



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 2000-SU-032-04

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 2000-SU-032-04 in the name of Inova Health Care Services. The Board's action amends the proffers for Rezoning Application RZ 2000-SU-032, previously approved for a medical care facility (hospital) with a child care center with overall Floor Area Ratio (FAR) of 0.34 to permit modifications of approved proffers associated with the child care center. The subject property is located S. of Ox Trail, E. of Rugby Road, N. and S. of Alder Woods Drive on approximately 62.79 acres of land zoned C-3 and WS [Tax Map 45-2 ((1)) 41B1, 41L, 41L3, 41L4, 41L5; 45-2 ((2)) 38, 39A, 39B, 46A1 and 51A1], in the Sully District and is subject to the proffers dated May 31, 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 Michael Frey, Sully 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 2000-SU-032-04**

WHEREAS, Inova Health Care Services, filed in the proper form an application to amend the proffers for RZ 2000-SU-032 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

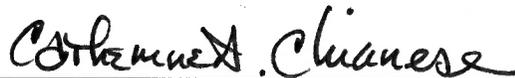
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Sully 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 FAIR OAKS HOSPITAL

PROFFERS

PCA 2000-SU-032-04

May 31, 2013

Pursuant to Section 15.2-2303(A), 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 proffers that the development of the parcels identified as 2013 Fairfax County tax map parcels 45-2 ((1)) 41B1, 41L, 41L3, 41L4 and 41L5; and 45-2 ((2)) 38, 39A, 39B, 46A1 and 51A1 (the "Application Property") shall be in substantial conformance with the following conditions:

Amendment to Proffer 21; Reaffirmation of Remaining Proffers:

The Applicant hereby reaffirms the "Inova Fair Oaks Hospital Proffers" for PCA 2000-SU-032-03 dated June 6, 2011 in their entirety, except that Proffer 21 as set forth therein is hereby amended as follows

21. Child Care Center.

- a. Preference on the waiting list for the child care center shall be given to children of parents who work on the Application Property. The child care center shall be used exclusively by the children of employees of Inova Health Care Services and physicians and staff practicing on the Inova Fair Oaks Campus.
- b. The maximum number of children at any one time within the facility shall be 150 (with a maximum daily enrollment of 200) and there shall be a maximum of 40 total employees on-site at any one time.
- c. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday. The operator of the child care center shall not allow children to play in the outdoor area before 9:00 a.m.
- d. Access to the site shall only be provided through the adjacent hospital site with no direct access onto Ox Trail.

[SIGNATURE PAGES TO FOLLOW]

APPLICANT/TITLE OWNER OF TAX MAP
45-2 ((1)) 41B1, 41L, 41L3, 41L4, 41L5 and 45-2
((2)) 38, 39A, 39B, 46A1, 51A1

INOVA HEALTH CARE SERVICES

By: Inova Health System Foundation,
its Sole Member

By: 

Name: Richard C. Magenheimer

Title: Chief Financial Officer

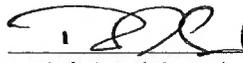
[SIGNATURES CONTINUE NEXT PAGE]

LESSEE OF TAX MAP 45-2 ((2)) 46A1 pt.

SP FAIRFAX 3700 REIT I, LLC

By: Seavest Healthcare Properties LLC,
its non-member manager

By: Seavest Inc., its non-member manager

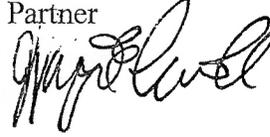
By: 
Name: Richard Segal
Title: Chairman

[SIGNATURES CONTINUE ON NEXT PAGE]

LESSEE OF TAX MAP 45-2 ((1)) 41L

'FAIR OAKS PROFESSIONAL BUILDING, L.P.

'By: Fair Oaks Medical Building, Inc., its General
Partner



By: _____

Name: Wayne E. Carroll

Title: President

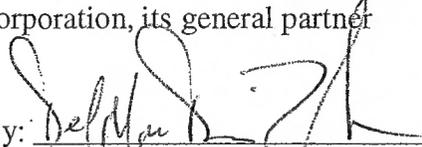
[SIGNATURES CONTINUE ON NEXT PAGE]

LESSEE OF TAX MAP 45-2 ((1)) 41L3

DUKE REALTY FAIRFAX MOB, LLC, a
Delaware limited liability company

By: Duke Realty Limited Partnership, an Indiana
limited partnership, its sole member

By: Duke Realty Corporation, an Indiana
corporation, its general partner

By:  _____

Name: Delmar D. Taylor

Title: EVP, Healthcare

[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 2000-SU-032-04

(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:

Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Acreage
45-2	01		41B1, 41L, 41L3, 41L4, 41L5	
45-2	02		38, 39A, 39B, 46A1, 51A1	
				62.79

POSTAL ADDRESS OF PROPERTY:

3600, 3620, 3575, 3750 Joseph Siewick Drive; 3801, 3807 Rugby Road; 12603 Ox Trail

ADVERTISING DISCRPTION: (Example - North side of Lee Highway approx. 1000 feet west of its intersection with Newgate Blvd.)
 South of Ox Trail, East of Rugby Road, North and South of Alder Woods Drive

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

MAGISTERIAL DISTRICT: Sully **OVERLAY DISTRICT (S):** WS

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.
 2200 Clarendon Boulevard, #1300
 Address Arlington, VA 22201

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

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

PCA 2013-0080

DO NOT WRITE BELOW THIS SPACE

Date application accepted: May 1, 2013

Virginia Ruffner

Fee Paid \$ 13,640.00

MPC
5/1/13



PCA 2000-SU-032-04

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: SULLY (PREV P)

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 MAY 31, 2013.

APPLICATION DESCRIPTION:

AMEND RZ 2000-SU-032-03 TO PERMIT A MODIFICATION OF APPROVED PROFFERS

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				C-3	62.79 ACRES

Tax Map Numbers

0452 ((01)) ()0041 B1	0452 ((02)) ()0038	0452 ((02)) ()0051 A1	0452 ((01)) ()0041 L4	0452 ((02)) ()0039 B
0452 ((01)) ()0041 L5	0452 ((01)) ()0041 L	0452 ((02)) ()0046 A1	0452 ((01)) ()0041 L3	0452 ((02)) ()0039 A

Approved Land Uses

Zoning District:

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

Approved Proffers

PROFFER STATEMENT DATE: 05-31-2013

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 OF
LOTS 38, 39A, 39B AND RESIDUE LOT 51-A-1, MURRAY FARMS
AND PARCELS RESIDUE "D-1" AND "E-1", FAIR OAKS HOSPITAL**

**SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA**

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

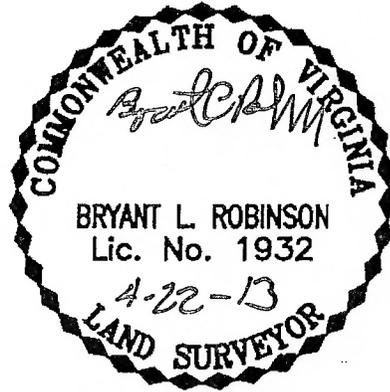
Beginning at a point on the southeasterly line of Rugby Road (Route 750) marking the intersection with the northeasterly line of Alder Woods Drive (Route 7201); thence with the southeasterly line of Rugby Road and Ox Trail (Route 6985) the following courses: N25°10'05"E, 40.00 feet; N64°49'55"W, 20.00 feet; N25°10'05"E, 564.06 feet; N32°13'40"E, 105.78 feet; N25°10'05"E, 143.60 feet; with a curve to the right whose radius is 27.00 feet and whose chord is N48°10'22"E, 21.10 feet, an arc distance of 21.68 feet; N25°10'05"E, 104.32 feet; with a curve to the right, whose radius is 29.00 feet and whose chord is N16°32'12"W, 31.94 feet, an arc distance of 33.82 feet; N25°10'05"E, 352.88 feet; with a curve to the right, whose radius is 753.00 feet and whose chord is N44°26'53"E, 497.26 feet, an arc distance of 506.76 feet; N63°43'40"E, 1095.49 feet to a point on the southwesterly line of Thelma S. Wenzell, et al; thence departing the southeasterly line of Ox Trail and with the southwesterly line of Thelma S. Wenzell, et al and the northwesterly line of Rocky Meadow Court (Route 10655) S25°46'06"E, 176.81 feet to a point; thence with the northwesterly line of Rocky Meadow Court and the northwesterly and southwesterly lines of Westvale S63°37'12"W, 496.06 feet and S26°26'38"E, 1316.03 feet to a point on the northwesterly line of Lot 4, Westvale Woods; thence with the northwesterly line of the said Lot 4 and continuing with the northwesterly line of Stephanie Gorski Nourse, Tr. S25°53'55"W, 212.66 feet to a point marking the most easterly corner of the Fairfax County Park Authority; thence with the Fairfax County Park Authority the following courses: N64°04'48"W, 123.10 feet; S25°10'05"W, 60.49 feet; with a curve to the right whose radius is 441.05 feet and whose chord is S70°10'05"W, 623.73 feet, an arc distance of 692.80 feet; N64°49'55"W, 64.99 feet; with a curve the left whose radius is 242.54 feet and whose chord is S70°10'05"W, 343.00 feet, an arc distance of 380.98 feet and S25°10'05"W, 339.75 feet to a point on the northerly line of Parcel "J," Section

8, Fair Oaks Estates; thence with the northerly line of Parcel "J" and continuing with the northerly line of Alder Woods Drive (Route 7201) and Outlot "A-2," Section 8, Fair Oaks Estates the following courses: N86°59'28"W, 120.87 feet; N51°50'14"W, 37.21 feet; N78°27'49"W, 62.73 feet and with a curve to the left whose radius is 1225.00 feet and whose chord is N58°00'59"W, 128.75 feet, an arc distance of 128.81 feet to a point marking the northwesterly corner of the said Outlot "A-2"; thence with the northwesterly line of Outlot "A-2" S25°10'05"W, 33.77 feet to a point on the northeasterly line of Alder Woods Drive (Route 7201); thence with the northeasterly line of Alder Woods Drive N64°49'55"W, 461.00 feet and with a curve to the right whose radius is 35.00 feet and whose chord is N52°08'40"W, 15.37 feet, an arc distance of 15.50 feet to the point of beginning, containing 59.48 acres of land.

AND

Beginning at a point marking the intersection of the northeasterly line of Fairfax County Parkway (Route 286) with the southeasterly line of Rugby Road (Route 750); thence with the southeasterly line of Rugby Road the following courses: N32°00'24"E, 94.03 feet; N25°10'05"E, 173.29 feet; S64°49'55"E, 20.00 feet and N25°10'05"E, 33.34 feet to a point on the southwesterly line of Alder Woods Drive (Route 7201); thence with the southwesterly line of Alder Woods Drive S64°49'55"E, 194.00 feet and S63°46'15"E, 270.05 feet to a point marking the northwesterly corner of Outlot "A-1," Section 8, Fair Oaks Estates; thence departing the southwesterly line of Alder Woods Drive and with the northwesterly line of the said Outlot "A-1" and continuing with the northwesterly line of Parcel "K-2," Section 5A and Outlot "L-1," Section 5B, Fair Oaks Estates, S25°10'05"W, 295.00 feet to a point on the northeasterly line of Fairfax County Parkway; thence with the northeasterly line of the said Parkway N64°49'55"W, 495.20 feet to the point of beginning, containing 3.31 acres of land, making an aggregate of 62.79 acres of land.

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



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