

## County of Fairfax, Virginia

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

November 24, 2008

Sara V. Mariska Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Boulevard, 13<sup>th</sup> Floor Arlington, Virginia 22201

RE: Proffered Condition Amendment Application PCA 2004-SU-028 (Concurrent with Special Exception Amendment Application SEA 2004-SU-027)

#### Dear Ms. Mariska:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 20, 2008, approving Proffered Condition Amendment Application PCA 2004-SU-028 in the name of Penske Automotive Group, Incorporated. The Board's action amends the proffers for Rezoning Application RZ 2004-SU-028, previously approved for commercial development with four (4) vehicle sale, rental and ancillary service establishments to split an approved vehicle sale, rental, and ancillary service establishment into two separate vehicle sales establishments on Tax Map 33-4 ((1)) 3B and permit associated modifications to site design with an overall Floor Area Ratio (FAR) of 0.20. The subject property is located in the southwest quadrant of the intersection of Stonecroft Boulevard and Stonecroft Center Court on approximately 9.26 acres of land zoned C-8, AN, and WS [Tax Map 33-4 ((1)) 3B], in the Sully District and is subject to the proffers dated October 14, 2008.

#### The Board also:

• Modified the peripheral parking lot landscaping requirements in favor of the landscaping shown on the GDP/SEA Plat.

Sincerely,

Nany Vehrs
Nancy Vehrs

Clerk to the Board of Supervisors

NV/dms Enclosure

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 Cc: Chairman Gerald E. Connolly

Supervisor Michael Frey, Sully District

Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration

Regina Coyle, Director, Zoning Evaluation Division, DPZ

Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning

Angela K. Rodeheaver, Section Chief, Transportation. Planning Division

Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation

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

**District Planning Commissioner** 

Barbara J. Lippa, Executive Director, Planning Commission

Denise James, Office of Capital Facilities/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 17<sup>th</sup> day of November, 2008, the following ordinance was adopted.

# AN ORDINANCE AMENDING THE ZONING ORDINANCE PROFFERED CONDITION AMENDMENT PCA 2004-SU-028 (CONCURRENT WITH SEA 2004-SU-027)

WHEREAS, Penske Automotive Group, Incorporated, filed in the proper form an application to amend the proffers for RZ 2004-SU-028 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 Sully 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 17<sup>th</sup> day of November, 2008.

Nancy Vehr

Clerk to the Board of Supervisors

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 17<sup>th</sup> day of November, 2008, the following ordinance was adopted.

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GIVEN under my hand this 17th day of November, 2008.

Ylany Vehrs Nancy Vehrs

Clerk to the Board of Supervisors

4100113

#### ZAPS USER GENERATED REPORTS **ZONING APPLICATION SUMMARY REPORT** APPLICATION NUMBER: PCA 2004-SU-028

**DECISION DATE:** 

10/20/2008

**HEARING BODY: BOS** 

CRD: NO

MAGISTERIAL DISTRICT: SULLY

APPLICANT NAME PENSKE AUTOMOTIVE GROUP, INC.

WODONN

STAFF COORDINATOR:

ACTION:

**APPROVE** 

**DECISION SUMMARY:** 

ON OCTOBER 20, 2008, THE BOARD UNANIMOUSLY APPROVED PCA

2004-SU-028

, ON A MOTION BY

SUPERVISOR FREY, SUBJECT TO PROFFERS DEDATED OCTOBER 1

4, 2008.□□

#### ZONING INFORMATION

**EXISTING ZONING** 

APPROVED AREA

DISTRICT

**AREA** 

9.26 ACRES

DISTRICT C-8

**AREA** 9.26 ACRES

C-8 TOTAL

9.26 ACRES

TOTAL

9.26 ACRES

TAX MAP NUMBERS

033-4- /01/ /0003-B

#### APPROVED ZONING DISTRICT DATA

ZONING DISTRICT: C-8

APROVED RESIDENTIAL DEVELOPMENT

APROVED NON-RESIDENTIAL DEVELOPMENT

LAND USE

LINITS

**DWELLING** 

LAND

UNIT OF MEASURE NO. <u>OF</u>

ADITIS

**UNIT OF** FLOOR AREA MEASURE SQ FEET 70,000.00

LAND UNIT OF ΔRFΔ **ACRES** 9.26

FAR 0.17

VEH/SALE/A

TOTAL

ΔRFΔ

70,000.00

SQ FEET

0.17 **ACRES** 

#### **PROFFER INFORMATION**

**PROFFER STATEMENT DATE: 10-14-2008** 

	DUE DATE	TRIGGER NO.	TRIGGER EVENT	CONTRIB AMT	EXPIRATION DATE
<u>ITEM</u>			BLDG PRMT APRV	\$	01-01-0001
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ARCHITECTURE / GREEN BUILDING / LEE	01-01-0001	0	N/A	\$	01-01-0001
ARCHITECTURE / GREEN BUILDING / LEE		0	NON-RUP	\$	01-01-0001
	01-01-0001	0	SITE PLAN	\$	01-01-0001
INTERPARCEL ACCESS		•	N/A	\$	01-01-0001
LIGHTING / GLARE	01-01-0001	0	13/73	•	01-01-0001
PROFFERED PLANS	01-01-0001	0	N/A	\$	01-01-0001
RESTORATION / REFORESTATION / REPI	01-01-0001	0	N/A	\$	01-01-0001
KESTORKHOW NET ONESTWICK TELL	01-01-0001	0	N/A	\$	01-01-0001
		_	A1/A	\$	01-01-0001
ARCHITECTURE / BUILDING MATERIALS	01-01-0001	0	N/A	Ψ	

#### WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS			
MODIFY PERIPHERAL PARKING LOT LANDSCAPIN	NG		
•	SUPPLEMENTAL MOT	ions	
SUPPLEMENTAL MOTIONS APPROVED			
	·		
		•	



# amended

PLEASE TYPE OR PRINT IN BLACK INK

# COMMONWEALTH OF VIRGINIA

COMMONWEALTH COUNTY OF FAIRFAX

COUNTY OF FAIRFAX

APPLICATION FOR ZONING MAP AMENDMENT PROFESERED CONTROLLION

APPLICATION FOR ZONING MAP AMENDMENT PROFESERED CONTROLLION

Application for Zoning & Zoning

APPLICATION	NO.
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2.

3.

5. 6. PCI7 2004-SUI-008 (Assigned by Staff)

MAY 14 2008

PAR D7 (10/89)

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	TO: THE BOARD OF SUF	ERVISORS OF	FAIRPAX COUNTY VI	NGINIA	, the applicant(s), , County, Virginia, by
	1 10 1 - 4 6 - 6 - 6	ho N/A		District to the M	/ A
	District the property	described	pelow and outlined	in red on the Zon	ing Section Sheet(s)
	accompanying and made	a part of	this application.		
			PROPERTY DESCRIF	PTION	
ı	LEGAL DESCRIPTION:		FROI ERIT DESCRIT	11011	
	See attached				
			g.Li:.i.i.a	Deed Book	Page No.
	Lot(s)	lock(s)	Subdivision	Deed book	rago no
2.	TAX MAP DESCRIPTION:			•	
4	33-4		((1))	3B	Approx. 9.26 Ac.
					<u>, , , , , , , , , , , , , , , , , , , </u>
	W W. Double C	ircle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Area(Ac.or Sq.Pt.)
	Map No. Double C	ficie no.	Druges versus		
3.	POSTAL ADDRESS OF PRO	OPERTY: (If	any)		
	None assigned.				
					.*
4.	ADVERTISING DESCRIPT	ION: (Ex. Se	outh of Rt. 236, 100	00 feet west of Rt.	274)
ч.	West of Stonecroft B	oulevard (R	t. 8460), South of	Stonecroft Center C	ourt
_	PRESENT USE: Vacant	T am d			
5.	PRESENT USE: _vacant	Land		P-4-114-1	4 -
6.	PROPOSED USE: Vehicl	<u>e Sale, Ren</u>	tal and Ancillary S	ervice Establishmen	ts
7.	SUPERVISOR DISTRICT:	Sully Di	strict		
Ŧ	the name(s) and address(s) of own	ner(s) of record	shall be provided on the a	ffidavit form attached and m	ade part of this application.
•	he undersigned has the power to	authorize and d	nas herehy authorize Pairla	County staff representativ	res on official business to
l e	ne undersigned has the power to inter on the subject property as	necessary to pr	ocess the application.		
٢	Lynne J. Strobel, Ag	t or Agent			
1	Anna Maly	()		-"	
	Signature of Applicant or Agen	Ê	A 11 1 D C		
	Walsh, Colucdi, Lube 2200 Clarendon Blvd.	ley, Emrich	& Walsn, P.U. r Arlington, Virgi	nia 22201	
₹ ?	Address	<u>,</u>	L, ALTINGUM, 10-8-		
562				(703) 528-4700	<del></del>
2	Telephone No.	Home	<del></del> -	Work	
	Please provide name and teleph	one number of co	ntact person if different f	rom above.	
	•		·		
<u>DO</u>	NOT WRITE IN THIS SPACE	E		1)11	
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	Date application rec	eived:		Application Fee Pa	1a: \$ <u>U UCC</u>

#### **PROFFERS**

#### Penske Automotive Group, Inc.

#### PCA 2004-SU-028

#### October 14, 2008

Pursuant to Section 15.2-2303(a) <u>Code of Virginia</u>, 1950, as amended, Penske Automotive Group, Inc. (hereinafter referred to as the "Applicant") for itself, the owners, and successors and assigns, in PCA 2004-SU-028, filed on property identified as tax map 33-4 ((1)) 3B (hereinafter referred to as the "Application Property"), hereby proffers that the development of the Application Property shall be in accordance with the following proffers, provided that the Board of Supervisors approves PCA 2004-SU-028. All other existing proffers affecting the Application Property shall remain in full force and effect and are not modified by these proffers except where inconsistent, in which case these proffers shall supersede.

#### 1. GENERAL

Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), development of the Application Property shall be in conformance with the Generalized Development Plan ("GDP") prepared by Walter L. Phillips dated February 11, 2008 and revised through October 14, 2008. Minor modifications to the GDP may be permitted as determined by the Zoning Administrator. 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.

#### 2. ARCHITECTURE

- a. The materials used for the buildings on the Application Property shall include split face block, concrete masonry unit, metal panels, glass, and exterior insulation finish system (EIFS).
- b. Vehicular service entrances located on Stonecroft Boulevard will be appropriately screened from Stonecroft Boulevard by vehicle display areas and landscaping as shown on sheet 6 of the GDP.

#### OUTDOOR LIGHTING

All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance and shall maintain a maximum lighting level of 30 foot-candles.

#### 4. GREEN BUILDING PRACTICES

- The Applicant shall include a U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional as a member of the design team who will work with a professional engineer or architect licensed to practice in the Commonwealth of Virginia as a member of the design team. The LEED accredited professional shall work with the team to incorporate LEED design elements into the project. At the time of building plan submission, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.
- (b) The Applicant shall include, as part of the building plan submission, a list prepared by the LEED accredited professional of specific practices that the Applicant anticipates implementing in the project.
- All appliances, fixtures, systems and building components used in the project, as applicable, shall be ENERGY STAR qualified: heating and cooling systems; vending machines; ceiling fans; ventilation fans (including kitchen and bathroom fans); programmable thermostats; skylights; computers; monitors; laptops; fax machines; copiers; scanners; televisions and other home electronics equipment such as videocassette recorders and DVD players; refrigerators/freezers; dishwashers; clothes washers. Prior to issuance of the first Non-RUP, the applicant will submit to the Environment and Development Review Branch of DPZ, certification of compliance with this commitment. Records of compliance shall be maintained for review and inspection by County Staff.
- Prior to issuance of the first Non-RUP, the Applicant shall provide to the Environment and Development Review Branch of DPZ a letter from the LEED accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants, that this manual has been written by a LEED accredited professional, that copies of this manual shall be provided to all future building occupants and that this manual, at a minimum:
  - Provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
  - Provides, where applicable, the on-site location of the product manufacturer's manuals or other instructions regarding operations and

maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;

- Provides, as applicable, a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and
- Provides contact information that building occupants can use to obtain further guidance on each green building component.

Prior to issuance of a Non-RUP, the Applicant shall provide an electronic copy of the manual in PDF format to the Environment and Development Review Branch of DPZ.

### 5. INVASIVE PLANT REMOVAL

An invasive plan removal plan for all areas shown to be preserved through open space, tree preservation, reforestation and limits of clearing and grading shall be submitted for review and approval by the Urban Forestry Division. The removal plan shall incorporate recommended government and industry methods and practices for removal of invasive/alien plants.

#### INTERPARCEL ACCESS

At such time as the property identified as 33-4 ((1)) 12B ("Parcel 12B") has been recommended for site plan approval, the Applicant shall demonstrate an interparcel access between the Application Property and Parcel 12B with a recorded ingress-egress easement in a form as reviewed and approved by the Fairfax County Attorney's Office. Said easement shall be provided at no cost to the owner of Parcel 12B. Additionally, said easement shall be wide enough to allow public ingress and egress, which shall be evaluated and determined by DPWES at time of site plan approval for Parcel 12B. Alternatively, the Applicant shall demonstrate a common ownership of Parcel 12B, or its equivalent in the form of a long-term lease, which shall have a minimum term of thirty (30) years, in lieu of providing any interparcel access between the Application Property and Parcel 12B. If the lease is terminated or expires, an ingress-egress easement shall be recorded as described herein. Prior to any interpretation request or a proffered condition amendment application being filed with Fairfax County, the Applicant shall notify the owner of Parcel 12B.

## [SIGNATURES BEGIN ON THE FOLLOWING PAGE]

## APPLICANT/LESSEE OF TAX MAP 33-4 ((1)) 3B

PENSKE AUTOMOTIVE GROUP, INC.

By: Bernard W. Wolfe

Its: Executive Vice President – East Operations

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF TAX MAP 33-4-((1)) 3B

DONALD B. BAYELY FAMILY, LLC

By: Donald B. Bavely
Its: Managing Member/President

[SIGNATURES CONTINUE ON NEXT PAGE]

## TITLE OWNER OF TAX MAP 33-4 ((1)) 3B

ROSENTHAL STONECROFT FAMILY, L.L.C.

By: Robert M. Rosenthal
Its: Managing Member/President

[SIGNATURES END]

# PROPOSED DEALERSHIP PARCEL 3B STONECROFT BUSINESS PARK

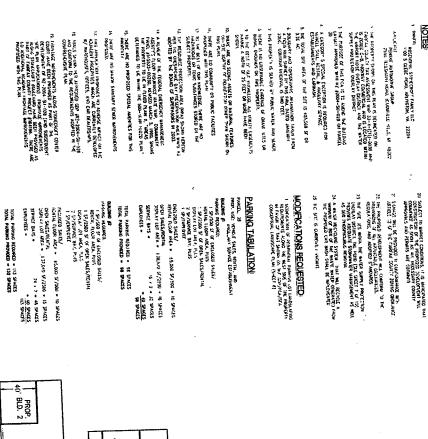
(SPECIAL EXCEPTION AMENDMENT PLAT- SEA-2004-SU-027) (PARTIAL PROFFERED CONDITION AMENDMENT PLAN)

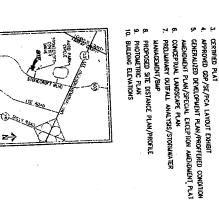
[TO AMEND RZ #2004-SU-028]

SHEET NOEX

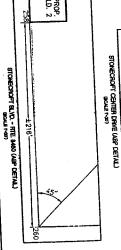
COVER SHEET

EXISTING CONDITIONS PLAN/EXISTING VEGETATION MAP









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SOCIAL SPACE

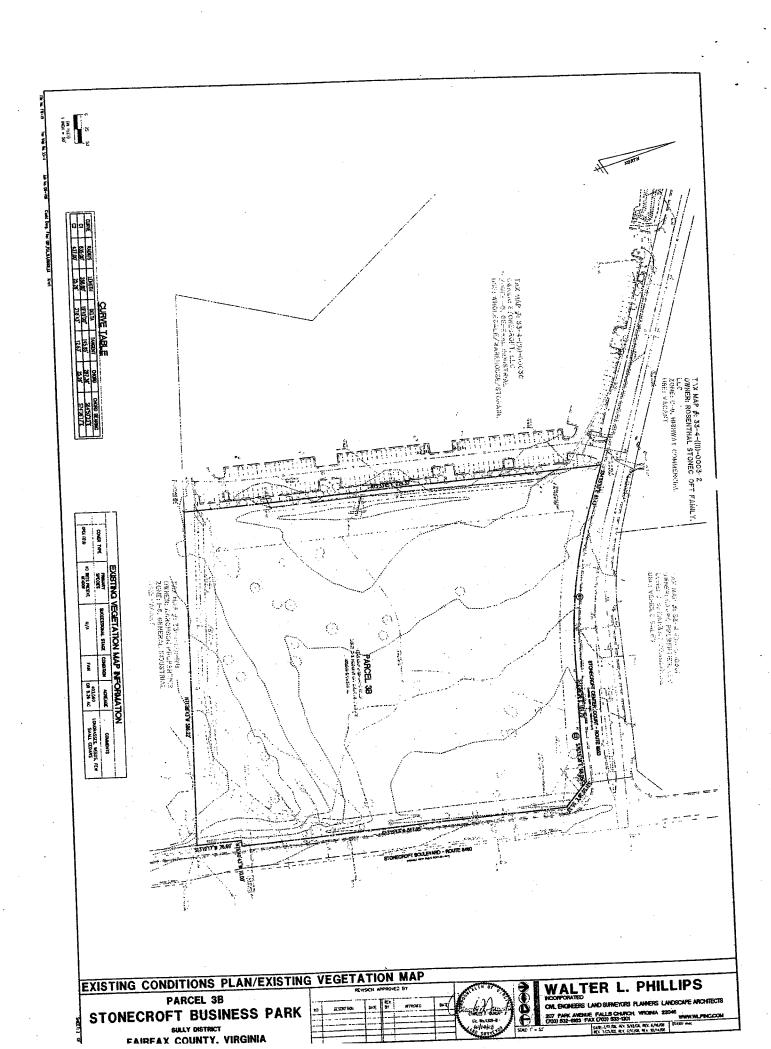
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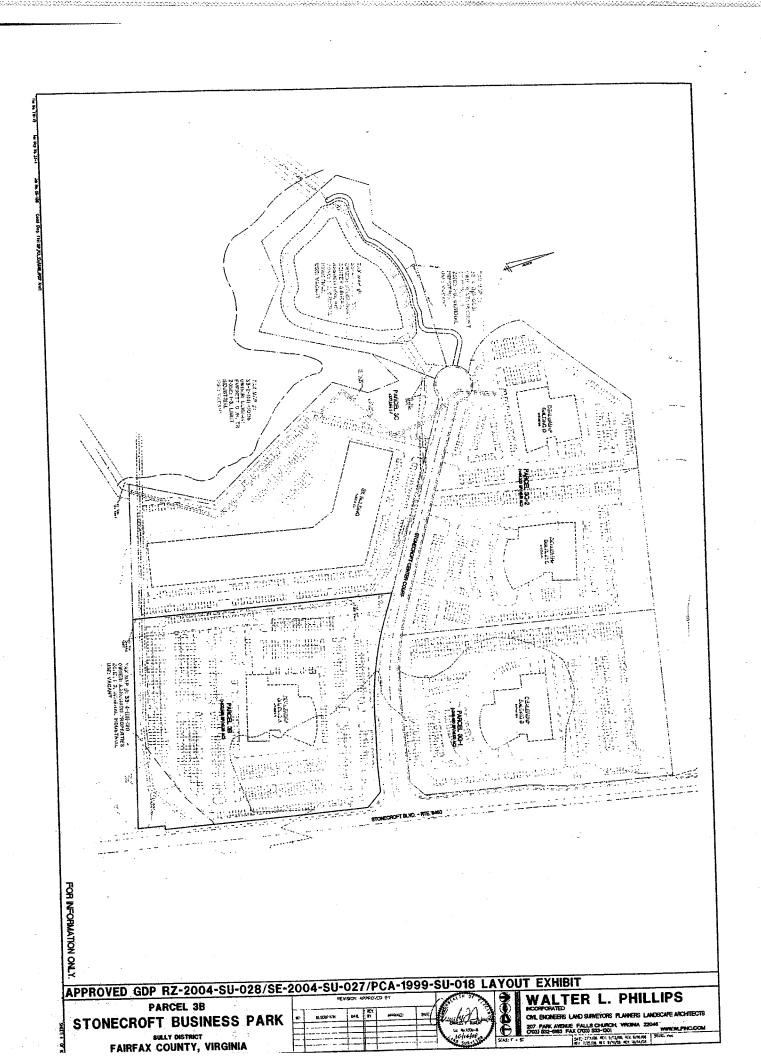
MIL LOT AREA

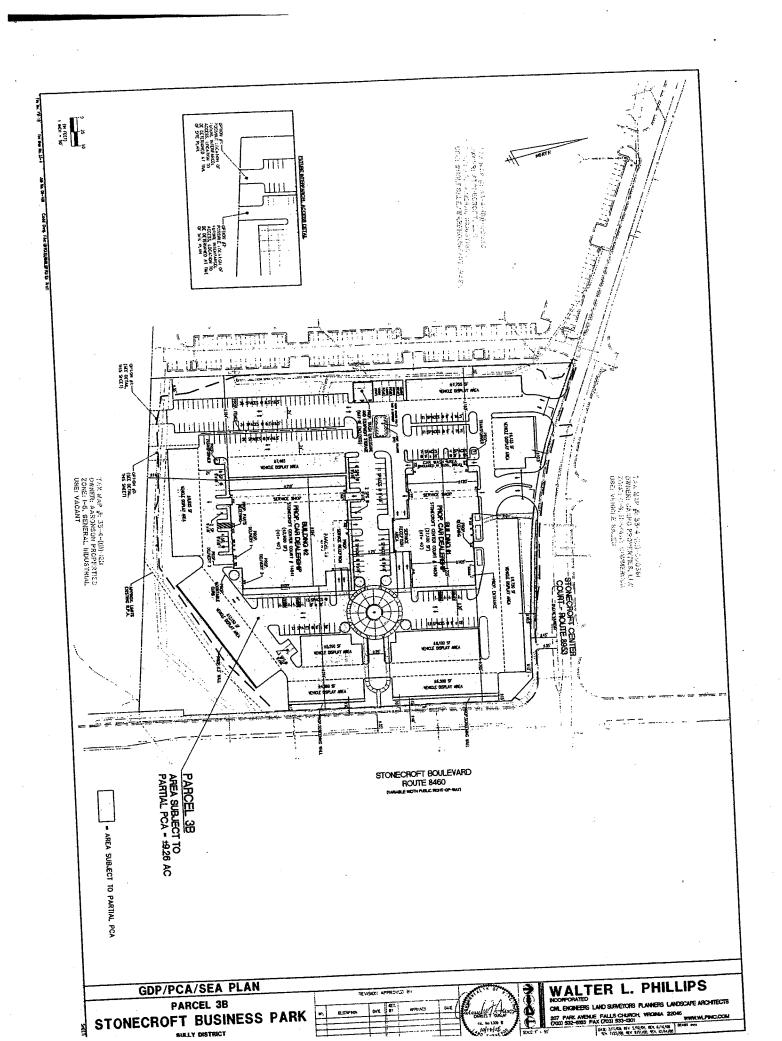
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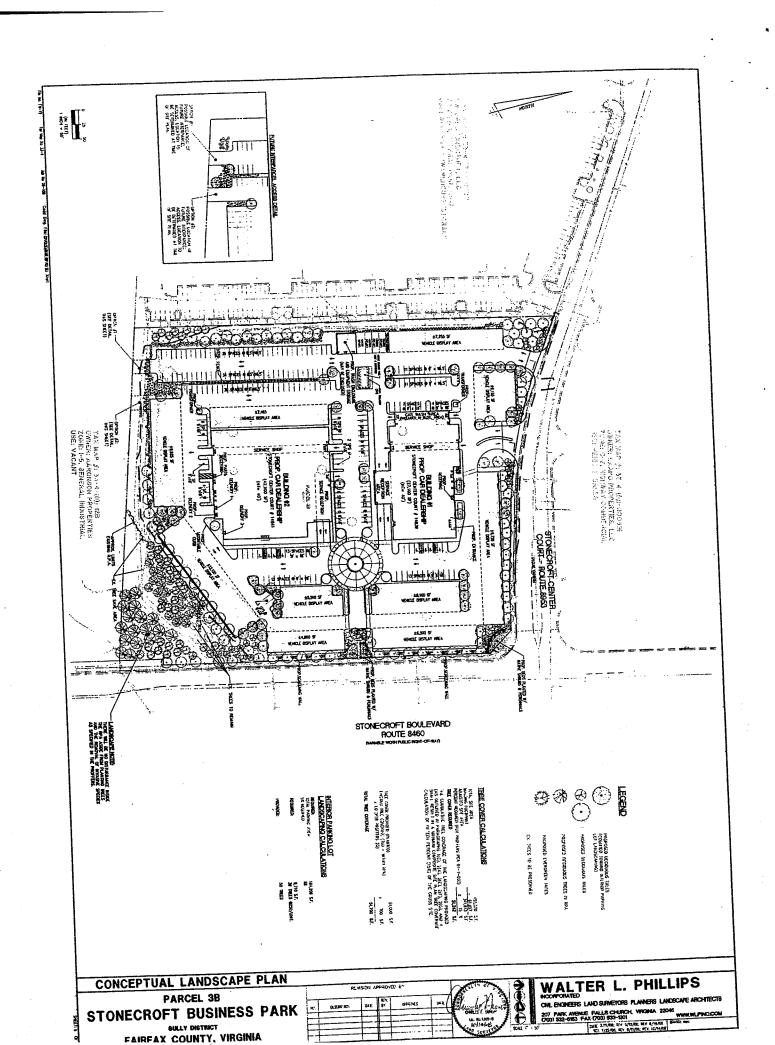
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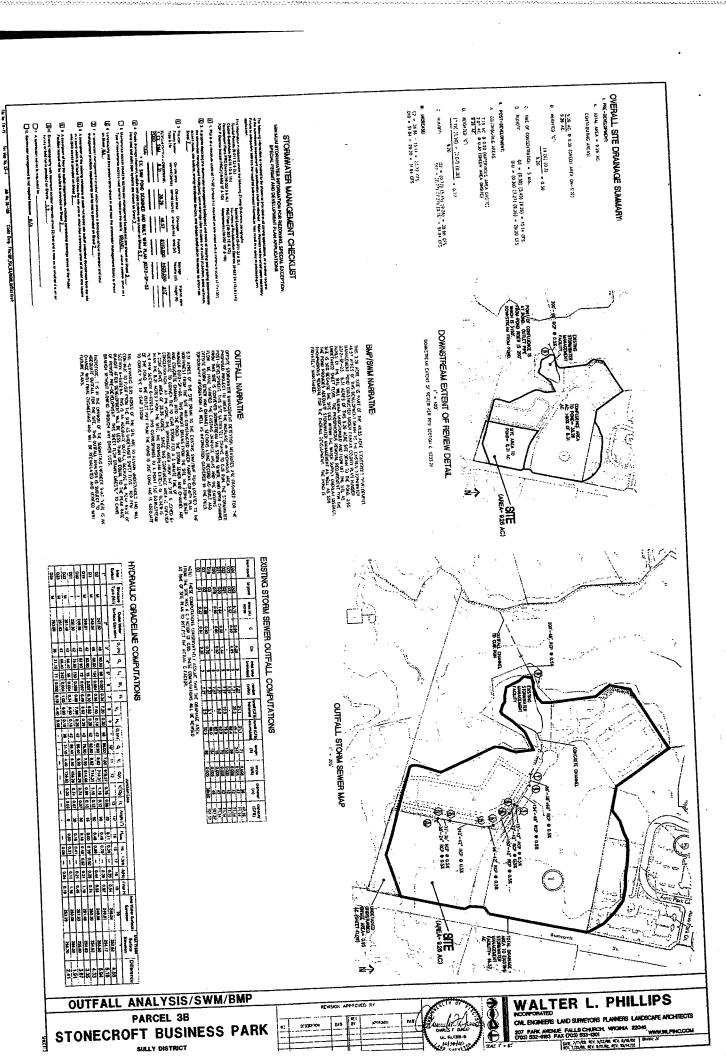


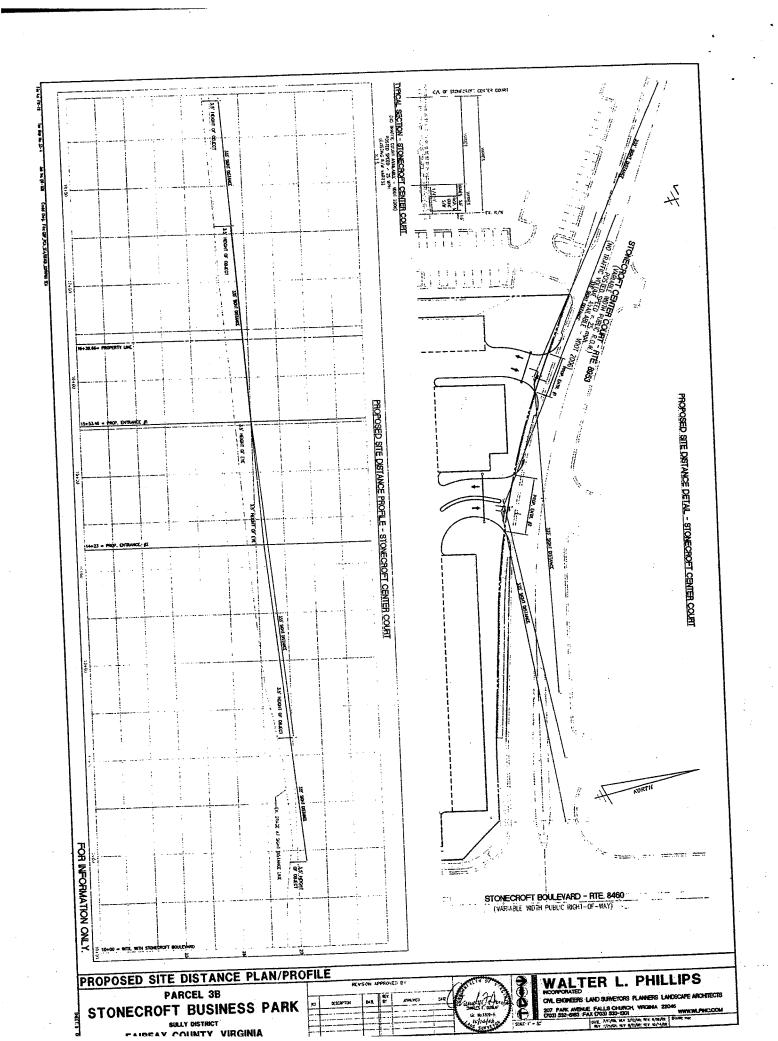


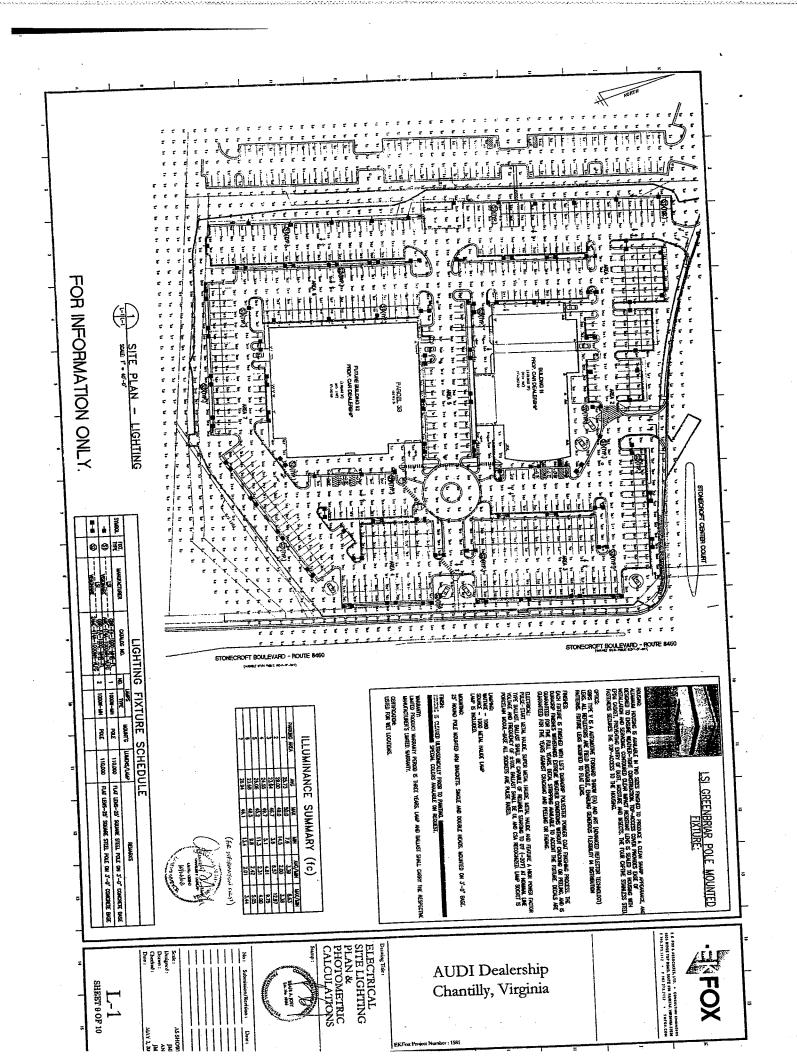


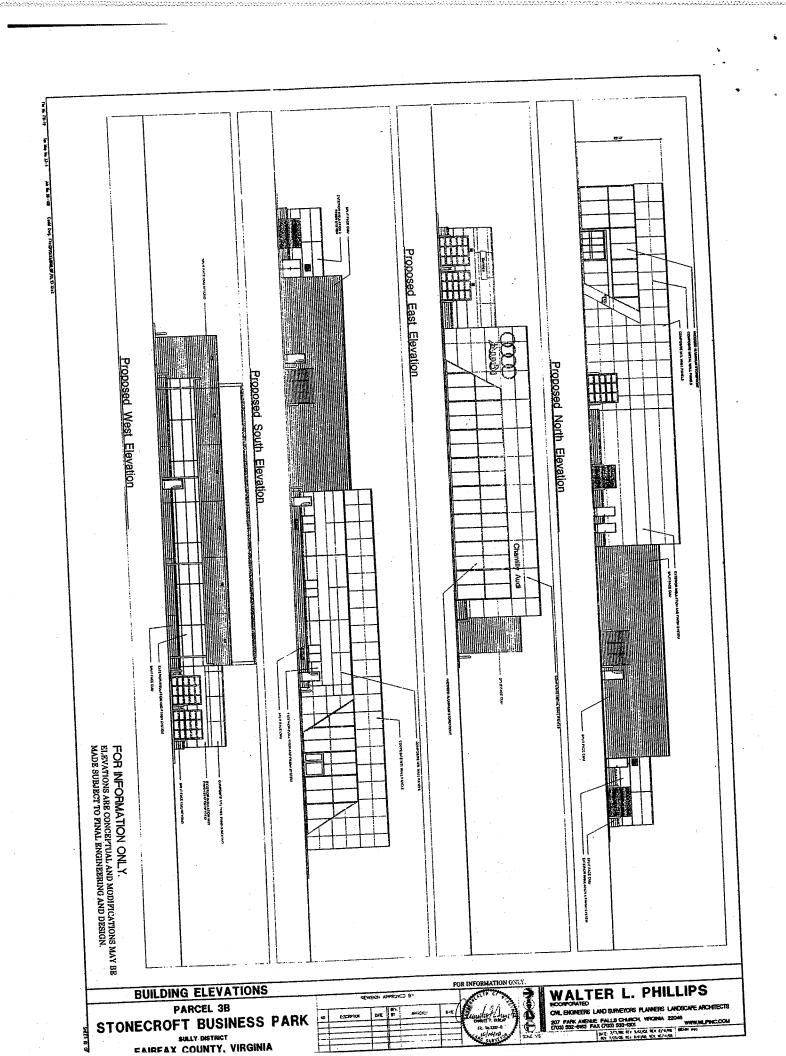












# WALTER L. PHILLIPS, INCORPORATED Founded 1945

Legal Description: Parcel 3B

Description of West\*Group Properties, L.L.C., Parcel 3B, as recorded in Deed Book 11652 at Page 1071 among the land records of Fairfax County, Virginia:

"Beginning at a point in the south line of Stonecroft Center Court – Route 8953, said point being the northeast corner of West\*Group Properties, L.L.C., Parcel 3C; thence with the south line of Stonecroft Center Court - Route 8953, S 54° 55' 53" E, 81.43 feet to a point; thence 288.80 feet with the arc of a curve bearing to the left and having a radius of 835.00 feet (tangent length 145.85 feet, chord length 287.36 feet, chord bearing S 64° 50' 23" E) to a point; thence S 72° 56′ 56″ E, 101.75 feet to a point; thence 25.26 feet with the arc of a curve bearing to the left and having a radius of 437.00 feet (tangent length 12.63 feet, chord length 25.26 feet, chord bearing S 74° 36' 17" E) to a point; thence S 76° 15' 38" E, 68.05 feet to a point; thence S 31° 55' 38" E, 55.33 feet to a point in the west line of Stonecroft Boulevard – Route 8460; thence with the west line of Stonecroft Boulevard - Route 8460, S 13° 19' 17" W, 567.95 feet to a point; thence N 76° 40' 43" W, 10.00 feet to a point; thence S 13° 19' 17" W, 76.69 feet to a point, said point being the northeast corner of now-or-formerly Aaronson Properties; thence with Aaronson Properties, N 71° 38' 43" W, 586.22 feet to a point, said point being the southeast corner of West\*Group Properties, L.L.C., Parcel 3C; thence with Parcel 3C, N 13° 33' 15" E, 729.33 feet to the point of beginning and containing an area of 403,569 square feet, or 9.26467 acres, more or less."

RECEIVED

Department of Planning & Zonling

DEC 1 1 2007

Zoning Evaluation Division

207 Park Avenue Falls Church, Virginia 22046 Telephone: (703) 532-6163 Facsimile: (703) 533-1301



CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS