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May 2, 2016

DELIVERED BY MESSENGER

Patrick Mulhern
Director, Department of Planning and Zoning
Town of Vienna
127 Center Street South
Vienna, Virginia 22180

Re: Flagship Carwash Center

Dear Patrick:

The Proffers dated April 25, 2016 were incorrect in that they did not include the amendments to Proffers 6 and 11 which had been made in the Proffers dated April 13. We apologize for this mistake.

Enclosed are one executed original and thirteen (13) copies of Proffers dated May 2, 2016 which include the earlier amendments to Proffers 6 and 11 and which refer in Proffer 1 to the correct revision date (April 25) of the Site Plan Documents.

Best regards.

Yours truly,

Sarah E. Hall

SEH/jrj
Enclosures

PROFFERS
(Flagship Carwash Center)
Rezoning PF-40-15-PMAC
May 2, 2016

Pursuant to Section 15.2-2303(a) of the 1950 Code of Virginia, as amended, and Section 18-249.1 of the Zoning Ordinance of the Town of Vienna, Virginia, Vienna Car Wash, LLC, the owner of the property described below and its developer, for itself and its successors and assigns (collectively, "Applicant"), agrees that the redevelopment and use of the property that is the subject of Zoning Map Amendment application PF-40-15-PMAC and that is shown on the Fairfax County Tax Map as 38-3((2))115 and 38-3((2))152A (collectively, the "Property") shall be in accordance with the following Proffers if the Zoning Map Amendment is granted and the Property is rezoned to the Maple Avenue Commercial ("MAC") District:

1. Conformance to Site Plan. The general character of the redevelopment of the Property shall be in substantial conformance with the Site Plan Documents prepared by Bohler Engineering dated May 12, 2015, revised as of April 25, 2016 (the "Site Plan"), provided, however, that the Site Plan shall not be deemed to limit in any way the use of the Property. The Site Plan is composed of multiple sheets.
2. Uses of the Property. The Property may be used for any uses permitted in the MAC District, including uses permitted by conditional use permits issued by the Board of Zoning Appeals, provided all such uses conform to the requirements of the Zoning Ordinance, including parking requirements, as they may be modified or waived in accordance with the provisions of the Zoning Ordinance.
3. Architectural Design. The architectural design of the building on the Property shall conform generally with the character and quality of the design shown on the elevations which are Sheet 24 of the Site Plan, subject to the approval of and direction of the Board of Architectural Review ("BAR") of the Town of Vienna.
4. Maintenance of Items in Right of Way. Applicant shall maintain the trees, shrubbery, sidewalks, aprons and other items it may locate in the Maple Avenue public right-of-way which extends from Applicant's property line to the back of the Maple Avenue curb.
5. Green Roof. Applicant shall install on a portion of the roof of the proposed building the 5,000 square foot green roof component shown on Sheet 24 of the Site Plan. Applicant shall enter into a stormwater management agreement with the Town of Vienna

in which it will accept the responsibility for maintaining the green roof portion of the roof.

6. Maple Avenue and James Madison Drive Intersection Improvements for Pedestrians. In connection with the redevelopment of the Property as shown on the Site Plan, subject to Virginia Department of Transportation (“VDOT”) and Town approval, Applicant shall design and construct a HAWK (High Intensity Activated Crosswalk) beacon at the Maple Avenue/James Madison Drive intersection, realign the existing Maple Avenue pedestrian crosswalk, and construct other improvements relating to pedestrian access, all as generally shown on the attached exhibit. The HAWK beacon and related improvements generally shown on the exhibit must be constructed and accepted by the Town and fully operational before a Certificate of Occupancy shall be issued for any use on the Property. In the event VDOT and the Town do not both approve pedestrian improvements for the Maple Avenue/James Madison Drive intersection, Applicant shall have no obligation to make any such improvements and none must be constructed before a Certificate of Occupancy is issued for any use on the Property.

7. Interparcel Connection. At such time as the adjoining property to the northeast (TM 38-3((2))116B) is rezoned to the MAC district and redeveloped, Applicant shall attempt in good faith to negotiate with the owner of that property a reasonable plan for constructing an interparcel connection between the two properties, the cost of such a connection to be reasonably shared between them.

8. Geotechnical. At all times during grading or excavation on the Property, Applicant shall ensure that a licensed geotechnical engineer is present. In the event that the geotechnical engineer determines that soil which will be removed may be contaminated (*i.e.* substances are present in excess of the limitations set by the state and federal governments), such soil shall be removed from the Property and disposed of in a manner which conforms to state and federal law.

9. Noise Attenuation. As part of its efforts to attenuate noise which might disturb the residents of the townhomes to the southeast of the Property, Applicant has committed to the following actions. First, in the event a car wash is located in the building on the Property, its vacuums will be located in an enclosed portion of the building and within that half of the building which fronts on Maple Avenue. All vacuum exhausts will be located on the roof within that half of the building which fronts on Maple Avenue. Second, the air conditioners for the building will be located on the roof and in that half of the roof which fronts on Maple Avenue. The air conditioners will be screened along the side which faces the townhomes to the southeast to attenuate noise from the air conditioners. The screening will be subject to the approval, as necessary, by the BAR.

10. Lighting at the Rear and Sides of the Building. Any lighting at the rear and sides of the building on the Property shall be building-mounted and downward facing. There shall be no spotlights or movement-sensor lighting on the rear (southeast) or sides (northeast and southwest) of the building. Lighting shall be subject to the approval of the BAR, as necessary.

11. Subject to approval by the Town, the existing wall at the rear of the Property shall be demolished, an eight (8) foot high wooden fence will be constructed on the southwest side of the proposed building and an eight (8) foot high brick or masonry wall will be constructed on the southeast side of the proposed building, and a landscaped buffer will be planted at the rear of the building, all as generally shown on the Site Plan. Applicant shall be responsible for the maintenance and repair of the wall, the fence, and the landscaped buffer, and Applicant shall access the landscaped buffer for maintenance through the Property. In the event that, within five (5) years after the issuance of the first Certificate of Occupancy for any use on the Property the Homeowners Association of the Townes of Vienna III-IV shall so direct, Applicant shall, upon the issuance of the appropriate permit(s) by the Town, construct a masonry wall eight (8) feet high on the property line which divides the Property from the Townes of Vienna III-IV.

12. These Proffers will bind and inure to the benefit of Applicant and its successors and assigns.

APPLICANT/PROPERTY OWNER:

VIENNA CAR WASH, LLC, a
Virginia limited liability company

By:


Guy Paolozzi, Manager