FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290 Fax (703) 324-3924

V I R G I N I A

May 11, 2005

Gregory Riegle
McGuireWoods, LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102

Re: Interpretation for RZ/FDP 2003-BR-012
Chandler Grove: retaining walls

Dear Mr. Riegle:

This is in response to your letters of March 16, 2005, and May 3, 2005, requesting an interpretation of the proffers and Combined Conceptual and Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ/FDP 2003-BR-012. As I understand it, your question is if the provision of retaining walls in the northern open space area and at the southern boundary of the site would be in substantial conformance with the proffers and CDP/FDP. Copies of your letter and supporting exhibits are attached for reference.

RZ 2003- BR-012 was approved by the Board of Supervisors on October 20, 2003, subject to proffers dated September 30, 2003. The Planning Commission had previously approved FDP 2003-BR-012 on September 24, 2003, subject to development conditions dated September 24, 2003. The application was to rezone 6.39 acres from the R-1 District to the PDH-4 District, for the development of 25 detached units. The CDP/FDP proffered with the rezoning shows an open space area labeled "active recreation area" at the northern end of the site. This area is bounded by Rust Road on the east; Units 1-4 show front doors/porches looking over this open space area. Also shown is a private street extending in a loop around the southern boundary of the site, adjacent to the Park Authority land to the south. The limits of clearing and grading are shown along the property line, with a small extension off-site adjacent to the stormwater management pond to allow for outfall. No retaining walls are shown at either the northern or southern end of the development. Copies of the relevant proffers and plan sheets are attached for reference.

Northern Retaining Walls
In meetings on this request, you indicated that the retaining walls in the northern end of the property are necessary in order to tie into the grade along Rust Road and to protect trees in the tree save area along the western boundary. In your May 3, 2005, letter, you noted that neither section of wall is in excess of 4 feet tall, and, as opposed to earlier exhibits, that the walls will not block the direct access to the open space area for the majority of the units. It is my

determination that the proposed retaining walls in the northern portion of the site, as shown on the attached exhibits, are in substantial conformance with the CDP/FDP.

Southern Retaining Walls
In your letters, you indicate that the retaining wall along the southern property line is necessary in order to maintain the limits of clearing and grading shown on the CDP/FDP. In order to maintain an area of landscaping along the southern property line, you have reduced the number of lots by one (from 25 units to 24 units) and moved the road and the wall further into your site. This results in a distance between the proposed road and the top of the wall of approximately 10 feet, and a distance between the base of the wall and the property boundary of approximately 5 feet. You have indicated that the major open space amenity of the site (labeled as the "Village Green") has not been reduced in size, and the overall open space in the development has slightly increased. Finally, you have indicated that the proposed landscaping at the base of the wall (adjacent to Park Authority property) will be defined and installed in consultation with the Park Authority, and that the maintenance obligation of the Homeowners' Association for this landscaping will be included in the HOA documents. The wall itself has a length of approximately 170 feet, a maximum height of 7.8 feet, and a 42" fence/handrail along the top. It is my determination that the proposed retaining wall in the southern portion of the site, as shown on the attached exhibits and with the parameters discussed here, is in substantial conformance with the CDP/FDP.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Tracy Swagler at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

BAB/*N:\INTERPRETATIONS\2005\RUST ROAD.DOC*

Attachments: A/S

cc: Sharon Bulova, Supervisor, Braddock District
Suzanne Harsel, Planning Commissioner, Braddock District
Leslie Johnson, Chief, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects Branch, ZED, DPZ
File: RZ/FDP 2003-BR-012; PI 0503-035; Imaging; Reading

FAIRFAX COUNTY
VIRGINIA

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903
www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm
Email: clerktothebos@fairfax county.gov

November 19, 2003

Gregory A. Riegle, Esquire
McGuire, Woods, LLC
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215

RE: Rezoning Application
Number RZ 2003-BR-012

Dear Mr. Riegle:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 20, 2003, granting Rezoning Application Number RZ 2003-BR-012 in the name of Christopher Management, Inc. to rezone certain property in the Braddock District from the R-1 District and Water Supply Protection Overlay District to the PDH-4 District and Water Supply Protection Overlay District, located at the south terminus of Rust Road, west of the City of Fairfax boundary, Tax Map 57-1 ((1)) 3 - 7, and a portion of a private outlet road, subject to the proffers dated September 30, 2003, consisting of approximately 6.39 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 2003-BR-012 on September 24, 2003, subject to the Board's approval of RZ 2003-BR-012.

The Board also waived the 600-foot maximum length requirement for private streets.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

PROFFERS

Christopher Management, Inc.
RZ 2003-BR-012

September 30, 2003

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners ("Owners") and the applicant ("Applicant") in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 57-1-((1))-3, 4, 5, 6, 7 and a portion of an existing outlet road (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-4 District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP"), containing eight (8) sheets prepared by Urban Engineering, dated November 2002, and revised through September 22, 2003.

2. The development shall consist of a maximum of twenty-five (25) single family detached residential units. The size, configuration and orientation of units shown on the CDP/FDP is subject to change, as permitted by Paragraph 4 of Section 16-403 of the Ordinance, based on final engineering and the requirements of these proffers.

3. The general design and architecture of the approved units shall be in substantial conformance with the general bulk, style, quality and proportion of materials described on the architectural elevations contained on Sheet 7 of the CDP/FDP. Materials used on the exterior facades shall include brick and/or stone on a portion of the front facade.

4. Any rear or side facade visible from Rust Road (Units 4, 11, 20-25) shall be designed with types and general proportions of building materials and architectural elements (to include shutters) that are consistent with that used on the front facade.

5. At the time of record plat approval, the Applicant shall establish a Homeowners Association ("HOA") for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations for open space areas and as otherwise required by these proffer conditions. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be incorporated in the HOA documents and be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board of Supervisors. Prospective purchasers shall be advised of this use restriction prior to the time of entering into a contract of sale.

6. The Applicant reserves the right to install privacy and/or decorative fences at the periphery of any individual lot. The height of such fences shall comply with the lot typicals on the CDP/FDP..

II. TRANSPORTATION

7. The private streets shown on the CDP/FDP that provide access from the approved lots to Rust Road shall be designed to TS1 standards as determined appropriate by the Fairfax County Department of Public Works and Environmental Services ("DPWES"), and shall be maintained by the HOA. Such maintenance obligations shall be disclosed in the appropriate HOA documents and prospective purchasers shall be advised of the existence of the easement , described in Proffer 8 below, and the associated maintenance obligations prior to the time of entering into a Contract of Sale. The budget established within the initial HOA documents shall include a requirement for funds to be allocated specifically for the maintenance of the private streets. The Applicant shall provide the HOA with $3,500 to off-set potential future maintenance costs of private streets.

8. At the time of record plat approval for the approved development the Applicant shall record the public access easements necessary to provide pedestrian and vehicular access to the Fairfax Villa Park south of the Property. Such pedestrian and vehicular access shall be via the private street and associated sidewalk generally located along the southern boundary of the application property, as shown on the CDP/FDP. The existence of such public access easements shall be disclosed within the HOA documents and to prospective purchasers prior to entering into a Contract of Sale.

12. Subject to approval by DPWES, the Applicant shall incorporate the following Low Impact Development approaches:

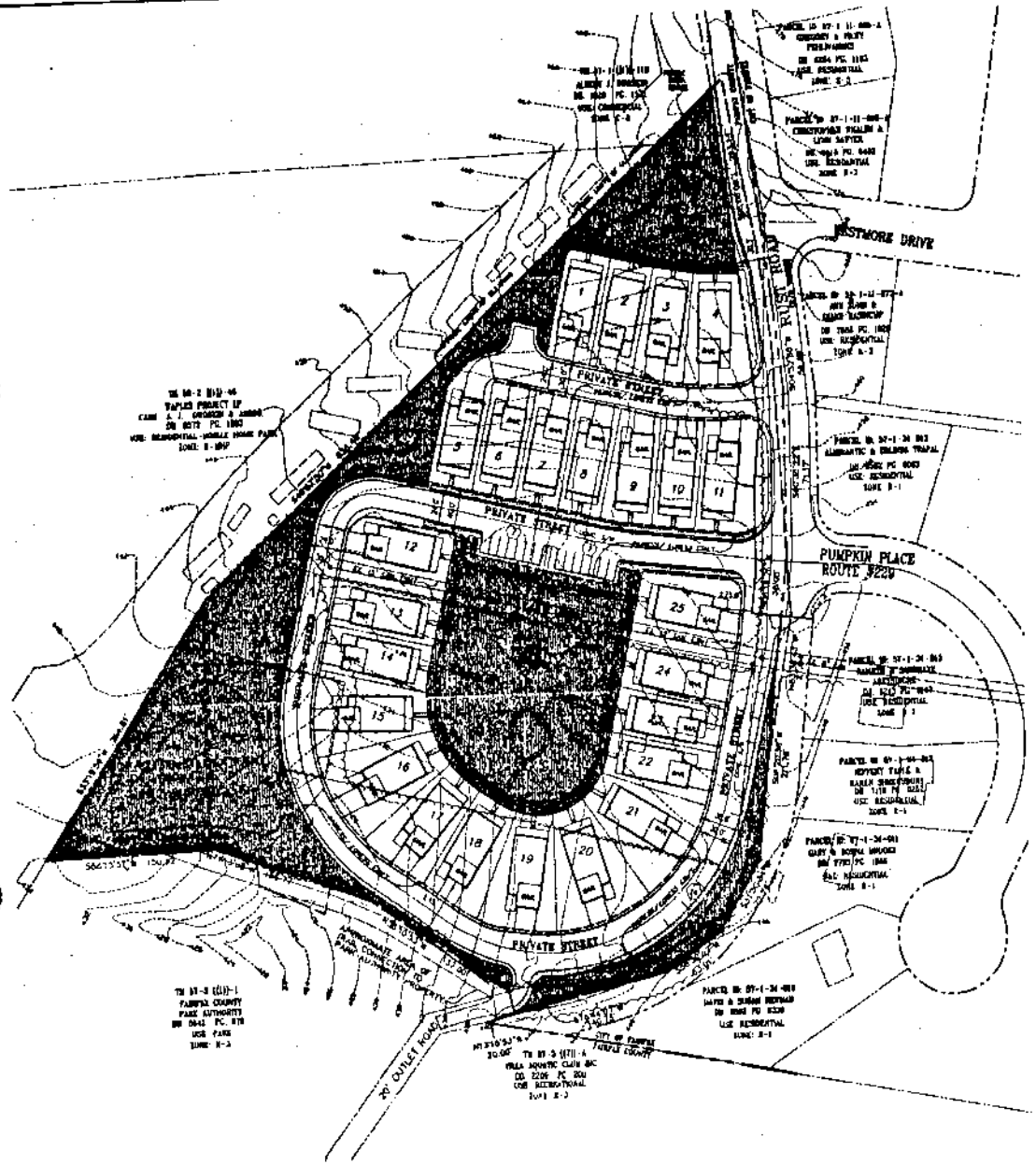
- The creation of a more natural edge along private streets through the elimination of curbing and/or the installation of "rolled curbing" along portions of the internal streets, including those areas directly adjacent to the "Village Green" and those areas near or adjacent to any on-site SWM/BMP facilities;
- Directing roof drains and downspouts to vegetated areas to the extent practical;
- The incorporation of a perimeter vegetated buffer at the edge of any on-site stormwater pond.

To the extent any of the items described above impose additional private maintenance obligations on the HOA, the same shall be disclosed to prospective purchasers prior to entering into a contract of sale.

13. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP and the requirements of these proffers. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP or required by these proffers cannot be installed, in order to locate any utility lines, trails, etc., as determined necessary by the Director, DPWES, then an area of additional landscaping consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternative location on the site, as determined by the Urban Forestry Division. If it is determined necessary by DPWES to install utilities, trails or similar infrastructure outside the limits of clearing and

grading shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the Urban Forestry Division. A replanting plan shall be developed and implemented, subject to approval by the Urban Forestry Division for any areas outside the limits of clearing and grading that must be disturbed for trail or utility purposes. To the extent practical, native species shall be used in all landscaped areas as determined by DPWES and the Urban Forestry Division.

14. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees shown on the CDP/FDP to be saved and all trees twelve (12) inches or greater in diameter, located within designated tree save areas, or within twenty (20) feet to either side of the limits of clearing and grading shown on the CDP/FDP. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.



NOTES

1. THE SUBJECT PROPERTY DEMEATED HEREON ARE LOCATED ON FAIRFAX COUNTY TAX MAP 67-1-((1)) PARCELS 3,4,5,6 & 7
2. BOUNDARY INFORMATION AS SHOWN IS BASED ON FIELD RUN BOUNDARY SURVEY BY URBAN ENGINEERING AND ASSOCIATES, INC.
3. TOTAL AREA OF REZONING: 6.39 ACRES
4. PROPOSED ZONING: PDH-4
   PROPOSED USE: RESIDENTIAL - SINGLE FAMILY DETACHED
5. A TITLE REPORT HAS NOT BEEN PROVIDED, SUCH REPORT MAY REFLECT RIGHT-OF-WAY, EASEMENTS OR OTHER CIRCUMSTANCES AFFECTING THE PROPERTY SHOWN.

ZONING AND AREA TABULATION-OVERALL

TOTAL SITE AREA	= 278,283 S.F. OR 6.39 AC.
EXISTING ZONING	= R-1
PROPOSED ZONING	= PDH-4
OPEN SPACE PROVIDED	= ±2.00 AC. OR 31%
DEVELOPED OPEN SPACE PROPOSED	= ±18,000 S.F OR 0.44 AC.
PROPOSED LOTS	= 25 SINGLE FAMILY DETACHED UNITS
AREA OF 100-YR FLOODPLAIN	= 0 S.F. OR 0.0 AC.
GROSS DENSITY	= 25/6.39 = 3.81 DU/AC.
AVERAGE LOT AREA	= ±3,900 S.F.
HEIGHT REQUIREMENT	= NO REQUIREMENT, EXCEPT AT PERIPHERAL BOUNDARIES OF THE DEVELOPMENT WHICH SHALL CONFORM TO R-4 REQUIREMENTS WHICH IS 35 FEET.
PROPOSED UNIT HEIGHT	= 35 FEET

PARKING TABULATION-OVERALL

TOTAL # OF UNITS	25
PARKING SPACES REQ'D	25 X 2.0 = 50
PARKING SPACES PROVIDED	
SURFACE	25
GARAGE & DRIVEWAY SPACES	100
TOTAL=	125

NO LESS THAN 125 SPACES WILL BE PROVIDED WITH FINAL ENGINEERING PLANS

AREA TABULATION

TOTAL AREA OF CONSOLIDATED PARCELS	= 6.14 Ac. (267,661 sq.ft.)
TOTAL AREA OF OUTLET ROAD	= .25 Ac. (10,822 sq.ft.)
TOTAL SITE AREA	= 6.39 Ac. (278,283 sq.ft.)

No.	DATE	REVISION	REV. BY APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

PLAN DATE

URBAN ENGINEERING & ASSOC., INC.

CIVIL ENGINEERS - LANDSCAPE ARCHITECTS - LAND SURVEYORS
7712 LITTLE RIVER TURNPIKE
ANNANDALE, VIRGINIA 22003 (703) 642-8080

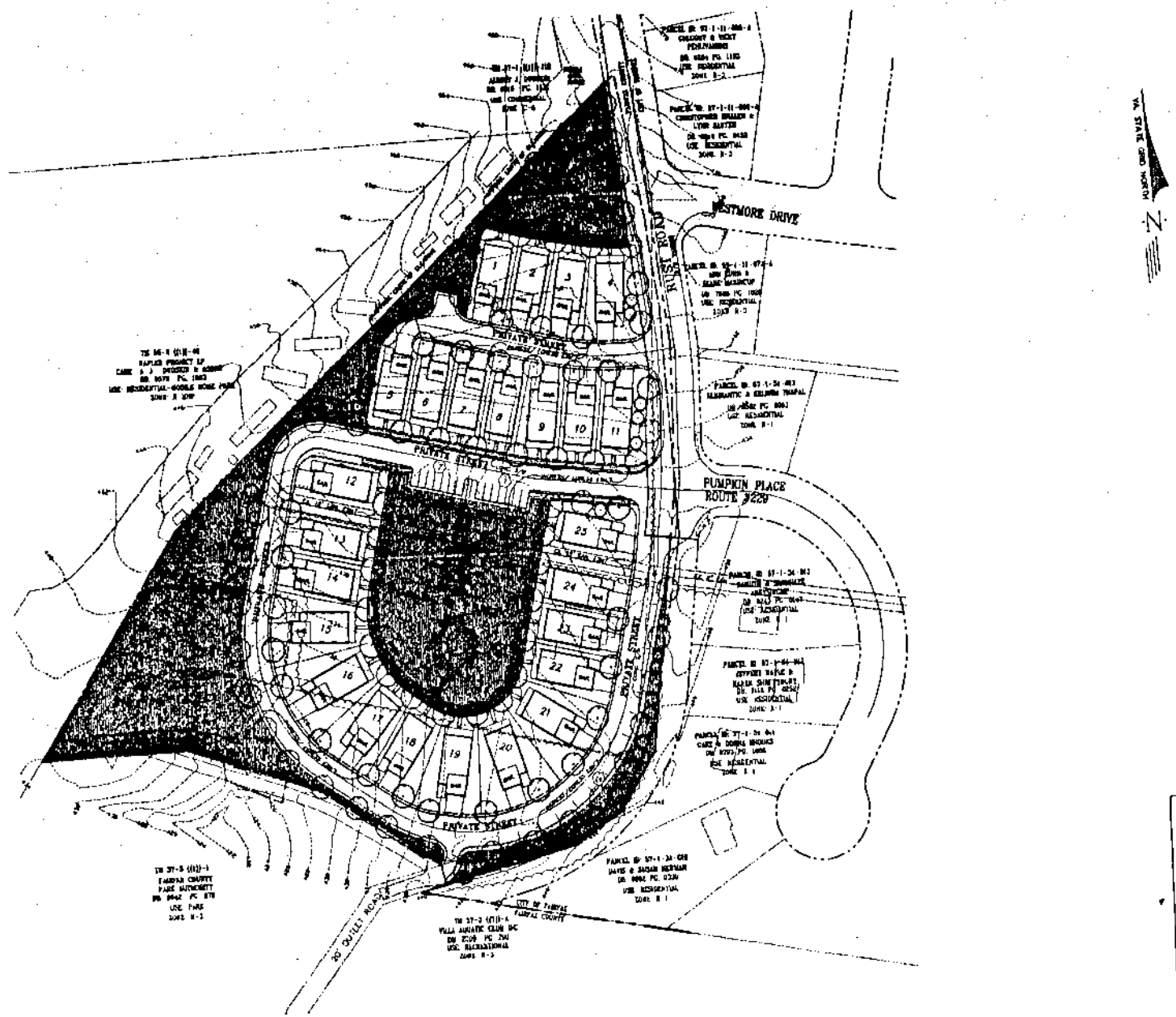
CDP/FDP LAYOUT

RUST ROAD PROPERTY
BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=60'
DATE: NOV. 2000

SHEET 3 OF 8

FILE No. MISC-1416



LANDSCAPE LEGEND:

- APPROXIMATE LIMITS OF CLEARING & GRADING
- DENOTES OPEN SPACE
- STREET TREES/ LARGE CANOPY TREES 3" - 2 1/2" CALIPER
- MEDIUM EVERGREEN TREE 6'-8' HEIGHT
- ORNAMENTAL TREE
- SHRUB

PLAN DATE	
01-15-03	
02-04-03	
02-14-03	
03-18-03	
04-30-03	
07-10-03	
08-25-03	
09-08-03	

No.	DATE	DESCRIPTION	REV. BY	APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

URBAN ENGINEERING & ASSOC., INC.

CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS
7712 LITTLE RIVER TURNPIKE
ANNANDALE, VIRGINIA 22003 (703) 642-8000

LANDSCAPE PLAN

RUST ROAD PROPERTY

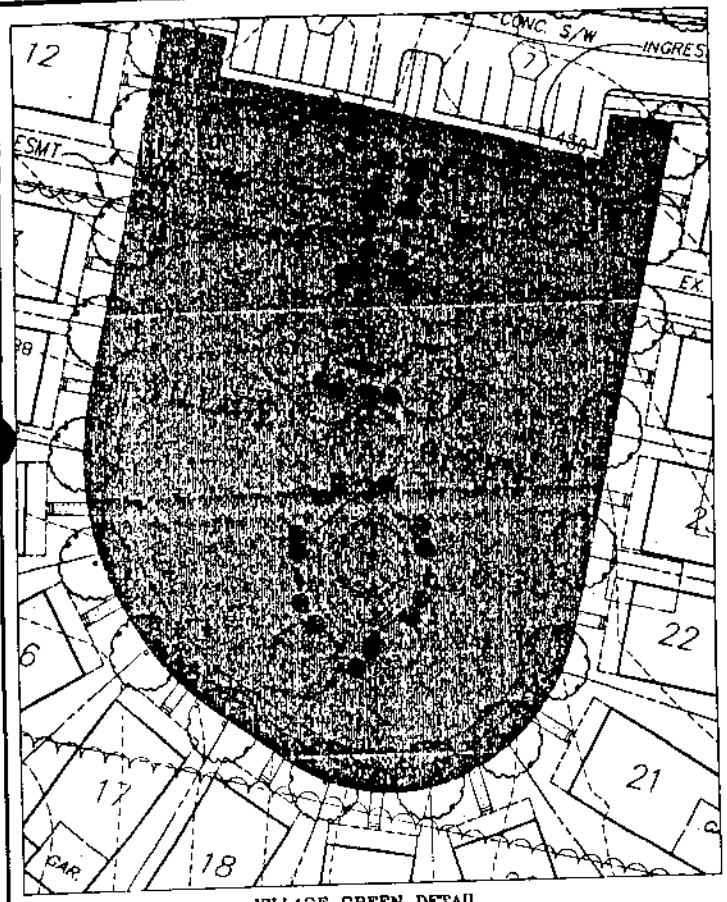
BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

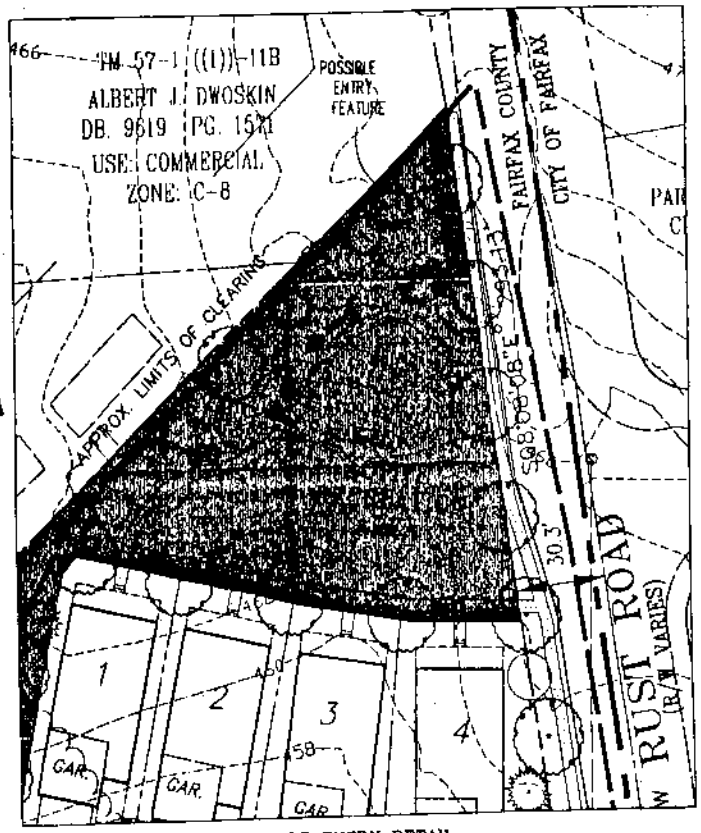
DATE: NOV. 2002

SHEET 6 OF 8

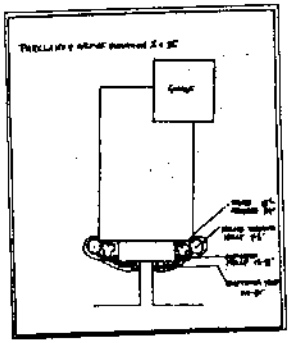
FILE No. MISC-1416



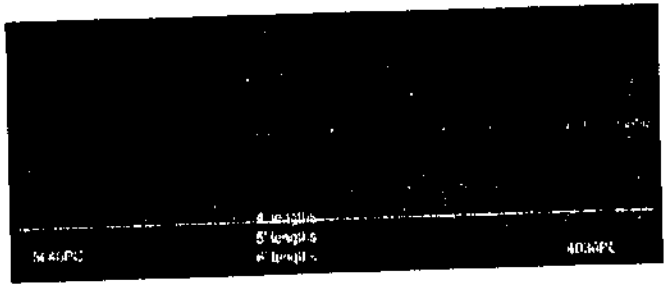
VILLAGE GREEN DETAIL
SCALE: 1"=20'



RUST STREET ENTRY DETAIL
SCALE: 1"=20'

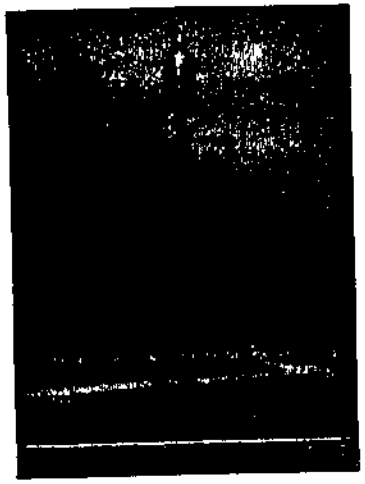


TYPICAL LOT LANDSCAPE DETAILS



BENCH DETAIL

VICTORIAN PARK BENCH-4030 PC
MEL NORTHEY
303 GULF BANK ROAD
HOUSTON, TEXAS 77037-2488
281-445-3480
(OR APPROVED EQUAL)



POLE LIGHT

VICTORIAN V POLE WITH ACORN V LAMP
HADCO
100 CHAFTWAY
PO BOX 128
LITTLESTOWN, PA 17340
717-359-7131
(OR APPROVED EQUAL)

LANDSCAPE LEGEND:

- APPROXIMATE LIMITS OF CLEARING & GRADING
- DENOTES OPEN SPACE
- STREET TREES/ LARGE CANOPY TREES 2"- 2 1/2" CALIPER
- MEDIUM EVERGREEN TREE 6'-8' HEIGHT
- ORNAMENTAL TREE
- SHRUB

No.	DATE	DESCRIPTION	BY	APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

URBAN ENGINEERING & ASSOC., INC.

LANDSCAPE DETAILS

RUST ROAD PROPERTY
BRADDOCK DISTRICT
FAIRFAX COUNTY

SHEET 7 OF 8

FILE No. MISC-1416

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Gregory A. Riegle
Direct: 703.712.5360

McGUIREWOODS

griegle@mcguirewoods.com
Direct Fax: 703.712.5218

May 3, 2005

RECEIVED
Department of Planning & Zoning

MAY 03 2005

Zoning Evaluation Division

Tracy Swagler
Department of Planning & Zoning
Suite 800
12055 Government Center Parkway
Fairfax, VA 22035

Re: Pending Interpretation for "Chandler Grove"
RZ/FDP 2003-BR-012
Follow Up to Letter of March 16, 2005

Dear Tracy:

This letter is a follow up to the multiple recent meetings and discussions concerning the above referenced matter. At issue are several retaining walls of varying heights. These walls are necessitated by a variety of unforeseen engineering requirements. This letter and the accompanying exhibits are intended to supplement my original interpretation request and reflect the most recent comments concerning the design, location and configuration of the retaining walls.

Attached to this letter are revised exhibits, cross-sectional and perspective drawings that detail the revised location and configuration of the retaining walls in question. This information mirrors that which was presented at the meeting held in your office yesterday. Also, in response to the various negotiations and discussions that have been held, one previously approved unit has been eliminated at the southern end of the site.

Compared to the original interpretation request, the retaining wall previously proposed to run in an east west direction across the northern portion of the site just south of the open space area has largely been removed. As shown on the attached materials, the only walls remaining in this general area are where the site transitions to Rust Road directly along the eastern boundary of the property and in the area adjacent to the tree save area on the western boundary. As represented in our meeting yesterday, each of these walls has a maximum height of less that 4 feet.

Along the southern boundary of the property, significant changes have been made in the height, location, design and configuration of the retaining wall. In response to comments from both the Planning staff and Park Authority, the maximum height of the wall has been reduced from as high as 14 feet to approximately 7.8 feet. Reflective of the site's topographic conditions, the height of the wall tapers down in an east west direction as generally shown on the attached exhibits. Of equal significance, the wall has been relocated away from the southern property line. This strategic relocation provides new opportunities for landscaping that is detailed on the attached materials. It is the developer's intention to screen the visible portions of the wall with evergreen or other plantings. We have no objection to the final plantings being approved by both the Urban Forestry Division and the Park Authority.

In terms of materials and design, all of the retaining walls are proposed to be constructed of the "Rockwood" type materials presented on the attached drawings. As we discussed in detail yesterday, for the larger retaining wall on the southern boundary of the property, it is the developer's intention to use a grey colored masonry material. We believe this will blend in best with both the proposed landscaping and that the vegetation that exists on the adjacent Park Authority property.

As also discussed at yesterday's meeting, the developer will commit that there is appropriate disclosure of the maintenance obligations for all retaining walls and the landscaping located on the exterior of the southern wall. For added permanency, this disclosure will also be made in the actual homeowners association documents themselves.

Lastly, you had asked for confirmation that the revisions described in the attached materials do not jeopardize the ability to comply with, among other things, the open space and landscaping obligations of the proffered development plan. As you might expect, by reducing the proposed number of units, the open space is actually increased slightly. The proffered development plan showed 105,586 square feet of open space. The revised concept shows approximately 107,006 square feet of open space. Similarly and as generally discussed in my original correspondence, the necessity of a retaining wall at the southern end of the property has required some relocation of the landscaping shown on the CDP/FDP. However, by virtue of the strategic relocation of the wall and the associated landscaping now proposed between the wall and the Park Authority property, the actual number of trees now proposed is even greater than that shown on the proffered CDP/FDP.

As always, upon receipt if you have any questions or require any additional information, please don't hesitate to give me a call.

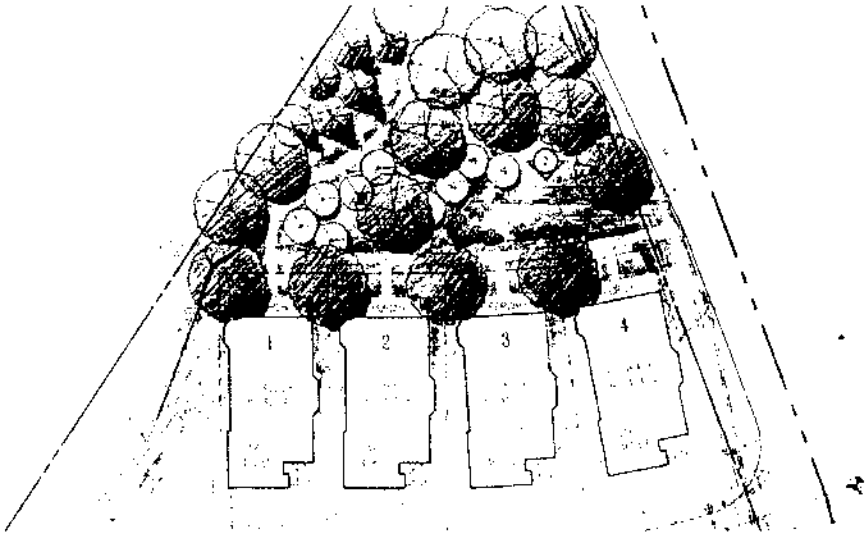
Very truly yours,

Gregory A. Riegle

GAR/pwy

Enclosures

cc: Florence Naeve
Suzanne F. Harsel, Planning Commissioner – Braddock District
Kay Rutledge
John Regan
Craig Havenner
Dave McElhaney



1 NORTH RETAINING WALL PLAN

2 NORTH RETAINING WALL ELEVATION

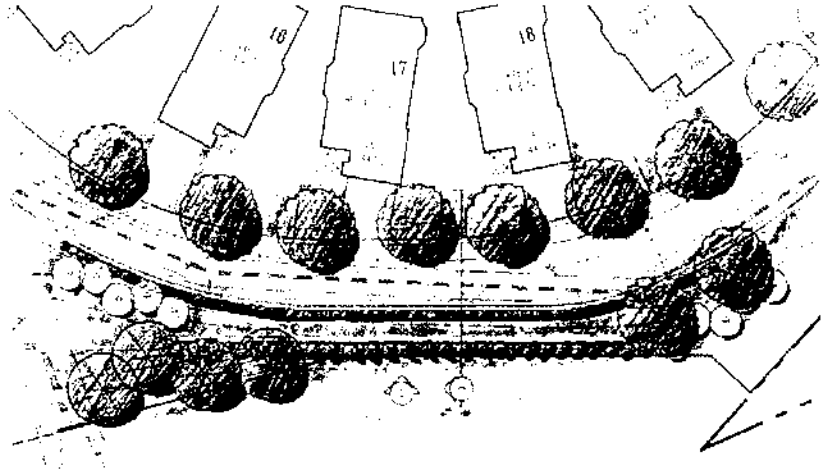
3 ROCKWOOD RETAINING WALL IMAGES

NORTH RETAINING WALL

CHANDLER GROVE

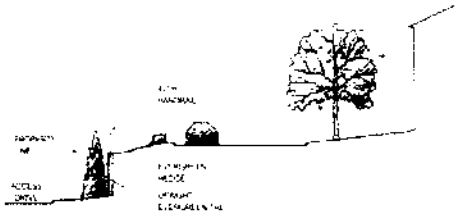
Fairfax County, Virginia

April 27, 2004



1 SOUTH RETAINING WALL PLAN

2 SOUTH RETAINING WALL ELEVATION



3 SOUTH RETAINING WALL SECTION

SOUTH RETAINING WALL

CHANDLER GROVE

Fairfax County, Virginia

April 22, 2004