



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

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

V I R G I N I A

July 25, 2005

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

Re: Interpretation for RZ/FDP 2003-PR-008: The Reserve at Tysons Corner, Retaining Walls
Tax Map Parcel 39-2 ((1)) 13 pt.

Dear Ms. Gwinn:

This is in response to your letter of July 13, 2005, which amends your June 9, 2005, letter requesting an interpretation of the proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2003-PR-008 and the development conditions and Final Development Plan (FDP) approved with the Board's approval of FDP 2003-PR-008. As I understand it, you are now asking if retaining walls proposed around the swimming pool, as shown in your exhibits attached to your letter, would be in substantial conformance with the proffers and development conditions. According to your letter, you are no longer proposing a retaining wall along the rear lot line of townhouses on the property. This determination is based on your letters and attached exhibit consisting of a sheet entitled "Clubhouse Retaining Wall Exhibit" which was prepared by VIKA and is dated July 13, 2005, and contains sections of the pool area and fence detail. Copies of your letter with relevant exhibits are attached.

On March 15, 2004, the Board of Supervisors approved RZ 2003-PR-008, with the Planning Commission approving FDP 2003-PR-008 on April 7, 2004, to permit a residential development consisting of 80 single-family attached dwellings and 560 multi-family dwelling units. Your question pertains to only the swimming pool and clubhouse area which is located in the northwestern portion of the development south of Science Applications Court.

According to your June 9, 2005, letter, the swimming pool and clubhouse are at a lower grade than Science Applications Court and the proposed retaining walls are in response to the grade changes. The proposed wall varies in height from 3.7 feet to 4.7 feet and is proposed along the northern, western, and southern sides of the pool and clubhouse. Your letter states that the proposed retaining wall will not be visible from Science Applications Court and that it will be

Jane W. Gwinn
Page 2

constructed of concrete with a decorative finish similar to that which was approved around the perimeter of the stormwater management ponds on the site. The 4' fence on top of the retaining wall is black anodized aluminum which the sections sheet shows to be constructed with pickets and a decorative top. There is landscaping between the fence and the sidewalk along Science Applications Court which will screen the fence and pool.

It is my determination that the proposed retaining wall around the pool and clubhouse area, as described above and depicted in your exhibits, is in substantial conformance with RZ/FDP 2003-PR-008. 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.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

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Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Leslie Johnson, Deputy Zoning Administrator, DPZ
Michelle Brickner, Assistant Director, Office of 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/Applications Management Branch, DPZ
File: RZ/FDP 2003-PR-008, PI 0506 081, Imaging, Reading File



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

Jane W. Gwinn
Land Use Coordinator
(703) 528-4700 Ext. 32
jgwinn@arl.thelandlawyers.com

RECEIVED
Department of Planning & Zoning
JUL 14 2005
Zoning Evaluation Division

July 13, 2005

Via Scheduled Express

Mary Ann Godfrey
Senior Staff Coordinator
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Proffer Interpretation Request
RZ 2003-PR-008
The Reserve at Tysons Corner (the "Property")

Dear Ms. Godfrey:

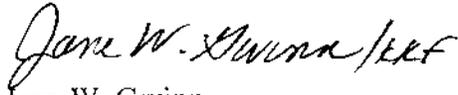
This is in response to your request for additional information concerning my June 9, 2005 letter to Ms. Barbara Byron, which requested an administrative interpretation that proposed retaining walls around the swimming pool area and along the rear lot lines of twelve townhouses on the Property are in substantial conformance with the proffers for RZ 2003-PR-008. Please be advised that, at this point in time, we are revising our interpretation request to just address the proposed retaining wall around the swimming pool, and we are no longer seeking an interpretation regarding a retaining wall to be located along the rear of twelve townhouse lots.

With regard to the retaining wall around the pool and, in response to your question, the fence on top of the retaining wall will be 42 inches in height constructed of black anodized aluminum. As noted in the June 9, 2005 letter, the retaining wall will be constructed of concrete with a decorative finish such as rustic finish, brick patterned stampings, or natural stone look. This same type of retaining wall has been previously approved by your office for the retaining walls around the perimeter of the stormwater management ponds of the Property. Enclosed please find two full size copies and a reduction of a plan prepared by VIKA, Incorporated, entitled Clubhouse Retaining Wall Exhibit, dated July 13, 2005. On this plan is a detail of the proposed fence, which is called an imperial fence, to be located on top of the retaining wall. This plan also provides two cross sections of the wall/fence as well as a portion of the landscape plan, which shows the retaining wall/fence and the proposed landscaping around the pool.

It is hoped that this provides the additional information needed so that it can be determined that the proposed retaining wall and fence are in substantial conformance with the proffers. Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

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

A handwritten signature in cursive script that reads "Jane W. Gwinn".

Jane W. Gwinn
Land Use Coordinator

Enclosures

cc: Richard Rose, Lincoln Property Co.
John Amatetti
Martin D. Walsh
Elizabeth D. Baker

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**WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC**

Jane W. Gwinn
Land Use Coordinator
(703) 528-4700 Ext. 32
jgwinn@arl.thelandlawyers.com

June 9, 2005

RECEIVED
Department of Planning & Zoning

JUN 10 2005

Via Hand Delivery

Zoning Evaluation Division

Barbara A. Byron
Director, Zoning Evaluation Division
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

Dear Ms. Byron:

The referenced rezoning was approved by the Board of Supervisors on March 15, 2004. The Board of Supervisors rezoned approximately 19.04 acres (the "Property") from the I-3 District to the PDH-30 District subject to proffers dated March 14, 2004. Copies of the approved proffers are enclosed for your convenient reference. I am requesting an administrative interpretation that proposed retaining walls around the swimming pool area and along the rear lot lines of twelve townhouses are in substantial conformance with the proffers.

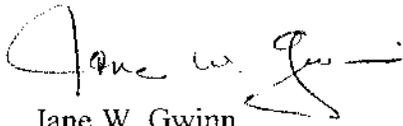
Enclosed are two copies of an Interpretation Exhibit prepared by VIKA, Incorporated and dated May, 2005. The Interpretation Exhibit includes two sheets. Sheet 1 shows the location of the proposed retaining walls and Sheet 2 shows cross sections of the walls. The swimming pool and clubhouse are at a lower grade than Science Applications Court and the retaining walls are in response to these grade changes. This proposed wall varies in height from 3.7 feet to 4.7 feet and will not be visible from Science Applications Court. The proposed retaining wall along the rear of twelve townhouse lots is also being prompted by the change in grade from the front to the rear of the townhouse lots. The proposed wall will facilitate the provision of a usable rear yard for these townhouses as well as provide an appropriate transition from these lots to the adjacent townhouse development. The height of this proposed wall varies in heights from 2.7 to 4.7 feet. In both instances, the retaining wall will be constructed of concrete with a decorative finish such as a rustic finish, brick patterned stampings, or natural stone look. This is the same type of material and design that you have approved for the retaining walls around the perimeter of the stormwater management ponds of the Property.

The height and location of these retaining walls are in response to topography issues and are consistent with the approved proffered conditions and Conceptual/Final Development Plan (CDP/FDP). Note #19 of the CDP/FDP states that additional site features such as fences, retaining walls and/or walls not represented on the plan may be provided. Based upon the approved proffers and the height, location and design/materials of the walls, it is believed that the walls are allowed under the provisions of Par. 4 of Sect. 16-403 and Par. 5 of Sect. 18-204 of the Zoning Ordinance and therefore should be determined to be in substantial conformance with the approved zoning for the Property.

Thank you for your consideration of this request. Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

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

A handwritten signature in cursive script, appearing to read "Jane W. Gwinn".

Jane W. Gwinn
Land Use Coordinator

Enclosures

cc: Richard Rose, Lincoln Property Co.
John Amatetti
Martin D. Walsh
Elizabeth D. Baker

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