

NARRATIVE STATEMENT OF JUSTIFICATION

for

Dulles South Ct.

SSPA Nomination

Tax Map # 33-2 ((1)) 1

October 3, 2022

EXECUTIVE SUMMARY

The Nominator, A & A Contracting, Inc., owns undeveloped land located at Tax Map # 33-2 ((1)) 1 (the "Property") located in Land Unit F-1 of the Dulles Suburban Center. The Comprehensive Plan recommends office and industrial/flex uses for properties along this portion of Route 50 including this site. Given challenges related to access, site constraints, and underlying zoning, the Property has limited ability to develop in accordance with the current Comprehensive Plan guidance. Replanning the site for greater flexibility to include warehousing uses, parking of vehicles, or other similar uses would allow the owner to develop productive and income generating uses for the Property while continuing to generally align with the spirit of the Dulles Suburban Center and without any adverse impacts on adjacent properties.

The 9.41-acre Property is zoned I-3 and is located north of Lee Jackson Memorial Highway and borders Loudoun County to the west. The majority of the Property is located within a Fairfax County designated Resource Protection Area (RPA) and FEMA Floodplain and is not visible from the public right-of-way. The proposed planning flexibility will afford the opportunity to bring meaningful investment and compatible uses to the developable portion of the landlocked parcel. Implementation of any of the proposed uses would require a rezoning, which would subject the parcel to the applicable design requirements of the Dulles Suburban Center.

BACKGROUND

A & A Contracting, Inc. has been serving the DMV area for over 50 years with locations in Loudoun County and Fairfax County and purchased the Property in 2018. The Nominator previously submitted a rezoning request in early 2020 to rezone the Property to the I-5 District to permit a warehousing establishment. This rezoning was indefinitely deferred due to various reasons including economic uncertainties presented by the COVID-19 pandemic.

At the time of submission for the rezoning, County staff had indicated that the proposed warehousing use was in conformance with the Comprehensive Plan's option for industrial/flex uses. It was recommended to the Nominator by staff to include a small office portion within the warehouse development to better meet the industrial/flex designation. The Nominator recently engaged County staff to reactivate the rezoning application. However, it was relayed to the Nominator that the County has updated its position related to industrial-flex uses, stating that the warehouse use with an office

component would no longer be considered to be in conformance with the Plan's industrial/flex recommendation. Given this change in circumstance, an amendment to the site specific Comprehensive Plan guidance is needed to move forward with the pending rezoning application.

DESCRIPTION OF PROPOSED SSPA REQUEST

The proposed SSPA nomination seeks to revise the Comprehensive Plan recommendation for the Property to include flexibility for warehouse use, parking of vehicles, or other similar industrial uses. The proposed Plan Amendment is generally proposed to support the previously submitted rezoning that would permit a warehousing facility and associated parking on the western portion of the site. As shown on in the attached concept plan for warehousing uses (Exhibit 1), the proposed building footprint and limits of disturbance would be limited to the developable portion of the site outside of the RPA and floodplain. Improvements related to vehicles access, pedestrian connectivity, landscaping, and stormwater management would be designed to meet expectations within the Dulles Suburban Center and in accordance with other Policy Plan recommendations and Zoning Ordinance requirements. Much of the Property will remain heavily vegetated as it lies within the aforementioned RPA and FEMA Floodplain Line.

As an alternative, flexibility is sought to potentially use the Property as an offsite parking lot for nearby auto-dealerships in either the interim or ultimate condition. As shown in Exhibit 2, the parking area would consist of a surface parking lot within the developable portion of the Property outside of any floodplain or RPA and generally match the limits of disturbance proposed by the rezoning for warehouse use. The vehicles anticipated to be parked on the site would be limited to new cars and/or recently used cars that are for sale by a nearby dealership. The sale of vehicles would not occur on the Property and customers of the dealership would likewise not be permitted on the Property. In addition, there would not be any display of cars visible from the public right-of-way (ROW) and there would not be any sales office onsite. Any required inspection and maintenance of vehicles will be conducted offsite. The site and use do not require a Virginia motor vehicle dealer license. Similar to the proposed warehouse use, improvements related to vehicles access, pedestrian connectivity, landscaping, and stormwater management would be designed to meet expectations within the Dulles Suburban Center and in accordance with other Policy Plan recommendations and Zoning Ordinance requirements.

Vehicle access for both options would be provided from the south. An existing 24-foot wide ingress-egress easement has previously been recorded along the entirety of Dulles South Court as well as on the adjacent property to the south [Tax Map Parcel 33-2 ((1)) 2B2] to accommodate access to the application property. Access is suitable from the existing access point along the southern property line with Parcel 2B2. However, the Nominator would work with the adjacent property owner to potentially relocate that access point further east for a more direct path for vehicles traveling to the Property. Access is not feasible from the west due to grade challenges, the configuration of existing

development, and the lack of any access easement. Access is not feasible from the north or east due to environmental constraints.

The Countywide Trails Plan Map shows an extension of the Cub Run Stream Valley Trail in the general vicinity of the Property. In either option the Nominator would consider extending the stream valley trail along the eastern portion of the Property to the northern property line, and as an additional public benefit, to clean up the remainder of the trail down to Lee Jackson Memorial Highway given that the trail has not been thoroughly maintained and is blocked with debris.

Heritage resources were identified to potentially exist on the Property during the review of the previously submitted rezoning application. The Scope of Work for a Phase II Archaeological Study has been approved by staff and the study and report would be provided as a part of any zoning application. Preliminary findings suggest that avoidance or Phase III data recovery will not be recommended.

RELEVANT POLICY OBJECTIVES

The proposed SSPA nomination will further a number of well-settled County objectives and emerging community interests geared towards economic development, preserving industrially zoned land and increasing the supply of industrial uses, and mitigating impacts to environmentally sensitive areas.

The County's Land Use Policy Plan states that sufficient land should be maintained for industrial uses and to encourage business development, and prevent negative effects of deteriorating industrial areas. The Dulles Suburban Center likewise recommends supporting industrial uses on industrially zoned land where not appropriate for residential or other alternative use and recommends flexibility for the same. The proposed uses will support nearby uses and the local economy, either through a warehousing facility handling new equipment for electrical and mechanical contractors or for the parking of vehicles for nearby auto dealerships.

The proposed uses are not noise sensitive and are appropriate for the site's location within the Airport Noise Impact Overlay District. The proposed uses are also compatible with adjacent uses. The Property is surrounded by vacant land to the north and east, and industrial-flex uses to the south and west. The properties to the north are zoned I-3 and the properties to the east and south are zoned I-5.

Objectively, the potential outcome here is superior to options available under existing zoning. The site is zoned I-3 and could be developed with commercial and industrial uses without the benefit and oversight of the land use process. Development under existing zoning would not be required to meet tree preservation, landscaping, or stormwater management requirements.

PROPOSED COMPREHENSIVE PLAN LANGUAGE

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, amended through 2-23-2021, Dulles Suburban Center Land Unit Recommendations, page 107:

[Add new text to Land Use recommendation #1a. New text is shown as underlined.]

The southern portion (along Route 50) is planned for high-quality campus-style office and industrial/flex use up to a maximum intensity of .35 FAR, consistent with the type and character of development established in adjoining land units. Substantial setbacks, landscaping and screening should be provided along Route 50 and along Stonecroft Boulevard for an attractive appearance. Substantial consolidation of small parcels is recommended and should be carried out in a manner that ensures that unconsolidated parcels have adequate access and can be developed in accord with the Comprehensive Plan. Architecture should also function as an element of design integration and architectural sketches should be made available for the public review process.

As an alternative, Tax Map Parcel # 33-2 ((1)) 1 may be developed with warehouse, distribution, vehicle parking, or other similar industrial uses at a maximum intensity of .35 FAR provided the limits of disturbance do not extend into the RPA or floodplain.

COMMUNITY OUTREACH

The Nominator has been working closely with County staff and the Supervisor's office in advance of this submission to discuss the proposed uses and site design. Extensive outreach has also been conducted with the adjacent property owners to the south and west (the properties to the north and east are undeveloped and within the stream valley). The Nominator will continue to work directly with the adjacent property owners during the SSPA review process and any future zoning application. The Nominator also anticipates meeting with the Sully District Council Land Use and Transportation Committee.

TIMING

Any rezoning application would follow the review of the SSPA nomination. It is likely that the previously submitted rezoning application that was indefinitely deferred would be reactivated immediately and generally commence from where it left off assuming no major changes to the previous proposal.

CONCLUSION

Development under the current Comprehensive Plan guidance is not feasible for the Property given a lack of visibility from public right-of-way, various site constraints, and limited permissibility under by-right zoning. Replanning the site for greater flexibility to include warehousing uses and/or parking of vehicles would allow the

Nominator to establish a productive use for the vacant site while maintaining compatibility with adjacent properties. A&A Contracting, Inc. looks forward to working with County staff, the community, and other stakeholders during the review of this SSPA nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Van Atta", written over a horizontal line.

Mike Van Atta, Land Use Planner
McGuireWoods LLP