



# County of Fairfax, Virginia

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

January 11, 2012

Inda Stagg  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Blvd., 13<sup>th</sup> Floor  
Arlington, VA 22201

Re: Interpretation for PCA C-696-7/FDPA C-696-3; Tax Map 15-4 ((5)) 3A  
Dulles Station, Building K: Courtyard Modifications, Dog Park, Community Garden

Dear Ms. Stagg:

This is in response to your letter of November 18, 2011, requesting an interpretation of the proffers accepted by the Board of Supervisors in conjunction with the approval of Proffered Condition Amendment PCA C-696-7, and the Final Development Plan Amendment (FDPA) approved by the Planning Commission in conjunction with FDPA C-696-3. As I understand it, the question is whether the proposed modifications to the interior courtyards of Building K to permit consolidation into one courtyard, and the addition of two outdoor features for a dog park and a community garden, would be in substantial conformance with the proffers and FDPA. This determination is based on your letter and interpretation exhibits, including: sheets 3 and 4 from the approved FDPA, a table titled "Dulles Station Building Data" with information from approved site plans, the overview area of the approved FDPA for Dulles Station, the area of the FDPA for Building K, the proposed interpretation layout, and an overlay for comparison of proposed layout and the approved FDPA, prepared by Urban Engineering and Associates, Inc., dated August 12, 2011. A copy of your letter and relevant documents are attached.

The approved FDPA for the 16.03-acre site depicts proposed Buildings A through P with associated interior open space courtyards, pools, exterior open space, a community park, drives and parking areas. The proposed area of modification with this interpretation request is located in Land Bay II in the southern part of the Dulles Station development. Building K was approved for a six-story residential structure and includes three separate interior courtyards to provide interior open space—two labeled as *open space* and one labeled as *pool*.

According to your letter, you are proposing to modify the internal courtyard layout of Building K in response to final layout and design considerations. You are proposing to consolidate the three open

space courtyards into one large open landscaped courtyard/plaza with a swimming pool, patios, and landscaping. According to your exhibits, the proposed interior courtyard would be located in the center of the building, in an L-shaped configuration. You state that combining the three open space courtyards into one open space courtyard would increase the total amount of interior open space from 15,110 square feet to approximately 20,760 square feet.

You also propose two outdoor features to enhance the open space amenities for the benefit of the residents. The first proposed outdoor feature is a dog park located near the southeast corner of the building between the service drive/loading area and the south property boundary. You indicate the dog park measures approximately 30 feet wide and 80 feet deep (2,400 square feet) and will be gated and fenced in compliance with the Zoning Ordinance requirements. The second proposed outdoor feature is a community garden, located near the southwest corner of the residential building. The garden would be located within a triangular configuration of the parcel, with the dimensions 120' x 85' x 75' and containing approximately 5,740 square feet. You indicate that the community garden will also include perimeter fencing in compliance with the Zoning Ordinance.

Proffer 2 states minor modifications from the FDPA may be permitted and the applicant shall have the flexibility to modify the layout *"provided such changes are in substantial conformance with the FDPA and neither increase the total square footage or total number of units nor decrease the amount of open space."*

Note 18 of the General Notes on Sheet 8 of the FDPA permits minor modifications to the size, dimensions, footprints and location of buildings, etc., with final engineering and design. It further states that the footprints represented are approximate and *"may be increased or decreased and the number of units in each building may be modified, so long as the minimum open space provided in the tabulation and the minimum dimensions to the peripheral lot lines are not diminished."*

Note 23 on the approved FDPA states that *"Recreational facilities for the residential uses shall include, but are not limited to: three (3) swimming pools; a community center with exercise facilities, business center and a meeting room; passive recreation area(s) to be utilized for recreational activities, such as, seating areas, formal gardens, picnic areas, etc."*

You state that the proposals for modifications to the interior and exterior open spaces would not reduce the open space or the effectiveness of approved transitional screening, buffering or landscaping.

It is my determination that the proposed consolidation of the interior courtyards for Building K and the addition of a dog park and a community garden, as discussed above, would be in substantial

Inda Stagg  
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conformance with the proffers and FDPA, subject to approval by the Department of Public Works and Environmental Services (DPWES). This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and only addresses the issues discussed herein. If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division, DPZ

BCB/CDL/O:\clee01\Interpretations\RZ\Dulles Station\_Bldg K modifications.doc

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District  
Jay Donahue, Planning Commissioner, Dranesville District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review, ZAD, DPZ  
Ken Williams, Plan and Document Control, Land Development Services, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
File: PCA C-696-7, FDPA C-696-3, PI 1101 123, Imaging, Reading File



WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

Inda E. Stagg  
Senior Land Use Planner  
(703) 528-4700 Ext. 5423  
istagg@arl.thelandlawyers.com

RECEIVED  
Department of Planning & Zoning

NOV 21 2010

November 18, 2011

Zoning Evaluation Division

**Via Hand Delivery**

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

Re: Request for Interpretation  
Minor Modifications to the Internal Courtyard Layout of Building K  
Provision of Dog Park and Community Garden Use in Open Space  
PCA C-696-7 (the "PCA") and FDPA C-696-3 (the "FDPA") (together, the  
"Approvals")  
TM 15-4 ((5)) 3A (Building K)

Dear Ms. Berlin:

Please accept this letter as a request for an interpretation of the proffers and development plan associated with the PCA and FDPA, particularly as the Approvals may permit minor modifications to the internal courtyard layout of Building K, and a small dog park and community garden within the open space associated with Building K. In accordance with Par. 4 of Sect. 16-402 of the Ordinance, minor modifications to an approved final development plan may be permitted under certain circumstances. The Developer meets the criteria for a minor modification as outlined within this letter, and requests your concurrence that the proposed revisions are in substantial conformance with the Approvals.

The request to permit modifications to the internal courtyard layout of Building K is made in response to layout and design modifications. The request to permit a small dog park and community garden within the open space associated with Building K is in response to provide amenities for the residents. The request does not result in a more intensive use than that approved pursuant to the approved FDPA or proffers, because the requested and approved GFA for Building K is the same. The requests do not result in an increased parking requirement. The requests do not reduce the effectiveness of the approved transitional screening, buffering, landscaping or open space; to the contrary, these are improvements to the open space that provide an incentive to utilize the open space. Approximately 41.22% of the overall Dulles Station land area is

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

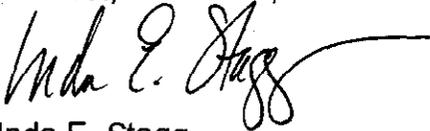
provided as open space with this interpretation, while only 23% open space is proffered. The proposed revisions do not change the bulk, mass, orientation or location of structures in such a way that would adversely impact the relationship of the development to adjacent property, as the courtyard modifications are interior to Building K, and the proposed amenities are well buffered from surrounding properties by park land. The requests will not result in an increase in the amount of clearing and/or grading for a stormwater management facility, nor do they result in the addition of any building or additions to buildings. For these reasons, we request that the modifications be determined to be in substantial conformance with the approved plans and proffers.

A tax map with Parcel 3A highlighted in yellow, a copy of all proffers that apply to Building K, Sheets 3 and 4 from the approved FDPA, a table presenting all information from approved site plans for Dulles Station, a "green" graphic taken from the original FDPA indicating the approved layout for Building K (among other structures), a "green" graphic depicting the approved Building K layout from the approved FDPA, a "red" graphic" depicting the proposed Building K layout, and a graphic which overlays the proposed Building K layout onto the approved layout have been included for reference.

As always, I appreciate your attention to this request. Please do not hesitate to contact me if you should have any questions or require further information.

Very truly yours,

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



Inda E. Stagg  
Senior Land Use Planner

Enclosures

cc: Marty Mankowski  
Clayton Tock  
Martin D. Walsh (w/o attachments)







**DULLES STATION BUILDING DATA**

LANDBAY	BUILDING	COMMERCIAL			RESIDENTIAL			BUILDING HEIGHT (FT)	OPEN SPACE (SF)
		GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)	GROSS FLOOR AREA (SF)	NET FLOOR AREA (SF)				
I	BUILDING A	191,355	185,567	0		84.75	78,799.70		
I	BUILDING B	348,735	278,988	0		160	22,673.15		
I	BUILDING C	186,969	159,355	0		80	37,599.55		
I	BUILDING D	352,941	308,421	0		157	25,590.66		
	<b>LANDBAY I TOTAL</b>	<b>1,080,000</b>		<b>0</b>			<b>164,663.06</b>		
II	BUILDING G	16,515	16,515	210,173	174,222	60	36,980.72		
II	BUILDING H	20,603	20,603	163,676	151,222	60	27,812.81		
II	BUILDING I	8,032	7,595	226,610	191,180	60	39,840.14		
II	BUILDING J	4,671	4,671	242,208	197,904	60	30,945.79		
II	BUILDING K	9,060	7,248	279,004	223,203	60	84,149.81		
II	BLDG. K AMENITIES	17,628	14,102	0		INCL.	INCL.		
	<b>LANDBAY II TOTAL</b>	<b>76,509</b>		<b>1,121,671</b>			<b>219,729.27</b>		
IV	HOTEL #1	94,215	73,668	0		78.33	48,560.03		
IV	HOTEL #2	92,620	76,897	0		82	56,065.56		
	<b>LANDBAY IV TOTAL</b>	<b>186,835</b>		<b>0</b>			<b>104,625.59</b>		
V	POND	0	0	0		0	512,564.06		
	<b>LANDBAY V TOTAL</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>512,564.06</b>		
VI	DEDICATION AREA	0	0	0		0	131,780.39		
	<b>LANDBAY VI TOTAL</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>131,780.39</b>		
	<b>DULLES STATION TOTAL</b>	<b>1,343,344</b>		<b>1,121,671</b>			<b>1,133,362.37</b>		
	<b>TOTAL GROSS SQUARE FEET</b>	<b>2,465,015</b>					<b>1,133,362</b>		
	<b>TOTAL AREA (SF)</b>	<b>2,749,580.80</b>					<b>2,749,580.80</b>		
	<b>F.A.R.</b>	<b>0.8965</b>					<b>41.22%</b>		



OVERVIEW APPROVED GDP



**DULLES STATION BUILDING K**

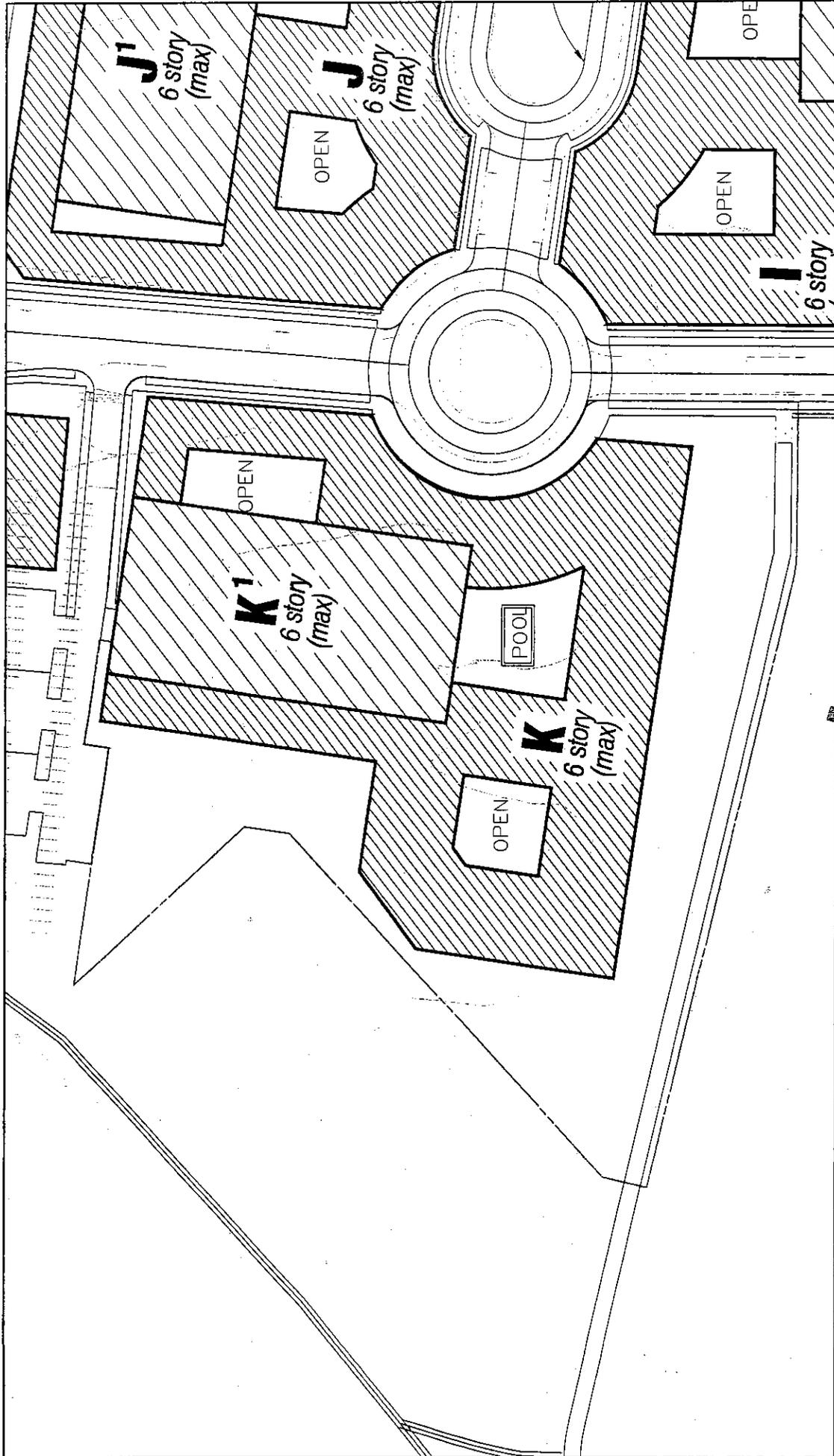
Fairfax County, Virginia



GRAPHIC SCALE

Scale: 1"=100'  
NOVEMBER 11, 2011





APPROVED GDP-BUILDING K



**DULLES STATION BUILDING K**

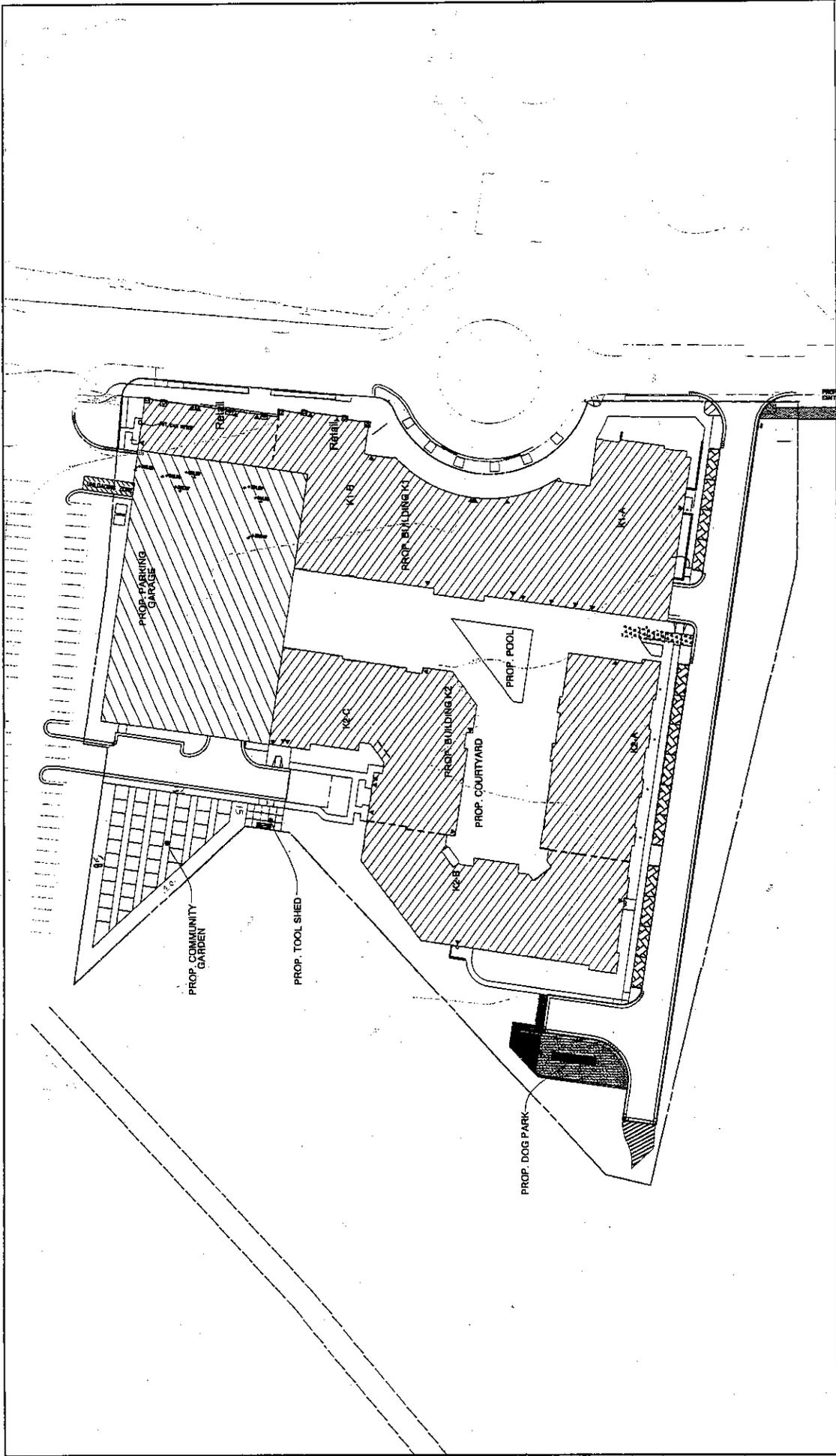
Fairfax County, Virginia



GRAPHIC SCALE

Scale: 1"=30'  
NOVEMBER 11, 2011





PROPOSED LAYOUT

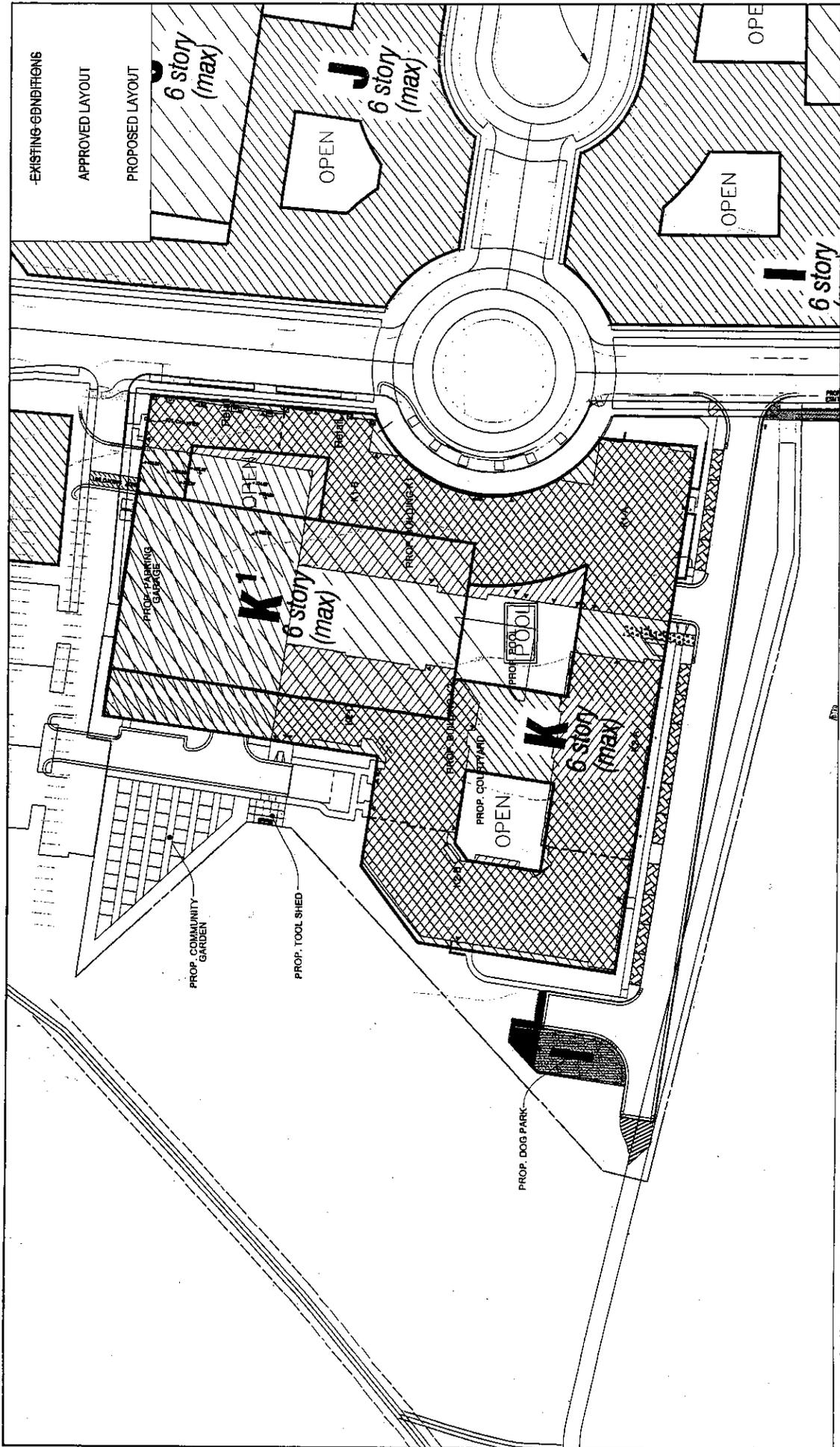


**DULLES STATION BUILDING K**  
 Fairfax County, Virginia

GRAPHIC SCALE



Scale: 1"=30'  
 NOVEMBER 11, 2011



APPROVED GDP AND PROPOSED LAYOUT COMPARISON



**DULLES STATION BUILDING K**  
Fairfax County, Virginia



Scale: 1"=30'  
NOVEMBER 11, 2011