



FAIRFAX COUNTY

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

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April 23, 2004

Martin D. Walsh, Esquire
Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Proffered Condition Amendment
Number PCA 1998-SU-040-02

Dear Mr. Walsh:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 29, 2004, approving Proffered Condition Amendment PCA 1998-SU-040-02 in the name of Wegmans Food Markets, Incorporated, to amend the proffers for RZ 1998-SU-040 previously approved for commercial development to permit a waiver of certain sign regulations located at the northeast quadrant of the intersection of Lee Highway and Monument Drive, Tax Map 56-2 ((1)) 70A, subject to the proffers dated January 30, 2004, consisting of approximately 12.08 acres located in Springfield District.

The Board also waived the sign regulations to increase allowed sign area from 475 square feet to 592 square feet, pursuant to Section 9-620 of the Zoning Ordinance.

Sincerely,

Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PMH/ns

PCA 1998-SU-040-02

April 23, 2004

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cc: **Chairman Gerald E. Connolly**
Supervisor Elaine McConnell, Springfield 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
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Mgmt. Div., DPWES
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 March, 2004, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 1998-SU-040-02**

WHEREAS, Wegmans Food Markets, Incorporated filed in the proper form an application to amend the proffers for RZ 1998-SU-040 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 Springfield 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 29th day of March, 2004.



Patti M. Hicks

Deputy Clerk to the Board of Supervisors



RINKER-DETWILER & ASSOCIATES, P.C.

*Engineering • Surveying • Land Planning
Global Positioning System • Mapping*

9240-B Mosby Street
MANASSAS, VIRGINIA 20110-5071

Local: (703) 368-7373 Metro: 591-6812
FAX # (703) 968-9027

August 14, 2003

METES AND BOUNDS DESCRIPTION ON PARCEL "B-1" FAIRFAX CENTER SPRINGFIELD DISTRICT FAIRFAX COUNTY, VIRGINIA

00-146-HA

Beginning at a point being a common corner with Parcel "G" Callahan Park, said point lying in the northerly right-of-way line of U.S. Route Number 29 (width varies);

Thence running with the northerly right-of-way line of Lee Highway the following four courses and distances:

- 1) S79°39'01"W 106.60 feet to a point;
- 2) Thence N88°51'49"W 100.44 feet to a point;
- 3) Thence S79°39'01"W 262.30 feet to a point;
- 4) Thence with a curve to the right of radius 24.61 feet having a central angle of 90°06'31", chord of 34.83 feet, chord bearing of N55°17'44"W and an arc length of 38.70 feet to a point;

Thence running with the easterly right-of-way line of Monument Drive as dedicated for public street purposes in deed book 11324 at page 1902 (width varies) the following eleven courses and distances:

- 1) N10°14'28"W 52.23 feet to a point;
- 2) Thence with a curve to the left of radius 775.63 feet having a central angle of 02°52'26", chord of 38.90 feet, chord bearing of N11°40'41"W and an arc length of 38.90 feet to a point;
- 3) Thence N10°40'00"W 106.72 feet to a point;
- 4) Thence with a curve to the left of radius 787.44 feet having a central angle of 10°20'43", chord of 141.99 feet, chord bearing of N26°04'11"W and an arc length of 142.18 feet to a point;
- 5) Thence with a curve to the right of radius 1,431.76 feet having a central angle of 02°35'44", chord of 64.85 feet, chord bearing of N29°56'41"W and an arc length of 64.86 feet to a point;
- 6) Thence N32°44'57"W 108.41 feet to a point;

- 7) Thence with a curve to the right of radius 1,443.57 feet having a central angle of 00°36'10", chord of 15.19 feet, chord bearing of N24°02'59"W and an arc length of 15.19 feet to a point;
- 8) Thence N14°45'07"W 95.37 feet to a point;
- 9) Thence with a curve to the right of radius 1,431.76 feet having a central angle of 04°30'30", chord of 112.63 feet, chord bearing of N17°43'19"W and an arc length of 112.66 feet to a point;
- 10) Thence N15°28'04"W 79.29 feet to a point;
- 11) Thence N38°26'02"E 48.72 feet to a point;

Thence running with the southerly right-of-way line of Government Center Parkway as dedicated for public street purposes in deed book 11324 at page 1902, deed book 11433 at page 1096 and deed book 14278 at page 1013 (width varies) the following six courses and distances:

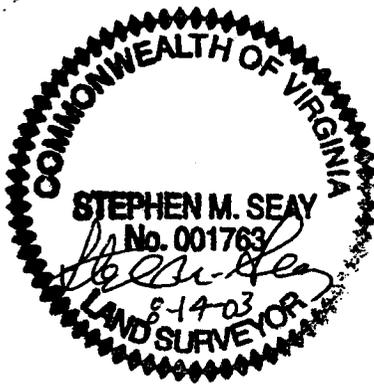
- 1) N74°31'56"E 448.11 feet to a point;
- 2) Thence with a curve to the left of radius 854.95 feet having a central angle of 02°01'42", chord of 30.26 feet, chord bearing of N73°31'05"E and an arc length of 30.27 feet to a point;
- 3) Thence S64°37'16"E 38.20 feet to a point;
- 4) Thence N67°24'15"E 92.58 feet to a point;
- 5) Thence N18°36'18"E 36.63 feet to a point;
- 6) Thence with a curve to the left of radius 854.95 feet having a central angle of 03°14'41", chord of 48.41 feet, chord bearing of N61°20'06"E and an arc length of 48.42 feet to a point;

Thence running with the line of Parcel "G" Callahan Park the following twenty-six courses and distances:

- 1) S50°10'43"E 50.40 feet to a point;
- 2) Thence S32°13'09"E 31.69 feet to a point;
- 3) Thence S01°30'04"W 82.93 feet to a point;
- 4) Thence S06°35'27"W 19.14 feet to a point;
- 5) Thence S00°49'38"W 43.17 feet to a point;
- 6) Thence S14°24'12"W 33.41 feet to a point;
- 7) Thence S28°57'55"W 65.31 feet to a point;
- 8) Thence S02°53'13"E 61.14 feet to a point;
- 9) Thence S08°02'12"E 28.75 feet to a point;
- 10) Thence S02°22'00"W 19.33 feet to a point;
- 11) Thence S12°32'30"E 24.84 feet to a point;
- 12) Thence S05°15'56"E 22.85 feet to a point;
- 13) Thence S11°52'51"E 42.22 feet to a point;
- 14) Thence S36°35'47"E 28.16 feet to a point;
- 15) Thence S49°27'07"E 21.76 feet to a point;
- 16) Thence S10°52'29"W 49.53 feet to a point;
- 17) Thence S12°26'49"E 59.78 feet to a point;
- 18) Thence S21°09'19"E 46.54 feet to a point;
- 19) Thence S05°27'31"E 44.09 feet to a point;



- 20) Thence S23°00'40"W 48.32 feet to a point;
- 21) Thence S09°15'01"E 24.26 feet to a point;
- 22) Thence S17°39'38"E 27.65 feet to a point;
- 23) Thence S02°15'35"E 37.89 feet to a point;
- 24) Thence S11°24'25"E 40.92 feet to a point;
- 25) Thence S02°05'37"E 16.36 feet to a point;
- 26) Thence S09°55'54"E 47.78 feet to the point and place of beginning and containing 12.08309 acres or 526, 339 square feet of land more or less.





Stephen M. Seay
Land Surveyor

SMS/jsd
00146\00146ha\documents\0308024.doc



RINKER-DETWILER & ASSOCIATES, P.C.

PROFFERS

WEGMANS FOOD MARKETS, INC.

PCA 1998-SU-040-02

January 30, 2004

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, and subject to the Board of Supervisors approval of the requested Proffered Condition Amendment on property identified as Tax Map 56-2 ((1)) 70A; (hereinafter referred to as the "Application Property"), the Applicant and Owners for themselves, successors and assigns proffer that the development of the Application Property shall be subject to the following proffers. In the event this application is approved, any previous proffers for the Application Property are hereby deemed null and void and hereafter shall have no effect on the Application Property. The Applicant understands that the Board of Supervisors acceptance of these proffers is not a determination of the Applicant's representation that certain proffers have been completed.

1. Development Plan. *[Revised to read]* Development of the Application Property shall be in substantial conformance with the Generalized Development Plan ("GDP") prepared by Rinker-Detwiler & Associates, P.C. consisting of twelve (12) sheets dated September 4, 2003.
2. Land Use. *[No Change]*
 - A. Development of the Application Property shall not exceed a maximum floor area ratio (FAR) of .14 as shown on the GDP. The Applicant reserves the right to apply for a future Proffered Condition Amendment application for development up to a .25 FAR as permitted by the Comprehensive Plan.
 - B. The following uses may be permitted:
 1. Accessory Uses.
 2. Business service and supply service establishments.
 3. Eating establishments.
 4. Fast food restaurants *.
 5. Financial institutions.
 6. Personal service establishments.
 7. Quick service food stores.
 8. Repair service establishments.
 9. Retail sales establishments.
 10. Unmanned bank teller machine(s) (ATM) located within the building.

*Limited by the provisions of Sect. 4-605 of the Zoning Ordinance or with approval of a Special Exception.

The following uses will not be permitted:

1. Churches, chapels, temples, synagogues, and other places of worship.
2. Mobil and land-based telecommunication facilities.
3. Telecommunication facilities, except as referenced in Proffer 20 below.
4. Vehicle light service establishments.

However, this proffer shall not preclude the Applicant from applying for a Proffered Condition Amendment, Special Exception and/or Special Permit for other uses in the future which are not otherwise mentioned above.

3. **Minor Deviations.** *[No Change]* Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns and neither increase the total amount of gross floor area nor decrease the following: amount of open space; the amount of required parking; or the location of common open space areas, limits of clearing and grading, access points or distances to peripheral lot lines. Such changes may include, but not be limited to, adjusting the size and location of the building footprint providing such an adjustment does not exceed five percent of the square footage of the building, and adjusting the size and location of the structured parking below grade.
4. **Storm Water Management.** *[No change – Proffer completed with Regional stormwater management/BMP pond #D-77 County Plan #7656-SP-05]* The Applicant shall provide storm water management (SWM) and Best Management Practices (BMPs) in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived by Department of Public Works and Environmental Services (“DPWES”). Storm water management and BMP requirements for the Application property shall be satisfied offsite in a regional Storm water management facility to be located on the adjacent residential property subject to RZ 1998-SU-041. No non-residential use permits (non-RUPs) shall be issued until the regional SWM facility has been constructed, partially constructed or other temporary SWM/BMP facility(ies) are constructed as may be approved by DPWES.
5. **Limits of Clearing and Grading.** *[No Change]* The Applicant shall conform to the limits of clearing and grading shown on the GDP subject to the installation of trails and utility lines, if necessary, as approved by DPWES. Any trails and utility lines located within the area protected by the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering, as determined by DPWES. At time of site plan submission, a replanting plan shall be developed and implemented, as

approved by the Urban Forestry Branch of DPWES, for any areas within the area protected by the limits of clearing and grading that are disturbed due to trails and/or utility installation.

6. Transportation.

A. Route 29, Lee Highway. *[No change – Proffer completed with County Site Plan 7656-SP-06]*

- i. Dedication. Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way from the existing centerline of Route 29 along the Application Property frontage of Route 29, as shown on the GDP together with all necessary ancillary and temporary construction and grading easements. Said easements shall not preclude the Applicant from developing the Application Property as shown on the GDP. Dedication shall be made at time of final site plan approval for the shopping center or upon demand from Fairfax County, whichever occurs first.
- ii. Construction. The Applicant shall construct a right turn lane and a third westbound lane along the Application Property frontage of Route 29 as shown on the GDP prior to final site plan approval for seventy-five percent (75%) of the gross floor area of the shopping center if not already done pursuant to RZ 1998-SU-041 or upon request by Fairfax County based upon a funded roadway project for Route 29, whichever occurs first.
- iii. Funding. In lieu of constructing a service drive and a trail along Route 29, the Applicant shall, at the time of final site plan approval for seventy-five percent (75%) of the gross floor area of the shopping center if not already done pursuant to RZ 1998-SU-041 or upon request by Fairfax County based upon a funded roadway project for Route 29, whichever occurs first, escrow with DPWES funds in an amount equal to the total estimated cost of the following improvements to Route 29 as determined by DPWES:
 - a. A 26-foot wide service drive with curb, sidewalk and gutter on the north side of Route 29 along Application Property frontage.
 - b. A 8-foot wide asphalt trail along the Application Property frontage.

Said sum shall be estimated by the Applicant's engineers, subject to said estimate being approved by the DPWES.

- iv. This construction and funding for improvements to Lee Highway as described above shall be a credit against the Applicant's Fairfax Center Area Road Fund contribution.

B. Monument Drive.

- i. Dedication. *[No change – Proffer completed with County Site Plan 7656-SP-06]* Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors those portions of the Monument Drive right-of-way, as shown on the GDP, to accommodate construction for the four-lane divided roadway. The Applicant acknowledges the ultimate right-of-way width for Monument Drive shall be 114 feet. Dedication shall be made at time of the first site plan approval or upon demand from Fairfax County, whichever occurs first.
- ii. Design and Construction. *[No change – Proffer completed with County Site Plan 7656-SP-06]*
 - 1. The Applicant shall be responsible for the design of Monument Drive. Monument Drive shall be designed to a 70 Kph design standard and shall be designed to VDOT standards.
 - 2. The Applicant shall manage the construction of 4 lanes of Monument Drive from the northern property line of the property associated with RZ 1998-SU-041 to and including at-grade improvements to Route 29, subject to the timely execution of a satisfactory cost-sharing agreement with the County prior to the Board of Supervisors approval of this rezoning.
 - 3. The Applicant shall construct Monument Drive as described in Paragraph 2 above prior to the issuance of the first non-RUP.
- iii. Interchange. *[No change]* In the event an interchange is constructed by others at the intersection of Monument Drive and Route 29, any remaining right-of-way from Monument Drive not utilized for the interchange shall be returned to the Applicant.

C. Government Center Parkway extension. *[No change – Proffer completed with County Site Plan 7656-SP-07]*

- i. Dedication. Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors that portion of

right-of-way for the extension of Government Center Parkway as a four-lane divided roadway as shown on the GDP. This dedication shall provide for that portion of Government Center Parkway east of its intersection with Monument Drive to the eastern property line of the shopping center. Dedication shall be made at time of the final site plan approval or upon demand from Fairfax County, whichever occurs first.

- ii. Construction. Prior to the issuance of the first non-RUP if not already done pursuant to the proffers for RZ 1998-SU-041, the Applicant shall construct Government Center Parkway extension as a four (4) lane divided roadway from Monument Drive to the proposed entrance to the shopping center as shown on the GDP. Said roadway shall be constructed within a 110-foot right-of-way with additional right-of-way as needed for turn lanes.
7. Fairfax Center Area Road Fund Contribution. *[No change- Proffer Completed]* The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credits for all creditable expenses, as determined by DPWES and in accordance with Proffer 6 and the cost-sharing agreement between the County and the Applicant.
8. Turn Lanes. *[No change-Proffer Completed with County Site Plan 7656-SP-06]* The Applicant shall construct right and left turn lanes on Monument Drive and Government Center Parkway extension as required by DPWES and VDOT along the Application Property's frontage. The Applicant shall construct a northbound left turn lane on Monument Drive at Government Center Parkway and shall provide median width for an additional left turn lane in order to provide dual left turn lanes, if necessary, at this intersection based on traffic queues. The Applicant shall construct the additional turn lane if required at time of site plan approval. If construction of the additional turn lane is not required, then the Applicant shall escrow the necessary funds for the construction of the additional left turn lane at time of site plan approval. The funds shall be estimated by the Applicant's engineers, subject to said estimate being approved by DPWES. The Applicant shall submit documentation of traffic queues to Fairfax County and VDOT with the submission of traffic signal plans for the intersection of Monument Drive and Government Center Parkway to determine if construction of the additional left turn lane is required.
9. Roads in Use. *[No change]* The Applicant shall construct Monument Drive and Government Center Parkway in conformance with VDOT standards. For purposes of these proffers, "construct" shall mean that the committed road improvement is open to public traffic, whether or not accepted into the State system. Acceptance of roads by VDOT into its

roadway system shall be diligently pursued by the Applicant and shall occur prior to final bond release.

10. Design Detail. *[No Change]* The design details shown on Sheets 4-8 submitted with the GDP are provided to illustrate the design intent and overall organization of the proposed development. Landscaping and on-site amenities shall be generally consistent in terms of character and quantity with the illustrations and details presented on these sheets. Specific features such as exact locations of plantings, seating areas, etc., are subject to modification with final engineering and architectural design. Landscaping and on-site amenities shall include, but not be limited to, the following features:
 - A. Landscaped entry features shall be provided at the intersections of Monument Drive and Government Center Parkway and Monument Drive and Route 29 to include entrance monumentation and/or signage, ornamental trees and shrubs as shown on Sheets 5, 6, 7 and 8.
 - B. A minor plaza shall be provided at the front of the building to include trash receptacles and a minimum of six (6) benches.
11. Environmental Quality Corridor (EQC). *[No Change]* The Applicant shall convey in fee simple to the Fairfax County Park Authority for public park purposes, the EQC as depicted on the GDP prior to final site plan approval. The EQC shall not be disturbed except for the construction of Government Center Parkway and the installation of trails and/or necessary utility lines as may be approved by DPWES. The Applicant shall design and construct the Government Center Parkway crossing of the EQC as shown on the GDP to minimize clearing and grading within the EQC to the extent feasible. A conservation easement may be placed on some or all of the open space if necessary to meet the BMP requirements of the Public Facilities Manual. At time of site plan submission, a replanting plan shall be developed and implemented, as approved by the County Urban Forester for any areas located within the EQC that are disturbed due to the installation of utility lines and trails.
12. Trash Receptacles. *[No Change]* All loading docks and on-site dumpsters for the retail establishment shall be adequately screened from view at ground level from Route 29 and the adjacent residential uses proposed in conjunction with RZ 1998-SU-041 through the use of architectural walls, berms, fencing, landscaping or combinations thereof.
13. Bicycle Parking. *[No Change]* A bicycle parking rack shall be provided at the retail center.
14. Indoor Facilities in Office. *[Proffer Deleted with PCA 1998-SU-040]*

15. Density Credit. *[No change]* All density related to all eligible street and public park dedications is hereby reserved pursuant to Paragraph 4 of Section 2-308 of the Zoning Ordinance
16. Signage. *[Revised to read]* Signage shall be in substantial conformance with the sign details and building elevations shown on the GDP. There shall be no additional building signage for any accessory uses other than the Market Café, Pharmacy and eating establishment. There shall be no pole-mounted signs or advertising on seasonal banners or on umbrellas which may be provided in outdoor seating areas. However, decorative seasonal banners and signs displayed for the direction and convenience of the public, such as signs which direct traffic or identify the location of parking areas shall be permitted. Such signs may be located on the parking lot lighting fixtures.
17. Architecture. *[No change]* The building elevations for the proposed building shall be generally in character with the elevations shown on Sheet 12 of the GDP and the following:
 - i. Building materials shall be of earthtone colors and shall be limited to face brick or architectural concrete block, architectural metal panels, architectural pre-cast concrete, stone, exterior insulation and finish system (E.I.F.S.) and reflective and non-reflective glass.
 - ii. All exterior faces of the building visible to the public shall be designed with architectural treatments as specified in Par. i above. The building material for the upper 25 percent of the rear façade shall be of the same earthtone colors used on the front façade and will include decorative medallions as shown on Sheet 12 of the GDP.
18. Hours of Operation. *[No change]* The building shall be open 24 hours daily.
19. Fast Food Restaurant. *[No change]* No fast food restaurant with delivery service as the primary operation shall be permitted as tenants. This provision shall not exclude those fast food/eating establishments which offer limited delivery service.
20. Antennas. *[No change]* The construction of telecommunication towers or antennas shall be restricted to those facilities which serve the tenants of the Property.
21. Lighting. *[No change]* The Applicant shall submit a lighting plan to DPWES at time of site plan submission to identify the specific locations and types of lighting to be provided. In order to minimize nighttime light pollution and glare, lighting within the Application Property shall utilize full cut-off luminaires to ensure that light is not projected above the horizontal plane. All parking lot lighting shall utilize full cut-off fixtures and the height of

the light poles on the Application Property shall not exceed 30 feet. Uplighting for design elements such as signs, landscaping or architectural illumination shall not be permitted except as noted below for the clock tower. Low intensity lighting may be provided on the lower portion of the clock tower to illuminate the face of the clock tower. Security lighting, such as "wall packs", lighting for pedestrian paths and other common areas, shall also be shielded and directed downward. Full cut-off street lighting fixtures shall be provided to the maximum extent feasible as may be available to the electric public utility company for the purpose of lighting the State rights-of-way. This condition shall not require retrofitting or the replacement of existing light fixtures along the public streets adjacent to the Application Property.

22. Construction Measures.

- A. *[No change]* The Applicant agrees to take reasonable measures to minimize construction traffic on the portion of Government Center Parkway to the west of Monument Drive. The Applicant shall notify all contractors in writing to utilize Route 29 to the shopping center entrance on Monument Drive for construction vehicles. Signage shall be posted along the portion of Government Center Parkway west of Monument Drive prohibiting construction traffic. Parking for construction vehicles shall be on the Application Property.
- B. *[No change]* The Applicant agrees that construction and delivery of construction materials on any portion of the Application Property, including road construction on Government Center Parkway and Monument Drive, shall be limited to the hours prescribed by the Fairfax County Noise Ordinance.
- C. *[No change]* The Applicant agrees to take reasonable measures which are consistent with the standards of construction in Fairfax County to maintain Government Center Parkway and Monument Drive; Carriage Park, Parkside and The Preserve streets, sidewalks, buildings and storm water ponds free from dirt, gravel, construction materials and debris at all times and will clean these areas as often as necessary at its expense to assure compliance. Should dry weather cause excessive dirt and dust, the Applicant agrees to apply water consistently to the construction site.
- D. *[No change]* The Applicant shall take reasonable measures to monitor and control pests resulting from construction and agrees to remove, trap or eradicate pests at its expense in accordance with County policies.

23. Mechanical Equipment. *[No change]* All rooftop mechanical equipment shall be screened from the ground level. All above-ground or in-ground mechanical structures shall be adequately screened by landscaping and/or a screen wall with a gate which shall be locked at all times, as may be approved by the appropriate utility company.

24. Parking. *[No change]* The Applicant shall provide signage to ensure that users of the Application Property are notified that parking at Carriage Park and/or the Ellipse and/or Parkside and/or The Preserve (the "Surrounding Communities") are for the exclusive use of the Surrounding Communities residents and guests. In the event that automobiles from the Application Property park at the Surrounding Communities, the Applicant acknowledges that such automobiles will be subject to the enforcement of the parking regulations including towing at the automobile owner's expense.
25. Noise. *[Deleted with Proffer PCA 1998-SU-040]*
26. Heritage Resources. *[No change-Proffer completed]* The Applicant shall contract for a Phase I archaeological survey for the eastern portion of the Application Property within the EQC area. If a Phase II archaeological study is found necessary by the County archaeologist, that study shall be performed by the Applicant, provided the performance of said survey does not interfere with or delay the Applicant's construction schedule. If a Phase III archaeological study is found necessary, then the Applicant shall contract for completion of such study provided that performance of said survey does not interfere with or delay the Applicant's construction schedule. The cost of both of the Phase II and Phase III archaeological studies shall not exceed the sum of \$10,000.
27. Monument Drive Streetscape. *[No change]* Landscaping shall be provided along Monument Drive as generally shown on the GDP and Sheet 6. This streetscape shall consist of a five-foot (5') wide concrete sidewalk and street trees at a minimum of 3-inch caliper on the east side of Monument Drive.
28. Government Center Parkway Streetscape. *[No change]* The Applicant shall implement the design elements along Government Center Parkway in accordance with the Government Center Parkway Streetscape Plan shown on Sheet 5 of the GDP.
29. Reforestation. *[No change]* At time of site plan submission, the Applicant shall submit a landscape plan which shall include reforestation with seedlings for the existing unvegetated portion of the EQC along the southeastern property line as shown on the GDP. Working with the Urban Forester and DPWES, the Applicant shall design and implement a restoration plan that features native trees, shrubs and ground cover. Native grasses, tree seedlings and whips (2-4 feet in height) should be incorporated into the re-vegetation plant schedule. Restoration of the area should include measures to minimize loss through predation and a commitment to maintain the area as undisturbed to ensure that the area returns to a natural state.
30. Severability. *[Proffer Deleted with PCA 1998-SU-040]*
31. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

32. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in same instrument.
33. Pedestrian Connection. *[No change]* The Applicant shall provide a sidewalk into the Application Property at the entrance from Government Center Parkway as shown on Exhibit A, attached hereto. It shall be understood that the landscaping shown on the GDP will be modified in order to accommodate the sidewalk.
34. Pedestrian Signals. *[No change]* The Applicant shall modify the existing traffic signals at the intersection of Monument Drive and Government Center Parkway and at the proposed entrance on Government Center Parkway to provide pedestrian signals subject to VDOT approval.
35. Landscaping. *[New]* The Applicant shall not prune or thin plant material above the level of the proposed fence along Route 29 for the express purpose of enhancing visibility of the proposed sign on the rear facade of the building. This shall not preclude the Applicant from performing standard landscape maintenance practices in order to maintain the proposed plant material such as, but not limited to, trimming diseased, damaged or dead wood and other tasks related to the health and safety of the plant material.

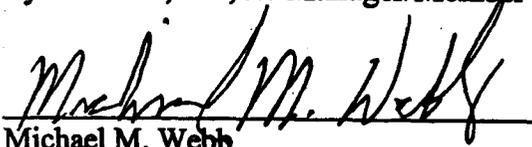
[SIGNATURE PAGES BEGIN ON FOLLOWING PAGE]

PCA 1998-SU-040-2
PROFFERS

TITLE OWNER

FAIRFAX CENTER COMMERCIAL, L.L.C.

By: J. Webb, Inc., its Manager/Member

A handwritten signature in black ink, appearing to read "Michael M. Webb", is written over a horizontal line.

Michael M. Webb
President/Chairman

(SIGNATURE CONTINUED ON NEXT PAGE)

PCA 1998-SU-040-2
PROFFERS

APPLICANT/GROUND LESSEE

WEGMANS FOOD MARKETS, INC.

A handwritten signature in black ink, appearing to read "Ralph A. Uttaro", written over a horizontal line.

Ralph A. Uttaro

Sr. Vice President, Real Estate & Development

[SIGNATURES END]

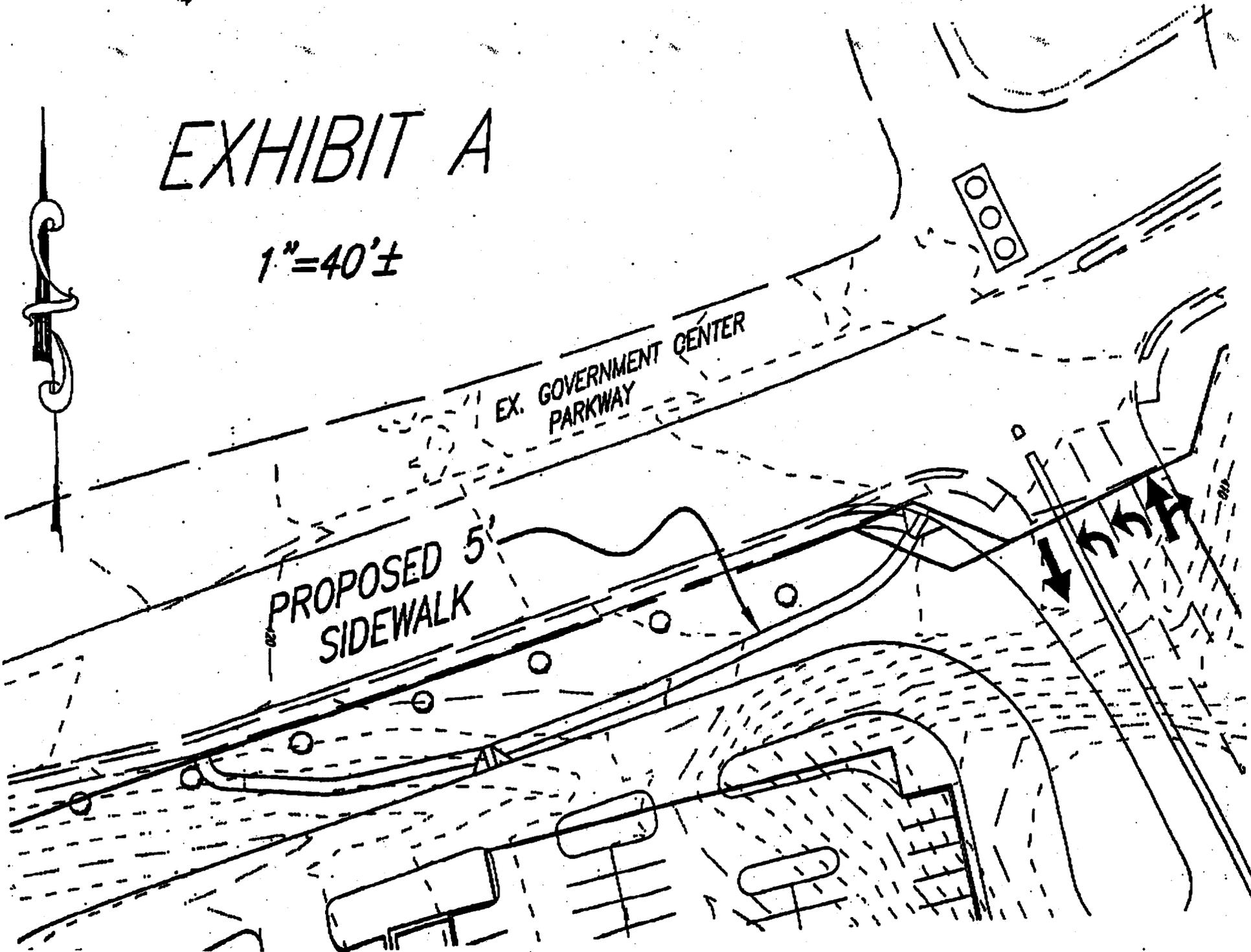
EXHIBIT A

1"=40'±

EX. GOVERNMENT CENTER
PARKWAY

PROPOSED 5'
SIDEWALK

TRUCK



**ZAPS USER GENERATED REPORTS
ZONING APPLICATION SUMMARY REPORT
APPLICATION NUMBER: PCA 1998-SU-040-02**

DECISION DATE: 3/29/2004

HEARING BODY: BOS

CRD: NO

MAGISTERIAL DISTRICT: SPRINGFIELD

APPLICANT NAME WEGMANS FOOD MARKETS, INC.

STAFF COORDINATOR: KSHIEL

ACTION: APPROVE

DECISION SUMMARY:

MARCH 29, 2004; APPROVE PCA TO ALLOW A SIGN ON THE REAR
ELEVATION AND A WAIVER OF SIGN REGULATIONS TO ALLOW AN
INCREASE IN SITE SIGNS FROM 475 SQFT TO 592 SQFT

ZONING INFORMATION**EXISTING ZONING**

<u>DISTRICT</u>	<u>AREA</u>
C-6	12.08 ACRES
TOTAL	12.08 ACRES

APPROVED AREA

<u>DISTRICT</u>	<u>AREA</u>
C-6	12.08 ACRES
TOTAL	12.08 ACRES

TAX MAP NUMBERS

056-2- /01/ /0070-A

APPROVED ZONING DISTRICT DATA

ZONING DISTRICT: C-6

APPROVED RESIDENTIAL DEVELOPMENT

<u>LAND USE</u>	<u>DWELLING</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>NO.</u>
	<u>LIMITS</u>	<u>AREA</u>	<u>MEASURE</u>	<u>OF</u>
				<u>ADJ'S</u>
RETAIL/EST				
TOTAL				

APPROVED NON-RESIDENTIAL DEVELOPMENT

<u>FLOOR AREA</u>	<u>UNIT OF</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>FAR</u>
	<u>MEASURE</u>	<u>AREA</u>	<u>MEASURE</u>	
125,000.00	SQ FEET	12.08	ACRES	0.14
125,000.00	SQ FEET	12.08	ACRES	0.24

PROFFER INFORMATION

PROFFER STATEMENT DATE: 01-30-2004

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
AREA TRANSPORTATION IMPROVEMENT	01-01-0001	0	N/A	\$0	01-01-0001
BICYCLE RELATED FACILITIES	01-01-0001	0	N/A	\$0	01-01-0001
CONSTRUCTION - HOURS / NOISE	01-01-0001	0	N/A	\$0	01-01-0001
CONSTRUCTION - RIGHT TURN LANE	01-01-0001	0	ON DEMAND	\$0	01-01-0001
CONSTRUCTION VEHICLE RESTRICTION	01-01-0001	0	N/A	\$0	01-01-0001
DENSITY CREDIT	01-01-0001	0	N/A	\$0	01-01-0001
DESIGN AMENITIES	01-01-0001	0	N/A	\$0	01-01-0001
DUMPSTER SCREENING/LOCATION	01-01-0001	0	N/A	\$0	01-01-0001
ENVIRONMENTAL QUALITY CORRIDOR (I	01-01-0001	0	SITE PLAN	\$0	01-01-0001
EXTEND / CONNECT PUBLIC STREETS	01-01-0001	0	NON-RUP	\$0	01-01-0001
FLOOR AREA RATIO (FAR) / GROSS FLOX	01-01-0001	0	N/A	\$0	01-01-0001
HERITAGE RESOURCES	01-01-0001	0	N/A	\$0	01-01-0001
HOURS OF OPERATION	01-01-0001	0	N/A	\$0	01-01-0001

PROFFER INFORMATION

PROFFER STATEMENT DATE: 01-30-2004

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
LANDSCAPING	01-01-0001	0	N/A	\$0	01-01-0001
LIGHTING / GLARE	01-01-0001	0	SITE PLAN	\$0	01-01-0001
LIMITS OF CLEARING AND GRADING	01-01-0001	0	SITE PLAN	\$0	01-01-0001
MINOR MODIFICATION	01-01-0001	0	N/A	\$0	01-01-0001
OFF-SITE STORMWATER DETENTION	01-01-0001	0	NON-RUP	\$0	01-01-0001
OTHER / LAND USE	01-01-0001	0	N/A	\$0	01-01-0001
PARKING	01-01-0001	0	N/A	\$0	01-01-0001
PEDESTRIAN IMPROVEMENTS (CROSSWALK)	01-01-0001	0	N/A	\$0	01-01-0001
PROFFERED PLANS	01-01-0001	0	N/A	\$0	01-01-0001
REFORESTATION	01-01-0001	0	N/A	\$0	01-01-0001
RIGHT OF WAY - DEDICATION	01-01-0001	0	SITE PLAN	\$0	01-01-0001
ROAD FUNDS	01-01-0001	0	SITE PLAN	\$0	01-01-0001
ROAD PHASING	01-01-0001	0	N/A	\$0	01-01-0001
RODENT CONTROL	01-01-0001	0	N/A	\$0	01-01-0001
SCREEN ROOFTOP EQUIPMENT	01-01-0001	0	N/A	\$0	01-01-0001
SIDEWALK / TRAIL	01-01-0001	0	N/A	\$0	01-01-0001
SIGNAGE	01-01-0001	0	N/A	\$0	01-01-0001
STREETSCAPE	01-01-0001	0	N/A	\$0	01-01-0001
USE RESTRICTIONS	01-01-0001	0	N/A	\$0	01-01-0001
WASTE CONTROL	01-01-0001	0	N/A	\$0	01-01-0001
ARCHITECTURE / BUILDING MATERIALS/	01-01-0001	0	N/A	\$0	01-01-0001

WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS

SEE FILE FOR ALL WAIVERS AND MODIFICATIONS



PLEASE TYPE
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR ~~ZONING MAP AMENDMENT~~
PROFFERED CONDITION AMENDMENT

APPLICATION NO. PIA 1913-34-040-02
(Assigned by Staff)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), Wegmans Food Markets, Inc., the applicant(s), petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying from the n/a District to the n/a District the property described below and outlined in red on the Zoning Section Sheet(s) accompanying and made a part of this application.

PROPERTY DESCRIPTION

1. LEGAL DESCRIPTION:
See attached

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.

2. TAX MAP DESCRIPTION: 56-2	(1)	70A		12.09 acres
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Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Area(Ac. or Sq. Ft.)

3. POSTAL ADDRESS OF PROPERTY: (If any)

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)
North of Route 29 immediately east of Monument Drive and south of Government Center Parkway.

5. PRESENT USE: commercial

6. PROPOSED USE: commercial

7. SUPERVISOR DISTRICT: Springfield

The name(s) and address(es) of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

► Martin D. Walsh, attorney/agent

Type or Print Name of Applicant or Agent

Signature of Applicant or Agent

Walsh, Colucci, Lubeley, Emrich & Terpak, P.C., 2200 Clarendon Boulevard, 13th Floor,
Address Arlington, Virginia 22201

Telephone No.

None

703-828-4700

Work

Please provide name and telephone number of contact person if different from above.

Susan Yantis, 703-623-2198

LDS 11/14/03 2P

PIA 2003-0537

DO NOT WRITE IN THIS SPACE

Date application received: _____

Application Fee Paid: \$ 1346⁰⁰

Date application accepted: 10-15-03

Form RZ (10/89)

Board Agenda Item
March 29, 2004

4:30 p.m.

Public Hearing on PCA 1998-SU-040-02 (Wegmans Food Markets, Inc.) to Amend the Proffers for RZ 1998-SU-040 Previously Approved for Commercial Development to Permit a Waiver of Certain Sign Regulations, Located on Approximately 12.08 Acres Zoned C-6, Springfield District

The application property is located at in the northeast quadrant of the intersection of Lee Highway and Monument Drive, Tax Map 56-2 ((1)) 70A.

On Wednesday, February 18, 2004, the Planning Commission unanimously voted (Commissioners Alcorn and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA-1998-SU-040-2, subject to execution of proffers consistent with those found in Appendix 1 of the staff report; and
- Waiver of the sign regulations, pursuant to Sect. 9-620 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Kristen Shields, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
February 18, 2004
Verbatim Excerpt

PCA 1998-SU-040-02 WEGMANS FOOD MARKETS, INC.

After Close of the Pubic Hearing

Vice Chairman Byers: The public hearing is now closed; recognize Commissioner Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. This is a straight-forward application. I have been waiting for a long time for an applicant to come in with a reasonable sign request and receive a recommendation for approval from the staff. And this is it. And it is a reasonable request to put a sign on the Lee Highway side of Wegmans Market. As a matter of fact, if you recall, back when the original rezoning was approved before Wegmans, it was a very intense site, with some five or six buildings including a gas station, a drive-in bank. And even with this additional sign on the side of Wegmans, which will be back lit and in good taste and will in fact be lowered and partially buffered by trees on Lee Highway, it is still under -- all the Wegmans signs total is still way under what would be permitted there if the first rezoning were to be built. The unusual part about this is it was presented to the Springfield District Fairfax Center Land Use Committee and it was a split vote. They recommended 4-3 to deny the application; however, I am going to support the minority view tonight. I think it made much sense. To me, the arguments on both sides were good, but in my opinion, the minority prevailed. And I think Wegmans has the right to display well-tailored, a well-lit sign on Lee Highway, which is not going to be in any way, shape, or form visual pollution. It will be a well-lit sign as far as the wattage is concerned and it will not be an imposition on the neighborhood. So, therefore Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA 1998-SU-040-2, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE FOUND IN APPENDIX 1 OF THE STAFF REPORT AND ALSO APPROVE WAIVER OF THE SIGN REGULATIONS PURSUANT TO SECTION 9-620 OF THE ZONING ORDINANCE.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to recommend the Board approve PCA 1998-SU-040-2, and waive the sign regulations, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carries. Thank you very much.

//

(The motion carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.)

HEB