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**WALSH COLUCCI
LUBELEY & WALSH PC**

REVISED
June 5, 2019

Via E-Mail and Hand Delivery

Tracy D. Strunk, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Proposed Special Exception Application
Fairfax County Tax Map Reference: 37-2 ((1)) 26
Applicant: Orr-BSL Hunter Mill, LLC

Dear Ms. Strunk:

Please accept this letter as a statement of justification for a special exception application to permit an assisted living facility on property identified among the Fairfax County tax assessment records as 37-2 ((1)) 26 (the "Subject Property").

The Applicant is the contract purchaser of the Subject Property which contains approximately 6.68 acres. Located on the east side of Hunter Mill Road, the Subject Property is adjacent to the United Methodist Church of the Good Shepherd. The Subject Property is zoned to the R-E District as defined by the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), and located within the Hunter Mill Magisterial District. Surrounding properties are zoned to the R-E and R-1 Districts and are residentially developed. Existing improvements on the Subject Property consist of a two-story home with multiple sheds and outbuildings, which will be removed as a part of the proposed development.

The Applicant proposes the construction of a single building on the Subject Property that will be operated as an assisted living facility. The proposed building will be two stories with a cellar and will contain approximately 43,680 square feet of gross floor area. The proposed square footage results in a .15 FAR, which is consistent with the FAR permitted in the R-E District by the Zoning Ordinance. The proposed building height is approximately 35 feet which is compatible with surrounding residential development and compliant with the Zoning Ordinance residential height limitation. The building will be comprised of single occupancy and double occupancy rooms with a maximum of 86 beds. Approximately sixty surface parking spaces will be located on the Subject Property to accommodate residents, staff, and visitors. A covered pick-up and drop-off area is provided at the main access to the building so that visitors may pick-up and drop-off residents. Furthermore, though there is no open space requirement in

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the R-E District, the Applicant is providing approximately 75% of open space on the Subject Property.

In addition to extensive amenities inside the building, the community will include outdoor courtyards and gardens for the enjoyment of residents. The Applicant proposes to provide a minimum of two active amenity areas on either side of the entrance to the proposed building. Two other areas will be utilized if additional area is needed for the amenities that the operator would like to provide. In addition to these specific amenity areas, the Applicant will install a walking path and landscaping around the building. All of these features together will allow residents to enjoy the outdoors. The memory garden is a separate outdoor amenity area that will be secure for the use of memory care residents. Within these proposed outdoor amenity areas, the Applicant's objective is to provide an integrated outdoor living environment for active and passive recreation. Active areas might include raised beds for growing herbs and produce that will be used in the dining program as a farm-to-table program. These beds are designed to be accessible by residents in wheelchairs or who use walkers. Lawn areas might be used for games like corn hole, bocce ball, or exercise classes. More passive activities may include benches and outdoor dining areas with seating and shade structures. This area will also support social gatherings.

The proposed use will have minimal impacts on traffic as most residents will not drive and employees will primarily arrive and depart during non-peak traffic hours. All vehicles will enter and exit the Subject Property at Hunter Mill Road. The access will be aligned with Hunter Valley Road to create a full movement intersection. Interparcel access is provided to the adjacent church consistent with the approval granted by the Board of Zoning Appeals for that use so the number of access points to Hunter Mill Road is unchanged. I have attached the Resolution adopted in conjunction with SPA 85-C-003-05 for Trustees of the Church of the Good Shepherd (United Methodist Church). As noted in development condition 12, "at such time as the entrance of Tax Map 37-2 ((1)) 26 to the north is constructed, the applicant shall utilize the existing easement to the north for a combined entrance to Hunter Mill Road that aligns with Hunter Valley Road." The Applicant will be responsible for obtaining any necessary letters of permission to construct the interparcel access.

Adequate utilities are available to serve the proposed use. The proposed improvements will be served by public water and a private septic field. Approximate drainfield area locations for the septic field have been shown on the special exception plat submitted with this application. The Applicant proposes to install an on-site sewage disposal system that will achieve Treatment Level 3 standards and will have a wastewater processing area that effectively removes 90-95% of all the contaminants in the wastewater before it is discharged into the drainfield. Additionally, the proposed system will employ modern technology that will allow the Applicant to control the dosage of the effluent through the drainfield at specific times, which will maximize dispersal of the effluent to optimize performance and produce a cleaner effluent after final treatment by the soil. In addition to installing a remote monitoring system for the controls of the septic system, the Applicant intends to provide three (3) monitoring wells surrounding the proposed drainfields that will be tested on a regular basis for the presence of fecal coliform, chlorides, and total nitrogen. Should any of these substances be detected, the Applicant will have a protocol for notification to

the Fairfax County Health Department (“FCHD”) and implement corrective measures. It is anticipated that the nitrate levels generated by the proposed septic system will be equivalent to that generated by 1.7 houses.

Landscaping and tree preservation will be provided that meet or exceed Zoning Ordinance requirements. Approximately 80,000 square feet of tree preservation is proposed which exceeds the tree preservation target and the tree canopy requirement. The tree preservation is located on the perimeter of the Subject Property to maximize buffering and screening to adjacent uses. The Applicant also proposes landscaping along the Hunter Mill Road frontage and around the proposed building.

To mitigate any impacts on the character of the surrounding area and protect the Subject Property’s environmental character, the Applicant proposes landscaping including native grasses and/or wildflowers over the installed drainfield areas, installation of supplemental evergreen trees and shrubs along the northern property line to supplement existing vegetation, and a more natural landscape design. Furthermore, the Applicant intends to maintain the existing trees and vegetation on the proposed reserve drainfield, as depicted on the special exception plat, until it ever becomes necessary to utilize the reserve area. As indicated on the special exception plat, the easternmost portion of the Subject Property is located within a resource protection area, or RPA. The RPA has been mapped and the Applicant is preserving the limits of the RPA in accordance with that determination. The Applicant is further preserving existing floodplain easements previously recorded on the Subject Property.

It should be noted that the Subject Property was previously the subject of a special permit referenced as SP 00-H-026 that was approved by the Board of Zoning Appeals on January 16, 2001. A site plan was submitted in accordance with the approval that included the recordation of a conservation easement for water quality purposes. The Applicant intends to vacate a portion of the conservation easement that was previously recorded for water quality purposes as this method is no longer acceptable to address stormwater management requirements. However, the Applicant will preserve the entire area designated as EQC as shown on the previously approved special permit plat associated with SP 00-H-026, with the exception of a small portion of disturbance that is necessary to construct the required storm drainage outfall. Stormwater management will be provided in an underground detention chamber with a lined bottom. This system will ensure no infiltration to the drainfields. The proposed system is detailed on the special exception plat submitted with this application.

The building has been designed to be compatible with the surrounding area both in architecture and design. The shortest side of the building is parallel to Hunter Mill Road to minimize its visibility from the roadway. The Applicant has also provided setbacks that, in addition to being compliant with the requirements of the Zoning Ordinance, are comparable to existing surrounding development. In addition, the building height has been minimized with the utilization of cellar space and will be 35 feet, which is the maximum permitted height for single-family dwellings. The Applicant has designed a building that will be residential in appearance and style, utilizing architectural elements that will be compatible with surrounding residential dwellings and will fit visually within the fabric of the surrounding community.

To protect the surrounding stable residential character of the area, the Applicant will employ noise and light mitigation measures, such as limiting the times of trash pick-up, maintenance activities, and truck deliveries. The Applicant will contract with an independent ambulance service to provide private, non-emergency transportation service to area hospitals and medical facilities, which will considerably reduce the use of sirens. Regarding lighting, in addition to conforming to the provisions of Article 14 of the Zoning Ordinance, the Applicant will utilize mitigation measures, such as installing timers on parking lot lights and constructing signage that is not internally lit.

The Subject Property is located within the V4 Piney Branch Community Planning Sector of the Vienna Planning District in the Area II Plan (the "Plan"). The Plan recommends that the Subject Property and surrounding area be developed with residential use at .5 to 1 dwelling unit per acre. In addition, general Plan recommendations suggest that future development be of a compatible use, type, and intensity to surrounding uses and encourages a use pattern that protects, enhances and/or maintains stability in established residential neighborhoods. The Plan suggests that uses should be compatible with the low density residential character of the area. As described herein, the Applicant has designed the proposed use to be compatible with these objectives and the proposal is in harmony with the Plan's recommendations.

In accordance with the Zoning Ordinance requirements of Section 9-011, please accept the following information regarding the Applicant's proposal:

- The type of operation will be a residential senior housing building with accommodations and services for individuals requiring assisted living services and those living with various forms of dementia and/or memory loss. The operator will provide housing, meals, programming, and supportive care services associated with the activities of daily living. This use is defined by the Zoning Ordinance as a medical care facility.
- The hours of operation will be 24 hours a day/7 days a week as the building will accommodate residents.
- The maximum number of residents is 86 as there will be 86 beds located within the building. There will be approximately 70 units with a majority of those units designed for single occupancy. Approximately 20 to 30 visitors will come to the Subject Property daily. Visitors will include vendors as well as people who will be visiting the residents of the proposed facility. The number of daily visitors may increase on special occasions or holidays such as Mother's Day, Father's Day and Christmas.
- The proposed number of employees is a maximum of 30 at any one time. The building will operate with three shifts of employees per day.
- The estimated traffic impact is minimized as employees are primarily arriving and departing the Subject Property during non-peak traffic hours. Employees are

anticipated to arrive at the Subject Property by private vehicle. Residents are not likely to have vehicles as this population typically does not drive. Visitors typically arrive and depart from the Subject Property during non-peak traffic hours and those individuals visiting residents will most likely come to the Subject Property on Saturdays and Sundays. Hunter Mill Road currently carries approximately 15,000 vehicles per day and the development is anticipated to add only 224 additional trips per day or an increase of approximately 1%. During peak commute times, the proposed development will generate approximately 16 vehicular trips during the morning peak hour and approximately 22 trips during the afternoon peak hour. These estimates include trips generated by visitors.

- The proposed community is expected to primarily serve seniors that either currently live within 5 miles of the Subject Property or whose caregivers (i.e. family members) live within 5 miles of the Subject Property.
- The proposed building to be located on the Subject Property will be constructed with existing topography. As the building will be nestled into a hill, it will be two stories on the north side proximate to residential development and three stories on the south side adjacent to the Church of the Good Shepherd. The building façade will consist of a composition of stone veneer, cementitious siding and paneling with a shingle pitched roof designed in a manner that reflects an arts and crafts inspired architectural style for a residential building. Furthermore, it will be scaled to fit into the site's natural contours and geometry, and to be compatible with the pattern of the surrounding development. Features not commonly associated with residential communities, such as parking areas and service/loading bays, will be located away from the front of the Subject Property and will not be visible from Hunter Mill Road.
- The Applicant is not aware of any hazardous or toxic substances located on the Subject Property. Given the nature of the proposed use, it is possible that the proposed use will generate, utilize, store, treat or dispose of hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; and/or hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management VR 672-10-1-Virginia Hazardous Waste Management Regulations. The substances will be utilized, stored, and disposed of in accordance with said regulations.
- The proposed development will conform to the provisions of all applicable ordinances, regulations and adopted standards with the exception of a modification of Section 13-304 of the Zoning Ordinance for the eastern property line and a portion of the northern property line where, due to topography, a barrier will not be effective. Tree preservation in these areas provides effective screening to adjacent residential uses.

In addition to the general standards of Section 9-011, the Applicant's proposal meets the additional standards for medical care facilities as detailed in Section 9-308 of the Zoning Ordinance as follows:

- During the processing of the application, the Applicant has sought a recommendation of the Health Care Advisory Board ("HCAB"). On May 13, 2019, the HCAB recommended approval of the Applicant's proposal.
- The use has been designed to accommodate service vehicles with access to the building at a side or rear entrance.
- The Subject Property has direct access to Hunter Mill Road which is an existing minor arterial.
- No building is located any closer than 45 feet to any street line or closer than 100 feet to any lot line.
- The Subject Property contains more than 5 acres.

The Applicant's proposal will provide much needed housing for seniors who live in Fairfax County. The proposed improvements will allow seniors to continue to live in Fairfax County in proximity to friends and family. This is a residential use that belongs in a residential area and will be served by public and private facilities.

Should you have any questions regarding the above, or require additional information, please do not hesitate to contact me. I would appreciate the continued processing of this application in anticipation of the Planning Commission hearing scheduled on July 18, 2019.

Very truly yours,

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



Lynne J. Strobel

LJS:kae

cc: David Orr Eric Gardner
Mario Levine Chris Myers
Huriyet Anaz Kathryn R. Taylor
Michael Lynn Kevin Sitzman



County of Fairfax, Virginia

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

April 6, 2010

Richard L. Flather
2925 Elmesmeade Court
Oakton, Virginia 22124

Re: Special Permit Amendment SPA 85-C-003-05
Trustees of the Church of the Good Shepherd (United Methodist Church)

Dear Mr. Flather:

At its March 31, 2010 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Paula A. McFarland, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF THE CHURCH OF THE GOOD SHEPHERD (UNITED METHODIST CHURCH), SPA 85-C-003-05 Appl. under Sect(s). 3-E03 of the Zoning Ordinance to amend SP 85-C-003 previously approved for church with private school of general education to permit the addition of a nursery school. Located at 2351 Hunter Mill Rd. on approx. 7.16 ac. of land zoned R-E. Hunter Mill District. Tax Map 37-2 ((1)) 26A. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 31, 2010; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-E.
3. The area of the lot is 7.16 acres.
4. Staff recommends approval with the adoption of the development conditions in Appendix 1.
5. The applicant has indicated concurrence with those development conditions.
6. The staff's rationale is adopted.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, the Church of the Good Shepherd (United Methodist), and is not transferable without further action of this Board, and is for the location indicated on the application, 2351 Hunter Mill Road, and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Land Design Consultants, dated February, 1994, as revised through December 14, 1994, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit amendment 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.
4. This special permit amendment 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 permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The maximum number of church seats in the main area of worship shall be limited to 400. The maximum number of seats in the outdoor worship area shall be 30.
6. There shall be no amplification used in the outdoor seating area.
7. Parking shall be provided as depicted on the special permit plat. All parking shall be on site, notwithstanding however, that approximately five (5) spaces may be removed in conjunction with the construction of an inter-parcel connection to the north, via Lot 26.
8. Transitional screening shall be modified along all lot lines to permit existing vegetation to satisfy the requirements, but supplemental plantings shall be maintained along the southern and western lot lines, as depicted on the plat. The barrier requirement shall be waived.
9. The limits of clearing and grading shall be maintained as shown on the special permit plat and shall be subject to review and approval by the Urban Forestry Division. There shall be no structures except the existing outdoor seating, and no removal of vegetation except for dead or dying trees or shrubs in the area outside the existing limits of clearing and grading.
10. Any new proposed or replacement lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Any new outdoor lighting fixtures shall not exceed twelve (12) feet in height, measured from the ground to the highest point of the fixture, shall be of low intensity design and shall utilize full cut-off fixtures which focus directly on the subject property.
11. The width of the existing entrance shall be provided as determined by the Virginia Department of Transportation (VDOT).
- * 12. At such time as the entrance on Tax Map 37-2 ((1)) 26 to the north is constructed, the applicant shall utilize the existing easement to the north for a combined entrance to Hunter Mill Road that aligns with Hunter Valley Road. If provision of the consolidated entrance necessitates the removal of parking spaces, existing asphalt on the site may be re-stripped to make up for the lost spaces without the approval of an amendment to this special permit. The existing site entrance onto Hunter Mill Road must then be closed and landscape plantings shall be provided in that area similar to that provided between the existing parking lot and the lot line abutting Hunter Mill Road.
13. Upon issuance of a Non-Residential Use Permit, the hours of operation for the private school of education shall be limited to 8:45 a.m. to 3:30 p.m., Monday through Friday. The private school of general education will operate during the school year and will not operate during the summer.
14. Upon issuance of a Non-Residential Use Permit, the hours of operation for the nursery school shall be limited to 9 a.m. to 1 p.m., Monday through Friday.

15. Upon issuance of a new Non-Residential Use Permit, the number of students enrolled in the private school of general education and the nursery school shall be limited to a total maximum daily enrollment of ninety-six (96) children. Upon issuance of a new Non-Residential Use Permit, the number of employees associated with the private school of general education and the nursery school shall be limited to a maximum of ten (10) at any one time.
16. The outdoor play equipment shall be located in the existing cleared area north of the church building. The play equipment shall not be located on a septic field.
17. The applicant shall obtain a sign permit for the proposed sign for the private school of general education in accordance with the provisions of Article 12 of the Zoning Ordinance.

These conditions incorporate and supersede all previous conditions. 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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outline above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.

Mr. Hammack seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

A Copy Teste:



Paula A. McFarland, Deputy Clerk
Board of Zoning Appeals