



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

December 17, 2004 (Revised)

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

Re: Interpretation for RZ/FDP 2003-PR-008, The Reserve at Tyson's Corner:
Layout of Multi-Family Parking, Single-Family Attached Dwellings and Amenities

Dear Ms. Baker:

This is in response to your letter of September 17, 2004, (attached) requesting an interpretation of the Conceptual Development Plan (CDP) and proffers accepted by the Board of Supervisors in conjunction with the approval of 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 structure and courtyard of the multi-family residential Building 1, layout of the townhouses and open space in the vicinity of the clubhouse and pool, and proposed drop-off area at multi-family residential Building 2 would be in substantial conformance with the CDP/FDP and proffers. This determination is based on your letter dated September 17, 2004, and your follow-up letter dated October 8, 2004, and the attached exhibits entitled "CDP/FDP Interpretation Exhibit," which consists of 6 sheets and a mylar overlay, prepared by Vika, Inc., and with a revision date of October 7, 2004. The Board of Supervisors approved 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 (as corrected from the previous letter which stated that 80 single-family attached and 560 multi-family dwelling units had been approved.)

Your first question is regarding the provision of underground parking for the multifamily residential structure entitled "Building 1" on the CDP/FDP, in lieu of the approved above-ground parking structure located within the central courtyard. You are proposing to locate the parking below the building underground, and in its place would instead have a third courtyard, resulting in additional open space. The number of parking spaces provided would not be reduced, and the height and footprint of the residential building would not be altered. You also state that the location of the parking below ground under the footprint of

Ms. Elizabeth D. Baker

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It is my determination that the provision of a drop-off area in the central courtyard of multi-family Building 2 would be in substantial conformance with the approved CDP/FDP and proffers.

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,

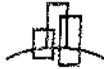


Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/NACASES- ACTION ITEMS/LINCOLN LETTER3R.DOC

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, PI 0409 129, Imaging, Reading File



**WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC**

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

September 17, 2004

Via Hand Delivery

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning
SEP 17 2004
Zoning Evaluation Division

Re: Proffer Interpretation Request
The Reserve at Tysons Corner
RZ 2003-PR-008

Dear Ms. Byron:

The referenced rezoning application was approved by the Board of Supervisors on March 15, 2004. The Board of Supervisors rezoned approximately 19.04 acres from the I-3 District to the PDH-30 District subject to proffers dated March 14, 2004. A copy of the approved proffers is enclosed for your convenient reference.

Under Proffers 1 and 2, the property is subject to an approved Conceptual Development Plan ("CDP") and Final Development Plan ("FDP"), prepared by VIK A, 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. The purpose of this letter is to request a determination that proposed minor revisions to the site design are in substantial conformance with the approved proffers and CDP/FDP.

Enclosed please find two (2) copies of an Interpretation Exhibit prepared by VIK A, Incorporated. The Interpretation Exhibit includes six (6) sheets. Sheet 1 is the CDP/FDP with revisions. Sheet 2 is an open space exhibit with a mylar depicting the changes in open space. Sheet 3 is a revised landscape design. Sheet 4 is a context exhibit showing the revised layout on an aerial photograph. Sheet 5 provides a courtyard detail and Sheet 6 includes revised sections. A reduction of this exhibit is also provided.

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA • 2200 CLARENDON BLVD., THIRTEENTH FLOOR • ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 • MANASSAS OFFICE 703 330 7400 • PRINCE WILLIAM OFFICE 703 680 4664

The proposed development consists of 570 dwelling units of which 478 units are multi-family dwellings in two structures and 92 single-family attached units. The primary modification involves multi-family Building 1. The approved CDP/FDP shows the parking for Building 1 to be provided in an above-grade parking garage with the residential structure wrapping the garage. Access to the garage is provided from realigned Science Application Court and a new internal street. Two internal courtyards are also provided.

The developer would like to provide underground parking below Building 1 in lieu of the above-grade garage. We believe this has several advantages over the approved plan. While the building footprint and form along Science Application Court remains generally consistent with that shown on the CDP/FDP, the building form along the internal street has now been revised so that three courtyards are provided. These courtyards will be open to the internal street, penetrating the façade of the building and thereby decreasing the mass of Building 1 for the benefit of the future townhouse residents. Rather than seeing a building wall along the internal street, townhouse residents will have views into these large landscaped courtyards. Access to the underground parking is proposed along Science Application Court, slightly west of the approval above-grade garage entrance. Another loading area to serve Building 1 is provided further east on Science Application Court.

With the increased size of the courtyards, the developer proposes constructing a swimming pool in the western courtyard of Building 1. Proffer 22 indicates that the courtyards for the multi-family buildings shall incorporate a courtyard walk, special paving areas, seating or picnic areas, a mixture of deciduous, evergreen and ornamental plantings and a lawn panel. It goes on to state that each courtyard may vary in design detail and amenities. This new pool amenity would be complemented by a clubhouse/exercise facility/leasing center to be located on the first floor in the northwestern portion of Building 1.

With the addition of a second swimming pool, the developer proposes modifying the design and decreasing the size of the pool and clubhouse shown on the approved CDP/FDP. This allows for increased open space in this area. It also provides an opportunity to make some minor yet important modifications to the townhouse layouts adjacent to the pool. The revision affects two rows of townhomes, a total of 11 units. We ask that the row of four townhomes fronting onto Science Application Court be increased to six units and shifted slightly south. This will provide more green space and buffer between the homes and the roadway yet still place a front door presence on Science Application Court. In addition, we have reduced the townhome units in the first row south of the pool from seven to five units, thereby providing better vistas of the community green from the entrance road, and reducing views of the backs of the townhomes. In this area, the fifteen "pull in" parking spaces have been replaced with thirteen parallel spaces and two pull-in spaces. No changes are proposed to the community green or other townhome units.

Lastly, the developer seeks a minor modification to the design of the central courtyard in Building 2. A drive aisle is proposed to be provided in this courtyard to permit a drop off area at the building entrance. This offers a convenience for vehicles picking up or discharging

passengers (such as taxi-cabs) and short-term deliveries (such as pizza/restaurant/grocery deliveries and FedEx). The courtyard will still provide specialty paving, seating, walkways, landscaping and lawn areas.

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 advanced architectural 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 approved on the Subject Property is not changed.
- An increased parking requirement. There is no increase in the parking requirement. Parking will be provided in keeping with the Ordinance requirements. The number of street or surface parking spaces remains unchanged.
- Uses other than those approved pursuant to the proffered conditions. The Subject Property will continue to be developed with residential uses and accessory recreational 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 that will affect adjacent property. The orientation and layout of the proposed revision is in substantial conformance with the approved CDP/FDP. The changes will actually benefit the future residents of the property.
- Additional buildings or additions to buildings. There are only minor changes to groupings of townhouses, a reduction in the size of the separate clubhouse and conversion of an above-ground garage to underground parking. There are no additional buildings or units proposed.

We believe that the proposed changes are in substantial conformance with the proffers and approved plans. Minor in nature, these changes improve the proposed community yet have no impact on adjacent properties. A major benefit to these changes is an increase in open space. The approved plan had 7.62 acres of open space. The new plan has 8.12 acres of open space; an increase of .5 acre.

Proffer Interpretation Request

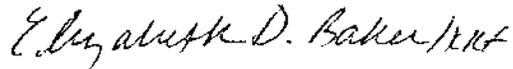
RZ 2003-PR-008

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Should you have any questions regarding the above or require additional information, please do not hesitate to give me a call. 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.



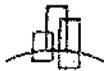
Elizabeth D. Baker
Land Use Coordinator

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@arl.thelandlawyers.com

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Department of Planning & Zoning

OCT 08 2004

Zoning Evaluation Division

October 8, 2004

by hand delivery

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Request for Administrative Interpretation
The Reserve at Tysons Corner
RZ 2003-PR-008

Dear Ms. Byron:

As a follow-up to the meeting with you and Cathy Belgin on September 29, 2004, I am providing a revised CDP/FDP Interpretation Exhibit (the "Exhibit") and information for your review. Specifically, the following issues have been addressed:

1. Courtyard Landscaping. Proposed landscaping of the central courtyard of Building 2 is included on Sheet 5 of the Exhibit. Specialty paving is provided within the drive aisle. Extensive landscaping including evergreen, deciduous and ornamental plantings are proposed to create a lush feel. A plaza seating area with specialty paving is proposed in the center of the courtyard.
2. Garage Intake and Exhaust Vents. Sheet 5 of the Exhibit provides details of the proposed garage vents. A low brick wall is proposed around the vents. Small deciduous or ornamental trees and evergreen shrubs are planned between the vent grate and the low wall. This wall provides an effective screen of the vent while ensuring its operation.
3. Side Façade and Architectural Treatments. The two end townhouse units located at the intersection of Gallows Road and SAIC Court will have side facades detailed to ensure attractive views from the streets. The side facades will be predominantly brick and will include either side entry doors or numerous windows with exterior shutters. Brick accents such as watertable bands, window sills and headers shall be provided. A decorative frieze board shall be applied at the roof line.

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I believe this letter addresses the questions raised at our meeting. Please call me if you have further comments.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator

EDB/kkf

Enclosure

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

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