



# FAIRFAX COUNTY

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

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December 5, 2003

Frank W. Stearns, Esquire  
Venable, LLP  
8010 Towers Crescent Drive, Suite 300  
Vienna, Virginia 22182

RE: Rezoning Application  
Number RZ 2002-MV-037

Dear Mr. Stearns:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 29, 2003, granting Rezoning Application Number RZ 2002-MV-037 in the name of National Capital Land and Development, Incorporated to rezone certain property in the Mount Vernon District from the R-1 District to the PDH-5 District, located on the west side of Pohick Road, approximately 200 feet north of Waldren Drive, (Tax Map 107-2 ((1)) 11; 108-1 ((1)) 43 and 45A), and approved the Conceptual Development Plan subject to the proffers dated July 29, 2003, and subject to the representations made by the counsel and applicant at this hearing, consisting of approximately 5.69 acres.

(NOTE: At its August 4, 2003, meeting the Board held a public hearing regarding this item and deferred decision until September 15, 2003. At its September 15, 2003, meeting the Board deferred decision until September 29, 2003.)

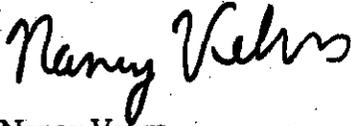
The Board entered into the record a written agreement between the National Capital Land and Development, Incorporated and the Washington Square Homeowners Association regarding trail access and sidewalk access, a copy of which is attached to this letter.

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The Planning Commission previously approved Final Development Plan FDP 2002-MV-037 on June 12, 2003, subject to the Board's approval of RZ 2002-MV-037.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

**Attachment**

cc: Chairman Katherine K. Hanley  
Supervisor Hyland, Mount Vernon 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  
Joyce Evans, Land Acq. & Planning Div., Park Authority  
District Planning Commissioner  
James Patteson, Director, Facilities Mgmt. Div., DPWES  
Barbara J. Lippa, Executive 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 29th day of September, 2003, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 2002-MV-037

WHEREAS, National Capital Land and Development, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the PDH-5 District, 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 Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-5 District, and said property is subject to the use regulations of said PDH-5 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to 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 parcel.

GIVEN under my hand this 29th day of September, 2003.

  
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Nancy Velts  
Clerk to the Board of Supervisors

# AGREEMENT

THIS AGREEMENT is made this 15 day of <sup>July</sup> May, 2003 between the Washington Square Homeowners Association, a Virginia Corporation ("Homeowners Association") and National Capital Land & Development, Inc., a Virginia Corporation ("Developer")

## WITNESSETH

**WHEREAS:** Developer is Contract Purchaser and the Applicant in rezoning RZF/FDP 2002-MV-037; and

**WHEREAS:** Homeowners Association is the owner of adjacent property to the parcels which are the subject of the aforementioned Rezoning Application; and

**WHEREAS:** Homeowners Association and Developer have come to an agreement to resolve certain issues concerning the two parties.

**NOW THEREFORE:** In consideration of the mutual premises and payment of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, Developer and Homeowners Association agree as follows:

1. Homeowners Association will cooperate with Developer and execute said documents as requested by Developer during the subdivision review process sufficient to vacate portions of Bakers Drive which is to be relocated;
2. Developer will relocate portions of Bakers Drive onto its parcels, as shown on the Conceptual Final Development Plan dated May 19, 2003 and attached hereto so as to preserve the screening which currently exists along and within the exiting right-of-way of Bakers Drive.
3. Developer shall pay the Homeowners Association Ten Thousand Dollars (\$10,000.00) within thirty (30) days of final approval of Developer's Subdivision Plat for use in supplementing the landscaping on the Homeowners Association property along Bakers Drive or for such other legitimate Homeowners Association purpose as its Board of Directors shall determine in their sole and absolute discretion.

**IN WITNESS WHEREOF:** The parties hereto have set their hands and affixed their respective seal the day and year first above written.

**NATIONAL CAPITAL LAND & DEVELOPMENT, INC.**

By: *J. Gary B...*  
Its: PRESIDENTS

**WASHINGTON SQUARE HOMEOWNERS ASSOCIATION**

By: *[Signature]*  
Its: PRESIDENT