



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 24, 2009

Allan Baken, Operations Manager  
Charles P. Johnson & Associates, Inc.  
3959 Pender Drive, Suite 210  
Fairfax, VA 22030

Re: Proffer Interpretation for PCA 2003-HM-004; Tax Map 16-3 ((1)) 6A, 6B and 36;  
Dulles Center: Trail Modification

Dear Mr. Baken:

This is in response to your letter dated May 21, 2009, requesting an interpretation of the proffers and the Conceptual Development Plan/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of Proffered Condition Amendment PCA 2003-HM-004. As I understand it, the question is whether allowing an existing 6-foot wide concrete trail to remain at this time and the escrowing of funds, in lieu of constructing a proffered 10-foot wide concrete trail along the Centreville Road frontage of the property, would be in substantial conformance with the proffers and the CDP/FDP. This determination is based on your letter and attachments which include a plan titled "Trail Exhibit, Dulles Center," prepared by CPJ Associates, dated May, 2009; a copy of the proffers dated September 12, 2007; and a copy of the Conceptual Development Plan/Final Development Plan (CDP/FDP), consisting of 11 sheets, dated May 10, 2007 and revised through July 30, 2007, prepared by CPJ Associates. Copies of the letter and relevant documents are attached for reference.

Proffer 2.f. states: "*As shown on the CDP/FDP, Applicant shall construct a (10) foot wide concrete trail along the Application Property's Centreville Road frontage within the right-of-way.*" You state that the on-site improvements and construction of a bank with drive-through windows has been completed, with the exception of the proffered 10-foot wide trail between Coppermine Road northwards to the new entrance for Dulles Center. Since a 6-foot wide concrete trail currently exists within the right-of-way, you are requesting approval for the developer, Dulles Center LLC, to deposit escrow funds at this time for the future construction of a 10-foot wide concrete trail. The developer is currently seeking bond release for the bank site plan. It is noted that the 10-foot wide trail is shown on the approved site plan for the bank, as it was a proffered improvement. Also, it remains a proffered commitment for the subsequent phases (retail, hotel) stages of development in the Dulles Center project.

It is my determination that the existing trail may remain and the provision of escrow funds for future construction of a 10-foot wide concrete trail, pursuant to Proffer 2.f., at this time would be in substantial conformance with the proffers and the CDP/FDP. The amount of the escrow shall be subject to the approval of the Department of Public Works and Environmental Services (DPWES). It is anticipated that these funds will be used to construct the subject trail segment with the subsequent phases of the Dulles Center project and prior to final bond release for the project. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Allan Baken  
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If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director  
Zoning Evaluation Division, DPZ

*RCC/CDL/O:\clee01\ActionAssignments\Interpretations\PI\Dulles Center\_trail modification.doc*

Attachments: A/S

cc: Catherine Hudgins, Supervisor, Hunter Mill District  
Frank de la Fe, Planning Commissioner, Hunter Mill District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review, ZAD, DPZ  
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES  
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES  
Kevin J. Guinaw, Chief, Special Projects/Applications Management, ZED, DPZ  
File: PCA 2003-HM-004, PI 0906 067, Imaging, Reading File



# Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors Environmental Services

3959 Pender Drive, Suite 210 • Fairfax, VA 22030 • 703-385-7555 • Fax: 703-273-8595

May 21, 2009

Fairfax County  
Department of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035

RECEIVED  
Department of Planning & Zoning  
MAY 21 2009  
Zoning Evaluation Division

Attn: Ms. Regina Coyle, Director  
Zoning Evaluation Division

Re: Interpretation re: Proffer 2.f (Trail Construction)  
PCA 2003-HM-004  
Applicant: Dulles Center, LLC  
Fairfax County Tax Map Reference: 16-3 ((1)) 6A, 6B and 36

Dear Ms. Coyle:

I am writing to request a proffer interpretation in accordance with Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance. Specifically, I am requesting an interpretation of Proffer 2.f that in lieu of the proffer requirement to construct a 10' concrete trail along Centreville Road, that an existing 6' concrete trail be allowed to remain subject to the developer posting a future construction escrow for the trail to be widened to 10'. The interpretation request only applies to that portion of the Centreville Road frontage from Coppermine Road northwards to the new entrance for Dulles Center on Centreville Road.

The above-referenced proffer condition amendment was approved by the Board of Supervisors on September 24, 2007. The Board also approved an amendment to the Conceptual Development Plan. The Planning Commission approved an amendment to the Final Development Plan on September 11, 2007. The PCA was granted subject to proffers, dated September 12, 2007 (copy enclosed).

Subject to Article 16-402, the proffers require development in substantial conformance with a Conceptual/Final Development Plan, consisting of 11 sheets prepared by Charles P. Johnson & Associates, Inc., dated May 10, 2007 and revised through July 30, 2007 (the CDP/FDP). A copy of the CDP/FDP is enclosed.

Ms. Regina Coyle, Director  
Zoning Evaluation Division  
PCA 2003-HM-004  
Applicant: Dulles Center, LLC  
Fairfax County Tax Map Reference: 16-3 ((1)) 6A, 6B and 36  
May 21, 2009  
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Proffer 2.f. states:

“As shown on the CDP/FDP, Applicant shall construct a (10) foot wide concrete trail along the Application Property’s Centreville Road frontage within the right-of-way.”

It is this proffer for which we are requesting an interpretation to allow the existing 6’ concrete trail to remain, with the condition that a future construction escrow be paid for future widening of the trail to 10’, in lieu of constructing the 10’ trail.

The Application Property is the subject of an approved site plan (Dulles Center, 7693-SP-43) which was approved by Fairfax County in January, 2008. This site plan included a bank with drive-thru windows. The bank is open and operational. The on-site improvements and the building construction are complete, with the exception of the 10’ trail.

Prior to constructing the bank site, there was already an existing 6’ concrete trail within the Centreville Road right-of way which was built with the Batman Corporation’s previous 6-lane widening of Centreville Road (7693-PI-04). With the site plan for the bank there were no frontage improvements to Centreville Road on that part of the bank site because the road had been previously widened and the 6’ trail constructed.

Consequently, with the construction of the bank building and site improvements, there was no reason to remove the existing 6’ concrete trail which was already in the public right-of-way. Consequently, the existing 6’ concrete trail was left in place between Coppermine Road and the new entrance on Centreville Road.

Please note that the 10’ concrete trail was constructed along Centreville Road north of the new entrance as part of the Centreville Road improvements for the new entrance.

We believe that the requested interpretation meets the requirement for “substantial conformance” based upon the following:

- This request does not materially alter the character of the approved development, the uses, layout or relationship to adjacent properties.
- The existing trail has been in use for a number of years with no known problems.
- The existing trail was constructed as part of the approved plan for the Batman Corp.’s previous widening of Centreville Road (7693-PI-04)
- The existing 6’ trail is consistent with the other existing trails in the general vicinity.
- The posting of the future construction escrow allows for the future widening of the trail to 10’ if that were ever deemed necessary.
- The requested interpretation is in accordance with the Zoning Ordinance.

Ms. Regina Coyle, Director  
Zoning Evaluation Division  
PCA 2003-HM-004  
Applicant: Dulles Center, LLC  
Fairfax County Tax Map Reference: 16-3 ((1)) 6A, 6B and 36  
May 21, 2009  
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- The CDP/FDP (Note #25) specifically provides for minor modifications. This interpretation is driven by the fact that the bank site construction did not need to remove the existing trail.
- There are no impacts on offsite properties.

For your reference I have included a full size copy of the approved CDP/FDP, a reduced copy of the CDP/FDP, a copy of the approved proffers and a copy of a trail exhibit showing the 6' trail to remain on the bank site.

If you have any questions or need any additional information, please let me know.

Thank you for your cooperation.

Sincerely,



Allan Baken  
Operations Manager





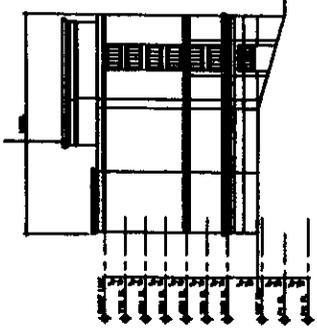




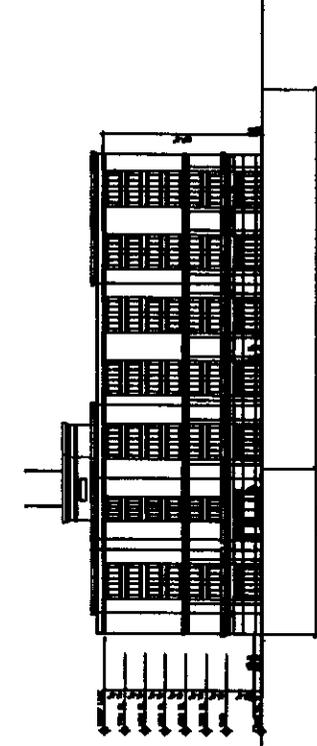




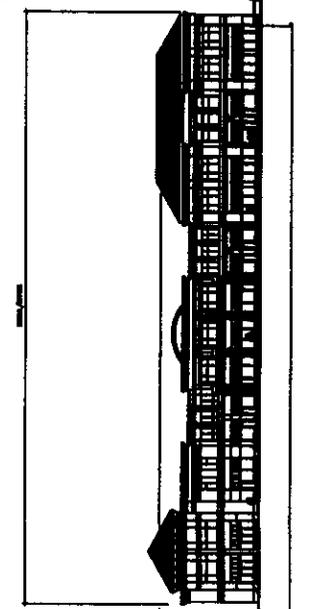




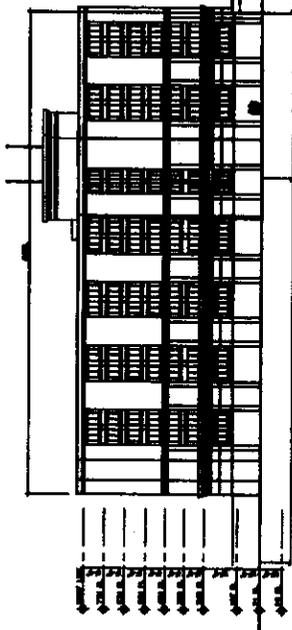
SOUTH ELEVATION



VIEW FROM CENTREVILLE ROAD



REAR VIEW OF HOTEL AND RETAIL/OFFICE



A300

7 of 11

NOTE: LANDSCAPING HAS BEEN REMOVED FOR CLARITY  
FOR CONCEPTUAL PURPOSES ONLY

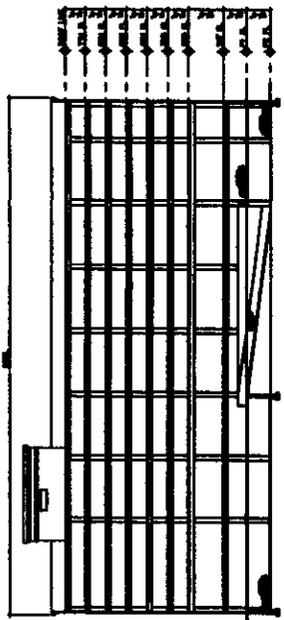
APRIL 26, 2003

ELEVATIONS

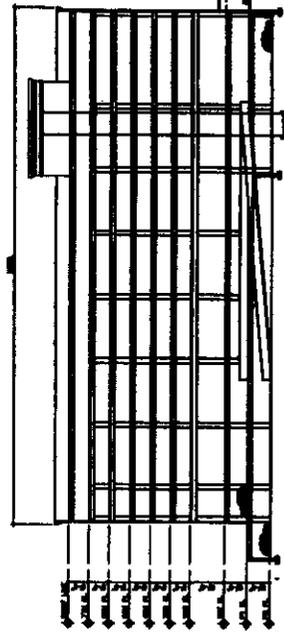
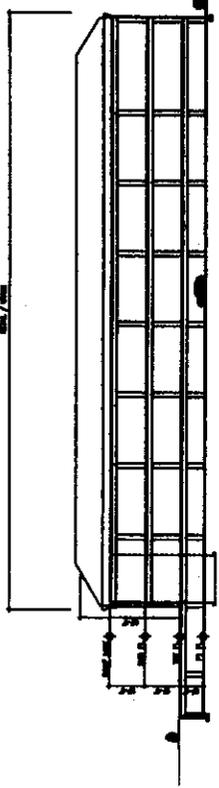
SCALE: 1" = 20'-0"

DULLES CENTER LLC  
DAVIS • CARTER • SCOTT

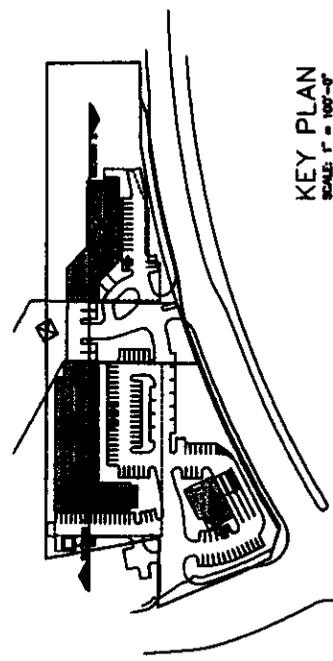
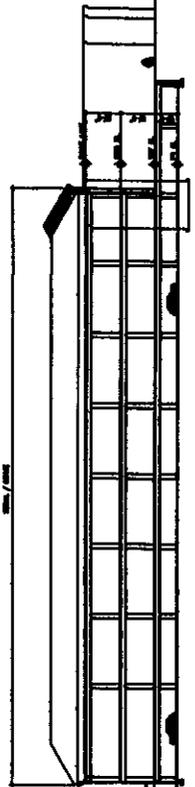




SECTION 1



SECTION 2



KEY PLAN  
SCALE: 1" = 100'-0"

SITE SECTIONS

SCALE: 1" = 30'

NOTE: LANDSCAPING HAS BEEN REMOVED FOR CLARITY  
FOR CONCEPTUAL PURPOSES ONLY

APRIL 30, 2003

DULLES CENTER LLC  
DAVIS • CARTER • SCOTT

A401

SHEET 9 OF 11

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