which will potentially necessitate the blasting of bedrock in order to construct the subsurface parking garage. It will also result in a long retaining wall ranging in height from three to seven feet. While staff acknowledges the need to minimize grades and internal stairways, especially with an older population, the large footprints of each of the buildings has required to the applicant to utilize almost the entire site outside of the tree save area for the buildings and parking areas. This has left little space to preserve any existing vegetation or topography or provide more substantial usable open space beyond the building courtyards. Staff is also concerned with the applicant's ability to actually construct the underground parking. If the applicant is unable or becomes unwilling to provide it due to expense or some other factor, significant modifications necessitating a proffered condition amendment would be required. It is staff's opinion that this standard has not been met.

*General Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.*

The surrounding properties consist of the Rachel Carson Middle School, the Creekside townhouses, an Exxon service station, and a self-storage facility and church across Centreville Road, to the east. The applicant's proposal does not present an immediate conflict or negative effect on the use or value of any of these

properties. Staff is concerned, however, on the visual effect of the retaining wall as viewed from the Rachel Carson property as the applicant has not provided any colors or materials for this feature. A development condition has been proposed requiring the color and materials of this feature be compatible with the design of the buildings. With caveat that the issue of the retaining wall remains outstanding, overall, this standard has been satisfied.

*General Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed.*

Adequate public facilities are available. Therefore, this standard is satisfied.

*General Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.*

The one vehicular access point to Centreville Road is located at the existing median break and has been reviewed favorably by FCDOT and VDOT. The proposal includes a sidewalk along Centreville Road and internal walkways around the periphery of the buildings. With the latest submission, a proposed meandering path through the tree save area is shown that would connect Centreville Road to the Carson School property. In addition, a five-foot wide covered walkway is now shown between the buildings. No additional details have been provided with respect to this feature. Staff is concerned that given the height necessary to allow large vehicles to pass under it, the cover may not be provide effective shelter for elderly residents. Staff continues to recommend that a more substantial pedestrian linkage between the two buildings be considered that could include a common open space area.

### **Section 16-102 Design Standards**

*Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.*

The buildings provide a minimum 55' front yard setback to Centreville Road, a minimum 35' rear setback to Rachel Carson, a 60' side yard setback to the south, and a minimum 120' side yard setback to the north. While no conventional zoning district provides an exact comparison that would still allow for the proposed mix of uses, these figures do exceed the normally required setbacks for the high density residential R-20 and R-30 districts, as well as the commercial and industrial districts that allow medical care facilities by special exception. The proposed interior parking lot landscaping and tree canopy coverage requirements also just meet the Zoning Ordinance standards. By preserving the wooded area at the northern end of the site,

the proposal meets the conventional zoning standard for a 35' wide Transitional Screen-2 adjacent to the townhouses. At the recommendation of staff, the applicant has proposed a planted berm along Centreville Road to be consistent with other development in the immediate area. As currently proposed, the berm ranges from four to nine feet in height and varies considerably in width and amount of vegetation. Staff recommends that the berm not vary in width and be made a more consistent four feet in height. Adequate and consistent street tree and understory tree plantings should also be provided along the full length of the berm to help soften the view of the building from Centreville Road consistent with other recent development. A development condition has been proposed requiring that the berm be revised to reflect these recommendations. With the adoption of this condition, staff believes this standard could be met.

*Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.*

The currently submitted CDP/FDP meets or exceeds the open space, parking, and loading requirements that would typically be required for a conventional district. Staff feels this standard has been met.

*Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.*

Staff supports the single, two-way vehicular access point onto Centreville Road, as proposed. This location, at the existing median break, provides for the most logical, if not the most ideal from a design perspective, access for the site. The proposal does include a five foot wide sidewalk along Centreville Road that bridges the gap between the existing sections of sidewalk to the north and south. The applicant has also proffered to work with FCDOT to relocate and construct a new bus shelter for the existing Connector Bus stop to the north of the property. With the latest submission, the applicant now shows a meandering path that would run through the tree save area at the north end of the site, connecting the pedestrian access point on the Rachel Carson property with the sidewalk on Centreville Road. The applicant shows a link across the corner of the Carson property that would connect to an existing trail at the Creekside Townhouse community. The applicant has included a proffer commitment to construct this link. Overall, while staff acknowledges the improvements in pedestrian connectivity, staff continues to have serious concerns about a deficiency in both the quantity and quality of the usable open space. The existing internal pedestrian network requires one to essentially walk around the periphery of the parking areas with numerous crossings for drive aisles, loading areas, and parking spaces. Staff also has reservations about the true functionality of the recently added

covered walkway between the two buildings, both because of the height of the canopy that will be required and the fact that it appears to be little more than crosswalk that threads itself between accessible parking spaces. As discussed elsewhere in this report, staff recommends that creating a common open space area between the buildings could provide for a safer crossing and would help to unify the entire layout of the site. Given this, it is staff's opinion that this criterion is only partially met with respect to vehicular access.

**Waivers/Modifications:**

Waiver of Par. 6 of Sec. 6-406 to allow a secondary permitted use to comprise more than 50% (50.305%) of the total gross floor area of a proposed PRM District where the maximum permitted is 50%.

In the PRM District, secondary permitted uses are limited to no more 50% of the total gross floor area of the proposed district. For the subject application the Zoning Administration Division has determined that the independent living units can be considered as age-restricted multi-family units and count as the principal use (see Appendix 17). The assisted living component and skilled nursing facility are medical care facilities, and are permitted secondary uses. However, the total area devoted to assisted living plus the skilled nursing facility is 124,240 sf. out of 246,974 sf. total for the development or 50.305%. As this is more than the 50% maximum permitted in the ordinance, a waiver is required. Given the de-minimis nature of the waiver (it represents only 753 sf.), staff has no objection to the request.

Waiver to locate underground stormwater management facilities in a residential area (PFM Section 6-0303.8), subject to Waiver # 009329-WBMP -001-1 November 20, 2012, as contained in Appendix 9 as Attachment A.

Stormwater detention on the site has been proposed to be provided by an underground storage facility located beneath the drive aisle in front of the skilled nursing facility. The applicant has proffered to provide stormwater management as depicted on the CDP/FDP and in conformance with Waiver # 009329-WBMP -001-1 and all applicable provisions of the County's PFM. DPWES recommends that the Board approve the waiver to locate underground facilities in a residential area for the NVHI development plan, subject to Waiver # 009329-WBMP -001-1 Conditions dated November 20, 2012, as contained in Appendix 13, as Attachment A.

Modification of the Tree Preservation Target Area (PFM Section 12-0508) to allow 25,125 sf. in lieu of the 27,824 sf. required.

The applicant has requested a modification of the tree preservation target and has submitted justification to DPWES (see Sheet 5 of the CDP/FDP) indicating that conformance would preclude development of the use and intensity permitted by the Zoning Ordinance. The need for the modification is being driven by the large footprint of the proposed buildings and surface parking areas. Given the heavily wooded nature of the site, staff has concerns about granting the modification; it

appears that reorganization and/or scaling back of the proposed building footprints and/or the removal of excess surface parking could easily yield the additional 2,699 sf. of required target area and could also help to address other concerns related to an overall lack of usable open space. Staff strongly recommends that the applicant consider changes to the layout that would obviate the need for the modification.

### **Special Exception Requirements**

Per Par. 5 of Sec. 6-406, when uses normally subject to Special Exception approval are proposed as permitted secondary uses in the PRM District, the Special Exception criteria for those uses contained in Article 9 are to be utilized as a guide. Accordingly, evaluation of the following special exception standards is appropriate for the subject application:

#### General Special Exception Standards (Sect. 9-006)

**General Standard 1** states that *the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan*. The overall nature of the proposed uses are compatible with the Plan; however, as stated in the Land Use Analysis, staff believes that the proposed uses, as designed and shown on the submitted CDP/FDP, are not in harmony with the Comprehensive Plan's Dulles Suburban Center performance criteria for optional uses and the area-wide design guidelines.

**General Standard 2** states that *the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations*. While the proposed independent/assisted living facility and skilled nursing facility are permitted in the PRM District; it is staff's opinion that, as currently proposed, the development fails to promote the high standards in design and layout that are the purpose and intent of the PRM District.

**General Standard 3** requires that *the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof*. The property is adjacent to the Rachel Carson Middle School, the Creekside Townhouses, an Exxon Service Station, and a self-storage facility and church across Centreville Road, to the east. Fairfax County Public Schools has recommended that some type of inter-parcel access be created to facilitate possible school expansion in the future. While the applicant had concerns about granting a full vehicular access, the applicant has agreed to provide an emergency access easement to the school property through the northern portion of the parking area. This access would be controlled by a gate and is shown on the CDP/FDP. Given this, the applicant's proposal does not create an adverse effect on the use or development of these properties. However, as stated

above, staff is concerned with visual effect of the retaining wall as viewed from the Rachel Carson property.

**General Standard 4** states that *the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.* Access to the site will be from one access point on Centreville Road. Pedestrian access to the site is provided by the existing and proposed new sections of sidewalk along Centreville Road. Given the relatively low trip generation associated with the proposed uses, staff does not believe the traffic associated with them will create a hazard or conflict with the neighborhood. However, it should be noted that the proposed retaining wall isolates the site and negates the possibility of any future connection (vehicular or pedestrian) to the south or west, except as currently depicted on the CDP/FDP.

**General Standard 5** requires that *landscaping and screening be provided in accordance with the provisions of Article 13.* The proposed landscape plan is in conformance with Article 13 with respect to minimum tree canopy cover and interior lot landscaping.

**General Standard 6** requires that *open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.* The site is within the PRM Zoning District, which requires 20% open space. The applicant proposes 35% open space. As previously discussed, this figure is achieved primarily through the inclusion of the 21,100 sf. tree save area and not through an excess of usable open space. In that light, the applicant has met the letter but not the intent of the Ordinance.

**General Standard 7** requires that *adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements are proposed to be in accordance with the provisions of Article 11.* The plan meets or exceeds the standards for parking and loading spaces. The drainage from the site is proposed to be accommodated in an underground detention facility. Board approval of a waiver of PFM standard will be required to locate this feature in a residential development. All other utilities appear to be adequate to serve the project.

**General Standard 8** requires that *signs be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.* The applicant has proffered that any signage will be in conformance with Article 12, and reserves the right to file a Comprehensive Sign Plan.

#### Standards for all Category 3 uses (Sect. 9-304)

**Standard 1** for Category 3 Uses relates to public uses and is not applicable to the subject application.

**Standard 2** for Category 3 Uses states that *all uses shall comply with the lot size requirements specified for the zoning district in which it is located.* The minimum district size for the PRM district is 2.0 acres and there is no minimum lot size for individual buildings. As this is an 8.46 acre parcel, this standard is met.

**Standard 3** for Category 3 uses states that *all uses shall comply with the bulk regulations of the zoning district in which located.* The proposal, at 0.67 FAR, complies with this requirement for the PRM district which has maximum of 3.0 FAR. No other bulk regulations are applicable.

**Standard 4** for Category 3 uses states that *all uses shall comply with the performance standards specified for the zoning district in which located.* The proposal complies with the 20% standard for open space specified in the PRM district. No other performance standards are applicable

**Standard 5** for Category 3 Uses states that *before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.* The applicant has proffered to conform to this provision.

#### Additional Standards for Independent Living Facilities (9-306)

**Standard 1** requires that *Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with handicaps (disabilities), plus a live-in aide is permitted for each unit.* The applicant's draft proffers have been revised and now set a minimum age of 62 for the independent living facility, in conformance with the Zoning Ordinance.

**Standard 2** requires that *the Board specifically find that applications adequately and satisfactorily take into account the needs of elderly persons and/or persons with handicaps (disabilities) for transportation, shopping, health, recreational and other similar such facilities and shall consider any specific facility maintenance and operating requirements to ensure that the facility meets the needs of the residents and is compatible with the neighborhood.* The applicant has proffered to provide multiple indoor amenities and services like a fitness center, game room, library, lounge, and beauty salon. They have also proffered to provide shuttle bus transportation to nearby health care facilities and retail establishments. As noted, however, staff is concerned that the amount of usable outdoor recreation space is inadequate for the proposed development.

**Standard 3** states that *the Board shall find that such development shall be compatible with the surrounding neighborhood, shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.* Overall, staff is satisfied that the project is compatible with the surrounding neighborhood and would not be detrimental to the health, safety, or public welfare of persons in the neighborhood.

**Standard 4** states that *to assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units shall be shown on the plat submitted with the application.* This information has been provided on the CDP/FDP. Staff's concerns about compatibility have been previously discussed.

**Standard 5** states that *no such use shall be established except on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.* Centreville Road is major thoroughfare; the proposal conforms to this standard.

**Standard 6** states that *the density of such use shall be based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements set forth in the schedule provided [see Appendix 17]. A minimum of fifteen (15) percent of the total number of dwelling units shall be Affordable Dwelling Units (ADUs).* The proposed density of the independent living portion of the project is 23.6 du/ac. based on 100 units on a 4.24 acre parcel. The density is within the range calculated based on the regulations described in this standard (see Appendix 18). The applicant has proffered to provide ADUs in an amount equivalent to six (6) percent of the independent living units which meets the minimum Ordinance requirement.

**Standard 7** states that *independent living facilities may include assisted living facilities and skilled nursing facilities designed solely for the residents as an accessory use.* The independent living facility also contains 60 units of assisted living. The skilled nursing facility will be housed and operated in a separate building.

**Standard 8** states that *all facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.* The application conforms to the Standard.

**Standard 9** states that *in residential districts, the maximum building height shall be 50 feet, except that the maximum building height shall be 35 feet when the structure is designed to look like a single family detached dwelling and utilizes the applicable residential district minimum yard requirements, as set forth below, subject to further limitations by the Board to ensure neighborhood compatibility. For independent living facilities in commercial districts the maximum building height shall be as set forth in the district in which they are located.* The proposed height of the independent living facility is 67 feet. As the building would be located in a "planned" district, which does not specifically limit building height, the proposal is in conformance with this standard.

**Standard 10** states that *for independent living facilities located in any other structure or district [other than R-E through R-8], the minimum front, side and rear yard requirements shall be as follows: A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet. B. Where the yard abuts or is across a street from an area adopted in the*

*comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.*

*In any event, the Board may modify such yard requirements to ensure compatibility with the surrounding neighborhood.* The only adjacent property planned for residential use is the Creekside Townhouses, located to the north and planned at 5 du/ac. The CDP/FDP shows the minimum side yard provided from this lot line is 120 feet. The remaining yards, adjacent to nonresidential uses, are all greater than 30 feet.

**Standard 11** states that *transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, an independent living facility shall be deemed a multiple family dwelling.* The CDP/FDP shows a 35' Transitional Screening-2 buffer adjacent to the townhouse community, to the north, in conformance with Article 13.

**Standard 12** relates to applications approved before 2003 or those filed after 2003 which do not propose an increase in density. This standard is not applicable to the subject application.

**Standard 13** states that *live-in aides shall not be subject to the income limitations and/or the age/disability occupancy requirements set forth in this Section.* The applicant has not specifically indicated that they intend to allow live-in aides. The applicant should provide additional information regarding this standard.

**Standard 14** states that *resident care providers, as defined in Par. 1 above, may be provided in independent living facilities located in single family attached units or multiple family dwelling unit buildings, limited to not more than twenty-five (25) percent of the total number of dwelling units within the facility.* The applicant has not indicated that they intend to utilize resident care providers. The applicant should provide additional information regarding this standard.

**Standard 15** relates only to independent living facilities for low and moderate income tenants and is not applicable.

#### Additional Standards for Medical Care Facilities (9-308)

**Standard 1** states that *in its development of a recommendation and report as required by Par. 3 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information and comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of Supervisors shall be bound by any such information or comment.* The Health Care Advisory Board (HCAB) held a public meeting on September 10, 2012 to review the application and has provided a summary and recommendation. HCAB has recommend approval of the assisted living portion of the application, and conditionally supported the skilled nursing facility, subject to adoption of proffers or conditions that address operational deficiencies. The details of the HCAB review are discussed in a preceding section of this report.

**Standard 2** provides the standards and criteria for HCAB to evaluate applications for medical care facilities. The result of HCAB's review and recommendations is reviewed in a preceding section of this report.

**Standard 3** states that *all such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance*. Loading spaces have been provided at the rear of both the assisted living and skilled nursing facilities.

**Standard 4** states that *no freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan*. Centreville Road is identified as an arterial street in the Comprehensive Plan.

**Standard 5** states that *no building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District*. Both facilities are set back more than 45 feet from the Centreville Road ROW (post dedication; area to north is PDH-5).

**Standard 6** applies to medical care facilities located in the R-E through R-5 Districts and is not relevant.

**Standard 7** discusses standards for signage at hospital uses and is not applicable.

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

The application seeks approval of a rezoning from the I-5 to the PRM District and associated FDP approval to permit the development of an independent/assisted living facility and a skilled nursing facility on an 8.46 acre lot located on Centreville Road. From the time the application was first reviewed after being accepted, staff identified concerns about the proposed layout of the development and the lack of usable open space and adequate site plantings. Given that the project is located within the Dulles Suburban Center and is seeking to rezone to a Planned zoning district, expectations for quality urban design and architecture, substantial outdoor recreation space, and an innovative layout are were high. Throughout the review process, the applicant has attempted to address these concerns through a series of incremental revisions that have provided some additional details for the courtyard areas, some additional plantings and walkways, and an enhanced architectural design. While these revisions are appreciated by staff and have been largely positive, the overall size, shape, orientation, and layout of the development have not appreciably changed since the initial submission. Accordingly, staff continues to conclude that the large, somewhat awkward, footprints and orientations of the proposed buildings, coupled with significant surface parking on a relatively narrow site, have prevented the applicant from providing a high quality, integrated residential environment and sufficient outdoor recreation space as called for in the Dulles Suburban Center Guidelines and the Planned Residential Mixed Use District. Staff does, however, recognize that the

proposal could be a significant benefit to the community, and an appropriate land use for the subject site.

Nonetheless, it is staff's opinion that the proposal, as currently submitted, is not in conformance with the Comprehensive Plan, or the purpose and intent of the PRM district. Staff remains open to continuing to work with the applicant to redesign their plan to address the deficiencies described in this report.

### **Staff Recommendations**

Staff recommends denial of RZ 2012-SU-010, as proposed. If it is the Board's intent to approved RZ 2012-SU-010, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends denial of FDP 2012-SU-010 as proposed. If it is the Planning Commission's intent to approve FDP 2012-SU-010, staff recommends that such approval be subject to conditions consistent with those contained in Appendix 2

It should be noted that it is not the intent of staff to recommend that the Board or Planning Commission, in adopting any development conditions or 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Draft Proffers
2. Proposed Final Plan Development Conditions
3. Affidavit
4. Statement of Justification
5. Comprehensive Plan Citations
6. Land Use and Environmental Analysis
7. Urban Forest Management Analysis
8. Transportation (FCDOT and VDOT) Analysis
9. Stormwater Management Analysis
10. Park Authority Analysis
11. Health Care Advisory Board
12. Fairfax County Public Schools
13. Sanitary Sewer Analysis
14. Water Service Analysis
15. Fire and Rescue Analysis
16. Health Department Analysis
17. Zoning Administration Division Use Determination
18. Zoning Ordinance Provisions
19. Glossary

**DRAFT PROFFERS****NORTHERN VIRGINIA HEALTH INVESTORS, LLC****RZ 2012-SU-010****November 28, 2012**

Pursuant to Section 15.2-2303(a), *Code of Virginia*, 1950 as amended, and subject to the Board of Supervisors approving a rezoning to the PRM District in conjunction with a conceptual/final development plan for property identified as Tax Map 24-4 ((1)) 11B, hereinafter referred to as the "Application Property," the Applicant proffers for itself, the owners, its successors and assigns, the following conditions. These proffers shall supersede and replace all previously approved proffers applicable to the Application Property.

**1. CONCEPTUAL/FINAL DEVELOPMENT PLAN**

- A. Development of the Application Property shall be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP) prepared by Charles P. Johnson & Associates, Inc. consisting of thirteen (13) sheets, dated April 30, 2012, as revised through November 13, 2012.
- B. Notwithstanding that the CDP/FDP is presented on thirteen (13) sheets and said CDP/FDP is the subject of Proffer 1.a. above, it shall be understood that the CDP shall be limited to the use and intensities and the location and amount of open space, limits of clearing and grading and the location of vehicular entrances/exits. The Applicant has the option to request Final Development Plan Amendments ("FDPAs") for elements other than CDP elements from the Planning Commission for all of, or a portion of, the Application Property in accordance with the provisions set forth in Section 16-402 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").
- C. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the layout, building orientation, grading, utility locations and final engineering design at the time of site plan/subdivision plat submission without requiring approval of an amendment to the CDP/FDP or these proffers, provided such changes do not materially decrease the amount and location of open space, or materially decrease the distances to peripheral lot lines, or increase the maximum gross floor area and are in substantial conformance with the CDP/FDP and the proffers as determined by the Zoning Administrator.

## 2. TRANSPORTATION

- A. The Application Property will be developed with one access to Centreville Road as shown on the CDP/FDP. Subject to approval of VDOT and FCDOT, the Applicant shall modify the striping of Centreville Road to increase the length of the left turn lane into the Application Property. This improvement shall not include modifications to the existing median. At the time of site plan approval, the Applicant shall dedicate in fee simple along the Application Property's Centreville Road frontage, right of way up to 69 ½ feet (approximately 4,636 square feet) from centerline to the Board of Supervisors for public street purposes as shown on the CDP/FDP.
- B. To encourage the use of mass transit, at the time of site plan approval, the Applicant shall work with the Fairfax County Department of Transportation and Fairfax Connector to determine a suitable location for a bus stop and shelter along the Application Property's Centreville Road frontage. Upon successful identification of a location, the Applicant shall designate an area for the bus stop, subject to VDOT approval, on Centreville Road and construct a bus shelter, prior to the issuance of a RUP or Non-RUP for the Application Property. If the Applicant is not successful with its efforts to locate a bus stop on the Application Property prior to site plan approval, the Applicant shall escrow the cost of the bus shelter with Fairfax County for future installation on the Application Property or its immediate proximity by others.
- C. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all eligible dedications described herein, or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.

## 3. PEDESTRIAN FACILITIES

- A. The Applicant shall construct a paved pedestrian connection to the adjacent property identified as Tax Map Parcel 24-4 ((1)) 11A (Rachel Carson Middle School). Said connection shall be five (5) feet in width and constructed to the Application Property's boundary as shown on the CDP/FDP.
- B. The Applicant shall construct a five (5) foot wide concrete sidewalk throughout the Application Property to ADA standards to facilitate connectivity between the buildings and to encourage resident fitness.
- C. Prior to receipt of the RUP/Non-RUP and subject to coordination with and approval of Fairfax County Public Schools, the Applicant shall construct a five (5) foot wide asphalt trail, approximately 245 feet in length and in the location generally shown on the CDP/FDP, across the

property identified as Tax Map Parcel 24-4 ((1)) 11A (Rachel Carson Middle School) to connect to the existing sidewalk located on the property identified as Tax Map Parcel 24-4 ((6)) B (Creekside Townhouses HOA). Construction of said trail shall be subject to the receipt of any necessary easements and/or letters of permission at no cost to the Applicant. If the Applicant cannot obtain the necessary easements and/or letters of permission, the Applicant shall escrow the cost of an asphalt trail, approximately 245 feet in length and five (5) feet wide, with Fairfax County for future installation across the Rachel Carson Middle School property by others. Following construction of the trail and bond release for the Application Property, the Applicant shall have no further maintenance obligations for the trail, which shall be placed within a public ingress-egress easement recorded among the Fairfax County land records.

#### 4. LANDSCAPING, BARRIERS AND OPEN SPACE

- A. The Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. A landscape plan that shows, at a minimum, landscaping in conformance with the landscape design shown on Sheet 5 of the CDP/FDP shall be submitted in conjunction with the site plan. The landscape plan shall incorporate the use of native species to the greatest extent feasible, as determined by the Urban Forest Management Division (UFMD). The landscaped berm and buffering along Centreville Road shall be installed prior to the first Non-RUP/RUP.
- B. The Applicant shall provide the following outdoor recreation facilities and amenities to serve the residents of the Application Property.
  - (1) Recreation facilities on Parcel 1, as identified on the CDP/FDP, shall include seating areas, sidewalks, a courtyard, and a memory garden, as generally shown on Sheet 6 of the CDP/FDP. The amenities may include, but not be limited to, benches and passive and active recreation uses, such as bocce ball, a putting green and/or other equivalent recreational activities. The Applicant shall provide at least one passive and one active recreational use. A secure memory garden shall be available to the assisted living residents of the memory care/Alzheimer's units. The memory garden will include benches and landscaping.
  - (2) Recreation facilities on Parcel 2 shall include an outdoor fitness trail and equipment, passive seating areas, a central entrance feature and a secure, courtyard and gardens, as shown on Sheet 6 of the CDP/FDP. The courtyard and garden shall include benches and a combination of landscaping and paved surfaces.

- (3) The recreation facilities on Parcels 1 and 2 shall be available to all residents of both buildings.
- C. The Applicant shall install an undulating landscaped berm along the Application Property's Centreville Road frontage. The height of the berm shall be an average of four (4) feet as shown on the CDP/FDP, and shall screen the surface parking. Landscaping shall be an unbroken and continuous curvilinear row of shade trees, shrubs and ornamental trees as shown on the CDP/FDP. Species selection and final locations to be coordinated with UFMD. The final design of the landscaped berm shall be determined at the time of site plan submission and is subject to existing easements and right of way restrictions that may be imposed by VDOT or other government agencies.
- D. The Applicant proposes a masonry retaining wall along the southern and western property lines. The height of the retaining wall shall be determined at the time of site plan submission, but shall not exceed nine (9) feet in height. The color of the retaining wall shall be a neutral or earth tone, that is compatible with the colors of the proposed buildings' facades.

## 5. INDOOR AMENITIES

The independent living and medical care facility (assisted living including Alzheimer's and memory care units) building shall include the following on-site amenities for its residents:

- (1) Sitting areas, lounges and other common areas for resident use.
- (2) An arts, crafts and multi-purpose room for group activities.
- (3) A game room, a billiards room, a pub/café and a theater.
- (4) A fitness center.
- (5) A library and a computer center.
- (6) A beauty/barber salon.

## 6. TREE PRESERVATION AND LIMITS OF CLEARING

- A. Tree Preservation. The Applicant shall submit a tree preservation plan and narrative as part of the site plan submission. The preservation plan and narrative shall be prepared by a certified arborist, landscape architect or a registered consulting arborist, and shall be subject to the review and approval of the UFMD, 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 12 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 outside the limits of clearing and grading and 10 feet inside 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 CDP/FDP 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. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in these proffered conditions for removal of invasive species and for the installation of utilities. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary. 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 utilities.
- C. 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, or landscape architect 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.

D. Root Pruning. The Applicant shall root prune, 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 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.

E. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Application 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, landscape architect or registered consulting 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.

## 7. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

A. The Applicant shall provide on-site stormwater management (SWM) and Best Management Practices (BMPs) facilities as shown on the CDP/FDP to satisfy detention and water quality requirements in accordance with the requirements of the Public Facilities Manual, DPWES, and the waiver #9329-WPFM-001-1, dated November 20, 2012.

- B. The SWM/BMP facilities shall be maintained by the Applicant, its successors and assigns, in accordance with the regulations of DPWES. The maintenance responsibilities shall be incorporated in an agreement to be reviewed and approved as to form by the Fairfax County Attorney's Office and recorded among the Fairfax County land records. The Applicant shall establish a reserve fund, in an amount as determined by DPWES at time of site plan, for maintenance of the facility and for replacement cost based on the life expectancy of the system.

#### 8. SUSTAINABLE DESIGN/GREEN BUILDING PRACTICES

In order to promote energy conservation and green building techniques, the Applicant shall select one of the following programs, within its sole discretion at time of site plan submission:

- A. LEED New Construction Certification;
- B. Certification in accordance with the Earthcraft House Program as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of a RUP;
- C. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Certification for multi-family developments, using the ENERGY STAR<sup>®</sup> Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and the Environmental and Development Review Branch of DPZ from a home energy rater certified through the NAHB Research Center that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP;
- D. Qualification in accordance with ENERGY STAR<sup>®</sup> as determined by the submission of documentation to the Environment and Development Review Branch of DPZ from a home energy rater certified through the Residential Energy Services Network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR<sup>®</sup> qualification prior to the issuance of the RUP or Non-RUP; or
- E. The Applicant, within its sole discretion, at the time of site plan submission may select an alternate green building program, as acceptable to DPWES and DPZ.

Should the Applicant select LEED New Construction Certification, the Applicant shall utilize the following procedures for attainment of LEED certification:

- i. The Applicant shall include a LEED-accredited professional as a member of the design team. The professional will also be a professional engineer, licensed architect or licensed landscape

architect. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovated technologies into the project with a goal of having the project attain LEED certification. At the time of site plan submission, the Applicant will provide documentation to the EDRB of DPZ demonstrating compliance with the commitment to engage such a professional.

- ii. The Applicant shall include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's LEED<sup>®</sup> New Construction rating system that the Applicant anticipates attaining. A professional engineer, licensed architect or licensed landscape architect will provide certification statements at the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED certification.
- iii. Prior to approval of the RUP or Non-RUP, the Applicant will provide to the EDRB of DPZ a letter from a LEED-accredited professional certifying that a green building maintenance reference manual has been prepared for use by the building manager, that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future building managers and that this manual, at a minimum:
  - provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
  - provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
  - provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating

equipment, water conservation features, sealants, and caulks; and

- provides contact information that can be used to obtain further guidance on each green building component.

Prior to the issuance of the RUP or Non-RUP, the Applicant will provide an electronic copy of the manual in pdf format to the Environment and Development Review Branch of DPZ.

- iv. Prior to site plan approval, the Applicant will designate the Chief of the Environment and Development Review Branch of DPZ as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.
- v. All references to LEED New Construction Certification may be modified to other LEED certification programs as adopted by the USGBC that may be applicable to the building type constructed by the Applicant. An alternative LEED certification program may be selected by the Applicant, subject to the review of EDRB of DPZ. Further, all references to the USGBC shall apply to similar certifying agencies that are created subsequent to approval of this application, provided that the alternative certifying agency is acceptable to the EDRB of DPZ and the Applicant.

## 9. USES/FEATURES OF RESIDENTIAL UNITS

As shown on the CDP/FDP, the Application Property shall be developed with two buildings. One building (located on Parcel 1 as identified in the CDP/FDP) shall consist of multi-family dwelling units comprised of age-restricted independent living units and a medical care facility (assisted living including Alzheimer's and memory care units). The second building (located on Parcel 2 as identified in the CDP/FDP) will be a medical care facility including skilled nursing services.

Independent Living units shall be operated as follows:

- (1) Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with disabilities, as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse, if any.

- (2) Available services for residents shall include:
  - (1) Periodically scheduled social activities will be available both on-site and off-site.
  - (2) A shuttle van service to provide transportation to and from nearby health care facilities and retail establishments.
  - (3) Personal care services as may be necessary.

#### 10. AFFORDABLE HOUSING

- A. The Applicant shall comply with the ADU provisions as set forth in Part 8 of Article 2 of the Zoning Ordinance at the time of rezoning. The number of ADUs to be provided shall be equivalent to six percent (6%) of the independent living units. In the event that the Building Construction Type is modified at time of site plan submission to 1, 2, 3 or 4, as specified in the Virginia Uniform Statewide Building Code, the Applicant shall be exempt from the requirements of the ADU Ordinance.
- B. The Applicant shall maintain four percent (4%) of the assisted living units for residents who are eligible for the Virginia Department of Social Services' Auxiliary Grant Program.

#### 11. EMERGENCY ACCESS EASEMENT

Prior to RUP/Non-RUP, the Applicant shall reserve an eighteen (18) foot wide access easement to Tax Map Parcel 24-4 ((1)) 11A for the purposes of vehicle emergency access to Centreville Road, as shown on the CDP/FDP. Such easement shall be located over the proposed travel lanes of the Application Property. The Applicant shall not be responsible for the design, permitting or construction of any future connection to Tax Map Parcel 24-4 ((1)) 11A from the easement. The Applicant reserves the right to provide appropriate signs, fencing, landscaping and other security features, as may be necessary to ensure that no unauthorized vehicular access from the adjacent parcel or Centreville Road is permitted through the Application Property until such time as a physical connection is constructed.

#### 12. PARKS AND RECREATION

The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreation facilities for the residential uses. The Applicant shall provide recreation facilities for the residents including an arts, crafts and multi-purpose room, seating areas, courtyards, landscaped gardens, outdoor recreation facilities and formal gardens. The Applicant proffers a minimum expenditure for recreational facilities of one thousand seven-hundred

(\$1,700.00) per independent living unit. Any funds not expended on-site shall be contributed to the Fairfax County Park Authority for recreation facilities located in the vicinity of the Application Property.

### 13. ARCHAEOLOGICAL SURVEY

Prior to any disturbance on the Application Property, the Applicant shall notify the Park Authority's Resource Management Division and provide access for conducting archaeological investigation. In addition, the Applicant shall provide a copy of its Phase 1 environmental study that includes archaeological investigation.

### 14. SIGNS

All signs shall be in conformance with Article 12 of the Zoning Ordinance and shall be compatible with the buildings in terms of materials, style and colors. The Applicant reserves the right to pursue an application for a comprehensive sign plan.

### 15. SITE EXCAVATION AND BLASTING

If blasting is required on-site, the Applicant shall ensure that blasting is done pursuant to Fairfax County Fire Marshal requirements and all safety recommendations of the same, including without limitation, the use of blasting mats. In addition, the Applicant shall:

- A. Retain a professional consultant to perform a pre-blast survey of each house or residential building, to the extent that any of these structures are located on the properties within one hundred and fifty (150) feet of the blast site;
- B. Prior to any blasting being done, the Applicant shall provide written confirmation to DPWES that the pre-blast survey has been completed and provide a copy of the survey to Fairfax County upon request;
- C. Require the blasting consultant to request access to any houses, wells, buildings, or swimming pools, by notification to owners in within two hundred and fifty (250) feet of the blast site, if permitted by owner, determine the pre-blast conditions of these structures. The Applicant's consultant will be required to give a minimum of fourteen (14) days notice of the scheduling of the pre-blast survey. The Applicant shall provide the residents entitled to pre-blast inspections, the name, address and phone number of the blasting contractor's insurance carrier;
- D. Require his consultant to place seismographic instruments prior to blasting to monitor shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request;

- E. Notify owners two hundred and fifty (250) feet of the blast site, ten (10) days prior to blasting; no blasting shall occur until such notice has been given;
- F. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond within five (5) days of meeting at the site of the alleged damage to confer with the property owner;
- G. The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures, which are directly attributable to the blasting activity and shall take necessary action to resolve any valid claims in an expeditious matter; and
- H. The consultant shall be required to provide an analysis of the potential for gas migration from the site to the Fire Marshal for review and approval prior to blasting. Appropriate gas migration mitigation and/or notification pursuant to County regulations shall be implemented.

#### 16. MEDICAL CARE FACILITY (SKILLED NURSING FACILITY) OPERATION

To ensure that an adequate number of high quality beds are available within the County in the interests of the public convenience, health, and general welfare, pursuant to Zoning Ordinance Section 9-308, the medical care facility (skilled nursing facility) shall endeavor to maintain a minimum overall rating of "average" (three stars or higher) as established and reported by the Federal Medicare program's Five Star Quality Rating System and the Virginia Department of Health. In the event the skilled nursing facility receives an overall rating of "below average" or "poor" (two stars or fewer), the Applicant shall demonstrate acknowledgement of the cited deficiencies by submitting copies of the State Department of Health-issued Health Deficiency Reports and the Operator's Plan of Corrective Action to the Health Care Advisory Board or their designated staff at the Fairfax County Health Department. Failure to provide copies of said reports within six (6) months of receipt by the Applicant shall be evidence of non-conformance with this proffer. This proffer shall be in effect for the first three (3) years of operation or until the operator receives two (2) consecutive periods of average or above.

#### 17. COVERED WALKWAY

The Applicant shall install a covered walkway that will connect the independent living/medical care facility (assisted living) building and the medical care facility (skilled nursing) building. The covered walkway shall be eight (8) feet in height and extend to fourteen (14) feet in height across the internal road as shown on the CDP/FDP, subject to review and approval of the Fire Marshal.

18. MISCELLANEOUS

Except as may be specified herein, all transportation, pedestrian and landscaping improvements shall be constructed and/or installed concurrent with the development shown on the CDP/FDP.

19. SUCCESSORS AND ASSIGNS

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

20. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.

{A0540333.DOCX / 1 Proffers RZ 2012-SU-010.CLEAN 11-28-12 004776 000009}

[SIGNATURES BEGIN ON FOLLOWING PAGE]

RZ 2012-SU-010

APPLICANT/CONTRACT PURCHASER OF  
TAX MAP 24-4 ((1)) 11B

NORTHERN VIRGINIA HEALTH INVESTORS, LLC, a  
Virginia Limited Liability Company

---

By: Hunter D. Smith  
Its: Vice Chairman Manager

[SIGNATURES CONTINUE ON THE NEXT PAGE]

RZ 2012-SU-010

TITLE OWNER OF 24-4 ((1)) 11B

BMS-MCLEAREN ASSOCIATES, LLC, a  
Virginia Limited Liability Company

---

By: Benjamin M. Smith, Jr.  
Its: Manager

[SIGNATURES END]

PROPOSED DEVELOPMENT CONDITIONS

FDP 2012-SU-010

November 29, 2012

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2012-SU-010 for an independent and assisted living facility and a skilled nursing facility located at Tax Map 24-4((4))-11B on the west side of Centreville Road approximately 200 feet north of the intersection of McLearn Road, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the subject property shall be in substantial conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan (FDP) entitled "*Chantilly Nursing and Rehabilitation Center*" prepared by *Charles P. Johnson & Associates, Inc.*, consisting of thirteen (13) sheets dated April 30, 2012, with revisions through November 13, 2012.
2. In addition to the plantings depicted on the CDP/FDP, the berm shown along Centreville Road shall be supplemented with a combination of trees and understory plantings, clustered in locations determined appropriate by UFM in order to enhance the buffer and provide consistent shade and visual relief along the site frontage; final species selection, locations and quantities of plant materials shall be as approved by UFM.
3. The applicant shall provide a cross sectional detail for the tree planters that will be provided above the parking the garage, that indicate a soil depth of at least three feet, subject to review and approval by UFM.
4. The applicant shall provide an elevation detail of the covered walkway shown on the CDP/FDP. The detail shall indicate the height, construction, color, and materials. The architectural design of this feature shall be consistent with the building façades, and shall be designed in a manner that which will afford pedestrians protection from the elements, without obstructing necessary access as determined by the Fire Marshal.
5. A landscape plan shall be required at the time of site plan approval. The applicant shall provide a planting legend for the courtyard details on Sheet 6 of the CDP/FDP that specifies the plant categories and sizes for the symbols shown, subject to review and approval by UFM.
6. The applicant shall provide details of the proposed retaining wall that indicate the color, materials, and construction type. The applicant shall specify a neutral earth tone color that is compatible with the colors and materials of the building façade of the independent /assisted living facility. Safety railings shall be

installed where required by applicable construction codes. In addition to that shown on the CDP/FDP, supplemental plantings shall be provided, to the extent feasible, in front and above the wall, subject to review and approval by UFM to soften the visual impacts of the wall on and off-site.

7. Stormwater Management for the subject property shall be provided in conformance with the Waiver Conditions associated with the Public Facilities Manual Waiver #9329-WPFM-001-1. (see Attachment A)

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission. 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.

## ATTACHMENT A

### Waiver #9329-WPFM-001-1 Conditions

Chantilly Nursing and Rehabilitation Center  
Rezoning Application #RZ-2012-SU-010  
November 20, 2012

1. The underground facilities shall be constructed in accordance with the development plan and these conditions as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facilities shall have a minimum height of 72 inches.
3. The underground facilities shall be privately maintained and shall not be located in a County storm drain easement.
4. A private maintenance agreement, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the Land Records of the County. The private maintenance agreement shall be executed prior to final plan approval.

The private maintenance agreement shall address:

- County inspection and all other issues as may be necessary to ensure the facilities are maintained by the property owner in good working condition acceptable to the County so as to control Stormwater generated from the redevelopment of the site and to minimize the possibility of clogging events;
  - a condition that the property owner and its successors or assigns shall not petition the County to assume maintenance of or to replace the underground facilities;
  - establishment of a reserve fund for future replacement of the underground facilities;
  - establishment of procedures to follow to facilitate inspection by the County, i.e. advance notice procedure, whom to contact, who has the access keys, etc.;
  - a condition that the property owner provide and continuously maintain liability insurance -- the typical liability insurance amount is at least \$1,000,000 against claims associated with underground facilities; and
  - a statement that Fairfax County shall be held harmless from any liability associated with the facilities.
5. Operation, inspection, and maintenance procedures associated with the underground facilities shall be incorporated into the site construction plan and private maintenance agreement that ensures safe operation, inspection, and maintenance of the facilities.

6. A financial plan for the property owner to finance regular maintenance and full life-cycle replacement costs shall be established prior to site plan approval. A separate line item in the annual budget for operation, inspection, and maintenance shall be established. A reserve fund for future replacement of the underground facilities shall also be established to receive annual deposits based on the initial construction cost and considering an estimated 50-year lifespan for concrete products.
7. Prior to final construction plan approval, the property owner shall escrow sufficient funds that will cover a 20-year maintenance cycle of the underground facilities. These monies shall not be made available to owner until after final bond release.

**REZONING AFFIDAVIT**

DATE: October 31, 2012  
 (enter date affidavit is notarized)

I, Jonathan D. Puvak, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below 116218

in Application No.(s): RZ/FDP 2012-SU-010  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Northern Virginia Health Investors, LLC  Agents: Hunter D. Smith William M. Holmes Robert (nmi) Loftis (former) A. Robert Tessar, Jr.	4423 Pheasant Ridge Road, S.W. Suite 301 Roanoke, Virginia 24014	Applicant/Contract Purchaser of Tax Map 24-4 ((1)) 11B
BMS-McLearen Associates, LLC  Agents: Benjamin M. Smith, Jr.	c/o BM Smith and Associates Inc. 2300 Ninth Street S Arlington, VA 22204	Title Owner of Tax Map 24-4 ((1)) 11B

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Rezoning Attachment to Par. 1(a)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Elizabeth D. Baker Inda E. Stagg Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	<b>Attorneys/Planners/Agent</b>
Charles P. Johnson & Associates, Inc.  Agents: Allan D. Baken Paul B. Johnson Henry M. Fox, Jr. Anthony T. Owens	3959 Pender Drive, Suite 210 Fairfax, VA 22030	<b>Engineers/Agents</b>
Gaylen Howard Laing Architect, Inc.  Agent: Gaylen H. Laing	1300 West Randol Mill Road, #100 Arlington, TX 76012	<b>Architect/Agent</b>
Jones & Jones Associates, Architects, P.C.  Agent: Richard L. Jones, Jr.	6120 Peters Creek Road Roanoke, VA 24019	<b>Architect/Agent</b>

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

**Rezoning Attachment to Par. 1(a)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Transwestern Carey Winston LLC d/b/a Transwestern  Agent: George M. Carbonell	6700 Rockledge Drive, Suite 400A Bethesda, MD 20817	<b>Real Estate Broker/Agent for Applicant</b>
Loftis Real Estate & Development LLC  Agent: Robert Loftis (nmi)	3205 River Run Lane Glen Allen, VA 23059	<b>Former Development Consultant/Agent for Applicant</b>

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Northern Virginia Health Investors, LLC  
4423 Pheasant Ridge Road, S.W., Suite 301  
Roanoke, Virginia 24014

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Members: NOVA Investors LLC, SP NOVA LLC  
Vice Chairman Manager: Hunter D. Smith  
Chairman Manager: James R. Smith

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Rezoning Attachment to Par. 1(b)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

NOVA Investors LLC  
4423 Pheasant Ridge Road, S.W., Suite 301  
Roanoke, Virginia 24014

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Members: DJPetrine, LLC; BDSheffer, LLC; Patricia H. Stallard; Lury W. Goodall, David W. Tucker

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SP NOVA LLC  
4423 Pheasant Ridge Road, S.W., Suite 301  
Roanoke, Virginia 24014

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Members: James R. Smith; Hunter D. Smith; James R. Pietrzak

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

DJPetrine, LLC  
4423 Pheasant Ridge Road, S.W., Suite 301  
Roanoke, Virginia 24014

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Members: Deborah L. Petrine, James G. Petrine

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

BDSheffer, LLC;  
4423 Pheasant Ridge Road, S.W., Suite 301  
Roanoke, Virginia 24014

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Sole Member: Brady L. Sheffer

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

BMS-McLearen Associates, LLC  
c/o BM Smith and Associates Inc.  
2300 Ninth Street S  
Arlington, VA 22204

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Benjamin M. Smith, Jr., Manager. Members: Edward M. Smith Residuary Trust f/b/o Leslie S. Ariail, Allison S. Erdle, John H. Ariail III, James E. S. Ariail; Leslie S. Ariail; Testamentary Trust of Charlotte S. Gravett f/b/o Benjamin C. Gravett, Debroah G. Lucckese, Madeline G. Srebot, Guy M. Gravett; The DDP 2007 Trust u/a dated 6/5/07 f/b/o David D. Peete; The MSP 2007 Trust u/a dated 6/5/07 f/b/o David D. Peete, Jr., Edward C. Peete; David D. Peete, Jr.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116 218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Charles P. Johnson & Associates, Inc.  
3959 Pender Drive, Suite 210  
Fairfax, VA 22030

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Charles P. Johnson  
Paul B. Johnson

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Jones & Jones Associates, Architects, P.C.  
6120 Peters Creek Road  
Roanoke, VA 24019

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Sole shareholder: Richard L. Jones, Jr.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Gaylen Howard Laing Architect, Inc.  
1300 West Randol Mill Road, #100  
Arlington, TX 76012

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Sole Shareholder: Gaylen H. Laing

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Transwestern Carey Winston LLC d/b/a Transwestern  
6700 Rockledge Drive, Suite 400A  
Bethesda, MD 20817

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Transwestern Commercial Services

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Robert D. Duncan, Chairman, Lawrence P. Heard, Pres/CEO; Mark R. Doran, COO, Steve P. Harding, CFO, Robert A. Bagguley, CIO; Thomas E. Clark, II, Pres/Gulf Coast & Mtn Reg; John J. Eimer, Pres/Central Reg; Bruce G. Ford, Pres/SE Reg; George H. Garfield, Pres/West Region; Eric J. Mockler, Pres/Mid-Atlantic Reg; Kevin C. Roberts, Pres/Central Texas Reg; Michael H. Watts, Pres/MW Reg; Patrick M. Robinson, Pres/NE Reg; Thomas O. McNearney, Exec. Mging Dir, Dev & Invest, Steven E. Pumper, Exec Mging Dir, Invest Svcs

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

**Rezoning Attachment to Par. 1(b)**

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Transwestern Commercial Services  
1900 West Loop South, Suite 1300  
Houston, Texas 77027

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

Robert D. Duncan

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Robert D. Duncan, Chairman, Lawrence P. Heard, President & CEO; Mark R. Doran, COO, Steve P. Harding, CFO; Eugene L. Kesselman, CIO

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Loftis Real Estate & Development LLC [FORMER]  
3205 River Run Lane  
Glen Allen, VA 23059

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Robert Loftis (nmi)

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)  
None

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: October 31, 2012  
(enter date affidavit is notarized)

1/6218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: October 31, 2012  
(enter date affidavit is notarized)

116218a

for Application No. (s): RZ/FDP 2012-SU-010  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[ ] Applicant

[x] Applicant's Authorized Agent

Jonathan D. Puvak, attorney/agent

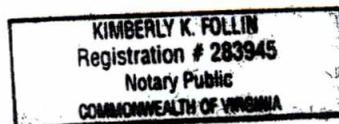
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 31 day of October, 2012, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin

Notary Public

My commission expires: 11/30/2015





WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

Lynne J. Strobel  
(703) 528-4700 Ext. 5418  
[lstrobel@arl.thelandlawyers.com](mailto:lstrobel@arl.thelandlawyers.com)

RECEIVED  
Department of Planning & Zoning  
MAR 20 2012  
Zoning Evaluation Division

March 19, 2012

Via Hand Delivery

Barbara C. Berlin, Director  
Zoning Evaluation Division  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: Rezoning Application  
Fairfax County Tax Map Reference: 24-4 ((1)) 11B (the "Subject Property")  
Applicant: Northern Virginia Health Investors, LLC

Dear Ms. Berlin:

Please accept the following as a statement of justification for the rezoning of approximately 8.46 acres from the I-5 District to the PRM District.

The Applicant is the contract purchaser of approximately 8.46 acres located in the Sully Magisterial District and identified among the Fairfax County tax map records as 24-4 ((1)) 11B (the "Subject Property"). The Subject Property is located north of McLearen Road and west of Centreville Road. Surrounding uses include the Rachel Carson Middle School to the west, a townhouse community to the north, and a service station with a car wash to the south. A place of worship is located on the opposite side of Centreville Road from the Subject Property. The Applicant proposes a rezoning to permit residential development consisting of independent living and medical care facilities that will be compatible with surrounding development.

The Subject Property is located within Land Unit D-2 of the Dulles Suburban Center in the Area III Comprehensive Plan (the "Plan"). The Plan recommends that the Subject Property be used for low intensity office use at a maximum .50 FAR. The Plan also includes a note in the Performance Criteria for Optional Uses section of the Dulles Suburban Center Overview that "[a]lthough not specifically referenced in each land unit, institutional uses and uses allowed by special permit and special exception may be considered as optional uses throughout the Dulles Suburban Center." A Major Land Use Planning Objective of the Dulles Suburban Center is to "[e]ncourage a variety of housing opportunities within and near the Dulles Suburban Center." As the Plan notes, the Dulles Suburban Center includes sufficient land area that is diverse enough to incorporate a broader range of uses. The existing uses surrounding the Subject Property include institutional, commercial and residential. The Applicant's proposal, therefore, creates an appropriate transition to the lower density residential communities to the east. Further, the proposed development results in an FAR that is below the FAR recommendation in the Plan.

The Applicant has prepared and submitted a Conceptual Development Plan and Final Development Plan (CDP/FDP) that illustrates two separate residential buildings that will provide a tier of residential housing alternatives for seniors ranging from independent living to nursing care facilities. The Applicant's proposal to develop the Subject Property with these uses is in compliance with the Plan's recommendation for a broader range of uses and a variety of housing opportunities that remain in substantial conformity to the recommended density for the Subject Property. Accordingly, the proposed development is in harmony with the Plan recommendations and will serve the housing needs of the residential population in and around the Dulles Suburban Center.

In addition to compliance with the use recommendations of the Plan, the Applicant's proposal meets the Residential Development Criteria listed in Appendix 9 of the Policy Plan as follows:

#### Site Design

The CDP/FDP is characterized by high quality site design. The Applicant proposes to construct two separate residential buildings on the Subject Property which is currently undeveloped. Independent living and assisted living units will be provided within the same building which allows different levels of care and services for patients that might have the need to move between these levels. The assisted living units are classified within the definition of medical care facility by the Fairfax County Zoning Ordinance (the "Zoning Ordinance"). The nursing care component, also classified as a medical care facility, will be in a separate building.

The independent living and assisted living units will be located in a four-story building with a total height of sixty-seven (67) feet. A total of 152 units will be comprised of 100 units for independent living units and fifty-two (52) units for assisted living units. Of the fifty-two (52) assisted living units, sixteen (16) will be dedicated to memory care or Alzheimer's patients. The size of the independent living units will range from approximately 800 square feet for a one bedroom to approximately 1,100 square feet for a two bedroom. Assisted living units will range from approximately 500-600 square feet for a one bedroom and approximately 700 square feet for a two bedroom. The independent living units will include full service kitchens within the units, but the building will include a dining area for residents, as well as other amenities, such as a fitness center and hair salon. While the assisted and independent living units will be located within the same building, a separate dining area and amenities will be provided for each use. Both dining areas will be served by a shared central kitchen. All housing will be provided on a monthly payment basis and will not require initiation or reservation fees. The Applicant has already secured a Certificate of Need ("CoN") that allocates approximately 166 beds for this use.

Located in a separate building, the nursing care component will consist of two floors in a building with a height of thirty-five (35) feet. The building will house ninety-six (96) units and associated services. The nursing care component will have its own dining facility and other resident services.

Approximately 30% of the Subject Property will be open space, which exceeds the Zoning Ordinance requirement of 20%. To accommodate the grade changes between the adjacent properties, a retaining wall of varying height will be constructed along the southern and

western property lines. An existing five (5) foot sidewalk is located along the Subject Property's frontage on Centreville Road and connecting sidewalks are proposed within the development. The sidewalks will facilitate pedestrian connections within the development and to the surrounding uses. Landscaping will be installed around the buildings, parking lots and in the open space areas.

The development will include a variety of recreational facilities and amenities to serve the residents including, but not limited to: a fitness center, library, walking trails and outdoor courtyards.

#### Neighborhood Context

A rezoning to the PRM District will allow the Applicant to design a planned development that will provide a continuum of care and variety of housing types that is not permitted under a conventional zoning district. The Applicant proposes an age-restricted multi-family residential development that is designed to supplement the existing uses in the Dulles Suburban Center and in proximity to the Subject Property. Surrounding uses include institutional, commercial and residential. The proposed density of the independent living portion of the development is 24.27 dwelling units per acre, while the medical care facility proposes a density of 0.32 FAR.

Required setbacks are maintained around the periphery of the Subject Property and where possible, supplemented with landscaping. In accordance with Article 13 of the Zoning Ordinance, a thirty-five foot transitional screening buffer will be provided along the northern boundary of the Subject Property adjacent to the existing townhouse community. Transitional screening will include the preservation of existing mature vegetation with some supplemental plantings. A wooded fence six (6) feet in height will also be provided along the northern property line to satisfy the barrier requirement.

The buildings will be oriented toward Centreville Road. The architectural design will include unique and varying facades, complemented by the use of both brick and fiber cement siding. The planned development is designed to minimize impacts on existing development and to be compatible with the surrounding uses. The Applicant's proposal will complete and complement an existing development pattern consisting of non-residential, residential and institutional uses.

#### Environment

The Subject Property does not include any environmentally sensitive features that require preservation. There is no 100-year floodplain, resource protection areas, wetlands or environmental quality corridors located on the Subject Property. The existing soil characteristics do not present any significant challenges for the proposed development. Storm water management will be provided with the installation of an underground storage facility as shown on the CDP/FDP. No issues concerning noise, lighting or energy have been identified, but may be addressed in proffers submitted during the rezoning process.

Tree Preservation and Tree Cover Requirements

The Subject Property is currently undeveloped and includes existing vegetation. Given the proposed development layout, a fixed location for access to Centreville Road and the narrowness of the Subject Property, significant tree preservation is not possible. The Applicant will preserve a substantial area of existing trees on the northern boundary of the property line that is adjacent to an existing townhouse community. A waiver of the tree preservation target area requirements is requested under Chapter 122 of the Fairfax County Code and Section 12-0508.3 of the Public Facilities Manual as meeting the tree preservation target would prevent the development of uses and densities otherwise allowed by the Zoning Ordinance and as recommended by the Plan.

Transportation

Access to the Subject Property will be provided at an existing curb cut and median break on Centreville Road. The proposed residential development includes five (5) foot concrete sidewalks around the buildings. These sidewalks will connect to the existing sidewalk on Centreville Road. Both buildings will be served by surface parking, with the independent living and assisted living building also served by below grade parking. The parking provided is adequate to provide for the proposed uses. The Applicant has designed a drive aisle around the buildings with the appropriate width to provide for emergency vehicle access. Given the nature of the use, impacts on traffic are not anticipated during peak hours. The overall traffic generated by the Applicant's proposal is much less than what could occur in accordance with the Plan's baseline recommendation for office use at a .5 FAR.

Due to the residential nature of both buildings, services and support staff will be on-site twenty-four hours a day. The breakdown of on-site staff throughout a twenty-four hour cycle is provided in the table below:

	7 AM -3 PM	3 PM -11 PM	11 PM -7 AM	9 AM -5 PM (Mon.to Fri. only)
Independent Living and Medical Care Facility (includes assisted living and Alzheimer's care units)	28	23	8	10
Medical Care Facility (skilled nursing facility)	54	21	23	0
<b>Total Employees</b>	82	44	31	10

Public Facilities

The proposed development will be served by available public facilities that are adequate for the uses proposed. As housing will be provided for senior residents, there is no anticipated impact on the public schools.

March 19, 2012

Page 5

Heritage Resources

The Applicant is unaware of any Heritage Resources that may be located on the Subject Property and worthy of preservation.

The Applicant's proposal also complies with the Guidelines for Multifamily Residential Development for the Elderly listed in Appendix 1 of the Policy Plan. Specifically, the development will provide a shuttle bus service to allow the residents to access local community services. Through the use of retaining walls and the proposed building layout, the Applicant has created a development that is free of significant slopes. Lastly, the independent living and medical care facilities will be designed with features to enhance the safety and security of the residents. These features include universal design elements to promote ease, accessibility and flexibility of use by the residents and an overall safe living environment.

Except for the tree preservation waiver requested herein, to the best of the Applicant's knowledge and belief, the proposed use will be in conformance with all applicable ordinances, regulations and adopted standards.

The Applicant's proposal will transform a now vacant industrially zoned property into a residential use that is in harmony with the Plan, and will serve the needs of the surrounding community. This proposal satisfies the residential development criteria and guidelines for elderly housing as outlined herein.

Should you have any questions regarding the above, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Lynne J. Strobel

LJS/jdp

cc: William M. Holmes  
Rob Loftis  
Allan Baken  
Jonathan D. Puvak  
Martin D. Walsh



Jonathan D. Puvak  
(703) 528-4700 Ext. 5455  
[jpuvak@arl.thelandlawyers.com](mailto:jpuvak@arl.thelandlawyers.com)  
Fax: (703) 528-6050

WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

RECEIVED  
Department of Planning & Zoning

NOV 07 2012

Zoning Evaluation Division

November 7, 2012

**Via Hand Delivery**

Brent Krasner  
Staff Coordinator  
Zoning Evaluation Division  
Department of Planning & Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: RZ/FDP 2012-SU-010  
Northern Virginia Health Investors, LLC (the "Applicant")  
Tax Map Reference: 24-4((1)) 11B (the "Property")

Dear Mr. Krasner:

Please accept this letter as the Applicant's supplemental statement to justify how the proposed development meets the standards of the PRM Zoning District and the Dulles Suburban Center Design Guidelines.

- I. Section 6-401 of the Fairfax County Zoning Ordinance (the "Ordinance") provides the purpose and intent of the PRM Zoning District and states, in part:

The PRM District is established to provide for high density, multiple family residential development....The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, and to otherwise implement the stated purpose and intent of this Ordinance.

- **Applicant's Response:** The Property is surrounded by a variety of zoned and developed residential, industrial, commercial and institutional uses. The Property is bordered to the west by the Rachel Carson Middle School (the "School"), which is zoned to the I-5 District. The Creekside townhouse community is located to the north and zoned to the PDH-5 District. Two properties are located to the south, one vacant parcel zoned to the I-5 District and the second, a service station with a car wash zoned to C-8 District. A place of worship and self-storage facility are located on the opposite side of Centreville Road, both zoned to the I-5 District. The Applicant's proposal for age-restricted housing creates a synergy among the surrounding zoned and developed properties. The Property is an appropriate transitional use between the townhouses and commercially developed properties. The proximity of the School creates opportunities for interaction between

different generations. The Applicant's proposal is compatible with existing and planned uses.

The buildings are designed with frontage on Centreville Road, and utilize an existing curb cut as the point of access consistent with the prior proffers and the recommendations of the Fairfax County Comprehensive Plan. The layout of the site provides pedestrian and vehicular circulation throughout the Property, while allowing for landscaped buffers around its perimeter. Since the initial submission in March 2012, the layout has been revised with the two (2) proposed buildings moving approximately twenty-five (25) feet closer together, which results in a reduction of impervious surface and additional opportunities for increased buffers around the entire perimeter of the Property. The buildings are now oriented toward a central focal area, which includes a pedestrian connection and a gathering place with landscaping and benches between the buildings. The architecture is residential in appearance and includes gabled roofs, balconies and articulated facades to increase visual interest. High quality building materials including brick, fiber cement lap and shake siding and architectural shingles will be used in construction.

As described more fully below, the Property is located in Land Unit D-2 of the Dulles Suburban Center of the Fairfax County Comprehensive Plan (the "Plan"). In addition to specific guidance, the Plan recommends optional uses, which include institutional uses similar to the proposed development. More specifically, the Plan notes "[a]lthough not specifically referenced in each land unit, institutional uses...may be considered as optional uses through the Dulles Suburban Center." The proposed development fulfills the criteria for optional uses, in that the proposed uses will generate less peak-hour traffic impacts than would result if the Property were developed with office use; fulfills a housing need in this area, is compatible with surrounding uses, and is responsive to the Design Guidelines for the Dulles Suburban Center.

The proposed rezoning will result in a compatible residential development that contributes to the economic vitality of the area and fulfills a recognized need for the residents of Fairfax County.

- II. Section 16-100 of the Ordinance provides standards for all planned developments. Specifically, section 16-101 outlines general standards and states in its entirety:

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity

permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.

- **Applicant's Response:** As noted above, the Plan includes language which recommends the consideration of optional uses, including institutional uses. In addition, the type and character of the use is compatible with surrounding development.

The Plan recommends office development up to .50 FAR, however, proffers approved with a prior rezoning in 1982 permit office use up to .50 FAR and other I-5 uses up to 1.0 FAR. The Applicant's proposal is measured in accordance with the Ordinance as dwelling units per acre for the independent living and FAR for the skilled nursing facility. When both uses are measured in FAR, the result is .67, which is well below the prior approval and far below the 3.0 FAR permitted in the PRM District. The proposed use may be served by existing public facilities.

2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
- **Applicant's Response:** A rezoning to the PRM District allows the Applicant to design a planned development that will provide a continuum of care and offer a variety of housing types that is not permitted under a conventional zoning district. Independent living and assisted living units will be provided within the same building which allows different levels of care and services for patients that might have the need to move between these levels. A separate building will provide skilled nursing care for long-term and short-term residents.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
- **Applicant's Response:** The Property does not include any scenic assets worthy of preservation. Existing trees are the only natural feature on the Property. The site layout has been designed to include a significant tree preservation area in the northern portion of the Property and adjacent to the existing residential development. The Applicant has designed the Property in consideration of existing topography with the use of retaining walls on the western and southern property lines. The retaining walls will provide a buffer to adjacent properties that are zoned and developed with non-residential uses. The retaining walls will be constructed of high quality architectural block materials.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or

impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

- **Applicant's Response:** As described above, the surrounding uses primarily consist of commercial and institutional establishments to the south, east and west. One parcel to the south is vacant and zoned to the I-5 District. A townhouse community is located to the north. The Ordinance does not require screening and buffering to the more intensive commercial, institutional and industrial uses. In accordance with Article 13 of the Ordinance, a minimum of a thirty-five (35) foot transitional screening buffer is required along the northern boundary of the Property adjacent to the existing townhouse community. The Applicant is requesting that existing vegetation, with an average width of 90 feet, be used to satisfy this requirement. The mature vegetation will be supplemented with additional plantings. A wood fence six (6) feet in height will also be installed along the northern property line to satisfy the barrier requirement. At the closest point, the Applicant's nearest building is set back approximately 120 feet from the property line shared with the residential community.
- 5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewage, are or will be available and adequate for the uses proposed; provided, however, that the Applicant may make provision for such facilities or utilities which are not presently available.
- **Applicant's Response:** The Property is served by adequate public facilities, including existing public sewer and water infrastructure. The Applicant has designed an underground storage facility to address the requirement of storm water management. Improvements are proffered by the Applicant to ensure adequacy of existing transportation improvements.
- 6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.
- **Applicant's Response:** The Property is served by a public pedestrian sidewalk that will connect to the internal sidewalk network. An at grade pedestrian connection as well as a location for future emergency vehicular access has been proffered to the Rachel Carson Middle School. Vehicular access is provided at an existing median break on Centreville Road as required by proffer and the Plan. A deceleration lane exists for vehicles traveling from the north and the left turn bay will be restriped to add length for vehicles traveling from the south. Impacts on vehicular traffic, especially during peak commuter hours, are minimal given the nature of the Applicant's use.

In addition, the Applicant will provide shuttle van service for its residents so that they may access nearby health care facilities and retail establishments.

III. Section 16-102(3) provides guidance on design standards and states:

Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

- **Applicant's Response:** See Applicant's Response to section 6-101(6) above.

IV. The Property is located in Land Unit D-2 of the Dulles Suburban Center of the Plan. The Plan includes additional guidance in the form of Design Guidelines for the Dulles Suburban Center (the "Design Guidelines"). The Design Guidelines provide additional principles related to site planning, architectural design and streetscape. The criteria as outlined in the Plan is provided first, followed by the Applicant's explanation of the how the proposed development fulfills or exceeds the objectives of the Design Guidelines. In the opinion of the Applicant, some of the criteria specified in the Design Guidelines are not applicable to the proposed development and have been excerpted.

## SITE PLANNING

### General

- Provide buffers and screening where necessary to protect adjacent neighborhoods or other less intense uses, recognizing that preservation of natural beauty in transitional areas enhances the visual quality of the development.
- **Applicant's Response:** The Property is primarily surrounded by commercial and institutional uses. The Applicant has provided a landscaped berm ranging from 1.5 feet to 3.5 feet along Centreville Road. The height of the berm is restricted by overhead utility lines along the Centreville Road frontage. In addition, a tree preservation area is provided as a buffer to the adjacent townhouse development and landscaping is provided throughout the site to enhance its appearance. The Applicant is not requesting any waivers or modifications to screening, barriers or open space requirements.
- Where feasible, minimize areas of impervious surface through shared parking, decked or structured parking; or increased building height; or other measures as appropriate.

- **Applicant's Response:** The Applicant has provided resident parking in a below grade structured parking garage. Surface parking is provided for employees and guests. Since the initial submission of the development plan, the Applicant has reduced the amount of impervious surface area by moving the proposed buildings closer together, removing the travel lane behind the skilled nursing building, and reducing the proposed number of surface parking spaces.
- Plan development to ensure substantial usable open space.
- **Applicant's Response:** The proposed development provides thirty-five (35) percent open space, which substantially exceeds the Ordinance requirement of twenty (20) percent. The Applicant has made productive use of the open space by providing shaded seating areas, recreational opportunities and landscaped courtyards throughout the Property. Approximately forty (40) bench style seats have been provided that are connected by a pedestrian friendly sidewalk network. Fitness stations are located along part of the pedestrian network. Given the age-restricted resident population, these are the types of facilities that are useable to the residents. The average resident age for the independent living portion of the proposed development is 77. While still active, these residents are more likely to use walking paths in lieu of more active types of outdoor recreational amenities. Residents are also more inclined to participate in indoor activities. The Applicant is providing a number of indoor amenities such as a fitness center, and an arts and crafts studio.
- Minimize the disturbance of environmental resources and topography, by integrating existing vegetation, trees and topography into site design.
- **Applicant's Response:** The Applicant has designed a layout that functions in conjunction with the fixed access point on Centreville Road and meets the needs of the residents. Existing vegetation and trees have been preserved at the northern portion of the Property and additional plantings have been provided on the western and southern property line.
- Preserve or recover and record significant heritage resources, integrating them into site design where feasible.
- **Applicant's Response:** The Property does not include any significant heritage resources worthy of preservation or integration into the proposed development. Existing trees are the only natural feature on the Property. The site layout has been designed to include a significant tree preservation area in the northern portion of the Property and adjacent to the existing residential development.

### Transit Access

- Provide pedestrians, including those with disabilities, with safe and convenient access between bus stops and building entrances, using the shortest route possible.
- **Applicant's Response:** Given the nature of the proposed use, the Applicant has carefully designed the buildings to allow for pedestrian movement, especially those with disabilities. All sidewalks meet ADA accessibility requirements. The buildings have been relocated to be closer together to minimize the walking distance between them. Covered porte-cocheres have been provided at all building entrances which allow residents and guests to be protected from the weather. Residents of the independent living units will utilize the underground parking garage when accessing the Property by private vehicle.
- Provide bus shelters that protect patrons from the weather, and that are safe, easy to maintain, and relatively vandal-proof.
- **Applicant's Response:** The Applicant has proffered to work with the Fairfax County Department of Transportation and Fairfax Connector to designate a suitable location along the Property's frontage for a bus stop/shelter. The Applicant will provide a bus shelter if a bus stop is located along the Property's frontage.
- Plan transportation facilities, such as bus pullouts, in the initial design of the road network. Design roads to accommodate heavy-weight and large-vehicle requirements.
- **Applicant's Response:** A separate bus pullout area will not be needed if a bus stop is located along the proposed right-turn lane into the Property.

### Vehicular and Pedestrian Access

- Provide separate auto and pedestrian circulation systems for a safe environment that encourages walking rather than auto use for short trips.
- **Applicant's Response:** The Applicant has proffered to provide a shuttle van service to provide residents with transportation to and from nearby health care facilities and retail establishments. A sidewalk is located along the Property's Centreville Road frontage that connects to the existing pedestrian network in the area.
- Design safe pedestrian crossings at roads with good lighting and access elements such as ramps for persons with disabilities.

- **Applicant's Response:** The Applicant has designed an internal sidewalk network that is suitable for residents and persons with disabilities. All sidewalks will meet ADA accessibility requirements. A signalized pedestrian connection, with a crosswalk across Centreville Road, is located within a short distance at the intersection of McLearen Road and Centreville Road. A sidewalk is located along the Property's Centreville Road frontage to access the crosswalk.
- Provide pedestrian links to adjacent development and to the regional and countywide trail systems, connecting local sites with the larger community and enhancing the continuity of the larger systems.
- **Applicant's Response:** The sidewalk along Centreville Road connects to the Applicant's internal sidewalk network. A future pedestrian connection to Rachel Carson Middle School has been proffered.
- Use a hierarchical system of internal drives and roadways; do not access parking directly onto major arterial roads.
- **Applicant's Response:** The internal driveway and proposed turn lanes have been designed to ensure that vehicles will not queue on to Centreville Road. In addition, given the nature of the proposed use, the traffic to and from the Property will be minimized during commuter peak travel hours. The surface parking and underground parking garage will be accessed away from the Property's established access point to Centreville Road. Parking is not accessed directly to Centreville Road.
- Encourage bicycle use with bicycle routes and secure convenient bicycle storage for use by commuters, recreational users, and people cycling to the local shopping center.
- **Applicant's Response:** Given the nature of the proposed use and the average age of the resident population, the Applicant has not designed the Property to include bicycle storage.

#### Parking and Loading Areas

- Encourage parking in either structures, decks or well-screened, off-street parking areas on the sides or at the back of buildings. If it is not possible to accommodate parking behind or beside buildings, minimize parking in front of buildings.
- **Applicant's Response:** Parking for the residents that have vehicles will be provided in an underground parking garage. A minimal amount of surface parking has been provided in front of the building for guests and this parking will be screened by landscaping and a landscaped berm.

- Locate priority parking spaces for carpools and vanpools close to the employee entrance of the building or parking structure, to encourage ride-sharing.
- **Applicant's Response:** Parking for persons with disabilities has been provided in proximity to the building entrances as shown on the development plan. The entrances to both buildings have been designed to accommodate shuttle bus as well as vanpool pick and drop-offs.
- Integrate the design of parking structures with that for the buildings served. Landscape both on the parking structure and adjacent to it, to make the structure more attractive.
- **Applicant's Response:** The structure parking is located below grade and thereby integrated into the building. Surface parking for guests and employees will be screened with landscaping and a landscaped berm up to 3.5 feet.
- Segregate service, maintenance and loading zones from employee and visitor vehicle parking areas.
- **Applicant's Response:** Loading areas have been provided at the rear of the Property separate from any parking or pedestrian entrances.
- Screen parking lots to control the view from the street right-of-way, adjacent development, and buildings being served by the lot. Use plant materials, walls, fences or earth berms. Break up large parking lots into smaller lots by using planting areas as dividers.
- **Applicant's Response:** The Applicant does not propose large parking lot areas. Proposed surface parking will be screened by a landscaped berm ranging in height from 1.5 feet to 3.5 feet along the Property's Centreville Road frontage. The height of the berm is limited by the existing grade and by existing overhead utility lines along Centreville Road. Landscaped parking nubs and islands are provided throughout the surface parking areas to break up the surface parking. Retaining walls are located along the southern and western property lines that provide additional screening without being intrusive to adjacent development.
- Locate or screen the lights within parking lots to minimize glare on adjacent buildings or residential areas.
- **Applicant's Response:** Parking lot lighting will be approximately 10 feet to 14 feet in height and will be directed downward and shielded to minimize glare. All lighting will be provided in accordance with Ordinance requirements. A buffer with an average width of approximately 90 feet and consisting of existing and supplemental vegetation is provided adjacent to the existing townhouse

community. This buffer will further screen and minimize site lighting from the proposed development.

#### Open Space/Environmental and Heritage Resources Protection

- Provide for a continuous open space system linking activity nodes internally and externally. Use natural environmental areas as transitions between developments, as visual amenities, passive recreation corridors, and as wildlife corridors.
- **Applicant's Response:** There are no natural environmental areas such as floodplains, Resource Protection Areas or Environmental Quality Corridors located on the Property. The Applicant has provided a continuous walking path linking activity nodes on the Property.
- Increase the benefit from stormwater detention facilities by designing them as open space amenities, i.e., small parks with landscaping and seating and/or picnic areas.
- **Applicant's Response:** The Applicant has designed the stormwater facilities to be located underground.
- Use grass swales for surface drainage whenever possible rather than channelization.
- **Applicant's Response:** The Applicant has designed the site for runoff to be collected in a closed storm sewer system and discharge into an on-site underground storage facility.

#### Buffers and Screening

- Use natural landscape to create edges and provide buffering to help define development.
- **Applicant's Response:** The Applicant has preserved existing vegetation on the northern portion of the Property to provide screening to the only residentially zoned and developed property adjacent to the Property.
- Utilize architectural and landscape elements (such as walls, berms, trees, varying scales and building masses, etc.) as visual buffers between commercial and non-commercial uses, as well as to mitigate impacts of highway noise.
- **Applicant's Response:** The Property is primarily adjacent to commercial and institutional uses. As noted above, the Applicant has designed a landscaped berm of varying height to provide a visual buffer and minimize traffic noise from Centreville Road. Retaining walls on the southern and western boundary will

provide an additional visual and noise buffer from the commercial uses to the south.

- Screen from public view rooftop mechanical equipment, materials storage, utility substations and the like.
- **Applicant's Response:** The buildings have been designed for mechanical equipment to be located within the buildings or parking structure. Loading and trash facilities will be located at the rear of the building and will be screened from public view.
- Mitigate the impact of blank walls on the side and back of retail buildings with landscaping, screening and buffering. Avoid long expanses of blank walls along major roads, when feasible.
- **Applicant's Response:** The Applicant does not propose any retail buildings. The buildings are designed with four-sided architecture. The architecture incorporates windows, gabled roofs and other features to avoid the appearance of a blank wall.

#### Utility/Service Areas

- Place utilities underground to the extent possible. Keep utility corridors separate from landscaping corridors to avoid disturbing vegetation during utility maintenance.
- **Applicant's Response:** The Property will be served by existing utilities along Centreville Road. To the extent possible, the Applicant will place utilities that are internal to the site underground.
- Provide for safe and well-screened on-site storage of refuse generated by commercial and industrial uses, including walled enclosures for dumpsters. Design recycling facilities to be accessible but well-screened.
- **Applicant's Response:** Loading and on-site trash facilities have been located at the rear of the building and will be screened from the buildings and adjacent uses with fences and landscaping.

### **ARCHITECTURAL DESIGN**

#### Scale/Mass/Form/Facades

- When development is near existing residential areas, provide general consistency of scale and mass between residential and non-residential development.

- **Applicant's Response:** The Property is primarily surrounded by commercial and institutional uses. The Applicant has located the lower two-story skilled nursing building on the northern portion of the Property. The lower building results in a mass and scale that is more compatible with the existing townhouse community to the north. The townhouse community consists of three-story dwellings. The buildings have been designed with high quality architectural features that have a residential character. These features are described more fully below.
- Establish an architectural theme for multi-building complexes, utilizing similar materials and relating building elements such as entries, windows, and roof lines.
- **Applicant's Response:** Both buildings have been designed with similar architectural features and high quality façade materials including brick and fiber cement siding. The independent living/assisted living building provides articulation across the building's frontage and is supplemented with balconies and tapered columns that are residential in character. Architectural features included in both buildings are cupolas, dormers, reverse gables and integrated porte-cocheres. The brick façade is detailed with keystones and other accent brick course features.
- Incorporate plazas at major building entrances or in the center of a group of buildings. Such plazas could feature special paving, seating, planting, water features such as fountains, and public art.
- **Applicant's Response:** The Applicant has provided an entry feature at the front of the independent living/assisted living building and a focal point with seating and potentially public art between the two (2) buildings.

## STREETSCAPE

### Landscaping

- Provide a well-landscaped, high-quality image both toward the street and on any facade that can be seen from adjacent buildings or side streets.
- **Applicant's Response:** As noted above, the Applicant has included a landscaped berm along the Centreville Road frontage. Elevations have been submitted to illustrate the high-quality appearance of the buildings from Centreville Road. Four (4) sided architecture will ensure that a consistent image is visible from all property lines.
- Provide color, texture and seasonal visual interest at major architectural and site focal points by using flowers and ornamental, deciduous and evergreen shrubs, trees, etc.

- **Applicant's Response:** The Applicant has included foundation plantings around the buildings to soften their appearance. In addition, landscaping will be used to accent the buildings' entrances and the focal point centrally located on the Property. A full landscaping planting schedule has been provided with the development plan.
- Preserve existing high quality vegetation and integrate it with development to the greatest possible extent. Restore disturbed natural areas to be a visually appealing landscape.
- **Applicant's Response:** The Property has been designed to preserve existing vegetation on the northern portion of the site that is supplemented with proposed vegetation. In addition, as a result of a reduction in the distance between the two (2) buildings, there is additional area for increased perimeter landscaping.
- Select low-maintenance landscape materials for areas not likely to receive consistent maintenance.
- **Applicant's Response:** The Applicant has selected the landscaping as shown on the development plan to include low-maintenance landscape materials where appropriate.

#### Signage/Street Furniture

- Create a signage style for a given development complex and carry it out consistently at major roads entering the complex and at building site entries. Comprehensive sign systems that establish a distinctive theme and identity and eliminate visual clutter are desirable. Building-mounted signs and ground-mounted shopping center signs incorporated within a planting strip are encouraged. Freestanding and pole-mounted signs are discouraged.
- **Applicant's Response:** The Applicant does propose a multiple building complex that requires a comprehensive sign plan. The Applicant's signage will be consistent with Article 12 of the Zoning Ordinance. Materials for the signs will be compatible with building materials.
- Provide street furniture including utilitarian items such as benches, trash receptacles, and planters. Street furniture should be durable, require low maintenance, and be easily repaired or replaced.
- **Applicant's Response:** As shown on the development plan, street furniture and other outdoor features will be durable and of a design that is compatible with the buildings.

- Use benches or other seating in courtyards, along pathways, near building entries, or in any other public area. Seating should be located so as not to impede pedestrian traffic.
- **Applicant's Response:** The Applicant has created courtyards for both buildings. The courtyards will include bench style seating and trees for shade. In addition, the Applicant has provided a large number for seating areas throughout the Property and along the internal sidewalk network. Given the average resident age for the independent living portion of the proposed development is 77, these residents are more likely to use passive recreational amenities such as walking paths in lieu of more active types of outdoor recreational amenities.
- Place trash receptacles conveniently and strategically along major walkways, near building entrances, and in seating areas. Locate receptacles so as not to impede pedestrian traffic.
- **Applicant's Response:** Trash receptacles will be conveniently located and not impede pedestrian traffic.

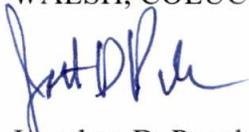
#### Lighting

- Develop a comprehensive lighting plan for a given development complex, in order to provide unity and a coordinated appearance, thus contributing to a positive sense of orientation and identity for motorists and pedestrians.
- **Applicant's Response:** All lighting will be in compliance with the Ordinance. Sample lighting elements have been included with the development plan. As the Applicant does not propose commercial development, lighting will be of a residential scale and not intrusive to motorists.
- Provide exterior lighting that enhances nighttime safety and circulation, as well as highlighting special features to act as landmarks for motorists.
- **Applicant's Response:** See Applicant's Response above.
- Design lighting in a manner that minimizes glare onto adjacent sites.
- **Applicant's Response:** The lighting will be in accordance with Ordinance requirements and will be directed downward to illuminate parking lots and areas around the buildings only.

Should you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

A handwritten signature in blue ink, appearing to read 'Jonathan D. Puvak', written over the printed name below.

Jonathan D. Puvak

cc: Rob Tessar  
Will Holmes  
Allan Baken  
Hank Fox  
Lynne J. Strobel

## LAND UNIT D-2

### CHARACTER

Land Unit D-2 consists of 275 acres and is bounded on the north by Land Unit D-1, on the west by Route 28, on the east by the Horse Pen Run Stream Valley and Land Unit C, and on the south by McLearn Road (Figure 17). It contains a large concentration of warehouse and industrial hybrid uses, a large hotel and office complex.

### RECOMMENDATIONS

#### Land Use

1. With the exception of Parcel 24-2((1))21A, the area that is east of Park Center Road and the area that is west of Rachel Carson Middle School is planned for light industrial and industrial/flex uses up to a maximum FAR of .35 to be compatible with existing development. Ancillary retail establishments to the primary industrial and industrial/flex uses may also be appropriate. East of Rachel Carson Middle School is planned for low intensity office use with a maximum .50 FAR, except for Parcels 24-4((1))5A and 5B, which are planned for retail use. Pedestrian connectivity from the school to the residential neighborhoods along Centreville Road shall be addressed when developing this area. This will include safe and convenient walking paths from Centreville Road to the school property to foster a more healthy and active environment for the student population. Careful attention should be made when addressing any future development and related impacts around Rachel Carson Middle School.
2. Parcel 24-2((1))22D is planned for hotel use up to .75 FAR and contains an existing hotel. Parcel 24-2((1))22E contains an existing office building and is planned for office use. Parcel 24-2((1))11C is planned for office use up to .50 FAR as a transition between the office use to the south and the planned office uses to the north. High quality design is essential for this highly visible location on Route 28.
3. As an option, a mixed-use development to include hotel, conference center, trade or cultural facilities, may be appropriate for the undeveloped land west of Park Center Road. Major business, service, trade and cultural facilities oriented toward international corporate firms should be encouraged. This mixed-use option may be appropriate if the following conditions are met:
  - Uses should be oriented to Route 28 in such a way as to provide an attractive appearance along the corridor in this area;
  - Intensity, scale and height should be compatible with the existing hotel located within this land unit;
  - Retail uses may be incorporated into the development but only as an integral element. No strip commercial uses are recommended, because these would be incompatible with high-quality hotel or conference center uses;
  - Provisions for transit, including rights-of-way, should be incorporated into the design of the development; and

treatments. Where appropriate, environmental quality corridors can be incorporated as natural buffer areas.

#### Access and Circulation

As a part of the process to consider optional uses, the applicant should demonstrate that adequate vehicular access and circulation can be accomplished. Likewise, it should be demonstrated that the optional use or uses help provide a circulation pattern that can efficiently serve the area and will not result in adverse impacts to the surrounding area. If residential development is an optional use under consideration, the analysis of access and circulation should examine how the residential community will provide access to mass transit, public transportation, schools, parks and recreation facilities, and other community services.

Pedestrian circulation is an important issue that should be addressed through the development process. While the degree of pedestrian circulation provided on-site may vary, all optional uses should demonstrate that they will contribute to the implementation of a comprehensive network of trails and sidewalks for pedestrian circulation related to the Dulles Suburban Center.

#### Mitigation of Noise and Other Nuisances

Noise and light produced by an optional use must be examined to determine that it does not negatively impact adjacent residential or non-residential uses. Measures such as landscape buffers, berms, walls and fences, pedestrian - scaled light poles, and the directing of light away from existing development should be used to mitigate any identified impacts.

#### Design and Landscaping Elements

Frequently in the land unit recommendations the term "high quality" is used to describe the character of development desired for the Dulles Suburban Center. For the purpose of evaluating development proposals, the quality of development for both baseline and optional uses will be defined in terms of the proposal's ability to achieve the "Design Guidelines for the Dulles Suburban Center," following the recommendations for Land Unit K.

### PERFORMANCE CRITERIA FOR OPTIONAL USES



Within each of the land units of the Dulles Suburban Center, recommended land uses and intensities/densities are specified with a baseline Plan recommendation for development. In some cases, other uses that may be appropriate under certain conditions are also specified. These are called optional uses. Under the options, the overall intensity may generally vary as long as the identified performance criteria for traffic impacts, compatibility and site-specific conditions are met. In those instances where retail use is an option, a maximum intensity is specified to provide guidance as to the scale of retail development that is appropriate. Although not specifically referenced in each land unit, institutional uses and uses allowed by special permit and special exception may be considered as optional uses throughout the Dulles Suburban Center.

To develop property with an optional use, an applicant shall submit to the County a development proposal for a rezoning, special exception or special permit, as appropriate, with sufficient detail and information that fulfills the following items:

- Provides an analysis that demonstrates, to the satisfaction of the Fairfax County Office of Transportation, that the uses and intensities/densities proposed will result in lesser peak-hour traffic impacts than would be generated if the site were to develop at the maximum allowable intensity for the Plan baseline recommendation. In those land units where a range of intensities is specified (example: .50-1.0 FAR) the low end of the range should be used for calculating peak-hour trip equivalencies;
- Provides evidence that all compatibility elements are satisfied;
- Provides information that demonstrates that the proposed uses will contribute to the economic vitality of the area; and
- Provides excellence of design, as demonstrated by the development proposal's ability to respond to the Design Guidelines for the Dulles Suburban Center.

Development Elements: Transportation

In order for an optional use to be considered for approval, the applicant must meet the following applicable criteria for trip generation:

- For all options, the proposed use and intensity will have lesser peak-hour traffic impacts than would occur if the site were to be developed at the maximum intensity allowed in the baseline Plan recommendation. This should be demonstrated to the satisfaction of the Fairfax County Office of Transportation and the Office of Comprehensive Planning.
- In assessing the peak-hour traffic impacts, conversion ratios for some common optional uses will be assessed according to the factors specified in the current edition of the Institution of Transportation Engineers (ITE) Manual. For example, the following conversion ratios, from the 4th edition of the ITE Manual, would be used in assessing the impacts of an optional use against a baseline recommendation of general office use. One million gross square feet of general office use will generate a level of afternoon outbound traffic that is similar to:
  - 1.4 million gross square feet of industrial flex space (a ratio of 1:1.4);
  - 3.0 million gross square feet of hotel space, (or 3700 rooms) (a ratio of 1:3.0);
  - 11.1 million gross square feet of townhouse space (or 6150 units) (a ratio of 1:11.1); or
  - 6.4 million gross square feet of multifamily space (or 6400 units) (a ratio of 1:6.4).

Compatibility Elements

**Residential**

Where residential development is to be considered as an option, the proposed development must:

- Be compatible with adjacent existing and planned development in terms of building heights, scale and density.
- Assure that development of adjacent lands can occur in a fashion which is compatible through joint application and/or demonstration that the zoning for adjacent lands would be compatible with the proposed use.
- Minimize human exposure to unhealthful levels of noise in accordance with the guidance provided by the Policy Plan under Environment Objective 4.
- Predominately residential projects as opposed to mixed-use projects should be approximately 10 acres in size to create a high quality living environment including recreational and other on-site amenities, at a minimum.
- Provide for affordable housing as outlined in the Plan text for the Dulles Suburban Center.
- Provide needed right-of-way for an integrated rail transit system for the Dulles Suburban Center, once a general alignment has been determined.
- If sites are identified, provide or participate in the provision of land, as may be practical, to achieve future school facility needs.

#### **Non-Residential**

Where non-residential development is to be considered as an option, the proposed development must:

- Demonstrate that mitigation measures for noise, glare, lights and other nuisance aspects related to non-residential development are adequate to ensure the proposed use will not adversely impact adjacent development. Mitigation measures may include the provision of berms and landscaping, limitation on hours of operation, limitation on the heights of light poles and other measures.
- Provide coordinated access.
- Provide for consolidation of appropriate parcels.
- Provide needed right-of-way for an integrated rail transit system for the Dulles Suburban Center, once a general alignment has been determined.

#### Design Elements

Where residential and non-residential development is to be considered as an option, the proposed development must demonstrate high quality design. Design will be evaluated in terms of the ability of a development proposal to meet the Design Guidelines for the Dulles Suburban Center.

## **I. DESIGN GUIDELINES FOR DULLES SUBURBAN CENTER**

Objective: The design guidelines are intended to facilitate the integration of new development with existing and future development, to ensure that the various land uses function well together from the point of view of the user, thus contributing to the overall positive image of the Suburban Center as a high quality area to live, work, shop or visit.

### **SITE PLANNING**

#### General

- Provide buffers and screening where necessary to protect adjacent neighborhoods or other less intense uses, recognizing that preservation of natural beauty in transitional areas enhances the visual quality of the development.
- Where feasible, minimize areas of impervious surface through shared parking, decked or structured parking; or increased building height; or other measures as appropriate.
- Plan development to ensure substantial usable open space.
- Minimize the disturbance of environmental resources and topography, by integrating existing vegetation, trees and topography into site design.
- Preserve or recover and record significant heritage resources, integrating them into site design where feasible.
- Separate auto and truck traffic on site for light industrial development, providing separate truck parking, loading and vehicle maintenance areas. For plants with large truck traffic volumes, provide vehicle entrances and exits separate from those for visitors.
- Design retail shopping development in physically unified complexes, not as scattered free-standing structures.
- Design safe separate pedestrian and vehicular circulation patterns for retail development, to encourage shoppers to walk from store to store.
- Limit access to arterial roads from retail development, relying on service roads or access to secondary roads that have access to arterials.

#### Transit Access

- Provide pedestrians, including those with disabilities, with safe and convenient access between bus stops and building entrances, using the shortest route possible.
- Provide bus shelters that protect patrons from the weather, and that are safe, easy to maintain, and relatively vandal-proof.
- Plan transportation facilities, such as bus pullouts, in the initial design of the road network. Design roads to accommodate heavy-weight and large-vehicle requirements.

- Increase the benefit from stormwater detention facilities by designing them as open space amenities, i.e., small parks with landscaping and seating and/or picnic areas.
- Use grass swales for surface drainage whenever possible rather than channelization.

#### Buffers and Screening

- Use natural landscape to create edges and provide buffering to help define development.
- Utilize architectural and landscape elements (such as walls, berms, trees, varying scales and building masses, etc.) as visual buffers between commercial and non-commercial uses, as well as to mitigate impacts of highway noise.
- Screen from public view rooftop mechanical equipment, materials storage, utility substations and the like.
- Mitigate the impact of blank walls on the side and back of retail buildings with landscaping, screening and buffering. Avoid long expanses of blank walls along major roads, when feasible.

#### Utility/Service Areas

- Place utilities underground to the extent possible. Keep utility corridors separate from landscaping corridors to avoid disturbing vegetation during utility maintenance.
- Provide for safe and well-screened on-site storage of refuse generated by commercial and industrial uses, including walled enclosures for dumpsters. Design recycling facilities to be accessible but well-screened.

### ARCHITECTURAL DESIGN

#### Scale/Mass/Form/Facades

- When development is near existing residential areas, provide general consistency of scale and mass between residential and non-residential development.
- Establish an architectural theme for multi-building complexes, utilizing similar materials and relating building elements such as entries, windows, and roof lines.
- Incorporate plazas at major building entrances or in the center of a group of buildings. Such plazas could feature special paving, seating, planting, water features such as fountains, and public art.

### STREETSCAPE

#### Landscaping

- Provide a well-landscaped, high-quality image both toward the street and on any facade that can be seen from adjacent buildings or side streets.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 27, 2012

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PJN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** **Land Use Analysis and Environmental Assessment:** RZ/FDP 2012-SU-010  
Northern Virginia Health Investors, LLC

The memorandum, prepared by Bernard S. Suchicital, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan as revised through November 13, 2012. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION

The site is an undeveloped parcel with trees in the Dulles Suburban Center. The 8.46 acre site is currently zoned I-5, and is proposed for a rezoning to PRM to allow a nursing facility and a separate independent and assisted living facility on two parcels. Parcel 1 on the southern half would have an H-shaped 163,254 square foot four-story building for 160 senior independent living and assisted living units, with a total of 159 parking spaces (98 garage spaces and 61 surface spaces on 4.24 acres). Parcel 2 on the northern half would have a U-shaped 83,720 square foot two-story building for a 96-unit nursing facility with 79 surface parking spaces on 4.22 acres. If approved, the rezoning would create a development at 0.67 floor area ratio (FAR). The facility will have a small interior courtyard and a walking trail to the west of the nursing facility. A ring road with surface parking is also proposed for this site. The proposed site for the single entrance location will be opposite of Centreville Road from an existing place of worship.

### LOCATION AND CHARACTER OF THE AREA

The subject property is located in Land Unit D-2 of the Dulles Suburban Center. The site is bounded by McLearen Road to the south, Centreville Road (Route 657) to the east, and single-family attached homes to the north planned and developed at 4-5 dwelling units per acre, and Rachel Carson Middle School to the west. Southeast of the site bordered by Centreville Road

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and McLearen Road is vacant land (parcel 5A) and land developed with a gasoline service station and car wash (parcel 5B). The topography of the site has a gentle slope downwards towards northeast corner, and is covered by a substantial tree canopy.

## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

Fairfax County Comprehensive Plan, 2011 Edition, Area III, Dulles Suburban Center, as amended through March 6, 2012, Dulles Suburban Center Land Unit Recommendations, page 75:

#### “Land Unit D-2 – Land Use

1. With the exception of Parcel 24-2((1))21A, the area that is east of Park Center Road and the area that is west of Rachel Carson Middle School is planned for light industrial and industrial/flex uses up to a maximum FAR of .35 to be compatible with existing development. Ancillary retail establishments to the primary industrial and industrial/flex uses may also be appropriate. East of Rachel Carson Middle School is planned for low intensity office use with a maximum .50 FAR, except for Parcels 24-4((1))5A and 5B, which are planned for retail use. Pedestrian connectivity from the school to the residential neighborhoods along Centreville Road shall be addressed when developing this area. This will include safe and convenient walking paths from Centreville Road to the school property to foster a more healthy and active environment for the student population. Careful attention should be made when addressing any future development and related impacts around Rachel Carson Middle School.”

Fairfax County Comprehensive Plan, 2011 Edition, Area III Volume, as amended through March 6, 2012, Dulles Suburban Center Overview, pages 20-21:

#### “Performance Criteria for Optional Uses

Within each of the land units of the Dulles Suburban Center, recommended land uses and intensities/densities are specified with a baseline Plan recommendation for development. In some cases, other uses that may be appropriate under certain conditions are also specified. These are called optional uses. Under the options, the overall intensity may generally vary as long as the identified performance criteria for traffic impacts, compatibility and site-specific conditions are met. In those instances where retail use is an option, a maximum intensity is specified to provide guidance as to the scale of retail development that is appropriate. Although not specifically referenced in each land unity, institutional uses and uses allowed by special permit and special exception may be considered as optional uses throughout the Dulles Suburban Center.

To develop property with an optional uses, an applicant shall submit to the County a development proposal for a rezoning, special exception or special permit, as appropriate, with sufficient detail and information that fulfills the following items:

- Provides an analysis that demonstrates, to the satisfaction of the Fairfax County Office of Transportation, that the uses and intensities/densities proposed will result in lesser peak-hour traffic impacts than would be generated if the site were to develop at the maximum allowable intensity for the Plan baseline recommendation. In those land units where a range of intensities is specified (example: .50-1.0 FAR) the low end of the range should be used for calculating peak-hour trip equivalencies;
- Provides evidence that all compatibility elements are satisfied;
- Provides information that demonstrates that the proposed uses will contribute to the economic vitality of the area; and
- Provides excellence of design, as demonstrated by the development proposal's ability to respond to the Design Guidelines for the Dulles Suburban Center.”

Fairfax County Comprehensive Plan, 2011 Edition, Area III, Dulles Suburban Center, as amended through March 6, 2012, Dulles Suburban Center, Compatibility Elements, pages 19-20:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area3/dulles.pdf>

Fairfax County Comprehensive Plan, 2011 Edition, Area III, Dulles Suburban Center, as amended through March 6, 2012, Dulles Suburban Center Area-Wide Recommendations, Urban Design Objective, pages 24-25:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area3/dulles.pdf>

Fairfax County Comprehensive Plan, 2011 Edition, Area III, Dulles Suburban Center, as amended through March 6, 2012, Dulles Suburban Center, Design Guidelines for Suburban Center, pages 131-134:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area3/dulles.pdf>

## **Environment**

Fairfax County Comprehensive Plan, Policy Plan, 2011 Edition, Environment section as amended through July 27, 2010, pages 7-9:

**“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

- Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .
- Policy j. Regulate land use activities to protect surface and groundwater resources.
- Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:
- Minimize the amount of impervious surface created. . . .
  - Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
  - Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
  - Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements.

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18:

**“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.”**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 19:

**“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.”**

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.

- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED<sup>®</sup>) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR<sup>®</sup> rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.

Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system. ”

**COMPREHENSIVE PLAN MAP: Office use**

**LAND USE ANALYSIS**

This section characterizes the land use concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

The subject parcel is 8.46 acres in size, currently vacant with an abundant amount of tree cover. The applicant has proposed rezoning the parcel from I-5 to PRM. This would allow 4.24 acres (Parcel 1) to develop 163,254 square foot four-story building for 160 senior independent living and assisted living units at .88 FAR. Parcel 2 (4.22 acres) would develop with 96-unit, 83,720 square foot nursing care facility at .46 FAR. Both parcels will be accessible by an access point that is opposite of an existing place of worship along Centreville Road.

The Comprehensive Plan recommends that the subject property, Parcel 24-2((1))11B, in Land Unit D-2 of the Dulles Suburban Center be developed with low intensity office use with a maximum .50 FAR. Under the Performance Criteria for Optional Uses for the Dulles Suburban Center, institutional uses may be considered as optional uses. Staff considers the proposed nursing facility and senior independent living/assisted living facility to be institutional uses. Thus, the proposed uses may be considered optional uses, if in accordance with Comprehensive Plan guidance, the application demonstrates:

- The uses and intensities/densities proposed will result in lesser peak-hour traffic impacts than would be generated if the site were to develop at the maximum allowable intensity for the Plan baseline recommendation;
- All compatibility elements are satisfied;
- Proposed uses will contribute to the economic vitality of the area; and
- Excellence of design through the development proposal's ability to respond to the Design Guidelines for the Dulles Suburban Center.

The Plan indicates that the overall intensity may generally vary as long as the identified performance criteria for traffic impacts, compatibility and site-specific conditions are met. Staff notes that the subject property would result in a total of 184,354 square feet of development if built out under the Plan recommendation for office use at .50 FAR. In comparison, the site under this application is proposed to be developed as an optional Plan use with a nursing facility, senior independent living/assisted living facility which would yield 246,974 gross square feet at .67 FAR.

### **Traffic Impacts**

Within the statement of justification for the application, the applicant submits that given the nature of the proposed nursing facility, senior independent/assisted living facility, impacts on traffic are not anticipated during peak hours. Further, in accordance with guidance for optional Plan uses, the applicant submits that the overall traffic generated by the proposed use and intensity will be much less than what could occur with the Comprehensive Plan's baseline recommendation for office use at .50 FAR.

### **Economic Vitality**

The proposed new nursing facility and senior independent living/assisted living facility at this location would create new jobs and contribute to the economic vitality of the Dulles Suburban Center consistent with guidance for optional Plan uses.

### **Compatibility Elements and Design Excellence**

The proposal is subject to evaluation for conformance with Comprehensive Plan guidance on compatibility elements and urban design objective and guidelines for the Dulles Suburban Center. To facilitate this evaluation, key excerpts from the Comprehensive Plan from the Dulles Suburban Center section on compatibility elements and urban design objectives and guidelines are highlighted below in italics.

### **Compatibility and Site Design**

*“Proposed uses in the Dulles Suburban Center should be compatible with adjacent existing and planned uses in terms of height and scale. If non residential development occurs adjacent to residential uses, substantial landscaped buffers, screening, other landscape features, and/or other buffer treatments must be provided to mitigate adverse visual and noise impacts. Where residential development or mixed use development with a residential component is recommended as an optional use, projects should have sufficient acreage and number of units to create a high quality living environment through the provision of well designed projects with recreational and other amenities for residents.”*

The subject property is surrounded by a variety of existing land uses. Adjacent properties to the north are developed with single family attached dwellings at 4-5 units per acre. Rachel Carson Middle School resides to the west of the subject property. Vacant land and a service station are located immediately south of the subject property. To the west of the subject property and across from Centreville Road are a place of worship and a self-storage facility. The proposed two-story (maximum 35 feet height) and four-story (maximum 67 feet height) buildings on the subject property are generally compatible with building heights in the surrounding area. In particular, the proposed two-story building will be located adjacent to existing residential townhomes to the north of the property. In addition, a 35-foot wide transitional screening with a 6 foot tall fence is proposed between the existing townhouses and the proposed nursing facility. The transitional

area is further separated from parking for the nursing facility by a tree save area. However, the remaining perimeter around the subject property, while not located adjacent to residential uses, provides limited buffering and screening in some segments. The provision of more landscaping and buffering in these areas would help to soften the visual impact of development and parking on the subject property.

While in staff's opinion the height and scale of the proposed buildings are generally not incompatible with surrounding land development, the scale and building layout, as currently proposed, does not demonstrate a high quality living environment for the proposed nursing facility and senior independent living/assisted living facility. The subject property is currently undeveloped with abundant tree cover but with development, as currently proposed, will be largely cleared. Development opportunities on the 8.46 acre subject property are challenging in part by the shape of the parcel which is long and narrow, thereby limiting flexibility for building siting, access and circulation. Development as currently proposed will result in a predominantly impervious site characterized by two buildings (totally 246,974 gross square feet of development) with large footprints mostly rung with surface parking (140 surface spaces) and driveways. On site recreational and amenities appear to be limited and passive (primarily seating areas) for residents of 160 senior independent living/assisted living units and 96-unit nursing facility as well as for staff and visitors. An interior courtyard and a linear outdoor fitness and sitting area are proposed on the eastern side of the nursing facility on Parcel 2. A courtyard and a memory garden are proposed for the independent living/assisted living facility. These small outdoor areas are constrained and located near the hardscape of parking and buildings. A 5-hole putting green in the courtyard for the independent living facility is depicted on page 6 of the development plans. However, this page is labeled, "This sheet is for Landscape Purposes Only – Subject to Final Design," so it is not clear whether there is a commitment to provide a putting green.

### **Open Space and Landscaping**

*"Plan development to ensure substantial usable open space."*

The applicant is providing 3 acres, or 35%, of open space which is greater than the zoning requirement of 20%. The submitted plan identifies a tree preservation area of .48 acre on the northern edge of the property that doubles as a transitional screening buffer to the adjacent single family community. The proposal also indicates an interior courtyard and a linear outdoor fitness and sitting area on the eastern side of the building on Parcel 2. Parcel 1 will have courtyard and a memory garden. The frontage along Centreville Road is buffered by a landscaped berm that varies from three feet to nine feet in width. A retaining wall is also proposed along the southern and western boundary of the property that can reach up to eight feet in height.

However, as submitted, there is no substantial usable open space on site. The current layout of the proposed site creates a narrow band of open space along the boundary of the property. This provides a less-than-substantial area for recreation and landscaping. The landscape berm along Centreville Road create a large and poorly landscaped area that does not meet the high standards

for quality design, nor does it provide much more of an amenity to the future residents of the development.

Staff recommends that the applicant reduce the road frontage berm to a unified width of four feet. With increased landscaping of various plant materials, this should adequately buffer the parking area and provide for additional opportunities to enlarge open space areas in the interior of the property. In addition, the retaining wall should be limited as much as possible. Additional graphics and perspectives should be provided to staff.

### **Parking**

*“Where feasible, minimize areas of impervious surface through shared parking, decked or structured parking; or increased building height; or other measures as appropriate.”*

*“Encourage parking in either structures, decks or well screened, off street parking areas on the sides or at the back of buildings. If it is not possible to accommodate parking behind or beside buildings, minimize parking in front of buildings.”*

*“Screen parking lots to control the view from the street right of way, adjacent development, and buildings being served by the lot. Use plant materials, walls, fences or earth berms. Break up large parking lots into smaller lots by using planting areas as dividers.”*

The proposal includes 140 surface parking spaces and 98 spaces within a garage under the independent living/assisted living facility. Most of the surface parking will have visual impacts and these impacts could be furthered softened with more buffering and screening. Alternatively, the applicant is encouraged to consider reducing the number of surface parking by providing more spaces within the garage. The applicant is providing parking spaces in excess of the minimum required by the Zoning Ordinance. Staff suggests that the number of excess parking spaces be reduced if they are not expected to be needed.

### **Pedestrian and Vehicular Circulation**

*“Design development to allow for pedestrian access between buildings, thus reducing reliance on the auto; provide open space for active and passive recreation, and visual relief; allow opportunities for shared parking; and generally make more efficient use of land, a valuable resource.”*

*“Create vehicular and pedestrian/non-motorized vehicle circulation systems that minimize conflicts between these different modes of travel, and that are clearly identified for easy use.”*

*“Design safe pedestrian crossings at roads with good lighting and access elements such as ramps for persons with disabilities.”*

The applicant proposes a looping access system with parking around and in between the two buildings. The Comprehensive Plan recommends that a vehicular and pedestrian circulation system that minimizes conflicts between these different modes of travel. The applicant should consolidate the two buildings into one single structure, or eliminate the vehicular path that separates the two facilities. This would allow for a secured pedestrian access between buildings, reduced exposure to the elements, provide open space for active and passive recreation, and generally make more efficient use of the land.

### **Architectural Design**

*“Establish an architectural theme for multi building complexes, utilizing similar materials and relating building elements such as entries, windows, and roof lines.”*

The applicant has provided revised elevations that show greater attention to architectural design features and elements. Staff is pleased that architectural elevations for the independent living/assisted living facility and the nursing facility on page 9 of the development plans show unifying building elements such as dormers, windows with shutters, cupola, cornices, arches and columns. The depiction notes that architectural treatment will be provided on all sides of both buildings. However, this page is labeled, “This sheet is for illustrative purposes only.” The applicant should commit to high quality building materials and architectural design. If the development remains in two buildings, the applicant should commit to providing similar materials and building elements. In support of high quality design expected in the Dulles Suburban Center, staff recommends that the applicant provide a stronger commitment to green building techniques and design – see Green Building section under the Environmental Assessment for more details.

### **Affordable and Work Force Housing**

*“Projects must provide affordable dwelling units.”*

The applicant is proposing to provide six percent affordable housing units of the independent living units. The applicant is encouraged to provide workforce housing.

### **Parcel Consolidation**

*“Proposals for both baseline and optional uses should provide sufficient parcel consolidation to ensure that a development can meet all standards for setbacks, buffering and screening, open space, parking and recreational amenities; function in a well designed, efficient manner; and not preclude the development of unconsolidated parcels in conformance with the Comprehensive Plan.”*

The site design of the proposed development (i.e., buffering and screening, open space/amenities, parking, pedestrian and vehicular circulation) could be improved by adding more land to the

proposal. The applicant is encouraged to consolidate the subject property with Parcels 5A and 5B to the southeast to provide greater flexibility in design and site planning.

### **Conclusion**

The proposed senior independent living/assisted living and nursing facility are viewed by staff as institutional uses and as such may be considered as an optional use to the planned office development under specified Plan conditions. In staff's opinion the development, as currently proposed, does not meet the Plan condition that calls for design excellence through the development proposal's ability to respond to the Design Guidelines for the Dulles Suburban Center. Staff believes that the two facilities, as currently designed, results in excessive impervious surface (including surface parking) and inadequate useable open space and amenities, tree preservation, and buffering and screening. To facilitate a better design, the applicant should consider adding land area through parcel consolidation or reducing the footprint of the two buildings separately or by combining the uses in one structure. Staff finds the development, as currently proposed, not to be in conformance with land use and design guidance of the Comprehensive Plan for the Dulles Suburban Center. The current design would not result in a high quality living environment.

### **ENVIRONMENTAL ASSESSMENT**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

#### **Stormwater Management**

The subject property is located in the Horsepen Creek watershed, which is a tributary of the Potomac River. The area is characterized by relatively level terrain, sluggish streams in broad, shallow floodplains and siltstone and sandstone bedrock located at or near the surface. Most of the environmentally sensitive land within the Dulles Suburban Center is included within the Environmental Quality Corridors (EQC), which includes the Horsepen Run Stream Valley EQC that lies to the north of this parcel. The application indicates that stormwater management (SWM) and Best Management Practices (BMP) facilities will be provided onsite via an underground storage detention tank, a storm filter and some pervious pavers. To increase the benefit from stormwater detention facilities, staff recommends designing them as open space amenities, such as small parks with landscaping and seating and/or picnic areas.

#### **Tree Preservation**

This undeveloped vacant site is characterized by upland forest including oak, red cedar, American elm, and red maple trees of varying ages. Staff recommends that the applicant work with the Urban Forestry Management staff in pursuing opportunities to maximize tree save and new tree planting areas.

### **Green Building**

The Policy Plan incorporates guidance in support of the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. The Policy Plan further recommends the attainment of Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council (USGBC) or an equivalent green building program with third party certification for developments under certain circumstances. This applicant is expected to commit to LEED certification or the equivalent because the subject property is located in a (Dulles) suburban center and involves a change in use from what would be allowed under existing zoning. The applicant has offered a commitment to several residential ratings systems for which the proposed uses are most likely not eligible. The applicant is also providing an option to pursue LEED for New Construction (LEED-NC) certification. However, under the LEED-NC option, the applicant does not provide details on documentation for LEED-NC certification nor is an enforcement mechanism identified to ensure proffer compliance. There is also a concern that LEED-NC may be an inappropriate rating system. Given that this is a healthcare use, staff recommends consideration of LEED for Healthcare which explicitly mentions assisted living and medical facilities as appropriate uses. Without an enforceable commitment to a rating system under which the proposed project is eligible, such as one specific to a healthcare use, this issue remains outstanding.

PGN: BSS



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 26, 2012

**TO:** Brent Krasner, Senior Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Nicholas J. Drunasky, Urban Forester II  
Forest Conservation Branch, UFMD

**SUBJECT:** Chantilly Nursing & Rehabilitation Center, RZ/FDP 2012-SU-010

**RE:** Request for assistance dated October 22, 2012

Site Description: The majority of the site is early successional forest consisting primarily of species such as red cedar, Virginia pine, and red maple.

This review is based upon the RZ/FDP 2012-SU-010 to allow rezoning to permit residential development consisting of independent living and medical care facilities that will be compatible with surrounding development. This application is stamped as "Received by the Department of Planning & Zoning October 19, 2012."

1. **Comment:** The detail of the Courtyard Layouts for trees proposed about the parking garage have been incorporated with this submission, but it is unclear if the proper soil volume and depth are being provided since a cross sectional detail has not been included.

**Recommendation:** The applicant should provide a cross sectional detail for the tree planters that will be provided on top of the parking garage that has a depth of at least three feet.

2. **Comment:** As previously mentioned, the Courtyard Layouts that have been incorporated with this submission do not contain a key for the plant symbols provided, making it unclear what types and sizes of plants will be provided with this layout.

**Recommendation:** The applicant should provide a legend similar to the one on sheet five for the other landscaping that provides a key which specifies plant categories and sizes that will be provided for the symbols shown in the Courtyard Layouts (sheet six).

If you have any questions, please do not hesitate to contact me at 703-324-1770.

NJD/

UFMDID #: 171102

cc: DPZ File

**Department of Public Works and Environmental Services  
Urban Forest Management Division**

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# County of Fairfax, Virginia

## MEMORANDUM

DATE: November 2, 2012

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, Department of Planning & Zoning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section, Department of Transportation

**FILE:** 3-5 (RZ/FDP 2012-SU-010)

**SUBJECT:** RZ 2012-SU-010, FDP 2012-SU010: Northern Virginia Health Investors LLC  
Tax Map: 24-4 ((1)) 11B

This department has reviewed the subject rezoning submittal including proffers dated September 21, 2012 and the Conceptual Development Plan/Final Development Plan (CDP/FDP) dated April 30, 2012, revised through October 19, 2012, and have the following comments:

- FCDOT staff has requested that the applicant work in collaboration with the Fairfax Connector staff to relocate one or both of the existing bus stops located on Centreville Road near Cedar Run Lane. The relocation effort should be done only if a safe and operationally viable location is approved by Fairfax Connector staff. This item is addressed in the proffer statement but not noted on the site plan.
- The applicant has provided an area for future vehicle access to the Rachel Carlson Middle School on the northwest corner of their site. This access is for emergency vehicle access only and should be labeled on the site plan accordingly.

AKR/EAI



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive  
Fairfax, VA 22030

GREGORY A. WHIRLEY  
COMMISSIONER

October 4, 2012

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Paul Kraucunas  
Land Development Program Manager

**Subject:** RZ/FDP 2012-SU-010; NORTHERN VIRGINIA HEALTH INVESTORS

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and has no objection to its approval.

Please note that Sight Distance for the proposed entrance is not indicated on this plan but will be required on any subsequent Site Plan. As Centreville Road is very wide, flat, and straight at this location, this should not pose a problem.

Please contact me if you have any questions at (703) 259-2787.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 20, 2012

**TO:** Brent Krasner; Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Thakur Dhakal, Senior Engineer III *FP Dhakal*  
Site Development and Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning Plat #RZ 2012-SU-010, Chantilly Nursing and Rehabilitation Center, Rezoning Plat dated 13<sup>th</sup> November 2012, LDS Project #9329-ZONA-001-1, Tax Map #024-4-01-0011B, Sully District

**REFERENCE:** Waiver #9329-WPFM-001-1 for the Location of Underground Facilities in a Residential Area

We have reviewed the referenced submission for consistency with Section 6-0303.8 of the Public Facilities Manual (PFM) which restricts use of underground Stormwater management facilities located in a residential development (Attachment B). The Board of Supervisors (Board) may grant a waiver after taking into consideration possible impacts on public safety, the environment, and the burden placed on prospective property owners for maintenance. Underground Stormwater management facilities located in residential developments allowed by the Board:

- shall be privately maintained,
- shall be disclosed as part of the chain of title to all future owners responsible for maintenance of the facilities,
- shall not be located in a County storm drainage easement, and
- shall have a private maintenance agreement, in a form acceptable to the Director of the Department of Public Works and Environmental Services (DPWES), executed before the construction plan is approved.

The owner of Chantilly Nursing and Rehabilitation Center has submitted an updated development plan for its Planned Residential Mixed Use to allow the redevelopment of the site. The owners have proposed 246,974 gross square feet in two buildings. The building will



Brent Krasner; Staff Coordinator

Waiver #9329-WPFM-001-1, Chantilly Nursing and Rehabilitation Center, Underground Detention

Page 2 of 3

contain a mix of independent living, assisted living, Alzheimer care and skilled nursing units with a total of 256 units.

The site is currently zoned I-5 and undeveloped. There are no Stormwater management facilities that exist on the property. The property owner feels the underground storage will be necessary to reduce the impact of the development on tree save area and to retain the use of available open space. The owner would like the ability to use on-site detention to meet the PFM's detention requirements and has proposed on detention vaults on the development plan.

#### ANALYSIS

An analysis of the possible impacts on public safety, the environment, and the burden placed on the owners for maintenance is as follows:

Impacts on Public Safety – The underground detention vault has been proposed to be located under the private drive. The access points to the facilities will be highly visible. Unofficial access to the facilities will be easily noticed.

If it is the intent of the Board to approve the waiver request, the property owner shall provide liability insurance in an amount acceptable to Fairfax County as a waiver condition. A typical liability insurance amount is \$1,000,000 against claims associated with underground facilities. The private maintenance agreement shall also hold Fairfax County harmless from any liability associated with the facilities. In addition, locking manholes and doors must be provided at each access point.

Impacts on the Environment – The site is currently undeveloped and wooded. It is proposed to be cleared during the development of the site. The vault proposed would flow into an existing storm drain system to the north in the Creek Side Subdivision and outfall into the floodplain on Horsepen Run. Adequate outfall at this location must be demonstrated before a site plan can be approved. There will be no additional disturbance and impervious area added due to the construction of the underground detention vault. Staff does not believe that there will be any adverse impact on the environment from the construction and maintenance of the underground facility.

#### Burden Placed on Property Owner for Maintenance and Future Replacement

Underground storage facilities are normally required to be off-line. With an off-line design, should a facility become clogged, the storm drain system could continue to operate. When in-line facilities become clogged, the storm drain system's operations would cease. The storm drain system would back up and could overflow. Flooding may be possible depending on the intensity and duration of the storm event. The proposed vault has been proposed as inline and shall be converted into an offline facility before the site plan is approved.

**Department of Public Works and Environmental Services**  
**Land Development Services, Site Development and Inspections Division**  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359



Brent Krasner; Staff Coordinator

Waiver #9329-WPFM-001-1, Chantilly Nursing and Rehabilitation Center, Underground Detention

Page 3 of 3

A minimum height of 72 inches for underground Stormwater structures is generally required to facilitate maintenance (PFM 6-1306.3H). Accessibility to the underground facilities is a concern in that sufficient head room is necessary for maintenance purposes. The current plat shows an 84-inch diameter pipe.

The proposed vault is located under the proposed access drive on parcel 2, and parking on parcel 2 will not be accessible at the time of replacement of the underground facility when it becomes necessary.

If it is the intent of the Board to approve the waiver request, the property owner must execute a maintenance agreement prior to site plan approval. Staff recommends the property owner be required to establish a financial plan for the operation, inspection, and maintenance of the underground facilities. The property owner should be required to establish a fund for the annual maintenance. Staff recommends that the property owner provide an initial deposit in an escrow account in an amount equal to the estimated costs for the first 20 years of maintenance of the facility. The engineer has provided \$4,750 as an estimate of the annual maintenance cost for the facility; staff finds this estimate reasonable. Before site plan approval, \$95,000 should be placed into escrow to fund 20 years of maintenance. About \$371 per unit would be escrowed. These monies would not be available to the owner until bond release.

The property owner should also be required, as a waiver condition, to address future replacement of the underground facilities as part of its private maintenance agreement with the County. A replacement cost fund, based on an estimated lifespan of the vault material should be established. The replacement reserve fund must be separate from the annual maintenance fund to ensure the monies are available at the time replacement is necessary and have not been previously spent on maintenance activities. The engineer has not provided the construction cost estimate of this facility.

#### RECOMMENDATION

DPWES recommends that the Board approve the waiver to locate underground facilities at Chantilly Nursing and Rehabilitation Center, a mixed use development. If it is the intent of the Board to approve the waiver, DPWES recommends the approval be subject to Waiver #9329-WPFM-001-1, Conditions, Chantilly Nursing and Rehabilitation Center, dated November 20, 2012, as contained in Attachment A.

If you have any questions, or need further assistance, please contact me at 703-324-1720.

#### ATTACHED DOCUMENTS

**Department of Public Works and Environmental Services  
Land Development Services, Site Development and Inspections Division**

12055 Government Center Parkway, Suite 535

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Brent Krasner; Staff Coordinator

Waiver #9329-WPFM-001-1, Chantilly Nursing and Rehabilitation Center, Underground Detention

Page 4 of 3

Attachment A – Waiver #9329-WPFM-001-1 Conditions, Chantilly Nursing and Rehabilitation Center, dated November 20, 2012

Attachment B – PFM Section 6-0303.8

cc: Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, DPWES  
Michelle Brickner, Director, Land Development Services, DPWES  
Steve Aitcheson, Director, Maintenance and Stormwater Management Division, DPWES  
Betsy Smith, Director, SDID, DPWES  
Shahab Baig, P.E., Chief, North Branch, SDID, DPWES  
Zoning Application File (9329-ZONA-001)  
Waiver File

**Department of Public Works and Environmental Services**  
**Land Development Services, Site Development and Inspections Division**  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359



Waiver #9329-WPFM-001-1 Conditions

Chantilly Nursing and Rehabilitation Center  
Rezoning Application #RZ-2012-SU-010  
November 20, 2012

1. The underground facilities shall be constructed in accordance with the development plan and these conditions as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facilities shall have a minimum height of 72 inches.
3. The underground facilities shall be privately maintained and shall not be located in a County storm drain easement.
4. A private maintenance agreement, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the Land Records of the County. The private maintenance agreement shall be executed prior to final plan approval.

The private maintenance agreement shall address:

- County inspection and all other issues as may be necessary to ensure the facilities are maintained by the property owner in good working condition acceptable to the County so as to control Stormwater generated from the redevelopment of the site and to minimize the possibility of clogging events;
  - a condition that the property owner and its successors or assigns shall not petition the County to assume maintenance of or to replace the underground facilities;
  - establishment of a reserve fund for future replacement of the underground facilities;
  - establishment of procedures to follow to facilitate inspection by the County, i.e. advance notice procedure, whom to contact, who has the access keys, etc.;
  - a condition that the property owner provide and continuously maintain liability insurance -- the typical liability insurance amount is at least \$1,000,000 against claims associated with underground facilities; and
  - a statement that Fairfax County shall be held harmless from any liability associated with the facilities.
5. Operation, inspection, and maintenance procedures associated with the underground facilities shall be incorporated into the site construction plan and private maintenance agreement that ensures safe operation, inspection, and maintenance of the facilities.
  6. A financial plan for the property owner to finance regular maintenance and full life-cycle replacement costs shall be established prior to site plan approval. A separate line item in the annual budget for operation, inspection, and maintenance shall be established. A reserve fund for future replacement of the underground facilities shall also be established to receive annual deposits based on the initial construction cost and considering an estimated 50-year lifespan for concrete products.

7. Prior to final construction plan approval, the property owner shall escrow sufficient funds that will cover a 20-year maintenance cycle of the underground facilities. These monies shall not be made available to owner until after final bond release.

Fairfax County Government  
Public Facilities Manual  
Chapter 6 – Storm Drainage

§ 6-0303.8 (83-04-PFM, 24-88-PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** September 7, 2012

**TO:** Brent Krasner, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sharad Regmi, Senior Engineer III  
Site Development and Inspections Division (SDID)  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning/ FDP Application # RZ/FDP 2012 SU 010; Chantilly Nursing and Rehabilitation Center Plat dated August 24, 2012; Horsepen Creek Watershed; LDS Project # 9329-ZONA-002-1; Tax Map #024-4-01-00-0011-B; Sully District

We have reviewed the subject application and offer the following stormwater management comments.

**Chesapeake Bay Preservation Ordinance (CBPO)**

There are no Resource Protection Areas on the site.

**Floodplain**

There are no regulated floodplains on the site.

**Downstream Drainage Complaints**

There is no downstream drainage complaint on file.

**Stormwater Detention**

Applicant is proposing an underground detention vault to meet the stormwater detention requirements. It appears that there is a residential use of the proposed development, Board approval for the underground stormwater detention vault in conjunction with the approval of rezoning is required (PFM 6-0303.8).

**Water Quality Control**

Applicant is proposing a StormFilter to meet the water quality (BMP) requirement by providing 45.7% phosphorus removal efficiency. The minimum PFM requirement is 40% phosphorus removal efficiency.

**Downstream Drainage System (Site Outfall)**

An outfall narrative has been provided.

Please contact me at 703-324-1720 if you require additional information

SR/

Brent Krasner, Staff Coordinator  
Rezoning/ FDP Application # RZ/FDP 2012 SU 010; Chantilly Nursing and Rehabilitation  
Center; LDS Project # 9329-ZONA-002-1  
Page 2 of 2

cc: Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES  
Shahab Baig, Chief North Branch, SDID, DPWES  
Zoning Application File





# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

**TO:** Barbara Berlin, AICP, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, AICP, Manager   
Park Planning Branch, PDD

**DATE:** October 2, 2012

**SUBJECT:** RZ/FDP 2012-SU-010, Northern Virginia Health Investors (Chantilly Nursing and Rehabilitation Center)  
Tax Map Number: 24-4((1)) 11B

### BACKGROUND

The Park Authority staff has reviewed the revised Development Plan dated September 20, 2012, and draft proffers dated September 21, 2012, for the above referenced application. The Park Authority has previously submitted comments concerning this application in a memo dated July 18, 2012. The revised Development Plan shows 256 multi-family units among a four-story and two-story building comprising 246,974 square feet of age-restricted residential housing and medical care facilities on an 8.46-acre parcel to be rezoned from I-5 to PRM.

The four-story building is shown with 100 independent living units and 60 assisted living units, of which 24 units are dedicated for Alzheimer patients. Independent living units will have a combination of one and two bedroom units; exact mix is still to be determined. The two-story building is shown with 96 units for nursing care and associated services.

Assisted living and nursing care units are classified by Fairfax County as medical care facilities and are consequently not counted toward impact analysis. With 100 independent living units, the development could add between 100 and 200 new residents to the Sully Supervisory District – depending on the exact mix of one and two bedrooms.

### COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

The Dulles Suburban Center recommendations in the Area III Plan describe the importance of providing access to open space and recreational opportunities, particularly through local trails, and protecting and enhancing heritage resources. In addition, recommendations for the sub-unit containing this application site specifically cite the importance of pedestrian links to achieving the Plan's objectives (Area III, Dulles Suburban Center, Area-Wide Recommendations, Parks and Recreation, pp. 42-49; Land Unit D-2, pp. 77-78).

Finally, text from the Upper Potomac chapter of the Great Parks, Great Communities Comprehensive Park System Plan echoes recommendations in the Countywide Comprehensive Plan. Specific District chapter recommendations include enhancing connectivity to open space and recreational opportunities through new and improved trail connections.

### **ANALYSIS AND RECOMMENDATIONS**

#### **Park and Recreation Needs:**

Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Floris School Site, Franklin Farm, Frying Pan, Frying Pan S.V., Horsepen Run S.V.) meet only a portion of the demand for parkland generated by residential development in the Dulles Suburban Center area. In addition to parkland, the recreational facilities in greatest need in this area include basketball courts, playgrounds, youth softball fields, rectangle fields, neighborhood skate parks, and trails.

Based on adopted park service level standards of five acres per 1,000 people, the addition of 100 to 200 new residents generates a need for one-half to one acre of parkland. The Development Plan indicates there are three acres of landscaped open space. While providing open space is important, it does not all translate into useable parkland for residents. The tree save area is conditioned as transitional screening and consequently is unusable, as is most of the onsite landscaping. The Development Plan shows four onsite park spaces (described in the proceeding section) but does not identify respective sizes.

#### **Onsite Park Spaces and Amenities**

A five foot wide concrete sidewalk loops around the site to provide residents and visitors with an excellent recreational amenity. Staff appreciates the improved design and connectivity of the pedestrian circulation and believes it will be a well-used asset. In addition, staff recognizes and appreciates the Applicant's willingness to address concerns and improve the design of onsite park spaces and recreational facilities.

In the southwest corner of the independent/assisted living building is a park space identified as a "shuffle board courtyard." The courtyard is shown with two shuffle board courts and several benches that are completely surrounded by concrete with landscaping on the periphery. The courtyard is accessible by two interior building doorways; however, it is not clear if exterior access is provided as approximately 10-15 feet of grass separates the courtyard from the nearby sidewalk that loops around the site. To further enhance accessibility, the Applicant should consider adding a connector sidewalk to the nearby sidewalk. Staff is also concerned that the concrete courtyard will get too hot for seniors to use periodically throughout the year and

therefore, recommends that shade trees be added to mitigate heat island effects. In addition, the Applicant should commit to the provision of shuffle board equipment in proffers.

Two park spaces are situated in between the independent/assisted living and nursing care buildings. The space adjacent to the independent/assisted living building is identified as a "memory garden" that has a loop concrete sidewalk, landscaping, and several benches. The sidewalk seems to dead-end into the building; the Applicant should clarify if this is intentional as staff believes it is a logical location to include an interior building doorway. The other park space is located in the circular drop-off area for the nursing care building and is identified as an "entrance seating area." This space has several benches, landscaping, and a flagpole.

A park space identified as a "courtyard and garden" is located in the interior of the nursing care building. The courtyard and garden are connected via a wide concrete walkway with two interior building doorways. The courtyard is essentially a large open lawn with landscaping that can be accessed from the walkway and from an exterior building doorway. No amenities are shown in the courtyard; the Applicant should consider adding lawn chairs for residential use and to extend the concrete walkway through the courtyard to enhance accessibility. The concrete walkway extends into the garden and loops around a central unidentified feature to an interior building doorway. Several benches, grassed areas, and landscaping are shown around the central feature.

The independent/assisted living building is proffered to contain the following indoor amenities for residents: sitting areas, lounges and other common areas; an arts, crafts and multi-purpose room for group activities; a game room, billiards room, pub/café and theater; a fitness center; a library and computer center; and a beauty/barber salon. Some of these amenities may be credited toward the Applicant's Zoning Ordinance requirement to expend \$1,700 per non-ADU for onsite park and recreational facilities (described in the proceeding section). The County Attorney's office will determine applicable credits.

Staff believes onsite and accessible park space and outdoor recreation is a vital component of senior care facilities. While the Development Plan has shown great improvements since the first submission, staff encourages the Applicant to continue exploring additional park space and outdoor recreation opportunities onsite. In addition, staff believes one crucial amenity has been left out that the Applicant should consider providing: picnic tables and/or movable tables and chairs. While there are numerous benches proposed around the site, they are typically limited to side-by-side activity. Picnic tables and/or movable tables and chairs are more functional than benches which provide seating for several persons and can be used in a variety of ways, including: space for outdoor eating, a surface to play board and card games, and other group activities that cannot be facilitated on benches.

Proffers reference Sheet 6 of the CDP/FDP to identify park spaces and recreational facilities to be provided onsite; however, Sheet 6 is labeled "for informational purposes only." This label should be removed from the FDP submission to reconcile the Applicant's commitments and enable staff to fully and accurately evaluate the submission. If the Applicant wants to allow flexibility at final site design, the alternatives listed in the proffers should also be indicated on the CDP/FDP.

Recreational Impact of Residential Development:

The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$1,700 per non-ADU residential unit for recreational facilities to serve the development population.

Whenever possible, the facilities should be located within the residential development site. With 100 non-ADUs proposed (independent living units only), the Ordinance-required amount to be spent onsite is \$170,000 (100 units x \$1,700). Any portion of this amount not spent onsite should be conveyed to the Park Authority for recreational facility construction at one or more park sites in the service area of the development. The draft proffers include a commitment to do so.

The \$1,700 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for recreational amenities onsite. As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide.

The Applicant has indicated the resident population is unlikely to utilize public parks because "an appropriate level of recreation facilities has been provided onsite." However, staff believes that it is highly likely that some of the future residents, particularly those in independent living units, will desire recreational amenities not provided onsite and consequently travel to public parks. Therefore, as Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute \$89,300 to \$178,600 (depending on the exact mix of one and two bedroom independent living units) to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

Cultural Resources Impact:

Proffers indicate the Applicant will notify the Park Authority's Resource Management Division and provide access to the site prior to any land disturbance so staff can conduct an archaeological investigation. Based on previous comments, the Applicant via, a hired consultant should conduct a Phase I archaeological survey and provide a copy of the report as well as field notes, photographs and artifacts to the Park Authority's Resource Management Division (Attention: Liz Crowell) within 30 days of the completed study. If significant sites are found, a Phase II archaeological testing is recommended in order to determine if sites are eligible for inclusion into the National Register of Historic Places. If sites are found eligible, avoidance or Phase III archaeological data recovery is recommended.

## **SUMMARY OF RECOMMENDATIONS**

This section summarizes the recommendations included in the preceding analysis section.

- Staff recognizes and appreciates the Applicant's willingness to address concerns and improve the design of onsite park spaces, recreational facilities, and connectivity. However, staff encourages the Applicant to continue exploring additional onsite and accessible park space and outdoor recreation opportunities.
- In addition, the Applicant should consider adding connector sidewalks to non-fenced park spaces to enhance accessibility, provide shade trees around the shuffle board courtyard, commitment to the provision of shuffle board equipment, extend the concrete walkway through the nursing care courtyard, and provide picnic tables and/or movable tables and chairs throughout the site to enable group activities.
- Proffers reference Sheet 6 of the CDP/FDP to identify park spaces and recreational facilities to be provide onsite; however, Sheet 6 is labeled "for informational purposes only." This label should be removed in part of the FDP submission to reconcile the Applicant's commitments and enable staff to fully and accurately evaluate the submission. If the Applicant wants to allow flexibility at final site design, the alternatives listed in the proffers should also be indicated on the CDP/FDP.
- The minimum expenditure for onsite park and recreational facilities as required by the Zoning Ordinance is \$170,000. Any portion of this amount not spent onsite should be conveyed to the Park Authority. The draft proffers include a commitment to do so.
- The Applicant should contribute \$89,300 to \$178,600 (depending on the exact mix of one and two bedroom independent living units) to the Park Authority for recreational facility development within the service area of the subject property.
- The Applicant should commit to conduct archaeological studies.

Please note the Park Authority would like to review and comment on proffers related to park and recreation issues. We request that draft and final proffers be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Jay Rauschenbach

DPZ Coordinator: Brent Krasner

Copy: Cindy Walsh, Director, Resource Management Division  
Liz Crowell, Manager, Cultural Resource Management & Protection Section  
Chron Binder  
File Copy



# County of Fairfax, Virginia

Health Care Advisory Board

## MEMORANDUM

DATE: September 21, 2012

**TO:** Board of Supervisors

**FROM:** Marlene W. Blum, Chairman  
Health Care Advisory Board (HCAB)

**SUBJECT:** Health Care Advisory Board Review of Rezoning/Final Development Plan Application number RZ/FDP 2012-SU-010, submitted by Northern Virginia Health Investors, LLC, to construct a skilled nursing facility and a separate independent/assisted living facility

On September 10, 2012, a public meeting was held to review the above-referenced Rezoning/Final Development Plan Application number RZ/FDP 2012-SU-010, submitted by Northern Virginia Health Investors (NVHI) to construct a skilled nursing facility and a separate independent/assisted living facility. Per the requirements of the zoning ordinance, the HCAB's recommendation focuses exclusively on the assisted living (ALF) and skilled nursing (SNF) facilities. Jon Puvak, Land Use Attorney, Walsh Colucci Lubeley Emrich & Walsh; Rob Loftis, Development Consultant for the Applicant; Will Holmes, Senior Vice President of Development & Construction, Smith/Packett Med-Com; Susan Eckert, President, Harmony Senior Services; David Tucker, Operating Officer, Commonwealth Care of Roanoke (CCR); Lora Epperly, Quality Officer, CCR; and Charles Rehnberg, Director of Operations, CCR appeared before the HCAB to present NVHI's application.

### **Background**

Northern Virginia Health Investors (NVHI) is a newly formed privately held Virginia Corporation created to develop and operate two new long-term care facilities in Northern Virginia – one in Sterling and the other in Chantilly. NVHI is building these facilities to replace the ones it recently acquired from Inova Health System: Inova Cameron Glen Care Center (ICGCC), located in Reston, Virginia, and Inova Commonwealth Care Center (ICCC), located in the City of Fairfax.

NVHI entered into a Forbearance Agreement with Inova on July 9, 2010, which stipulated that Inova would divest itself from all nursing home operations while retaining the real property that housed those services. NVHI agreed to purchase, operate, and relocate the licensed bed capacity from Cameron Glen Care Center and Commonwealth Care and Rehabilitation Center to new facilities that would be constructed near the existing centers.

The applicant has secured the necessary approval through the Certificate of Public Need (COPN) process to transfer services currently provided at Cameron Glen Care Center to Sterling, Virginia. Given the site's location in Loudoun, Virginia, the scope of the project falls outside the HCAB's purview, and as such, the Board will not provide comment on the Sterling

### **Fairfax County Health Department**

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site. However, it should be noted that 23 beds that were originally part of Cameron Glen Care Center's licensed bed capacity are now being transferred to Commonwealth Health and Rehabilitation Center and the proposed facility in Chantilly, Virginia.

NVHI is a joint venture company with Smith/Packet Med-Com, LLC, a healthcare development firm specializing in the design, development, and financing of senior care and long term care facilities. Smith/Packet has experience developing properties in Virginia, the Carolinas, and Florida. The Sterling and Chantilly sites, however, will be the company's first properties in Northern Virginia.

While NVHI is the owner of record for the Chantilly facility, it will not be its operator. Representatives for NVHI stated that Harmony Senior Services, a subsidiary of Smith/Packet, will manage the operations of the independent living (IL), assisted living (AL) and memory care units. Commonwealth Care of Roanoke, Inc. (CCR), a partner with Smith/Packet, will serve as the operator and management company for the skilled nursing facility.

Given that ALFs and SNFs provide different services to distinctive populations and are regulated differently, the HCAB requested that the applicant submit separate responses to its special exception and zoning review criteria. Therefore, the memorandum that follows is divided into two sections: the first discusses the proposed ALF while the second examines the proposed SNF. Preceding each of the HCAB's recommendations is a summary of the information presented during the public hearing:

- The applicant's response to the HCAB's special exception/zoning review criteria;
- Witness testimony, which included statements from one caregiver, two family members of current Commonwealth Care and Rehabilitation Center residents, and one from the Chairman of the County's Long Term Care Coordinating Council (LTCCC);
- Analysis from agencies and organizations with oversight of LTC facilities and/or their operations; (e.g., Health Systems Agency of Northern Virginia (HSANV), the Centers for Medicare and Medicaid Services (CMS), the Virginia Department of Health's (VDH) Office of Licensure and Certification, the Northern Virginia Long Term Care Ombudsman Program, and the Virginia Department of Social Services (DSS))

### **The Crossings at Chantilly (Assisted Living Facility)**

#### *Facility/Program*

The Crossings at Chantilly will be a senior living community comprised of independent living, assisted living and memory care apartments. The proposed site, totaling 8.46 acres, is located in the Sully Magisterial District north of McLearen Road and west of Centreville Road. The IL and AL units will be located in a 67-foot-high, four-story building. Of the 160 units, approximately 60 will be for AL, with 24 of those dedicated for memory care or Alzheimer's patients.

The average age of residents living in AL properties managed by Harmony Senior Seniors is 83 years. Most residents arrive needing help with three Activities of Daily Living (bathing, dressing, toileting, etc.) in addition to taking 12-24 medications daily.

The facility will provide healthcare services to meet the needs of all residents. Services will either be provided by the staff or coordinated with outside partnerships such as physical, occupational and speech therapies; pharmacy; dental and podiatry services; lab and x-rays.

Alzheimer residents will have access to a Wandering Garden, weather permitting, and all doors within the Memory Care unit will be locked. Cameras will be mounted throughout the facility and monitored by two concierge desks 24 hours a day.

The facility will initially provide respite care services upon opening, but as occupancy increases, these services will be discontinued.

#### *Financial Accessibility*

The Crossings at Chantilly will be comprised exclusively of rental apartments. The applicant referred to the facility as an "unbundled Continuing Care Retirement Community (CCRC)." Residents may move between care levels (i.e., IL, AL, and memory care), according to their long term care needs, and will not be assessed a large operating fee or contract. AL rates will range between \$4,600 and \$6,500 monthly, depending on the size of the apartment. The rates for Alzheimer's care will range between \$6,000 and \$6,700 monthly. Moreover, the applicant has committed to maintaining a minimum of four percent of the AL units for residents who are eligible for the Virginia Department of Social Services' Auxiliary Grant Program.

Three care options will be provided, allowing the resident to move between and among levels as their acuity needs change. The basic rate includes all hospitality services - three meals a day, linen, laundry, housekeeping, transportation, and medication administration. Approximately 70 percent of Harmony's residents pay base level rates with no additional fees. For patients who require additional time attending to ADLs, approximately 30% of Harmony's AL population, additional levels of care can be purchased.

#### *Staffing Levels and Qualifications*

Residents' medical, emotional, and spiritual needs will be met by a variety of staff and caregivers. The community will be managed by an Executive Director who must be a licensed Assisted Living Manager in the state of Virginia. Residents will be under the care of either a local physician or the community's medical director; staff physicians are not hired at Harmony managed sites.

A Licensed Practical Nurse (LPN), or if available, a Registered Nurse (RN), will be present on site twenty-four hours a day. A licensed Director of Nursing will be hired as well as a director who will exclusively oversee the Alzheimer's Units. All medical technicians (med techs) and Certified Nursing Assistants (CNAs), will be licensed and certified by the Virginia Board of Nursing. All medications will be administered by a med tech.

Additionally, a food service coordinator will manage residents' dietary needs and preferences while an activities director will provide opportunities for residents to engage their interests and enhance their physical, mental, and psychosocial well-being.

The patient-to-care staff ratio for the facility's AL units, excluding nurses and med techs, is 12 to one. The patient-to-care ratio for the facility's memory care units, excluding nurses and med techs, is eight to one. The facility, by law, is required to have a minimum of two staff members available per shift (7:00 am – 3:00 pm; 3:00 pm – 11:00 pm; and 11:00 pm – 7:00 am) in the locked Alzheimer's Unit.

Crossover between AL and SNF personnel will be kept to a minimum, and would most likely involve hospitality (e.g., dining, maintenance, housekeeping, etc.) and administrative staff only.

Susan Eckert stated that every staff member employed by Harmony Services receives considerable training on how to care for patients with dementia. By regulation, Ms. Eckert said that the facility must have a director of training and certification. New and existing personnel, including dietary staff, are required to attend continuous in-service trainings. However, the HCAB did note that the Virginia Department of Social Service's inspection compliance history for properties managed by Harmony revealed several areas where dementia care training was lacking or never completed within the required timeframe. Ms. Eckert assured the HCAB that it was aware of these deficiencies and was taking measures to bring the facility back into compliance.

#### *Recommendation*

The capacity of ALFs in the area surrounding the proposed site is minimal. The evidence presented during the hearing garners justification for developing the proposed facility and is underscored by NVHI's commitment to provide four percent of its beds to low income patients participating in the state's Auxiliary Grant (AG) Program. Therefore, the Health Care Advisory Board recommends that the Board of Supervisors approve the application for the development of the Crossings at Chantilly.

#### **Skilled Nursing Facility**

##### *Facility/Program*

Through the COPN process, the skilled nursing facility has been approved for 166 licensed beds, which will be parceled into 108 units divided between 54 private and 54 semi-private rooms, all with full baths. A central bathing area, or spa, will include bathtubs and showers where patients can receive therapy or training on bathing.

Three levels of skilled nursing care will be provided, although the applicant will not be able to accommodate patients with ventilators. The short term care unit will include specialized cardiac and respiratory programs. Patients requiring a higher level of care will have access to telemonitoring systems and telemedical services. Transitioning to home or a community-based center, such as assisted living, will be integral to short-term patient care.

With respect to its long term levels of care, CCR stated that it will promote a community environment. The facility will provide decentralized dining and activity centers, and socialization will be highly encouraged. According to the applicant, transitioning to a non-institutional setting or more home-like environment remains the goal of long term skilled nursing.

The memory care unit will feature companion/familial style care. Therapy, nutritional interventions, and special activities will be provided to help residents maintain their cognition and activity levels as long as possible. Security features at all exits will prevent patients who may wander from the center without supervision.

##### *Geographic Accessibility*

The proposed facility is approximately 10 miles from the existing Commonwealth Health and Rehabilitation Center. In written testimony submitted to the HCAB, family members of current

residents expressed their concern about the additional distance required to visit their loved ones. CCR pledged its commitment to work with families for whom the distance may impose an additional hardship. David Tucker stated that social workers would help families find alternative placements for care.

#### *Financial Accessibility*

All beds will be Medicare and Medicaid certified. The applicant stated that patients' ability to pay will not be a factor in the care they receive. The current payer breakdown for current residents of Commonwealth Health and Rehabilitation Center is Medicare - 25%, Medicaid - 50%, Private - 12%, and Managed Care / Insurance - 13%.

#### *Staffing Levels and Qualifications*

Based on the applicant's written response to the HCAB's zoning criteria, staffing levels in the SNF will provide approximately 3.4 hours Per Patient Day (PPD) of direct nursing services. Staff will include:

- A full time Administrator and administrative staff;
- A dietary department with Registered Dietician services and dietary manager;
- Environmental Services department with Housekeeping and Laundry services;
- Plant and Facilities Director and staff;
- A certified Activities Director and staff;
- A Social Services Director and staff, as well as clinical nursing documentation specialists (NDS).
- Nursing staff, including Registered Nurses, Licensed Practical Nurses and Certified Nursing Assistants;
- Physician services provided by MDs, DOs, as well as support from Physician Assistants, Extenders and credentialed attending physicians.

Contracted staff will include Physical, Occupational and Speech Language Pathology therapies. All patients will have the option of using CCR's contractual service providers or retaining their own home health, therapy, or hospice service providers.

The HCAB appreciates the applicant's nursing PPD ratio for the proposed facility, but remains quite concerned by the written testimony submitted by family members of current Commonwealth Health and Rehabilitation Center residents regarding ongoing staffing deficiencies. Moreover, these statements were further corroborated by Medicare's own rating system, which uses data from health inspections, staffing, and quality measures to assign a starred rating, ranging from a low of one (Much Below Average) to a high of five (Much Above Average).

Medicare's overall assigned rating for Commonwealth Health and Rehabilitation Center is two stars – Below Average. This rating was calculated after CCR assumed managerial operations for the Commonwealth Health and Rehabilitation Center facility. While the Quality ratings are developed using information generated from self-reported survey data, Health Inspections and Staffing ratings are compiled using data audited by an inspection-team and are empirically based.

The Centers for Medicare and Medicaid Services (CMS) is the component of the federal government's Department of Health and Human Services (HHS) that oversees all Medicare

and Medicaid programs, including nursing home care and services for the elderly and disabled. In order to enforce congressionally established standards for nursing homes, CMS contracts with each state to conduct onsite inspections to determine whether facilities are meeting the minimum performance requirements. States, including Virginia, conduct inspections, on average, about once a year. In cases where a nursing home is found to be performing poorly, state inspectors may audit the facility more frequently. In addition to conducting random, unannounced inspections, the state also investigates reported complaints.

The nursing home inspection team consists of trained inspectors, including at least one Registered Nurse. The team evaluates whether the nursing home meets individual resident needs by observing resident care processes, staff/resident interactions, and the surrounding environment. Using an established protocol, the team reviews clinical records, interviews a sample of residents and family members about their experiences within the nursing home, and interviews facility caregivers and administrative staff.

Based on Commonwealth Health and Rehabilitation Center's most recent inspection, dated March 8, 2012, Medicare assigned one star – Much Below Average – for the facility's Health Inspections Rating. Health Inspections provide a comprehensive assessment of nursing homes, including assessments of such areas as medication management, proper skin care, assessment of resident needs, nursing home administration, environment, kitchen/food services, and resident rights and quality of life. The HCAB in reviewing this data found that many of the deficiencies were substantive and unrelated to the building's age or infrastructure.

An Average rating of three stars was assigned for Commonwealth Health and Rehabilitation Center's Staffing. While the facility provides Licensed Nurse Staff Hours per Resident per Day for LPNs and RNs that exceed nationwide and state averages, a closer look at the facility's performance, relative to other SNFs with a similar payer mix located in Fairfax County, revealed staffing levels, including those for Certified Nursing Aides (CNAs), that were substantially lower.

*Recommendation*

Based on the totality of the evidence, the Health Care Advisory Board agrees with the Health Systems Agency of Northern Virginia's recommendation to the Virginia State Health Commissioner that while demand for long-term nursing care services in Fairfax County is atypically low and no additional capacity is needed, there is a demonstrated public need for the nursing home beds that would be replaced. Failure to replace the beds that are licensed in Fairfax County would create higher than average occupancy rates at other facilities and present a challenge in efficiently operating existing services.

However, given CCR's unsatisfactory compliance history, the Health Care Advisory Board recommends that the Board of Supervisors make it a condition of development that before Northern Virginia Health Investors, and its operator CCR, open a new SNF, that they be required to bring their overall ratings at Commonwealth Health and Rehabilitation Center, including its Health Inspections ratings and Staffing levels, up to standards commensurate for SNFs currently operating within the community.

Memorandum to the Board of Supervisors  
September 21, 2012  
Page 7 of 7

As always, the HCAB looks forward to working with our long term care service providers in meeting the diverse health needs of our changing community. If you have further questions regarding this recommendation, please contact the HCAB.

cc: Planning Commission  
Ed Long, County Executive  
Patricia Harrison, Deputy County Executive for Human Services  
Barbara Lippa, Executive Director, Planning Commission  
John L. Litzenberger, Jr., Planning Commissioner, Sully District  
Kris Abrahamson, Office of Comprehensive Planning, Zoning Evaluation Branch  
Brent Krasner, Office of Comprehensive Planning, Zoning Evaluation Branch  
Jonathan Puvak, Walsh, Colucci, Lubeley, Emrich & Walsh P.C.  
Meaghan Shevlin Kiefer, Chief of Staff, Office of Supervisor Frey  
Martin Taylor, Legislative Aide, Office of Supervisor Hudgins  
Gloria Addo-Ayensu, MD, MPH, Director of Health  
Roselyn Foroobar, Deputy Director for Health Services  
Health Care Advisory Board



FAIRFAX COUNTY  
PUBLIC SCHOOLS

Department of Facilities and Transportation Services

Office of Facilities Planning Services  
8115 Gatehouse Road, Suite 3300  
Falls Church, Virginia 22042

September 15, 2012

**TO:** Barbara Berlin, Director  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division

**FROM:** Denise M. James, Director *DMJ*  
Office of Facilities Planning Services

**SUBJECT:** RZ/FDP 2012-SU-010

**ACREAGE:** 8.5 acres

**TAX MAP:** 24-4 ((1)) 11B

The rezoning application proposes to rezone property from the I-5 District to the PRM District to permit the development of a senior independent/assisted living and a skilled nursing facility. The property is located along the west side of Centreville Road (Rt. 654) just north of its intersection with McLearn Road. The site is immediately adjacent to Carson Middle School to the west. While the proposed development is not expected to impact schools with students, FCPS offers the following comments on the rezoning application with respect to potential future school development on the middle school site.

The Comprehensive Plan has identified a need for an additional high school in the region. Projections for the existing high schools in the region, Westfield, Herndon, and South Lakes, indicate severe overcrowding in the future such that a new high school will be needed within the next 5-10 years. If a new high school site is not identified, FCPS may consider an option to convert the current middle school site into a high school.

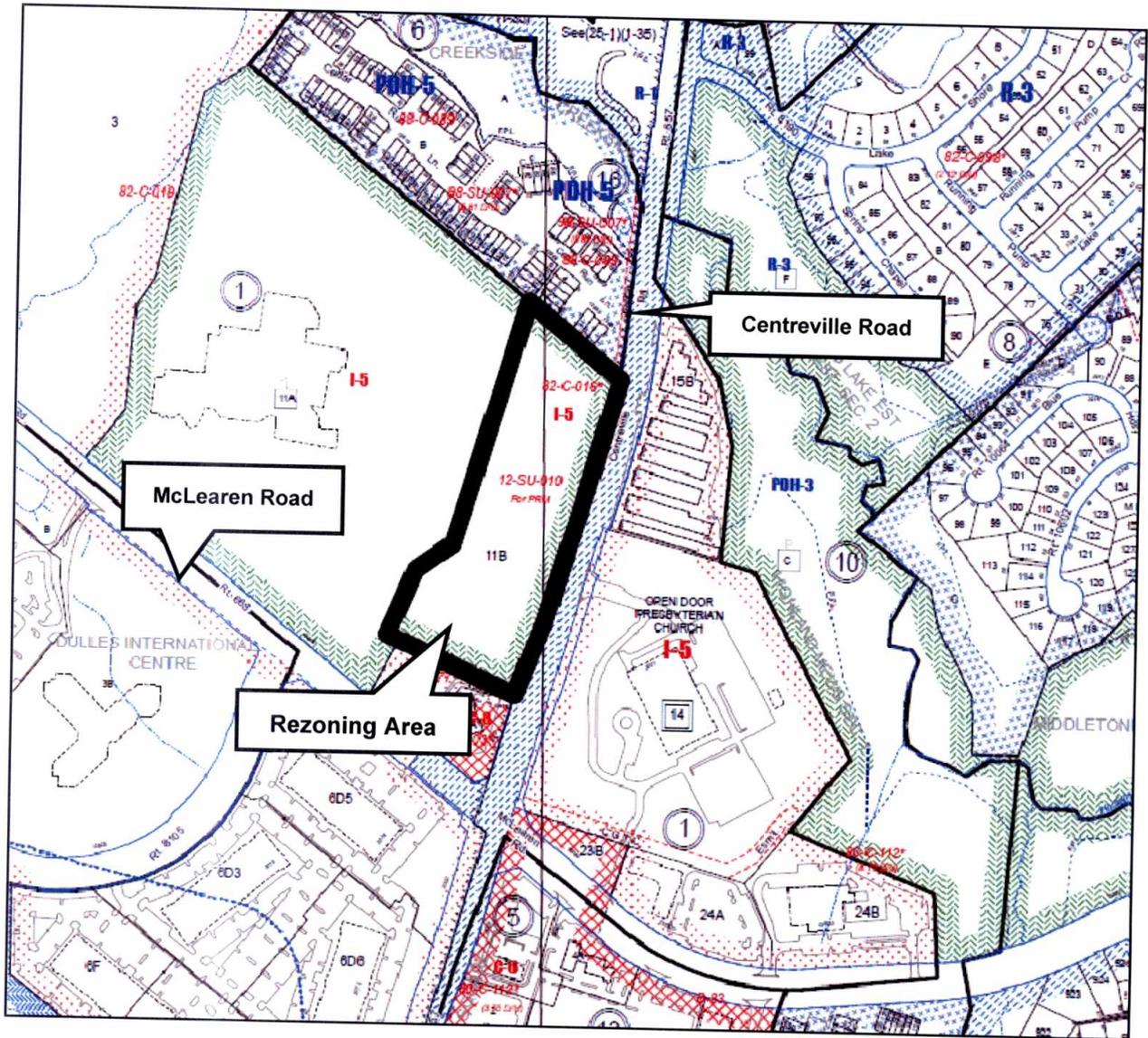
In order to preserve this option for the future, FCPS is requesting that an inter-parcel access easement be provided through the proposed development in order to allow right-turns onto Old Centreville Road. The easement should be at least 50 feet wide in order to accommodate school busses.

Thank you very much for the opportunity to comment. I look forward to further discussion on this request which may ultimately be critical to accommodating future public school needs in this region.

Attachment: Locator Map

cc: Kathy Smith, School Board Member, Sully District  
Ilryong Moon, School Board Member, At-Large  
Ryan McElveen, School Board Member, At-Large  
Ted Velkoff, School Board Member, At-Large  
Dean Tistadt, Chief Operating Officer  
Fabio Zuluaga, Cluster VIII, Assistant Superintendent  
Kevin Sneed, Director, Design and Construction.  
August Frattali, Principal, Carson Middle School

# Fairfax County Public Schools Office of Facilities Planning Services





County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** June 14, 2012

**TO:** Brent Krasner  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Gilbert Osei-Kwadwo, P.E.  
Engineering Analysis and Planning Branch

**SUBJECT:** Sanitary Sewer Analysis Report

**REF:** **Application No. RZ/FDP 2012-SU-010**  
**Tax Map No. 024-4-((01)) – 00011B**

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Horsepen (A-1) watershed. It would be sewered into the **Blue Plains** Treatment Plant.
2. Based upon current and committed flow, there is excess capacity in the **Blue Plains** Treatment. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in Centreville Road and approx. 180 feet from the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

Sewer Network	Existing Use <u>+Application</u>		Existing Use <u>+ Application</u> <u>+Previous Applications</u>		Existing Use <u>+ Application</u> <u>+ Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq</u>	<u>Adeq.</u>	<u>Inadeq</u>	<u>Adeq.</u>	<u>Inadeq</u>
Collector	X		X		X	
Submain	X		X		X	
Main/Trunk	X		X		X	

5. **Other pertinent comments:**





FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

**PLANNING & ENGINEERING  
DIVISION**

Jamie Bain Hedges, P.E.  
Director  
(703) 289-6325  
Fax (703) 289-6382

June 12, 2012

Ms. Barbara Berlin, Director  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

Re: RZ 2012-SU-010  
FDP 2012-SU-010  
Chantilly Nursing and  
Rehabilitation Center  
Tax Map: 24-4

Dear Ms. Berlin:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is served by Fairfax Water.
2. Adequate domestic water service is available at the site from an existing 14-inch water main located in Centreville Road. See the enclosed water system map.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,

A handwritten signature in blue ink that reads "Traci K. Goldberg".

Traci K. Goldberg, P.E.  
Manager, Planning Department

Enclosure

cc: Lynne Strobel, Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
Paul Johnson, Charles P. Johnson



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 14, 2012

**TO:** Barbara C. Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Eric Fisher, GIS Coordinator  
Information Technology Section  
Fire and Rescue Department

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Rezoning/Final  
Development Plan Application RZ/FDP 2012-SU-010

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #436, **Frying Pan**
2. After construction programmed \_\_\_(n/a)\_\_\_ this property will be serviced by the fire station \_\_\_\_\_(n/a)\_\_\_\_\_





# County of Fairfax, Virginia

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**DATE:** June 19, 2012

**TO:** Brent Krasner  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Kevin R. Wastler, EH Supervisor *KRW*  
Technical Review and Information Resources Section  
Fairfax County Health Department

**SUBJECT:** Development Plan Analysis

**REFERENCE:** Application No. RZ/FDP-2012-SU-010

After reviewing the application, the Health Department has no additional comments to make regarding the application. Plans must be submitted for review by the applicant regarding all required Health Department codes and regulations regarding any proposed food service facilities which appears to part of this application.





# County of Fairfax, Virginia

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

December 21, 2011

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich, & Walsh, PC  
2200 Calrendon Boulevard, Suite 1300  
Arlington, VA 22201-3359

RE: Use Determination Regarding Independent and Assisted Living Facilities  
Northern Virginia Health Investors, LLC  
Tax Map Ref: 24-4 ((1)) 11B  
Zoning District: I-5

Dear Ms. Strobel:

This is in response to your November 15, 2011 letter and our subsequent discussions regarding the determination of the use classification for a senior housing and healthcare facility planned for the referenced property. As I understand your client's proposal, the intent is to develop the 8.46 acre site with approximately 100 units of independent living, approximately 50 units of assisted living and a skilled nursing facility of approximately 108 units. The assisted and independent living facilities will share the same building and the nursing facility will be housed in a separate building.

In the I-5, General Industrial District, a medical care facility (the assisted living and nursing components) is allowed through the approval of a Category 3 Special Exception; however, independent living facilities are not permitted in the I-5 district. Independent living facilities are generally permitted with development plan approval in all of the Planned Development Districts and by special exception in the R-E through R-30 Residential Districts and the C-1 through C-4 Commercial Districts. You have noted that the property owner may not intend to utilize the density bonus that is offered for independent living facility uses and could develop the age-restricted community as multiple family dwelling units. Such multiple family dwelling units are similarly not permitted in the I-5 District, but are permitted in the Planned Development Districts (subject to some limitations) and in the R-12 through R-30 Residential Districts. With these considerations, the combination of uses proposed for the property would not be permitted on the property as it is currently zoned.

We have discussed the opportunities that exist for establishing this use combination in the PRM District, should the property be rezoned and subject to a determination by the Planning Division regarding the need for a Comprehensive Plan Amendment. The PRM District does permit, as a principal use, multiple family dwelling units (which may be independent living units) and allows

Department of Planning and Zoning  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1374 FAX  
www.fairfaxcounty.gov/dpz/





Lynne J. Strobel  
(703) 528-4700 Ext. 5418  
lstrobel@arl.thelandlawyers.com

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

November 15, 2011



*Via Hand Delivery*

Eileen M. McLane  
Zoning Administrator  
Fairfax County Zoning Administration  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035

Re: Request for Use Determination  
Tax Map Reference: 24-4((1)) 11B (the "Property")  
Contract Purchaser: Northern Virginia Health Investors, LLC

Dear Ms. McLane:

Please accept this letter as a request for a determination of zoning classification for a senior housing and healthcare facility currently contemplated for development on the Property.

The Property is zoned to the I-5 District and contains approximately 8.46 acres. The Contract Purchaser needs to confirm the land use process that will allow construction of a facility that will provide assisted living, independent living, and a skilled nursing facility. The proposed development will be constructed in a campus-style layout with the assisted living and independent living components located within the same building. The skilled nursing component will be in a separate building. Due to its residential nature, services and supporting staff will be on-site twenty-four hours a day. The independent living component will accommodate approximately 100 units. The independent living units will include full service kitchens within the units, but also provide a dining area for residents, as well as other amenities, such as a fitness center. While the assisted and independent living units will be located within the same building, separate dining and amenities will be provided for each use. The separate dining areas will be served by a shared central kitchen. The assisted living component will accommodate approximately 50 units, of which 16 will be dedicated to memory care or Alzheimer's patients. The skilled nursing facility will be comprised of approximately 108 units with associated services in a separate building. Although the Contract Purchaser is continuing to refine their development plans, it is anticipated that the entire campus will have approximately 258 total units and approximately 320 beds.

As you are aware, the Fairfax County Zoning Ordinance (the "Ordinance") provides separate definitions for an assisted living facility, independent living facility and a nursing facility. Under the Ordinance an assisted living facility is deemed a medical care facility, however, an independent living facility is specifically exempted from the definition of a medical care facility. In addition, the density of independent living facilities is calculated as dwelling

## PLANNED DEVELOPMENT DISTRICT REGULATIONS

exception when such use is not specifically designated on an approved final development plan.

2. Category 3 – Quasi-Public Uses, limited to:
  - A. Sports arenas, stadiums
3. Category 4 – Transportation Facilities, limited to:
  - A. Heliports
  - B. Helistops

**6-406 Use Limitations**

1. All development shall conform to the standards set forth in Part 1 of Article 16.
2. A final development plan shall be submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will integrate with the adjacent communities and complement existing and planned development by incorporating high standards of urban design. The plan shall also be in general accordance with any specific urban design concept and streetscape plans for the area including the provision of convenient and accessible pedestrian walkways and connections, all as set forth in the adopted comprehensive plan.
3. The principal residential use shall be multiple family dwelling units. Single family attached dwellings may be allowed at the periphery of the development to provide a transition from the high density development to adjacent lower density development.
4. All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties.
5. When a use presented in Sect. 403 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 403 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 405 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9.

## FAIRFAX COUNTY ZONING ORDINANCE

C-4 District: Limited to uses 1, 3, quasi-public athletic fields, 10, 11, 12 and 15

C-5, C-6, C-7, C-8 Districts: Limited to uses 1, 3, 7, quasi-public athletic fields, 11 and 12

C-9 District: Limited to quasi-public athletic fields, uses 11 and 12

I-1 District: Limited to uses 10 and 11

I-1, I-2, I-3, I-4, I-5 Districts: Limited to quasi-public athletic fields, uses 10, 11 and 12

I-6 District: Limited to quasi-public athletic fields, uses 10 and 11

2. Category 3 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 8, nursery schools, 11 and 13

R-P District: Limited to uses 8, nursery schools, 11, 13 and 15

R-C District: Limited to uses 3, 5, private clubs, 8, nursery schools, 11, 13, 14 and 15

R-E, R-1 Districts: Limited to uses 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15

R-2, R-3, R-4, R-5, R-8 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15

R-12, R-16, R-20, R-30, R-MHP Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15

PRM, PTC Districts: Limited to use 9

C-1, C-2 Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8, 13 and 14

C-3 District: Limited to uses 1, 2, 4, 5, 6, 7, 8, 13 and 14

C-4 District: Limited to uses 2, 4, 5, 6, 7, 8, 13 and 14

C-5, C-6 Districts: Limited to uses 2, 6, 8, 10, 13, 14 and 15

C-7, C-8 Districts: Limited to uses 2, 6, 8, 9, 10, 13, 14 and 15

C-9 District: Limited to uses 1, 3, 6, 7, 8, 9, 10, 13 and 15

I-1 District: Limited to uses 10, 11 and 15

I-1 District: Limited to uses 1, 2, 3, 6, 7, 8, 10, 11, 13, 14 and 15

I-2, I-3 Districts: Limited to uses 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14 and 15

I-4 District: Limited to uses 1, 2, 3, 6, 7, 8, 9, 10, 11, 13 and 15

I-5, I-6 Districts: Limited to uses 6, 7, 8, 9, 10, 11, 13 and 15

### 9-303

#### **Additional Submission Requirements**

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 3 uses shall be accompanied by the following items:

1. For public uses, a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location, shall be provided.
2. For public uses, a statement by an official or officer of the governmental body shall be presented giving the exact reasons for selecting the particular site as the location for the proposed facility.

## SPECIAL EXCEPTIONS

- 
3. All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need. The application for the special exception shall be referred to the Health Care Advisory Board for a recommendation and report, which shall be developed in accordance with the provisions of Par. 1 and Par. 2 of Sect. 308 below and furnished to the Planning Commission and Board of Supervisors.

### **9-304 Standards for all Category 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

### **9-305 Additional Standards for Conference Centers and Retreat Houses**

1. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.



### **9-306 Additional Standards for Independent Living Facilities**

1. Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with handicaps (disabilities), as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse, if any. In addition, any dwelling unit within the facility may include a live-in aide. For the purposes of this Section, a live-in aide is any person who meets the definition set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Article 24, of the Code of Federal Regulations, Section CFR 5.403 and 982.316, and is further subject to Public and Indian Housing Notices PIH 2008-20 and 2009-22, and any future applicable notices issued by HUD.

An independent living facility may also provide for a resident care provider(s), subject to the provisions of this Section. A resident care provider is any person who lives in a

## FAIRFAX COUNTY ZONING ORDINANCE

separate dwelling unit within the independent living facility, who provides services that are determined to be essential to the care and well-being of one or more elderly or disabled persons living within the same facility and is further subject to the provisions of this Section.

The owner/manager of the facility shall be responsible for ensuring compliance with this occupancy criterion and shall, upon specific request by the Zoning Administrator, provide a copy of the document(s) used to verify occupancy qualifications of residents, live-in aides, and/or care providers.

2. The Board specifically shall find that applications under this Section adequately and satisfactorily take into account the needs of elderly persons and/or persons with handicaps (disabilities) for transportation, shopping, health, recreational and other similar such facilities and shall consider any specific facility maintenance and operating requirements to ensure that the facility meets the needs of the residents and is compatible with the neighborhood. The Board shall impose such reasonable conditions upon any exception granted as may be necessary or expedient to insure provisions of such facilities.
3. The Board shall find that such development shall be compatible with the surrounding neighborhood, shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
4. To assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units shall be shown on the plat submitted with the application.
5. No such use shall be established except on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.
6. The density of such use shall be based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements set forth in the schedule provided below. Where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range shall be determined in accordance with Sect. 2-804. A minimum of fifteen (15) percent of the total number of dwelling units shall be Affordable Dwelling Units (ADUs). When 100 percent of the dwelling units are ADUs, the total number of units should be calculated using the high end of the residential density range as set forth in the adopted comprehensive plan plus the addition of a twenty (20) percent density bonus. All ADUs shall be administered in accordance with the provisions of Part 8 of Article 2. When not less than seventy (70) percent of the dwelling units are to be provided for those residents whose annual household income is not more than fifty (50) percent of the median income for the Washington Metropolitan Statistical Area (WMSA) and not more than thirty (30) percent of the dwelling units are provided for residents whose annual income is not more than seventy (70) percent of the median income for the WMSA, Part 8 of Article 2 shall not be applicable and the total number of units may be calculated using the high

## SPECIAL EXCEPTIONS

end of the residential density range, as set forth in the adopted comprehensive plan, plus the addition of a twenty-five (25) percent density bonus.

<b>Comprehensive Plan Residential Density</b>	<b>Maximum Number of Units Per Acre*</b>	<b>Required Open Space</b>
0.2 unit per acre	not to exceed 5 times unit per acre	75%
0.5 unit per acre	" 4 times unit(s) per acre	70%
1 unit per acre	" "	65%
2 units per acre	" "	60%
3 units per acre	" "	55%
4 units per acre	" "	50%
5 units per acre	" "	35%
8 units per acre	" "	25%
12 units per acre or more	" "	35%
PRC District	In accordance with an approved Development Plan	

\*Excluding nursing facilities and assisted living facilities

7. Independent living facilities may include assisted living facilities and skilled nursing facilities designed solely for the residents as an accessory use.
8. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.
9. In residential districts, the maximum building height shall be 50 feet, except that the maximum building height shall be 35 feet when the structure is designed to look like a single family detached dwelling and utilizes the applicable residential district minimum yard requirements, as set forth below, subject to further limitations by the Board to ensure neighborhood compatibility. For independent living facilities in commercial districts the maximum building height shall be as set forth in the district in which they are located.
10. For independent living units that are located in a structure designed to look like a single family detached dwelling unit and is located in the R-E through R-8 Districts, the Board may permit compliance with the applicable single family detached minimum yard requirements of the zoning district in which located. For independent living facilities located in any other structure or district, the minimum front, side and rear yard requirements shall be as follows:
  - A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet.
  - B. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.

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In any event, the Board may modify such yard requirements to ensure compatibility with the surrounding neighborhood.

11. Transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, an independent living facility shall be deemed a multiple family dwelling.
12. The provisions of Par. 6 above shall not be applicable to proffered rezoning and approved special exception applications or amendments thereto approved prior to May 20, 2003 or for special exception applications approved prior to May 20, 2003 for which a request for additional time to commence construction is subsequently requested in accordance with Sect. 9-015. Additionally, Par. 6 above shall not be applicable, unless requested by the applicant to rezoning and special exception amendment applications filed on or after May 20, 2003, which propose no increase in density over the previously approved density.
13. Live-in aides, as defined in Par. 1 above, shall not be subject to the income limitations and/or the age/disability occupancy requirements set forth in this Section. For the purposes of this Section, the "annual household income" shall not include the income of any live-in aide when determining the eligibility of the qualified resident.
14. Resident care providers, as defined in Par. 1 above, may be provided in independent living facilities located in single family attached units or multiple family dwelling unit buildings, limited to not more than twenty-five (25) percent of the total number of dwelling units within the facility. Such resident care providers shall not be subject to the income limitations and/or age/disability occupancy requirements set forth in this Section; however, rental occupancy shall be limited to a maximum six (6) month term, subject to renewal for additional six (6) month maximum terms upon confirmation that the care provider continues to provide services to the primary resident(s) of the development. At such time that it is determined that an individual is no longer providing care services to a resident, such individual shall vacate the rental unit at the end of the lease term.
15. For independent living facilities for low income tenants in which not less than seventy (70) percent of the dwelling units are to be provided for those residents whose annual household income is not more than fifty (50) percent of the median income for the Washington Metropolitan Statistical Area (WMSA) and not more than thirty (30) percent of the dwelling units are provided for residents whose annual income is not more than seventy (70) percent of the median income for the WMSA, the following additional standards shall also apply:
  - A. All occupancy shall be on a rental basis only. Maximum rental prices shall be established in accordance with the following formula, based on the appropriate median income for the WMSA. The base figure shall be adjusted by the following factors for different dwelling unit sizes based on bedroom count:

Number of Bedrooms	Adjustment Factor
0 bedrooms (efficiency/studio)	70%
1 bedroom	85%

## SPECIAL EXCEPTIONS

2 or more bedrooms

100%

The result of this calculation for each size dwelling unit shall then be divided by twelve (12), then multiplied by twenty-five (25) percent and rounded to the nearest whole number to establish the maximum rent for the unit, which may or may not include utilities, at the developer's option. Resident care provider units shall not be subject to this calculation.

Initial lease terms shall be for not less than six (6) months and not more than one (1) year. Renewal terms may be on a month-to-month or other time basis, but shall not be longer than one (1) year for each renewal period.

- B. The owner or manager shall monitor the income level of tenants at the time of initiation and renewal of any lease term and shall establish that any live-in aide or resident care provider continues to meet the applicable requirements of this Section. The results of such monitoring shall be provided to the Zoning Administrator on an annual basis to assure on-going compliance with the tenancy and income limits. Such report shall include the dwelling unit number/address, date of lease renewal, term of lease renewal, and tenant's income. Should a tenant become over-qualified with regard to income at any time during a lease term, such tenant shall vacate the unit at the end of the lease term in effect at the time of such over-qualification or within nine (9) months of such over-qualification, whichever time period is longer.
- C. Prior to the issuance of the first Residential Use Permit for any unit in the independent living facility, the owner shall record a covenant, on a form provided and approved by the Fairfax County Department of Housing and Community Development, to address at a minimum the income limitations; rental price restrictions; the perpetuity of such controls; and any other relevant limits that are imposed by the Board.
- D. Such independent living facilities for low income residents shall not be subject to Part 8 of Article 2 of the Zoning Ordinance, the ADU Program, nor shall they be subject to the Board's policy for Workforce Dwelling Units.

9-307

### **Additional Standards for Congregate Living Facilities**

- 1. Congregate living facilities located in a building, which but for its institutional use would be a single detached dwelling, shall comply with the applicable single family detached minimum yard requirements of the zoning district in which located. Such facilities located in any other structure shall be located no closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-1 through R-4 District.

→ 9-308

### **Additional Standards for Medical Care Facilities**

- 1. In its development of a recommendation and report as required by Par. 3 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information and comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of

## FAIRFAX COUNTY ZONING ORDINANCE

Supervisors shall be bound by any such information or comment. The Health Care Advisory Board may hold such hearing or hearings as may seem appropriate, and may request of the Board of Supervisors such deferrals of Board action as may be reasonably necessary to accumulate information upon which to base a recommendation.

2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:
  - A. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.
  - B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.
  - C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.
3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.
5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.
6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.
7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs.

### 9-309

#### **Additional Standards for Child Care Centers and Nursery Schools**

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable

## ARTICLE 16

### DEVELOPMENT PLANS

#### PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

##### 16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

##### 16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional

## FAIRFAX COUNTY ZONING ORDINANCE

zoning district which most closely characterizes the particular type of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		