



County of Fairfax, Virginia

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

October 27, 2006

Philip G. Yates, Senior Associate
Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 22031-4666

Re: Proffer Interpretation for RZ 2004-SU-028, PCA 1999-SU-018 and SE 2004-SU-027, Stonecroft Business Park, Tax Map 33- 4 ((1)) 3B: Landscaping and Earthen Berm

Dear Mr. Yates:

This is in response to your letter of September 22, 2006, and subsequent letter dated October 19, 2006, requesting an interpretation of the Generalized Development Plan/Special Exception/Proffered Condition Amendment (GDP/SE/PCA) 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. As I understand it, the question is whether deferral of construction of the landscaping and earthen berm along the Stonecroft Boulevard frontage of Lot 3B would be in substantial conformance with the GDP/SE/PCA Plat, proffers and development conditions. This determination is based on your letter, a copy of which is attached for reference.

Proffer 4 of RZ 2004-SU-028 reads as follows.

In conjunction with the first site plan approval and prior to the issuance of the first Non-RUP, a fifteen-foot (15') wide landscape area shall be constructed along the property frontage with Stonecroft Boulevard, subject to the approval of UFM. Landscaping materials within this buffer shall be similar in quality and quantity as illustrated on Sheets 6 & 7 of 9 of the GDP/SE/PCA Plat. The planting area shall include a continuous 24" high earthen berm and a continuous evergreen hedge planted at 36" trimmed to a minimum of 48" in height measured from the top curb on Stonecroft Boulevard as generally depicted on the GDP/SE/PCA Plat to create a continuous, solid screening along the entire frontage of Stonecroft Boulevard. Deciduous canopy trees, a minimum of 3-4 inches in caliper, shall be planted 40-60 feet on center along Stonecroft Boulevard frontage in the 15 foot landscape area, as approved by UFM.

The approved GDP/SE/PCA Plat shows the proffered berm and landscaping in a 15 foot wide area along the entire frontage of the Stonecroft Business Park on Stonecroft Boulevard.

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290
Fax 703-324-3924
www.fairfaxcounty.gov/dpz/

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You have stated that there is no approved site plan or currently proposed development program for Parcel 33-4 ((1)) 3B. You argue that it will be difficult to provide the required landscaping area and earthen berm on Lot 3B at this time in conjunction with the development on Lot 3G1 by Victory Nissan which is not contiguous to the remaining proffered improvements. The site plan (0312-SP-005-2) for the development of Victory Nissan provides for the construction of part of the proffered landscaping and berm but did not include the area of Lot 33-4 ((1)) 3B. As an alternative, you propose to escrow funds for the landscaping and berm adjacent to Lot 3B and request that a Non-RUP be allowed to be issued for Victory Nissan, which is under construction, prior to completion of the proffered improvement on Lot 3B.

Proffer 4 is explicit in the requirement that the landscaping and earthen berm must be provided along Stonecroft Boulevard frontage of Dulles Business Park prior to issuance of the first Non-RUP. Therefore, it is my determination that deferral of the proposed landscaping and earthen berm along the Stonecroft Boulevard frontage of Parcel 3B would not be in substantial conformance with the GDP/SE/PCA Plat, proffers and development conditions. This determination has 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 Kevin Guinaw at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

N:\Interpretations\West Group, Stonecroft Boulevard Landscapinc

Attachments: A/S

cc: Michael R. Frey, Supervisor, Sully District
Ronald W. Koch, Planning Commissioner, Sully District
Diane E. Johnson-Quinn, Deputy Zoning Administrator
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Michael P. Knapp, Director, Urban Forest Management Division, 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 0610 172; Imaging, Reading File

Department of Planning and Zoning
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12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
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September 22, 2006

RECEIVED
Department of Planning & Zoning

SEP 26 2006

Zoning Evaluation Division

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ
12055 Government Ctr Pkwy, Suite 801
Fairfax, Virginia 22035-5509

RE: Request for Interpretation
RZ 2004-SU-028
West*Group Management LLC

Barbara
Dear Ms. Byron:

May this letter serve as a request for an interpretation related to rezoning application RZ 2004-SU-028 that was approved by the Board of Supervisors on February 7, 2005.

The rezoning was approved to the C-8 District as proffered. The property that was rezoned was identified on the Fairfax County Tax Map as 33-4 ((1)) 3B and 3G. It contained approximately 26.77 acres. A copy of the proffers that were approved with the rezoning is attached for your convenient reference.

Concurrent with its approval of RZ 2004-SU-028, the Board of Supervisors also approved SE 2004-SU-027 to permit vehicle sale, rental and ancillary service establishments and an increase in sign size and height. A copy of the approval letter is attached for your reference.

This request for interpretation concerns Proffer #4 – Stonecroft Boulevard Buffer. As you will note, Proffer #4 stipulates that a fifteen (15) foot wide landscape area shall be constructed along the property frontage with Stonecroft Boulevard. The landscape area is to include a continuous 24" high earthen berm as well as a specified planting schedule. The proffer states that the landscape area shall be constructed "prior to the issuance of the first Non-RUP." It is this timing requirement that prompts the need for this request for interpretation.

As you may be aware, there is an approved site plan for a Victory Nissan vehicle sale, rental and ancillary service establishment that is currently under construction on Lot 33-4 ((1)) 3G1 (Site Plan #00312-SP-005-2). This lot comprises about one-half of the property frontage on Stonecroft Boulevard that is referenced in Proffer #4. There is no approved site plan and no currently proposed development program on the adjacent Lot 33-4 ((1)) 3B which is the balance of the frontage that is referenced in Proffer #4.

Given this circumstance, it will be extremely difficult to provide the required landscape area on Lot 3B at this time in conjunction with the development on the adjacent Lot 3G1. The final grading of Lot 3B has not been engineered, and if the berm and landscaping were to be constructed on the lot, in all likelihood they would have to be altered when the final development program for this lot is determined and engineered.

With this as background, request is hereby made for your favorable determination that the construction of the prescribed berm and landscaping on Lot 3B can be deferred and constructed in conjunction with the future development on Lot 3B, and that the estimated costs for the berm and landscaping can be escrowed in conjunction with the current development of the adjacent Lot 3G1. Given the commitment to construct the requisite berm and landscaping on Lot 3G1 in conjunction with the current site plan and development, and given the commitment to escrow the estimated costs for the berm and landscaping on the adjacent Lot 3B, we request your determination that a Non-RUP can be issued for the proposed Victory Nissan vehicle sale, rental and ancillary service establishment on Lot 3G1.

We submit that this request represents a minor modification and that the resulting ultimate development program on both Lots 3G1 and 3B will be in substantial conformance with the proffered development program. We further submit that the requested determination will not:

- Change the amount of land area or permit a more intensive use.
- Result in an increased parking requirement.
- Permit uses other than those approved pursuant to the Special Exception.
- Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space that will be provided with the ultimate development program on both lots.
- Change the bulk, mass, orientation or location of the proposed development program which would adversely impact adjacent property.
- Result in an increase in the amount of clearing and/or grading.
- Result in a building that exceeds the parameters prescribed by Par. 4A7 of Sect. 9-004 of the Zoning Ordinance.

I trust that this background information will be sufficient for your determination, but should you have questions or the need for elaboration, please let me know.

A response at your earliest convenience will be appreciated.

Sincerely,



Philip G. Yates
Senior Associate

Attachments: A/S

cc: Jerry Griffin
Meaghan Kiefer



October 19, 2006

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ
12055 Government Ctr Pkwy, Suite 801
Fairfax, Virginia 22035-5509

RECEIVED
Department of Planning & Zoning

OCT 23 2006

Zoning Evaluation Division

RE: Request for Interpretation
RZ 2004-SU-028
West*Group Management LLC

Dear Ms. Byron:

This letter is in furtherance of a request for interpretation that I forwarded to you by letter dated September 22, 2006.

On October 17, Kul Sandhu of your staff requested that we furnish you with the value of the escrow for the estimated costs for the berm and related landscaping that is referenced in my prior letter.

As extracted from the attached correspondence furnished by Jerry Griffin of Rosenthal Automotive, it would appear that the escrow amount for the berm and landscaping along Stonecroft Boulevard would approximate \$14,000 to \$15,000. This value is based on the following entries:

▪ Berm	\$3,000.00
▪ Planting – Stonecroft Blvd	\$5,812.00
▪ Split Rail Fence (offsite)	<u>\$5,373.80</u>
	\$14,185.80

Needless to say, the final escrow amount will be the subject of review and approval by the Department of Public Works and Environmental Services.

I trust that this information will be of value to you in your further deliberations on this matter. Please give me a call if you have additional questions or the need for elaboration.

Sincerely,

Philip G. Yates
Senior Associate

Attachment: A/S

cc: Kul Sandhu
Jerry Griffin
Meaghan Kiefer

BLOOM

GENERAL CONTRACTING, INC.
25601 W. Eight Mile - Redford, MI 48240

Fax Transmittal

To: JERRY GRIFFIN

From: T.R. WARD

Fax No. 703.553.8435

Phone: (313) 532-8860 Fax: (313) 532-0367

Re: OFFSITE LANDSCAPE WORK

Date: 10.18.06

We transmit the following: _____ page(s)

- As Requested
- For Review
- For Approval
- For Your Information
- For Your Use

Action Needed:

- No Action Required
- Sign & Return to Bloom
- Forward as Indicated Below
- Comment

Remarks:

JERRY,

OFFSITE LANDSCAPE = FENCING AS DISCUSSED. PLEASE NOTE THAT SOME EARTHWORK WOULD BE REQUIRED ALONG STONECRAFT TO BUILD BERM, \$ NOT INCLUDED IN ATTACHED. I DON'T HAVE A BREAKOUT AMOUNT FOR THE EARTHWORK. GUESSTIMATE +/- \$ 3000.-

Copied To:

Forward To:

Return To:



RUPPERT
NURSERIES

December 30, 2005

Mr. Thomas R. Ward
Bloom General Contracting, Inc.
25601 West Eight Mile
Redford, MI 48240

RE: Victory Nissan

PROPOSAL

Ruppert Nurseries, Inc. proposes to furnish all labor, materials, tools, equipment, and insurance necessary to perform the following work at the above referenced project. All work shall be in accordance with the *Landscape Specification Guidelines for the Baltimore Washington Metropolitan Area - 5th Edition* as published by the Landscape Contractors Association and:

Plans by Burgess and Niple, sheets 33, 34, 35, and 36 dated September 7, 2005.

Specifically, the scope of work shall be described as follows:

- **Planting - Base**

Furnish and install the following plant material:

Description	Size	Qty
Ulmus parvifolia	3.0"	16
Quercus bicolor	3.0"	15
Pyrus calleryana 'Aristocrat'	2.0"	24
Gleditsia triacanthos inermis	3.0"	5
Cornus kousa	3.0"	7
Acer rubrum	3.0"	15
Berberis thunbergii	24"	174

- **Gravel Mulch**

Furnish and install 18,578 sft of #57 brown stone to areas indicated on sheet 33.

4185B John Masby Highway • Aldie, VA 20105

703 542 5711 • Fax 703 542 5712 • www.ruppertnurseries.com

* OFFSITE WORK

Victory Nissan
 Ruppert Nurseries, Inc.
 December 30, 2005
 Page 2 of 6

• Seed

Furnish and install 3,585 square yards of turf type tall fescue seed complete with fine grading, lime, fertilizer, and tack. Price based on coverage surrounding parking lot area as shown on sheet 33.



• Planting - Storm Water Mgmt. Pond

Furnish and install the following plant material:

Description	Size	Qty
Ulmus parvifolia	3.0"	10
Cupressocyparis leylandii	4'	20
Quercus coccinea	3.0"	10



\$10,320.00



• Planting - Stonecroft Blvd.

Furnish and install the following plant material:

Description	Size	Qty
Berberis thunbergii	24"	132
Clethra alnifolia 'Ruby Spice'	24"	25
Chamaecyparis p 'Gold Mop'	3 gal	25



\$5,812.00

* OFF SITE WORK

Victory Nissan
Ruppert Nurseries, Inc.
December 30, 2005
Page 3 of 6

• Irrigation

Furnish and install design/build Irrigation system as outlined below:

Description	Qty
Hunter ICC-16PL Controller	1
Hunter PGV-101G remote control valves	12
Rain Bird 1804 4" pop-up spray heads	125
Hunter PGP 4" pop-up rotary heads	15
Rain Bird 1401 Bubblers	78
LF SCHED-40 PVC Sleeves	700
Mini-Click II rain sensor	1

TOTAL PRICE

* Alternate:

→ • Split Rail Fence

Furnish and install 1350 feet of split rail fence consisting of three rails. Price based on post augered into existing soil and posts being 10' on center.

\$14,958.00

OFFSITE FENCE 485 LF @ 11.08/LF = 5373.20