



**WALSH COLUCCI  
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June 18, 2019

**Via E-Mail Only**

Ms. Cindy Petkac  
Director of Planning and Zoning  
Town of Vienna  
127 Center Street  
Vienna, Virginia 22180

Re: 380 Maple Avenue West Post-Hearing Proffer Resubmission

Dear Ms. Petkac:

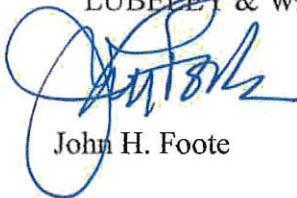
Attached you will find Proffers for this Application that are revised in accordance with the requests made and agreed to at the Town Council Meeting on June 17, 2019.

The sole changes are to reduce the number of storage units proffered from three to two, to correspond to the Concept Plan, and to reduce the length of delivery trucks from 35 feet to 30 feet. These revised proffers are submitted consistently with the holding in Arogas, Inc. v. Frederick Cty. Bd. of Zoning Appeals, 280 Va. 221 (2010).

We thank the Staff for its courteous and capable assistance in connection with this Application.

Very truly yours,

WALSH, COLUCCI,  
LUBELEY & WALSH, P.C.



John H. Foote

ATTORNEYS AT LAW

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Enclosure

cc: Steven Briglia, Esq.  
Dennis Rice  
Jack Wilkenfeld

PROFFER STATEMENT  
380 MAPLE AVENUE WEST  
36,842 square feet/ 0.85 acres

**Rezoning:** PF-58-18-MAC

**Record Owner:** Red Investment, LLC and MJW Maple Avenue, LLC

**Applicant:** Red Investment, LLC and MJW Maple Avenue, LLC

**Property:** Parcel 0383 02 0147, in the Land Records of Fairfax County, and as shown on the Concept Plan (hereinafter “the Property”)

**Zoning:** C-1 and RS-16 to Maple Avenue Commercial (MAC)

**Project Name:** 380 Maple Avenue West

**Date:** May 22, 2019

**Revision Date:** June 10, 2019  
June 18, 2019

Pursuant to Va. Code Ann. § 15.2-2303 and § 18-249.1 of the Town of Vienna Zoning Ordinance, Red Investment, LLC and MJW Maple Avenue, LLC, the undersigned, hereby proffer that the development and use of the Property, located at 374-380 Maple Avenue West in the Town of Vienna, on the east side of Maple Avenue West at its intersection with Wade Hampton Drive SW, will be in substantial conformance with the following conditions. In the event this rezoning is granted as applied for by the Applicant, then these proffers will supersede and replace in their entirety all other proffers made prior hereto. In the event this rezoning is not granted as applied for by the Applicant, then these proffers will be deemed withdrawn and will be null and void.

The term “Applicant” as referenced herein will include within its meaning the current owner, all future owners, assigns, and successors in interest.

The term “Concept Plan” as referenced herein will refer to the plan entitled “380 Maple Avenue MAC Rezoning Design Plan,” prepared by Kyllo + Pattana, and Greenway Engineering dated June 10, 2019.

## 1. DEVELOPMENT AND USE OF THE PROPERTY

1.1. Development on the Property will be limited to the construction of approximately 7,500 square feet of retail space, and 37 multi-family dwelling units & 2

**PROFFER STATEMENT**  
**380 MAPLE AVENUE WEST**

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storage units. The ground floor of the building may be developed with all uses permitted on the ground floor in § 18-95.4 of the Town of Vienna Zoning Ordinance.

1.2. The architectural design of the building on the Property will conform generally with the character and quality of the design shown on the elevations in the Concept Plan, consistency with the approved Concept Plan and subject to consistency with the approved Concept Plan and the final approval of the Board of Architectural Review (“BAR”) of the Town of Vienna. Additionally, architectural details, in keeping with the architectural style of the Concept Plan will be added to the rear wall of the ground floor, and will be submitted to the BAR.

1.3. The maximum height of the structure will be fifty-four feet (54') including the parapet as measured pursuant to the Town of Vienna Code. No functional or decorative elements, which would otherwise be permitted, will exceed 54 feet.

1.4. The development of the Property will be in substantial conformance with the Concept Plan, which is incorporated herein by reference.

1.5. The Applicant will install solar panels on the roof of the structure.

1.6. Notwithstanding the foregoing, upon the submission of final site plans, minor modifications and adjustments may be made to the road alignments, entrances, parking, dimensions of the SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features shown on the Concept Plan necessary to accommodate best engineering practices.

**2 MAINTENANCE OF THE PROPERTY.**

2.1 The Applicant will maintain all exterior areas of the Property, or will ensure that such maintenance obligations are appropriately assigned to Unit or Property Owners Associations for ongoing maintenance thereof.

**3 TRANSPORTATION AND MOBILITY.**

3.1 The Applicant will contribute the sum of \$79,950.00 at the time of site plan approval for the purpose of traffic safety improvements along Wade Hampton Drive, Glen Avenue, and Roland Street.

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380 MAPLE AVENUE WEST

**4 TRANSPORTATION DEMAND MANAGEMENT (TDM).**

4.1 The Applicant will implement the following TDM measures:

4.1.1 Within 180 days of issuance of the first Certificate of Occupancy for residential use, the Applicant will designate a Transportation Management Coordinator (TMC). The TMC will advise residents, tenants, and employees, of the TDM program at least once a quarter. The TMC position may be part of other duties assigned to the individual. The TMC duties will include the following:

- (i) Assist residents and employees in making effective and efficient commuting choices.
- (ii) Disseminate Metrorail, Fairfax Connector, ridesharing, and other relevant transit options to new residents, tenants, and employees.
- (iii) Solicit support from the Metropolitan Washington Council of Governments (MWCOG) Commuter Connections program, the Washington Metropolitan Area Transit Authority (WMATA), the Town of Vienna, and others.
- (iv) Provide assistance to residents and employees in forming and maintaining carpools and vanpools.
- (v) Disseminate park-and-ride lot information to prospective carpoolers and vanpoolers.
- (vi) Encourage residents and employees to ride bikes or walk to work.
- (vii) Promote the TDM Program among residents and employees through printed materials and web sites.

4.2. Delivery trucks be limited to trucks no longer than 30 feet in length.

**5 LANDSCAPING.**

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380 MAPLE AVENUE WEST

5.1 The applicant will place pine or holly trees along south side of Glen Avenue in the Town of Vienna right-of-way, approximately 8 feet apart corner to corner.

**6 UTILITIES.**

6.1 The electrical, telephone, and cable lines between the two utility poles located along Maple Avenue at the frontage of the Property will be placed underground. Notwithstanding this requirement, undergrounding will not require the Applicant to place such lines beneath Maple Avenue without the participation of Dominion Energy or other third parties.

6.2 The applicant shall coordinate all undergrounding of utilities with the Town of Vienna.

[Signatures on following page.]

PROFFER STATEMENT  
380 MAPLE AVENUE WEST

**SIGNATURE PAGE**

APPLICANT:

RED INVESTMENT, LLC

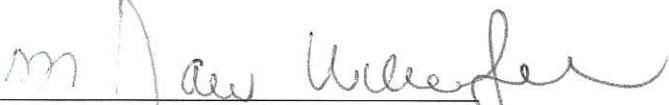
By: 

Name: Dennis E. Rice

Title: Managing Member

APPLICANT:

MJW MAPLE AVENUE, LLC

By: 

Name: JACK WICKENFELD

Title: MANAGING PARTNER