



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, Virginia 22035-5509

(703) 324-1290 TTY 711 (Virginia Relay Center) Fax (703) 324-3924

V I R G I N I A

September 6, 2005

James L. McCormack, Project Manager
Burgess & Niple, Inc.
4160 Pleasant Valley Road
Chantilly, VA 20151

Re: Proffer Interpretation for RZ 2004-SU-028, PCA 1999-SU-018 and SE 2004-SU-027, Stonecroft Business Park (Victory Nissan) Tax Map 33- 4 ((1)) 3G: Layout modifications

Dear Mr. McCormack:

This is in response to your letter of July 14, 2005, and subsequent letter dated August 12, 2005, requesting an interpretation of the Generalized Development/Special Exception (GDP/SE) Plat and proffers accepted by the Board of Supervisors in conjunction with the approval RZ 2004-SU-028 and PCA 1999-SU-018, and the development conditions imposed by the Board of Supervisors in conjunction with the approval SE 2004-SU-027. This determination is based on your letter and submitted interpretation plan entitled, "Exhibit Showing Final Site Layout, Victory Nissan," prepared by Burgess & Niple, which is dated August 26, 2005. Copies of your letter and a reduction of the plan are attached for reference.

As I understand it, the first question, is whether the location of the building in the northwest quadrant of the intersection of Stonecroft Boulevard and Stonecroft Center Court, would be in substantial conformance with the GDP/SE Plat, proffers and development conditions

Proffer 1 states:

Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development/Special Exception/Proffer Condition Amendment Plat (GDP/SE/PCA Plat) prepared by VIKA, Inc, dated January 5, 2005. Applicant reserves the right to determine final building footprints, dimensions and locations at the time of final site plan design, as long as they are in substantial conformance with the GDP/SE/PCA Plat.

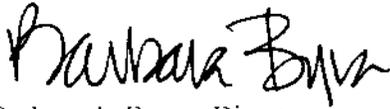
You are proposing to maintain the proffered building setbacks on the north, east and west sides and to increase the building setback on the south side from 150 feet to 195 feet due to a proposed reduction of the building footprint and gross floor area from 70,000 square feet to 53,296 square feet. Additionally, you are proposing a minor change in the open space area on the eastern side of the building to provide a new car delivery area and exit driveway for the car wash. To compensate for the minor loss of open space in this area, you propose to add a planting island across from this exit driveway. It is my determination that the revised building footprint, setbacks and the landscaped open space adjacent to the eastern side of the building, as shown on the exhibit, would be in substantial conformance with the GDP/SE Plat, proffers and development conditions, subject to approval of the proposed landscaping by Urban Forest Management, DPWES.

The second question as I understand it, is whether the relocated site entrances would be in substantial conformance with the GDP/SE Plat, proffers and development conditions. The GDP/SE Plat shows two ingress-egress entrances on the south side of the building, separated by a 70 ft. wide landscaped area. The proposed plan shows two entrances,

separated by a row of parking and a 16.5 ft. wide landscaped area. Your eastern access nearest to the intersection of Stonecroft Boulevard and Stonecroft Center Court, which is proposed for right-in ingress, has been shifted ± 150 ft. eastward. According to your letter, the shifting of the entrance was done to conform to Proffer No. 11 which states that all loading and unloading of vehicles shall be conducted on-site within the limits of each individual dealership, and to provide adequate circulation around the building for vehicle delivery trucks. It is my determination that the proposed entrances layout would be in substantial conformance with the GDP/SE Plan, proffers and development conditions, subject to final approval by VDOT.

These determinations have been reviewed with the Department of Transportation and have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Kul Sandhu at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

N:\Interpretations\Bloom General contractin, Victory Nissan

Attachments: A/S

cc: Michael R. Frey, Supervisor, Sully District
Ronald W. Koch, Planning Commissioner, Sully District
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Angela Rodcheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Michael P. Knapp, Director, Urban Forest Management, DPWES
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: RZ 2004-SU-028, PCA 1999-SU-018, SE 2004-SU-027, PI 0507 099, SEI 0507 043; Imaging,
Reading File



BURGESS & NIPLE

Mr. Kul Sandhu
Zoning Evaluation Division, DP&Z
County of Fairfax
12055 Government Center Parkway
Fairfax, Virginia 22035

Re: Victory Nissan
SEA 2004-SU-027 & RZ 2004-SU-028

August 12, 2005

Dear Mr. Sandhu:

Burgess & Niple, Inc.
4160 Pleasant Valley Road
Chantilly, VA 20151
703 631.9630
Fax 703 631.6041

Regarding our pending interpretation request relating to SEA 2004-SU-027 and RZ 2004-SU-028, we are submitting herewith a revised layout plan for the Victory Nissan site. The proposed layout has been revised in response to our discussions with you and Kevin Guinaw and the comments that have been elicited from those discussions. As we have discussed, the building currently being proposed on this site differs from that depicted on the GDP/SE Plat. Note 11 on the GDP/SE Plat permits such "deviations to the sizes, dimensions, footprints and locations of the freestanding buildings" with final engineering design, "provided the gross floor area and open space is in substantial conformance with the proffers." Although the proposed building footprint and configuration differs from that shown on the GDP/SE Plat, pursuant to your comments, we have further amended the site layout to maintain the general concept of site design as depicted on the GDP, particularly with respect to the relationship of the building to the Stonecroft Boulevard frontage.

As conveyed to us, a primary element relating to the site layout and conformance with the GDP/SE Plat is the relationship of the building to the Stonecroft Boulevard frontage. In conformance with the concept expressed on the GDP/SE Plat, we have revised the site layout to provide one single row of vehicle storage/display spaces adjoining the landscape strip that parallels the right-of-way, these being the only vehicle spaces that will occur between the building and the roadway. The building has been relocated to be closer to the road as requested, and is situated so that no point on the building is located closer than the 75-foot (+/-) minimum setback distance specified on the GDP/SE Plat, as measured from the southerly portion of the right-of way line. In addition to the single row of vehicle spaces, there will be a vehicular travel lane and landscaped open space situated between the road frontage and the building. The building will also be no closer to any other property line than the respective minimum setback distance specified on the GDP/SE Plat.

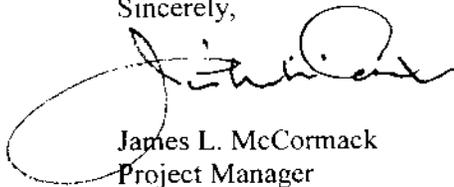
Proffer 1(a) permits a Floor Area Ratio (FAR) of up to 0.50 on any lot, provided that the overall FAR for the four lots subject to the proffers does not exceed 0.30. For the 7.51-acre area of the subject site, this would permit a building with a gross floor area of up to 163,350 square feet. The proposed gross floor area is 53,296 square feet, resulting in a FAR of only 0.16, and the proposed site development will be in full conformance with the proffers relative to the FAR and floor area limitations. Proffer 1(c) requires that a minimum of 23 percent of the overall property shall be retained as landscaped open space.

Mr. Kul Sandhu
Zoning Evaluation Division, DP&Z
County of Fairfax
August 12, 2005
Page 2

The proposed site layout for this lot maintains 26 percent of the lot area as landscaped open space, and the proposed site development will be in full conformance with the proffers relative to open space. Having met these proffered criteria relative to FAR/floor area and open space, the proposed building and site layout satisfies the condition set forth in Note 11 allowing modifications to the sizes, dimensions, footprint and locations of the buildings from those depicted on the GDP/SE Plat.

We are sending you herewith a revised site layout exhibit incorporating the changes discussed above. Should you require any additional information, please let me know.

Sincerely,

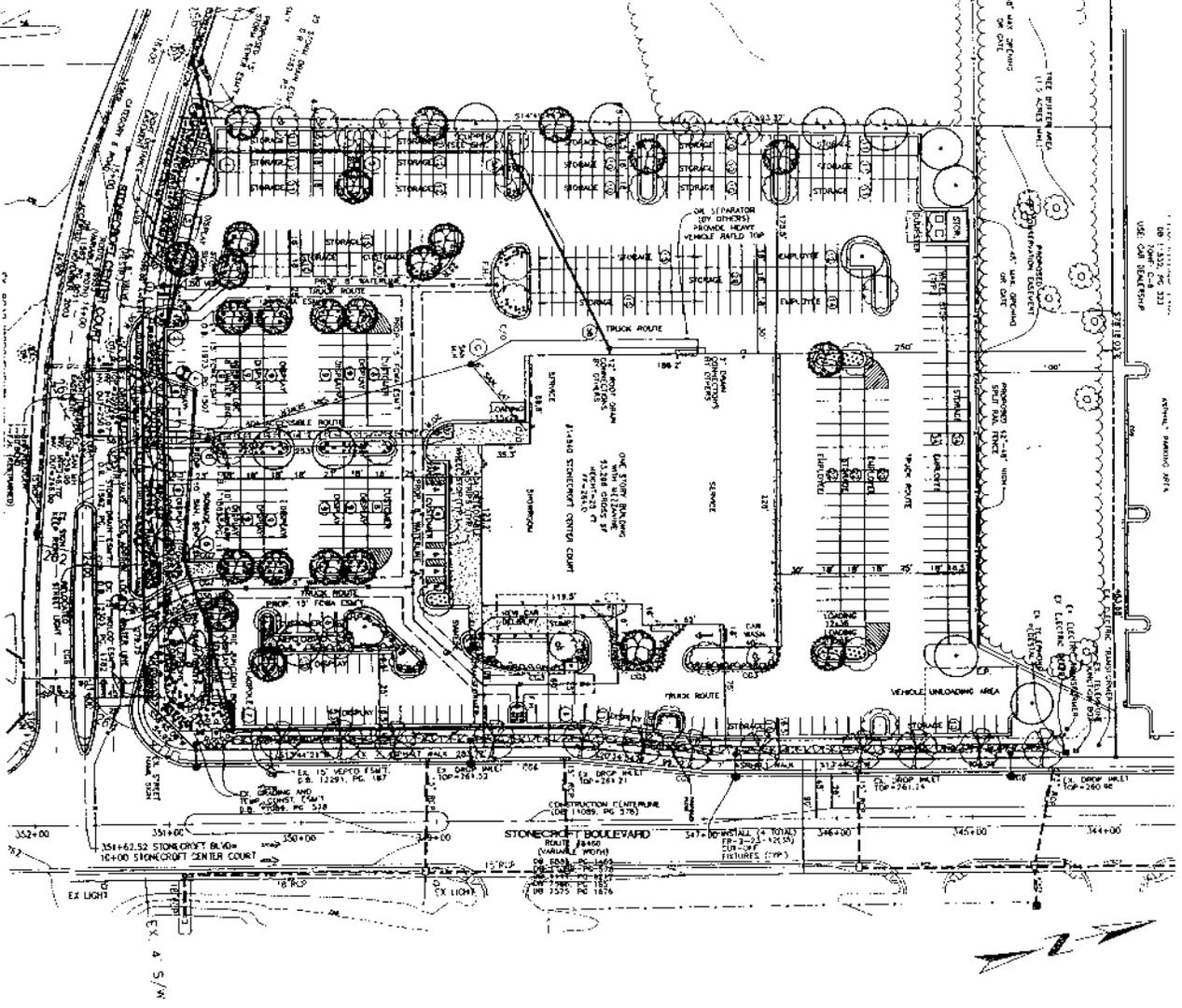


James L. McCormack
Project Manager

cc: Tom Ward, Bloom General Contracting, Inc.

RECEIVED
Department of Planning & Zoning
AUG 18 2005
Zoning Evaluation Division

SYMBOL	LAYER NAME	QUANTITY
(Symbol)	MANS PROSTRIA	CONCRETE CLM
(Symbol)	OUTRIGS BLDG-28	SWAMP WHITE POK
(Symbol)	TRUCKS CULDEVA	ASPH CONC
(Symbol)	2 STOREY TRUCKS-28	HOPKINSON
(Symbol)	CONCRETE ROADS	NONCULDEVA
(Symbol)	CONCRETE ROADS	CONCRETE
(Symbol)	CONCRETE ROADS	FED WALL



SCALE 1" = 40'
 0 20 40 80

EXHIBIT SHOWING
FINAL SITE LAYOUT
VICTORY NISSAN
PARCEL 3G (PART), STONECROFT
 SULLY DISTRICT
 FARMHAT 1, SULLY, VIRGINIA

ZONING COMMENTS	6/28/05
ZONING COMMENTS	8/8/05
REVISIONS	DATE


BURGESS & NIPLE
 4180 PLEASANT VALLEY ROAD, CHANTILLY, VA 20151-1728
 PH (703) 631-9430 FAX (703) 631-1041

DATE	6/28/05
SCALE	1" = 40'
DESIGNER	ALP
CHECKER	WSP
DATE	6/28/05
PROJECT	VICTORY NISSAN
PARCEL	3G (PART)
LOCATION	STONECROFT
DRAWN BY	ALP
CHECKED BY	WSP
DATE	6/28/05
PROJECT	VICTORY NISSAN
PARCEL	3G (PART)
LOCATION	STONECROFT



BURGESS & NIPLE

Burgess & Niple, Inc.
4160 Pleasant Valley Rd.
Chantilly, VA 20151
703 631.9630
Fax 703 631.6041

LETTER OF TRANSMITTAL

DATE: August 29, 2005 JOB NO.: 40408
RE: Victory Nissan
 Fairfax County, Virginia

TO: Mr. Kul Sandhu
Zoning Evaluation Division, DP&Z
County of Fairfax
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035 703-324-2920

WE ARE SENDING YOU: Attached Under separate cover via courier the following items:

 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
1	R8/26		Exhibit Showing Final Site Layout
1	R8/26		Exhibit Showing Final Site Layout (8.5" x 11" Reduction)

THESE ARE TRANSMITTED:

For Approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for correction Return _____ corrected prints
 For review and comment _____

REMARKS: Kul, enclosed is the revised exhibit drawing reflecting the changes that you, Kevin and I discussed.

RECEIVED
Department of Planning & Zoning
AUG 29 2005
Zoning Evaluation Division

COPY TO: _____

SIGNED: Jim McCormack

If enclosures are not as noted, kindly notify us at once.

JUL 14 2005

Zoning Evaluation Division

BURGESS & NIPLE

Ms. Barbara Byron, Director
Zoning Evaluation Division, DP&Z
County of Fairfax
12055 Government Center Parkway
Fairfax, Virginia 22035

Re: Victory Nissan
SEA 2003-SU-040 & RZ 2003-SU-040
Request for confirmation of conformance
with an approved Generalized Development
Plan/Special Exception Plat

July 14, 2005

Dear Ms. Byron

Burgess & Niple, Inc.
4160 Pleasant Valley Road
Chantilly, VA 20151
703 631.9630
Fax 703 631.6041

We are writing on behalf of our client, Bloom General Contracting, Inc., with respect to a property that was the subject of a rezoning, RZ 2004-SU-028, and Special Exception, SEA 2004-SU-027, granted on February 7, 2005. A copy of Sheet 1, Cover Sheet: Sheet 2 and Sheet 5, the Generalized Development/S.E. Plan, of the approved Generalized Development Plan/Special Exception Plat (GDP/SE Plat) for the property is enclosed, as are plan sheets containing the proffered conditions adopted with the rezoning and the Development Conditions applicable to the Special Exception. We are writing in response to comments received from the Virginia Department of Transportation and the Fairfax County Department of Public Works and Environmental Services (DPW&S) reviewers pertaining to the site plan for this property seeking confirmation that the site layout being proposed was in conformance with the approved GDP/SE Plat.

The approved GDP/SE Plat shows conceptual site layouts for four automobile dealerships to be developed on the property, including that for Building "B", which is the general location of the site of the proposed Victory Nissan dealership. At the time the Plat was approved, it was not known precisely what branding would be represented by each of these dealerships, and the building configurations and site layouts were therefore, by necessity, generic and conceptual in nature. Because there was no certainty as to what dealerships might actually develop on these lots or what the prototype building configurations might be for any of the potential dealerships that would occupy the lots, the GDP/SE Plat had included the following note as Note 11 on Sheet 2, which reads as follows:

IN ACCORDANCE WITH PAR 4 AND 5 OF SECT. 18-204 OF THE ZONING ORDINANCE, DEVIATIONS TO THE SIZES, DIMENSIONS, FOOTPRINTS AND LOCATIONS OF THE FREESTANDING BUILDINGS MAY OCCUR WITH FINAL ENGINEERING DESIGN. IT IS TO BE UNDERSTOOD THAT THE EXACT FOOTPRINT AND LOCATION OF THE BUILDING MAY BE MODIFIED PROVIDED THE GROSS FLOOR AREA AND OPEN SPACE IS IN SUBSTANTTIAL CONFORMANCE WITH THE PROFFERS.

This note was for the purpose of recognizing the conceptual nature of the building footprints and site layouts and affording significant flexibility to alter the footprints and locations of the buildings from those shown on the GDP/SE Plat once the specific dealerships had been determined and final site plan design was occurring. With the inherent flexibility to alter the size, footprint and locations of the buildings specified in this note, the implication is that the distance by which the altered buildings would be set back from any particular lot line would vary from the setback distances shown on the GDP/SE Plat, and could, indeed, vary significantly as long as the applicable building setback limits and yard requirements specified by the zoning ordinance were honored. It is also of interest to note that the tested setback distances shown on the GDP/SE Plat bear no apparent relationship to the scaled distances between the buildings and the various lot boundaries.

The building that was proposed on the site plan represents a building configuration that is utilized by the Nissan Motor Corporation, since it will be a Nissan dealership on this site. The proposed location of the building on the site was established on the basis of its configuration, the desire to ensure an adequate setback from the street, the need to ensure an adequate circulation path around the building for the vehicle delivery trucks bringing new cars to the site and the natural topographic and subsurface conditions on the site. Relative to the need to accommodate large vehicle carrier trucks delivering new cars to the site, Proffer #11 requires that "All loading and unloading of vehicles shall be conducted on-site within the limits of each individual dealership." To ensure compliance with this proffer, it is necessary to provide an adequate circulation route through the site to accommodate the vehicle carriers, while, at the same time, achieving an efficient site layout. In this case, the site entrance locations and the building location were established with this in mind, allowing a relatively straight run for the trucks from the street to the rear of the site, where unloading would occur, and a relatively straight run back to the street after circling around the rear of the building. The entrance locations proposed on the Site Plan are also consistent with the Water Authority's preference that the service lines entering occur at the site entrance(s).

Following receipt of the comment from the VDOT reviewer relative to conformance of the site entrance locations to the GDP, we met with the reviewer and, in coordination with the reviewer, developed certain modifications to the proposed easterly site entrance, to include limiting it to one-way entry into the site and providing a tapered approach to the entrance. These changes were worked out in the post-submittal site plan review meeting, at which staff from DPWES, the County's Office of Transportation and VDOT participated. As a result of these changes, the VDOT reviewer, Mr. Peter Germer, has verbally indicated that the proposed site entrances are in compliance with VDOT standards and are satisfactory as to location and design.

The location of the building as proposed on the site plan takes advantage of the natural topography on the site, being situated in the area of the highest existing ground elevations, thus minimizing the need for fill and facilitating adequate site drainage. The site area closer to Stonecroft Boulevard is at a lower elevation and the underlying rock is at shallower depths below the surface, which would create issues with respect to the installation of utility connections to the building.

July 14, 2004

Page 3

The site plan had originally proposed a double-stacked row of vehicle display and storage spaces adjacent to the Stonecroft Boulevard frontage. Following discussions with Ms. Kristin Crookshanks, with your office, modifications have been made to the plan to eliminate the double-stacked row and provide only a single row of display spaces facing Stonecroft Boulevard, as had been shown on the GDP/SE Plat. The proposed building location is at a greater distance from Stonecroft Boulevard than that shown on the GDP/SE Plat, in keeping with the flexibility afforded by Note 11. The relationship between the proposed building and the Stonecroft Boulevard frontage is similar to that shown for Building "A" on the GDP/SE Plat, which was shown at a greater distance from the roadway, with a single row of display spaces fronting on the roadway and two travel lanes and two double-stacked rows of display/storage spaces separated by a landscape area occurring between the road frontage and the building. Deeming that approved layout to be a generally acceptable concept, we have modified the original site design for the subject site to be similar. As shown on the enclosed plan, there would be the single row of display spaces facing Stonecroft Boulevard and adjoined by a travel lane. Adjoining the travel lane, and situated between it and the building, would be open space buffers having a width of 17.5 feet. These would incorporate a berm and landscaping to screen the double-stacked rows of vehicle display/storage spaces behind them from the Stonecroft Boulevard frontage, echoing the conceptual layout that had been approved for the site to the south, but without the double-stacked rows of storage spaces that had been proposed on the street side of the landscape area on that site. We therefore feel that the proposal for the subject site represents a significant improvement over that concept.

In conclusion, we recognize that the configuration of the building and the site layout for this site as currently being proposed is different from the conceptual layout shown on the GDP/SE Plat. However, we also recognize that Note 11 on the approved GDP/SE plat is evidence that the need for flexibility in the ultimate layouts of these sites had been foreseen, and that, with approval of the GDP/SE Plat, approval was being granted for such differences to occur. Note 11 specifically allows variations relative to building configurations, building locations and site layouts, with no stated limitations. While the distance between the proposed building on the subject site and Stonecroft Boulevard is greater than shown for this particular lot on the GDP/SE Plat, the improvements that are proposed between the street and the building are fully consistent with those shown on the lot to the south, which has the same relationship to Stonecroft Boulevard. Therefore, even though variations have been introduced consistent with Note 11, the general format of the proposed layout remains consistent with a concept that was approved with the rezoning and is not in violation of, or inconsistent with, any Proffered Condition of Development Condition. We are hereby seeking your concurrence in this matter.

Thank you for your consideration of this matter. Should you require any additional information, please let me know.

Sincerely,



James L. McCormack
Project Manager