



County of Fairfax, Virginia

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

July 8, 2008

Brian J. Winterhalter
Cooley Godward LLP
One Freedom Square
11951 Freedom Drive, Suite 1500
Reston, Virginia 20190-5601

RE: Proffered Condition Amendment Application PCA 2005-PR-039
(Concurrent with Proffered Condition Amendment Application PCA 88-P-030-02)

Dear Mr. Winterhalter:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on June 30, 2008, approving Proffered Condition Amendment Application PCA 2005-PR-039 in the name of Dunn Loring Metro, LLC. The Board's action amends the proffers for Rezoning Application RZ 2005-PR-039, previously approved for mixed use development to permit site modifications and associated modifications to site design with an overall Floor Area Ratio (FAR) of 1.37 including bonus density for Affordable Dwelling Units (ADUs) and an overall FAR of 2.25 for area south of the proposed Main Street. The subject property is located in the northwest quadrant of the intersection of Prosperity Avenue and Gallows Road on approximately 14.06 acres of land zoned PRM [Tax Map 49-1 ((1)) 27A; 49-2 ((1)) 13A and 15A], in the Providence District and is subject to the proffers dated May 5, 2008.

On May 21, 2008, the Planning Commission approved Final Development Plan Amendment Application FDPA 2005-PR-039 subject to the Board's approval of PCA 2005-PR-039.

The Board also:

- Approved a waiver to allow underground stormwater management facilities in the residential area for Land Unit A of the Dunn Loring/Merrifield Metro Station Development Plan, subject to the Waiver Conditions of Waiver #0378-WPFM-001-2, dated August 24, 2006.
- Modified the private street limitations of Sect. 11-302 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
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Fairfax, Virginia 22035
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- Modified the transitional screening requirements and waiver of the barrier requirements to the north, northeast, and internal to the site, in favor of the treatments depicted on the CDPA/FDPA.
- Waived the 75-foot yard regulation for lots abutting principal arterial highways as required by Sect. 2-414.1.B of the Zoning Ordinance.
- Modified the interior parking lot landscaping on the top of the parking deck.
- Modified the loading space requirement in favor of the loading spaces reflected on the CDPA/FDPA.

Sincerely,



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

Cc: Chairman Gerald E. Connolly
Supervisor Linda Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES

Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
José Comayagua, Director, Facilities Management
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 30th day of June, 2008, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 2005-PR-039
(CONCURRENT PCA 88-P-030-02)**

WHEREAS, Dunn Loring Metro, LLC, filed in the proper form an application to amend the proffers for RZ 2005-PR-039 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

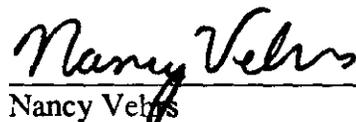
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional ~~conditions governing said parcels.~~

GIVEN under my hand this 30th day of June, 2008.



Nancy Velts
Clerk to the Board of Supervisors