



# County of Fairfax, Virginia

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

October 16, 2009

Elizabeth D. Baker  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Blvd., Thirteenth Floor  
Arlington, VA 22201-3359

Re: Interpretation for RZ/FDP 2004-SU-009, Poplar Parc, Tax Map Parcel 44-4 ((1)) 9A: Elevations

Dear Ms. Baker:

This is in response to your letters dated July 8, 2009, and October 6, 2009, requesting an interpretation of the proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors and the Final Development Plan (FDP) approved by the Planning Commission in conjunction with the approval of RZ/FDP 2004-SU-009. As I understand it, your question is whether the proposed elevations are in substantial conformance with Proffer 7 and the development plan. This determination is based on your letter; a copy of Sheet 9 of the CDP/FDP that shows the proffered elevations (Exhibit A); the proffers (Exhibit B); a copy of the CDP/FDP layout showing available lots (Exhibit C); photographs of proposed elevations (Exhibit D); and, photographs of NVR homes built in other locations. Copies of your letter and relevant exhibits are attached.

Your letter states that thirty (30) of the forty-nine (49) total approved lots have been built by WCI Communities and that NVR is the contract purchaser of the remaining nineteen (19) lots. As I understand it, NVR would like to be able to construct a variety of different products on the nineteen (19) available lots. You have submitted a total of twenty-three (23) proposed color elevations. According to Exhibit C, the majority of the available lots are generally located along the southern half of the spine road with a lesser number loosely clustered around the interior street that terminates in two cul-de-sacs.

Proffer 7 states the following: *Architectural Compliance. To ensure reasonable transition to and consistency with the context of the established development, the type and proportion of materials and overall architectural design of the front façade of the approved units (i.e., predominately masonry fronts) shall be in substantial conformance with the illustrative elevations shown on the CDP/FDP and be compatible with the general style and materials typically found in surrounding neighborhoods; however, this "compatibility" shall not require strict conformance to existing architectural styles or exact types or proportions of materials found or used in surrounding neighborhoods. Modifications may be made with the final architectural designs if in substantial conformance with the elevations shown on the CDP/FDP, as determined by the Zoning Administrator. The Applicant shall provide appropriate photographs or*

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12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
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*other illustrative evidence to demonstrate compliance with this proffer. The side elevation of those units visible from public right-of-way (units 1, 2, 21, 38, 40, 14, 39, 16) shall have a façade treatment with a type and general proportion of materials consistent with the front elevation requirements of this proffer.”*

The elevations shown on Sheet 9 of the CDP/FDP show a traditional design characterized by multiple gables, mullioned windows, prominent entrances, articulation of the façade, and significant architectural detailing. The homes already built on the site that are shown in your Exhibit D represent a variety of styles; however, they are all characterized by significant architectural detailing, mullioned windows, multiple gables, and articulation of the façade and, therefore, are in substantial conformance with the proffer and elevations.

I have reviewed your proposed elevations and have determined that the proposed elevations are in substantial conformance with the proffers and development plan, and are compatible with the general style and materials of the existing homes, subject to conformance with the Proffer 7 requirement for special architectural treatment for the sides of units that are visible from the public right-of-ways. I understand that you have acknowledged the existence of a HOA covenant that requires a minimum house size of 4,000 square feet and have stated that all of the proposed dwellings will conform to that standard.

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,

  
Regina C. Coyle, Director  
Zoning Evaluation Division, DPZ

RCC/MAG/N:\Proffer Interpretations PI\Poplar Parc (RZ,FDP 2004-SU-009) elevations.doc

Attachments: A/S

cc: Michael Frey, Supervisor, Sully District  
John Litzenberger, Planning Commissioner, Sully District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Kenneth Williams, Office of Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES  
Audrey Clark, Director, Building Plan Review Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
File: RZ/FDP 2004-SU-009, PI 0907 083, Imaging, Reading File



**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

Elizabeth D. Baker  
Land Use Coordinator  
(703) 528-4700, ext. 5414  
[ebaker@arl.thelandlawyers.com](mailto:ebaker@arl.thelandlawyers.com)

RECEIVED  
Department of Planning & Zoning  
OCT 07 2009  
Zoning Evaluation Division

October 6, 2009

**Via Hand Delivery**

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

Re: Interpretation Request  
Poplar Parc - RZ/FDP 2004-SU-009  
Tax Map Reference: 44-4 ((19)) All (the "Subject Property")

Dear Mary Ann:

Based on Staff's comments with regard to the previously submitted elevations, NVR has revised their elevations and produced new rendered graphics in color. Enclosed please find elevations for six different house types—Chapel Hill, Clifton Park, Monticello, Regents Park, Remington Place and Wynterhall. There are a minimum of three distinct variations for each of the homes, several with side-loaded garages. Please accept the enclosed elevations in lieu of the previously submitted elevations that were identified as Exhibit E.

As can be seen, the garage entrances have been redesigned so that there are separate, individual garage doors; all double garage doors have been eliminated. The new garage door designs include details such as raised panels and decorative glass inserts. These improvements enhance the homes' handsome facades and are in conformance with the architectural elevations depicted with the rezoning approval.

While there are a number of elevations provided and only 19 lots remaining to be built, NVR is committed to providing prospective home buyers with a variety of elevation choices. This also results in a more attractive community overall, where homes are harmonious and complementary in design yet offer individual style.

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LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

Please let me know if you have any questions or require further information.

Very truly yours,

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



Elizabeth D. Baker  
Land Use Coordinator

EDB/kkf  
Enclosures

cc: Joe Khoriarty  
Meaghan Kiefer  
Martin D. Walsh



Elizabeth D. Baker  
Land Use Coordinator  
(703) 528-4700 Ext. 5414  
ebaker@arl.thelandlawyers.com

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

July 8, 2009

RECEIVED  
Department of Planning & Zoning  
JUL 09 2009  
Zoning Evaluation Division

**Via Hand Delivery**

Regina C. Coyle  
Director, Zoning Evaluation Division  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: Interpretation Request  
Poplar Parc / RZ/FDP 2004-SU-009  
Tax Map Reference: 44-4 ((19)) all (the "Subject Property")

Dear Ms. Coyle:

Poplar Parc is a single family residential community approved on November 15, 2004 when the Board of Supervisors approved RZ 2004-SU-009 rezoning 25.4 acres from the R-1 District to the PDH-2 District, subject to proffers dated September 21, 2004. Poplar Parc is located on the south side of Poplar Tree Road on both sides of Autumn Glory Way. Copies of the approved CDP/FDP and applicable proffers are enclosed as Exhibits A and B.

The Subject Property is approved for 49 lots, 30 of which have been, or are being, developed with single family homes by WCI Communities. NVR is the contract purchaser of the remaining 19 lots. The locations of the 19 undeveloped lots are shown on Exhibit C. NVR seeks your interpretation that the proposed architectural elevations of its homes are in substantial conformance with the approved plans, proffers and existing home designs.

Proffer 7 states:

*Architectural Compliance. To ensure reasonable transition to and consistency with the context of the established development, the type and proportion of materials and overall architectural design of the front façade of the approved units (i.e., predominantly masonry fronts) shall be in substantial conformance with the illustrative elevations shown on the CDP/FDP and be compatible with the general style and materials typically found in surrounding neighborhoods; however, this "compatibility" shall not require strict conformance to existing architectural styles or exact types or proportions of materials found or used in surrounding neighborhoods. Modifications may be made with the final architectural designs if in substantial conformance with the elevations shown on*

*the CDP/FDP, as determined by the Zoning Administrator. The Applicant shall provide appropriate photographic or other illustrative evidence to demonstrate compliance with this proffer. The side elevation of those units visible from public rights-of-way (units 1, 2, 21, 38, 40, 14, 39, 49, 16) shall have a façade treatment with a type and general proportion of materials consistent with the front elevation requirements of this proffer.*

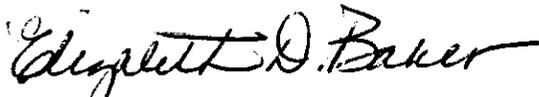
Sheet 9 of the CDP/FDP provides architectural elevations for two housing types and is labeled "for illustrative purposes only". The designs are traditional in style with multiple gables, mullioned windows and embellished entrances. I have enclosed photographs of the existing houses on the Subject Property (See Exhibit D). The homes in the photographs represent a wider variety of styles than that shown on Sheet 9, but are in conformance with the proffer given their traditional design and architectural details.

Exhibit E includes the architectural elevations of the NVR homes. They are very similar in design to the proffered elevations and the existing homes. While some of the front elevations appear to utilize non-masonry materials, it is understood that the proffer requires, and NVR will provide, predominately masonry fronts. The photographs in Exhibit F are of existing NVR homes built at other locations throughout Fairfax County. They provide actual examples of current NVR color schemes for the type of architecture proposed for the remaining 19 lots at Poplar Parc. It is our belief that construction of these styles of homes is clearly in conformance with Proffer 7 and compatible with the existing homes in Poplar Parc.

I have enclosed a check in the amount of \$500.00 for this request. Thank you for your consideration. If you have any questions, or require additional information, please do not hesitate to give me a call.

Very truly yours,

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



Elizabeth D. Baker  
Land Use Coordinator

Exhibit A: Approved CDP/FDP  
Exhibit B: Approved proffers  
Exhibit C: Affected Lots  
Exhibit D: Photographs of Existing WCI Homes  
Exhibit E: Proposed NVR Elevations  
Exhibit F: Photographs of NVR Homes

cc: Joe Khorianty  
Martin D. Walsh

CONCEPTUAL DEVELOPMENT PLAN  
 FINAL DEVELOPMENT PLAN  
 (CDP/FDP)

POPLAR TREE / LEWIS PROPERTY

Sully District  
 Fairfax County, Virginia

FEBRUARY 24, 2004  
 MARCH 16, 2004  
 MAY 17, 2004  
 JULY 14, 2004  
 AUGUST 19, 2004  
 SEPTEMBER 1, 2004

DRAWING LIST

SHEET #	TITLE
1	COVER SHEET
2	NOTES
3	CDP/FDP LAYOUT
4	CDP/FDP LAYOUT
5	REZONING PLAT
6	EXISTING VEGETATION MAP
7	LANDSCAPE DETAILS
8	LANDSCAPE DETAILS
9	ARCHITECTURAL ELEVATIONS

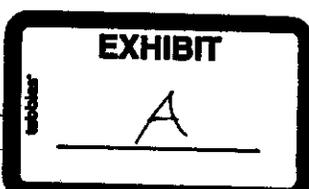
PREPARED FOR:

POPLAR TREE LLC.  
 18000 HUNTERS VALLEY AVENUE, SUITE 170  
 HOUSTON, TEXAS 77056  
 (713) 881-1100 FAX: (713) 881-4841

ATTORNEY:

McGuireWoods, LLP  
 1700 VINTAGE CENTERWAY, SUITE 1000  
 ALEXANDRIA, VIRGINIA 22304-4111  
 (703) 718-5000 FAX: (703) 718-5000

**UFA** URBAN ENGINEERING & ASSOC., INC.  
 CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • LAND SURVEYING  
 7712 LITTLE RIVER TURNPIKE  
 ANNAPOLIS, VIRGINIA 20701 (703) 942-8000



Author: [Signature] and E. S. [Signature]  
 APPROVED FOR DEVELOPMENT PLAN  
 SET BY [Signature] DATE: 5/13/04  
 NAME OF FIRM: [Signature] 5/13/04  
 SHEET: [Signature] of [Signature]





architectural and engineering design may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance.

3. Lot Yield. The development shall consist of a maximum of forty-nine (49) single family detached units. The Applicant reserves the right to develop the site with a lesser number of lots/units.

4. Establishment of HOA. Prior to Record Plat approval, the Applicant shall establish a Homeowners Association (HOA) for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations of these proffer conditions.

5. Escalation. All monetary contributions required by these proffers shall be adjusted upward or downward based on changes to the Construction Cost Index published in the Engineering New Record occurring subsequent to the date of rezoning approval and up to the date of payment.

6. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 feet in length without overhanging into the sidewalk from the inside of the sidewalk to the edge of the entrance to the garage.

7. Architectural Compliance. To ensure reasonable transition to and consistency with the context of the established development, the type and proportion of materials and overall architectural design of the front façade of the approved units (i.e. predominantly masonry fronts) shall be in substantial conformance with the illustrative elevations shown on the CDP/FDP and be compatible with the general style and materials typically found in surrounding neighborhoods; however, this "compatibility" shall not

require strict conformance to existing architectural styles or exact types or proportions of materials found or used in surrounding neighborhoods. Modifications may be made with the final architectural designs if in substantial conformance with the elevations shown on the CDP/FDP, as determined by the Zoning Administrator. The Applicant shall provide appropriate photographic or other illustrative evidence to demonstrate compliance with this proffer. The side elevation of those units visible from public rights-of-way (units 1, 2, 21, 38, 40, 14, 39, 49, 16) shall have a façade treatment with a type and general proportion of materials consistent with the front elevation requirements of this proffer.

8. Garage Conversion. The Applicant shall place a covenant on each garage that prohibits the use of the garage for any purpose which precludes motor vehicle storage. The covenant shall be in a form acceptable to the County Attorney and it shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and the Board of Supervisors. Initial purchasers shall be advised in writing of this restriction prior to execution of the sales contract; this restriction shall also be included in the HOA documents.

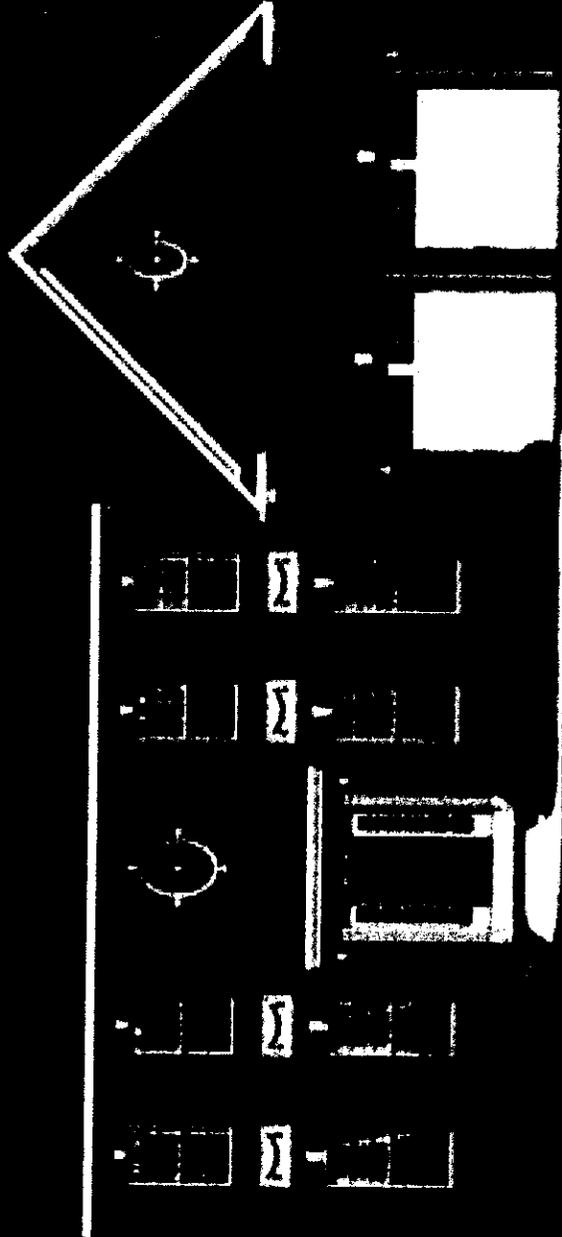
9. Encroachment of Decks and Similar Appurtenance. Notwithstanding the "lot typical" generally described on the CDP/FDP, decks, bay windows, patios and mechanical equipment may encroach into peripheral minimum yards as permitted by Section 2-412 and/or Article 10 of the Zoning Ordinance.

10. Entrance Feature. Any entrance feature shall be of a size and height that complies with Article 12 of the Zoning Ordinance.

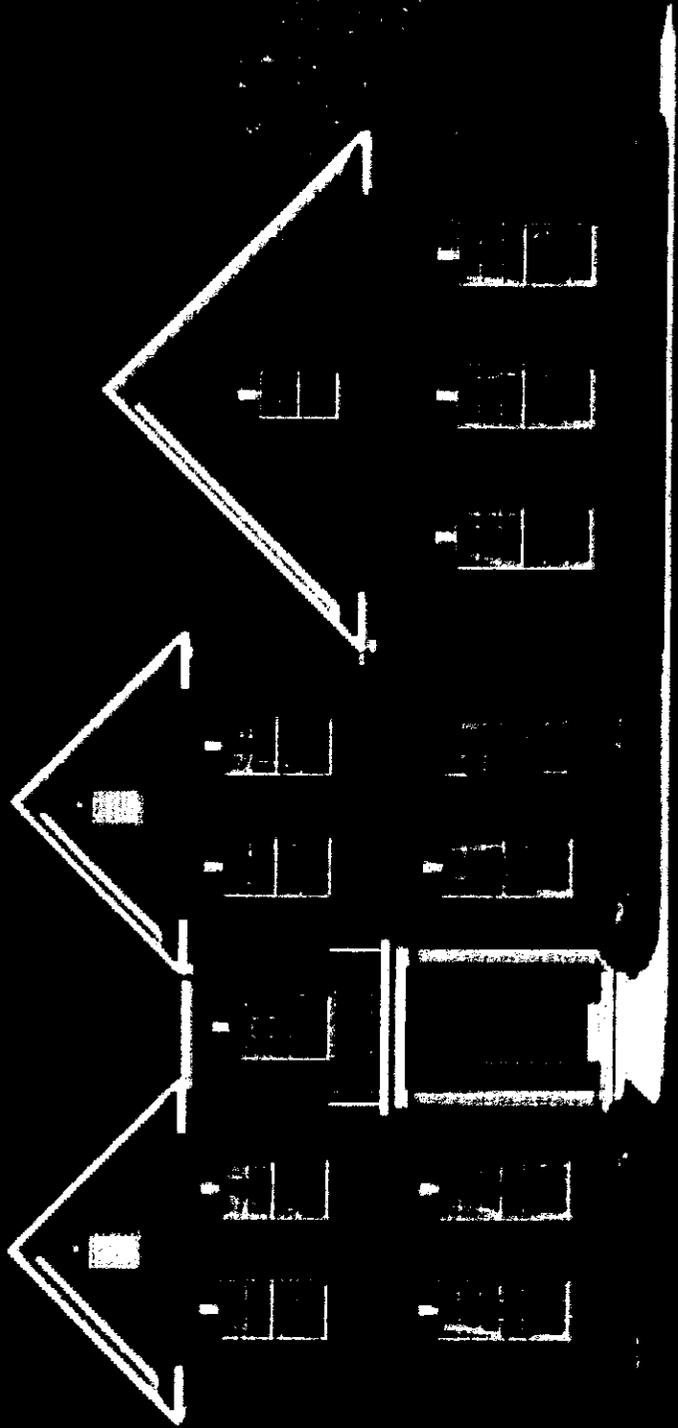
## II. TRANSPORTATION

11. Removal of Temporary Cul-de-Sac. At the time of subdivision plan approval, the Applicant shall commit to remove the existing cul-de-sac that forms the

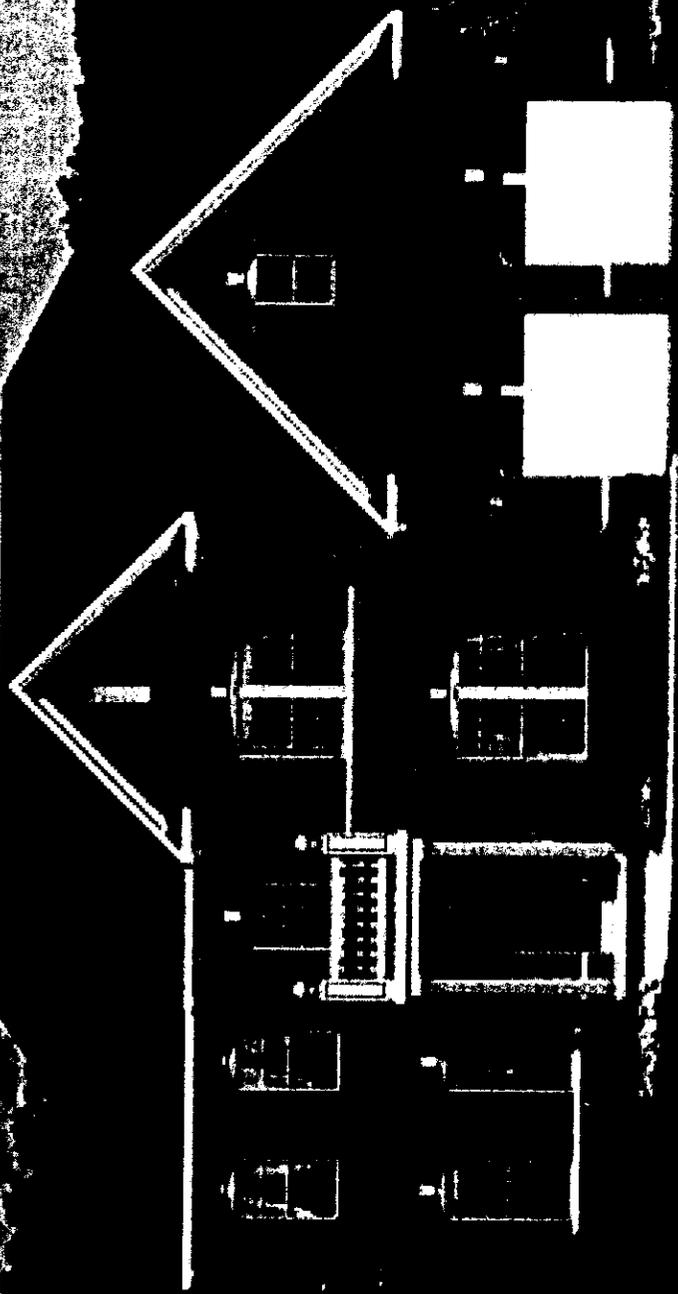
CHAPEL HILL



**CHAPEL HILL**

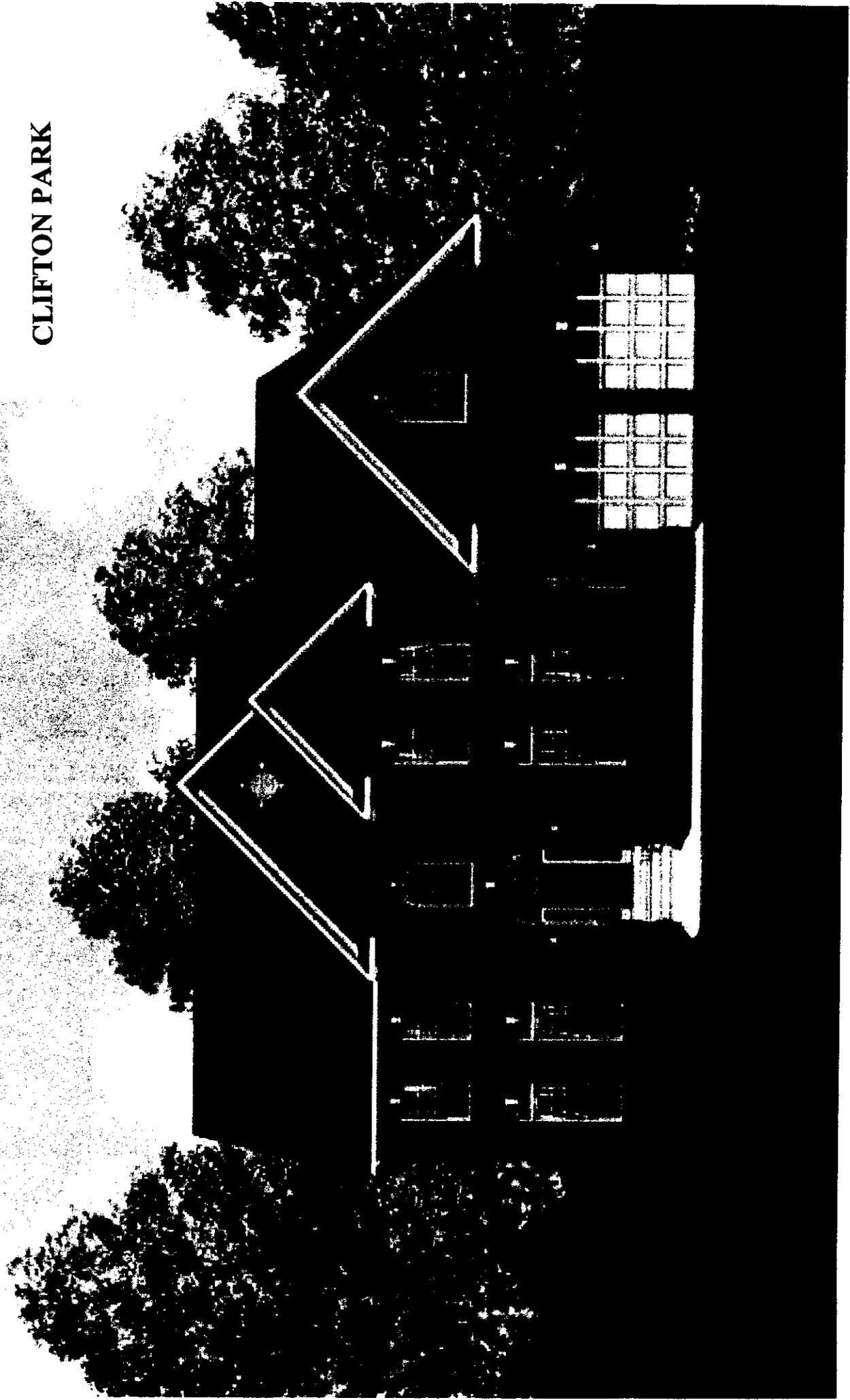


CHAPEL HILL

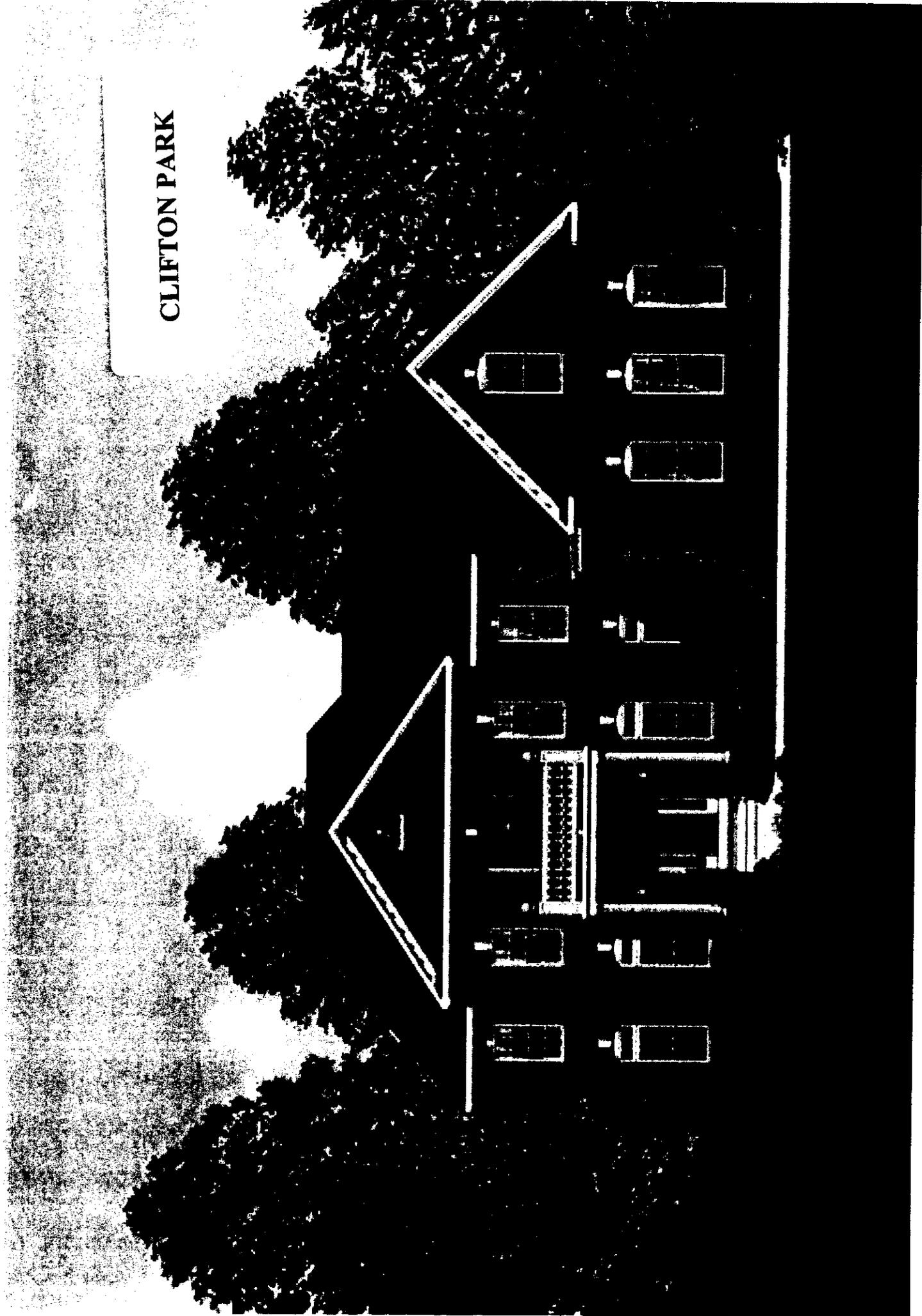


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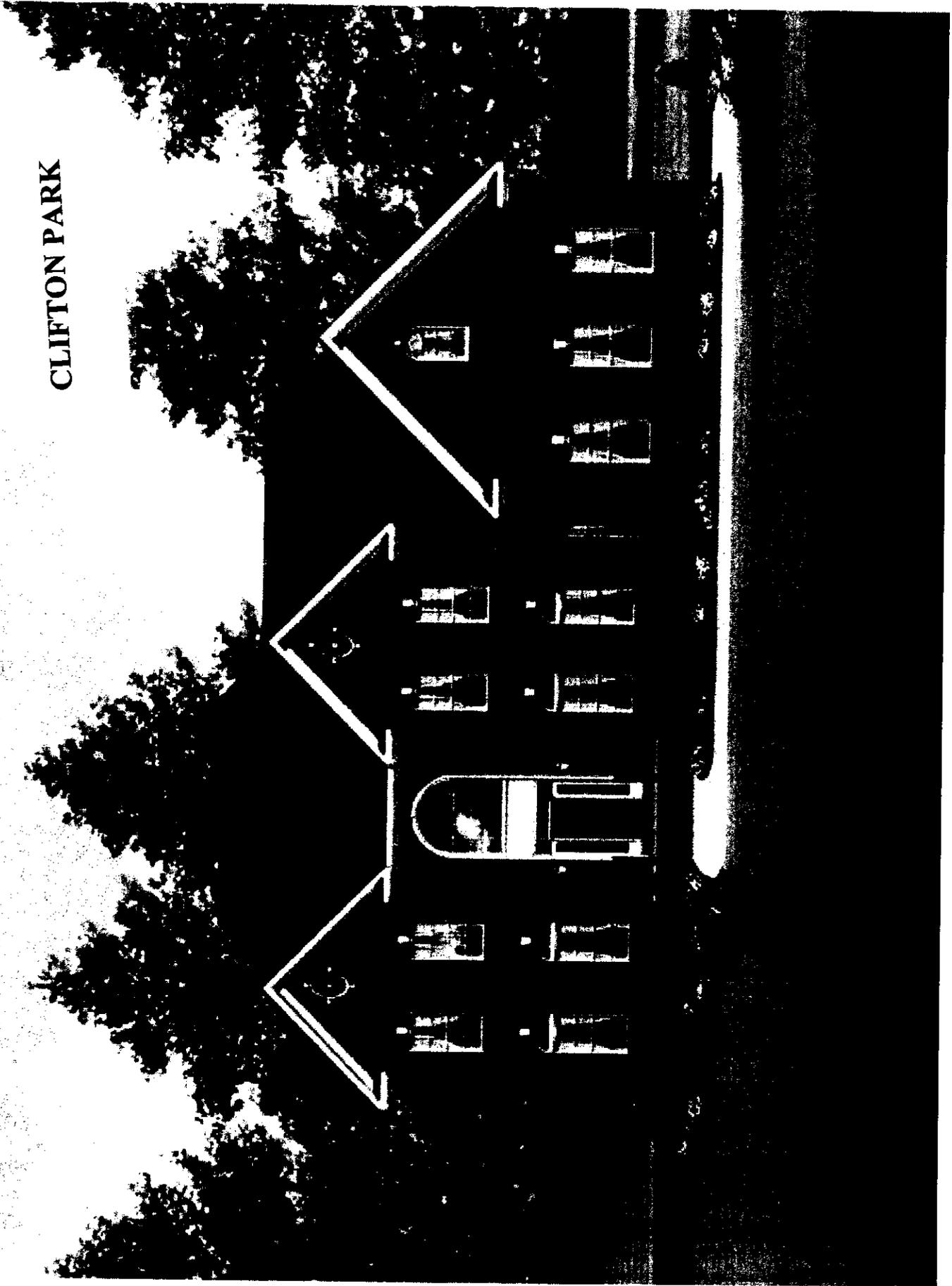
# CLIFTON PARK



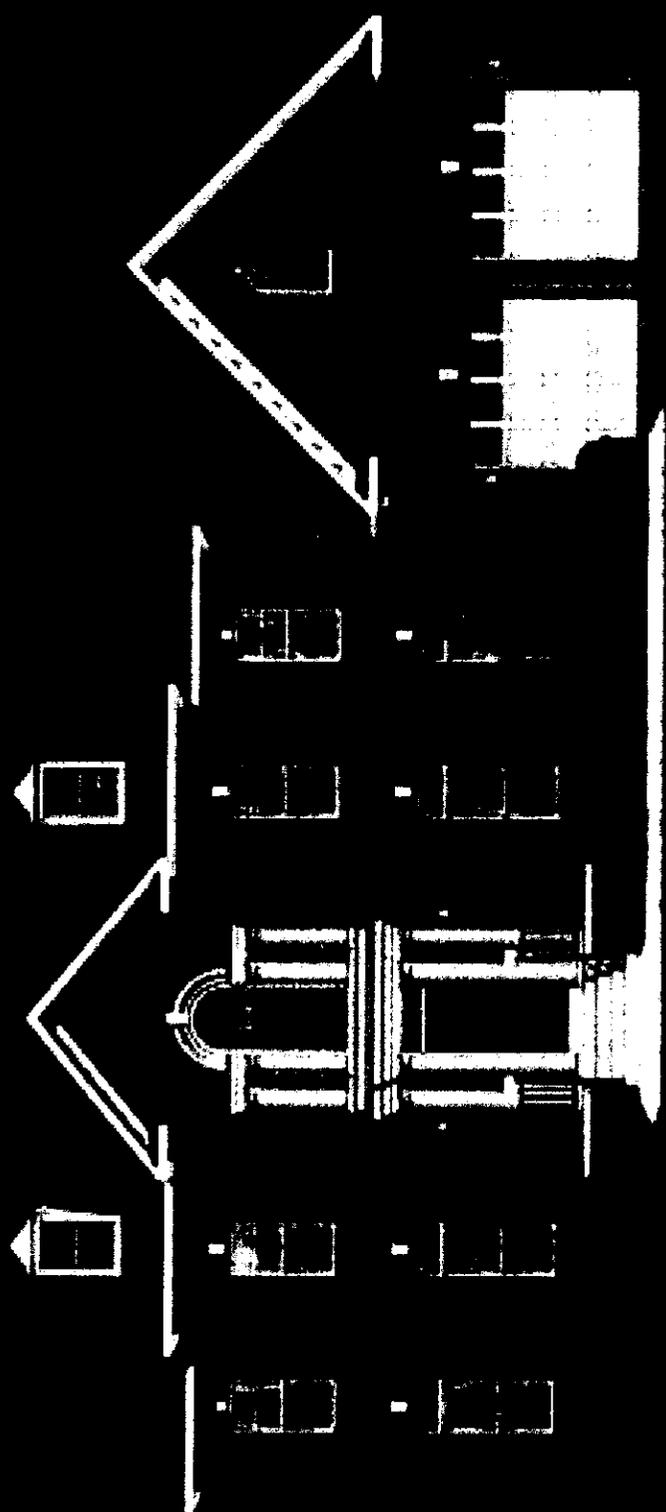
CLIFTON PARK



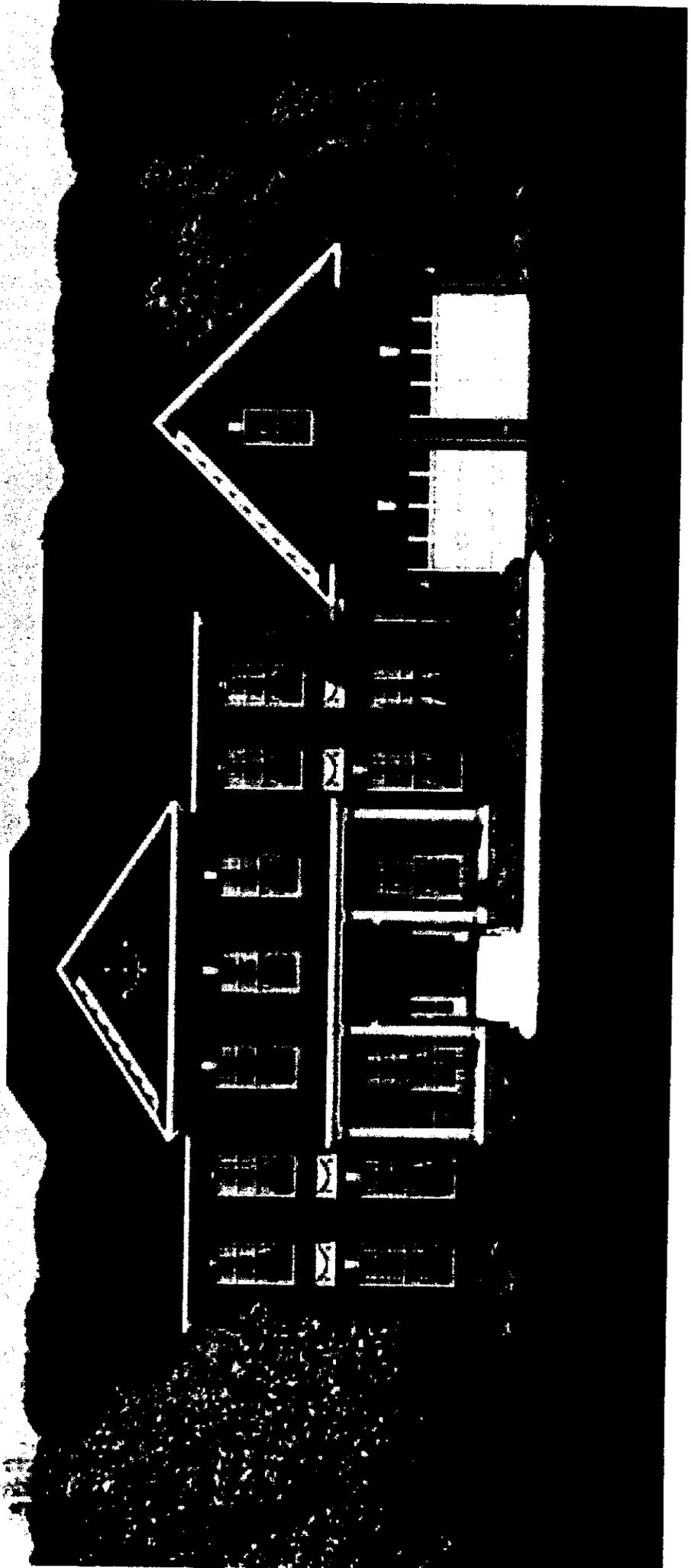
CLIFTON PARK



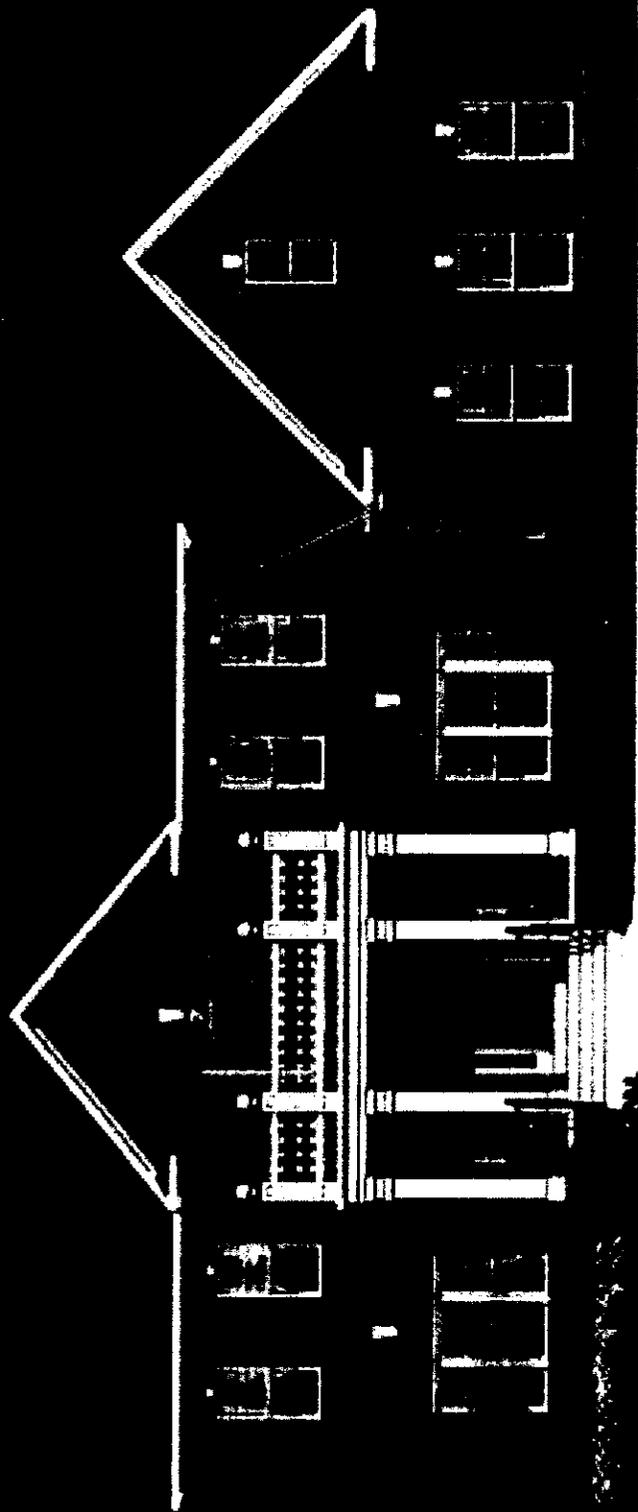
MONTICELLO



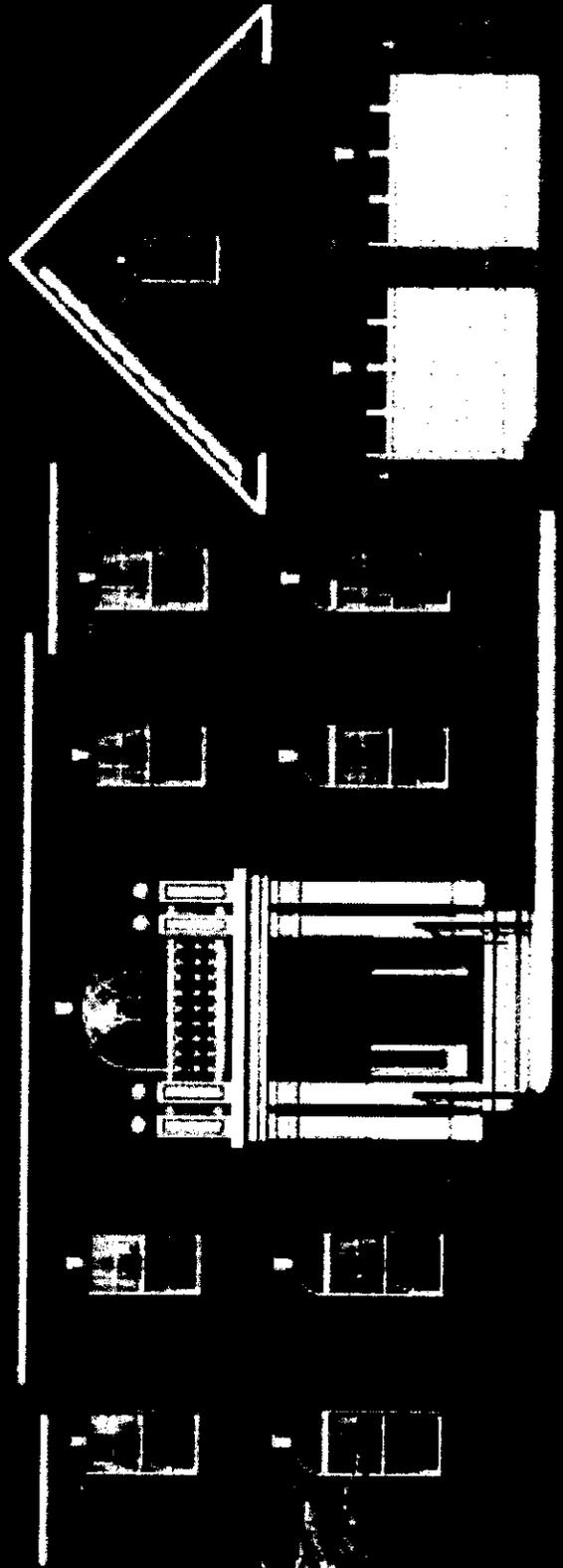
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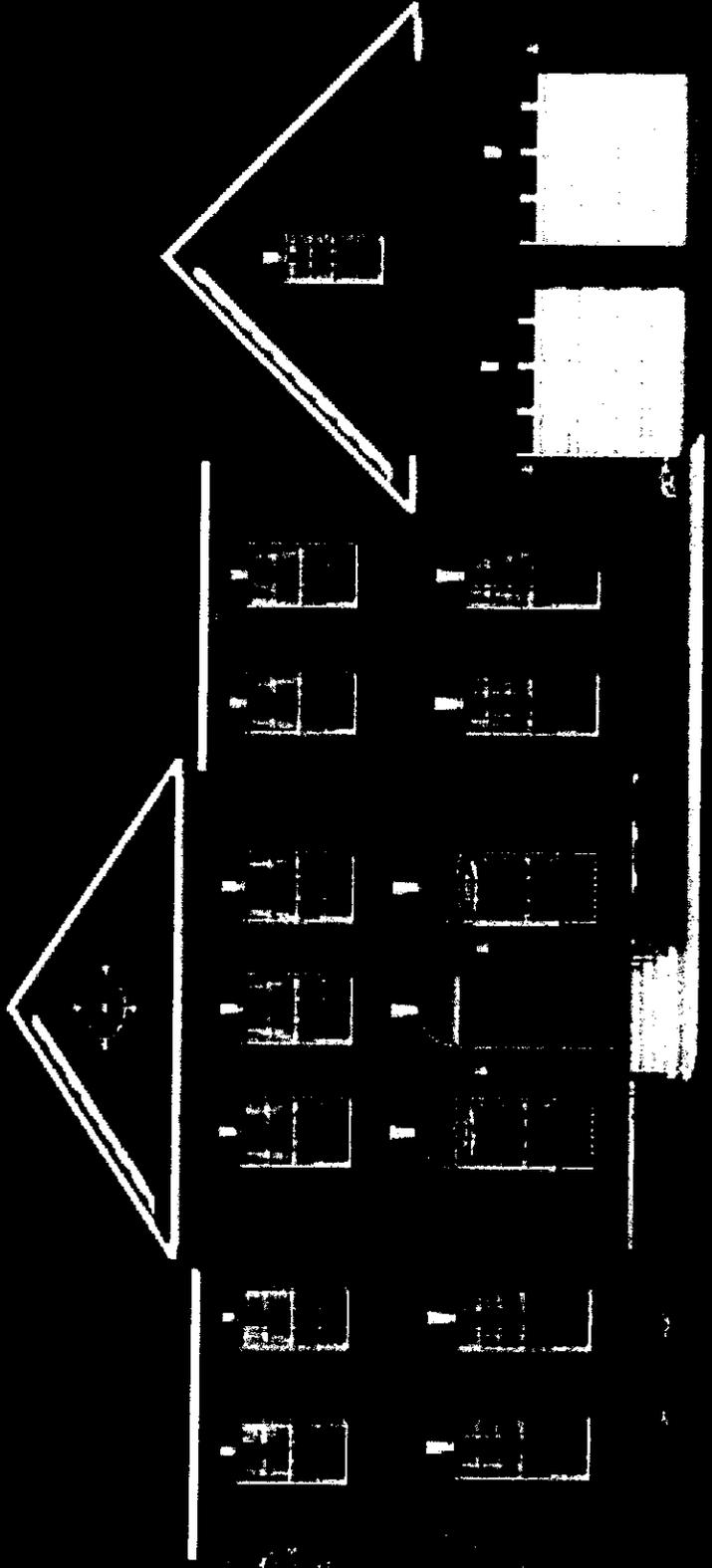
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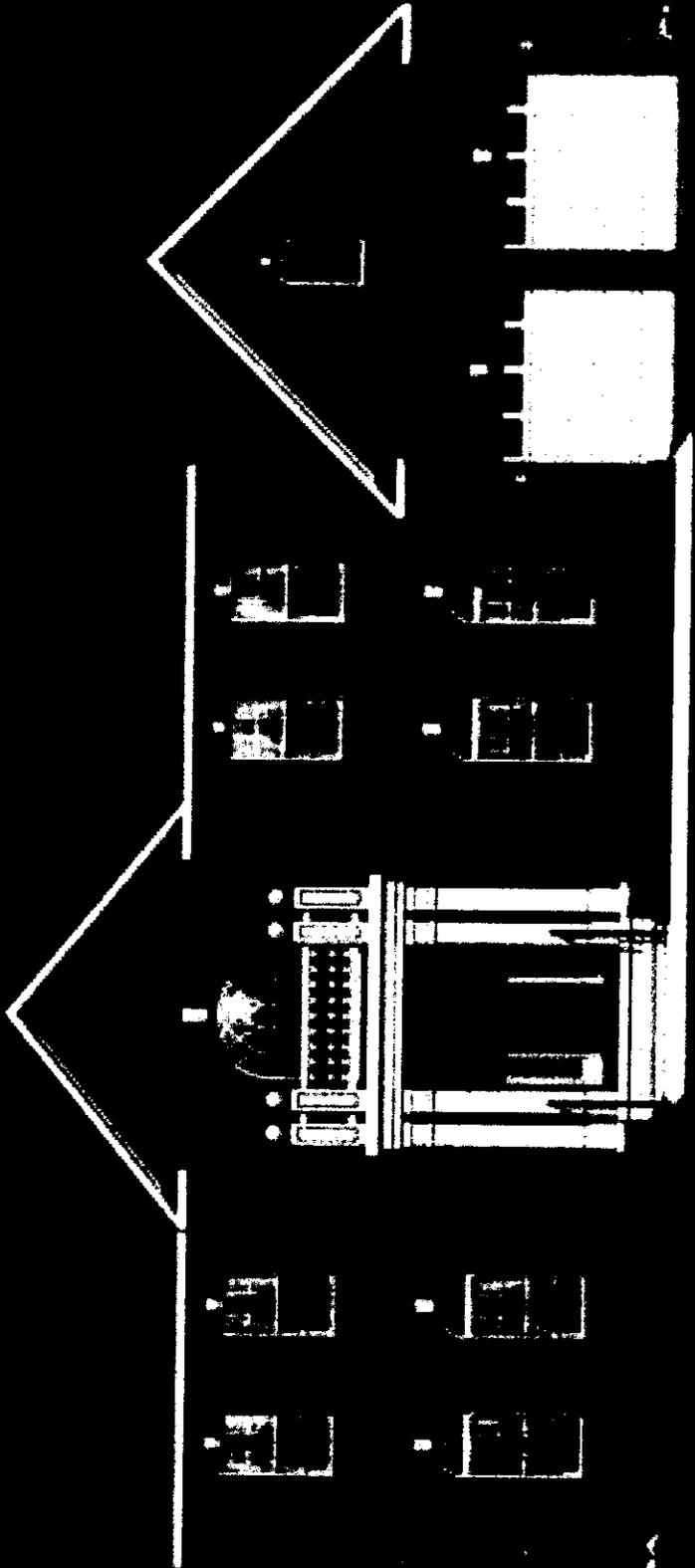
MONTICELLO



MONTICELLO



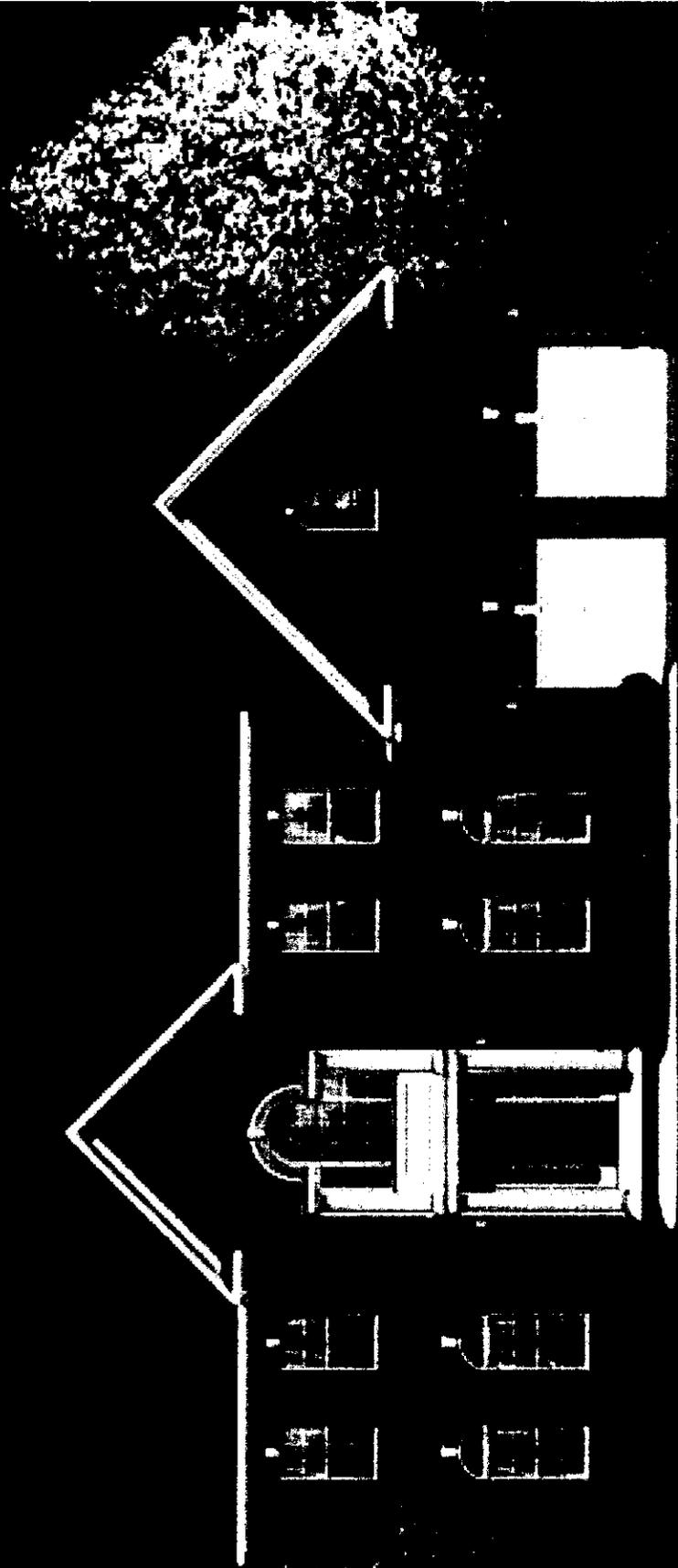
MONTICELLO



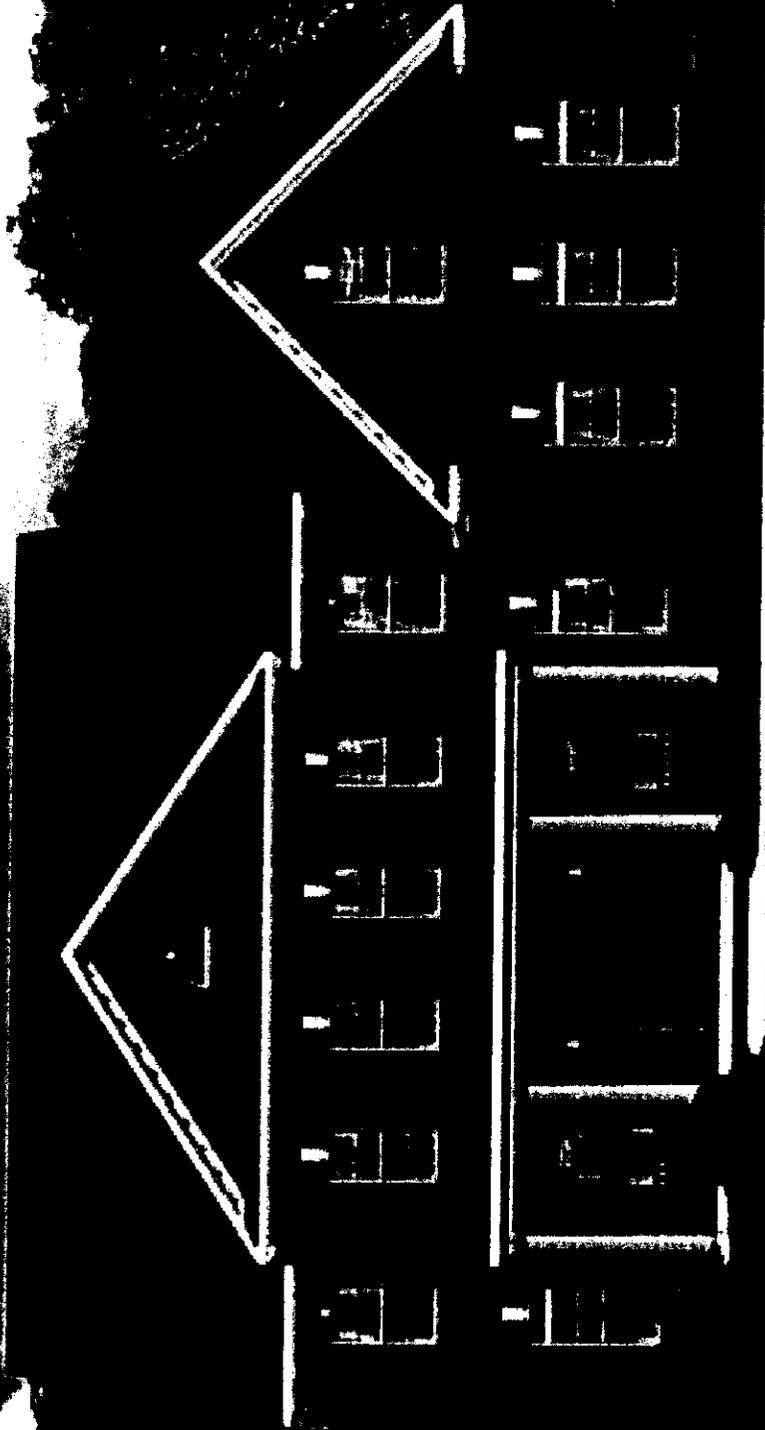
REGENTS PARK



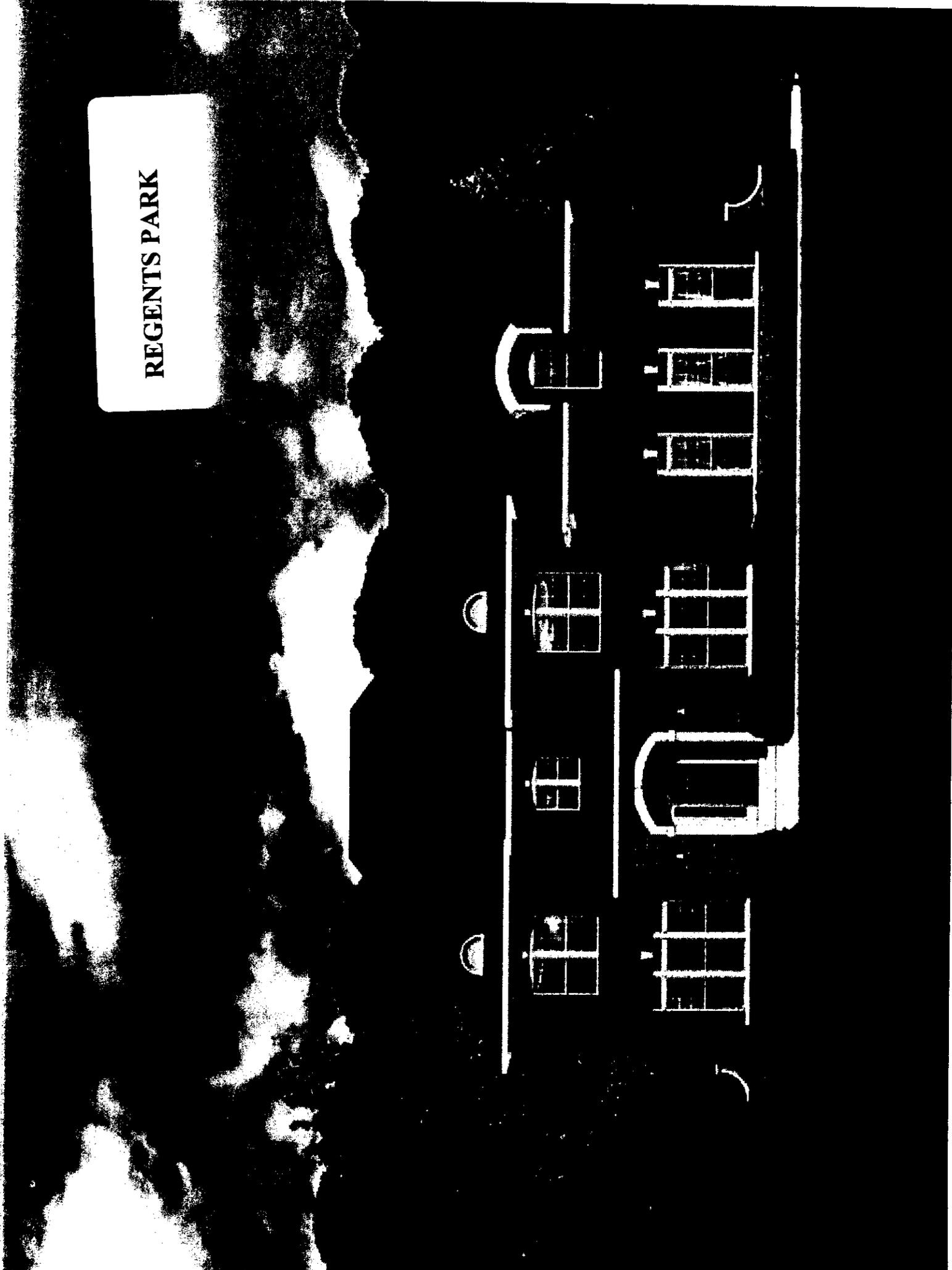
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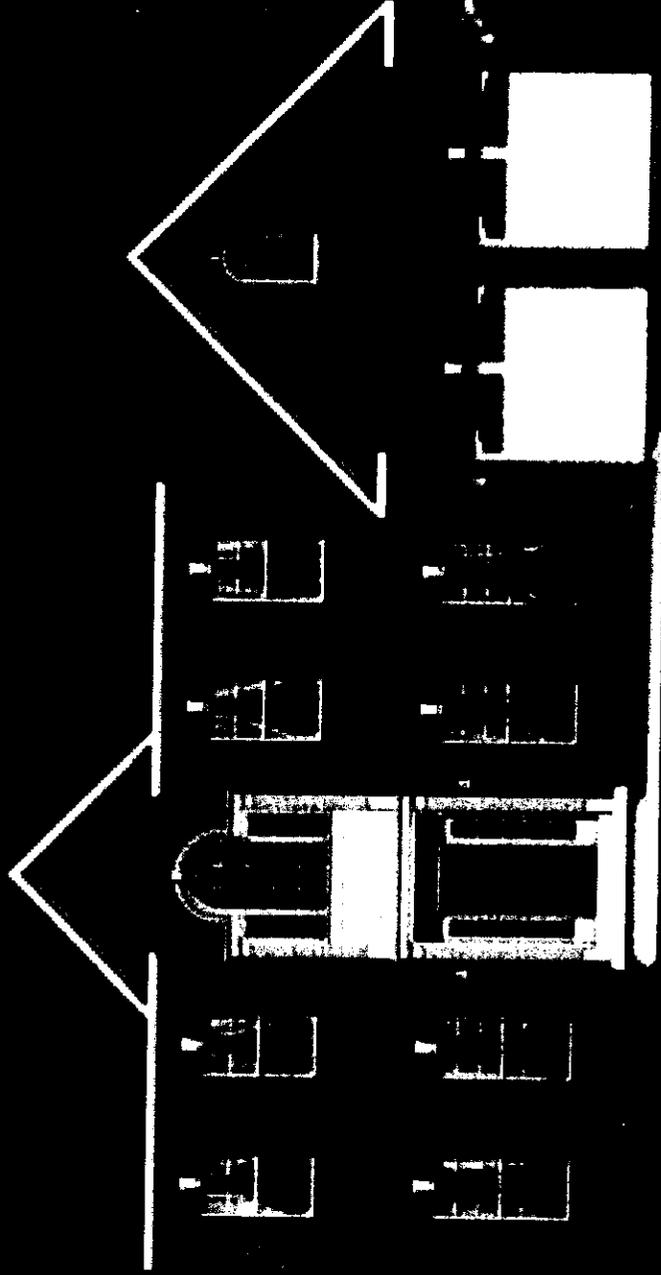
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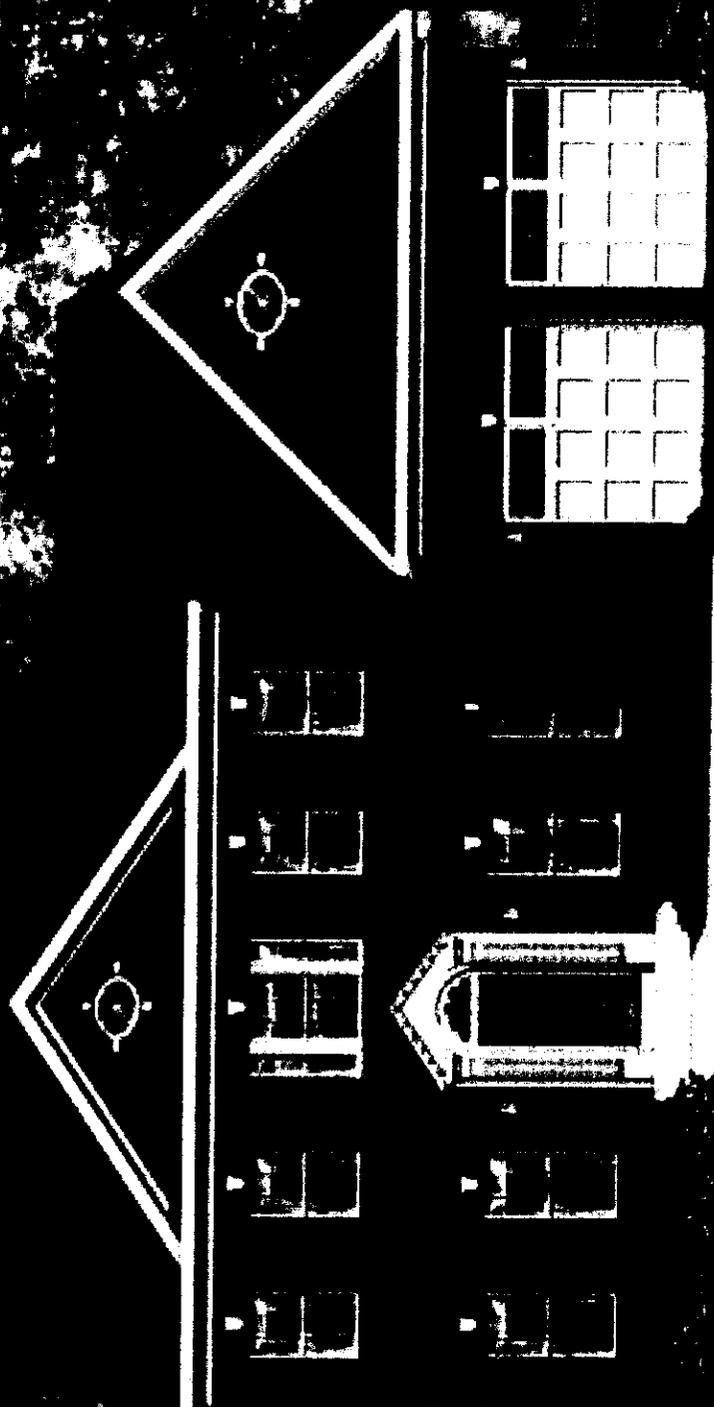
REGENTS PARK



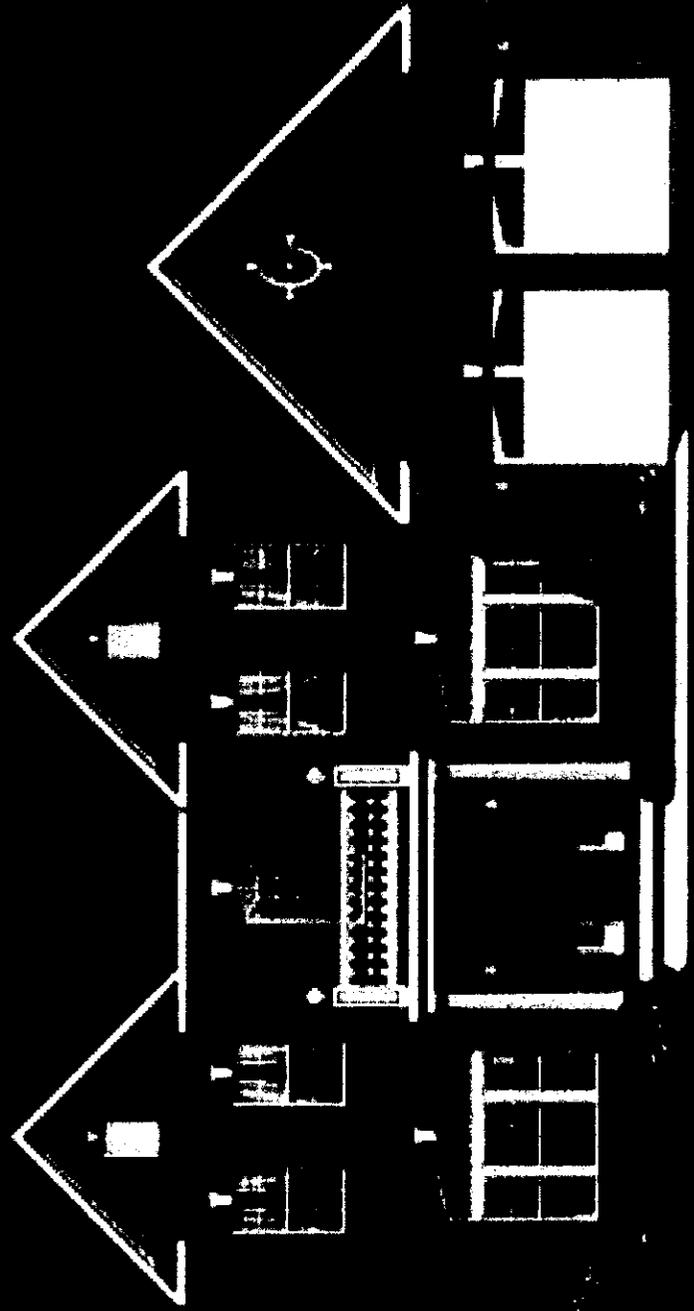
REMINGTON PLACE



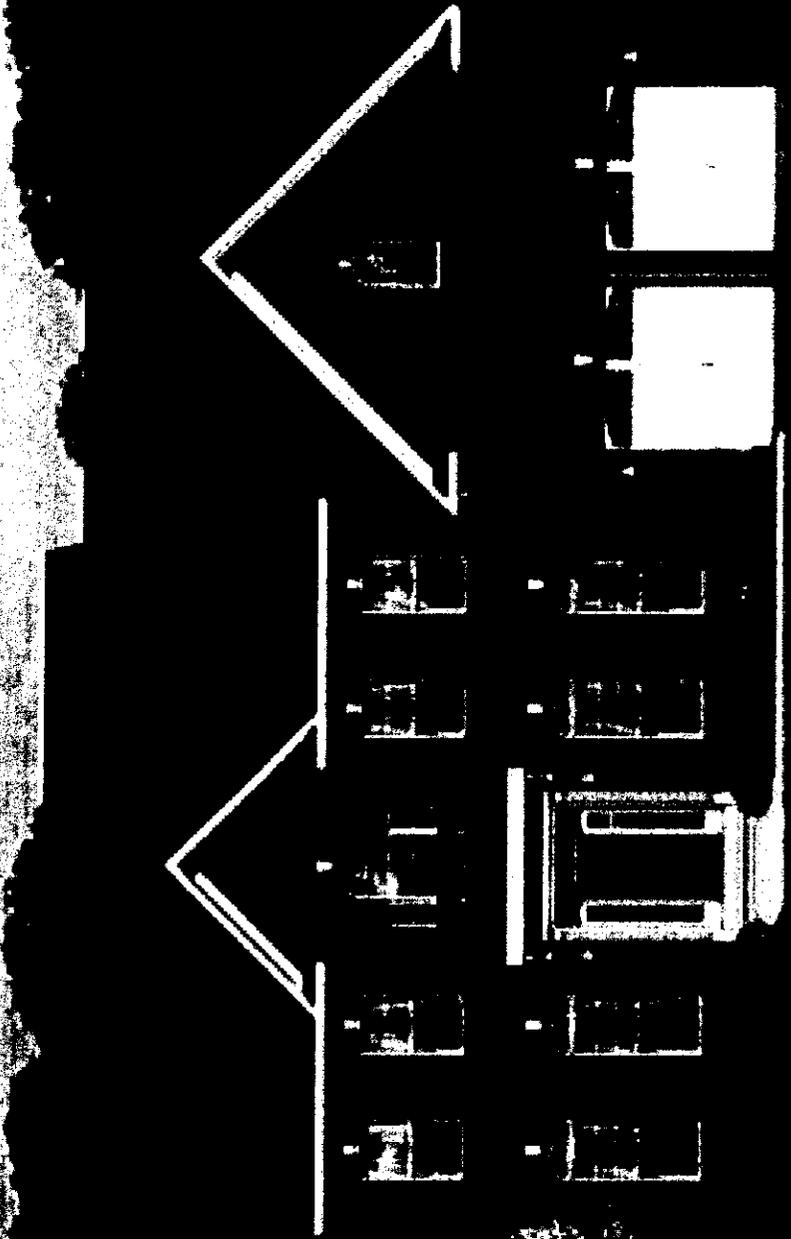
REMINGTON PLACE



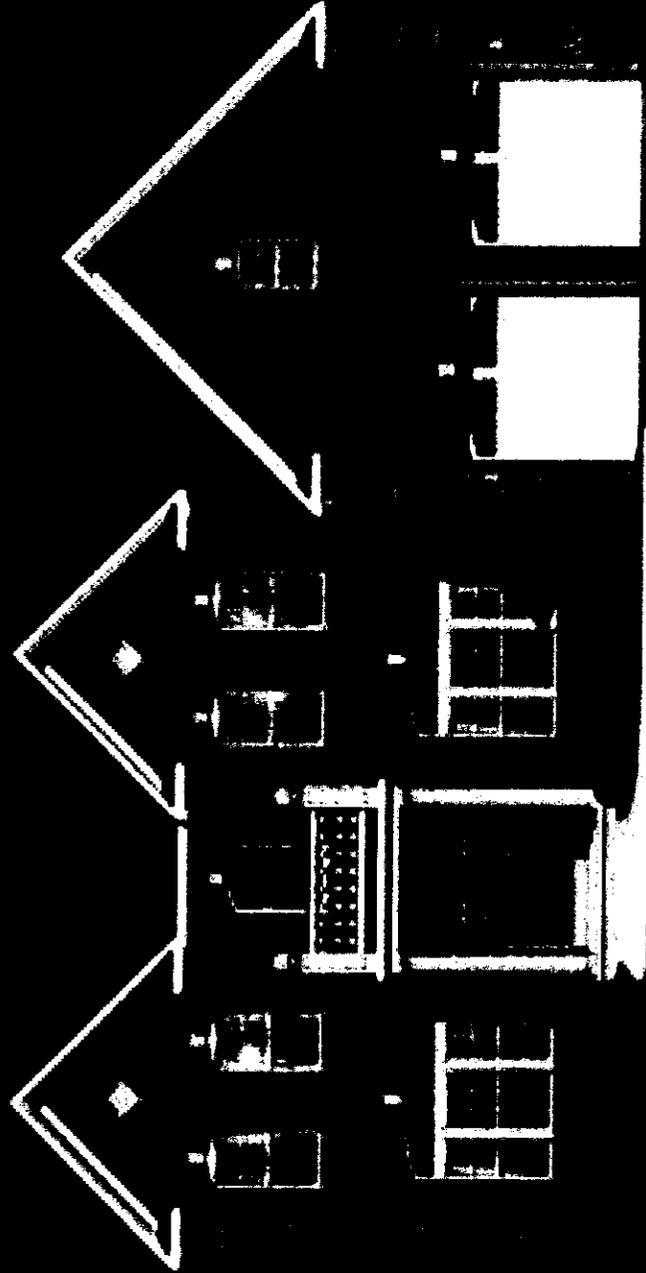
REMINGTON PLACE



WYNTERHALL



WYNTERHALL



WYNTERHALL

