



FAIRFAX COUNTY

DP2

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

V I R G I N I A

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

February 16, 2001

Barbara June Fried, Esquire
6551 Loisdale Court – Suite 900
Springfield, Virginia 22150

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

Dear Ms. Fried:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 5, 2001, approving Proffered Condition Amendment PCA 1998-LE-048 in the name of MPE LLC to amend the proffers for RZ 1998-LE-048, approved for office development to permit an increase in building height with an overall Floor Area Ratio (FAR) of 0.62, on subject parcel 91-1 ((1)) Pt. 11B1 (formerly 91-1 ((1)) 11B), subject to the undated proffers found in Appendix 1 of the Staff Report, consisting of approximately 1.66 acres located in Lee District.

The Conceptual Development Plan was approved; the Planning Commission having previously approved FDPA 1998-LE-048 on February 1, 2001, subject to the Board's approval of PCA 1998-LE-048.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

PCA 1998-LE-048
February 16, 2001

- 2 -

cc: Chairman Katherine K. Hanley
Supervisor Lee District
Hunter Mill District Planning Commissioner
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPW&ES
DPW&ES - Bonds & Agreements
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
James Patteson, Acting Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lippa, Executive Director, Planning Commission

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 5th day of February, 2001, the following ordinance was adopted:

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

WHEREAS, MPE 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 5th day of February, 2001.



Nancy Veirs

Clerk to the Board of Supervisors

PARTIAL PROFFERED CONDITION AMENDMENT

PCA 1998-LE-048

FDPA 1998-LE-048

Pursuant to an Ordinance adopted August 2, 1999, by the Board of Supervisors, Rezoning Application RZ 1998-LE-048, including the Final Development Plan, FDP 1998-LE-048 and the modifications, waivers, and conditions therein contained was approved subject to the Proffers dated July 30, 1999. The Applicant wishes to amend the approved CDP/FDP and Proffer # 12 as they apply to one parcel, consisting of 72,544 square feet, and to reaffirm all of the other proffers, contingent on retaining the zoning with all attendant modifications, waivers, and conditions as approved.

Pursuant to the provisions of Section 15.2-2302, Code of Virginia, 1950 as amended the Applicant for itself, its successors and assigns, agrees 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 these, if accepted, proffers supersede all previous proffers or development conditions on the Property. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. The proffered conditions are:

The Applicant agrees that the development will be in substantial conformance with the submitted CDP/FDP (including either Alternative "A" and "B") dated November, 1998 and revised through June 28, 1999, and as amended by Conceptual/Final Development Plan dated September 25, 2000 (FDPA). 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. All of the proffers numbered 1 through 11, both inclusive, and proffers numbered 13 through 36, both inclusive, are hereby reaffirmed.*
- 2. Proffer numbered 12 is hereby amended as follows:*

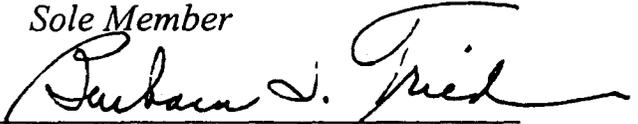
12A Buildings shall not exceed the height shown on the CDP/FDP except that the building identified as North Office (A) shall not exceed the height of 55 feet as shown on the FDPA. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance.) The height of the parking structures shall not exceed 50 feet, and the hotel suites shall not exceed 61 feet. The Child Care facility shall not exceed 40 feet in height.

APPLICANT/OWNER

MPE LLC

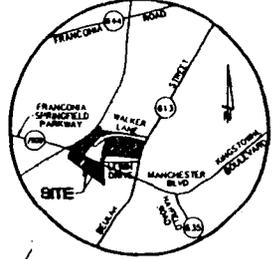
By METRO PARK ASSOCIATES LLC

Sole Member

By 
Barbara J. Fried, Manager

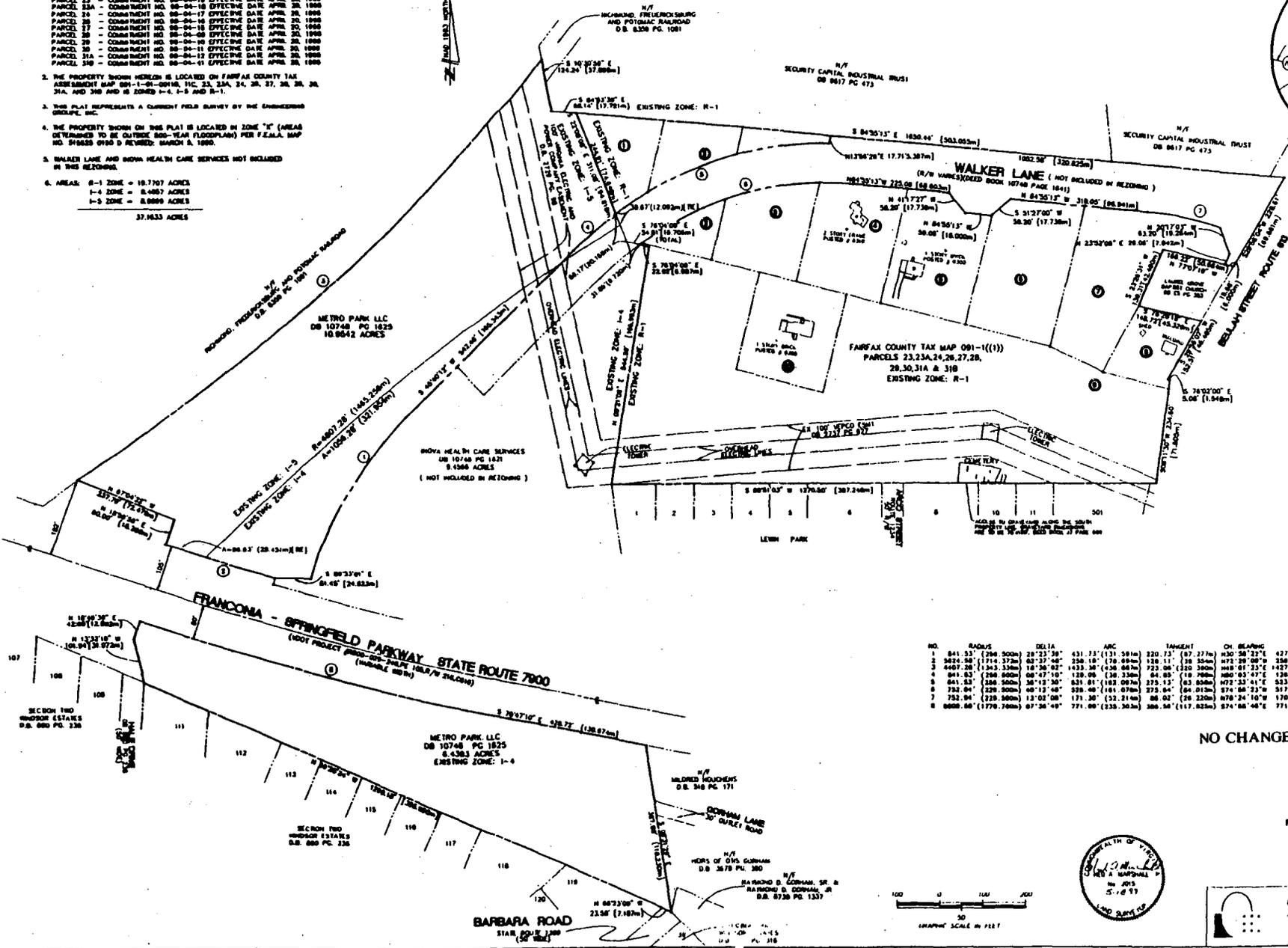
NOTES

1. SITE REPORTS FURNISHED BY STEWART WILE GUARANTY COMPANY.
 PARCEL 11 - COMPLETION NO. 87-71-12 EFFECTIVE DATE NOVEMBER 12, 1997
 PARCEL 23 - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 33A - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 34 - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 35 - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 37 - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 38 - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 39 - COMPLETION NO. 88-04-18 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 31A - COMPLETION NO. 88-04-12 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 31B - COMPLETION NO. 88-04-11 EFFECTIVE DATE APRIL 28, 1998
 PARCEL 31C - COMPLETION NO. 88-04-11 EFFECTIVE DATE APRIL 28, 1998
2. THE PROPERTY SHOWN HEREON IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP 081-1-01-001A, 11C, 23, 23A, 24, 26, 27, 28, 29, 29A, AND 30B AND IS ZONED R-1, R-1.5 AND R-1.
3. THIS PLAN REPRESENTS A CURRENT FIELD SURVEY BY THE ENGINEERING GROUP, INC.
4. THE PROPERTY SHOWN ON THIS PLAN IS LOCATED IN ZONE "T" (AREAS DETERMINED TO BE OUTSIDE 800-YEAR FLOODPLAIN) PER F.E.M.A. MAP NO. 51488S 0180 D REVISED MARCH 8, 1995.
5. WALKER LANE AND SHOWA HEALTH CARE SERVICES NOT INCLUDED IN THIS REZONING.
6. AREAS:
 R-1 ZONE = 18,7707 ACRES
 R-1.5 ZONE = 8,4857 ACRES
 R-1 ZONE = 8,8899 ACRES
 37,1433 ACRES



VICINITY MAP
SCALE 1"=200'

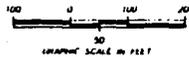
- OWNER LEGEND**
- ① FORD CORPORATION, INC. 23,23A, 24, 26, 27, 28, 29, 29A, 30B PG. 1071
 - ② ALVA E. SPENCER PARTNER L.P. PARTNER IN FORD 1071A PG. 1071
 - ③ FORD CORP. PARTNER L.P. PARTNER IN FORD 1071A PG. 1071
 - ④ SHOWA HEALTH CARE SERVICES 1071A PG. 1071
 - ⑤ SHOWA HEALTH CARE SERVICES 1071A PG. 1071
 - ⑥ SHOWA HEALTH CARE SERVICES 1071A PG. 1071
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 - ㊿ SHOWA HEALTH CARE SERVICES 1071A PG. 1071



NO.	RADIUS	DELTA	ARC	TANGENT	CH. BEARING	CHORD
1	841.53' (286.50m)	28°23'38"	631.72' (192.58m)	220.73' (67.27m)	N30°58'22"E	627.01' (190.13m)
2	3624.58' (1114.37m)	02°37'48"	236.18' (72.00m)	128.11' (39.00m)	N72°39'08"W	256.18' (78.00m)
3	4407.28' (1343.33m)	18°38'02"	1433.38' (436.88m)	723.06' (220.36m)	N48°01'23"E	1427.00' (434.80m)
4	641.83' (195.60m)	08°47'18"	128.08' (39.03m)	64.05' (19.52m)	N80°03'07"E	128.04' (39.03m)
5	641.83' (195.60m)	36°12'30"	631.61' (192.08m)	273.13' (83.30m)	N72°33'41"E	553.01' (168.41m)
6	752.94' (229.80m)	08°12'48"	326.08' (99.07m)	273.64' (83.01m)	S74°58'23"W	517.88' (157.78m)
7	752.94' (229.80m)	13°02'08"	171.30' (52.21m)	88.02' (26.82m)	N78°34'10"W	170.83' (52.06m)
8	888.88' (270.70m)	07°36'49"	771.00' (234.93m)	368.56' (112.82m)	S74°48'46"E	771.48' (234.93m)

NO CHANGES MADE TO THIS SHEET.

ENGINEERING PLAN
 ON THE PROPERTY OF
 METRO PARK L.L.C.
 DB 10748 PG 1525
 AND
 FAIRFAX COUNTY TAX MAP 081-1(11)
 PARCELS 23,23A,24,26,27,28,
 29,30,31A & 31B
 LES DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE 1"=100' DATE: MAY 13, 1999



ENGINEERING GROUP, INC.
 13625 OFFICE PLACE, SUITE 101
 WOODBRIDGE, VIRGINIA 22192
 703-572-0868

2/5/2001 Board Meeting

3:30 P.M. Item - PCA-1998-LE-048 - MPE LLC
Lee District

On Thursday, February 1, 2001, the Planning Commission unanimously voted (*Commissioners Smyth and Wilson absent from the meeting*) to recommend that the Board of Supervisors approve PCA-1998-LE-048, subject to the proffers contained in Appendix 1 of the staff report. The Commission then voted to approve FDPA-1998-LE-048, subject to Board approval of PCA-1998-LE-048.

Planning Commission Meeting
February 1, 2001
Verbatim Excerpts

PCA-1998-LE-048 - MPE LLC
FDPA-1998-LE-048 - MPE LLC

After Close of the Public Hearing

Chairman Murphy: Close the public hearing. Recognize Mr. Kelso.

Commissioner Kelso: Mr. Chairman, this application requests modification, an increase in height from 50 to 55 feet for Building A located in the Metro Park development in Lee District. Due to an adjustment of a sewer easement, the building footprint was reduced necessitating an additional floor to be added. The request was reviewed in Lee District and by staff with no objection. No previously proffered agreements nor zoning requirements are affected by this request except for the building height change. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE PCA-1998-LE-048, SUBJECT TO THE PROFFERS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Byers and Koch: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Koch. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-1998-LE-048, say aye.

Commissioners: Aye.

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

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA-1998-LE-048, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA-1998-LE-048.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion? All those in favor of the motion to approve FDPA-1998-LE-048, subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion carried unanimously with Commissioners Smyth and Wilson absent from the meeting.)

LBR

F A I R F A X C O U N T Y

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 02/05/01

APPLICATION NUMBER: PCA 98-L-048

DISTRICT

APPLICANT: MPE LLC

STAFF: BRAHAM

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: PDC

ACRES: 1.66

PROPOSAL DISTRICT:

ACTION:

PDC
1.66

APPROVE
1.66

TOTAL ACRES

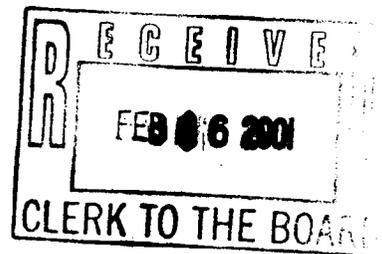
1.66

TOTAL ACRES

1.66

MAP NUMBERS

091-1- /01/ /0011-B1 P



REMARKS:

THIS APPLICATION AFFECTS ONE BUILDING OF METRO PARK ONLY, ALLOWING T
HE NORTH OFFICE BUILDING (A) TO INCREASE IN HEIGHT BY FIVE FEET TO FIFTY FIVE (

ZONING MAP AMENDMENT

PCA 98-L-048

ZONING DISTRICT DATA

ZONING DISTRICT: PDC

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
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PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE	78,000	1.08
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****	78,000	1.08

REMARKS:

ZONING MAP AMENDMENT

PCA 98-L-048

CONDITION/CONTRIBUTION DATA

COND		COND
CODE DESCRIPTION		CODE DESCRIPTION

7A OTHER MISCELLANEOUS - SEE FILE

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS: