



FAIRFAX COUNTY

LED
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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V I R G I N I A

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December 14, 2005

Inda E. Stagg
Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Proffered Condition Amendment Number PCA 80-P-039-09

Dear Ms. Stagg:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on December 5, 2005, approving Proffered Condition Amendment PCA 80-P-039-09 in the name of Hunter Branch Partners LLC, to amend the proffers for RZ 80-P-039 previously approved for mixed use development to permit a college/university as a secondary use for the site which has an overall Floor Are Ratio (FAR) of .66, located in the northwest quadrant of the intersection of Lee Highway and Nutley Street, Tax Map 48-4 ((1)) 1E and 1G, subject to the proffers dated December 1, 2005, consisting of approximately 13.90 acres located in Providence District.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Gerald E. Connolly
Supervisor Linda Q. Smyth, Providence District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Leslie B. Johnson, Deputy Zoning Administrator/Zoning Permit Review Branch
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
Plans & Document Control, OSDS, DPWES
Deloris Harris, DPWES
Department of Highways - VDOT
Kirk Holley, Park Planning Branch Mgr., FCPA
Gordon Goodlett, Development Officer, DHCD/Design Development Div.
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
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 5th day of December, 2005, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 80-P-039-09**

WHEREAS, Hunters Branch Partners LLC filed in the proper form an application to amend the proffers for RZ 80-P-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

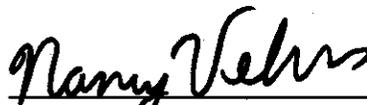
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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 5th day of December, 2005.



Nancy Veirs

Clerk to the Board of Supervisors



PART ONE

Revised June 20, 2005
May 23, 2005

**DESCRIPTION OF
A PORTION OF
PARCEL "1F1"
HUNTERS BRANCH
DEED BOOK 6908 PAGE 1041
AND PART OF PARCEL "1E"
HUNTERS BRANCH
DEED BOOK 6845 PAGE 795
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA**

RECEIVED
Department of Planning & Zoning

JUN 30 2005

Zoning Evaluation Division

Being a portion of Parcel "1F1" as shown on a plat entitled "Re-division of Land on the Property of First American Bank of Virginia, Trustee" prepared by William H. Gordon Associates, Inc. dated October 22, 1997 and recorded in Deed Book 6908 at Page 1041 and being a portion of Parcel "1E" as shown on a plat entitled "Re-division of Land on the Property of First American Bank of Virginia, Trustee" prepared by William H. Gordon Associates, Inc. dated October 22, 1997 and recorded in Deed Book 6845 at Page 795 among the land records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point marking the northwest corner of said Parcel "1F1", said point also marking a common corner with Parcel "A-1" (Deed Book 10981 Page 1339); thence running with Parcel "C" and Parcel "D" (Deed Book 10554 Page 1694) the following four (4) courses and distances

- 1.) North 80°00'00" East, 477.61 feet to a point; thence
- 2.) North 74°57'17" East, 73.17 feet to a point; thence
- 3.) North 81°11'56" East, 278.03 feet to a point; thence
- 4.) North 21°10'23" East, 428.75 feet to a point on the westerly right-of-way of Nutley Street - Route # 245 (right-of-way varies, Deed Book 6939 Page 1343); thence leaving Parcel "C" and running with the right-of-way of Nutley Street the following six (6) courses and distances
- 5.) South 15°34'25" East, 19.24 feet to a point; thence
- 6.) South 12°28'34" East, 100.72 feet to a point; thence
- 7.) South 19°19'08" East, 185.00 feet to a point; thence
- 8.) South 23°48'13" East, 153.47 feet to a point; thence
- 9.) South 14°56'53" East, 157.46 feet to a point; thence

VIKA Incorporated

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McLean, VA ■ Germantown, MD