DPZ

FAIRFAX COUNTY

V I R G I N I A

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

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August 13, 1998

Susan K. Yantis, Land-Use Coordinator
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Thirteenth Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 1996-HM-043
(Concurrent with RZ 1996-HM-044, PCA 88-C-066-2,
PCA 85-C-008-3 and PCA 86-C-029-6)
(AMENDED LETTER/ORDINANCE ONLY)

Dear Ms. Yantis:

Required funds having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use, enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 11, 1998, granting, as proffered, effective July 10, 1998, Rezoning Application Number RZ 1996-HM-043, in the name of Jefferson At President's Park, L.P. from the I-5 and PDC Districts to the PDH-30 District (to permit residential development), subject to proffers dated April 22, 1998, on subject parcel 15-4 ((1)) 22I, and Pt. 23, consisting of approximately 19.8 acres of land located in Hunter Mill District.

The Conceptual Development Plan was approved as part of the Board of Supervisors' approval of RZ 1996-HM-043; the Planning Commission approved Final Development Plan Application FDP 1996-HM-043 on April 2, 1998, contingent upon the Board of Supervisors' approval of RZ 1996-HM-043 and the Conceptual Development Plan, and subject to the development conditions dated March 18, 1998.

The Board also waived the 600-foot private street length limitation, pursuant to Paragraph 2 of Section 11-102 of the Zoning Ordinance.

In addition, the Board directed that the Acting Director of the Department of Public Works and Environmental Services (DPW&ES) approve a waiver of the transitional screening and barrier requirements at the time of Site Plan approval for the hotel and office uses on the property shown on Tax Map 15-4 ((1)) as Parcel 14A in favor of that shown on the relevant documents.

Sincerely,

Patti M. Hicks

Patti M. Hicks
Deputy Clerk to the Board of Supervisors

NV/ns

cc: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administrations
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., OCP
Robert Moore, Trnsprtn. Planning Div., Department of Transportation
Paul Eno, Project Planning Section, Department of Transportation
Department of Public Works and Environmental Management
Department of Highways, VDOT
Land Acq. & Planning Div., Park Authority
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lippa, Deputy Executive Director, Planning Commission

AMENDED 8-13-98

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 11th day of May, 1998 the following ordinance was adopted effective July 10, 1998 (Funds required by State Law having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use):

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1996-HM-043
(CONCURRENT WITH RZ 1996-HM-044, PCA 88-C-066-2,
PCA 85-C-008-3 AND PCA 86-C-029-6)

WHEREAS, Jefferson At President"s Park L.P. filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the I-5 and PDC Districts to the PDH 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 Hunter Mill District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH District, and said property is subject to the use regulations of said PDH District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(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 11th day of May, 1998.

Patti M. Hicks

Patti M. Hicks
Deputy Clerk to the Board of Supervisors

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 11th day of May, 1998 the following ordinance was adopted effective July 10, 1998 (Funds required by State Law having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use):

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GIVEN under my hand this 11th day of May, 1998.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

Proffer Statement

PCA 86-C-029-6/88-C-066-2
RZ 1996-HM-044

March 9, 1998

Pursuant to Section 15.2-2303A of the Code of Virginia, 1950, as amended, the property owner and Applicant in these Rezoning and Proffer Condition Amendment applications, for themselves and for their successors and assigns, proffers that the development of the area governed by each of these applications will be subject to Proffer of Development Conditions dated July 18, 1997 and accepted by the Board of Supervisors in the approval of PCA 86-C-029-5 and PCA 88-C-066, which shall remain in full force and effect, except as amended (amended text underlined) as follows:

1. The Applicant shall develop the Property in substantial conformance with the Conceptual/Final Development Plans (sheets 1-8) prepared by Huntley, Nyce & Associates dated September 28, 1995, revised through June 19, 1997, amended by the CDPA (sheets 1 and 2) revised by VIKA, Inc. in support of PCA 86-C-029-6/88-C-066-2, RZ 1996-HM-044 dated September 28, 1995 and revised through March 9, 1998 and approved as part of these applications. All previously approved Final Development Plans for building sites 1,2,3,4,5,8,-6,15 and 16 shall continue to govern.

Future final development plan applications shall be in substantial conformance with the gross floor area of individual buildings, building heights, building setbacks, the general orientation of buildings and parking areas, landscaping concepts, amounts of open space, and the general orientation and location of streets and entrances on Sheet 2-3 of the CDP. Modifications to the approved FDP for Land Bay 5 shall be permitted in accordance with Section 16-403 of the Zoning Ordinance. Within individual building sites, minor modifications, to include but not be limited to, the footprint, gross floor area, and height of individual buildings, may be made in conjunction with the approval of an FDP, provided it is demonstrated that the modification is consistent with the overall design concepts expressed on the CDP as proffered above.

34. To facilitate the acceptance of Enterprise Drive into the public street system, and as required in connection with Proffer 25A, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors and/or VDOT, right-of-way and existing associated improvements along the Application Property's frontage of Enterprise Drive as generally shown on the CDP.

All dedicated improvements along the site's frontage of Enterprise Drive shall be of a standard acceptable to VDOT/DEM; however, the property owner, and its successors and assigns, shall not be responsible for any improvements to Enterprise Drive beyond

the existing frontage and right-of-way, to include but not be limited to, further extension of Enterprise Drive or construction of a cul-de-sac. The dedication required by this proffer shall be made at such time as VDOT determines that Enterprise Drive meets the criteria for acceptance into state system.

Advanced density credit shall be reserved as may be permitted by Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of site plan approval.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

Title Owner and Applicant under governing applications PCA 86-C-029-5 and PCA 88-C-066

Dulles Corner Properties II Limited Partnership,
a Virginia limited partnership

By: Dulles Corner Associates Limited Partnership,
a Virginia limited partnership,
its general partner

By: Equity Dulles Corner Venture,
a Colorado general partnership,
its general partner

By: U. S. WEST Real Estate, Inc.,
a Colorado corporation,
its general partner

By: _____

STEWART LOEWENSTEIN

Vice President

APPLICANT/TITLE OWNER

JEFFERSON AT PRESIDENT'S PARK L.P., a Texas limited partnership

By: APARTMENT COMMUNITY REALTY LLC., its general partner

By: _____
Robert D. Page, President