FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway. Suite 801
Fairfax, Virginia 22035-5505

Telephone: (703) 324-1290 TTY 711 (Virginia Relay Center) Fax: (703) 324-3924

V I R G I N I A

June 16, 2005

Inda E. Stagg, Land Use Coordinator
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201-3359

Re: Interpretation for CDPA/FDPA B-993, Circle Towers, Tax Map 48-3 ((1)) 53: Conversion of rental retail and office units to non-residential condominium units

Dear Ms. Stagg:

This is in response to your letters of May 9, 2005, and May 24, 2005, requesting a determination of the Conceptual Development Plan Amendment (CDPA) and development conditions accepted by the Board of Supervisors and the Final Development Plan Amendment (FDPA) approved by the Planning Commission in associated with approval of the above referenced application. As I understand it, your question is whether the conversion of existing rental office and commercial units to non-residential condominium units is in substantial conformance with CDPA/FDPA B-993. This determination will be based on your letter and the development conditions and development plan. Copies of your letter and the development conditions are attached.

On July 17, 1995, the Board of Supervisors approved CDPA B-993 in the name of Circle Towers Associates, subject to development conditions. The application was filed to accurately reflect the number of dwelling units (770) and the amount of non-residential space permitted in the PDH-12 development. The development plan and development conditions limit the amount of non-residential gross floor area to 62,000 square feet; however, ownership of such space is not regulated.

It is my determination that the conversion from rental office and retail space to condominium space is in substantial conformance with CDPA/FDPA B-993 as long as the maximum 62,000 square feet of such uses is not exceeded and adequate parking continues to be provided. This determination has 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 Mary Ann Godfrey at (703) 324-1290. If you have questions about additional proposed uses for the I-5 portion of this property, please contact Zoning Administration at (703) 324-1314.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

BAB/MAG/O:mgodfr PInterpretations(PCA/FDPA B-993)Circle Towers.interp.doc

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Mason District
Kenneth Lawrence, Planning Commissioner, Providence District
Leslie Johnson, Deputy Zoning Administrator, 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
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPWES
File: CDPA/FDPA B-993, PI 0505 067, PI 0506 076, Imaging, Reading File

Inda E. Stagg
Land Use Coordinator
(703) 528-4700 Ext. 23
istagg@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
MAY 0 9 2005
ZONING EVALUATION DIVISION

May 9, 2005

Via Hand Delivery

Ms. Barbara A. Byron, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: Interpretation – Sale of Office-Use Condominiums
CPDA/FDPA B-993, Circle Towers (the "Rezoning")
Tax Map 48-3 ((1)) 53 (the "Property")

Dear Barbara:

I am seeking an interpretation of the rezoning application RZ B-993, specifically regarding the use within the building labeled "3 Story Brick Building" (the "Office Building") on page two (2) of the CPDA/FDPA B-993.

The Office Building's current use as office space is conforming. It is my understanding that the approved zoning affects use and not ownership. However, my client wishes to confirm, in writing, that its proposed conversion of the office space from rental units to office condominiums would be in substantial conformance with the Conditions imposed pursuant to the Rezoning.

To assist you in your review I have attached copies of pertinent portions of the latest CDPA/FDPA and a copy of the Tax Map with the Property outlined in yellow.

Please let me know if you need a full copy of the CDPA/FDPA or other materials. I look forward to your response.

Very truly yours,

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

Inda E. Stagg
Land Use Coordinator

Attachments
cc: James Conley, Jr., Martin D. Walsh, Thomas J. Colucci

Inda E. Stagg
Land Use Coordinator
(703) 528-4700 Ext. 23
istagg@arl.thelandlawyers.com

WALSH COLUCCI LUBELEY EMRICH & TERPAK PC

May 24, 2005

RECEIVED
Department of Planning & Zoning
MAY 24 2005
Zoning Evaluation Division

Via Hand Delivery

Ms. Barbara A. Byron, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: Interpretation – Sale of Office and Commercial-Use Condominiums
CPDA/FDPA B-993, Circle Towers (the "Rezoning")
Tax Map 48-3 ((1)) 53 (the "Property")

Dear Barbara:

I am seeking an interpretation of the rezoning application RZ B-993, specifically regarding the office and commercial uses within the buildings labeled as "Building #1", "Building #2", and "Building #3" (the "Residential Buildings") on page two (2) of the CPDA/FDPA for B-993. The Residential Buildings are each twelve (12) stories in height, and are primarily residential apartment buildings. However, the lower level of these Residential Buildings contain office and commercial uses, as permitted by B-993.

As stated by me in a previous interpretation request for the Property, it is my understanding that the approved zoning affects use and not ownership. However, my client wishes to confirm, in writing, that its proposed conversion of the office and commercial space from rental units to office and commercial condominium units would be in substantial conformance with the Conditions imposed pursuant to the Rezoning.

To assist you in your review I have attached copies of pertinent portions of the latest CDPA/FDPA and a copy of the Tax Map with the Property outlined in yellow.

Please let me know if you need a full copy of the CDPA/FDPA or other materials. I look forward to your response.

Very truly yours,

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

Inda E. Stagg

Inda E. Stagg
Land Use Coordinator

Attachments
cc: Mary Ann Godfrey, James Conley, Jr., Martin D. Walsh, Thomas J. Colucci

J:\TRANSWESTERN\4022.5 Circle Towers\Interpretation Letter for condominiumization of Office space in Residential Buildings.doc

FAIRFAX COUNTY

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

V I R G I N I A

9411 Lee Hwy

Post-it® Fax Note 7671	Date 6/2/05	# of pages ▸ 5
To Mary Ann Godfrey	From LINDA STREET	
Co./Dept.	Co.	
Phone #	Phone # (703) 528-4700	
Fax # (703) 324-3924	Fax #	

August 8, 1995

Sarah E. Hall, Esquire
Blankingship and Keith
4020 University Drive - Suite 312
Fairfax, Virginia 22030

RE: Conceptual Development Plan Amendment
Number CDPA B-993
(Concurrent with SE 95-P-003)

Dear Ms. Hall:

The Board of Supervisors at a regular meeting held on July 17, 1995, approved Conceptual Development Plan Amendment CDPA B-993, subject to the development conditions dated June 8, 1995, in the name of Circle Associates Partnership, on subject parcels 48-3 ((1)) 53; 48-4 ((1)) 3, 3A1, 3B, 3B1, consisting of 16.03 acres in Providence District.

The Planning Commission approved Final Development Plan Amendment Application B-993 on June 8, 1995.

The Board also approved a reduction in the number of stacking spaces for the drive-through bank to three as shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment Application.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority
Barbara J. Lippa, Deputy Executive Director, Planning Commission

DEVELOPMENT CONDITIONS

CDPA/FDPA B-993

June 8, 1995

If it is the intent of the Planning Commission to approve CDPA/FDPA B-993 located at Tax Map 48-3 ((1)) 53 and 48-4 ((1)) 3, 3-A1, 3-B, 3-B1 to amend the CDPA/FDPA to reflect accurately the number of dwelling units and the space available for non-residential uses pursuant to Sect. 16-400 of the Fairfax County Zoning Ordinance, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan **entitled Conceptual/Final Development Plan/Special Exception Plat, Circle Towers (Sheets 1-3) and prepared by Charles P. Johnson & Associates, P.C. which is dated September 1994, as revised through March 29, 1995, and these conditions.**

2. Any use which is not located within the existing structures shall require a Final Development Plan Amendment (FDPA) or a Special Exception (SE).

3. The following secondary uses may occur within the 62,000 square feet available for non-residential uses:

    1. Unmanned bank teller machines
    2. Business service and supply service establishments
    3. Drive-in banks
    4. Quick service food stores
    5. Health clubs
    6. Community uses
    7. Eating establishments
    8. Financial institutions
    9. Private schools of special or general education, with enrollment of less than 100 students daily or 100 or more students daily
    10. Offices (subject to limitations in Par. 6/Sect.6-106
    11. Personal service establishments
    12. Private club and public benefit associations
    13. Repair service establishments
    14. Retail service establishments
    15. Fast food restaurants (by Special Exception only)
    16. Accessory uses as permitted by Article 10