



**COUNTY OF FAIRFAX
PLANNING COMMISSION OFFICE**

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2002 PLANNING COMMISSION

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July 19, 2002

McGuireWoods LLP
Jonathan P. Rak, Esquire
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102

RE: CPA-86-C-121-10 - Sunset Hills Tower LLC

Dear Mr. Rak:

The purpose of this letter is to formally advise you, as the agent for the applicant, that on Thursday, July 11, 2002, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to approve CPA-86-C-121-10, subject to the conceptual plan notes dated July 11, 2002.

A copy of the conceptual plan notes is enclosed for your records. Also enclosed is a copy of the verbatim of the Commission's action on this matter. If you need additional information, please let me know.

Sincerely,

Sara Robin Hardy
Assistant Director
Planning Commission Office

Enclosures

cc: Frank de la Fe, Hunter Mill District Planning Commissioner
Cathy Belgin, Zoning Evaluation Division, DPZ
7/11/02 Date File
Y-2 File

Planning Commission Meeting
July 11, 2002
Verbatim Excerpt

CPA-86-C-121-10 - SUNSET HILLS TOWER LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I'd just like to comment on the turn lane because the Transportation Department has raised the issue. This was debated at the Planning and Zoning Committee and I can't remember how many members were there. It's a fairly large committee. There was a separate vote taken and whatever it was, there was only one person in favor of adding another lane there, the major reason being that there are not three through lanes beyond Reston Parkway except for a very short piece and there is some question as to what the traffic circulation will be overall once the Metro Station opens, which we are all hoping will occur within the next few years. So, on that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL DEVELOPMENT PLAN CPA-86-C-121-10, SUBJECT TO THE CONCEPTUAL PLAN NOTES NOW DATED JULY 11, which were handed out tonight.

Commissioner DuBois: Second.

Chairman Murphy: Seconded by Ms. DuBois. Is there a discussion of the motion?

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: I was just going to say that I look forward to the applicant following through with the proffered commitment on tree preservation. That's been very important to the community in the past. So I will look forward to seeing that followed through. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to approve CPA-86-C-121-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motion carried unanimously with Commissioner Harsel absent from the meeting.)

LBR

RESTON TOWN CENTER CONCEPT PLAN AMENDMENT
SECTION 95, BLOCK 1
Sunset Hills Tower
January 30, 2002
Revised: July 11, 2002

GENERAL

1. The parcel subject to this Town Center Concept Plan is known as Reston, Section 95, Block 1.
2. The property which is the subject of this application shall be developed in accordance with this Town Center Concept Plan Amendment (the "Plan"); subject, however, to these notes and provided that minor modifications may be permitted when necessitated by sound engineering and/or which may become necessary as part of final site engineering, as determined by the Department of Public Works and Environmental Services ("DPWES").
3. The Tax Map reference for the parcel is 17-3 ((1)), Parcel 37; Sunset Hills Tower, LLC., its successors or assigns (the "Applicant"), shall utilize the proposed building for high-density residential.
4. The proposed building shall contain no more than 296 dwelling units.
5. The maximum building height shall not exceed 120 ft.
6. The application property consists of approximately 5.36 ares.

LANDSCAPING

7. The Applicant shall provide landscaping on the application property (the "Site") as shown on Sheet 3 of this Plan. The exact location of the provided plants and trees may be modified as necessary for the installation of utilities, Virginia Department of Transportation ("VDOT") requirements, and Fairfax County ("County") requirements, in coordination with DPWES but shall, at a minimum, provide the quality and quantity of plantings depicted on the Town Center Concept Plan (subject to any reduction resulting from the future construction by the Commonwealth of Virginia/Fairfax County of an additional westbound lane on Sunset Hills Road in the reservation area shown on the Plan, as discussed in the transportation notes below).
8. A landscape plan generally consistent with the quality and quantity of landscaping reflected on Sheet 3 of this Plan shall be submitted for review and approval by the Urban Forestry Branch of DPWES at the time of site plan approval. The Applicant will work in good faith with the Urban Forester to identify and transplant (if reasonably possible) certain trees on the Site (or nearby sites) to the locations of the supplemental landscaping reflected on Sheet 3 of this Plan. Such transplanting shall be in lieu of (not in addition to) the supplemental landscaping

reflected on Sheet 3 of this Plan. Such transplanting shall be generally consistent with the quality, quantity, and cost of the supplemental landscaping reflected on Sheet 3 of this Plan.

9. The landscape plan noted in Paragraph 8 above shall provide for the preservation of the specific quality trees identified for preservation on Sheet 3 of this Plan. In an effort to maximize tree preservation efforts, the Applicant shall hire a certified arborist. (the "Certified Arborist") to perform a pre-construction evaluation of the condition of the trees designated for preservation on Sheet 3 of this Plan. The Applicant, in consultation with the Certified Arborist, shall prepare and implement a tree preservation action plan to include recommended activities before, during, and after construction which will improve the condition of these trees and their potential for survival. The tree preservation action plan will include the activities and techniques recommended in the Memorandum from Hugh C. Whitehead, Urban Forester to Cathy Belgin, Staff Coordinator dated May 30, 2002 This action plan shall be submitted for review and approval by the Urban Forester prior to any land disturbing activities on the Site.

In the event it is determined by the Certified Arborist, in consultation with the Urban Forestry Branch, that any of the trees designated to be preserved on Sheet 3 of this Plan cannot be preserved due to poor health, a safety hazard, VDOT/County requirements, installation of utilities, or as a result of final engineering, a replanting plan that includes comparable landscaped areas shall be developed and implemented, as proposed by the Applicant and approved by the Urban Forester. One nursery grown tree with a minimum caliper of 4.5" (measured at a point 12" above ground level) will be planted for each tree (designated to be preserved on Sheet 3 of this Plan) that cannot be preserved.

10. All supplemental landscaping located within or contiguous to VDOT rights-of-way shall be provided subject to VDOT approval. If VDOT does not permit the noted plantings within or contiguous to its rights-of-way, the Applicant shall relocate the trees within the Sites, subject to review and approval by DPWES.

PEDESTRIAN CIRCULATION

11. The external and internal pedestrian circulation system (including sidewalks, crosswalks, trails, and paths) shall be provided as generally shown on Sheets 2 and 3 of this Plan.

TRANSPORTATION

12. All of the roads and road improvements shown on this Plan for northbound Reston Parkway and westbound Sunset Hills Road (the "Overall Improvements") shall be completed prior to the issuance of a Residential Use Permit for the Site. The Reston Parkway-Sunset Hills Road intersection improvement plan (CO. NO. 7871-PI-01) and the Sunset Hills Road improvement plan (CO. NO. 5468-PI-06-1) provide for all of the Overall Improvements.

13. The Applicant shall dedicate the area shown on the Plan along the souther frontage of the Site for an additional westbound 350' right turn lane on Sunset Hills Road (the "Additional Lane"), as shown on the Plan. This area shall be dedicated and conveyed to the Fairfax County Board of Supervisors in fee simple, at no cost to the County, at the time of site plan approval or upon demand by VDOT or the County, whichever occurs first. Concurrently, the Applicant shall convey to the County, at no cost to the County, all easements reasonably necessary for construction of the Additional Lane. The Applicant reserves density credit in accordance with Section 2-308 of the Zoning Ordinance of Fairfax County as it may apply all dedications described herein or as may be reasonably required by the County or VDOT at site plan approval.
 - a. The Applicant shall be allowed to continue its use of the Site after the construction of the Additional Lane even though the Additional Lane will reduce the setback of the building and reduce the landscaping shown on the Plan.
 - b. The Applicant shall not be responsible for replacing the landscaping reduced by the construction of the Additional Lane.

LAND USES

14. The Applicant shall utilize the proposed building for high density residential use. The Applicant reserves the right to place in the building any accessory and/or ancillary uses permitted by the Fairfax County Zoning Ordinance (the "Zoning Ordinance"); such uses shall be limited to those that serve the Site and are permitted by the Zoning Ordinance. The leasing office may include a furnished model apartment. This apartment shall not be occupied as a dwelling unit and is not counted toward residential density of this proposal.

SITE DESIGN

15. The architectural details and the primary building materials for the proposed building shall be compatible with those utilized on the buildings in the surrounding area and are subject to final review and approval by the Reston Town Center Design Review Board ("DRB"). The primary building materials shall include but not be limited to brick or masonry. Landscaping, signage, and lighting also are subject to final review and approval by the DRB. Any revisions to the proposed building design, landscaping, signage, and lighting shall be in substantial conformance with this Concept Plan.
17. The Applicant intends to pursue a separate Comprehensive Sign Plan for the Site pursuant to Article 12 of the Zoning Ordinance. Notwithstanding what is shown on this Plan, in the event that the Applicant does not pursue a Comprehensive Sign Plan or fails to obtain the necessary approvals for such Comprehensive Sign Plan, the Applicant shall provide signage in accordance with the signage requirements of Article 12 of the Zoning Ordinance.
18. The proposed development will use public water and sewer.

20. The maximum height of the retaining wall shall be approximately as shown on the plan (sheet #2) and the retaining wall shall be constructed of concrete or masonry.

TOWN CENTER CONCEPT PLAN AMENDMENTS

21. By securing approval of this Town Center Concept Plan, the Applicant is not limiting or waiving any of its rights pursuant to the approved Town Center proffers. Specifically, the Applicant reserves the right to subsequently pursue Development Plan or Proffer Amendments, Town Center Concept Plan Amendment(s), Special Exception(s) or Special Permit(s) (on the whole or any portion of the site) to revise uses, increase heights and density, and to pursue any and all modifications as permitted by the Town Center Development Plan, the proffers, or the Fairfax County Zoning Ordinance.
22. To our knowledge, there are not known burial sites existing on the property.
23. SWM/BMP is provided onsite by an existing wet pond. The Applicant will demonstrate at the time of site plan that the facility has adequate capacity. If the Applicant is unable to design adequate capacity on-site, the Applicant shall pursue a concept plan amendment.

INTERIOR NOISE MITIGATION

24. For any units within 360 feet of the centerline of Reston Parkway, a maximum interior noise level of approximately 45 dBA Ldn shall be achieved. Such standard will be met by employing the following:
- a. Exterior walls shall have a laboratory sound transmission class ("STC") rating of at least 39.
 - b. Doors and window shall have laboratory STC rating of at least 28. If glazing constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls.
 - c. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
25. As an alternative to the above, the Applicant, at its sole discretion, may pursue other methods of mitigating Reston Parkway noise if it can be demonstrated, through an independent noise study for review and approval by DPWES, that these methods will be effective in reducing interior noise levels to 45 dBA Ldn or less, or that noise impacts will be such that interior noise mitigation measures will not be needed.

SITE LIGHTING

26. Parking lot and exterior building lighting will be fully shielded and directed inward and/ or downward to avoid glare to adjacent properties.

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