



# FAIRFAX COUNTY

## DEPARTMENT OF PLANNING AND ZONING

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

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# V I R G I N I A

July 11, 2005

M. O. Ibrahim  
Diamond Properties, LLC  
3919 Old Lee Highway, Suite 82A  
Fairfax, VA 22030

Re: Interpretation for CPA 86-C-121-14 Reston Town Center/Diamond Reston Park: Bus Shelter

Dear Mr. Ibrahim:

This is in response to your letter of June 22, 2005, (attached) requesting an interpretation of Conceptual Plan Amendment CPA 86-C-121-14. As I understand it, the question is whether Residential Occupancy Permits (RUPs) may be obtained for the project prior to the construction of a bus shelter along the property frontage, given the recent uncertainty about its ultimate location.

Note 22 of the CPA requires that the bus shelter be installed prior to the issuance of the first RUP for the residential project. You have indicated that in 2003, while site plan 7842-SP-05-2 for the project was under review by DPWES, you were requested by the Department of Transportation (DOT) to locate the required bus shelter on Bowman Town Drive. Such location is shown on the approved site plan. In June 2005, DOT requested that the location of the bus shelter be shifted to Fountain Drive. DOT has now requested that the bus shelter be located on Bowman Town Drive (see memorandum attached), although additional time is needed to obtain appropriate approvals from VDOT.

It is my determination that, in light of the recent uncertainty about the ultimate location of the bus shelter, the issuance of RUPs for the project prior to its installation, would be in substantial conformance with CPA 86-C-121-14, provided that the bus shelter is bonded and that it is installed before bond release. It is further my determination that either location at Bowman Town Drive or Fountain Drive would be in substantial conformance with CPA 86-C-121-14. These determinations have been reviewed with DOT and have 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 Kevin Guinaw at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director  
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Catherine M. Hudgins, Supervisor, Hunter Mill District  
Frank de la Fe, Planning Commissioner, Hunter Mill District  
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Michelle Brickner, Assistant Director, 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, ZED, DPZ  
File: DPA 85-C-088-3/CPA 86-C-121-14, PI 0507 091, Imaging, Reading

# DIAMOND PROPERTIES, LLC

RECEIVED  
Department of Planning & Zoning

JUN 27 2005

Zoning Evaluation Division

Mr. Kevin Guinaw –  
Zoning Evaluation Division  
Department of Planning & Zoning  
County of Fairfax

June 22, 2005

Tel: (703) 324-1290  
Fax: (703) 324-3924

Ref.: Paramount Condominium  
Site Plan # 7842-SP-05-2  
Reston, VA

Dear Mr. Guinaw:

The enclosed are minutes of our meeting held on Wednesday, June 22, 2005 concerning the proffered Bus Shelter in accordance with approved site plan.

- 1.0 Diamond Reston LLC submitted and received a site plan approval (Sheet 1 of 32) for the project site plan # 7842-SP-05-2.
- 2.0 The approved site plan shows the location of the Bus Shelter on Bowman Town Dr. and as requested by FCDOT (Sheet 4 of 32)
- 3.0 The specific site plan Transportation condition # 22 shown in Sheet 15 of 32 clearly indicated in **bold** letters the reference to the location of the bus shelter as shown on site plan.
- 4.0 Diamond's Civil Engineer (Urban Engineering & Associates, Inc.) consulted with FCDOT concerning the location of the Bus Shelter. (See the enclosed letter dated 02/28/2003 from Angela Kadar / FCDOT concerning this issue)
- 5.0 Diamond is ready to proceed with the delivery and the installation of the Bus Shelter as shown on the site plan, immediately.
- 6.0 However, and due to a request from FCDOT to change the location to Fountain Dr., we will not be able to deliver and install the Bus Shelter before September or October 2005 provided that Diamond receives County of Fairfax's approval on the newly requested

# DIAMOND

PROPERTIES, LLC

location. Please advise if a revision to the site plan is required before the installation. Additional time may be required if revision of site plan is required prior to the installation.

7.0 We request your approval for the issuance of the Residential Use Permit (RUP) prior to the installation of the Bus Shelter.

Please feel free to contact me at (703) 934 – 1205 Ext. 110 should you have any questions or need additional information.

Sincerely yours,



M. O. Ibrahim

Vice President of Construction Services

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**FAIRFAX COUNTY, VIRGINIA**

**MEMORANDUM**

**TO:** Mirza T. Baig, Engineer III  
Environmental Review and Facilities Division  
Office of Site Development Services, DPW/ES

**FROM:** Angela Kadar Rodeheaver, Chief *AKR*  
Site Analysis Section, DOT

**FILE:** 3-4 (RZ 85-C-088)

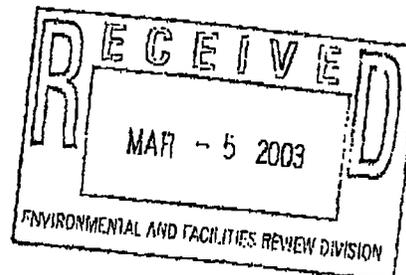
**REFERENCE:** DPA 85-C-088-3; Reston Town Center, Section 89, Block 5 – Condition 22,  
Location of Bus Shelter  
Tax Map 17-1 ((17)) 5; 17-1 ((1)) 36

**DATE:** February 28, 2003

We have been asked to determine where a bus shelter is to be located on the subject property. Based on information this department provided to the applicant, a shelter was proffered along Fountain Drive. After additional review of bus service options in the vicinity it has been determined that a more appropriate location is on the north side of the site along Bowman Towne Drive. This location will serve current routes in the Reston core area.

AKR/MAD

cc: Michelle Brickner, Director, Design Review Division, Department of Public Works and  
Environmental Services  
Charlie Strunk, CPOD, FCDOT



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

**FROM:** Charlie Strunk, Chief  
Capital Projects Section  
Department of Transportation 

**SUBJECT:** Bus Shelter Location Clarification and Recommendation  
DPA 85-C-088-3/ CP 86-C-121-14  
Fairfax County Plan #7842-SP-005-2  
Reston Town Center, Section 89, Block 5- Condition #22

**DATE:** June 30, 2005

This memo is to clarify our recommendation regarding the final location for a proposed bus shelter for the above mentioned project. Condition #22 states:

"22. Bus Shelter: The Applicant shall, if requested by the FCDOT, **construct one (1) bus shelter** (open, with bench and constructed of Plexiglas or similar material) **along the Property's frontage on Fountain Drive. The final location of the bus shelter shall be determined in consultation with the FCDOT at the time of site plan approval for the Property, and shall be constructed prior to the issuance of the first residential use permit for the proposed residential building.** The Applicant shall install a covered trash receptacle within the bus shelter. The property owners' association to be created and tasked with the maintaining the common areas of the Property following construction of the residential building shall be responsible for providing refuse removal and maintenance of the bus shelter."

Subsequent to zoning approval, internal discussions within FCDOT concluded that a more appropriate location for the shelter was along the north side of the site along Bowman Towne Drive. This recommendation was based on the greater likelihood that bus service would continue on Bowman Towne Drive if bus routes in Reston Town Center changed in the future. A memo from the FCDOT Site Analysis Section, dated February 28, 2003 (see attached), which made this recommendation was transmitted to Mirza T. Baig, of DPWES, and the Applicant. While this memo addressed the shelter's final location, it contradicted Condition #22 that states the bus shelter was to be installed on the Property's frontage on Fountain Drive. The proffer was site specific because of the existing bus stop on Fountain Drive. The Applicant, as directed by FCDOT, located the shelter along the Property's frontage on Bowman Towne Drive where no bus stop exists at this time.

To address the contradiction between the proffers and the subsequent recommendation by FCDOT and the Applicant's desire to seek a proffer interpretation

regarding the installation of the bus shelter prior to the issuance of the first residential use permit, we recommend the following action:

- The Applicant should install the bus shelter on the Property's frontage along Bowman Towne Drive as described in the FCDOT memo dated February 28, 2003 and as shown on the approved Site Plan ##7842-SP-005-2.
- FCDOT will submit a bus stop sign permit to VDOT in order to create a stop where the shelter will be installed on Bowman Towne Drive. The creation and installation of a bus stop is contingent on VDOT approval. FCDOT will follow up with an approximate time frame outlining the sign permit submission and sign installation process.
- The Applicant should submit a proffer interpretation regarding the installation of the bus shelter prior to the issuance of the first residential use permit requirement. Since FCDOT needs time to submit and gain approval from VDOT for the creation and installation of a bus stop and sign, this would delay the installation of a bus shelter. The proffer interpretation should also address the shelter's final location on Bowman Towne Drive. The proffer still states the shelter be installed on Fountain Drive although on the approved site plan it is located on Bowman Towne Drive.

Please contact Beth Iannetta at extension 324-1456 if you have any questions.

CWS/EAI  
Attachment

cc: Michel Davis, FCDOT Site Analysis Section  
Jim Carrell, FCDOT Fairfax Connector Section  
Joe Odenthal, FCDOT TOS/Transit Sections  
Michelle Brickner, DPWES Design Review Division  
Mirza T. Baig, DPWES Site Development Services