



# FAIRFAX COUNTY

**OFFICE OF THE CLERK  
BOARD OF SUPERVISORS**  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

October 22, 2003

Carson Lee Fifer, Jr., Esquire  
McGuire, Woods, L.L.P.  
1750 Tysons Boulevard, Suite 1800  
McLean, Virginia 22102-4215

RE: Proffered Condition Amendment  
Number PCA 1998-LE-048-2

Dear Mr. Fifer:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 15, 2003, approving Proffered Condition Amendment PCA 1998-LE-048-2 in the name of MPW, LLC, to amend proffers for RZ 1998-LE-048 previously approved for mixed use development to permit office use and a child care center in lieu of the previously approved hotel and child care center on a portion of the site with an overall Floor Area Ratio (FAR) of 0.85, located on the west side of Beulah Street, north of the Franconia Springfield Parkway, Tax Map 91-1 ((1)) 11B2 and 23C; 91-1 ((18)) 1 and 2, subject to the proffers dated September 5, 2003, consisting of approximately 29.23 acres located in Lee District.

The Conceptual Development Plan Amendment was approved; the Planning Commission having previously approved Final Development Plan FDPA 98-LE-048-1-2 on July 24, 2003, subject to the Board's approval of PCA 1998-LE-048-2.

**The Board also:**

- **Modified the transitional screening yard requirement and barrier requirement along the southern and eastern boundaries and within Metro Park in favor of that shown on the Conceptual/Final Development Plan Amendment and referenced in the proffers.**

October 22, 2003

- 2 -

- **Granted a variance pursuant to Section 164-01 of the Zoning Ordinance to allow a seven foot tall wall in a front yard with regard to the proffered fence along the southern boundary.**

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor Kauffman, Lee District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Enforcement Branch  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.  
Charles Strunk, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPWES  
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES  
Department of Highways - VDOT  
Land Acq. & Planning Div., Park Authority  
District Planning Commissioner  
James Patteson, Director, Facilities Mgmt. Div., DPWES  
Barbara J. Lippa, Director Planning Commission  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

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 15th day of September, 2003, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 1998-LE-048-2**

WHEREAS, MPW, LLC filed in the proper form an application to amend the proffers for RZ 1998-LE-048 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

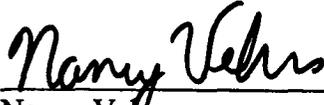
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

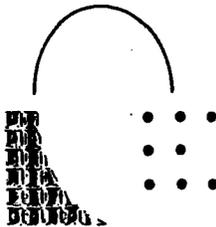
NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows (see attached legal description):

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 15th day of September, 2003.

  
\_\_\_\_\_  
Nancy Velts  
Clerk to the Board of Supervisors



**THE  
ENGINEERING  
GROUPE, INC.**

**METES AND BOUNDS DESCRIPTION  
METRO PARK, PHASE II  
UNIT 2  
MPE LLC  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
(91-1 ((28)) 2)**

BEGINNING AT A VDOT IRON PIPE FOUND IN THE RIGHT-OF-WAY OF FRANCONIA -  
SPRINGFIELD PARKWAY, STATE ROUTE 7900, VARIABLE WIDTH, SAID POINT BEING A COMMON  
CORNER TO NOW OR FORMERLY RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD; THENCE,  
RUNNING WITH NOW OR FORMERLY RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD,  
ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1343.341m (4,407.28'),  
AN ARC DISTANCE OF 144.210m (473.13'), AND A CHORD BEARING AND DISTANCE OF  
N 54°15'53" E 144.141m(472.90') TO AN IRON PIPE SET; A COMMON CORNER TO UNIT 1;  
THENCE, CONTINUING WITH UNIT 1, S 44°19'48" E 70.306m (230.66') TO A PK NAIL  
SET; THENCE S 45°40'12" W 35.950m (117.95') TO A PK NAIL SET; THENCE,  
S 44°19'48" E 51.803m (169.96') TO AN IRON PIPE SET IN THE WESTERLY RIGHT-OF-WAY  
OF WALKER LANE (DB 10748 PG 1641) AND IN THE LINE OF NOW OR FORMERLY INOVA HEALTH  
CARE SERVICES; THENCE RUNNING WITH THE RIGHT-OF-WAY OF WALKER LANE AND  
CONTINUING WITH NOW OR FORMERLY INOVA HEALTH CARE SERVICES ALONG THE ARC OF A  
CURVE TO THE LEFT, HAVING A RADIUS OF 256.500m (841.54'), AN ARC DISTANCE OF  
44.159m (144.88'), AND A CHORD BEARING AND DISTANCE OF S 21°12'28" W 44.104m  
(144.70') TO A VDOT IRON PIPE FOUND IN THE NORTHERLY RIGHT-OF-WAY OF FRANCONIA-  
SPRINGFIELD PARKWAY, STATE ROUTE 7900, VARIABLE WIDTH; THENCE, RUNNING WITH THE  
RIGHT-OF-WAY OF FRANCONIA-SPRINGFIELD PARKWAY, N 89°33'01" W 24.823m (81.45') TO  
A VDOT IRON PIPE FOUND; THENCE, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A  
RADIUS OF 1714.372m (5,624.58'), AN ARC DISTANCE OF 78.694m (258.18'), AND A  
CHORD BEARING AND DISTANCE OF N 72°29'08" W 78.687m (258.16') TO A VDOT IRON  
PIPE FOUND; THENCE, N 18°59'58" E 18.288m(60.00') TO A VDOT IRON PIPE FOUND;  
THENCE, N 67°04'22" W 72.478m(237.79') TO THE POINT OF BEGINNING CONTAINING  
1.4260 HECTARES OR 3.5238 ACRES

GIVEN UNDER MY HAND THIS 28TH DAY OF MARCH 2001

*Ned A. Marshall*

NED A. MARSHALL, L.S.



RECEIVED  
Department of Planning & Zoning

FEB 13 2003

Zoning Evaluation Division

[Loudoun]  
17 Royal Street, SW  
Leesburg, VA 20175

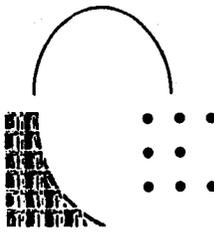
[Headquarters]  
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[Fredericksburg]  
4900 Hood Drive  
Fredericksburg, VA 22408

(phone) 703-737-7904

(phone) 703-670-0985

(phone) 540-710-5987



**THE  
ENGINEERING  
GROUPE, INC.**

**METES AND BOUNDS DESCRIPTION**

**LOT 2**

**THE PROPERTY OF**

**MPW LLC**

**DEED BOOK 12964 PAGE 691**

**DEED BOOK 13821 PAGE 21**

**LEE DISTRICT**

**FAIRFAX COUNTY, VIRGINIA**

**(A PORTION OF 91-1 ((1)) 23C)**

**SOUTHERN PORTION**

BEGINNING AT A POINT, SAID POINT BEING IN THE WESTERLY RIGHT OF WAY METRO PARK DRIVE, (60' R/W), DEED BOOK 13821 PAGE 21 AND A COMMON CORNER TO LOT 501 LEWIN PARK; THENCE DEPARTING THE RIGHT OF WAY OF BEULAH STREET AND RUNNING WITH LEWIN PARK LOTS 501, 11, 10, AND 8, S 89°51'03"W 397.44' TO A POINT IN THE EASTERLY RIGHT OF WAY OF JASPER LANE, (54' R/W), DEED BOOK 11826 PAGE 1861; THENCE DEPARTING THE LINE OF LEWIN PARK AND RUNNING WITH THE EASTERLY RIGHT OF WAY OF JASPER LANE, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00', AN ARC DISTANCE OF 177.26', AND A CHORD BEARING AND DISTANCE OF N 40°09'26" E 175.03' TO A POINT, THENCE N 34°04'21" W 1.00' TO A POINT, THENCE N 55°55'39" E 43.33' TO A POINT, THENCE C TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF METRO PARK DRIVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 530.00', AN ARC DISTANCE OF 236.09', AND A CHORD BEARING AND DISTANCE OF S 50°59'48" E 234.14' TO THE POINT OF BEGINNING AND CONTAINING 0.8371 ACRES

**NORTHERN PORTION**

BEGINNING AT A POINT, SAID POINT BEING WHERE THE WESTERLY RIGHT-OF-WAY OF BEULAH STREET, ROUTE 613, VAIRABLE WIDTH, MEETS THE EASTERLY RIGHT OF WAY OF METRO PARK DRIVE, (60' R/W), DEED BOOK 11826 PAGE 1861; THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY OF BEULAH STREET AND RUNNING WITH THE EASTERLY RIGHT-OF-WAY OF METRO PARK, N 75°10'07" W 1.82' TO A POINT; THENCE S 60°08'45" W 38.39' TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 470.00', AN ARC DISTANCE OF 653.12', AND A CHORD BEARING AND DISTANCE OF N 34°43'48" E 601.82' TO A POINT; THENCE N 05°04'47" E 89.08' TO A POINT, SAID POINT BEING IN THE SOUTHERLY RIGHT OF WAY OF WALKER LANE, (VARIABLE WIDTH), DEED BOOK 10748 PAGE 1641; THENCE DEPARTING THE RIGHT OF WAY OF METRO PARK DRIVE AND RUNNING WITH THE SOUTHERLY RIGHT OF WAY OF WALKER LANE, N 51°27'00" E 57.54' TO A POINT, THENCE S 84°55'13" E 318.05' TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 752.95', AN ARC DISTANCE OF 171.30', AND A CHORD BEARING AND DISTANCE OF S 78°24'10" E 170.94' TO A POINT, THENCE

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4900 Hood Drive  
Fredericksburg, VA 22408

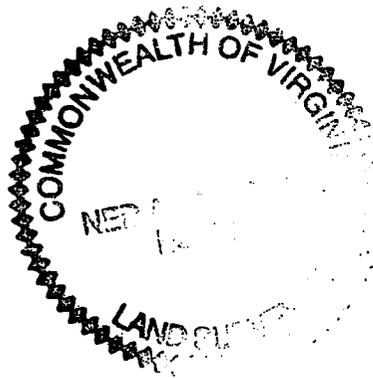
[Phone] 540-710-5987  
[Fax] 540-710-5988

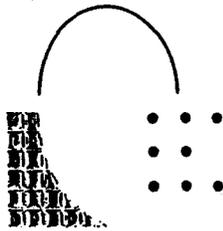
S 20°17'03" E 63.20' TO A POINT, SAID POINT BEING IN THE WESTERLY RIGHT OF WAY OF BEULAH STREET, ROUTE 613, (VARIABLE WIDTH); THENCE DEPARTING THE RIGHT OF WAY OF WALKER LANE AND RUNNING WITH THE WESTERLY RIGHT OF WAY OF BEULAH STREET, S 23°52'05" W 26.06' TO A POINT, SAID POINT BEING A COMMON CORNER TO LAUREL GROVE BAPTIST CHURCH AND THE WESTERLY RIGHT OF WAY OF BEULAH STREET, THENCE DEPARTING THE RIGHT OF WAY OF BEULAH STREET AND RUNNING WITH LAUREL GROVE BAPTIST CHURCH, N 77°07'19" W 146.53' TO A POINT, THENCE S 23°26'31" W 139.31' TO A POINT, THENCE S 76°28'18" E 148.72' TO A POINT, SAID POINT BEING A COMMON CORNER TO LAUREL GROVE BAPTIST CHURCH AND THE WESTERLY RIGHT OF WAY OF BEULAH STREET, ROUTE 613, (VARIABLE WIDTH); THENCE DEPARTING LAUREL GROVE BAPTIST CHURCH AND RUNNING WITH THE WESTERLY RIGHT OF WAY OF BEULAH STREET, S 29°56'02" W 152.51' TO A POINT, THENCE S 76°02'00" E 5.08' TO A POINT, THENCE S 08°11'30" W 77.35' TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVNG A RADIUS OF 1759.18', AN ARC DISTANCE OF 120.16', AND A CHORD BEARING AND DISTANCE OF S 16°47'18" W 120.14' TO THE POINT OF BEGINNING AND CONTAINING 5.0225 ACRES.

TOTAL AREA FOR LOT 2 IS 5.8596 ACRES

GIVEN UNDER MY HAND THIS 11TH DAY OF FEBRUARY 2003.

  
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NED A. MARSHALL, L.S. #2015





**THE  
ENGINEERING  
GROUPE, INC.**

**MEETS AND BOUNDS DESCRIPTION**

**LOT 1A  
THE PROPERTY OF  
MPW LLC  
DEED BOOK 12964 PAGE 691  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
(A PORTION OF 91-1 ((1)) 23C)**

BEGINNING AT A POINT, SAID POINT BEING IN THE WESTERLY RIGHT OF WAY OF JASPER LANE, (54' R/W), DEED BOOK 11826 PAGE 1861, SAID POINT LYING WITHIN THE NORTHERLY RIGHT OF WAY OF ARCO STREET, ROUTE 1234, (50' R/W); THENCE DEPARTING THE WESTERLY RIGHT OF WAY OF JASPER LANE AND RUNNING WITH THE NORTHERLY RIGHT OF WAY OF ARCO STREET AND LEWIN PARK, LOTS 6, 5, 4, 3, 2, AND 1, S 89°51'03" W 656.01' TO A POINT, SAID POINT BEING A COMMON CORNER TO LEWIN PARK LOT 1 AND INOVA HEALTH CARE SERVICES, (PARCEL 11A); THENCE DEPARTING THE LINE OF LEWIN PARK AND RUNNING WITH INOVA HEALTH CARE SERVICES, N 09°21'06" E 544.59' TO A POINT, THENCE N 76°04'09" W 22.92' TO A POINT, SAID POINT BEING IN THE SOUTHERLY RIGHT OF WAY OF WALKER LANE, (VARIABLE WIDTH, DEED BOOK 10748 PAGE 1641); THENCE DEPARTING INOVA HEALTH CARE SERVICES AND RUNNING WITH THE SOUTHERLY RIGHT OF WAY OF WALKER LANE, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 752.95' AN ARC LENGTH OF 528.46', AND A CHORD BEARING AND DISTANCE OF N 74°58'23" E 517.68' TO A POINT, THENCE S 84°55'13" E 225.08' TO A POINT, THENCE S 41°17'27" E 57.56' TO A POINT, SAID POINT BEING IN THE WESTERLY RIGHT OF WAY OF METRO PARK DRIVE, (60' R/W, DEED BOOK 11826 PAGE 1861); THENCE DEPARTING THE RIGHT OF WAY OF WALKER LANE AND RUNNING WITH THE WESTERLY RIGHT OF WAY OF METRO PARK DRIVE, S 05°04'47" W 89.06' TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 530.00', AN ARC DISTANCE OF 259.27', AND A CHORD BEARING AND DISTANCE OF S 08°56'05" E 256.69' TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00', AN ARC DISTANCE OF 68.83', AND A CHORD BEARING AND DISTANCE OF S 16°29'21" W 63.52' TO A POINT, SAID POINT BEING IN THE WESTERLY RIGHT OF WAY OF JASPER LANE, (54' R/W), DEED BOOK 11826 PAGE 1861; THENCE DEPARTING THE RIGHT OF WAY OF METRO PARK DRIVE AND RUNNING WITH THE WESTERLY RIGHT OF WAY OF JASPER LANE S 55°55'39" W 52.69' TO A POINT,

(London)  
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(Headquarters)  
13625 Office Place  
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(Fredericksburg)  
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(Area) 703-737-7904  
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(Area) 703-670-0985  
Fax 703-670-7769

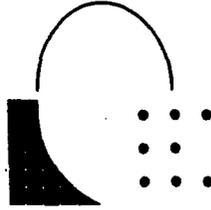
(Area) 540-710-5987  
Fax 540-710-5988

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 377.00', AN ARC DISTANCE OF 67.16', AND A CHORD BEARING AND DISTANCE OF S 50°49'27" W 67.07' TO A POINT, THENCE N 44°16'44" W 1.00' TO A POINT, THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 378.00', AN ARC DISTANCE OF 165.95', AND HAVING A CHORD BEARING AND DISTANCE OF S 33°08'40" W 164.62' TO THE POINT OF BEGINNING AND CONTAINING 11.1629 ACRES.

GIVEN UNDER MY HAND THIS 25TH DAY OF NOVEMBER 2002

  
\_\_\_\_\_  
NED A. MARSHALL, L.S.





**THE  
ENGINEERING  
GROUPE, INC.**

**METES AND BOUNDS DESCRIPTION  
LOT 11B-2  
METRO PARK, PHASE II  
DEED BOOK 12230 PAGE 935  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA**

BEGINNING AT A PK NAIL FOUND IN THE NORTHERLY RIGHT-OF-WAY OF WALKER LANE, VARIABLE R/W, DEED BOOK 10748 PAGE 1641, SAID CORNER BEING A COMMON CORNER TO PARCEL 11B-1; THENCE WITH PARCEL 11B-1, N 44°14'09" W 331.83' TO AN IRON PIPE FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF RICHMOND, FREDERICKSBURG, AND POTOMAC RAILROAD; THENCE WITH SAID OF RICHMOND, FREDERICKSBURG, AND POTOMAC RAILROAD RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4407.28' AN ARC DISTANCE OF 559.71', A CHORD BEARING AND DISTANCE OF N 42°20'39" E 559.34' TO AN IRON PIPE FOUND; THENCE S 10°30'59" E 124.24' TO AN IRON PIPE SET; SAID PIPE BEING A COMMON CORNER TO NOW OR FORMERLY SECURITY CAPITAL INDUSTRIAL TRUST; THENCE WITH NOW OR FORMERLY SECURITY CAPITAL INDUSTRIAL TRUST, S84°53'38"E 58.14' TO AN IRON PIPE SET; THENCE S84°55'13"E 597.86' TO AN IRON PIPE SET IN THE NORTHERLY R/W OF WALKER LANE; THENCE RUNNING WITH THE NORTHERLY R/W OF WALKER LANE, S 13°56'29" W 17.71' TO A IRON PIPE SET; THENCE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 841.53' AN ARC DISTANCE OF 660.88' AND A CHORD BEARING AND DISTANCE OF S 68°10'04" W 644.02' TO AN IRON PIPE SET; THENCE S45°40'12"W 306.53' TO THE POINT OF BEGINNING AND CONTAINING 5.1390 ACRES.

GIVEN UNDER MY HAND THIS 3RD DAY OF DECEMBER 2002

  
NED A. MARSHALL, L.S.

# **PROFFER CONDITION AMENDMENT**

## **METRO PARK**

### **PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2**

**Date: September 5, 2003**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this Proffer Condition Amendment application hereby reaffirm that the development of the parcels under consideration are now shown on the Fairfax County Tax Maps as Tax Map Reference Nos. as 91-1-((1))-23C and 11-B2 and Tax Map Reference 91-1-((28))-1 and 2 (hereinafter referred to collectively as the "Property") and will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ/FDP 1998-LE-048 dated July 30, 1999, and the undated proffers accepted in PCA 1998-LE-048 and FDPA 1998-LE-048, except as qualified below. In the event this application is denied, these proffers shall be null and void. The Owners and the Applicant (hereinafter the "Applicant"), for themselves, their successors and assigns, reaffirms all previous proffers except as specifically modified herein and agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Applicant hereby amends the approved CDPA/FDPA and makes the additions and/or revisions to the proffered conditions accepted in RZ 1998-LE-048 and PCA/FDPA 1998-LE-048 and are listed below.

The second paragraph of the July 30, 1999 proffers, which was amended by the third paragraph of the undated Partial Proffered Condition Amendment accepted pursuant to PCA 1998-LE-048 and FDPA 1998-LE-048, are both deleted, and the following substituted:

The Applicant agrees that the development will be in substantial conformance with the submitted CDPA/FDPA/PCA dated March 2002 and revised through July 8, 2003 (the "Plan"). Subject to the proffers and the provisions of Sections 18-204 and 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the approved development plan in order to address engineering and architectural issues at the time of final site plan approval.

1. Proffer numbered 1, dated July 30, 1999, is hereby reaffirmed.

September 5, 2003

2. Proffer numbered 2, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 2] The Property will be developed at a floor ratio (FAR) not to exceed 0.60 for office uses. The combined FAR for all uses as shown on the Plan and as defined below shall not exceed 0.62. Office uses shall not exceed 1,075,270 gross floor area (GFA), and the child care use shall not exceed 10,000 GFA. The maximum daily enrollment of the child care center shall not exceed 150. The total FAR of .62 includes density credit for dedication of right of way and Parcel 11C as set forth in Proffer #1 dated July 30, 1999.

3. Proffer numbered 3, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 3] Accessory uses shall be permitted within the office buildings as said term is defined in Section 20-300 of the Zoning Ordinance. In addition to the uses shown for each of the buildings, Applicant may establish all, any, or any other combination of the uses set forth in Note 5 on the Plan.

4. Proffers numbered 4 through 11, both inclusive, and dated July 30, 1999, are hereby reaffirmed.

5. Proffer numbered 12, originally dated July 30, 1999, and amended in the Partial Proffered Condition Amendment accepted pursuant to PCA 1998-LE-048 and FDPA 1998-LE-048, is hereby deleted and the following substituted:

[Proffer 12] Buildings shall not exceed the height shown on the Plan except that the building identified as Phase 7 shall not exceed 55 feet as shown on the Plan. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance). The height of the parking structures shall not exceed 60 feet.

6. Proffers numbered 13 through 29, both inclusive, and dated July 30, 1999, are hereby reaffirmed.

7. Proffer numbered 30, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 30] To provide the residents of Lewin Park with access to Beulah Street, a road connection from Jasper Lane to Arco Street in

Lewin Park, as shown on the Plan, shall be required and its construction will occur concurrently with construction of the next office building, which will be any one of the buildings labeled on the Plan as Phases 5 through 8. This road connection shall connect to Metropark Drive. Compliance with this proffer shall be based upon the date of these proffers.

8. Proffer numbered 31, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 31] A road connection to Lewin Park will be allowed at two locations. The Jasper Lane/Arco Street connection is described in Proffer 30 above, and the cost of its construction will be at the expense of the Applicant, its successors or assigns. A second connection from Metro Park Drive has not been determined, and the cost of its construction, including removal of any portion of the wall constructed pursuant to Proffer Number 9, shall be at the expense of the developer of Lewin Park.

9. Proffers numbered 32 through 34, both inclusive, and dated July 30, 1999, are hereby reaffirmed.

10. Proffer numbered 35, subsections (1) through (4), originally dated July 30, 1999, is hereby reaffirmed. Subsection (5) of proffer 35 is hereby deleted and the following substituted:

[Proffer 35(5)] Upon achieving a total occupancy level on the Property of 1,075,270 GFA of development (as evidenced by the issuance of Non-RUPS), the Applicant or assigns shall cause a traffic study to be undertaken to assess the accuracy of the total peak hour vehicle trip generation projections for the property based upon the ITE Trip Rates used to generate the estimated volume counts contained on Table 2 of the Traffic Impact Study prepared by Wells & Associates dated May 5, 1999. The study shall be submitted to the Fairfax County Department of Transportation.

11. Proffer numbered 36 is hereby reaffirmed.

With approval of PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2, the following new proffers are hereby added and numbered sequentially with the previously accepted proffers dated July 30, 1999:

September 5, 2003

37. A six foot tall, board-on-board acoustically solid fence as shown on the CDPA/FDPA shall be provided around all sides of the outside play area for the child care center.

38. A minimum of ten parking spaces that are the closest to the entrance of the child care center shall be reserved for use by the child care center, so as to facilitate drop off and pick up of the children. Signs that state that the spaces are reserved shall be provided. The staff of the child care center shall be prohibited from parking in these spaces.

39. The number of children in the play area at any one time shall not exceed 50. This proffer does not limit the daily enrollment of the child care center. Proffer #2 addresses daily enrollment.

[SIGNATURE PAGES ATTACHED]

PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP: 91-1-((1))-  
23C

MPW LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:



B. Mark Fried, Manager

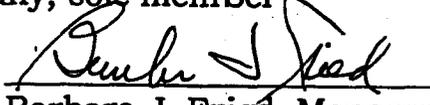
PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP: 91-1-((1))-  
23C

MPW LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:

  
Barbara J. Fried, Manager

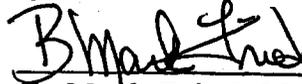
PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP:  
91-1-((28))-1, 2 and 91-1-((1))-11B2

MPE LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:



B. Mark Fried, Manager

PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP:  
91-1-((28))-1, 2 and 91-1-((1))-11B2

MPE LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:

  
Barbara J. Fried, Manager

\\REA\133585.6







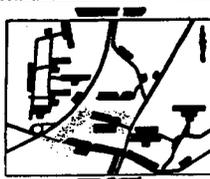
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SUBJECT OF CONCEPTUAL/  
 FINAL DEVELOPMENT PLAN  
 AMENDMENT

EXISTING WAREHOUSES

SUBJECT OF CONCEPTUAL/  
 FINAL DEVELOPMENT PLAN  
 AMENDMENT



FUTURE INTERFACIAL ACCESS TO  
 INDUSTRIAL PROPERTY (BY OTHERS)

CHURCH  
 USE

NOT INCLUDED IN APPLICATION

EXISTING SINGLE FAMILY DETACHED RESIDENTIAL

SHOPPING CENTER

EXISTING TOWNHOUSE  
 RESIDENTIAL

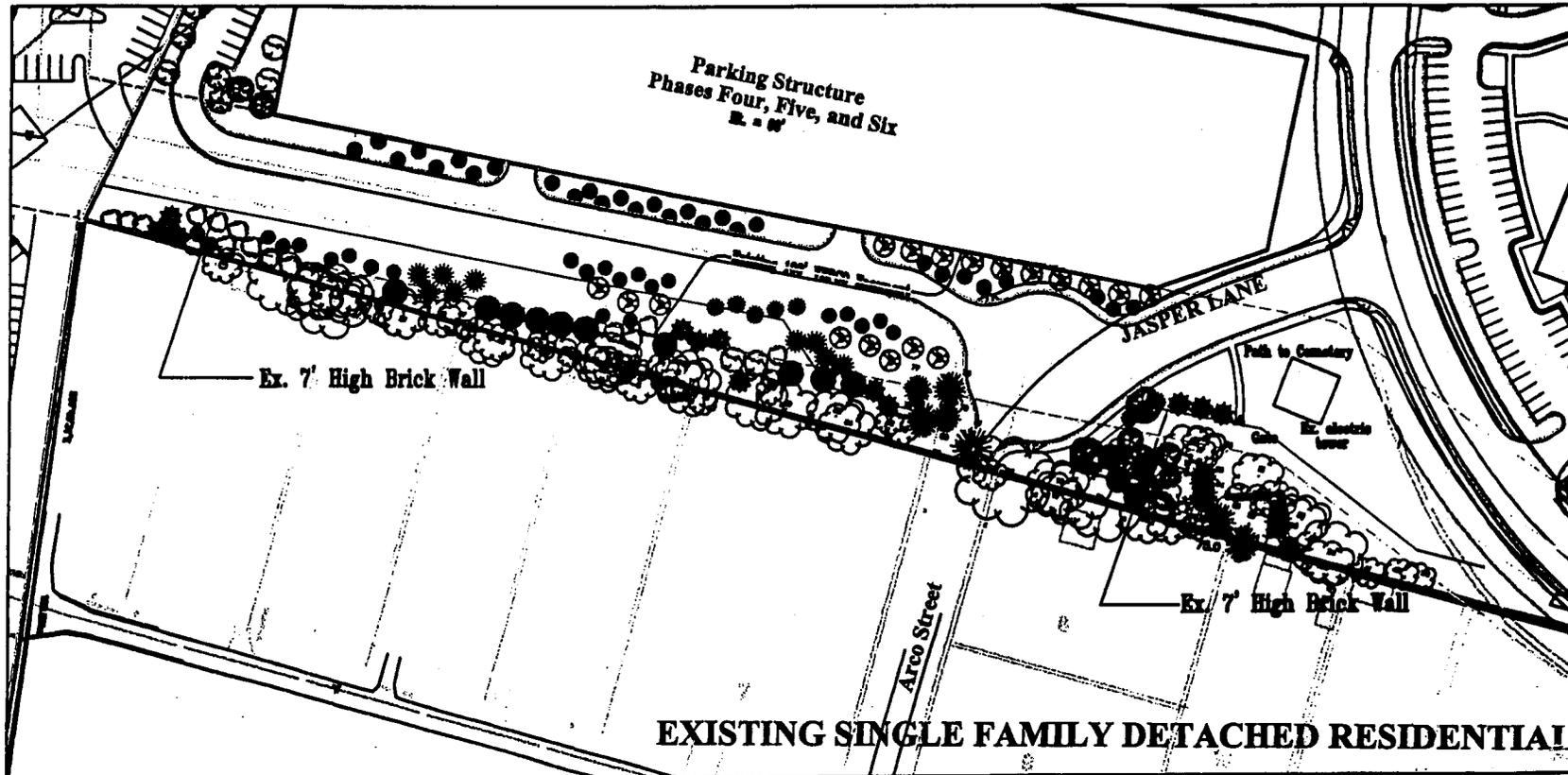
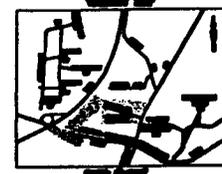
- LEGEND:**
- EXISTING SANITARY SEWER
  - - - PROPOSED SANITARY SEWER
  - EXISTING WATER MAIN
  - - - PROPOSED WATER MAIN
  - PROPOSED BRANCH/STREET TREE
  - PROPOSED ORNAMENTAL TREE
  - PROPOSED EVERGREEN TREE
  - PROPOSED DECIDUOUS TREE
  - PROPOSED LINES OF CLEARING AND GRADING
  - POSSIBLE TREE SAVE
  - - - EXISTING PLANNED BICYCLE/TYPE 1 (ASPHALT TRAIL) AS SHOWN ON THE FAIRFAX COUNTY TRAILS PLAN.

THE  
 ENGINEERING GROUP, INC.  
 1400 OFFICE PLACE, SUITE 100  
 FALLS CHURCH, VA 22034-3703  
 TEL: 703-261-5700 FAX: 703-261-5701

CONCEPT DEVELOPMENT PLAN  
**METRO PARK**



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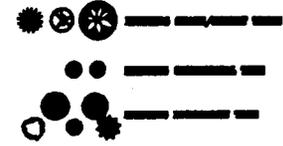


**EXISTING SINGLE FAMILY DETACHED RESIDENTIAL**

**TREE TABLE**

1	17	18"	OAK	33	10"	CHERRY	49	18"	MAPLE	65	6"	LOCUST	81	8"	PINE
2	18	24"	OAK	34	18"	CHERRY	50	18"	MAPLE	66	10"	LOCUST	82	15"	CEDAR
3	19	8"	OAK	35	8"	CHERRY	51	18"	MAPLE	67	18"	ELM	83	15"	CEDAR
4	20	6"	OAK	36	10"	CHERRY	52	6"	MAPLE	68	12"	ELM	84	12"	CEDAR
5	21	18"	OAK	37	6"	CHERRY	53	6"	MAPLE	69	18"	POPULAR	85	12"	CEDAR
6	22	8"	OAK	38	12"	CHERRY	54	18"	MAPLE	70	6"	POPULAR	86	8"	CEDAR
7	23	15"	OAK	39	24"	CHERRY	55	8"	HOLLY	71	24"	POPULAR	87	18"	CEDAR
8	24	30"	OAK	40	24"	CHERRY	56	6"	HOLLY	72	6"	GUN	88	15"	CEDAR
9	25	24"	CHERRY	41	10"	CHERRY	57	6"	HOLLY	73	6"	GUN	89	15"	CEDAR
10	26	20"	CHERRY	42	18"	CHERRY	58	6"	HOLLY	74	8"	GUN	90	8"	ASH
11	27	27"	CHERRY	43	12"	APPLE	59	8"	HOLLY	75	10"	GUN			
12	28	15"	CHERRY	44	8"	MAPLE	60	6"	HOLLY	76	8"	VINE			
13	29	6"	CHERRY	45	8"	MAPLE	61	15"	HOLLY	77	6"	VINE			
14	30	18"	CHERRY	46	18"	MAPLE	62	8"	HOLLY	78	8"	VINE			
15	31	20"	CHERRY	47	18"	MAPLE	63	6"	LOCUST	79	6"	VINE			
16	32	15"	CHERRY	48	15"	MAPLE	64	8"	LOCUST	80	6"	VINE			

**LEGEND:**



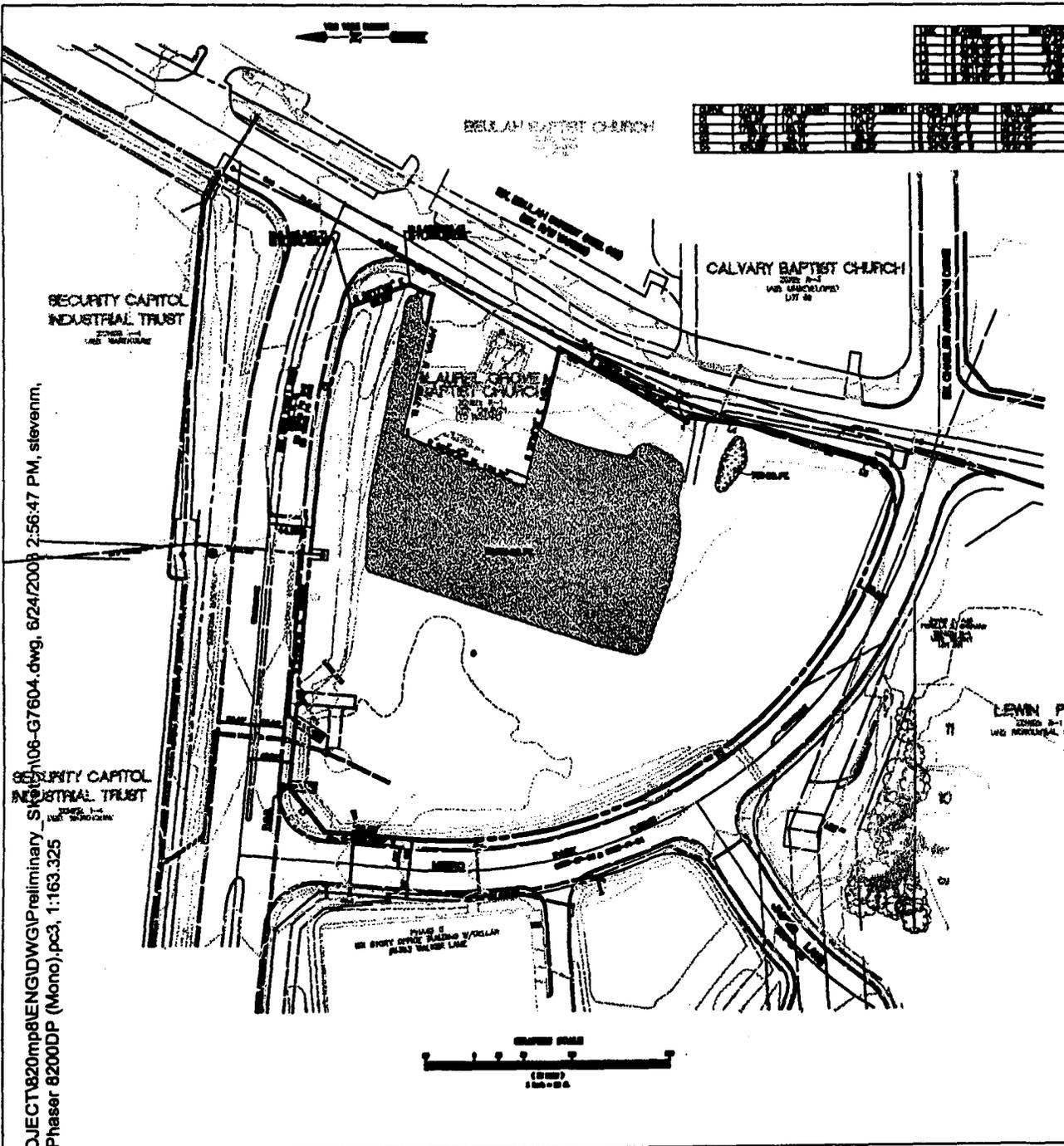
Note: All trees with the exception of #76, #78, & #81 will be saved.

**ENGINEERING SOURCE, INC.**  
 10000 W. 10th Ave., Suite 100  
 Denver, CO 80202  
 303-750-7700

**METRO PARK**



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	6/24/03
2	ISSUED FOR PERMIT	6/24/03
3	ISSUED FOR PERMIT	6/24/03
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99	ISSUED FOR PERMIT	6/24/03
100	ISSUED FOR PERMIT	6/24/03



**LEGEND**

- [White box] - OPEN FIELD
- [Stippled box] - EXISTING VEGETATION
- [Dotted box] - EXISTING PARK AND OPEN SPACE

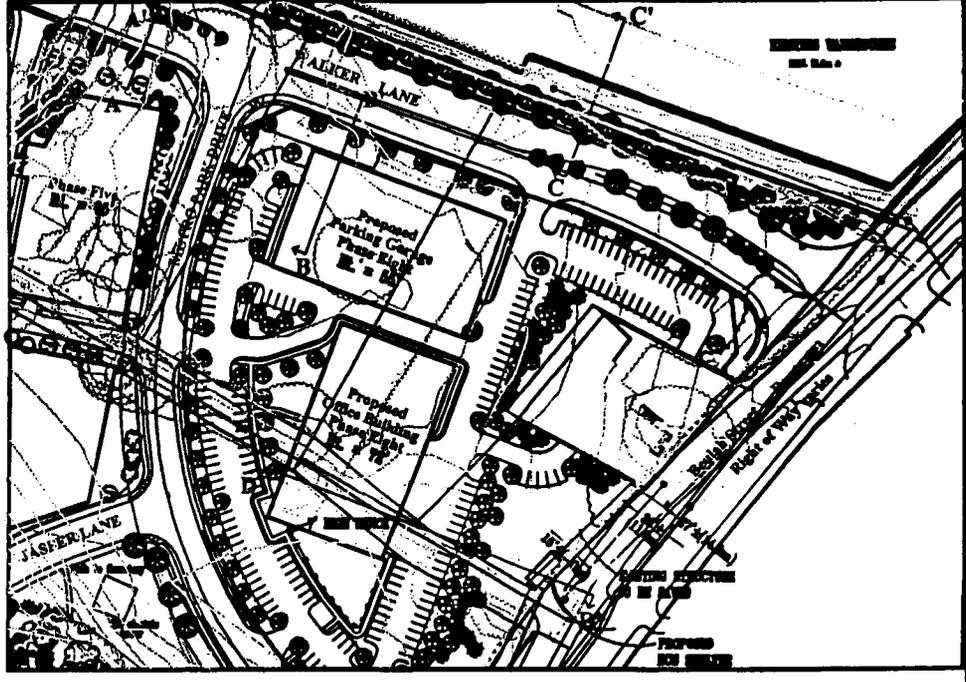
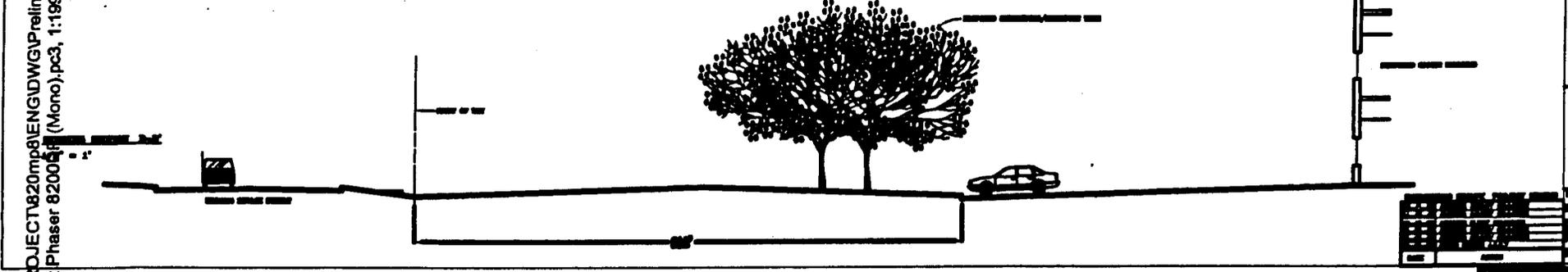
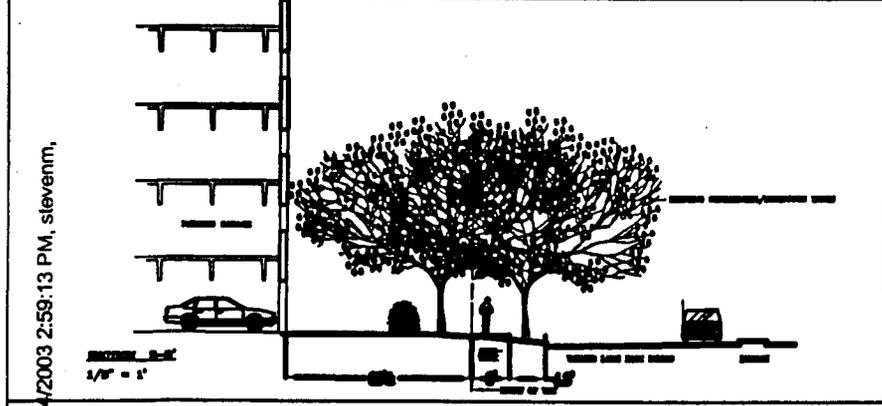
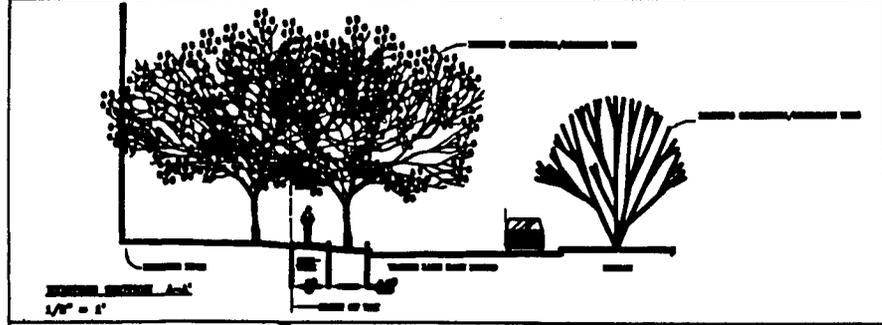
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EXISTING VEGETATION MAP

**PRO PARK**

THE ENGINEERING GROUP, INC.  
 10000 10th Ave, Suite 100  
 Denver, Colorado 80231  
 303-752-1100

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THE  
ENGINEERING  
CORPORATION  
1500 AVENUE 100, SUITE 1000  
HOUSTON, TEXAS 77056  
PHONE: 713-261-1000 FAX: 713-261-1001



CREW DESIGN  
**METRO PARK**  
150 AVENUE  
HOUSTON, TEXAS





**ZAPS USER GENERATED REPORT  
ZONING APPLICATION SUMMARY REPORT  
APPLICATION NUMBER: PCA 1998-LE-048-02**

DECISION DATE: 9/15/2003

HEARING BODY: BOS

CRD: NO

MAGISTERIAL DISTRICT: LEE

APPLICANT NAME MPW, LLC

STAFF COORDINATOR: PBRAHA

ACTION: APPROVE

**DECISION SUMMARY:**

ON SEPTEMBER 15, 2003, ON THE MOTION OF SUPERVISOR KAUF FMAN (LEE DISTRICT), THE BOARD OF SUPERVISORS APPROVED PCA 1998-LE-048-2 SUBJECT TO PROFFERS DATED SEPTEMBER 5, 2003. THE PLANNING COMMISSION APPROVED FDPA 1998-LE-048-2 SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE PCA ON JULY 24, 2003. THE BOARD OF SUPERVISORS ALSO APPROVED MODIFICATIONS OF THE TRANSITIONAL SCREENING YARD REQUIREMENT AND THE BARRIER REQUIREMENT AND GRANTED A VARIANCE TO ALLOW A WALL MORE THAN 4 FEET TALL IN A FRONT YARD TO ADDRESS THE FUTURE EXTENSION OF A PUBLIC ROAD TO ARCO LANE CONTAINED IN THE PROFFERS.

**ZONING INFORMATION****EXISTING ZONING**

<u>DISTRICT</u>	<u>AREA</u>
PDC	29.23 ACRES
<b>TOTAL</b>	<b>29.23 ACRES</b>

**APPROVED AREA**

<u>DISTRICT</u>	<u>AREA</u>
PDC	29.23 ACRES
<b>TOTAL</b>	<b>29.23 ACRES</b>

**TAX MAP NUMBERS**

091-1- /01/ /0011-B2

091-1- /01/ /0023-C

091-1- /28/ /0001-

091-1- /28/ /0002-

**APPROVED ZONING DISTRICT DATA**

ZONING DISTRICT: PDC

**APPROVED RESIDENTIAL DEVELOPMENT**

<u>LAND USE</u>	<u>DWELLING</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>NO.</u>
	<u>UNITS</u>	<u>AREA</u>	<u>MEASURE</u>	<u>OF</u>
				<u>ADJ'S</u>
CCC/MFD-A				
OFFC/GENRL				
<b>TOTAL</b>				

**APPROVED NON-RESIDENTIAL DEVELOPMENT**

<u>FLOOR AREA</u>	<u>UNIT OF</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>FAR</u>
	<u>MEASURE</u>	<u>AREA</u>	<u>MEASURE</u>	
1,075,020.00	SQ FEET	29.23	ACRES	0.84
1,075,020.00	SQ FEET	0.00	ACRES	0.60

**PROFFER INFORMATION**

PROFFER STATEMENT DATE: 09-05-2003

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
DEVELOPMENT AND ROAD PHASING	01-01-0001	0	N/A	\$0	01-01-0001
HEIGHT - BUILDING/STRUCTURE	01-01-0001	0	N/A	\$0	01-01-0001
INTENSITY - FLOOR AREA RATIO (FAR)	01-01-0001	0	N/A	\$0	01-01-0001
INTENSITY - GROSS FLOOR AREA (GFA)	01-01-0001	0	N/A	\$0	01-01-0001
NUMBER OF STUDENTS AT ANY ONE TIME	01-01-0001	0	N/A	\$0	01-01-0001

**PROFFER INFORMATION**

PROFFER STATEMENT DATE: 09-05-2003

<u>TEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
PARKING	01-01-0001	0	N/A	\$0	01-01-0001
PREVIOUS PROFFERS REMAIN IN EFFEC	01-01-0001	0	N/A	\$0	01-01-0001
TRANSPORTATION DEMAND MANAGEME	01-01-0001	0	N/A	\$0	01-01-0001
USE RESTRICTIONS	01-01-0001	0	N/A	\$0	01-01-0001
BARRIER	01-01-0001	0	N/A	\$0	01-01-0001

---

**WAIVERS/MODIFICATIONS**

**APPROVED WAIVERS/MODIFICATIONS**

MODIFY TRANSITIONAL SCREENING REQUIREMENT

MODIFY BARRIER REQUIREMENT

---



Revised 10 Delete INX MTR  
AN TO ADD 91-1((28)) 1 E

TO CHANGE A...

PLEASE TYPE  
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
APPLICATION FOR ZONING MAP AMENDMENT

APPLICATION NO. PCA 98-LE-048-2/FDPA 98-LE-048-1-2  
(Assigned by Staff)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA  
I (We), MPW, LLC

, the applicant(s),  
petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by  
reclassifying from the PDC District to the PDC  
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

LEGAL DESCRIPTION:

Prop of MPE LLC, PCL 1,2 and 11 B-2  
Prop of MPW LLC, PCL 23C (lots 1A & 2)

DB 11206 Page 86  
DB 11205 Page 826 & 832  
DB 11224 Page 1266  
DB 11205 Pages 823,829, 835 & 851

Lot(s) Block(s) Subdivision Deed Book Page No.

TAX MAP DESCRIPTION:

91-1-((1))-23C & 11-B2 and 91-1-((28))-1 & 2 29.23 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)

West side of Beulah Street north of Franconia Springfield Parkway

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)

5. PRESENT USE: Office Park

6. PROPOSED USE: Office Park and child care center

7. SUPERVISOR DISTRICT:

The name(s) and address(es) 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.

→ Sheri L. Hoy

Type or Print Name of Applicant or Agent

Signature of Applicant or Agent

McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, McLean, VA 22102

Address

(703) 712-5483

Telephone No.

Home

Work

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

DO NOT WRITE IN THIS SPACE

PCA 2003-0026  
PAID UNDER FDPA 2003-0027-00  
825

Date application received: \_\_\_\_\_

Application Fee Paid: \_\_\_\_\_

Date application accepted: 2-13-03

CK# 11298 750  
CK# 99770 75 Form RZ (10/89)

Board Agenda Item  
September 15, 2003

4:30 p.m.

Public Hearing on Proffered Condition Amendment Application PCA 1998-LE-048-2 (MPW, LLC) to Amend the Proffers for RZ 1998-LE-048 Previously Approved for Mixed Use Development to Permit Office Use and a Child Care Center in Lieu of the Previously Approved Hotel and Child Care Center on a Portion of the Site with an Overall Floor Area Ratio of 0.85, Located on Approximately 29.23 Acres Zoned PDC, Lee District

The application property is located on the west side of Beulah Street, north of the Franconia Springfield Parkway, Tax Map 91-1 ((1)) 11B2 and 23C; 91-1 ((28)) 1 and 2.

The Planning Commission recommended to the Board of Supervisors approval of PCA-1998-LE-048-2, subject to execution of proffers consistent with those contained in Appendix 1, and approval of the conceptual development plan amendment.

The Planning Commission approved FDPA-1998-LE-048-1-2, subject to Board approval of PCA-1998-LE-048-2.

ENCLOSED DOCUMENTS:

None. Staff Report and Planning Commission recommendation previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting  
July 24, 2003  
Verbatim Excerpt

PCA 1998-LE-048-2 -MPW, LLC  
FDPA 1998-LE-048-1-2 - MPW, LLC

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed. Recognize Mr. Kelso.

Commissioner Kelso: Mr. Chairman, this is a very exciting new office complex, basically in the heart of Lee District, that is under development. This is one of the final buildings in that development. The applicant made several revisions to the plan by reducing the floor, moving the building back, and satisfying both ourselves and staff, and complying with the Comprehensive Plan. They did an excellent job. We look forward to its construction. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1998-LE-048-2, SUBJECT TO THE EXECUTION OF DRAFT PROFFERS CONTAINED IN APPENDIX 1, AND THAT THE BOARD APPROVE THE CONCEPTUAL DEVELOPMENT PLAN AMENDMENT.

Commissioners Hall and Byers: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Byers. Is there a discussion of the motion? All those --

Commissioner Byers: That's a different number. You've got 83-D-050 -- no, I'm sorry, I've got the wrong one.

Chairman Murphy: All right. All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-LE-048-2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Kelso.

Commissioner Kelso: I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN AMENDMENT, SUBJECT TO THE APPROVAL OF PCA 1998-LE-048-2 BY THE BOARD OF SUPERVISORS.

Commissioner Byers and Hall: Second.

Chairman Murphy: Seconded by Mr. Byers and Ms. Hall. Discussion? All those in favor of the motion to approve the Final Development Plan, subject to the approval of the PCA and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING YARD REQUIREMENT ALONG THE SOUTHERN AND EASTERN BOUNDARIES, AND THAT THE BARRIER REQUIREMENT BE MODIFIED ALONG THE SOUTHERN AND EASTERN BOUNDARIES AND WITHIN METRO PARK, IN FAVOR OF THAT SHOWN ON THE CONCEPTUAL AND FINAL DEVELOPMENT PLAN AMENDMENT AND REFERENCED IN THE PROFFERS AND/OR DEVELOPMENT CONDITIONS.

Commissioners Hall and Byers: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Byers. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS GRANT A VARIANCE PURSUANT TO SECTION 16-401 OF THE ZONING ORDINANCE TO ALLOW A SEVEN FOOT TALL WALL IN A FRONT YARD WITH REGARD TO THE PROFFERED FENCE ALONG THE SOUTHERN BOUNDARY.

Commissioner Hall: I have a question.

Chairman Murphy: Ms. Hall.

Commissioner Hall: Can the Board issue the variance -- not the Board of Zoning Appeals?

Mr. Peter Braham: Ms. Hall, in the P-Districts, the Board is allowed by Article 16, which addresses P-District development plans, to grant variances with regard to those plans.

Commissioner Hall: Okay. Fine. Thank you.

Chairman Murphy: Thank you very much. Further discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Planning Commission Meeting

July 24, 2003

PCA 1998-LE-048-2 and FDPA 1998-LE-048-1-2

Page 3

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Harsel not present for the vote;  
Commissioners Koch and Wilson absent from the meeting.)

LBR