



County of Fairfax, Virginia

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

May 3, 2012

Mr. David Gill
McGuire Woods, LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

Re: Interpretation for RZ/2010 LE-009, Liberty View, Tax Map 91-1 ((4)) 1-11, 13-25, 500 and 501: Access, Building and Layout Modifications

Dear Mr. Gill,

This is in response to your letters of September 2, 2011, December 13, 2011, December 19, 2011, January 27, 2012, and March 19, 2012, requesting an interpretation of the proffers and the Conceptual Development Plan Amendment (CDPA) accepted by the Board of Supervisors and the Final Development Plan Amendment (FDPA) approved by the Planning Commission in conjunction with the approval of the above-referenced applications. As I understand it, the question is whether the proposed revisions to the access from the site to Jasper Lane and the resulting modifications to building footprints and the site layout would be in substantial conformance with the above-referenced approvals. This determination is based on your letters; an exhibit entitled "Liberty View, Concept Development Plan/Final Development Plan Interpretation" consisting of 3 sheets, prepared by VIKA, and dated March 16, 2012; a copy of the temporary turnaround easement and deed for the Jasper Lane cul-de-sac; a copy of a certified plat for Liberty View showing the connection with Jasper Lane; an e-mail dated April 10, 2012, regarding landscaping; and, consultation with the Fairfax County Department of Transportation (FCDOT) and Urban Forest Management (UFM). Copies of your letters and relevant exhibits are attached.

On April 27, 2011, the Board of Supervisors approved Rezoning RZ 2010-LE-009, which rezoned 13.45 acres of land from the R-1 District to the PDC (Planned Development Commercial) District, subject to proffers, to permit the construction of a commercial development (Liberty View) consisting of either five office buildings and parking or four office buildings, a hotel, and parking. Construction on the site has not commenced; however, site plans for 5 office buildings have been submitted to DPWES.

Primary access into the site is via Jasper Lane, a public street located to the north, which connects with Metro Drive. The approved CDP/FDP shows a curb cut on the north side of the subject site that connects to a traffic circle in Jasper Lane, a public street that provides access from Beulah Street to this site and to Metro Park, the adjacent development to the north.

In your letter you indicate that the curb cut depicted on the CDP/FDP is slightly outside the

David Gill

Page 2

existing right-of-way of Jasper Lane and its construction would require the acquisition of a public access easement from the adjacent property, Metro Park, which you have not been able to obtain. As a result, you propose to shift the Liberty View connection to Jasper Lane toward the east entirely within existing Jasper Lane right-of-way, which passes through a traffic circle that lies within a temporary turnaround easement that was conveyed to the County by Metro Park. The shift of the access toward the east necessitates a shifting of Office Building 4 toward the east, an increase in the size of the Western Garage and a reduction in size of the Eastern Garage. Office Buildings 2 and 3 are also proposed to be shifted toward the east to maintain the approved internal relationships. You state that the proffered FAR, building heights, peripheral landscaping, screening, buffering, open space, parking ratios, uses, and impervious area will be maintained.

According to your March 16, 2012, Interpretation exhibit of the CDP/FDP prepared by VIKA, the main street of the development, which is a boulevard with street trees in a central median, would be shifted almost 60 feet toward the east from its approved location. The landscaped median and streetscape are maintained. The East Garage would be shifted approximately 55 feet eastward and its footprint reduced from 246' x 310' to 263' x 182'. The setbacks to Beulah Street are maintained. The footprint of the West Garage would increase from 185' x 413' to 185' x 476'. The central open space area would be slightly larger to offset the reduction of the East Garage and the eastward shift of the access street. A one-way drop off lane is maintained as approved. The number of trees within and around the area is not changed. Landscaping throughout the site would be provided as approved. One change noted is that four trees located on the south side of the East Garage are shown planted in containers. I understand that you have advised staff that the exhibit is incorrect and that the trees will not be planted in containers.

The Fairfax County Department of Transportation (FCDOT) has coordinated with VDOT in reviewing the proposed change in access and its impacts on the Jasper Lane turnaround and has reported that VDOT has no issues with the proposed modifications to access to Jasper Lane and use of the turnaround. According to the Temporary Turnaround Easement document that you submitted, the easement was conveyed to the County by Metro Park for ingress and egress during the period of construction of Jasper Lane and during any subsequent period in which maintenance, repairs, and reconstruction thereof may be necessary. The temporary turnaround easement will become null and void at such time as Jasper Lane is extended to the south and accepted for maintenance by the responsible governmental entity. You have stated that Jasper Lane will not be extended as a public street, which is the condition required for the temporary turnaround easement to be removed. As I understand it, you are now in the process of developing a future plan for Jasper Lane, pursuant to Proffer 24, which states that "*The Applicant reserves the right to pursue alternatives to the design of Jasper lane after consultation with VDOT, FCDOT, and the appropriate adjacent property owners. Such alternative may include creating a traffic circle and/or making Jasper Lane a private road.*"

I also understand that you have stated that such future plans may potentially impact the layout proposed in this interpretation; however, given that this proposed design is that preferred by you and the Metro Park development to the north, you wish to proceed with this requested

determination. As you are aware, any future modifications to this design may require the submission of a subsequent interpretation request or the submission and approval of a proffered condition amendment by the Board of Supervisors.

It is my determination that the proposed modifications to the access to Jasper Lane, and related building and layout modifications within the Liberty View development, as discussed above and described in your submission, would be in substantial conformance with the proffers and the CDPA/FDPA, subject to FCDOT and VDOT approval, and provided that the trees located on the south side of the eastern garage are not in containers, as shown on the Interpretation Plan, and are planted in accordance with a landscape plan, as approved by Urban Forest Management (UFM), DPWES.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator, has been coordinated with FCDOT and UFM, and addresses only those items discussed herein. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



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

H:\Proffer Interpretations P\Liberty View (RZ 2010_LE-009) Access, site modifications.doc

Attachments: A/S

cc: Jeffrey C. McKay, Supervisor, Lee District
James T. Migliaccio, Planning Commissioner, Lee District
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ
Kenneth Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Chief, Site Analysis Section, FCDOT
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: RZ 1998-LE-048, PCA 1998-LE-048-3, FDPA 1998-LE-048-1-3, PI 11 09 089,
Imaging, Reading File

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dgill@mcguirewoods.com
Direct Fax: 703.712.5297

RECEIVED
Department of Planning & Zoning

SEP 02 2011

Zoning Evaluation Division

September 2, 2011

VIA HAND DELIVERY

Barbara Berlin
Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, Virginia, 22030

RE: Substantial Conformance Request for Liberty View (RZ 2010-LE-009) (the "Rezoning")

Dear Barbara:

As you know, we represent the applicant, MR Lewin Park Capital LLC ("Monument"), who is redeveloping the subdivision currently known as Lewin Park with an office project to be named Liberty View. The Conceptual Development Plan/Final Development Plan ("CDP/FDP") approved as part of the Rezoning showed the primary access to the site as from Jasper Lane, a public road, as requested by staff during the rezoning. This access is consistent with the vision endorsed by the original plan amendment. Utilizing Jasper Lane as the primary access to Lewin Park was envisioned as part of the original replanning of the adjacent property, MetroPark, and was reinforced in the proffers associated with the various land use applications approved for MetroPark.

The access to Jasper Lane depicted on the approved CDP/FDP shows a curb cut to the existing Jasper Lane cul-de-sac that is slightly outside the existing public access easement. The proffers for Liberty View reserve the right of the Applicant to pursue alternatives to the design of Jasper Lane after consultation with VDOT, FCDOT and adjacent property owners, including the creation of a traffic circle or the conversion of Jasper Lane to a private road. As such, Monument has been in extensive discussions with the neighboring property owner of Tax Map 91-1((31))-4C1 to obtain a minor easement. To date, such discussions have not been productive.

As an alternative, we respectfully request pursuant to 18-204(5) of the Zoning Ordinance, confirmation that the enclosed Interpretation Plan is in substantial conformance with the CDP/FDP and Rezoning. The only substantive change associated with this Interpretation Plan is minor shift of the curb cut to the Jasper Lane cul-de-sac to stay within the existing public access easement. The impact to the proffered plan is minimal by realigning the

September 2, 2011

Page 2

primary entrance road to the east and slightly increasing the size of the central green space. In accordance with this shift, the footprint of the building labeled as Office Building 4 also shifts to the east, while the footprint of the Western Garage grows slightly and the Eastern Garage is correspondingly made smaller. Office Buildings 2 and 3 will also be shifted slightly to the east to maintain the proffered internal relationships. The overall proffered FAR, heights, peripheral landscaping, screening, buffering, open space, parking ratios, proposed uses, and impervious area all remain effectively unchanged.

Given that this is largely an internal change to address an issue of access and for the above discussed reasons, we respectfully request confirmation that the enclosed plans are in substantial conformance with the approved Rezoning and CDP/FDP.

Kindest Regards,



David Gill

Enclosures

Interpretation Fee - \$520

Interpretation Plan – 4 copies (Proposed, Redline, Approved Sheets)

cc: Marcus Wadsworth, Lee District
F. Russell Hines and Amy Phillips, Monument Realty

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March 19, 2012

RECEIVED
Department of Planning & Zoning

MAR 19 2012

Zoning Evaluation Division

VIA Hand Delivery

Mary Anne Godfrey
Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia, 22030

**RE: Revised Substantial Conformance Request for Liberty View (RZ 2010-LE-009)
(the "Rezoning")**

Dear Mary Anne:

Building on our meeting and discussion from earlier this month, enclosed please find the revised interpretation plan for the project known as Liberty View specifically to include street trees and external landscaping shown on the proffered CDP/FDP. Other than the inclusion of the trees and landscaping, nothing has changed with the proposed interpretation request. The four (4) copies enclosed include a clean sheet of the interpretation plan, a redline showing the changes, and the applicable sheet from the approved CDP/FDP.

This should address the final issue as we understand it. We respectfully request confirmation that the enclosed plans are in substantial conformance with the approved Rezoning and CDP/FDP as soon as possible.

Kindest Regards,


David Gill

Enclosures

cc: Amy Phillips, Monument Realty (w/o enclosures)

136714762.2

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RECEIVED
Department of Planning & Zoning
DEC 13 2011
Zoning Evaluation Division

December 13, 2011

VIA Hand Delivery

Mary Anne Godfrey
Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia, 22030

RE: Revised Substantial Conformance Request for Liberty View (RZ 2010-LE-009) (the "Rezoning")

Dear Mary Anne:

Building on our meeting from last month, enclosed please find the revised interpretation plan for the project known as Liberty View. Consistent with that meeting, we have created a redline of the plan that better addresses some of the concerns raised, including enhanced treatment of the expanded internal plaza.

The four (4) copies enclosed include a clean sheet of the interpretation plan, a redline showing the changes, and the applicable sheet from the approved CDP/FDP. In addition, also enclosed is a copy of the temporary cul-de-sac easement at the end of Jasper Lane that I had previously sent by email.

Again, the overall proffered FAR, building heights, peripheral landscaping, screening, buffering, open space, parking ratios, proposed uses, and impervious area all remain effectively unchanged. The footprint of Office Building 4 and the west garage (both of which are largely internal) are modified slightly to accommodate the re-aligned entrance road. The east garage along Beulah has been reduced. Further, Office Buildings 2 and 3 will be shifted slightly to the east to maintain the proffered internal relationships.

December 13, 2011

Page 2

Given that this is largely an internal change to address an issue of access and for the above discussed reasons, we respectfully request confirmation that the enclosed plans are in substantial conformance with the approved Rezoning and CDP/FDP.

Kindest Regards,



David Gill

Enclosures

CC: Marcus Wadsworth, Lee District
F. Russell Hines and Amy Phillips, Monument Realty

\\35707865.1

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RECEIVED
Department of Planning & Zoning
DEC 20 2011
Zoning Evaluation Division

dgill@mcguirewoods.com
Direct Fax: 703.712.5297

December 19, 2011

VIA Fed Ex

Mary Anne Godfrey
Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia, 22030

RE: Supplemental Information - Substantial Conformance Request for Liberty View (RZ 2010-LE-009) (the "Rezoning")

Dear Mary Anne:

Last week you received additional information regarding the substantial conformance request for Liberty View. While the drawings are absolutely correct, I wanted to clarify a few statements from that letter to eliminate any confusion moving forward. First, not only has the footprint of the east garage along Beulah been reduced from both the approved CDP/FDP and the initial substantial conformance request, the footprint was also reduced to create additional open space and supplemental landscaping between the garage and Beulah. This additional buffer will enhance the façade and create a better relationship with the public street.

Second, I stated that Office Buildings 2 and 3 will be shifted slightly to the east to maintain the proffered internal relationships. However, as you can see from the interpretation plan – these two buildings will not be shifted. Rather it is just the garages, internal streets and sidewalks that will be changed. I hope this letter clarifies your understanding of the plans and we reiterate our requested confirmation that the interpretation plan is in substantial conformance with the approved Rezoning and CDP/FDP.

Kindest Regards,


David Gill

Enclosures

cc: Marcus Wadsworth, Lee District
F. Russell Hines and Amy Phillips, Monument Realty
135707865.2

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January 27, 2012

VIA Hand Delivery

Mary Anne Godfrey
Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia, 22030

RE: Revised Substantial Conformance Request for Liberty View (RZ 2010-LE-009) (the "Rezoning")

Dear Mary Anne:

Building on our call from today, enclosed please find the revised interpretation plan for the project known as Liberty View. The two (2) copies enclosed include a clean sheet of the interpretation plan, a redline showing the changes, and the applicable sheet from the approved CDP/FDP.

Given that this is largely an internal change to address an issue of access and for the above discussed reasons, we respectfully request confirmation that the enclosed plans are in substantial conformance with the approved Rezoning and CDP/FDP as soon as possible.

Kindest Regards,



David Gill

Enclosures

136714762.1

RECEIVED
Department of Planning & Zoning
JAN 27 2012
Zoning Evaluation Division

Godfrey, Mary A.

From: Gill, David Robert-Jan <dgill@mcguirewoods.com>
Sent: Friday, November 18, 2011 11:24 AM
To: Rodeheaver, Angela K.
Cc: Godfrey, Mary A.
Subject: Lewin Park/MetroPark - Jasper Lane - Temporary Turnaround Easement
Attachments: DB 12964 PG 0694.pdf; Active_35126599_1_Relevant portion of temporary turnaround.PDF

Angela,

Following up on our meeting from yesterday, attached please find the temporary turnaround easement for the cul-de-sac on Jasper Lane. Attached is the full deed as well as a shorter excerpt just dealing with the turnaround easement. As you can see, the easement only terminates when Jasper Lane is extended south and such extension is accepted for maintenance by a responsible governmental entity. Otherwise it stays in place, which means the proposed interpretation plan could keep the cul-de-sac as shown since Jasper Lane is not being extended south.

Please let me know if your shop see it differently.

Thanks

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This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

4. The Owner reserves the right to construct and maintain roadways over the easement and to make any use of the easement which may not be inconsistent with the rights herein conveyed, or interfere with the use of the easement by the County for the purposes named; provided, however, that the Owner shall not erect any building or structure, except a fence, on the easement without the prior written approval of the County.

TEMPORARY TURNAROUND EASEMENT

That for and in consideration of the premises and the sum of Ten Dollars (\$10.00), cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, the Owner does hereby grant and convey unto the County, its successors and assigns, a Temporary Turnaround Easement for ingress and egress during the period of construction of Jasper Lane and during any subsequent period in which maintenance, repairs, or reconstruction thereof may be necessary. The temporary turnaround easement shall automatically become null and void at such time as Jasper Lane is extended to the south and accepted for maintenance by the responsible governmental entity.

The temporary turnaround easement is subject to the following conditions:

1. All sewers, manholes, inlet structures, and appurtenant facilities which are installed in the easement and right-of-way shall be and remain the property of the County, its successors and assigns.

2. The County and its agents shall have full and free use of the easement and right-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the easement and right-of-way, including the right of access to and from the right-of-way and right to use adjoining land of the Owner where reasonably necessary, provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and further, this right shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land.

3. The County shall have the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or reasonably near the easement being conveyed, deemed by it to interfere with the proper construction, operation, and maintenance of the easement; provided, however, that the County, at its own expense, shall restore, as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of fences and shrubbery, and the reseeded or resodding of lawns or pasture areas, but not the replacement of structures, trees, or other obstructions.

4. The Owner reserves the right to construct and maintain roadways over the easement and to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of the easement by the County for the purposes named; provided, however, that the Owner shall not erect any building or other structure, excepting a fence, on the easement without obtaining the prior written approval of the County.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1759.18'	162.11'	162.06'	S 16°06'18" W	05°16'48"
C2	726.53'	171.10'	170.94'	S 78°24'10" E	13°02'08"
C3	726.53'	328.16'	317.68'	N 74°58'23" E	40°12'48"
C4	500.00'	377.99'	369.06'	S 16°34'40" E	43°18'54"
C5	350.00'	205.35'	202.41'	S 39°07'11" V	33°36'57"
C6	350.00'	138.41'	137.51'	S 44°35'56" V	22°39'27"
C7	350.00'	66.94'	66.84'	S 27°47'27" V	10°57'30"
C8	18.00'	13.94'	13.60'	N 20°03'09" V	44°23'01"
C9	62.00'	173.72'	162.28'	N 38°10'31" E	16°32'20"
C10	25.00'	24.79'	23.79'	N 89°53'05" E	56°49'12"
C11	302.00'	177.26'	175.03'	N 40°09'06" E	31°32'28"
C12	50.00'	74.91'	68.10'	S 16°29'21" V	85°50'13"
C13	377.00'	68.83'	63.52'	S 50°49'27" V	78°58'23"
C14	530.00'	67.16'	67.07'	S 08°56'05" E	10°12'23"
C15	470.00'	353.31'	346.91'	N 16°34'40" V	28°10'43"
C16	378.00'	164.95'	164.02'	S 33°09'40" W	23°09'12"

CURVE TABLE

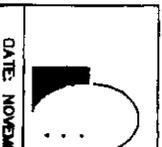
* DENOTES EASMENTS RECORDED AT DE: 11828 PG: 1861
 ** DENOTES EASMENTS HEREBY GRANTED
 *** DENOTES HEREBY DEDICATED FOR PUBLIC STREET PURPOSES 45,500 SQ. FT.



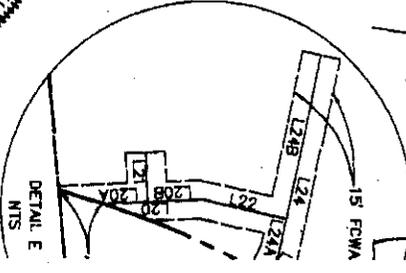
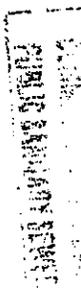
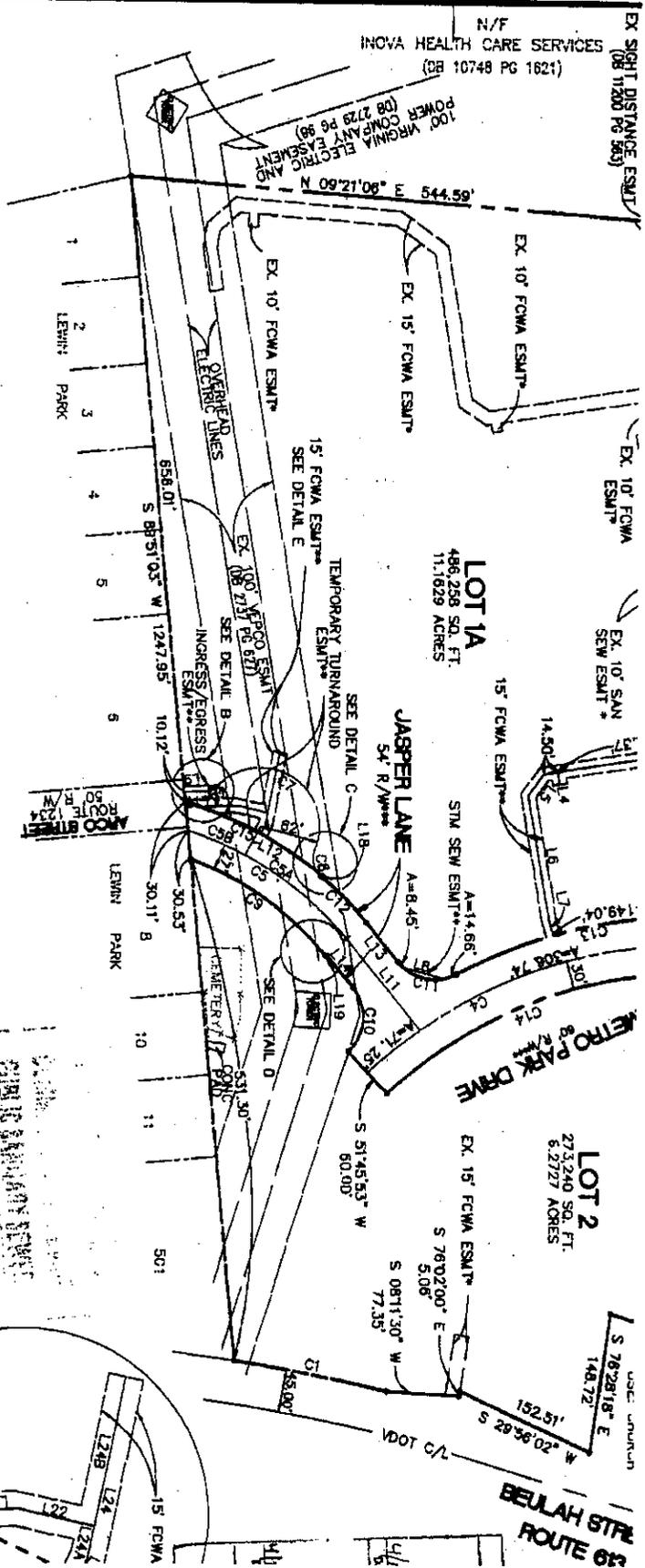
GRAPHIC SCALE IN FEET

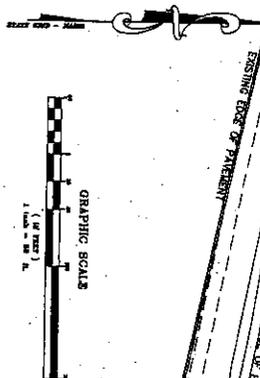
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DATE NOV 2021



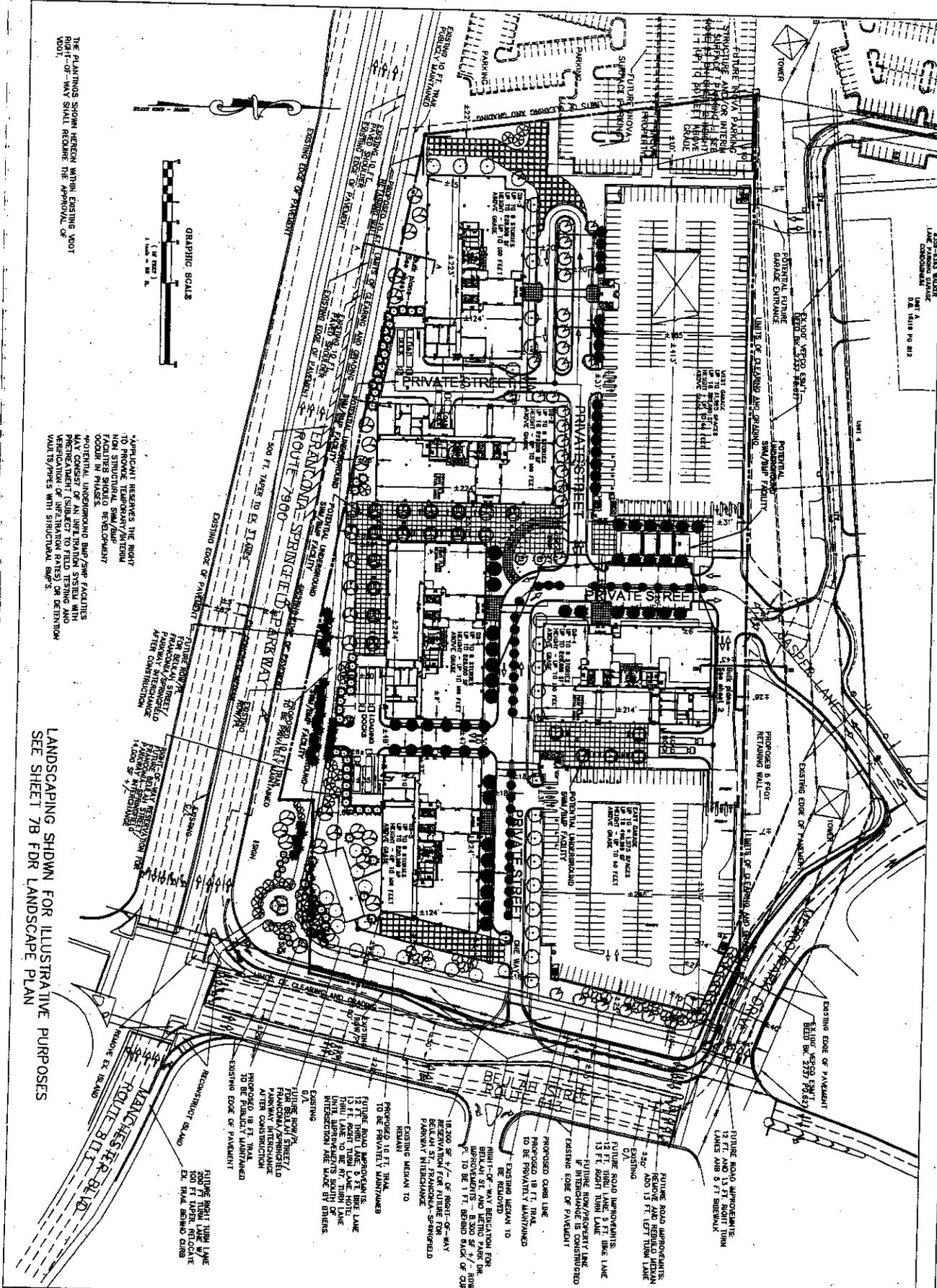


GRAPHIC SCALES
 1" = 20' (1" = 20')

THE PLANNING SHOWN HEREON WITHIN EXISTING VDOT RIGHT-OF-WAY SHALL REQUIRE THE APPROVAL OF VDOT.

*APPLICANT RESERVES THE RIGHT TO PROVIDE TEMPORARY/INTERIM FACILITIES SHOULD SCHEDULE CHANGES OCCUR IN PHASES.
 *POTENTIAL UNDERGROUND BMP/SWP FACILITIES MAY CONSIST OF AN INFILTRATION SYSTEM WITH PERMEABLE PAVEMENT, A STORAGE TANK, OR DETENTION VALTS/PITS, WITH STRUCTURAL BMP'S.

LANDSCAPING SHOWN FOR ILLUSTRATIVE PURPOSES
 SEE SHEET 7B FOR LANDSCAPE PLAN

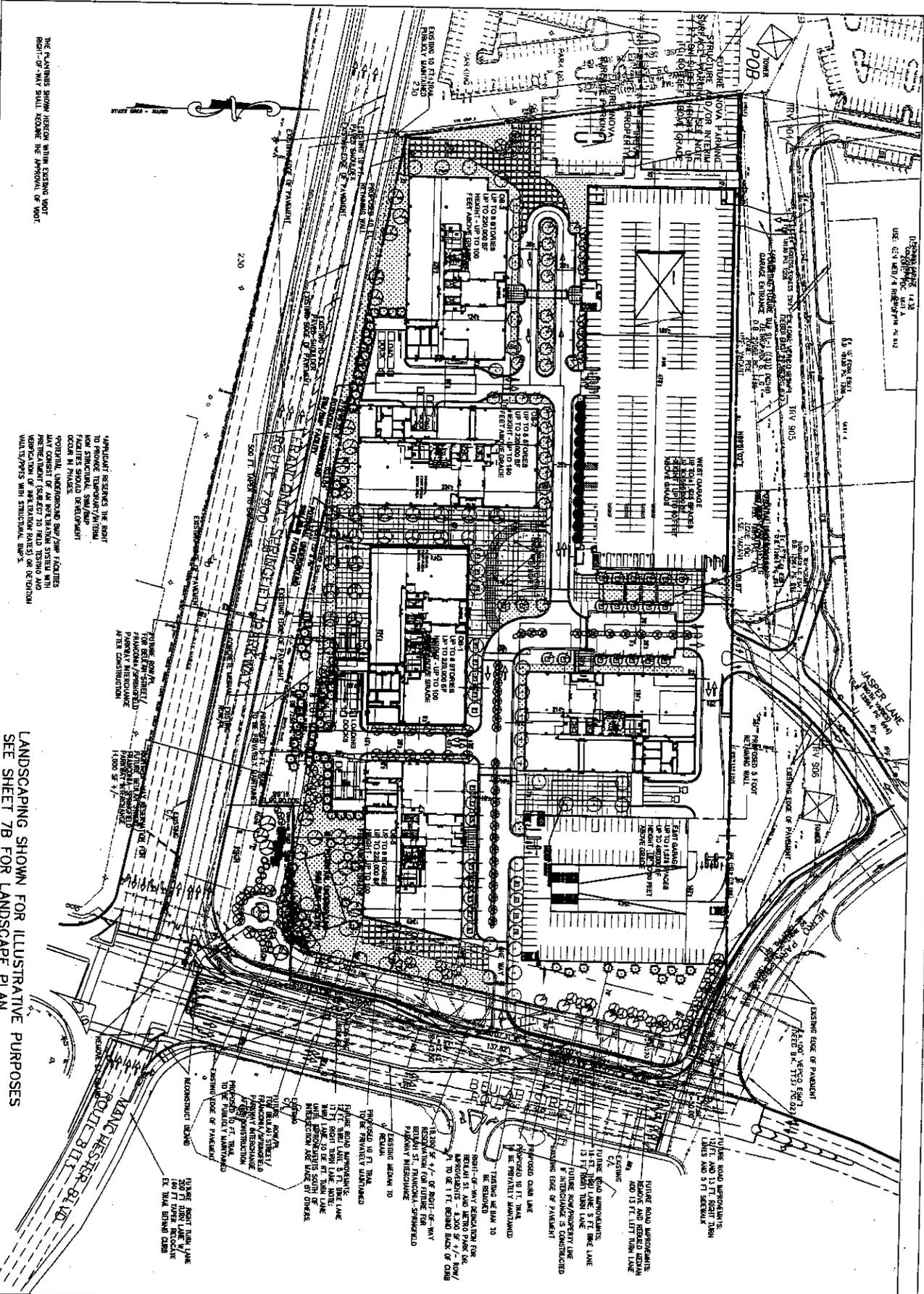


VIA REVISIONS	
NO. 1	12/20/2010
NO. 2	12/22/2010
NO. 3	01/28/2011
NO. 4	02/02/2011
NO. 5	02/02/2011
NO. 6	02/02/2011
NO. 7	02/02/2011
NO. 8	02/02/2011
NO. 9	02/02/2011
NO. 10	02/02/2011
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NO. 27	02/02/2011
NO. 28	02/02/2011
NO. 29	02/02/2011
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NO. 31	02/02/2011
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NO. 46	02/02/2011
NO. 47	02/02/2011
NO. 48	02/02/2011
NO. 49	02/02/2011
NO. 50	02/02/2011

CONCEPT DEVELOPMENT
 PLAN/FINAL
 DEVELOPMENT PLAN
 OFFICE OPTION

LIBERTY VIEW
 COUNTY OF FAIRFAX, VIRGINIA
 LEE DISTRICT

VIA
 VIRTUAL INTELLIGENCE ARCHITECTURE
 1100 COMMONWEALTH BLVD, SUITE 200, FALLS CHURCH, VA 22046
 TEL: 703.441.1100 FAX: 703.441.1101
 WWW.VIAARCHITECTURE.COM



THE PLANNING SHOWN HEREON WITH EXISTING FOOTPRINTS IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS AND THE BOARD OF ZONING AND PLANNING.

APPLICANT REQUESTS THE RIGHT TO PROVIDE TEMPORARY/PERMANENT FACILITIES SHOULD DEVELOPMENT OCCUR IN PHASES. APPLICANT REQUESTS THE RIGHT TO PROVIDE TEMPORARY/PERMANENT FACILITIES SHOULD DEVELOPMENT OCCUR IN PHASES. ANY CONSTRUCTION OF AN RETENTION SYSTEM WITH CAPACITY OF 100,000 GALLONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE VARIOUS REGULATIONS AND STANDARDS OF THE VARIOUS AGENCIES WITH STRUCTURAL, ENVIRONMENTAL, AND OTHER AGENCIES.

LANDSCAPING SHOWN FOR ILLUSTRATIVE PURPOSES
SEE SHEET 7B FOR LANDSCAPE PLAN

DATE	12/18/2011
BY	JANIS M. HARRIS
SCALE	1"=40'
PROJECT/FILE NO.	10234
SHEET NO.	1 OF 1

CONCEPT DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN INTERPRETATION

LIBERTY VIEW
COUNTY OF FAIRFAX, VIRGINIA
11FF DISTRICT

VIFA
VIRGINIA INFRASTRUCTURE ASSOCIATION
1100 COMMONWEALTH BLVD., SUITE 200, ALEXANDRIA, VA 22304
TEL: 703-462-2888 FAX: 703-462-2887