



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

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Department of Planning & Zoning

OCT 06 2015

Zoning Evaluation Division

September 23, 2015

Sheri L. Akin
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

RE: Proffered Condition Amendment Application PCA 83-S-029-02
(Concurrent with Development Plan Amendment Application DPA C-546-24 and Planned Residential Community Application PRC C-546-03)

Dear Ms. Akin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 22, 2015, approving Proffered Condition Amendment Application PCA 83-S-029-02 in the name of Chick-fil-A, Inc. The Board's action amends the proffers for Rezoning Application RZ 83-S-029 previously approved for a Planned Residential Community to permit a fast food restaurant with drive-through and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.22. The subject property is located on the N. side of Burke Centre Parkway., approximately 1,500 feet E. of Ox Road, on approximately 13.73 acres of land zoned PRC [Tax Map 77-1 ((1)) 75A, 75B, 75C, and 75D], in the Braddock District and is subject to the proffers dated August 26, 2015.

The Board also:

- Directed the Director of the Department of Public Works and Environmental Services to approve the following:
 - Modification of the transitional screening requirement along the Burke Centre Parkway frontage, pursuant to Par. 14 of Sect. 13-305 of the Zoning Ordinance, to allow a reduction of the width from 50 to 33 feet, in favor of the alternatives as shown on the proposed plan and as conditioned

Office of the Clerk to the Board of Supervisors

12000 Government Center Parkway, Suite 533

Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: clerktothebos@fairfaxcounty.gov

<http://www.fairfaxcounty.gov/bosclerk>

- Modification of the barrier requirement, pursuant to Par. 14 of Sect. 13-305 of the Zoning Ordinance, in favor of the barriers as shown on the proposed plan and as conditioned

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Pat Herrity, Springfield District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Michael Davis, Section Chief, Transportation Planning Division
Thomas Conry, Dept. Manager – GIS - Mapping/Overlay
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Ajay Rawat, Coordinator, Facilities Planning/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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 22nd day of September 2015, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-S-029-02
(Concurrent with Development Plan Amendment Application DPA C-546-24, and Planned
Residential Community Application PRC C-546-03)**

WHEREAS, Chick-fil-A, Inc, filed in the proper form an application to amend the proffers for RZ 83-S-029 previously 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 22nd day of September 2015.



Catherine A. Chianese
Clerk to the Board of Supervisors

PROFFER STATEMENT

BURKE CENTER SHOPPING CENTER PCA 83-S-029-02

77-1-((1))-75A, 75B, 75C & 75D

August 26, 2015

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner and Applicant, for themselves and their successor and/or assigns (hereinafter collectively referred to as the "Applicant"), in this proffered conditions amendment hereby proffers that the development of the property identified on the Fairfax County Tax Map as 77-1-((1))-75A, 75B, 75C, and 75D (the "Property") shall be in accordance with the following conditions ("Proffers"), if, and only if, approval of applications PCA 83-S-029-02 and DPA C-546-24 (collectively, the "Application") is granted by the Fairfax County Board of Supervisors. The Applicant reconfirms its commitment to the proffers associated with RZ 83-S-029 (the "1983 Proffers"), as are applicable to the Property, except as modified herein. The proffers associated with PCA 83-S-029 ("1992 Proffers") are not affected or changed with this Applicant and remain in full force and effect.

These Proffers, if accepted, amend and supplement only those 1983 Proffers referenced below. In the event this Applicant is denied, these Proffers will immediately be null and void and of no further force and effect.

AMENDMENT OF 1983 PROFFERS

1. Proffer 4(a) of the 1983 Proffers is hereby amended as follows:

4(a) Provide a landscaped berm and minimum 33-foot wide landscaped buffer along the Burke Centre Parkway frontage of this site, preserving existing trees where feasible from an engineering and construction standpoint.

2. Proffer 4(g) of the 1983 Proffers is hereby deleted in its entirety.

DEVELOPMENT PLAN

Development of the Property shall be in substantial conformance with the DPA, PCA, and PRC Plan prepared by Bohler Engineering dated May 16, 2014, and revised through June 30, 2015 ("Amended Development Plan").

ADDITIONAL NEW PROFFERS FOR PARCEL 75D

5. Green Building Strategies. The fast food, drive-through restaurant located on Parcel 75D shall incorporate environmentally sustainable attributes into its building program, that shall

include, but not be limited to the following Green Building strategies. The Applicant shall, at the time of site plan review and building plan review, provide a certification statement from a LEED-AP who is also a professional engineer or licensed architect confirming that the green building elements listed below shall be incorporated into the design and construction of the project.

Prior to final bond release, the LEED-AP, who is also a professional engineer or licensed architect, shall submit a certification statement including supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building.

- a. The Applicant shall provide secure bicycle racks and/or storage for bicycles within 200 yards of a building entrance. The total number of bike parking/storage will be consistent with the Fairfax County Policy and Guidelines for Bicycle Parking. The Applicant shall provide proof of installation and plan location.
- b. The Applicant shall exclusively use native and non-invasive species for landscape and other plantings on the site. The Applicant shall provide planting lists showing species and location of plantings.
- c. The Applicant shall install a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof (i.e. for a low-sloped roof ($\leq 2:12$) equal to or greater than 78 for a minimum of 75% of the total roof area, and for a high-sloped roof ($> 2:12$) equal to or greater than 29). The Applicant shall provide proof of installation, roof area calculations and manufacturers' product data.
- d. The Applicant shall install water-efficient landscaping. The Applicant shall provide a planting list with the number, size, and space of trees (including native and other species) and plant materials as a landscape plan that is part of the site plan, and shall be subject to review and approval of UFMD, and proof of installation and installation date.
- e. The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The Applicant shall provide a maximum lighting power allowance of 1.25 watts/square foot (code maximum is 1.5 watts/square foot for retail area and 0.9 watts/per square foot for the service department area). The Applicant shall provide proof of installation, energy usage calculations and manufacturers' product data.
- f. The Applicant shall provide an exterior site lighting system using full cutoff fixtures and LED technology to minimize light pollution and reduce energy consumption. Control systems for the exterior lighting will provide an after-hours override for the input power to be reduced (by automatic device) by more than the Zoning Ordinance's current minimum of 50%. The Applicant shall provide proof of installation, photometric calculations and manufacturers' product data.
- g. The Applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage as listed below (to be modified with

the project-specific fixtures to be included). The Applicant shall provide proof of installation and manufacturers' product data.

Water Closet (gallons per flush, gpf) 1.28

Urinal (gpf) 0.5

Showerheads (gallons per minute, gpm*) 2.0

Lavatory faucets (gpm**) 1.5

Kitchen and janitor sink faucets 2.20

Metering faucets 0.25

* When measured at a flowing water pressure of 80 pounds per square inch (psi).

** When measured at a flowing water pressure of 60 pounds per square inch (psi).

- h. The Applicant shall hire a commissioning authority and develop and incorporate commissioning requirements into the design and construction of the building. The commissioning authority hired by the Applicant shall develop and implement a commissioning plan and verify the installation and performance of the systems to be commissioning, as well as preparing a final report. The Applicant shall provide the final report.
- i. The Applicant shall install Energy Star appliances and equipment for all refrigerators, dishwashers, water heaters, water coolers, and other appliances and office equipment (if available). The Applicant shall provide proof of installation, installation locations, and manufacturers' product data, including the Energy Star energy guide.
- j. The project shall benchmark energy usage using the ENERGY STAR Portfolio Manager. The Applicant shall provide a report from Portfolio Manager prior to final bond release.
- k. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both customers and employees. There shall be a dedicated area on the Property for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations and a copy of the Applicant's recycling hauling contract.
- l. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings if available. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
Carpet Adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/ anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide proof of installation and the manufacturers' product data.

- m. For any carpet, the Applicant shall install carpet and carpet padding that shall meet the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. The Applicant shall provide proof of installation and the manufacturers' product data.
- n. For tile flooring, the Applicant shall install vinyl composition tile and rubber tile flooring that shall meet the requirements of the FloorScore certification program. The Applicant shall provide proof of installation and the manufacturers' product data and certification letter

The Applicant shall use best efforts to incorporate the following Green Building Strategies into the building program; however, they are not required by these proffers:

- o. The Applicant shall not use any particle board, medium density fiberboard (MDF), plywood, wheatboard, strawboard, or panel substrates on the interior of the building which contain urea formaldehyde resins. If this strategy is implemented, the Applicant shall provide proof of installation and the manufacturers' product data.
- p. The Applicant shall use materials that include recycled content for items such as flooring, ceiling, wall tiles, carpet, etc. If this strategy is implemented, the Applicant shall provide proof of installation and the manufacturers' product data indicating the recycled content.

6. Site Entrance. The Applicant shall realign the driveway entrance for Parcel 75D in order to align it with the access lane for the remainder of the shopping center, as depicted on the Amendment Development Plan.

7. Sidewalk/Crosswalks. The Applicant shall construct a 5 foot sidewalk along the shopping center entrance drive from Burke Centre Parkway to the Parcel 75D entrance. A pedestrian crosswalk shall be added across the shopping center entrance drive creating a pedestrian link from Parcel 75D to the remainder of the shopping center, as depicted on the Amended Development Plan.

8. Retaining Walls. The Applicant shall design the retaining walls for Parcel 75D to be visually appealing, structurally engineered, and properly anchored. The southern retaining wall located along the drive-through aisle will incorporate architectural details that are compatible with the building façade for Parcel 75D. Said wall and architectural details shall be made of a masonry product and may include but not be limited to a faux wood, brick, or stone finish. The eastern retaining wall will have little visibility interior to the site; however, it will also be made of a masonry product, and the landscaping to be located along the eastern retaining wall will include native species plantings that cascade over the wall in order to break up massing and visibility from adjacent properties. The Applicant shall also install safety rails at the top of the retaining walls to include a pedestrian safety rail along the southern retaining wall and a vehicular guard rail/pedestrian safety fence or rail along the eastern wall, to be constructed in accordance with County standards as reviewed and approved by DPWES during site plan review.

9. Rooftop Equipment Screening. Because Parcel 75D sits at a lower elevation than Burke Center Parkway, the Applicant shall incorporate measures to shield views of the rooftop equipment to include, but not be limited to, a rooftop parapet wall and landscaping along the Burke Centre Parkway frontage.

10. Tree Save Area. The Applicant shall maintain the tree save area along the eastern and southeastern corner of Parcel 75D in order to protect the existing ravine located along the eastern property line and shield views of the use from adjacent properties to the east.

11. Landscaping. In consultation with UFMD, native species landscaping along the Burke Centre Parkway frontage shall be compatible and complementary with the plantings along Burke Centre Parkway and the remainder of the existing shopping center. All landscaping provided shall be native to the Middle-Atlantic region to the extent feasible and shall be non-invasive, as determined by UFMD.

STEUART-BURKE CENTRE SHOPPING CENTER, L.L.C.
Title Owner of Tax Map Nos. 77-1-((1))-75A, 75B, 75C & 75D

By: STEUART RETAIL CENTERS, LLC, its sole member

By: STEUART INVESTMENT COMPANY, its sole member

By: _____

John R. Clark, III
PRESIDENT