

STATEMENT OF JUSTIFICATION

POHANKA VIRGINIA PROPERTIES, LLC

PCA AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS

August 17, 2018

I. INTRODUCTION AND BACKGROUND

Pohanka Virginia Properties, LLC (“Applicant”) is the ground lessee (along with Pohanka Properties, Inc.) of 13.968 acres located on the south side of Lee Jackson Memorial Highway (Route 50), west of Elmwood Street, east of Walney Road, and north of Vernon Street in Chantilly, and identified on the Fairfax County Tax Map as 34-4 ((1)) 49, 50, 50A, 51 and 53 (“Property”). The Applicant requests approval of a proffered condition amendment for the portion of the Property that is subject to proffers (i.e., Parcel 53) and a special exception amendment for the entire Property to allow for the continued use and expansion of three highly successful vehicle sale, rental and ancillary service establishments known as Pohanka Lexus, Pohanka Acura and Pohanka Chevrolet.

The Applicant is part of the Pohanka Automotive Group which is one of the oldest automobile dealership entities in the country. The first dealership was opened in 1919 in Washington, D.C. and sold and serviced Chevrolets. Currently, the company sells nine brands of automobiles throughout the Washington Metropolitan area. At the Property, the Acura dealership has been the largest Acura dealer in the Country since 2004 based on new Acura volume sales. Likewise, the Lexus dealership is in the top 10 of all Lexus dealerships nationally.

The Property is located in the C-8 (Highway Commercial) zoning district and is also within two overlay zoning districts: the Highway Corridor Overlay District (“HC”) and the Water Supply Protection Overlay District (“WSPOD”).

The current zoning approvals in place for the Property were approved by the Board of Supervisors on November 22, 1994. Specifically, Rezoning Application RZ 94-Y-018 rezoned approximately 7.07 acres of land (TM 34-4 ((1)) 53) from the I-3 district to the C-8 district. Pohanka Properties, Inc., as applicant, proffered 16 conditions as part of the rezoning. This application allowed the original applicant to incorporate seven additional acres into the operations of the then-existing three dealerships referenced above.

Concurrently, the Board approved Special Exception Number SE 94-Y-023 to allow the entire Property (approximately 14 acres) to be used for vehicle sales, rental and ancillary service establishments. The Board imposed 16 development conditions as part of the special exception approval.

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



(Aerial Photograph of the Existing Conditions)

II. PROPOSED DEVELOPMENT AND CHANGES

Through this application, the Applicant proposes to make the following phased improvements and changes to the Property:

- A 9,608 +/- square foot addition to the service facility at the front of the Acura dealership (Phase 1);
- A 2,380 +/- square foot addition to the sales showroom at the front of the Acura dealership (Phase 1);
- A 2,754 +/- square foot addition of service detail bays at the rear of the Acura building (Phase 2);
- Install a new freestanding sign for the Acura dealership in accordance with Article 12 of the Zoning Ordinance (Phase 1);

- Enclose the existing 1,163 +/- canopy on the east side of the Lexus dealership building (Phase 1);
- A 1,000 +/- square foot addition to the Lexus service building to accommodate the relocation of the existing carwash from the Acura building (Phase 2);
- Construct a new two-story parking garage containing 25,200 +/- square feet and connect it to the existing garage that is part of the Lexus service building (Phase 3);
- Improve the internal circulation of the three dealerships by opening a new point of ingress and egress from Vernon Street (Phase 1); and
- Designate a location for a mobile trash compactor and for storage containers used to hold tires and other parts that will be recycled, and for a dumpster pad (Phase 1).

The details for these improvements are depicted on the Generalized Development Plan – Special Exception Amendment Plat, prepared by Walter L. Phillips Incorporated, submitted with this application (“Development Plan”). Overall, the changes would only increase the current approved building area from the 1994 rezoning and special exception by approximately 28,898 square feet.

The Development Plan also includes a reference and details about a 9,800 square foot addition to the rear of the Chevrolet dealership building. This addition was approved as part of the original rezoning in 1994, and modified pursuant to the zoning interpretation approved in 2000. The addition was never constructed.

In addition to the physical upgrades and improvements, the Applicant requests changes to the following Proffers and Special Exception conditions:

- Proffer No. 1 - This Proffer references that the Property should be developed in conformance with the approved Generalized Development Plan/Special Exception Plat, and should be revised to reflect the proposed Development Plan.
- Proffer No. 2 – In accordance with the recent Comprehensive Plan Amendment for the Property which removed the maximum height recommendation, the Applicant proposes to either delete this Proffer or revise it to state that the maximum building height for Parcel 53 shall be increased from 30 feet to three stories.
- Special Exception Condition No. 3 – This condition references the approved Generalized Development Plan/Special Exception Plat, and should be revised to reflect the proposed Development Plan.

- Special Exception Condition No. 15 – This condition places a cap on the number of employees that may work at the Property at any one time. Since the Applicant can provide sufficient parking, it requests that this condition be deleted.
- Special Exception Condition No. 16 – This condition limits the hours of operation for the three dealerships. The Applicant requests that this condition be deleted.

III. COMPREHENSIVE PLAN

The Property is located within Land Unit E-4 of the Dulles Suburban Center portion of the Comprehensive Plan. The majority of the existing development in the Dulles Suburban Center is categorized as industrial and office use. Land Unit E-4 contains approximately 250 acres and has a mix of commercial, industrial and residential uses. The Property was the subject of a Comprehensive Plan Amendment as part of the Dulles Suburban Center Study. The purpose of this Amendment was to update the plan text for the three dealerships to reflect the existing operation and to allow an expansion of the operation in the future so that they remain viable businesses.

As adopted by the Board of Supervisors on May 2, 2017 in Plan Amendment #2013-III-DS1 (Submission DSC-E4-1), the specific plan text for the Property is as follows:

4. As an option, the auto dealerships located on Parcels 34-4((1)) 49, 50, 50A, 51, and 53 may be appropriate for expansion up to a maximum overall FAR of .30, provided the following conditions are met:
 - a. Massing and architectural treatments for buildings and parking structures should be designed to minimize visual impacts on the adjacent residential uses to the south. The design of parking structures should be integrated with that of the buildings they serve. Landscaping should be provided around the parking structures and/or adjacent to them to soften their appearance.
 - b. Lighting should be designed to avoid adverse impacts on the residential uses to the south.
 - c. Effective screening and buffering to the adjacent residential uses should be provided at a minimum to meet Zoning Ordinance requirements, including supplemental landscaping to allow for an appropriate transition.
 - d. Any redevelopment of the site should enhance pedestrian and bicycle connectivity.

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 Property consists of three automobile dealerships that operate in a coordinated manner.

The existing automobile dealerships, as improved with this application, are in conformance with the uses and FAR envisioned by the Dulles Suburban Center plan for Land Unit E-4 at the Property. The proposed FAR is 0.22 which is approximately 26.7% less than the 0.30 planned maximum amount. The architectural design and landscaping proposed for the improvements achieves an updated, more modern look that is required by the various automobile manufacturers for its dealerships, integrates well with the existing structures, and minimizes the impact on the residential uses to the south.

The Applicant has submitted a photometric plan as part of the Development Plan showing the proposed lighting levels for the site. The plan shows that the maintained lighting level for the display areas will be 30 footcandles or less. This proposed lighting level will meet the lighting policies of the Comprehensive Plan because light emissions will be minimized to those necessary and consistent with general safety of the customers and the business operation, and will not interfere with residents' or travelers' visual acuity. All light will be directed downward and not light up the dark sky.

IV. ZONING

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 proposed additional development on the 13.97 acre site results in an overall density of 0.22 FAR (134,499 total square feet of gross floor area). The proposed new additions account for only 28,893 square feet of the total development. 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 planned density of 0.30 FAR.

As noted previously, the Property is located within the Highway Corridor 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 Property currently conforms to WSPOD and additional improvements are being proposed in the Preliminary Stormwater Narratives portion of the Development Plan. These will be finalized at the time of site plan review.

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 establishment, vehicle major service establishment, and waiver of certain sign regulations.

A. Type of Operation.

Vehicle sale, rental and ancillary service establishments.

B. Hours of Operation.

The dealership, including the service department, is currently open for customer business seven days a week between the hours of 5:30 a.m. to 12:00 a.m. These hours may be adjusted based on customer demand and use. As noted above, the Applicant requests that the current Special Exception Development Condition restricting the hours of operation be deleted.

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

Based on the existing Lexus, Acura and Chevrolet dealerships operating at the Property, the Applicant estimates that the number of purchasers, prospective purchasers and automobile service customers will average approximately 375 per day. In comparison to the time of the original approval in 1994, the automobile sales industry has undergone major changes. 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 will employ approximately 210 full-time employees on-site at any one time at the dealerships. This amount includes service facility employees, sales staff, managers and executives. As noted above, the Applicant requests that the current Special Exception Development Condition regarding the number of employees be deleted.

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.

As part of the 2017 Plan Amendment for the Property, the County's Department of Transportation analyzed trip generation per the Institute of Transportation Engineers (ITE) 9th Edition Trip Generation Manual. The number of daily trips for automobile sales use based on a maximum build out of 0.30 FAR was determined to be 5,893. This figure was 2,470 fewer vehicle trips per day than the Comprehensive Plan's base

recommendation for community serving retail use at a lower FAR. Further, the estimated AM Peak hour trips would be 263 in and 88 out with a total of 350, and the estimated PM Peak hour trips would be 191 in and 287 out with a total of 478. These figures were prepared by Fairfax County DOT based on a maximum buildout of 182,455 square feet. As noted above, this application only proposes a maximum buildout of 134,499 square feet – which is approximately 26% less. Therefore, based on the lower density and application of newer ITE 10th Edition Trip Generation Manual rates, the Applicant estimates that the expected trip generation for the total development to be closer to approximately 3,824 daily trips, with a corresponding reduction in the AM Peak and PM Peak numbers referenced above.

The Applicant believes that the estimated number of daily trips for the specific operations of the dealerships at the Property will be less than the number estimated by ITE. Since 2015, the Applicant no longer accepts deliveries of new vehicles at this location, nor does it store a major portion of its new vehicles on-site. Rather, deliveries of both new and pre-owned vehicles are made at the nearby Pohanka National Operations Center (“PNOC”) located on Pleasant Valley Road. The Operations Center consists of a 53,270-square foot, two-story building which has parking and storage capacity for up to 1,900 vehicles. Vehicles are delivered, and then all mechanical procedures are performed and the vehicles are then cleaned, processed and prepared for ultimate distribution at the Property’s dealerships, among other Pohanka dealerships.

The Applicant has received confirmation from the Fairfax County Department of Transportation that the proposed traffic does not trigger a VDOT Chapter 527 traffic impact analysis.

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

The Applicant expects to draw a majority of its customers from the immediate Chantilly, Centreville, Fairfax, Herndon and Reston areas, as well as Loudoun County. Due to the Applicant’s reputation and the popularity of the specific brands sold at the Property, however, customers do come from farther locations such as Maryland, Washington, D.C., and Arlington.

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

The architectural elements of the proposed additions will blend and be harmonious with that the existing buildings.

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 following materials may be 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 will be properly managed, stored,

disposed of or recycled in accordance with County, State and Federal environmental laws. No such materials will be manufactured.

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, except the Applicant requests the Board to reaffirm its 1994 approval of the modification of transitional screening and waiver of the barrier requirement along the eastern property line, as well as a modification of the transitional screening requirement along the southern boundary line so that the Applicant may preserve and maintain the existing mature vegetation. The Applicant also requests the following waivers and modifications as part of the proposed improvements to the Property:

1. Modification of the Trail Requirement along Walney Road - The Applicant requests a modification to the requirement for the construction of a 10 foot wide trail along the Property's Walney Road frontage. Instead, the Applicant requests to permit the existing eight foot wide trail to remain in its current location. (Section 17-201(2)).
2. Waiver of the Bike Lane Requirement along Walney Road – The Applicant requests a waiver of the bike lane requirement along Walney Road. Forcing the Applicant to construct a bike lane along its Walney Road frontage would not create a link to any existing bike lane and would create conflicts with the existing right turn lane. (Section 17-201(2)).
3. Modification of the Trail Requirement along Lee Jackson Memorial Highway – The Applicant requests a modification of the trail requirement along Route 50 to permit the existing sidewalk to remain. (Section 17-201(2)).
4. Modification of the Shared Bike Lane requirement along Lee Jackson Memorial Highway – The Applicant requests a modification of the shared bike lane requirement along Route 50 because no bike lane currently exists in this major thoroughfare. The Applicant proposes that cyclists continue to use the existing service drive as the bike path because it has far fewer vehicles using it and is much safer. (Section 17-201(2)).
5. Modification of the Maximum Maintained Lighting Level – The Applicant requests Board approval of a modification to exceed the maximum maintained lighting level of 30 footcandles on a portion of the Property. The may approve a level up to 50 footcandles

pursuant to Section 14-903(2) of the Zoning Ordinance. This request is discussed in more detail below.

VI. SPECIAL EXCEPTION CRITERIA

A. General Standards (Section 9-006).

1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

See above information on harmony of the proposed development with the Comprehensive Plan, and the specific text for Land Unit E-4.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

See above information on the description of the proposed uses.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties.

The proposed uses will not adversely affect neighboring properties and will be harmonious with the surrounding commercial, institutional and residential uses, and the other abutting and nearby uses and properties. The existing three auto dealerships have been operating in harmony with its neighbors since the mid-1980's. As proposed, the development will not adversely impact the development or value of the adjacent properties.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

The site layout permits safe pedestrian and vehicular circulation, as indicated on the Development Plan.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13 of the Zoning Ordinance.

The application will meet the landscaping and screening requirements of the Zoning Ordinance, as noted on the Development Plan, except for modifications and waivers to the transitional screening and barrier requirements on the eastern and southern sides of the Property as described herein.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

The Applicant proposes to provide 22% open space (approximately 139,700 square feet). The C-8 District minimum requirement is only 15%. Proposed tree cover and interior parking lot landscaping will also exceed the zoning requirements.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

The necessary utilities, drainage, parking and loading will be provided on the Property. These details are depicted on the Development Plan.

8. Signs shall be regulated by the provisions of Article 12.

All signs shall be regulated by the provisions of Article 12. Only one new freestanding sign is proposed as part of this application and would be located in front of the Acura dealership. This sign will comply with the height and sign area requirements of Article 12. All signs will be constructed of materials and colors that coordinate with and complement the existing buildings.

B. Standards for all Category 5 Special Exception Uses.

A vehicle sale, rental and ancillary service establishment is a Category 5 Special Exception uses. As such, the following additional standards are applied pursuant to the Zoning Ordinance.

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.

The Property meets the lot size and bulk regulations of the C-8 District.

2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.

A photometric plan has been included as a part of the Development Plan. Section 14-903(2) of the Zoning Ordinance requires outdoor display area lighting used in conjunction with a vehicle sale, rental and ancillary service establishment not exceed a maximum maintained lighting level of 30 footcandles as measured horizontally at grade. However, a higher maintained lighting level, not to exceed 50 footcandles, may be specifically approved by the Board of Supervisors in conjunction with a zoning application. In this instance, the Applicant proposes an average lighting level of 13.25 footcandles which is well below the maximum, but

requests Board approval to permit certain areas in the front of the buildings be illuminated up to a level of 48.45 footcandles. The front area proposed for the highest illumination is adjacent to and faces Lee Jackson Memorial Highway and will not adversely impact any of the surrounding commercial uses. The rear of Property abutting Vernon Street and existing multi-family dwellings will have a much lower illumination level along the perimeter (i.e., seven footcandles or less in the 35 foot wide buffer area). With the existing trees and the low illumination, the uses on the southern side of Vernon Street will not be impacted by the proposed improvements and lighting.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

The Applicant will adhere to the provisions of Article 17, Site Plans. The Applicant intends to immediately process any required site plan approvals for the proposed additions and improvements. The Phase 1 improvements will move forward as soon as this application is approved.

C. Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments (Section 9-518).

As part of the Special Exception review process, the Zoning Ordinance includes additional standards for vehicle sale, rental and ancillary service establishments.

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with an ancillary to a sales room, rental office or service facility, which shall be entirely closed on all sides.

Parking and storage will be provided on site generally as indicated on the Development Plan. As mentioned previously, a majority of the vehicle storage takes place off the Property at the Applicant's PNOG facility on Pleasant Valley Road.

2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas shall not be used for the storage or display of vehicles that are not in operation condition.

Storage, parking and display areas are labeled on the Development Plan. These areas include provisions for a new dumpster area, a location for shipping containers used to store recycled goods, parts and tires, and a mobile trash compactor.

3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not

nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13. All structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

No structure or surface parking area is proposed to be closer than 10 feet to any property line.

4. All proposed uses shall be provided with safe and convenient access to a street.

Ingress and egress will be provided from the existing access points. One additional point of access is proposed on Vernon Street. This new access is needed to make the internal circulation of the Property safer for employees and customers.

5. All outdoor areas, including aisles and driveways, shall be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.

The construction standards of the Public Facilities Manual will be followed during the construction of any improvements on the Property. The Applicant will be required to demonstrate that this requirement is met at the time of site plan review.

6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

The Applicant will comply with Part 9 of Article 14 of the Zoning Ordinance. As noted previously, a photometrics plan is included as part of the Development Plan.

7. In the C-3, C-4, 1-3, 1-4, PDC, PRC and PRM District, only vehicle rental establishment may be allowed and such use shall be subject to Paragraphs 1 through 6 above.

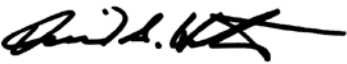
Because the Property is zoned C-8, this standard is not applicable.

VII. SUMMARY

The proposed rezoning and special exception amendment applications will allow the Applicant to maintain the already high quality vehicle sale, rental and ancillary service establishments in the future and in accordance with the vehicle manufacturers'

requirements for its dealerships. These improvements and upgrades 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