



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

October 15, 2004

Mr. William S. Blair
Project Manager, Sunset Hills Tower, LLC
114654 Sunset Hills Road, Suite 630
Reston, Virginia 20190

Re: Interpretation for CPA 86-C-121-10, Sunset Hills Tower
Tax Map 17-3 ((1)) 37: Swimming Pool

Dear Mr. Blair:

This is in response to your letter of September 27, 2004, (attached), requesting an interpretation of the Conceptual Plan Amendment (CPA) and CPA Notes approved by the Planning Commission in conjunction with the approval of CPA 86-C-121-10 on July 11, 2002. The subject property is identified as Tax Map number 17-3 ((1)) 37, located in the southwest quadrant of the intersection of Sunset Hills Road and Reston Parkway. As I understand it, your question is whether proposed rooftop pool amenity for the residents of Sunset Hills Tower would be in substantial conformance with the CPA and CPA Notes. This determination is based on your letter dated September 27, 2004, with the attached color rendering sheet and aerial view sheets.

This property was rezoned to the PRC District on March 9, 1987, pursuant to RZ 86-C-121, as part of one of the four rezoning applications collectively referred to as the "Reston Town Center Rezoning." These approvals included development plans which specified general information such as land uses as well as maximum heights and floor areas, but did not include specific development details such as building footprints, vehicular or pedestrian circulation, or landscaping. Included in the proffers accepted by the Board of Supervisors in conjunction with the approval of these rezonings was a provision for approval by the Planning Commission of Conceptual Plans, prior to receiving approval of a site plan, which would include the more detailed plans for development of each area, and provide Conceptual Plan Notes containing specific commitments from the developer.

In approval by the Planning Commission of this Conceptual Plan Amendment, there were no provisions included for the rooftop pool amenity in the approved CPA Notes, nor was it illustrated on the CPA, and it also was not discussed in the staff report. However, it is the distinct recollection of staff, as well as the Hunter Mill District Supervisor and Planning Commissioner that this pool was always part of the proposal, and had been included on rendered drawings of the proposed building throughout the review process. Further, there are no provisions of the approved rezoning Development Plan, proffers, or the approved Conceptual Plan or Plan notes which would preclude the proposed swimming pool use.

Mr. William S. Blair

Page 2

It is my determination, therefore, that the proposed rooftop pool for the residents of Sunset Hills Tower, located as shown on the submitted exhibit, would be in substantial conformance with the CPA and CPA Notes for CPA 86-C-121-10 and proffers and development plan for RZ 86-C-121. 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 Cathy Belgin at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/O:\FORMS\LETTERS\PI FROM BAB.DOC

Attachments: A/S

cc: Catherine Hudgins, Supervisor, Hunter Mill District
Frank de la Fe, Planning Commissioner, Hunter Mill 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. CPA 86-C-121-10, PI 0409 130, Imaging, Reading File

Sunset Hills Tower, LLC

September 27, 2004

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

RECEIVED
Department of Planning & Zoning
SEP 27 2004
Zoning Evaluation Division

Re: CPA-86-C-121-10 – Sunset Hills Tower, LLC

Dear Ms. Byron:

This letter is written to request your assistance in the processing of a permit application for a roof-top swimming pool at the high-rise residential tower which Sunset Hills Tower, LLC, is developing at the corner of Sunset Hills and the Reston Parkway. The permit application has been presented twice by the swimming pool subcontractor, Paddock Pools, and on each occasion the application has not been approved by Mr. Darryl Varney because, upon review, it was determined that the CPA approval did not indicate the presence of a swimming pool on the site.

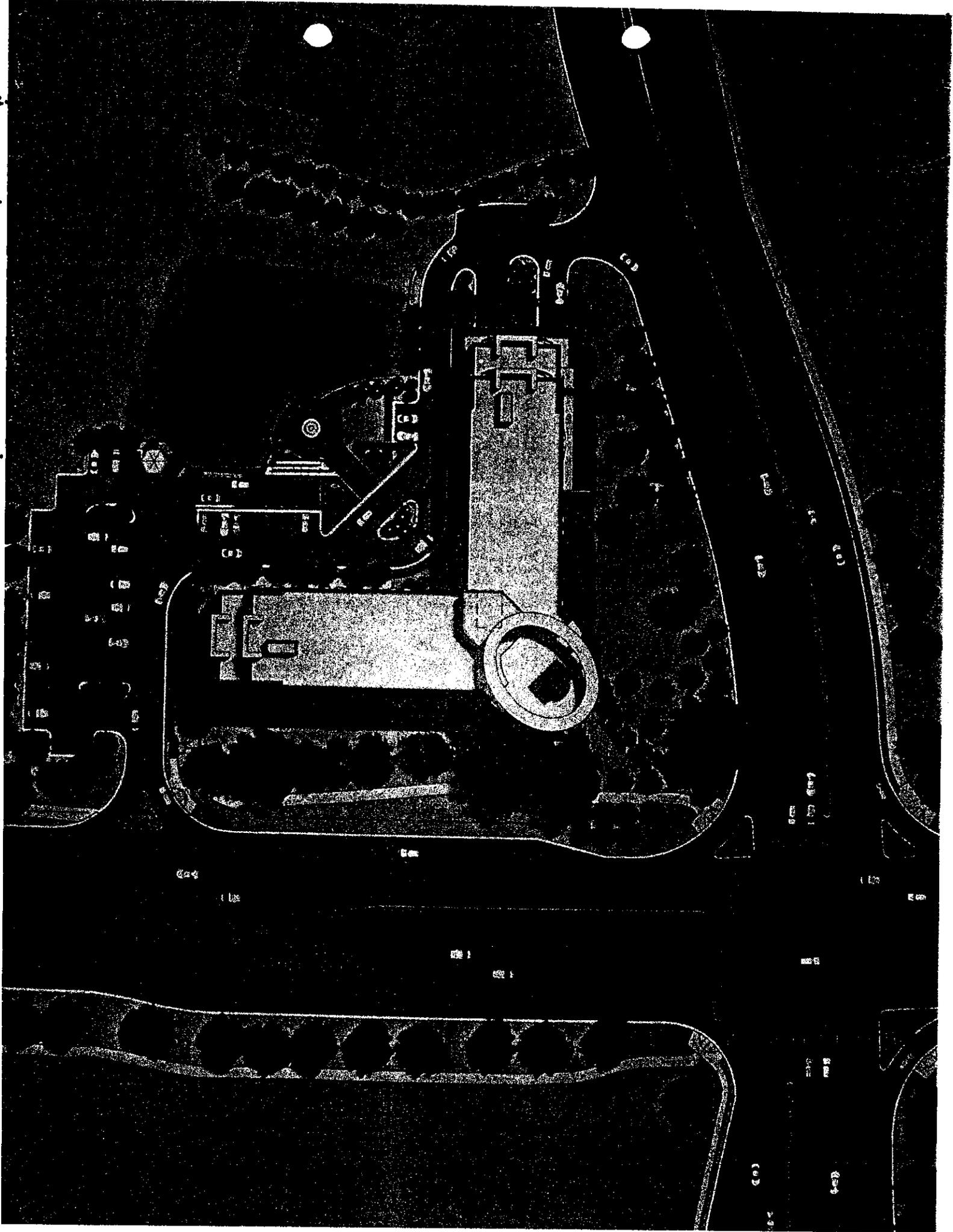
At the time of the CPA process the pool was clearly depicted as a roof top amenity, but as a component entirely contained within the building's footprint, it of course did not appear on the site plan, nor was it mentioned in the narrative descriptions which were part of the CPA approval process. The roof top pool was, however, depicted from the outset in computer-generated color renderings which were used during presentations of the project to the Reston P&Z Committee, to the staff, and to the Commission. I have spoken with Cathy Belgin on two occasions regarding the pool permit problem, and she has confirmed that she was involved in the initial review of the project, and that she was familiar with the proposed location of the pool on the roof of the building.

We ask that, at your direction, Ms. Belgin confirm the historical correctness of the pool's rooftop location, and also that she confirm that approval in writing to Mr. Varney so that he can process the pool permit application accordingly.

We have lost a significant amount of time over this issue, and we would appreciate any assistance you can provide in expediting its resolution.

Sunset Hills Tower, LLC


By: William S. Blair
Project Manager



Reston Town Center

Strat

Discovery Square

Sunset Tower

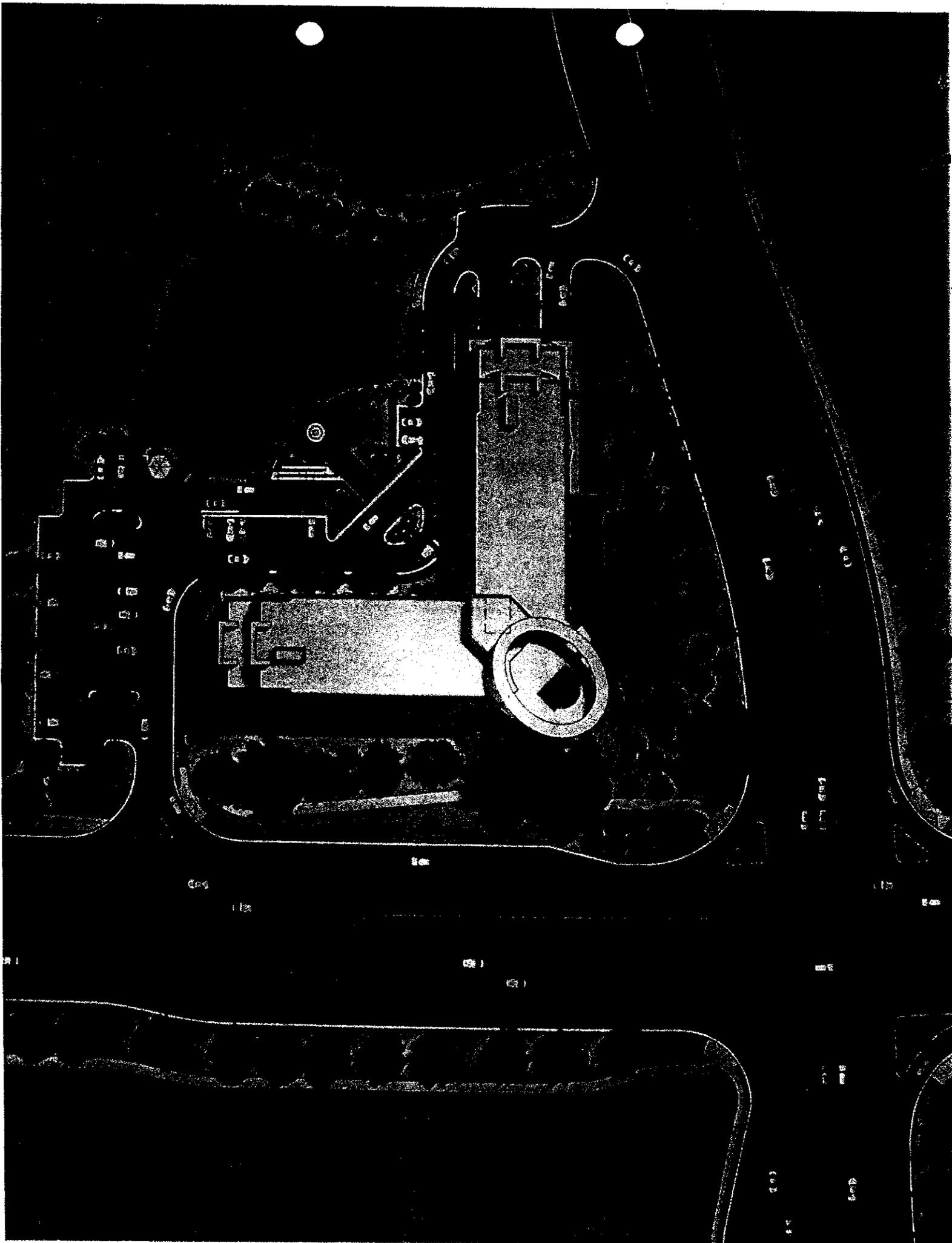
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WDG ARCHITECTURE
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FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: September 27, 2004

TO: Catherine M. Hudgins, Supervisor
Hunter Mill District

Frank de la Fe, Planning Commissioner
Hunter Mill District

FROM: Kevin Guinaw, Chief
Special Projects/Applications Management Branch
Zoning Evaluation Division, DPZ

SUBJECT: Request for Interpretation for CPA 86-C-121-10

REFERENCE: Attached Letter

Attached for your information is a request for an interpretation regarding CPA 86-C-121-10 that has been received by the Department of Planning and Zoning. If you need additional information or have any questions and comments regarding the interpretation please feel free to contact Cathy Belgin or me at 324-1290 prior to October 18, 2004. As per our standard procedure, we will be contacting your office prior to sending the response to the interpretation request out in order to discuss our response and solicit comment.

KG/mp

Sunset Hills Tower, LLC

September 27, 2004

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

RECEIVED
Department of Planning & Zoning
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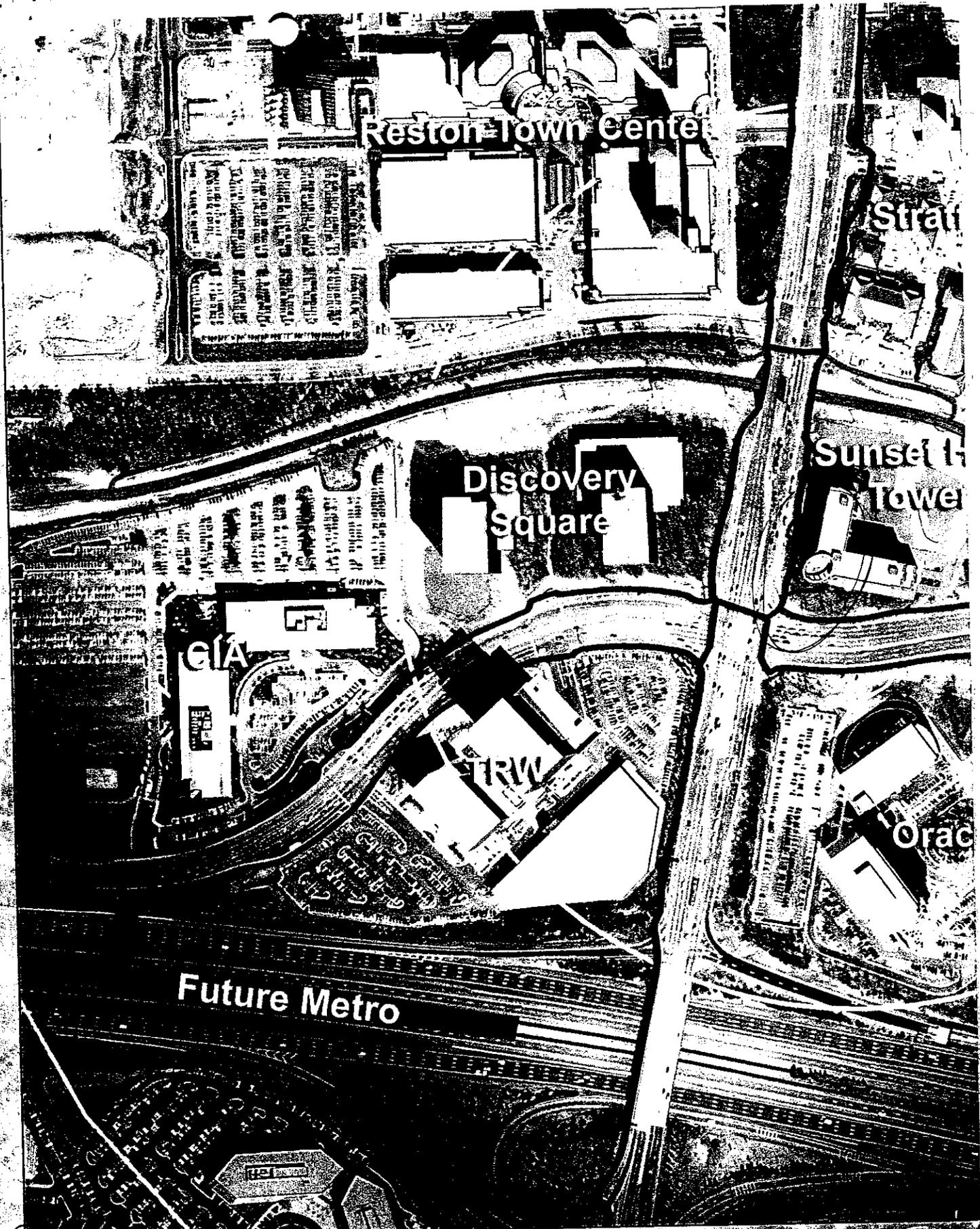
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