



County of Fairfax, Virginia

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

October 14, 2011

Elizabeth A. McKeeby, AICP
Walsh Colucci Lubeley Emrich & Walsh PC
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

Re: Interpretation for RZ 2010-LE-005 and SE 2010-LE-009, Jennings Business Park, LLC
Tax Maps 90-4 ((1)) 6A and 7: Stormwater Management Facility

Dear Ms. McKeeby:

This is in response to your letter of September 16, 2011, requesting an interpretation of the proffers and the Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of Rezoning RZ 2010-LE-005, and the Special Exception (SE) Plat and development conditions approved by the Board of Supervisors with SE 2010-LE-009. As I understand it, the question is whether the proposed revised stormwater management facility is in substantial conformance with the proffers, the GDP/SE Plat and the development conditions. This determination is based on your letter, Sheet 4 of the approved GDP/SE Plat, an Interpretation Exhibit dated September 1, 2011, and a parking tabulation. Copies of your letter and relevant documents are attached.

On November 16, 2010, the Board of Supervisors approved RZ 2010-LE-005, subject to proffers, to rezone 64.53 acres from the R-1 and R-3 Districts to the C-8 District. The Board of Supervisors also concurrently approved SE 2010-LE-009, subject to development conditions, to permit a vehicle sale, rental and ancillary service establishment on a 23.17 acre portion of the site. Proffer #12 details the proposed stormwater management for the application site and states the following:

12. *Stormwater Management Facilities/Best Management Practices Techniques/Low Impact Development. As shown on Sheets 10 and 11 of the GDP/SE Plat, Stormwater Management (SWM) and Best Management Practices (BMP) shall be provided in a combination of an underground SWM[BMP] facility. and individual BMP facilities located on Parcel 6A. At the time of the site plan, the Applicant shall incorporate Low Impact Development (LID) features into the. site design subject to the approval of DPWES. Examples include, but are not limited to, the use of vegetated swales, natural open space or Filterrras. At the time of site plan, the Applicant shall pursue a waiver request of Public Facilities Manual (PFM) Section 6-0201 for Department of Public Works and Environmental Services ("DPWES") consideration to maintain the existing outfall condition (sheet flow) across Fairfax County Tax Map parcel 90-4 ((1)) 6B in lieu of the requirement to construct channels for stormwater outfall.*

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



You indicate that the Applicant proposes to review the stormwater management system for the development to provide an extended detention dry pond in lieu of an underground detention vault. The pond would be located in an area approved for parking (vehicle storage) behind the dealership and would displace 77 parking spaces. Approximately 936 parking spaces were proposed with the approved GDP/SE Plat, but only 335 parking spaces were required. Notes on the GDP/SE Plat clarify that parking can be provided in accordance with the Zoning Ordinance. You indicate that a revised total of 859 parking spaces would be provided for a revised total of 325 required parking spaces, which is based on a reduced number of proposed service bays. No other changes to the site are proposed. The result would be no change in the proposed stormwater management quality or quantity on site and reduce impervious surface area. The shared parking spaces for the adjacent athletic field will not be affected and will continue to be provided per Proffer #26.

It is my determination that the proposed dry stormwater management facility, as shown on the Interpretation Exhibit dated September 1, 2011 is in substantial conformance with the approved proffers and GDP/SE Plat, subject to final approval by DPWES during site plan review and provided landscaping is installed around the pond to the extent permitted by "The Interim Policy Regarding Tree Preservation & Planting In and Around Stormwater Management Ponds," as determined by DPWES.

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 Brenda Cho at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division

BCB/BJC/O:\bcho00\Interpretations\Jennings\draft letter.doc

Attachments: A/S

cc: Jeff McKay, Supervisor, Lee District
James Migliaccio, Planning Commissioner, Lee District
Diane Johnson-Quinn, Deputy Zoning Administrator, ZAD, DPZ
Kenneth Williams, Plan Control, Office of Site Development Services, DPWES
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, ZED, DPZ
File: RZ 2010-LE-005, SE 2010-LE-009, SEI 11 09 042, PI 11 09 095, Imaging, Reading File



Elizabeth A. McKeeby, AICP
Land Use Planner
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emckeeby@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

September 16, 2011

RECEIVED
Department of Planning & Zoning
SEP 21 2011
Zoning Evaluation Division

Via Hand Delivery

Ms. Barbara C. Berlin
Director, Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway; Suite 801
Fairfax, VA 22035

**Re: Request for Zoning Interpretation – Proposed Stormwater Pond
Rezoning/Special Exception: RZ 2010-LE-005 and SE 2010-LE-009
Tax Map: 90-4 ((1)) 6A and 7 (the “Subject Property”)
Applicant: Jennings Business Park, LLC**

Dear Ms. Berlin:

On behalf of the Applicant, please accept this letter as a request for an interpretation and confirmation that the proposed stormwater pond is deemed to be in substantial conformance with the Generalized Development Plan/Special Exception Plat ("GDP/SE Plat") and proffers associated with the Subject Property.

By way of background, the Subject Property is zoned C-8 and is located along the east side of Loisdale Road, west of the CSX railroad tracks and south of Loisdale Park. The Subject Property is governed by the recent approval of rezoning, RZ 2010-LE-005, and special exception, SE 2010-009, which permit the development of an approximately 90,000 square feet of automotive dealership as shown on the approved GDP/SE Plat prepared by Walter L. Phillips, Inc., entitled Jennings Toyota and as revised through the date of October 1, 2010.

The approved GDP/SE Plat and proffer number 12 propose to handle the project stormwater in two underground detention vaults. The approved GDP/SE Plat also depicted the use of StormFilters or Bayfilters to meet some of the stormwater quality requirements. With this letter, the Applicant requests Staff review as to whether it would be deemed in substantial conformance with the GDP/SE Plat and proffers to construct a stormwater pond in lieu of one of the underground vaults.

Under the proposed pond alternative, the southern underground vault and the filters would be eliminated and the northern underground vault would remain. The proposed vegetated swales, Filterra, and water quality inlet shown on the GDP/SE Plat will still be provided. The revised layout proposes to construct an extended detention dry pond to meet some of the County

September 16, 2011

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Zoning Interpretation Request

stormwater quantity and quality requirements in lieu of the original underground detention and filters. The County's stormwater quantity and quality requirements will continue to be fully met with the revised concept. The pond will be located where there were some parking spaces and open space shown on the GDP/SE Plat. While there will be 77 fewer parking spaces than shown on the approved GDP/SE Plat, the number of parking spaces required by code will continue to be provided.

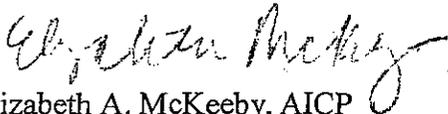
Please find enclosed for your review a copy of Sheet 4 of the approved GDP/SE Plat, an exhibit showing the proposed pond alternative, an enlarged sheet showing the proposed pond and tabulation of the revised parking space counts, demonstrating that under the proposed pond option, the project would continue to meet parking requirements under the Zoning Ordinance.

Therefore, with this letter, we respectfully request your determination that the proposed stormwater pond as shown on the enclosed exhibit would be considered to be in substantial conformance with the approved GDP/SE Plat and proffers. While the stormwater pond was not shown on the approved Conceptual Development Plan, it does not add GFA, height, additional uses, or intensification of uses on the Subject Property and while parking is somewhat reduced, it continues to meet the Zoning Ordinance requirements. Further, the pond option would reduce the amount of pervious surface on the Subject Property.

I appreciate your attention to this request. Please do not hesitate to contact me if you should have any questions or require further information to make your determination.

Very truly yours,

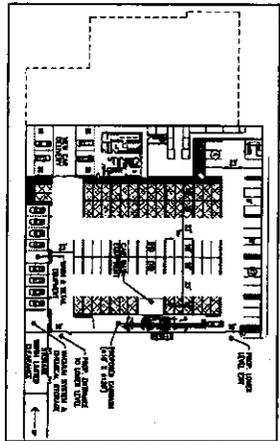
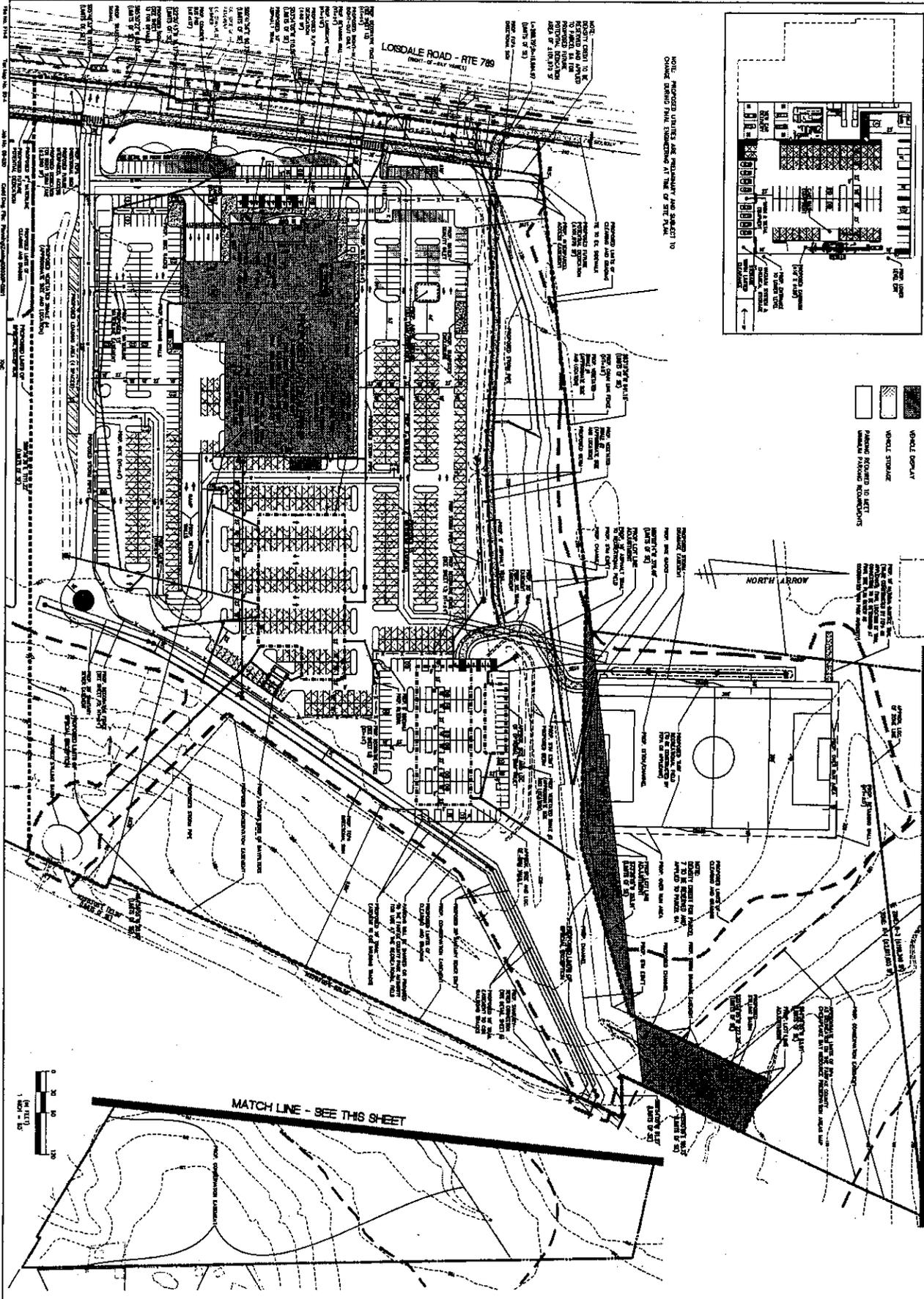
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Elizabeth A. McKeeby, AICP
Land Use Planner

Enclosures

cc: Mike Jennings
Bill Prodo
Jeff Stuchel
Martin D. Walsh
Brenda Cho



LOWER LEVEL DETAIL



MATCH LINE - SEE THIS SHEET

GENERALIZED DEVELOPMENT PLAN / SPECIAL EXCEPTION PLAT

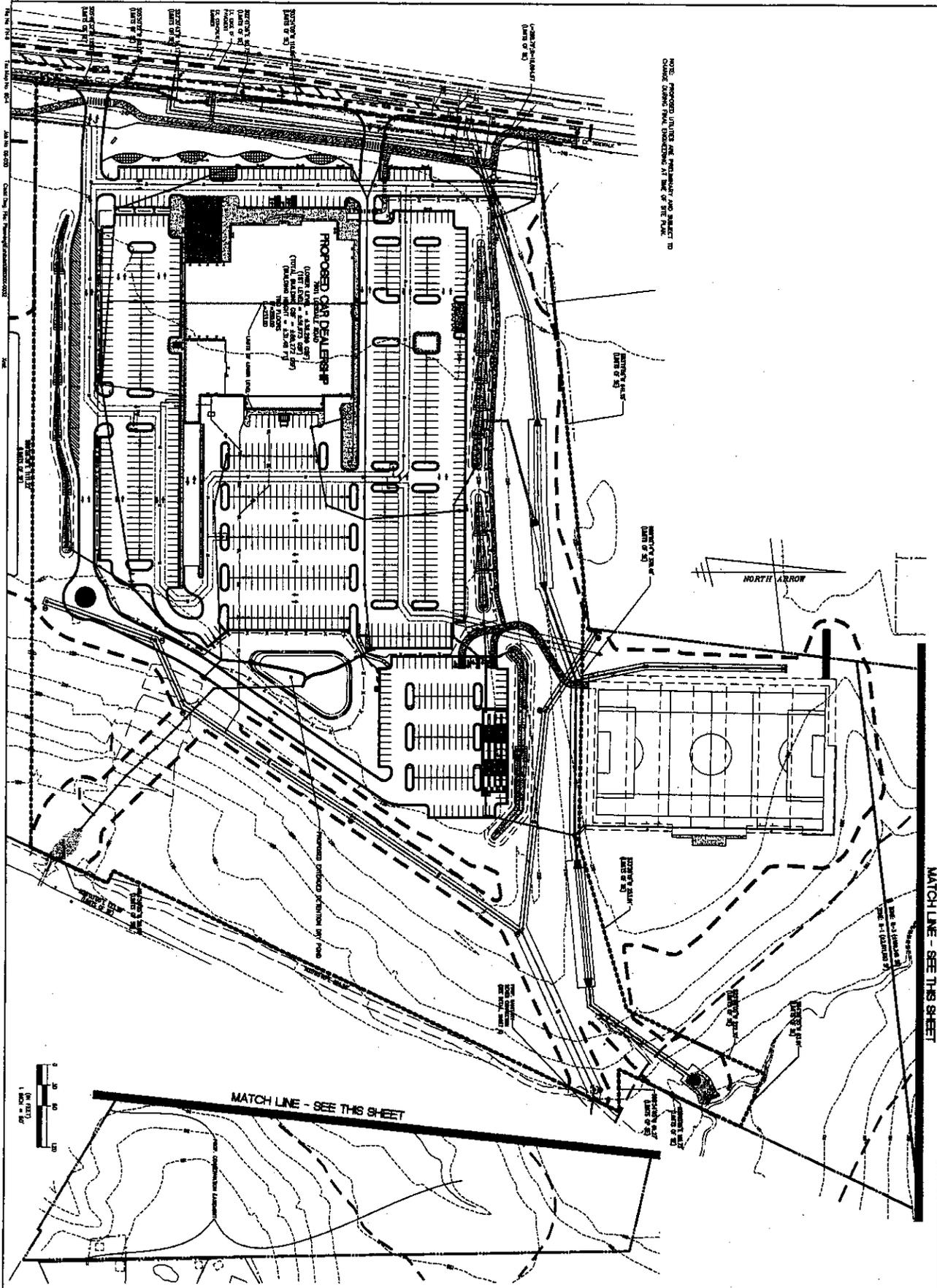
JENNINGS TOYOTA
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISIONS APPROVED BY				
NO.	DESCRIPTION	DATE	BY	APPROVED



WALTER L. PHILLIPS
 INCORPORATED
 CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
 2317 PARK AVENUE FALLS CHURCH, VIRGINIA 22048
 (703) 532-4185 FAX (703) 533-1301
 WLPINC.COM

11.2.2.1



REVISED STORM WATER MANAGEMENT INTERPRETATION EXHIBIT

JENNINGS TOYOTA
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY					
NO.	DESCRIPTION	DATE	BY	APPROVED	DATE

WALTER L. PHILLIPS
 INCORPORATED

Engineers • Surveyors • Planners
 Landscape Architects • Artists
 207 PARK AVENUE
 FALLS CHURCH, VIRGINIA 22046
 (703) 832-8183 Fax: (703) 833-1301
 www.WLPHINC.com

SCALE: 1" = 10'
 DATE: 9/11
 DRAWING: 11

Parking Tabulation Comparison

Parking Spaces Required By Code *	Approved SE Plat/GDP	Revised Layout With Pond
Parking Spaces Provided	335	325
Total Spaces Provided (Vehicle Display, Storage, Code)	342 + 936 ±	325 859

* The number of parking spaces required by code dropped due to a reduction in the number of service bays.