



County of Fairfax, Virginia

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

December 17, 2009

Elizabeth D. Baker
Walsh, Colucci, Lubeley, Emrich, and Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

RE: Proffered Condition Amendment Application PCA 2007-PR-001

Dear Ms. Baker:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on December 7, 2009, approving Proffered Condition Amendment Application PCA 2007-PR-001 in the name of DSF/Long Metro II, and DSF/Long Metro III LLC. The Board's action amends the proffers for Rezoning Application RZ 2007-PR-001, previously approved for mixed use development with an overall Floor Area Ratio (FAR) of 2.41 (on the original application property). The subject property is located on the west side of Gallows Road approximately 350 feet south of its intersection with Prosperity Avenue on approximately 8.49 acres of land zoned PRM [Tax Map 49-1 ((16)) 14, 15 and 16; 49-2 ((1)) 18 and 19], in the Providence District and is subject to the proffers dated December 3, 2009.

The Board also:

Reaffirmed the following, previously approved, waivers and modifications:

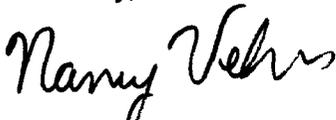
- Modification to allow the use of underground stormwater management in a residential development subject to Waiver Number 24817-SPFM-001-3, with conditions dated October 2, 2007.
- Modification of private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

- Modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP.
- Modification of the loading requirements to allow eight loading spaces in Phase B, rather than ten loading spaces.
- Modification of Public Facilities Manual (PFM) Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet as shown on the CDP/FDP and as described in the proffers.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
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
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
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
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 7th day of December, 2009, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 2007-PR-001**

WHEREAS, DSF/Long Metro II, LLC and DSF/Long Metro III LLC, filed in the proper form an application to amend the proffers for RZ 2007-PR-001 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

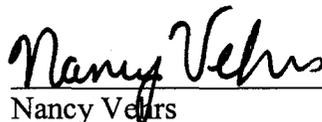
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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 7th day of December, 2009.



Nancy Velts
Clerk to the Board of Supervisors

**ZAPS USER GENERATED REPORTS
ZONING APPLICATION SUMMARY REPORT
APPLICATION NUMBER: PCA 2007-PR-001**

DECISION DATE: 12-7-2009

HEARING BODY: BOS

CRD: NO

MAGISTERIAL DISTRICT: PROVIDENCE

APPLICANT NAME DSF/LONG METRO II, LLC AND DSF/LONG METRO III LLC

STAFF COORDINATOR: TSWAGL

ACTION: APPROVE

DECISION SUMMARY:

ON DECEMBER 7, 2009, THE BOARD UNANIMOUSLY APPROVED PCA 2007-PR-001, SUBJECT TO PROFFERS DATED DECEMBER 3, 2009, ON A MOTION BY SUPERVISOR SMYTH TO PERMIT THE MODIFICATION OF THE PROFFERS ACCEPTED WITH RZ 2007-PR-001 (PR OFFER B-44, RELATING TO THE PROVISION OF WATER SERVICE) ; NO CHANGES WERE MADE TO ANY OTHER ASPECTS OF THE PREVIOUS APPROVAL.

ZONING INFORMATION

EXISTING ZONING

<u>DISTRICT</u>	<u>AREA</u>
PRM	8.49 ACRES
TOTAL	8.49 ACRES

APPROVED AREA

<u>DISTRICT</u>	<u>AREA</u>
PRM	8.49 ACRES
TOTAL	8.49 ACRES

TAX MAP NUMBERS

049-1- /16/ /0014- 049-1- /16/ /0015- 049-1- /16/ /0016- 049-2- /01/ /0018-
049-2- /01/ /0019-

APPROVED ZONING DISTRICT DATA

ZONING DISTRICT: PRM

APPROVED RESIDENTIAL DEVELOPMENT

APPROVED NON-RESIDENTIAL DEVELOPMENT

<u>LAND USE</u>	<u>DWELLING</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>NO.</u>	<u>FLOOR AREA</u>	<u>UNIT OF</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>FAR</u>
	<u>UNITS</u>	<u>AREA</u>	<u>MEASURE</u>	<u>OF</u>		<u>MEASURE</u>	<u>AREA</u>	<u>MEASURE</u>	
HOTEL/MOTL									
MFD									
RETAIL/EST									
TOTAL									

PROFFER INFORMATION

PROFFER STATEMENT DATE: 12-03-2009

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
	01-01-0001	0	N/A	\$	01-01-0001
WATER	01-01-0001	0	N/A	\$	01-01-0001

WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS

SEE FILE FOR ALL WAIVERS AND MODIFICATIONS

SUPPLEMENTAL MOTIONS

SUPPLEMENTAL MOTIONS APPROVED



PLEASE TYPE OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR ~~ZONING MAP AMENDMENT~~
PROFFERED CONDITION AMENDMENT

RECEIVED
Department of Planning & Zoning
JUN 01 2009
Zoning Evaluation Division

APPLICATION NO. PCA 2007-PR-001
(Assigned by Staff)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), DSF/Long Metro II, LLC and DSF/Long Metro III, LLC, the applicant(s), petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying from the n/a District to the n/a District the property described below and outlined in red on the Zoning Section Sheet(s) accompanying and made a part of this application.

PROPERTY DESCRIPTION

1. LEGAL DESCRIPTION:

See attached

2. TAX MAP DESCRIPTION:

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.
49-1	((16))		14, 15, 16	
49-2	((1))		18, 19	
				8.49 ac.
Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Area(Ac. or Sq. Ft.)

3. POSTAL ADDRESS OF PROPERTY: (If any)

2127, 2129 Merrilee Drive
2734, 2750A-2738 Gallows Road

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)
West side of Gallows Road (Rte. 650) approximately 350 feet south of Prosperity Avenue (Rte. 6066).

5. PRESENT USE: Vacant

6. PROPOSED USE: Mixed-use-multi-family residential and retail/service

7. SUPERVISOR DISTRICT: Providence

The name(s) and address(s) of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Martin D. Walsh, attorney/agent, Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

Type or Print Name of Applicant or Agent

MD Walsh
Signature of Applicant or Agent

2200 Clarendon Boulevard, 13th Floor, Arlington, VA 22201

Address

(703) 528-4700

Telephone No.

Home

Work

Please provide name and telephone number of contact person if different from above.

Elizabeth Baker, (703) 528-4700

PCA 2009-0135

DO NOT WRITE IN THIS SPACE

Date application received: _____ Application Fee Paid: \$ _____

Date application accepted: 6/22/09 Virginia Truffner Form RZ (10/89)

PROFFERS
DSF/Long Metro II, LLC and DSF/Long Metro III, LLC

PCA 2007-PR-001

December 3, 2009

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and applicants, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicants"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County tax maps as Tax Map 49-1 ((16)) 14, 15, 16 and 49-2 ((1)) 18 and 19 (hereinafter referred to as the "Phase B Property") shall be in accordance with the existing proffers accepted pursuant to RZ 2007-PR-001 dated October 12, 2007 except as amended below.

Previous Proffer B-44 is replaced as follows:

B-44. Public Water. Water service to the Phase B Property may be provided by the Fairfax County Water Authority (FCWA) or the City of Falls Church, as determined in the sole discretion of the Applicant at the time of final engineering.

[SIGNATURES BEGIN ON THE NEXT PAGE]

CO-APPLICANT/GROUND LESSEE OF TAX MAP
49-1 ((16)) 14, 15, 16

DSF/LONG METRO II, LLC

By: DSF/Dunn Loring II, LLC, its Managing Member



By: Thomas W. Mazza
Its: Authorized Officer

[SIGNATURES CONTINUE ON NEXT PAGE]

CO-APPLICANT/TITLE OWNER OF TAX MAP
49-2 ((1)) 18 AND 19

DSF/LONG METRO III LLC

By: DSF/DUNN LORING III LLC, its Managing Member

By: DSF Capital Partners III, L.P., its Managing Member

By: DSF Capital Partners III, GP LLC, its General Partner



By: Thomas W. Mazza
Its: Authorized Officer

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER/GROUND LESSOR OF TAX MAP
49-1 ((16)) 14, 15, 16

MERRILEE BUSINESS CENTER I, L.P.

A handwritten signature in cursive script, reading "Martha E. McCue Sherlin". The signature is written in black ink and is positioned above a horizontal line.

By: Martha E. McCue Sherlin
Its: General Partner

[SIGNATURES END]