



County of Fairfax, Virginia

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

Date: July 2, 2009

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Blvd., Thirteenth Floor
Arlington, VA 22201-3359

Re: Interpretation for PCA 2004-SU-028, and SEA 2004-SU-027, Penske Automotive Group, Inc., Stonecroft Business Park, Tax Map 33-4 ((1)) 3B: Entrance Relocation

Dear Ms. Strobel:

This is in response to your letter of May 19, 2009, requesting an interpretation of the proffers, Generalized Development Plan (GDP), development conditions and Special Exception (SE) Plat accepted and approved by the Board of Supervisors in conjunction with the approval of Rezoning PCA 2004-SU-028, and Special Exception Amendment SEA 2004-SU-027. As I understand it, the question is whether the proposed relocation of the easternmost entrance would be in substantial conformance with the proffers, the GDP/SE Plat, and development conditions associated with the above-referenced applications. This determination is based on your letter and an exhibit entitled "Stonecroft Business Park, Sully, Revised Concept Plan for Parcel 3B Access," prepared by PHR & A, dated March, 2009, that consists of a portion of the development plan with hand drawn proposed modifications and notes. Copies of your letter and relevant exhibits are attached.

On February 7, 2005, the Board of Supervisors approved RZ 2004-SU-028, which rezoned, subject to proffers, approximately 26.77 acres from the I-5 District to the C-8 District, and SE 2004-SU-027, subject to development conditions, to permit the development of four (4) vehicle sales, rental and ancillary service establishments and *an increase in sign size and height*. On October 20, 2008, the Board of Supervisors approved PCA 2004-SU-028, subject to proffers dated October 14, 2008, and SEA 2004-SU-027, subject to development conditions as listed in a letter issued by the Clerk to the Board dated November 24, 2008. The applications permitted the applicant to split the approved vehicle sales, rental and ancillary service establishment into two separate vehicle sales establishments on Tax Map 33-4 ((3B)) and permit associated modifications to site design with no increase in Floor Area Ratio (FAR).

You state that the development is currently under construction and completion is anticipated by the end of the year. You note that it has become apparent that a minor relocation of one of the access points shown on the Plat would provide better on-site circulation. To that end, the

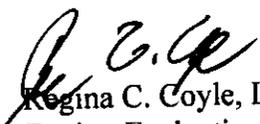
applicant retained the services of Doug Kennedy of Patton, Harris, Rust & Associates who prepared your submitted exhibit. According to the exhibit, the easternmost site entrance would be closed and shifted approximately 120 feet further toward the east.

According to the staff report, during the rezoning process the easternmost site entrance was relocated to align with an entrance on the opposite side of Stonecroft Boulevard at the request of FCDOT. The proposed modification removes the alignment of opposite entrances and, according to FCDOT and VDOT, it would increase the potential for vehicular conflicts.

Based on the above, it is my determination that the proposed relocation of the easternmost entrance discussed above and depicted on your exhibit, would not be in substantial conformance with the proffers, the combined amended development plan, and development conditions associated with PCA 2004-SU-028 and SEA 2004-SU-027.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and has been coordinated with VDOT and FCDOT. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,


Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

N:\SE Interpretations\Penske Automotive (PCA 2004-SU-028,SEA 2004-SU-027) entrance re-location.doc

cc: Michael R. Frey, Supervisor, Sully District
John Litzenberger, Planning Commissioner, Sully District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Kenneth Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects and Applications Acceptance Branch, DPZ
File: PCA 2004-SU-028, SEA 2004-SU-027, PI 0905 064, SE1 0905 024, Imaging,
Reading File



Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

May 19, 2009

RECEIVED
Department of Planning & Zoning

MAY 20 2009

Zoning Evaluation Division

Via Scheduled Express

Regina C. Coyle, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: PCA 2004-SU-028 concurrent with SEA 2004-SU-027
Applicant: Penske Automotive Group, Inc.
Fairfax County Tax Map Reference: 33-4 ((1)) 3B

Dear Ms. Coyle:

Please accept this letter as a request for a minor modification to an approved generalized development plan and special exception plat in accordance with Paragraph 5 of Section 18-204 and Paragraph 4 of Section 9-004 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The referenced applications were approved by the Board of Supervisors (the "Board") at its hearing held on October 20, 2008. The Board approved the applications subject to proffers dated October 14, 2008 and twelve (12) development conditions as listed in a letter issued by the Board Clerk dated November 24, 2008. The proffers and development conditions require development of the application property in conformance with a generalized development plan and a special exception amendment plat prepared by Walter L. Phillips, Inc. dated February 14, 2008 and revised through October 14, 2008 (the "Plat"). The proffers state that; "the Applicant reserves the right to modify the layout shown on the GDP at time of site plan based on final design provided that there is no decrease in the amount and location of open space, landscaping, or distances to peripheral lot lines as dimensioned on the GDP." Further, the special exception was granted subject to development condition 4 that specifically allows minor modifications to the approved special exception pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

Since the approval of the referenced applications in October of last year, the Applicant has been diligently pursuing site plan approval, issuance of building permits and construction. The approved improvements are currently under construction and completion is anticipated by the end of the year. As the Applicant has proceeded through the construction process, it became apparent that a minor relocation of one of the access points shown on the Plat would address concerns regarding safe on-site

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA • 2200 CLARENDON BLVD., THIRTEENTH FLOOR • ARLINGTON, VA 22201-3359

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circulation and facilitate customer access. In order to further investigate this issue, the Applicant retained the services of Doug Kennedy of Patton, Harris, Rust & Associates, Inc. Mr. Kennedy has conducted a thorough evaluation of this issue, including discussions with VDOT representatives, and proposes a minor modification to the Plat to enhance site circulation and safety. This modification; specifically, a shift in the easternmost access location, is shown on the attached exhibit prepared by Mr. Kennedy. As shown on the exhibit, the shift in the access location is approximately 120 feet to the east. All other aspects of the approved layout, including building locations, travel aisles, landscaping and other features, remain unchanged, with the exception of a shift in parking to accommodate the relocated access. The westernmost access location remains unchanged.

The ideal location for the access points to the application property is determined by stacking concerns from the intersection of Stonecroft Center Court and Stonecroft Boulevard; an existing raised median on Stonecroft Center Boulevard; and sight distance east of the access. Taking these existing conditions into consideration, Mr. Kennedy analyzed the best locations to allow clear, on-site traffic circulation; to minimize confusion that may result from various vehicular egress options available once on the site; and to create the safest route for ingress and egress. While the westernmost access remains satisfactory, the easternmost access could function in a safer and better way. Mr. Kennedy selected an alternative eastern access point in consideration of the following:

- The proposed alignment improves traffic by aligning operator sight lines with the primary vehicle destinations east of the proposed buildings. The alignment allows inbound vehicles to efficiently access the site with improved access to the travelway along the building frontage, and access to the two Service Reception Bays, as well as access to the parking adjacent to the building frontage(s); to the Service Center/Car Showroom at the front of the building; and to the 46 parking spaces adjacent to the outdoor car display areas.
- By shifting the alternative access east of the existing Nissan access by 120 feet, there is less likelihood of conflict between the operations of the two dealerships on these opposite corners, in terms of both entrance and exit traffic; thereby improving road safety on the public street. A channelized exit prohibits lefts out at the proposed eastern access from conflicting with Nissan traffic, thereby improving traffic safety by removing a turning conflict.
- Since Stonecroft Center Court terminates in a cul-de-sac to the west of the application property, and only serves another planned automobile dealership and an adjacent office/warehouse, the demand for vehicle

movements exiting to the west is minimal. The restriction of left turn access out of the application property at the alternative access is an improvement to that shown on the Plat, and egress to the west is maintained at the westernmost access.

- By placing the entrance at a point where the internal travel east of the building is clearly visible for entering vehicles, there is less likelihood of vehicle drivers becoming confused and blocking the access way as they determine their on-site destination, which is to the left for most customers and visitors; hence, road safety is improved.
- Service vehicles can continue to have egress via the back travelway along the western portion of the site and out the rear driveway, however, vehicles using the 46 parking spaces will also need an appropriate exit point, which will be available off-set from the Nissan exit driveway; thereby improving safe access.
- A delineated crosswalk to direct inbound trips on-site to the left improves operations by reducing pedestrian conflicts. The approved site plan directs pedestrian to cross east of the main access aisle and creates more conflicts with inbound vehicles, thereby reducing safety.

The Applicant's proposed relocated access location meets the criteria for permitted minor modifications as outlined in the Zoning Ordinance as the proposal does not include the following:

- *A change in the amount of land area or more intensive use than approved.* The Applicant's proposal does not modify the land area or any of the approved uses.
- *An increased parking requirement.* As the Applicant is not modifying the use, the parking requirement remains the same.
- *Permit uses other than those approved pursuant to the prior approvals.* The Applicant is not proposing any new uses on the property.
- *A reduction of the effectiveness of approved transitional screening, buffering, landscaping or open space.* The Applicant is not modifying any of the elements associated with transitional screening, buffering, landscaping or open space.
- *A change to the bulk, mass, orientation or location of improvements which adversely impacts the relationship of the development to adjacent*

property. The Applicant's proposed modification to access does not alter any of the improvements that would impact adjacent property.

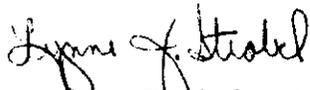
- *An increase in the amount of clearing and/or grading for a stormwater management facility.* The Applicant's proposed modification does not impact the amount of impervious surface or grading, and therefore does not change any aspect of stormwater runoff or its management.
- *Include the additional of any buildings, or additions to buildings.* The Applicant is not proposing any building or additions to buildings.

In consideration of the above, I am asking for your administrative approval of the access modification described herein as being in substantial conformance with the existing approvals. The Applicant's redesign is a result of final engineering that improves the safety of vehicular and pedestrian ingress and egress to its property. The conditions of the proffers are satisfied as there are no changes to open space, landscaping or distances to peripheral lot lines. There are no objections by VDOT to this proposal and it may be determined to be in substantial conformance with prior approvals.

Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me. I would appreciate a response at your earliest convenience given that improvements are under construction. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



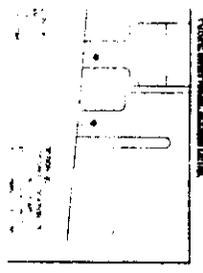
Lynne J. Strobel

LJS/kae

Attachment

cc: Kris Abrahamson Jeni Hornback
 Billy O'Donnell Martin D. Walsh
 Meghan Kiefer
 Nolan Redding
 Doug Kennedy

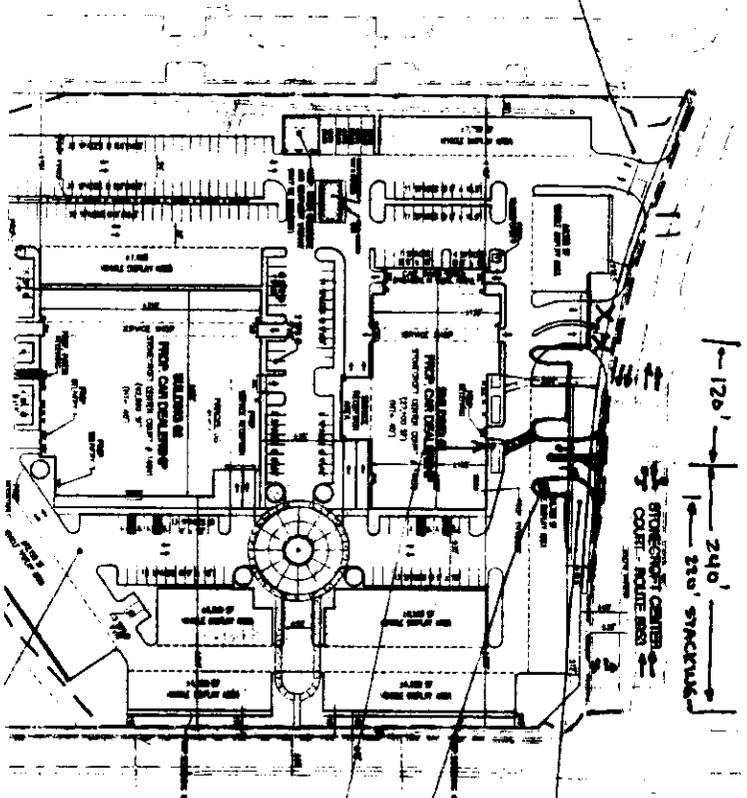
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ADD SIGN FOR NO
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STONEHROFT BOULEVARD
ROUTE 88B
RELOCATE CROSSWALK

REVISED CONCEPT
FOR THE PARCEL 3B
ACCESS

PREPARED BY: PHILIP (703) 449-0000
MARCH 2009 DENAU: DEX
BASE: WLP, DDC 10/08

Denau

LAN

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WALTER L. PHILLIP
INCORPORATED
CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE
257 PARK AVENUE FALLS CHURCH VIRGINIA 22046
703 582-9882 FAX 703 582-1088