



County of Fairfax, Virginia

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

September 27, 2012

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Blvd., Thirteenth Floor
Arlington, Va 22201-3359

Re: Interpretation for RZ/FDP 2006-PR-027, TCR Mid Atlantic Properties, Inc., Tax Map Parcel 46-4 ((19)) all parcels, 56-2 ((1)) 18A, 56-2 ((27)) all parcels except Parcel C: Courtyard Modifications

Dear Ms. Strobel:

This is in response to your letters dated August 1, 2012, and September 11, 2012, 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 the above-referenced application. As I understand it, your question is whether the proposed modifications to the courtyard adjacent to the multi-family building in Land Bay B, specifically Parcel 56-2 ((1)) 18A, would be in substantial conformance with the proffers and the CDP/FDP. This determination is based on your letter and a revised exhibit submitted with your September letter entitled "Fairfax Ridge Conceptual Courtyard Design," dated July 19, 2012, and prepared by Land Design. Copies of your letter and relevant exhibits are attached.

Rezoning RZ 2006-PR-027 was approved by the Board of Supervisors on November 1, 2011, subject to proffers, to rezone 23.01 acres from the PDH-20 District to the PDH-30 District. The rezoning allows development of a maximum of 676 units of multi-family housing on the property. The Planning Commission approved the Final Development Plan (FDP) on October 20, 2011, subject to the approval of the rezoning.

As I understand it, your question pertains to only Land Bay B, a 3.19 acre parcel located in the northwest quadrant of the intersection of Waples Mill Road and Fairfax Ridge Road. Sheets 2C and 7B of the CDP/FDP show a courtyard centrally located within the residential building to be constructed in that portion of the development. Sheet 2C shows pedestrian access to the courtyard from Fairfax Ridge Road. In addition, access is shown directly from the building to the south. You state that the approved courtyard includes a variety of features that are intended to provide passive and active recreational opportunities for residents. You note that benches, a fountain, pavers, landscaping, tables and chairs, gas grills, a fire pit and an event lane are shown on the development plan. As I understand it, you propose to eliminate the fountain and to replace the lawn event area with a spa terrace consisting of a small pool surrounded by a gathering area with seating and landscaping. You state that the spa terrace will be accessible from the interior of the building developed with a fitness center and clubroom, and be linked to the remainder of the courtyard by

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walkways. The remainder of the courtyard will contain the basic elements that are shown on the CDP/FDP, however, in a series of smaller outdoor "rooms" located along a series of interconnecting walkways. The proposed activity areas, or "rooms", appear to flow together more than on the CDP/FDP with landscaping dispersed throughout. You state that the courtyard is not proposed to decrease in size and the proposal is supported by the Fairfax Ridge condominium Unit Owners' Association.

Proffer 6.A. (2) states in part that *"The facilities on Land Bay B shall include, at a minimum, a landscaped courtyard that is a minimum of 8,000 square feet in size with benches, seating areas, a fire pit, water feature and other amenities that have comparable recreational value as determined by the Director of DPWES, ..."*

The proposed courtyard design provides all of the proffered elements for the area. As such, it is my determination that the proposed modifications to the courtyard discussed above and described in your submission is in substantial conformance with the proffers and the development plan, subject to approval by DPWES.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and addresses only those items contained 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

O:\mgodf2\Proffer Interpretations PI\Fairfax Ridge Condominium Assoc. (RZ 2006-PR-027) Courtyard (final letter).docx.doc

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Diane Johnson-Quinn, Senior Deputy Zoning Administrator, ZAD, DPZ
Kenneth Williams, Plan Control, Office of Land Development Services, DPWES
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: RZ/FDP 2006-PR-027, PI 12 08 051, Imaging, Reading File



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Zoning Evaluation Division

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

August 1, 2012

Via Hand Delivery

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

Re: Request for Approval of a Minor Modification to RZ 2006-PR-027
Fairfax County Tax Map Reference: 46-4 ((19)) all parcels; 56-2 ((1)) 18A; and
56-2 ((27)) all parcels except Parcel C (the "Subject Property")
Applicant: TCR Mid-Atlantic Properties, Inc. and Fairfax Ridge Condominium
Unit Owners Association

Dear Ms. Berlin:

Please accept this letter as a request for an interpretation of the Conceptual Development Plan/Final Development Plan and proffers associated with RZ 2006-PR-027. This request for a minor modification is submitted in accordance with Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The referenced rezoning application and a concurrent special exception amendment were approved by the Board of Supervisors (the "Board") at its hearing held on November 1, 2011. The application was granted subject to proffers dated October 31, 2011, a copy of which is attached. A final development plan associated with the rezoning was previously approved by the Planning Commission at its hearing held on October 20, 2011. Proffer 1.A. requires that development of the Subject Property be in substantial conformance with the Conceptual Development Plan/Final Development Plan prepared by Land Design, Inc., consisting of twenty-nine (29) sheets dated April 4, 2005, as revised through September 6, 2011 (the "CDP/FDP"). The CDP elements are limited to the points of access, the number and type of dwelling units, the amount and location of open space, the limits of clearing and grading, and the arrangement of buildings and parking garages. None of these elements are proposed to be modified. Proffer 1.C. permits minor modifications to the FDP as long as those modifications do not increase the total number of dwelling units, increase building height, increase surface parking, decrease open space, decrease peripheral setbacks or reduce landscaping. In accordance with the approved proffers, the Applicant's proposal may be determined to be a minor modification that is permitted pursuant to Section 16-403 of the Zoning Ordinance.

As shown on sheets 2C and 7B of the CDP/FDP, a courtyard is centrally located within the residential building proposed to be constructed on that portion of the Subject Property

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identified among the tax assessment records as 56-2 ((1)) 18A. The courtyard includes a variety of features that are intended to provide passive and active recreational opportunities for the building's residents. In addition to benches, a fountain, pavers and a variety of landscaping, the courtyard was shown on the CDP/FDP as including tables and chairs, gas grills, a fire pit and an event lawn. The courtyard was also designed to be integrated by a pedestrian connection to the indoor recreation facilities that include a fitness room and a clubroom. As a result of final design of the residential building, the Applicant proposes a minor modification to the courtyard that maintains its active and passive characteristics, but will enhance its use. The details of the Applicant's proposal are illustrated in an exhibit entitled "Conceptual Courtyard Design" prepared by Land Design, Inc. (the "Exhibit") that is attached hereto.

As shown in the Exhibit, the Applicant proposed to replace the event lawn with a spa terrace area. The event lawn was envisioned as open space, and not programed for specific activities. The courtyard is now arranged in a series of smaller outdoor "rooms" that are located along a series of interconnecting walkways. This new design creates private spaces for residents and their guests, and results on a more useable environment offering a greater variety of outdoor amenity options. The spa terrace area will include a shallow pool of water that will create a gathering space and activate this portion of the courtyard. The spa terrace will have a direct relationship/connection with the interior of the building and be linked to the remainder of the courtyard by walkways. The terrace will become both a focal area of the courtyard and a transition between indoor and outdoor activities. The remaining outdoor "rooms" will contain features as shown on the CDP/FDP, including outdoor gathering areas with tables and chairs, a fire pit and a gas grill, as well as benches and small lawn areas. The size of the courtyard has not changed and therefore the amount and location of open space as depicted on the CDP/FDP remains unchanged. The remaining elements of the CDP have not been modified. The Applicant's proposal continues to integrate fire and water features in a manner that will promote recreational use of the courtyard by the building's residents. The replacement of the event lawn with a spa terrace is a minor modification that is in substantial conformance with the proffers and the CDP/FDP.

In addition, the proposal meets the standards of Paragraph 4 of Section 16-403 of the Zoning Ordinance as follows:

- The Applicant is not changing the amount of land area or permitting a more intensive use on the Subject Property. The land area and the number of proposed dwelling units is unchanged.
- There is no increase in the parking requirement. As the number of dwelling units has remained the same, no additional parking is required or provided.
- A use other than that approved pursuant to the CDP/FDP and proffers is not contemplated. The permitted uses shown on the CDP/FDP have not changed. The proposed modification does not alter the purpose of the courtyard, which is to provide a passive and active recreational area for the residents of the building that surrounds it.
- There is no reduction in the effectiveness of approved transitional screening, buffering, landscaping or open space. The courtyard is located interior to a

proposed residential building and does not generate the need for transitional screening. The amount of open space shown on the CDP/FDP will not be reduced, as the courtyard area remains the same. The modified design results in additional landscaping as shown on the Exhibit.

- The bulk, mass, orientation or locations of buildings will not be modified and consequently there is no adverse impacts on the relationship of the development to adjacent properties.
- There are no modifications proposed to the limits of clearing and/or grading and, therefore, no impacts on stormwater management.
- No additional buildings or additions to buildings are proposed.

As shown on the attached Exhibit, the Applicant has revised the courtyard features in a creative way to promote its use by building residents. A spa terrace will create a gathering area for residents in a private setting. Other features have been retained but enhanced with more landscaping and a better design. This proposal is a result of final design of a residential amenity feature that may be determined to be in substantial conformance with proffers and the CDP/FDP.

I would appreciate your evaluation of the courtyard design as illustrated on the Exhibit in accordance with Zoning Ordinance requirements. I have enclosed a check payable to Fairfax County in the amount of \$520.00 that represents the filing fee for interpretations of approved rezoning applications. I have also enclosed two (2) copies of this request with the enclosures, including an 8 ½ x 11 inch reduction of the Exhibit, pursuant to your policy. Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me.

As always, I appreciate your cooperation and assistance.

Very truly yours,

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


Lynne J. Strobel

Enclosures

cc: Sean Caldwell
Matt Clark



Lynne J. Strobel
(703) 528-4700 Ext. 5418
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WALSH COLUCCI
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& WALSH PC

September 11, 2012

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Department of Planning & Zoning

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Zoning Evaluation Division

Via Hand Delivery

Mary Ann Godfrey
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Request for Approval of a Minor Modification to RZ 2006-PR-027
Fairfax County Tax Map Reference: 46-4 ((19)) all parcels; 56-2 ((1)) 18A; and 56-2
((27)) all parcels except Parcel C (the "Subject Property")
Applicant: TCR Mid-Atlantic Properties, Inc. and Fairfax Ridge Condominium Unit
Owners Association

Dear Ms. Godfrey:

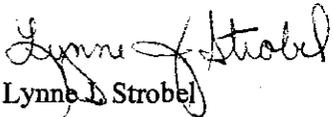
On August 1, 2012, I submitted a request for an interpretation of the Conceptual Development Plan/Final Development Plan and proffers associated with RZ 2006-PR-027. My letter describes the replacement of an event lawn with a spa terrace area located within a courtyard approved in conjunction with the referenced rezoning. The details of the Applicant's proposal were illustrated in an exhibit entitled "Conceptual Courtyard Design" prepared by Land Design, Inc. (the "Exhibit") that was attached to my letter.

Pursuant to your request, Land Design, Inc. has modified the Exhibit to identify the types of trees and landscaping that will be installed in conjunction with development of the courtyard. Please accept the enclosed to replace the Exhibit that was submitted with the original request. As shown on the enclosed, the plantings will be a mix of shade trees, ornamental trees and evergreen trees. In addition, there will be a complement of shrubs and grasses, with the majority of the shrubs being evergreen to ensure that the courtyard is attractive throughout the year. All of the descriptive information in my letter of August 1, 2012 remains unchanged.

Should you have any questions regarding the enclosed, or require additional information, please do not hesitate to contact me. I have enclosed three (3) copies of the revised Exhibit as well as an 8 1/2" x 11" reduction. As always, I appreciate your cooperation and assistance.

Very truly yours,

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


Lynne J. Strobel

Enclosures

cc: Sean Caldwell
Matt Clark

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