

PROFFERS

P-O, L.L.C.

RZ 2002-SU-028

January 14, 2003

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, and subject to the Board of Supervisors approving a rezoning to the C-8 District for property identified as Fairfax County Tax Map 54-4 ((1)) Parcel 105 (hereinafter referred to as the "Application Property"), the undersigned Applicant and Owner in RZ 2002-SU-028 proffer for themselves and their successors and assigns (hereinafter referred to as the "Applicant"), the following conditions:

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Ordinance"), development of the Application Property shall be in substantial conformance with the Generalized Development Plan & Special Exception Plat-Proposed Condition (GDP/SE), prepared by The Plan Source, Inc. dated July 12, 2002, as revised through December 20, 2002.
- b. The illustrative elevations of the car wash and vehicle light service establishment buildings, as shown on Sheet 3 of the GDP/SE, are provided to illustrate the design intent of the two buildings. The building elevations shall be substantially consistent in terms of character and quality with the illustration. The specific features such as exact location of windows, doors, and roof line and other architectural details are subject to modification with final engineering and architectural design, as determined by Department of Public Works and Environmental Services ("DPWES").
- c. The Lee Highway facade of the buildings (excluding doors, windows and trim) shall consist of Quick Brick™. Within the Quick Brick™ standard product line, the shade and color of the Quick Brick™ shall be compatible with the brick used on the adjacent Pickwick Shopping Center as demonstrated to and determined by DPWES prior to building permit issuance.

2. TRANSPORTATION

- a. At time of site plan approval, or upon demand, whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's Lee Highway frontage measured approximately 120 feet from centerline as determined by DPWES. All structures shall be located from the new right-of-way line in accordance with Zoning Ordinance yard setback requirements.

- b. Prior to the issuance of the first Non Residential Use Permit (Non-RUP), the Applicant shall construct the service drive, service drive-island and sidewalk along the Application Property's Lee Highway frontage as shown on the GDP/SE.
- c. At time of site plan approval, the Applicant shall contribute a sum equivalent to \$4.59 a square foot as adjusted by any increases from time of rezoning approval to the Consumer Price Index as published in the Engineering News Record based upon the cumulative gross square footage of the car wash and vehicle light service establishment buildings to the Centreville Road Fund.

3. LANDSCAPING

- a. Landscaping in substantial conformance with that shown on the GDP shall be installed by the Applicant prior to the issuance of the first Non-RUP, as determined by the Urban Forestry Division.
- b. A 6-foot high wooden fence, consistent with the quality and design on the adjacent Exxon property, shall be installed along the Applicant's Property's southern property line as shown on the GDP.

4. LIGHTING

- a. All parking lot and building mounted lighting fixtures shall be equipped with full cut-off fixtures and directed downward to prevent off-site glare.
- b. Light poles shall not exceed 14 feet in height.

5. SIGNAGE

- a. Both the car wash and vehicle light service establishment uses shall utilize one freestanding sign with a maximum square footage of 80 square feet, in substantial conformance with the sign detail shown on the GDP.
- b. Directional signage in conformance with Article 12 of the Ordinance shall be provided in the locations as shown on the GDP.
- c. No pole-mounted signs shall be permitted.
- d. Banners, pennants, inflatable signs and neon signs shall be prohibited.

6. STORMWATER MANAGEMENT

Unless waived or modified by DPWES, the Applicant shall provide on-site stormwater management (SWM) design with Best Management Practices (BMP) in the facilities shown on the GDP within an underground structure and within on-site open space. The maintenance of the underground facilities shall be the responsibility of the Applicant and

its successors. The Applicant shall enter into a private maintenance agreement for the perpetual maintenance of the SWM facility.

7. MISCELLANEOUS

- a. The carwash shall be designed to recycle up to 80% of the water used in its washing process.
- b. There shall be no exterior loudspeakers used by either use on the Application Property.
- c. Any intercom used by the carwash payment station shall be set to limit decibel level to 20 at all property lines.
- d. The hours of operation shall be limited to:

Monday through Friday: 7:00 a.m. to 8:00 p.m.
Saturday and Sunday: 8:00 a.m. to 7:00 p.m.

8. ARCHAEOLOGY

Prior to Site Plan approval, the Applicant shall conduct a Phase I Archaeological Survey of the Application Property. If deemed necessary by the Heritage Resources Branch based upon the results of the Phase I Survey, Applicant shall perform a Phase II Archaeological Survey and remove any significant artifacts and convey them to the Heritage Resources Branch, prior to any site disturbing activities.

9. SUCCESSORS AND ASSIGNS

These proffers will bind and inure to the benefit of the Applicant and his or her successors and assigns.

10. 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 and the same instrument.

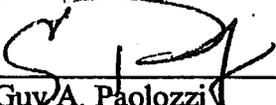
[SIGNATURES BEGIN ON FOLLOWING PAGE]

PROFFERS
RZ 2002-SU-028

APPLICANT/CONTRACT PURCHASER
of Tax Map 54-4 ((1)) Parcel 105

P-Q, L.L.C.

By:



Guy A. Paolozzi
Manager/Member

By:



Alfred C. Quenneville
Manager/Member

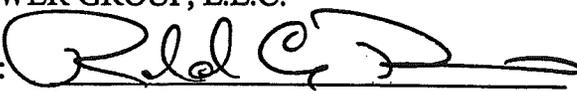
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PROFFERS
RZ 2002-SU-028

TITLE OWNERS OF
Tax Map 54-4 ((1)) Parcel 105

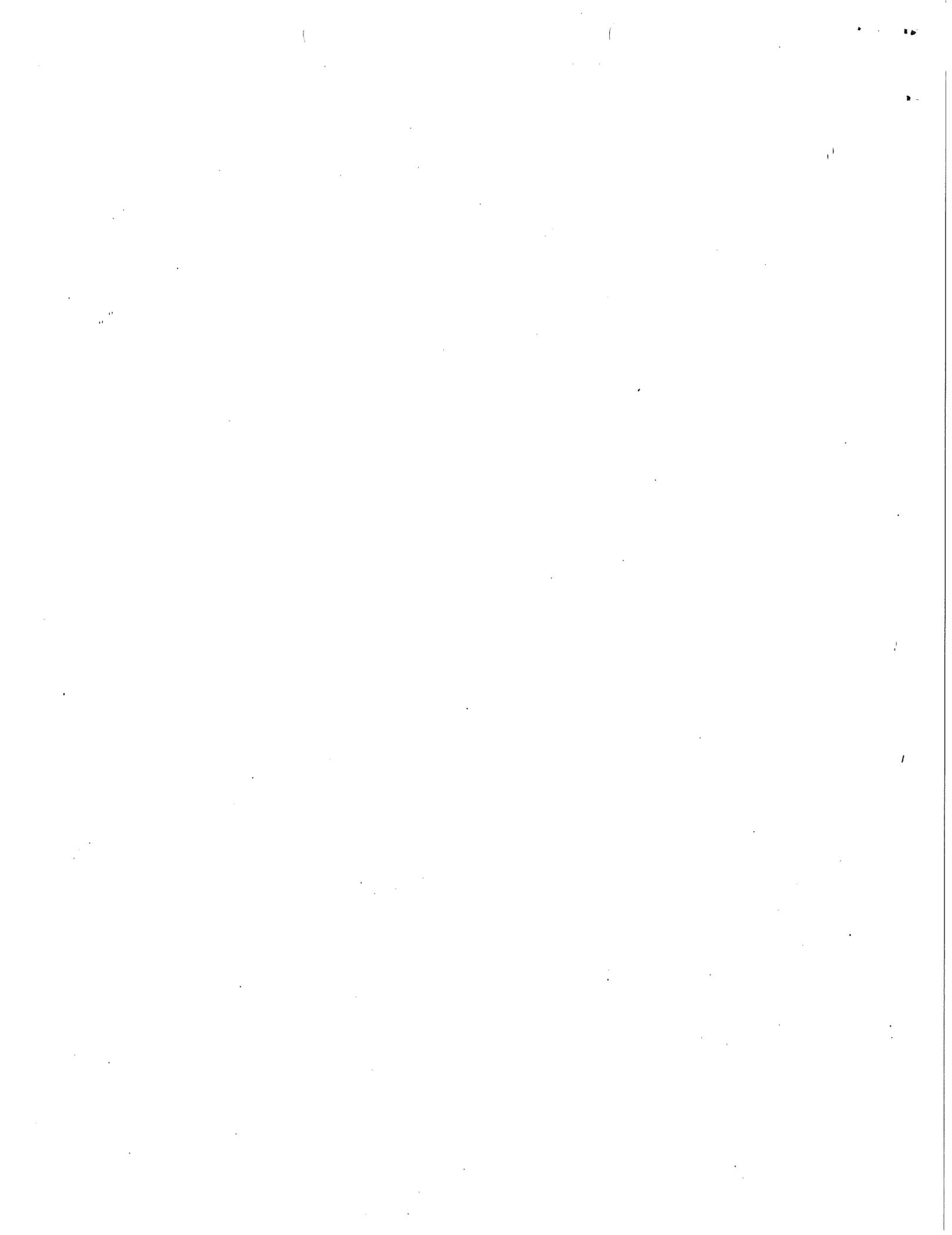
TOWER GROUP, L.L.C.

BY:



Ronald C. Devine, Member

(END OF SIGNATURES)



PROPOSED DEVELOPMENT CONDITIONS

**SE 2002-SU-033
(concurrent with RZ 2002-SU-028)**

Revised January 14, 2003

If it is the intent of the Board of Supervisors to approve SE 2002-SU-033 located at Tax Map 54-4 ((1)) 105 for a car wash and light vehicle service establishment pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this special exception shall be in conformance with the approved Special Exception plat entitled "Suds Car Wash and Quick Lube", consisting of 3 sheets prepared by The Plan Source which is dated July 12, 2002, as revised through December 20, 2002, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Unless waived or modified by DPWES, SWM/BMPs shall be provided on-site in accordance with Public Facilities Manual requirements. The applicant shall install a sand filter if deemed appropriate by DPWES. In the event a sand filter is not deemed the most appropriate option, the applicant will ~~pursue~~ provide other alternative measures as prescribed by DPWES. If not in substantial conformance with the SE Plat, an amendment to the SE is required.
5. Trash dumpsters shall be screened with wood or masonry enclosures.
6. All freestanding and building mounted signs shall comply with the provisions of Article 12. No pole signs shall be permitted, and all sign illumination shall be provided internally or through down-lighting.

7. This building shall be constructed of materials similar to those depicted in Attachment 1 and shall utilize similar building materials and architectural treatments on all four sides.
8. A landscape plan shall be submitted as part of the first submission of the site plan and shall be reviewed and approved by the Urban Forestry Division. The plan shall provide for landscaping consistent in quality and quantity with that shown on the SE Plat. Additionally, landscaping trees shall be planted along the western property line shared with Lot 104 and in the interior of the site in order to meet the peripheral and interior parking lot landscaping requirements.
9. All litter and debris shall be removed from the property on a daily basis.
10. At the time of Site Plan approval, it shall be demonstrated to DPWES that the required quantity of parking spaces for this use is in conformance with Article 11 of the Zoning Ordinance. If not, the building footprint(s) shall be reduced, as necessary.
11. No outdoor storage shall be permitted on-site.

The above-proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless at least one of the uses has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.