



County of Fairfax, Virginia

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

September 26, 2012

Timothy S. Sampson
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard- Suite 1300
Arlington, Virginia 22201

RE: Proffered Condition Amendment Application PCA 89-A-001-02
(Concurrent with Proffered Condition Amendment Application PCA 87-A-011-02)

Dear Mr. Sampson:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 25, 2012, approving Proffered Condition Amendment Application PCA 89-A-001-02 as a Board of Supervisor's Own Motion. The Board's action amends the proffers for Rezoning Application RZ 89-A-001, previously approved for assisted and independent living for the elderly and related programs at an existing .18 floor area ratio (FAR) for the adult day care, to permit additional participants in the elder day care program with associated modifications to proffers. The subject property is located in the the S.E. quadrant of the intersection of Little River Turnpike and Olley Lane, on approximately 14.04 acres of land zoned R-2 [Tax Map 58-4 ((1)) 47A1, 47A2 and 47L], in the Braddock District and is subject to the proffers dated May 4, 2012.

The Board also:

- Reaffirmed the waiver of the service drive.
- Reaffirmed the modification of screening and waivers of barriers in favor of that provided on the previously approved Generalized Development Plan/Special Exception Amendment plat and proffered conditions.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor John Cook, Braddock District
Tim Shirocky, Acting Director, Real Estate Division. Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Planning Commission
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 25th day of September, 2012, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 89-A-001-02
(Concurrent with Proffered Condition Amendment Application PCA 87-A-011-02)**

WHEREAS, the Board of Supervisors, filed in the proper form an application to amend the proffers for RZ 89-A-001 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Braddock District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 25th day of September, 2012.



Catherine A. Chianese
Clerk to the Board of Supervisors

LITTLE RIVER GLEN I and II

PROFFERS

PCA 87-A-011-2 and PCA 89-A-001-2

May 4, 2012

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the BOARD OF SUPERVISORS OF FAIRFAX COUNTY VIRGINIA, for themselves, the property owners and their successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels shown on the Fairfax County Tax Map 58-4 ((01)) 41A, 47A1, 47L and 47A2 (the "Application Property") shall be in accordance with the following conditions:

Reaffirmation of Existing Proffers:

The Applicant hereby reaffirms the proffers set forth in that certain "Proffer Statement Little River Glen I and II PCA 87-A-011, PCA 89-A-001 and RZ 96-B-021 Rev. January 6, 1998", a copy of which is attached hereto and made a part hereof as Exhibit A, except as "General" Proffers 2 and 8 are hereby amended as follows:

Amendment to General Proffer 2:

The subject property shall be developed as an expansion of the existing development which includes a Senior Center and one hundred twenty (120) elderly housing units, and shall consist of an additional one hundred fifty (150) elderly housing units, sixty (60) assisted living units and an adult day care center ~~for a maximum of fifty (50) persons.~~ The maximum floor area ratio (FAR) for the adult day care/assisted living component shall be limited to 0.18. The density for the additional elderly housing units shall be limited to no more than 20.19 du/ac.

Amendment to General Proffer 8:

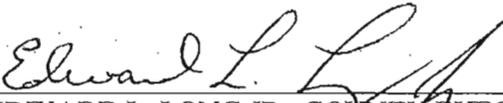
The Adult Day Care Center shall provide care for the frail and elderly and shall be limited to a maximum occupancy as may be permitted by applicable building codes and/or program certification(s) for the use of the space ~~of 50 people per day.~~ The hours of operation shall be limited to between 6:00 am to 6:30 pm, Monday through Friday. A full service kitchen facility may be provided within the adult day care center building.

[SIGNATURES BEGIN ON THE NEXT PAGE]

APPLICATION NO. PCA 87-A-011-2

APPLICANT

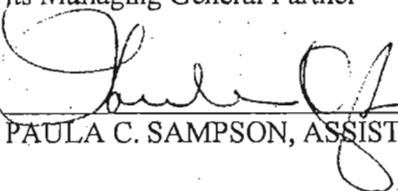
BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

BY: 
EDWARD L. LONG JR., COUNTY EXECUTIVE/AGENT

TITLE OWNER OF TM 058-4 ((1)) PARCEL 41A

LITTLE RIVER GLEN LIMITED PARTNERSHIP

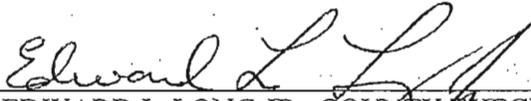
BY: FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY,
its Managing General Partner

BY: 
PAULA C. SAMPSON, ASSISTANT SECRETARY

APPLICATION NO. PCA 89-A-001-2

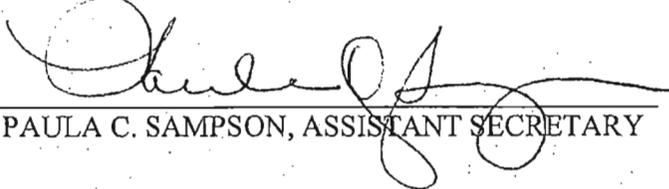
APPLICANT/LESSEE/TITLE OWNER of TM 058-4 ((1)) parcel 47A1 pt.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

BY: 
EDWARD L. LONG JR., COUNTY EXECUTIVE/AGENT

TITLE OWNER OF TM 058-4 ((1)) PARCELS 47A1, 47L, and 47A2

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

BY: 
PAULA C. SAMPSON, ASSISTANT SECRETARY

Proffer Statement

Little River Glen I and II

PCA 87-A-011, PCA 89-A-001 and RZ 96-B-021

Rev. January 6, 1998

Pursuant to Section 15.2-2303A Code of Virginia, 1950 edition as amended, the Fairfax County Redevelopment and Housing Authority (FCRHA), the undersigned applicant and owner of Parcels located on Tax Map 58-4 ((1)) 41A, 43, 44, 45 and 47, hereby proffers for themselves and their successors and assigns to the following pursuant to the Board of Supervisors approval of PCA 87-A-011, PCA 89-A-001 and RZ 96-B-021, Little River Glen I and Little River Glen II. If accepted, these proffers supersede all previous proffers.

GENERAL

1. The property shall be developed in substantial conformance with the GDP/SEA plat dated October 31, 1997 and prepared by Rinker-Detwiler and Associates, P.C. which consists of four (4) sheets. Pursuant to Par. 5 of Sect. 18-204, minor modifications to the GDP/SE plat may be permitted as determined by the Zoning Administrator provided that open space and peripheral buffers are not reduced and density and floor areas are not increased.
2. The subject property shall be developed as an expansion of the existing development which includes a Senior Center and one hundred twenty (120) elderly housing units, and shall consist of an additional one hundred fifty (150) elderly housing units, sixty (60) assisted living units and an adult day care center for a maximum of fifty (50) persons. The maximum floor area ratio (FAR) for the adult day care/assisted living component shall be limited to 0.18. The density for the additional elderly housing units shall be limited to no more than 20.19 du/ac.
3. Phase 1 of the expansion for Little River Glen II may consist of one or more of the aforementioned uses, but at a minimum, shall require the construction of required stormwater management, the internal travel aisle/ loop road, related major underground utilities, peripheral transitional screening yards, supplemental landscaping and barrier fences.
4. The elderly housing buildings shall be set back a minimum of 75 feet from the eastern property line as depicted on the GDP/SEA plat.
5. The elderly housing buildings shall be constructed as 2-story buildings, with building materials, colors and an architectural style similar to the existing Little River Glen facilities.

6. The adult day care building and the assisted living building shall be constructed as 1-story buildings with building materials, colors and architectural style which is residential in character and compatible with the existing Little River Glen facilities. In order to ensure architectural compatibility, architectural elevations for the assisted living and adult day care center buildings shall be returned to the Planning Commission for administrative review prior to site plan approval.
7. Within each of the five (5) new elderly housing buildings, a maximum of 450 square feet of space may be provided for accessory services such as transportation, personal care and support, housekeeping and food services, among others. All accessory services provided through the existing senior center or within the elderly housing buildings shall be provided directly by or be under the control of Fairfax County programs serving the elderly and shall be oriented to serve the residents of Little River Glen and the surrounding community. These services shall be available to all residents of Little River Glen I and II and to non-residents who qualify for elderly services in Fairfax County in accordance with the established criteria of the provider agency.
8. The Adult Day Care Center shall provide care for the frail and elderly and shall be limited to a maximum of 50 people per day. The hours of operation shall be limited to between 6:00 am to 6:30 pm, Monday through Friday. A full service kitchen facility may be provided within the adult day care center building.
9. A maximum of 60 units (beds) shall be provided within the assisted living residential component of Little River Glen II. Each unit shall consist of a studio apartment and private bath; complete kitchen facilities shall not be provided. All meals shall be provided from the kitchen facilities in the existing Senior Center or from the adult day care center kitchen. Staffing and space for services for the assisted living facility may include, but shall not be limited to, nurses (or other medical practitioners) for wellness and health programs, staff to assist with daily living activities, food service and administrative staff and visiting doctors and therapists, as may be scheduled and needed.
10. No site plans to implement any of the uses permitted pursuant to these proffered condition amendments and rezoning application shall be approved until the public street right-of-way associated with Long Place is vacated; if Long Place is not vacated a proffered condition amendment and special exception amendment will be filed and may result in reduced development potential.
11. On-site outdoor active recreation areas shall be provided as shown on the GDP/SEA plat; the exact location for the outdoor facilities may be modified to a location that is in substantial conformance with the GDP, but shall include at minimum, shuffleboard, croquet, and horseshoe pit facilities
12. Advance density credit shall be reserved as may be permitted by the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance for all eligible dedications or as

may be required by Fairfax County or VDOT at the time of site plan approval.

13. The elderly housing component of the development shall comply with the Affordable Dwelling Unit Ordinance.

ENVIRONMENT

1. Prior to approval of any plan for land disturbing activities, the applicant shall submit a tree survey and preservation plan to the Urban Forester for review and approval in order to 1) specifically identify individual trees or stands of trees located within the tree preservation areas depicted on the GDP/SEA plat; 2) identify other trees which have a minimum caliper of 6" or greater which may be preserved within the developed portions of the site; and 3) identify other vegetation which may be feasible to be transplanted in order to supplement landscaping and screening on the site as proffered. All recommendations of the Urban Forester shall be implemented.
2. (a) At the time of site plan review, the applicant will designate the limits of clearing and grading consistent with the tree preservation plan and GDP/SEA plat which are to be observed during construction, and in addition, will designate additional limits of clearing and grading to protect the individual trees to be preserved, as well as other trees on each lot which can be saved without precluding construction of the development as proposed, subject to approval of the Urban Forestry Branch. All such limits of clearing and grading will be marked on the ground with fencing a minimum of four (4) feet in height prior to clearing and grading and at all times during construction.

(b) Applicant will remove any trees requested by the Urban Forester to be removed which are outside or beyond the limits of clearing and grading as designated by the Urban Forester at site plan review.

(c) Existing "tree preservation areas" shown on the GDP/SEA plat will be marked for preservation prior to clearing and grading and at all times during construction. The drip lines of such trees will be marked on the ground with fencing a minimum of four (4) feet in height prior to clearing and grading and at all times during construction.

(d) In addition, prior to site plan approval, a replacement value shall be assigned by the Urban Forestry Branch to all healthy trees measuring ten (10) inches or larger in diameter which are either individually designated as required under this proffer or are located within the limits of clearing and grading as shown on the GDP. At the time of subdivision plat approval, the applicant will post in increments, as defined below, a letter of credit payable to the County in such amount assigned as replacement value by the Urban Forestry Branch to ensure the replacement of the designated trees. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of

each designated tree shall be determined according to the methods Plan contained in the 8th edition of Valuation of Landscape Trees, Shrubs and Other Plants, published by the International Society of Arboriculture. The total amount of incremental letter of credit will not exceed the sum of such assigned values or Two Thousand Dollars (\$2,000.00). If the letter of credit is called by Fairfax County for tree replacement, then a letter of credit of equal value will be posted within thirty (30) days of request by Fairfax County. The total value of the letters of credit shall not exceed the total established replacement value of the designated trees.

(e) During construction, a certified arborist shall periodically inspect the project and determine if any of the designated "tree preservation areas" or any trees located outside or beyond the limits of clearing and grading as shown on the approval grading plans are dead or dying due to acts of negligence by the Applicant. The applicant may then draw funds from the letter of credit in order to remove and replace such dead or dying trees according to the assigned value as defined in the Valuation of Landscape Trees, Shrubs, and Other Plants of such dead or dying trees.

(f) Any funds received by Fairfax County pursuant to this proffer shall be utilized solely to preserve, restore to health or replace trees on the subject property.

(g) The letter of credit will be released simultaneously when the Final Bond is released for the development of Phase 2.

3. Stormwater Management/BMP facilities shall be provided as shown on the GDP/SEA plat. The provision of the wet pond in the northeastern portion of the site is contingent upon approval of a waiver by DEM to permit a wet pond in a residential area. If the required waiver is not granted, then alternative stormwater management/BMP facilities shall be provided as may be required by DEM. Modifications to the detention facilities as shown on the GDP/SEA plat may be permitted provided that the overall design and layout of buildings, open space peripheral landscaping, screening and barriers, and minimum yards remain in substantial conformance with the GDP/SEA plat, as may be determined by OCP. Otherwise, an amendment to the GDP/SEA plat and a new public hearing will be required in order to provide the necessary re-design to accommodate adequate stormwater management.
4. Mitigation for highway noise from Little River Turnpike shall be provided for the elderly housing building to meet the acoustical guidelines contained in Attachment A.

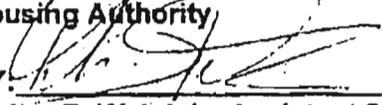
5. A 50 foot wide transitional screening yard and buffer shall be provided along the southern lot line generally as shown on the GDP/SEA plat. Within this area, existing trees and vegetation shall remain undisturbed except for the removal of dead, dying or diseased trees and/or vegetation, removal of trash or other debris, and as may be necessary to provide a solid wood fence as indicated on the GDP/SEA plat. There shall be no clearing or grading with any equipment other than hand-held equipment within this 50 foot buffer area except as may be minimally required to provide for the stormwater management dry pond and outfall at the southeastern corner of the site, and other required utilities. The limits of clearing and grading shall be strictly adhered to utilizing methods recommended and approved by the Urban Forester/DEM to minimize disturbance. Supplemental landscape plantings, including transplanted materials, shall be provided within this buffer area as may be required by the Urban Forester. Except for the provision of a solid wood fence, no structures shall be permitted in within this 50 foot buffer.
6. A minimum of a 50 foot wide transitional screening yard and buffer area shall be provided along the eastern lot line as generally shown on Sheets 1 and 2 of the GDP/SEA plat. This buffer shall consist of a minimum of 25 feet of preserved trees and vegetation which shall be supplemented with an additional 25 feet of evergreen and deciduous trees as shown on the GDP/SEA plat. A six (6) foot high solid wood fence shall be provided within this 50 foot buffer and shall be located to minimize disturbance of existing vegetation as may be recommended and approved by the Urban Forester; no other structures shall be permitted within this buffer. Within the buffer area shown, existing trees and vegetation shall be preserved except that the removal of dead or dying trees and/or vegetation may be permitted subject to approval by the Urban Forester.
7. A minimum of a 35 foot wide transitional screening yard and buffer area shall be provided along that portion of Rt. 236 adjacent to the proposed expansion. A landscaped berm two (2) to four (4) feet in height shall be provided as generally depicted on Sheet 2 of the GDP/SEA plat. Additional screening may be provided within the VDOT right-of-way subject to VDOT approval.
8. A 35 foot wide transitional screening yard and buffer area shall be provided along the western lot line generally as shown on the GDP/SEA plat. The screening shall consist of landscaped berms which shall be planted primarily with evergreen trees as may be determined by the Urban Forester in order to be consistent with the plant materials used within the existing landscape treatment along Olley Lane. All landscaping materials shall be planted and sized in accordance with the PFM.

9. As part of the site plan submission, a detailed landscape plan shall be submitted for review and approval by the Urban Forester. The landscape plan shall provide details for the building foundation landscape plantings, and other interior garden points such as the bird walk, herb garden, the rose garden, etc.
10. All security and parking lot lighting shall be directed on-site and shielded to prevent glare from projecting off-site.

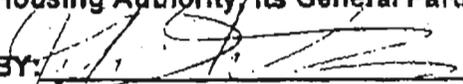
TRANSPORTATION

1. Landscape planting within the right-of-way for a portion of the Rt. 236 frontage shall be provided subject to approval by VDOT and if additional landscaping within the right-of-way is not approved, then 35 feet of landscaped screening and buffering shall be provided as depicted on the GDP/SE plat.
2. Right-of-way along Olley Lane, Rt. 787, shall be dedicated to 45 feet from centerline of Olley Lane, in fee simple, to the Board of Supervisors for public street purposes, upon demand or at the time of site plan approval, whichever occurs first. Public street improvements meeting VDOT standards shall be constructed in order to provide a 38 foot cross section from the centerline to the face of curb and shall include the necessary re-striping to provide a left turn lane into the site at the southernmost entrance. Adequate sight distance shall be provided at the new entrance as may be required by VDOT.
3. Access into the site from Rt. 236 shall be for emergency purposes and pond maintenance only, as shown on the GDP/SEA plat.
4. A sidewalk shall be provided along the Olley Lane frontage to tie into the existing sidewalks to the north and south.

Fairfax County Redevelopment and
Housing Authority

BY: 
Walter D. Webdale, Assistant Secretary

Little River Glen L.P.
By Fairfax County Redevelopment and
Housing Authority, its General Partner

BY: 
Walter D. Webdale, Assistant Secretary