



County of Fairfax, Virginia

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

September 11, 2013

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

RE: Proffered Condition Amendment Application PCA 2008-PR-009-02

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 10, 2013, approving Proffered Condition Amendment Application PCA 2008-PR-009-02 in the name of Inova Health Care Services. The Board's action amends the proffers for Rezoning Application RZ 2008-PR-009 previously approved for a medical care facility (hospital) with a child care center with overall Floor Area Ratio (FAR) of 0.80 to permit modifications of approved proffers associated with the child care center. The subject property is located in the N.W. quadrant of the intersection of Gallows Road and Woodburn Road on approximately 64.89 acres of land zoned C-3[Tax Map 49-3 ((39)) 4B, 5B, 6, 7, 7L and 59-2 ((1)) 1A1 and 1D1], in the Providence District and is subject to the proffers dated July 16, 2013.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

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

<http://www.fairfaxcounty.gov/bosclerk>

Cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence 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
Lee Ann Pender, 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 10th day of September, 2013, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-PR-009-02**

WHEREAS, Inova Health Care Services, filed in the proper form an application to amend the proffers for RZ 2008-PR-009 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 Providence 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 10th day of September, 2013.


Catherine A. Chianese
Clerk to the Board of Supervisors



INOVA FAIRFAX HOSPITAL

PROFFERS

PCA 2008-PR-009-02

July 16, 2013

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), INOVA HEALTH CARE SERVICES ("Inova"), 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 under consideration and shown on the 2013 Fairfax County tax maps as 59-2 ((1)) 1A1 and 1D1; and 49-3 ((39)) 4B, 5B, 6, 7 and 7L (the "Application Property") shall be in accordance with the following conditions:

Amendment to Proffer 4.C.; Reaffirmation of Remaining Proffers:

The Applicant hereby reaffirms the "Inova Fairfax Hospital Proffers" for PCA 2008-PR-009 dated December 5, 2011 in their entirety, except that Proffer 4.C. as set forth therein is hereby amended as follows:

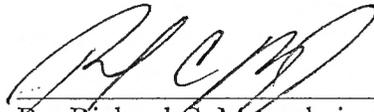
4.C. ~~Child Care Centers, to be used exclusively by the children of Inova Fairfax Hospital employees and provided that~~ (i) the maximum attendance shall be limited to 200 children at any one time, (ii) ~~and that the hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday,~~ (iii) preference on the waiting list for such centers shall be given to children of parents who work on the Application Property, and (iv) such centers shall be marketed to, among others, employees of the Fairfax-Falls Church Community Services Board's "Merrifield Center", located at 8221 Willow Oaks Corporate Drive (2013 Fairfax County tax map 49-3 ((3)) 1).

[SIGNATURES BEGIN ON THE NEXT PAGE]

APPLICANT/LESSEE ("TITLE OWNER" BY VIRTUE
OF A GROUND LEASE IN EXCESS OF 30 YEARS) OF
TAX MAP 59-2 ((1)) 1A1; TITLE OWNER OF TAX
MAP 59-2 ((1)) 1D1 AND 49-3 ((39)) 4B, 5B, 6, 7 and 7L

INOVA HEALTH CARE SERVICES

By: Inova Health System Foundation, its Sole Member

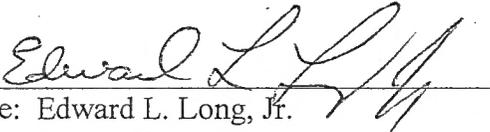
A handwritten signature in black ink, appearing to read 'R. C. Magenheimer', is written over a horizontal line.

By: Richard C. Magenheimer
Its: Chief Financial Officer

[SIGNATURES CONTINUE]

TITLE OWNER/GROUND LESSOR OF TAX MAP 59-2
((1)) 1A1; GROUND LESSEE OF TAX MAP 59-2 ((1))
1D1 PT.

FAIRFAX COUNTY BOARD OF SUPERVISORS

By: 
Name: Edward L. Long, Jr.
Its: County Executive

[SIGNATURES END]





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

APPLICATION No: PCA 2008-PR-009-02
 (Assigned by staff)

RECEIVED
 Department of Planning & Zoning

MAY 01 2013

Zoning Evaluation Division

APPLICATION FOR A REZONING
 (PLEASE TYPE or PRINT IN BLACK INK)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), Inova Health Care Services, the applicant (s) petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying from the C-3 District to the C-3 District the property described below and outlined in red on the Zoning Section Sheet(s) accompanying and made part of this application.

LEGAL DESCRIPTION:

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.

TAX MAP DESCRIPTION:

59-2	01		1A1, 1D1	
49-3	39		4B, 5B, 6, 7 and 7L	
				64.89
Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Acreage

POSTAL ADDRESS OF PROPERTY:

3300-3312 Gallows Road and 3300-3340 Woodburn Road

ADVERTISING DISCRIPTION: (Example - North side of Lee Highway approx. 1000 feet west of its intersection with Newgate Blvd.)

West side of Gallows Road, North of Woodburn Road

PRESENT USE: Medical Care Facilities and Related Uses **PROPOSED USE:** Medical Care Facilities and Related Uses

MAGISTERIAL DISTRICT: Providence **OVERLAY DISTRICT (S):** N/A

The name(s) and address(s) of owner(s) of record shall 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 representative on official business to enter on the subject property as necessary to process the application.

Timothy S. Sampson, Attorney/Agent

Timothy S. Sampson
 Signature of Applicant or Agent

Type or Print Name
 Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

(Work) (703) 528-4700 (Mobile) 703-618-4135

2200 Clarendon Boulevard, #1300

Telephone Number

Address Arlington, VA 22201

Please provide name and telephone number of contact if different from above:

PCA 2013-0081

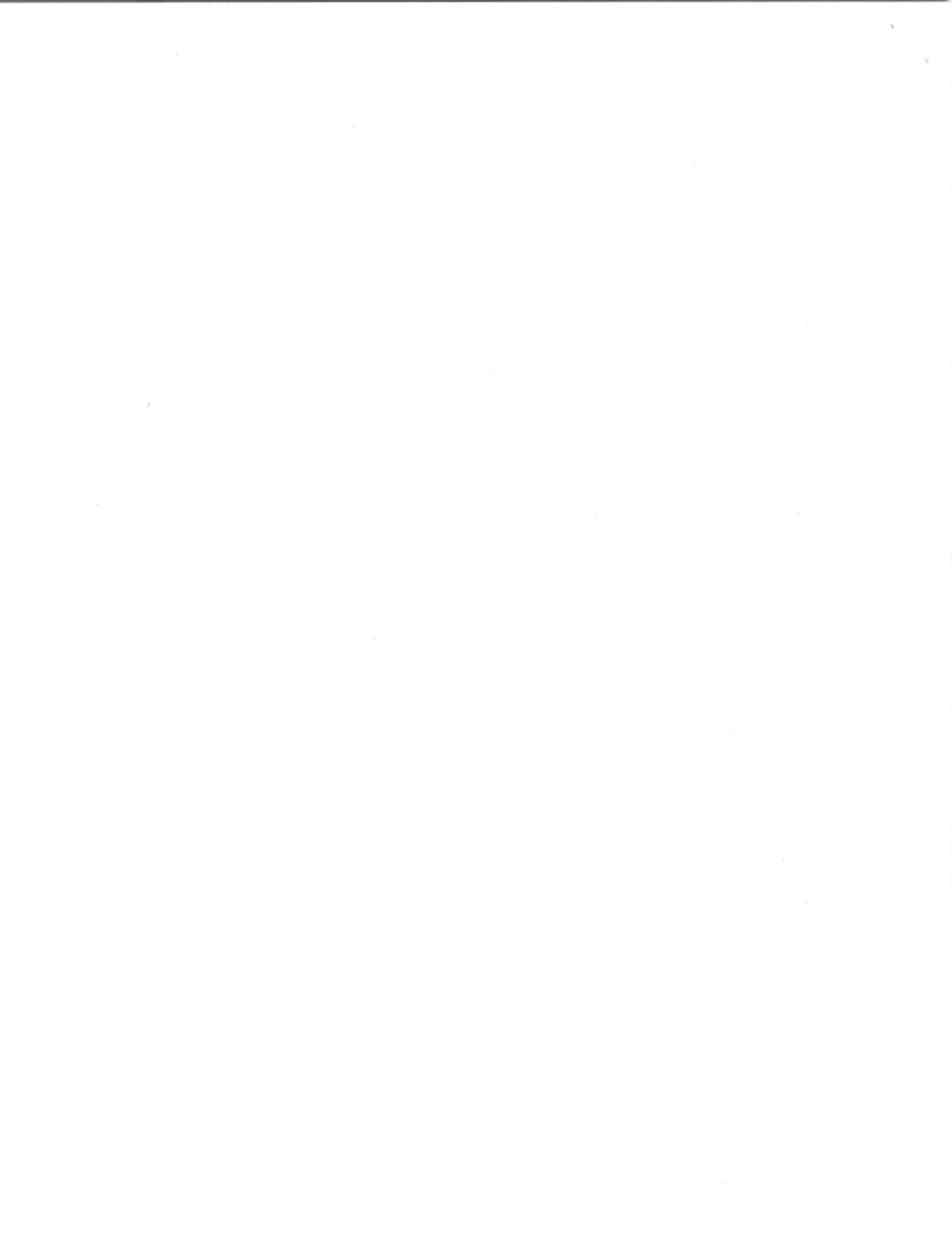
DO NOT WRITE BELOW THIS SPACE

Date application accepted: May 1, 2013

Virginia Ruffner

Fee Paid \$ 13,040.⁰⁰

MPC
 5/1/13



PCA 2008-PR-009-02

Zoning Application Closeout Summary Report

Printed: 9/23/2013

General Information

APPLICANT: INOVA HEALTH CARE SERVICES
DECISION DATE: 09/10/2013
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: WILLIAM O'DONNELL
SUPERVISOR DISTRICT: PROVIDENCE

DECISION SUMMARY:

ON SEPTEMBER 10, 2013, THE BOARD UNANIMOUSLY APPROVED PCA 2008-PR-009-2, ON A MOTION BY SUPERVISOR SMYTH, WITH ALL BUT 3 SUPERVISORS RECUSING THEMSELVES, SUBJECT TOPROFFERS DATED JULY 16, 2013.

APPLICATION DESCRIPTION:

AMEND RZ 2008-PR-009 TO PERMIT MODIFICATIONS OF APPROVED PROFFERS

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C-3	64.89 ACRES

Tax Map Numbers

0493 ((39))\)0007 L	0592 ((01))\)0001 A1	0493 ((39))\)0004 B	0493 ((39))\)0005 B	0592 ((01))\)0001 D1
0493 ((39))\)0006	0493 ((39))\)0007			

Approved Land Uses

Zoning District:

LAND USE	DU'S	RES LAND AREA	ADU'S	WDU'S	GFA	FAR	NRES LAND AREA
TOTALS							

Approved Proffers

PROFFER STATEMENT DATE: 07-16-2013

PROFFER	DUE	TRIG #	TRIG EVENT	CONTRIB AMT	EXPIR. DTE
USE RESTRICTIONS	01-01-0001	0	N/A	\$0	01-01-0001

9/23/2013



April 22, 2013

**DESCRIPTION
PARCELS A AND D, FAIRFAX HOSPITAL
AND
LOTS 4B, 5B, 6 AND 7
WILLOW OAKS**

**PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA**

RECEIVED
Department of Planning & Zoning
APR 22 2013
Zoning Evaluation Division

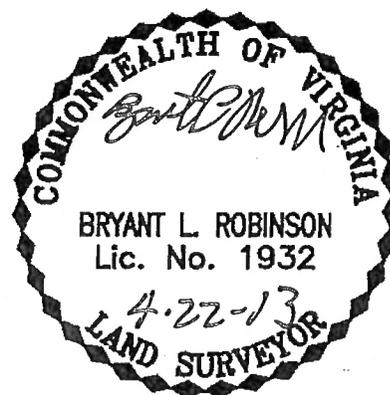
Beginning at a point on the westerly right-of-way line of Gallows Road (Route 650), said point marking the southeasterly corner of NFMU Fairfax LLC; thence with the westerly right-of-way line of Gallows Road the following courses: with a curve to the right, whose radius is 1832.00 feet and whose chord is S13°14'28"E, 72.76 feet, an arc distance of 72.77 feet; S12°06'12"E, 703.26 feet; with a curve to the left, whose radius is 1318.00 feet and whose chord is S19°23'43"E, 334.57 feet, an arc distance of 335.48 feet; N63°18'45"E, 8.00 feet; S26°41'15"E, 0.26 feet; with a curve to the left, whose radius is 1049.44 feet and whose chord is S35°35'45"E, 325.02 feet, an arc distance of 326.33 feet; S40°42'20"E, 2.62 feet; with a curve to the left, whose radius is 1300.00 feet and whose chord is S44°10'05"E, 157.03 feet, an arc distance of 157.12 feet; S47°37'50"E, 119.40 feet; S47°02'59"E, 30.21 feet; with a curve to the left, whose radius is 1201.55 feet and whose chord is S49°36'26"E, 87.80 feet, an arc distance of 87.82 feet and S02°29'38"E, 25.68 feet to a point on the northerly right-of-way line of Woodburn Road (Route 709); thence departing Gallows Road and with the northerly right-of-way line of Woodburn Road the following courses: S53°16'43"W, 22.83 feet; S53°53'26"W, 42.28 feet; with a curve to the right, whose radius is 219.65 feet and whose chord is S68°48'38"W, 113.11 feet, an arc distance of 114.40 feet; S83°43'51"W, 420.83 feet; with a curve to the right whose radius is 20.00 feet and whose chord is N66°38'21"W, 19.78 feet, an arc distance of 20.69 feet; S45°30'12"W, 9.34 feet; S83°43'51"W, 110.63 feet; with a curve to the right, whose radius is 20.00 feet and whose chord is S17°27'46"W, 16.39 feet, an arc distance of 16.88 feet; S83°43'51"W, 548.35 feet to a point on the easterly line of Woodburn Village Condominium; thence departing the northerly right-of-way line of Woodburn Road and with the easterly and the northerly line of Woodburn Village Condominium the following courses:

N01°50'33"W, 776.39 feet to a point being the northeasterly corner of Woodburn Village Condominium; with a curve to the right, whose radius is 290.00 feet and whose chord is N69°20'06"W, 98.77 feet, an arc distance of 99.25 feet; with a curve to the left, whose radius is 210.00 feet and whose chord is N75°40'45"W, 116.81 feet, an arc distance of 118.37 feet and S88°10'21"W, 589.04 feet to a point being the southeasterly corner of Commonwealth of Virginia; thence departing Woodburn Village Condominium and with the easterly and northerly line of Commonwealth of Virginia N01°51'14"W, 800.30 feet and S84°23'59"W, 229.03 feet to a point marking the most easterly corner of Parcel "Z", Section 4, Strathmeade Square; thence with the northeasterly line of Parcel "Z" N45°50'36"W, 246.86 feet to a point marking the southeasterly corner of Outlot "J", Section 3, Prosperity Heights; thence with the easterly line of Section 3, Prosperity Heights N18°45'25"W, 1060.25 feet to a point on the southeasterly line of the Board of Supervisors of Fairfax County, Virginia; thence with the southeasterly line of the Board of Supervisors of Fairfax County, Virginia and continuing with the southerly line of Willow Oaks the following courses: N44°49'08"E, 210.76 feet; S89°52'05"E, 27.50 feet; S31°01'46"W, 37.28 feet; S89°52'06"E, 331.89 feet and S33°13'19"E, 33.47 feet to a point on the westerly line of NFMU Fairfax LLC; thence departing the southerly line of Willow Oaks and with the westerly and the southerly lines of NFMU Fairfax LLC S14°41'51"E, 1096.27 feet and N88°09'02"E, 1306.52 feet to the point of beginning, containing 64.89 acres of land.

All being more particularly described on a plat hereto attached and made a part hereof.

Description of Parcels A and D
Fairfax Hospital and
Lots 4B, 5B, 6 and 7, Willow Oaks
April 22, 2013

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P:\SURVEYS\DESCRIPTIONS\2013\Parcels A & D, Fairfax Hosp. & Lots 4B, 5B, 6 & 7, Willow Oaks.doc