



County of Fairfax, Virginia

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

December 28, 2007

Francis A. McDermott
Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

RE: Rezoning Application RZ 2005-PR-041
(Concurrent with Special Exception Amendment Application SEA 99-P-008)
(Revised Motions)

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 15, 2007, granting Rezoning Application RZ 2005-PR-041 in the name of Merrifield Mixed Use LLC. The Board's action rezones certain property in the Providence District from the I-4, I-5, and HC Districts to the PRM, PDC, and HC Districts and permits the mixed use development with an overall Floor Area Ratio (FAR) of 1.39 (including ADU Bonus). The subject property, [Tax Map 49-3 ((1)) 80A, 80B, 80C, 81A, and 82A and portions of public rights-of-way for Hilltop Road and Eskridge Road to be vacated and/or abandoned], is located on the south side of Lee Highway approximately 500 feet west of its intersection with Gallows Road on approximately 31.37 acres of land, and is subject to the proffers dated October 15, 2007. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Hilltop Road and Eskridge Road to proceed under Section 15.2-2272 (2) and 33.1-151 of the Code of Virginia).

The Board also:

- Modified the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modified the loading space requirements for multi-family dwelling units and office space in favor of that depicted on the CDP/FDP.
- Modified the transitional screening and waived the barrier requirements to the south, east, and internal to the site, in favor of the treatments depicted on the CDP/FDP.
- Waived the four-foot peripheral parking lot landscaping requirement north of parcel G, west of parcels C and E, and along the southern and eastern property lines.

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- Approved the Waiver # 0561-WPFM-002-1 to locate underground facilities for all residential development, subject to the conditions dated November 30, 2006.
- Waived the service drive requirement along the Lee Highway frontage of the site.
- Directed the Director of DPWES to approve modification of the parking geometric standards to allow for 75-degree angled parking spaces within parking structures.
- Modified to allow residential use as a secondary use consisting of up to 76 percent of the principal uses in the PDC District, pursuant to Section 6-206 of the Zoning Ordinance.
- Modified Paragraph 3 of Section 18-201 of the Zoning Ordinance which would require the provision of further interparcel access in addition to that indicated on the CDP/FDP.
- Modified Paragraph 4 of Section 17-201 of the Zoning Ordinance for dedication and construction of widening existing road, existing roads on new alignments, and proposed roads along Lee Highway, as indicated in the Comprehensive Plan or as required by the Director of DPWES to that shown on the CDP/FDP and as proffered.
- Modified the materials for the proposed trail along Lee Highway shown on the Comprehensive Plan Trails Map to that shown on the CDP/FDP.
- Directed the Director of DPWES to approve modification of the Public Facilities Manual and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than 4 percent of the stall area, of structural columns into parking stalls in the parking structures.
- Approved the Conceptual Development Plan CDP 2005-PR-041, subject to the development condition dated October 15, 2007.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms
Enclosure