



# 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

May 21, 2004

Martin D. Walsh  
Walsh, Colucci, Lubeley, & Terpach, P.C.  
2200 Clarendon Blvd., Thirteenth Floor  
Arlington, VA 22201-3359

Re: Interpretation for RZ/FDP 2000-PR-056 and SE 00-P-050, Fairfax Ridge:  
Commercial Off-Street Parking in PDH-20 District (Tax Map Parcel 56-2 ((1)) 18A)

Dear Mr. Walsh:

This is in response to your letter of April 22, 2004, requesting an interpretation of the proffers and the Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with approval of RZ 2000-PR-056, the Final Development Plan (FDP) and development conditions approved by the Planning Commission pursuant to FDP 2000-PR-056, and the development conditions imposed with the Board's approval of SE 00-P-050. As I understand it, you seek confirmation that the existing commercial off-street parking, which is located in the PDH-20 District on Parcel 18A, but which serves the office building located in adjacent Land Bay A, remains a permitted special exception use in the PDH District pursuant to Sect. 9-609 of the Zoning Ordinance. Copies of your letter, the proffers, FDP development conditions and SE development conditions, including the Clerk to the Board's letters, are attached for reference.

On July 9, 2001, the Board of Supervisors approved RZ 2000-PR-056 and the Conceptual Development Plan (CDP), subject to proffers dated July 5, 2001, and SE 00-P-050, subject to development conditions. The Final Development Plan (FDP) had been approved by the Planning Commission on May 23, 2001, subject to development conditions dated May 23, 2001, and subject to the Board's approval of RZ 2000-PR-056 and the proffers. Rezoning application RZ 2000-PR-056 rezoned 23.98 acres, including Parcel 18A, from the C-3 to the PDH-20 District to permit the development of a multi-family residential complex. The FDP depicted Parcel 18A, containing 3.19 acres and labeled as Land Bay B, as an area for off-site parking for the adjacent office building. Special Exception SE 00-P-050 was filed on only Parcel 18A to permit commercial parking in a residential (PDH-20) district, pursuant to Sect. 9-609 of the Ordinance.

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May 21, 2004

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You have indicated that Parcel 18A is in the process of being sold and the purchaser's attorney has requested confirmation that the zoning related to the off-street parking in a residentially district remains valid.

It is my determination that the use of Parcel 18A as commercial off-street parking to serve the adjacent office building remains a valid special exception use of the property and is in conformance with the governing approvals provided the special exception development conditions continue to be met.

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,

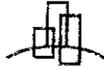


Barbara A. Byron, Director  
Zoning Evaluation Division, DPZ

*BAB/MAG/O:\mgodfr\Proffer Interpretations PIFairfaxRidgeparking(RZ2000-PR-056).doc*

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District  
Kenneth Lawrence, Planning Commissioner, Providence District  
William E. Shoup, Zoning Administrator, 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: RZ/FDP 2000-PR-056, SE 00-P-050, PI 0404 045, SEI 0404 023, Imaging,  
Reading File



**WALSH COLUCCI  
LUBELEY EMRICH  
& TERPAK PC**

Martin D. Walsh  
(703) 528-4700 Ext. 22  
mw Walsh@arl.thelandlawyers.com

April 22, 2004

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

Re: Request for Interpretation for SE 00P-050 (the "Special Exception")  
approved on July 9, 2001, Concurrent with PCA 90-P-040  
and RZ 2000-PR-056 (the "Approvals")  
Identified as Tax Map 56-2((1))-18A ("the Property")  
Applicant/Owner: Fairfax Ridge, Limited Partnership

Dear Ms. Byron,

1. Background.

The Property was the subject of a Special Exception approval to permit commercial off-street parking on residentially zoned property in conjunction and concurrent with the approvals, which permitted multi-family residential use at 20-units per acre. In addition to the Special Exception approval, the Property was rezoned to PDH-20.

The Property has been and continues to be utilized as a surface parking lot for the office development on properties adjacent to the Property. The said parking use was indicated on the approved CDP/FDP and approval of the Special Exception was subject to five conditions (enclosed herewith with letter dated August 1, 2001 to Elizabeth Baker from Nancy Vehrs, Clerk to the Board of Supervisors.)

2. Requested Determination.

It is hereby requested that you, as the duly authorized agent for the Zoning Administrator, provide a determination that the said use is permitted by Section 9-609 of the Fairfax County Zoning Ordinance.

If you have any further questions, please feel free to give me a call.

Very truly yours,

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

Martin D. Walsh

MDW/ms  
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Enclosure  
cc: Chip Bay

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Department of Planning & Zoning

APR 26 2004

Zoning Evaluation Division



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