



FAIRFAX COUNTY

DPZ
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

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: Proffered Condition Amendment
Number PCA 85-C-008-3
(Concurrent with RZ 1996-HM-044, RZ 1996-HM-043,
PCA 88-C-066-2 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, effective July 10, 1998, Proffered Condition Amendment Number PCA 85-C-008-3 in the name of Jefferson At President's Park, L.P., subject to proffers dated April 1, 1998, on subject parcels 15-4 ((1)) 21A, 22A1, 22C, 22D1 and 22I consisting of approximately 38.87 acres of land located in Hunter Mill District.

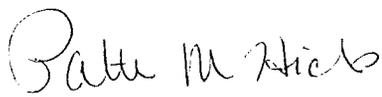
The Board also waived the transitional screening and barrier requirements along the north side of Horsepen Road, pursuant to Paragraphs 3 and 12 of Section 13-304 of the Zoning Ordinance.

Amended - August 13, 1998
PCA 85-C-008-3

2.

In addition, the Board directed the Acting Director of the Department of Public Works and Environmental (DPW&ES) to 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
Deputy Clerk to the Board of Supervisors

NV/ns

cc: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
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
PROFFERED CONDITION AMENDMENT PCA 85-C-008-3
(CONCURRENT WITH RZ 1996-HM-044, RZ 1996-HM-043,
PCA 88-C-066-2, AND PCA 86-C-029-6)**

WHEREAS, Jefferson At President's Park, L.P. filed in the proper form an application requesting amendment to the plan of a certain parcel of land, 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

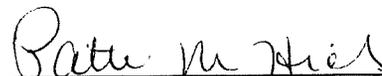
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Hunter Mill 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 11th day of May, 1998.



Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PROFFERS

PCA 85-C-008-3

April 1, 1998

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950 as amended, Jefferson and President's Park, L.P., the Applicant in PCA 85-C-008-3 for themselves, successors and assigns, proffer that development of the property that is the subject of PCA 85-C-008-3 shall be subject to the proffers in RZ 85-C-008, dated October 18, 1985, and in PCA 85-C-008-1, dated September 7, 1988, and in PCA 85-C-008-2, dated March 16, 1994 amended as follows:

1. Amend Preamble to read as follows:

The undersigned, as the Applicant in the above-referenced Proffered Condition Amendment ("PCA") application and the owners of the property which is the subject matter thereof, hereby commit that the development of this 19.23 acre property remaining subject to this rezoning shall be in conformance with that portion of the Generalized Development Plan, dated October 18, 1985, prepared by Dewberry and Davis that pertains to the portion of the property subject to this PCA, as described and amplified by the following conditions:

2. Amend Proffer 2 to read as follows:

The overall Floor Area Ratio (FAR) shall not exceed 0.75 (i) for the 19.23 acre property identified on Tax Map 15-4 ((1)) 21A, 22A1, 22D1, which are the subject of this application, (ii) for the five-acre property located on Tax Map 15-4 ((1)) 14A, and (iii) for the pro-rated portion (6.67 acres) of the Horse Pen Road right-of-way that was approved for advanced density/floor area ratio credit by the Board of Supervisors on August 3, 1987.

3. Delete Proffer 6.

4. Amend Proffer 7 to read as follows:

In order to assure design compatibility between the office development on Parcels 22A1 and 22D1 and the multi-family residential development proposed in conjunction with RZ 1996-HM-043, the owners will agree to the following design elements:

- A. Horse Pen Road Streetscape. The owners shall implement the landscaping along the north side of Horse Pen Road in substantial accordance with the Horse Pen Road Streetscape Plan dated February 10, 1998 attached hereto as Exhibit A. The portion of this streetscaping located on the northern side of Horse Pen Road shall be installed prior to the final site plan bond release. The substitution of plant materials for this streetscape landscaping shall be

compatible with the streetscape landscaping proposed for the residential development as determined by DEM/Urban Forester. If special paving is utilized at any Horse Pen Road entrance, it shall be compatible to the residential development, as determined by DEM. Benches, trash receptacles, and other street furniture, if any are provided along Horse Pen Road, shall be of a compatible style with that proposed for the residential development, as determined by DEM.

- B. Project Identification. Both the office and residential developments shall utilize a presidential theme in the naming of the developments and of any new streets. A coordinated signage system for the signage at the entrances to both the residential and office developments shall be provided to identify the projects. These sign(s) at the entrances shall be compatible and harmonious with the entrance sign(s) for the residential development in terms of material, typeface, color and lighting.

(SIGNATURES BEGIN ON NEXT PAGE)

PROFFERS
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Page 3

APPLICANT/TITLE OWNER OF TAX MAP 15-4 ((1)) 22I
JEFFERSON AT PRESIDENT'S PARK L.P. , a Texas limited
partnership

By: APARTMENT COMMUNITY REALTY LLC., its general
partner

By: 
Robert D. Page, President

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

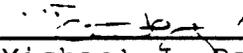
TITLE OWNER OF TAX MAP 15-4 ((1)) 22A1
JACo HORSE PEN II LLC

By: The Monument Fund, LLC, its Sole Member

By: Monument Akridge, L.L.C., its Managing Member

By: JACo Manager, L.L.C., its Managing Member

By: JACo Manager, Inc., its Managing
Member

By: 
Its Michael J. Darby
Vice President/Assistant
Secretary

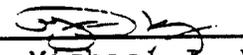
TITLE OWNER OF TAX MAP 15-4 ((1)) 22D1
JACo HORSE PEN LLC

By: The Monument Fund, LLC, its Sole Member

By: Monument Akridge, L.L.C., its Managing Member

By: JACo Manager, L.L.C., its Managing Member

By: JACo Manager, Inc., its Managing
Member

By: 
Its Michael J. Darby
Vice President/Assistant
Secretary

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER OF TAX MAP 15-- (1) 21A
TRUSTEES OF MOUNT PLEASANT
BAPTIST CHURCH

By: Willie Hassel
Willie Hassel, Trustee

By: James Ellis
James Ellis, Trustee

By: Wayne Davis
Wayne Davis, Trustee

By: _____
Gerald Brown, Trustee

By: Jean Saylor
Jean Saylor, Trustee

By: Michele Freeman
Michele Freeman, Trustee

By: _____
Michael Nelms, Trustee

By: Scott Keith
Scott Keith, Trustee

By: Randolph Jackson
Randolph Jackson, Trustee

By: Carl Jackson
Carl Jackson, Trustee

(SIGNATURES CONTINUE ON NEXT PAGE)

CONTRACT OWNER OF TAX MAP 15-4 ((1)) 22C
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: 
Its: V.P. Stewart Loewenstein