

STATEMENT OF JUSTIFICATION

DULLES AUTO PARK OWNERS ASSOCIATION, INC.

PROFFERED CONDITION AMENDMENT APPLICATION

November 15, 2019

I. INTRODUCTION AND BACKGROUND

The Dulles Auto Park Owners Association, Inc. (“Applicant”), on behalf of and as the governing body for all of the title owners, hereby proposes a single issue proffered condition amendment (“PCA”) for the existing Dulles Auto Park (“Auto Park”) in Chantilly, Virginia.¹ The Auto Park consists of approximately 51.4 acres divided into nine parcels. The Auto Park is identified on the Fairfax County Tax Maps as 33-4 ((5)) A, G, H and J and 33-2((5)) B, C, D, E and F (“Property”). The Property is zoned C-8 (Highway Commercial) and is also within three overlay zoning districts: the Highway Corridor Overlay District (“HC”), the Airport Noise Impact Overlay District (“AN”) and the Water Supply Protection Overlay District (“WSPOD”).

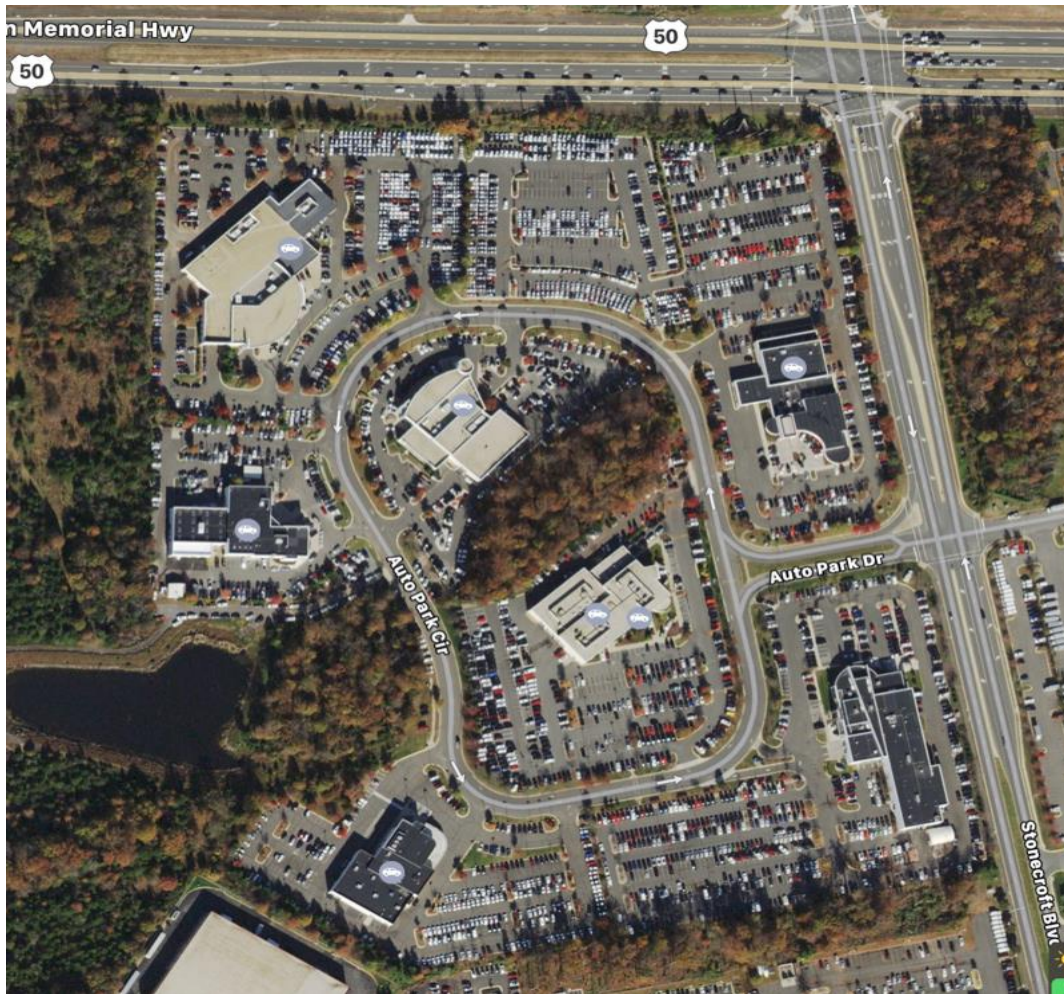
The Property is currently developed with only seven vehicle sale, rental and ancillary service establishment buildings. These dealerships consist of Brown’s Chantilly Mazda, Sheehy Infiniti of Chantilly, Ourisman Chantilly Toyota, Ourisman Kia, Ted Britt Ford and Ted Britt Lincoln (within the same sales building), Fair Oaks Chantilly Chrysler Jeep Dodge Ram (within the same sales building), and Land Rover of Chantilly and Jaguar of Chantilly (within the same sales building).

The Property was originally zoned for its current use on December 12, 1994 when the Board of Supervisors concurrently approved RZ 94-Y-033, subject to proffers, and SE 94-Y-038, subject to development conditions. This approval governed a total of 103.48 acres and rezoned the land to the C-8 District to permit vehicle sales, rental and ancillary service establishments, as well as a childcare center, a fast food court, a service station, and a car wash. The permitted density was 0.20 FAR.

On July 26, 1999, the Board of Supervisors approved PCA 94-Y-033 and SEA 94-Y-038, subject to revised proffers and development conditions, to delete 50.6 acres from the original rezoning area, to delete the childcare center and fast food uses, to reduce the number of vehicle sales buildings from 14 to 10, and to revise the design of the site layout on the remaining acreage. The overall density remained at a 0.20 FAR.

¹ A Special Exception Amendment is not being requested concurrently with this application because no changes are necessary for the current mix of uses and no amendments are needed regarding the existing development conditions.

The photograph below depicts the existing conditions on the Property and the surrounding vicinity.



II. PROPOSED PROFFER AMENDMENT AND JUSTIFICATION

Proffer 3 of PCA 94-Y-033 currently governs the maximum permitted FAR and states:

3. *Floor Area Ratio (FAR) – The maximum floor area ratio shall not exceed 0.20. The maximum number of vehicle sales buildings shall be 10. Notwithstanding the maximum overall site 0.20 FAR, individual lots within the development may exceed a 0.20 FAR.*

Through this application, the Applicant proposes to revise Proffer 3 to delete the second sentence and eliminate the cap on the number of vehicle sales buildings. The original overall density shall remain at 0.20 FAR. No new construction or alterations to existing improvements are proposed as part of this request. Specifically, the Applicant proposes to revise Proffer 3 to read as follows:

3. *Floor Area Ratio (FAR) – The maximum floor area ratio shall not exceed 0.20. Notwithstanding the maximum overall site 0.20 FAR, individual lots within the development may exceed a 0.20 FAR.*

Please note that lot configurations, building locations and building layouts were not proffered as part of PCA 94-Y-033 nor are they contained in any of the development conditions applicable to SEA 94-Y-038.

This application has been necessitated by the requests and desires of several automobile manufacturers about their preference not to combine specific vehicle brands within a single sales building. The manufacturers have requested various property owners within the Auto Park to have the ability to construct a stand-alone sales building for a specific brand so that such building can be designed to stand out with the manufacturer's image prototype.

A review of both the 1994 and 1999 zoning applications for the Auto Park does not reveal the rationale for limiting the number of vehicle sales buildings to 10. Since these approvals, however, the automobile sales industry has undergone major changes. Importantly, manufacturers have amplified the "branding" of particular line makes. For example, Fiat owns the Chrysler, Dodge, Jeep, Ram, and Fiat brands (among others) and has employed programs for dealers to provide separate sales facilities for particular brands. Ford has done likewise with Ford and Lincoln. As a result of the current cap on vehicle sales buildings, the owners within the Auto Park are constrained to comply with the manufacturers' programs (which is a detriment because it places them at a disadvantage to dealers who are not so constrained). With ample land available at the Property and a maximum density still in place, removing the limitation on the number of vehicle sales buildings will provide the Auto Park's landowners with needed flexibility to meet manufacturer demands. Smaller and more unique and individually designed showrooms will likely result.

With the current proffer restriction, the owners have been forced to try to resolve branding issues with additions to existing sales buildings, which is not the most efficient and attractive method. The Applicant has design guidelines in place for the Auto Park owners regarding all construction activities in order to maintain a high-quality appearance within the Property.

III. COMPREHENSIVE PLAN

The Property is located within Land Unit H of the Dulles Suburban Center portion of the Comprehensive Plan. Most of the existing development in the Dulles Suburban Center is categorized as industrial and office use. Land Unit H contains approximately

935 acres and has a mix of auto dealerships (including the Auto Park), warehousing and storage facilities, industrial/flex space, office, public facilities and a mobile home park.

The base recommendation for Land Unit H is for industrial, research and development, and industrial/flex uses at an intensity up to a maximum of .35 FAR. The specific plan text for the Property, however, is as follows:

2. An auto park may be appropriate as an optional use on Parcels 33-2 ((1)) 6, 33-2((5)) B, C, D, E, F, J and 33-4((5)) A, G, H if the conditions listed below are met. An auto park is defined as a large tract of land that accommodates two or more dealers engaged in automobile sales and service, as well as related ancillary services.

Conditions:

- The primary uses in the auto sales park are all related to vehicle sales and service. Ancillary uses to serve customers may also be considered;
- Substantial setbacks and a landscaped berm should be provided along Route 50 to screen view of the use from the road. A single freestanding sign to identify the auto park may be visible from Route 50; and
- Development should be oriented to Stonecroft Boulevard, preferably with building placement designed to screen outside display and storage facilities from Route 50. Substantial setbacks, screening and landscaping should be provided along Stonecroft Boulevard to establish a campus-style setting. Signage at the auto park entrance(s) may be appropriate.

The Auto Park has been developed in conformance with the Plan text stated above. Approval of the subject PCA will not alter such conformance, but rather, will allow the Property to fully mature in a manner consistent with both the text and with current auto industry practices and requirements.

Also applicable is Appendix 7 of the Policy Plan entitled “Guidelines for Clustering of Automobile-Oriented Commercial Uses” which encourages such clustering to achieve higher quality design, increased landscaping and open space, increased vehicular safety and increased energy efficiency. The Auto Park currently operates in a high-quality clustered manner, and such practices will remain in place.

IV. ZONING

A. C-8 Zoning District.

The C-8 District was established to provide locations on the heavily traveled collector and arterial highways for those commercial and service uses which are oriented

to the automobile, or are uses which may require large land areas and good access, and do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade. Vehicle sale, rental and ancillary service establishments in the County are primarily located within this District.

The Applicant's existing and future development on the 51.4-acre site will result in an overall density of 0.20 FAR (i.e., approximately 448,000 total square feet of gross floor area). Therefore, the Property will not exceed the maximum FAR of 0.50 permitted for C-8 in the Zoning Ordinance nor will it exceed the recommended baseline planned density of 0.35 FAR. The chart below summarizes the current development of the Auto Park and indicates that the Property can yield an approximate additional gross floor area of just over 200,000 square feet and still comply with Proffer 3 and the current approvals.

Parcel	Dealership	Land Area (SF) ²	GFA (SF) ³	FAR
A	Fair Oaks Chrysler/Jeep/Dodge	233,002	45,486	0.195
B	Jaguar/Land Rover	151,611	39,061	0.258
C	Ourisman Kia	263,146	27,495	0.104
D	Vacant (Ourisman)	145,560	0	0.000
E	Ourisman Toyota	303,413	52,910	0.174
F	Sheehy Infiniti	119,063	23,696	0.199
G	Brown's Mazda	225,981	20,100	0.089
H	Ted Britt Ford/Lincoln	305,455	37,520	0.123
J	Vacant – Open Space	493,559	0	0.000
Total		2,240,824	246,268	0.110

² Land areas are slightly inconsistent with tax assessment records and approved plans because of certain land acquired by VDOT along Route 50 (density credit was reserved).

³ Gross Floor Area is taken from As-Builts and Site Plans for the developed parcels.

B. Overlay Districts.

As noted previously, the Property is located within the Highway Corridor, the Airport Noise and the Water Supply Protection Overlay Districts. The HC Overlay District puts additional restrictions on certain automobile-oriented uses, including fast food restaurants, drive-in financial institutions, quick service food stores, service stations and service station/mini-marts. The provisions of the HC Overlay District do not apply, however, to vehicle sale, rental and ancillary service establishments.

The Airport Noise Impact Overlay District was established to control conflicts between certain land uses and the noise generated by aircraft. The Property is currently mapped within a noise contour level of up to 65 dBA. As such, the proposed uses are permitted without any additional acoustical treatment requirements for building interiors.

Finally, the Property currently conforms to WSPOD and any future improvements will also comply. Stormwater management for the Property is currently met with facilities consisting of a private wet pond, open space and other private underground detention systems (Proffer 12). Future improvements will utilize the existing pond or will provide other systems that meet the current stormwater management requirements – which are much stricter than those at the time of approval for PCA 94-Y-033 in 1999. These improvements will be finalized at the time of site plan review for individual buildings, alterations or other upgrades to the Property.

V. CONFORMANCE WITH ZONING ORDINANCE REGULATIONS

The following information, as requested by Part 7 of Section 9-011 of the Zoning Ordinance, provides specific details about the proposed vehicle sale, rental and ancillary service establishments.

A. Type of Operation.

Multiple vehicle sale, rental and ancillary service establishments.

B. Hours of Operation.

Hours of operation are currently not regulated at the Auto Park. The Applicant is proposing the typical hours of operation for automobile dealerships and ancillary service establishments, which means the vehicle service and parts departments would be open for customer business seven days a week between the hours of 5:30 a.m. to 12:00 a.m. The hours for vehicle sales would typically be from 9:00 a.m. to 9:00 p.m., Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturdays, and 11:00 a.m. to 6:00 p.m. on Sundays. These hours may be adjusted based on customer demand and use.

C. Estimated number of patrons/clients/patients/pupils/etc.

Based on the existing automobile dealerships operating at the Property, the Applicant estimates that the number of purchasers, prospective purchasers and automobile service customers will average approximately 1,200 – 1,500 per day. This is

consistent with the major changes that have occurred in the automobile sales industry. With internet online shopping and comparisons, the number of physical customers visiting the business to purchase or lease a vehicle is about one-third of what it was prior to the internet. Also, due to advances in technology in automobile parts, the number of times that a vehicle must be serviced has dropped by approximately 50%.

D. Proposed number of employees/attendants/teachers/etc.

The Applicant estimates that each dealership and its ancillary service establishment may employ up to approximately 200 full-time on-site employees and approximately 30 part-time on-site employees, but the maximum number of employees on-site at an individual dealership at any one time at the Property is estimated to be no more than 200. This amount includes service facility employees, sales staff, managers and executives.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

Based on the current standard Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition rates/equations, the existing seven vehicle sales buildings (containing a total of approximately 246,268 square feet of gross floor area), the Property generates currently approximately 6,856 weekday average daily trips and 12,865 Saturday average daily trips. The approximate number of weekday peak hour trips is 461 in the AM and 598 in the PM. This application will not cause a change in the Auto Park's number of existing trips or number of trips at full build-out because the use is not changing, and no new density is being requested.

F. Vicinity or general area to be served by the use.

The Applicant expects to draw most of its customers from the immediate Chantilly, Centreville, Fairfax, Herndon and Reston areas, as well as Loudoun County.

G. Description of building facade and architecture of proposed new buildings or additions.

The architectural elements of the existing buildings (and any future buildings) has been designed to blend and be harmonious with the other buildings located in the abutting Dulles Auto Park. Building materials currently used at the Property includes brick and other masonry products, split face concrete block, EIFS and other synthetic stucco products, and metal panels.

H. A listing, if known, of all hazardous or toxic substances as set forth in applicable County, State and Federal Regulations.

To the best of the Applicant's knowledge, the Property is currently vacant and does not contain any hazardous or toxic substances that are in violation of current laws. Automobile dealerships and ancillary service establishments, however, currently have

and will have in the future the following materials located or stored on the Property, as are typically found and stored at similar uses: motor oil, lubricants and transmission fluids; spent solvents; spent caustic parts washing solution; parts cleaning tank sludge; other sludge; paints and thinners; tires; used antifreeze; used break shoes; and used batteries. All such materials are and will be properly managed, stored, disposed of or recycled in accordance with County, State and Federal environmental laws. No such materials will be manufactured on the Property.

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, standards or conditions.

To the best of the Applicant's knowledge, the proposed development will comply with all applicable standards, ordinances and regulations

VI. SUMMARY

The proposed proffered condition amendment application will allow the Applicant and the property owners to continue to operate and develop high-quality vehicle sale, rental and ancillary service establishments. These improvements are also in conformance with the site-specific recommendations of the Comprehensive Plan. The Applicant respectfully requests favorable consideration by Staff, the Planning Commission and the Board of Supervisors.

Respectfully submitted,



By: _____
David S. Houston
Attorney/Agent for Applicant