



# County of Fairfax, Virginia

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

April 10, 2013

Lori R. Greenlief  
McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons Corner, VA 22102

Re: Special Exception Application SE 2012-MA-017

Dear Ms. Greenlief:

At a regular meeting of the Board of Supervisors held on April 9, 2013, the Board approved Special Exception Application SE 2012-MA-017 in the name of Shelter Development, LLC. The subject property is located at 3440, 3444, 3450 and 3454 Gallows Road, on approximately 6.36 acres of land, zoned R-2 in the Mason District [Tax Map 59-2 ((1)) 47, 48, 49 pt. and 59-2 ((10)) 1 pt.]. The Board's action permits medical care facility, pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Brightview Special Exception", prepared by BC Consultants and dated July 17, 2012 as revised through March 11, 2013, consisting of 18 sheets, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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**Office of the Clerk to the Board of Supervisors**  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

4. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The final architectural design of the building shall be consistent with the general design and type, quality, and proportion of materials depicted in the illustrative perspectives and renderings on Sheet 13 of the SE Plat.
6. All required ADA accessible parking spaces will be located adjacent to the building such that no travel aisles will have to be crossed to access the facility.
7. All signs shall be in conformance with Article 12 of the zoning ordinance and shall be compatible with the materials, style, and color of the building. Internally-illuminated signs shall not be allowed on the site.
8. The maximum occupancy shall not to exceed 104 beds.
9. The applicant shall maintain at least four percent of the beds for residents who are eligible for the Virginia Department of Social Services' Auxiliary Grant program.
10. The final location of the proposed fencing and transitional screening plantings shown on the SE Plat shall be subject to review and approval by Urban Forest Management Division, DPWES.
11. Trash and/or recycling collection shall be limited to the hours of 7:00 am-7:00 pm, Monday through Friday. No weekend pickups shall be allowed.
12. Food and linen delivery hours shall be restricted to 7:00 am- 7:00 pm, Monday through Friday only, unless unusual circumstances such as emergencies, atypical weather, or traffic conditions require delivery outside of the standard hours or weekdays.
13. Any parking lot lighting stanchions shall be a maximum of fifteen feet in height, including the base, and conform to the provisions in Part 9 of Article 14 of the Zoning Ordinance. Sufficient shrub and/or tree plantings shall be installed around the periphery of the parking area to ensure that no vehicle headlight glare is reflected onto adjacent properties, subject to review and approval by Urban Forest Management.
14. The gated access driveway from Aston Street shall be used for the maintenance and servicing of the stormwater dry pond only. When not in use, the gate shall be locked in the closed position.

15. Prior to the issuance of the Non-RUP, the entrance from Gallows Road shown on the SE Plat shall be constructed with a right taper and adequate turning radius as reviewed and approved by VDOT.
16. Subject to Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall reserve right-of-way up to a width of 12 (twelve) feet along the application property's Gallows Road (VA Route 650) frontage as shown on the SE Plat. Dedication of this reservation area shall be upon demand by Fairfax County or VDOT. The applicant may utilize land within the area of reservation as indicated on the SE plat; however, at the time of dedication, any plantings or other site improvements located in the areas reserved for this purpose shall be removed by the applicant at his expense.
17. Excepting for safety or aesthetic reasons, or to comply with other requirements of other development conditions contained herein, the applicant will ensure that all of the following types of appliances, fixtures, and building components used in the project shall be ENERGY STAR qualified: clothes washers; dishwashers; refrigerators/freezers; ceiling fans; ventilation fans (including kitchen and bathroom fans); light fixtures; exit signs; programmable thermostats; windows and doors; skylights; roofing materials; and water heaters. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. This letter shall also explain any exceptions and the reasoning behind the exception (safety, aesthetic reasons, or compliance with other approved development conditions). The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns with compliance. This commitment will apply only to appliances, fixtures and building components provided with the initial construction of the development; this commitment will not apply to subsequent purchasers of dwelling units.
18. The applicant shall use energy efficient heating and cooling systems that meet the 2012 IECC (International Energy Conservation Code) minimum requirements.
19. The applicant shall only use adhesives and sealants that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.1. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.

20. The applicant shall only use paints and coatings that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.2. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.
21. The applicant shall only use flooring systems that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.3. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.
22. The applicant shall only use composite wood and agrifiber products that comply with the requirements listed in LEED-NC (Version 2009) IEQ Credit 4.4. Prior to issuance of the Residential Use Permit for each unit, the applicant will submit to DPWES a letter from a registered architect or professional engineer certifying compliance with this commitment. The applicant may, at his or her discretion, submit a letter covering multiple units. Documentation is not required to be submitted with the letter of compliance; however documentation to support compliance may be requested at a future date pending any concerns.
23. Prior to Site Plan approval, the existing structures on the property shall be evaluated by a qualified architectural historian to determine historical significance. The results of this evaluation shall be submitted to the Department of Planning and Zoning (DPZ) Historic Preservation planner. If found to be architecturally and/or historically significant, the structures shall be documented through photographic recordation for the purpose of recording and documenting the existing standing structures, prior to development and/or demolition. Such documentation shall be conducted in coordination with and subject to the review of the Department of Planning and Zoning (DPZ) Historic Preservation planner.
24. A. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis

percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

**B. Tree Preservation Walk-Through.** The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

**C. Limits of Clearing and Grading.** The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

**D. Tree Preservation Fencing:** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire

attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES. For the purpose of demolition permitting only, the required tree protection fencing shall be limited to the areas required to demolish the structures including access from the public street as reviewed and approved by UFMD.

E. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance

with all tree preservation proffer, development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

G. Invasive Species Management. The applicant shall create and implement an invasive species management program for all tree conservation areas that may contain invasive plant material that clearly identifies targeted areas and species, details removal and treatment techniques, replanting with herbaceous and woody material, monitoring, and program duration in accordance with PFM 12-0404.2B and 12-0509.3D.

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

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

**The Board also:**

- Modified transitional screening and barrier requirements along all property lines, in favor of the plantings and fencing shown on the SE Plat.
- Modified the loading space requirement to permit the location shown on the SE plat.

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

SE 2012-MA-017  
April 10, 2013

-8-

cc: Chairman Sharon Bulova  
Supervisor Penelope Gross, Mason 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  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



**COUNTY OF FAIRFAX**  
 Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: \_\_\_\_\_

SE 2012-MA-017

(Staff will assign)

RECEIVED  
 Department of Planning & Zoning  
 JUL 31 2012  
 Zoning Evaluation Division

**APPLICATION FOR A SPECIAL EXCEPTION**  
 (PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> Shelter Development, LLC
	<b>MAILING ADDRESS</b> 218 N. Charles Street, Suite 220 Baltimore, MD 21201
	<b>PHONE HOME</b> ( ) <b>WORK</b> (410 ) 246-7486
	<b>PHONE MOBILE</b> ( )
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> Lot 47 (3440 Gallows Road), Lot 48 (3444 Gallows Road), Lot 49 (3450 Gallows Road), Lot 1 (3454 Gallows Road)
	<b>TAX MAP NO.</b> 59-2((1))47, 48, 49 (pt); 59-2((10))1 (pt) <b>SIZE (ACRES/SQ FT)</b> 6.36 acres
	<b>ZONING DISTRICT</b> R-2 <b>MAGISTERIAL DISTRICT</b> Mason
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b>
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> Sect. 9-301
	<b>PROPOSED USE</b> Medical Care Facility (assisted living facility)
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Lori Greenlief
	<b>MAILING ADDRESS</b> 1750 Tysons Blvd. Suite 1800, Tysons Corner, VA 22102
	<b>PHONE HOME</b> ( ) <b>WORK</b> (703 ) 712-5433
	<b>PHONE MOBILE</b> ( )
<b>MAILING</b>	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Lori R. Greenlief</p> <p>_____  <b>TYPE/PRINT NAME OF APPLICANT/AGENT</b></p> <p>_____  <b>SIGNATURE OF APPLICANT/AGENT</b></p>	

DO NOT WRITE IN THIS SPACE

Date Application accepted: \_\_\_\_\_ Application Fee Paid: \$ \_\_\_\_\_

# SE 2012-MA-017

## Zoning Application Closeout Summary Report

Printed: 4/24/2013

### General Information

**APPLICANT:** SHELTER DEVELOPMENT, LLC  
**DECISION DATE:** 04/09/2013  
**CRD:** NO  
**HEARING BODY:** BOS  
**ACTION:** APPROVE  
**STAFF COORDINATOR:** BRENT KRASNER  
**SUPERVISOR DISTRICT:** MASON

**DECISION SUMMARY:**

ON APRIL 9, 2013, THE BOARD UNANIMOUSLY APPROVED SE 2012-MA-017 ON A MOTION BY SUPERVISOR GROSS SUBJECT TO DEVELOPMENT CONDITIONS DATED MARCH 14, 2013.

**APPLICATION DESCRIPTION:**  
 MEDICAL CARE FACILITY

### Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				R- 2	6.36 ACRES

### Tax Map Numbers

0592 ((01)) ( )0049      0592 ((01)) ( )0047      0592 ((01)) ( )0048      0592 ((10)) ( )0001

### Approved Land Uses

Zoning District: R- 2

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
MED/CR/FAC					55,432	0.20	6.36 ACRES
<b>TOTALS</b>							

### Approved Waivers/Modifications

WAIVE LOADING SPACE REQUIREMENT  
 MODIFY TRANSITIONAL SCREENING REQUIREMENT  
 WAIVE BARRIER REQUIREMENT

4/24/2013

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**Approved Development Conditions**DEVELOPMENT CONDITION STATEMENT DATE: 04-19-2013

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<b>DEVELOPMENT CONDITION</b>	<b>DUE</b>	<b>TRIG #</b>	<b>TRIG EVENT</b>	<b>CONTRIB</b>	<b>EXPIR DTE</b>
TRANSITIONAL SCREENING	01-01-0001	0	N/A	0	01-01-0001
ENERGY EFFICIENCY	01-01-0001	0	N/A	0	01-01-0001
DENSITY / DWELLING UNITS PER ACRE (DU/AC)	01-01-0001	0	N/A	0	01-01-0001
PHOTOGRAPHIC DOCUMENTATION	01-01-0001	0	SITE PLAN	0	01-01-0001
ARCHITECTURE BUILDING MATERIALS / COLORS	01-01-0001	0	N/A	0	01-01-0001
AUXILIARY GRANT PROGRAM (HCAB)	01-01-0001	0	N/A	0	01-01-0001
WASTE CONTROL	01-01-0001	0	N/A	0	01-01-0001
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	N/A	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	N/A	0	01-01-0001
RIGHT OF WAY - DEDICATION	01-01-0001	0	N/A	0	01-01-0001
SIGNAGE	01-01-0001	0	N/A	0	01-01-0001
OTHER - TRANSPORTATION	01-01-0001	0	N/A	0	01-01-0001
STORMWATER MANAGEMENT POND - ON-SITE	01-01-0001	0	N/A	0	01-01-0001
ENTRANCE IMPROVEMENTS	01-01-0001	0	NON-RUP	0	01-01-0001
SUBJECT TO SITE PLANS / SUBDIVISION PLATS	01-01-0001	0	N/A	0	01-01-0001
PARKING	01-01-0001	0	N/A	0	01-01-0001
LIGHTING/GLARE	01-01-0001	0	N/A	0	01-01-0001
TREE PRESERVATION / SURVEY	01-01-0001	0	N/A	0	01-01-0001

4/24/2013