



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
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V I R G I N I A

March 21, 2005

Ms. Elizabeth D. Baker
Land Use Coordinator
Walsh Colucci Lubeley Emrich & Terpak PC
2200 Clarendon Boulevard, Thirteenth Floor
Arlington, Virginia 22201

Re: Interpretation for PCA 75-7-004-2 and RZ/FDP 2003-PR-008,
The Reserve at Tyson's Corner:
Limits of Clearing and Grading for Parking Expansion on I-3 Property, and
Stormwater Management Pond Retaining Walls

Dear Ms. Baker:

This is in response to your letter of February 18, 2005, (attached) requesting an interpretation of the Conceptual Development Plan (CDP) and proffers accepted by the Board of Supervisors in conjunction with the approvals of PCA 75-7-004-2 and RZ 2003-PR-008, and the Final Development Plan (FDP) approved by the Planning Commission with FDP 2003-PR-008. As I understand it, you inquire as to whether the proposed changes to the parking on the I-3 property to the north and the proposed retaining walls proposed within the stormwater management facilities would be in substantial conformance with the combined CDP/FDP and proffers. This determination is based on your letter dated February 18, 2005, your follow-up letter dated March 17, 2005, and the attached exhibits entitled "Interpretation Plan, The Reserve at Tysons Corner" which consists of two (2) sheets, prepared by Vika, Inc., with a date of February 14, 2005, and entitled "Overall Site Plan, The Reserve at Tysons Corner" which consists of two (2) sheets, prepared by Vika, Inc., with a date of July, 2004, and a hand written note stating "Exhibit 3/17/05." The Board of Supervisors approved PCA 75-7-004-2 and RZ 2003-PR-008 on March 15, 2004, with the Planning Commission approving FDP 2003-PR-008 on April 7, 2004, for a residential development consisting of 92 single-family attached dwellings and 478 multi-family dwelling units, with the I-3 parcel to the north remaining as an industrial office development.

Your first question is regarding the proposed modifications to the surface parking areas on the I-3 office property, which is illustrated on Sheets 4 and 5 of the approved combined CDP/FDP. Sheet 5 includes hatched areas where changes are proposed to the parking

areas, however Sheet 4 does not include all of those hatched areas within the approximate limits of clearing and grading. Sheet 2A of your "Overall Site Plan" exhibit illustrates the proposed areas of change to the parking areas, including those which are outside of the limits of clearing shown on the CDP/FDP, but within the hatched areas of projected development of the parking areas on the CDP/FDP. It is my determination that the proposed areas of parking revisions would be in substantial conformance with the approved CDP/FDP.

Your second question is regarding the retaining walls within the proposed stormwater management ponds. Retaining walls were illustrated within portions of the ponds on the approved CDP/FDP. You have indicated that final engineering resulted in a need for additional retaining walls to be located within the ponds. You state in your letter that the proposed walls would be located entirely within the ponds, would range from 3 to 6.5 feet in height (depth), and would not extend above the ground level at the top of the ponds. You also state in your follow up letter of March 17, 2005 that the proposed retaining walls would be constructed of concrete with a decorative finish such as a brick or stone stamped pattern, which is consistent with what was proposed on the walls originally shown. It is my determination that the proposed retaining walls within the stormwater management ponds would be in substantial conformance with the approved 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 Cathy Belgin at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

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Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
~~Ken Lawrence~~, Planning Commissioner, Providence District
Leslie Johnson, Chief, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: No. RZ/FDP 2003-PR-008, PCA 75-7-004-2, PI 0503 019, Imaging,
Reading File

Under Proffers 1 and 2, the property is subject to an approved Conceptual Development Plan ("CDP") and Final Development Plan ("FDP"), prepared by VIKA, Incorporated, consisting of thirteen sheets dated January 17, 2003 as revised through March 11, 2004. Proffer 3 allows for minor modifications to the FDP as may be determined by the Zoning Administrator pursuant to Par. 4 of Sec. 16-403, and under Par. 5 of Sec. 18-204 of the Zoning Ordinance minor modifications to proffered conditions may be permitted as determined by the Zoning Administrator. I request a determination that proposed minor revisions to the stormwater management design are in substantial conformance with the approved proffers and CDP/FDP.

The CDP/FDP illustrates a stormwater management pond in the southeastern corner of the site, south of Building 2B and two stormwater management ponds along the property's eastern boundary between the parking garage and Interstate 495. Walls are shown along the southern portion of the southern pond and on the western and southern sides of the two eastern ponds. In preparing the final engineering, the civil engineer has extended walls around most of the perimeters of the ponds. These walls typically range from 3 to 6.5 feet in height. Extending the walls around the ponds helps to ensure preservation of trees between the eastern ponds and I-495, and facilitates construction of the adjacent trail. Due to the fact that the walls are within the pond, essentially forming the walls of the pond, they have no negative visual impact on the site. The walls result in another benefit, in that they permit a larger area in the bottom of the pond to provide the plantings for enhanced detention.

Enclosed please find two (2) copies of an Interpretation Exhibit prepared by VIKA, Incorporated and dated February 14, 2005. The Interpretation Exhibit includes two (2) sheets. Sheet 1 is enlarged plans for the ponds showing the wall locations as proposed. Sheet 2 is shows cross sections of the ponds. We ask your determination that these extended walls are in substantial conformance with the plans and proffers.

This request is in accordance with the requirements of paragraph 5 of Section 18-204 and may be considered a minor modification to proffered conditions. The proposed modifications are in response to final engineering design and are in substantial conformance with the approved proffers and CDP/FDP. The proposed modifications do not request the following:

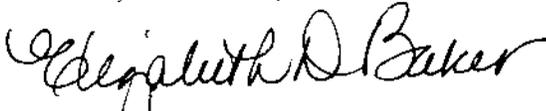
- A more intensive use from that approved pursuant to the proffered conditions. The total number of dwelling units on the PDH-30 property or square footage or commercial/industrial uses on the I-3 property has not changed.
- An increased parking requirement. There is no increase in the parking requirement. Parking will be provided in keeping with the Ordinance requirements.
- Uses other than those approved pursuant to the proffered conditions. No changes are proposed to the uses.

- A reduction in approved transitional screening, buffering, landscaping or open space. No changes are proposed to transitional screening, buffering open space, or landscaping.
- A change to bulk, mass, orientation or location of buildings which would adversely impact the relationship of development or part thereof to adjacent property. There are no changes to bulk, mass, orientation or location of buildings.
- Additional buildings or additions to buildings. There are no additional buildings or additions proposed.

We believe that the proposed changes are in substantial conformance with the proffers and approved plans and are minor in nature. I would appreciate your favorable consideration of this request. As always, I appreciate your cooperation and assistance.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator

EDB:kkf

Enclosures

cc: Cathy Belgin (w/o enclosures)
Richard Rose (w/o enclosures)
John Amatetti (w/o enclosures)
Martin D. Walsh

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**WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC**

Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 14
ebaker@ari.thelandlawyers.com

March 17, 2005

Via Facsimile and U.S. Mail

Cathy Belgin
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Proffer Interpretation Request
The Reserve at Tysons Corner
RZ 2003-PR-008 / PCA 75-7-004-2

Dear Cathy:

As a supplement to my February 18, 2005 letter requesting an interpretation, I wanted to confirm that the developer is willing to construct the proposed concrete retaining walls along the perimeters of the stormwater management ponds with a decorative finish such as a rustic finish, brick patterned stampings, or natural stone look.

Thanks you for your attention to this matter..

Very truly yours,

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

Elizabeth D. Baker
Land Use Coordinator

EDB:kkf
Enclosures

cc: Richard Rose
John Amatetti
Martin D. Walsh

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