

## STATEMENT OF SUPPORT AND BUSINESS OPERATION PLAN

Dated: ~~November 2~~August 12, 2023

### Special Use Permit Applications

Ourisman Fairfax Boulevard, Inc., dba, Ourisman KIA of Fairfax, (“Ourisman”) operates at 10595 Warwick Avenue and 10601 Fairfax Boulevard without a special use permit as a legal nonconforming automobile dealership and vehicle repair in the Commercial Retail (CR) Zone. The dealership also operates with administrative offices 3700 Farr Avenue. The offices are also zoned CR with their operation having been determined to be a by right use. The existing administrative offices at 3700 Farr Avenue will continue to support Ourisman’s vehicle sales, leasing, service/repair operations. No renovations are planned for that property.

Ourisman seeks special use permits to: (1) construct a new show room building next door at 10641 Fairfax Boulevard where United Bank ~~formerly eurrently~~ operated a branch, but which has been vacant for some time and (2) continue the legal nonconforming vehicle service and vehicle repair building at 10595 Warwick Avenue and 10601 Fairfax Boulevard locations, but with additions to the building at 10595 Warwick Avenue to allow for electric vehicle servicing and repair, and for overall more efficient service, repair and parts operations.

This submission responds to comments by the City Council at the 13 February 2024 work session about the number of special exceptions and the amount of activity on the relatively small site by removing the pre-owned sales building at 10601 Fairfax Boulevard. This removal has allowed more space and has reduced the number of special exceptions needed. Specifically, the need for special exceptions for (1) waiver of transitional yard reduction, (2) variance of the terminal landscape island size, (3) reduction in number of street trees and (4) reduction of planting width have been eliminated. The additional space has also lessened parking in setbacks, thereby reducing the extent of the variance for that particular special exception request.

The remaining special exception requests are (1) waiver of the 500-foot separation from other dealers by virtue of integration of the United Bank parcel into this consolidated automobile sales, service and repair operation, (2) a lessened request to allow parking in front/side yards through consolidation of parking of the four parcels, (3) to allow street trees along Fairfax Boulevard to be located more than 15 feet from the curb by virtue of conflicting City requirements, and (4) to relieve the applicant of requirement to build a side walk along Farr Avenue to allow the Canopy Trees to remain, but also to allow for dedication of necessary right-of-way for future construction.

The remaining special exception request have counterveiling public benefits. The request for waiver of Section 4.4.4B.1.b sidewalk requirement is to allow canopy trees to remain along Farr Avenue while also dedicating the necessary right-of-way for construction. The special exception to allow parking in the front side yard is part of a plan that consolidates the separate parking and uses in the current condition. The special exception for waiver of Section 4.2.4 of the 500-foot separation between auto dealerships is understood in the context of the

upgrade of an existing dealership that is already nonconforming to that requirement through the construction of a new showroom facility and the upgrade of the existing repair/service facility. The special exception for the waiver of Section 4.5.6.B.2 to allow street trees to be located more than 15 feet from the back of the curb is in honor of conflicting City zoning ordinance requirements and comprehensive plan guidance.

The special use permit applications are supported by a special use permit/special exception plan by Walter L. Phillips, Inc. (SUP Plan), as well as architectural plans and the current draft of the future BAR submission showing floor plans, elevations, new pylon sign and various other features by Ammon Heisler Sachs architects for the new showroom building planned for the United Bank parcel at 10641 Fairfax Boulevard and for the reconstructed vehicle repair, service and parts building at 10595 Warwick Avenue. The concept plan shows the dimensions of the two buildings adjoining one another along Warwick Avenue, including the additions to the existing showroom building to allow it to continue the legal nonconforming vehicle repair service and parts to support the new showroom. The SUP Plan also shows the proposed continued legal nonconforming use of the small triangular property at 10601 Fairfax Boulevard, but with the building removed and parking for the overall use contemplated by these applications. The SUP Plan accounts for future street improvements the right of way for which the City is currently acquiring. The Applicant has coordinated its design with the City Project.

The ~~2 November 9 August 2023~~ August 9, 2024 submission moves the proposed showroom building 6 feet to the north and removes one parking space to allow the 15-foot TY3 transitional to be met and thus removing the need for that special exception request, thus allowing narrowing of special exception request to modify the TY3 transitional yard for only a very small area shown in on the "Blowup of Area Requiring A Screening Modification" on Sheet P-0401 of the plan. The movement of the building also allows transition of limits of clearing further off the rear property line to save the off-site or shared trees in that location. The ~~November 2<sup>nd</sup>~~ August 9, 2024 submission responds to ~~second submission~~ comments about sight distance by restricting both left turn movement out of the site at the McLean Avenue and by restricting exiting onto Warwick Avenue. The entrance at Warwick would consolidate existing entrances from Fairfax Boulevard and would constitute the sole entrance onto the site. A mountable curb island has been added to discourage left turns at the McLean Boulevard exit in response to community concerns. Signage would be erected enforcing these entry/exist restrictions and the Applicant would design and implement an enforcement plan that would monitor and enforce compliance. In addition, the Applicant has developed and is currently enforcing a test drive protocol that would prohibit test drives in the nearby residential neighborhoods by restricting same to Fairfax Boulevard.

~~It also~~ With respect to the sidewalk along Farr, this submission also responds to ~~second submission-earlier~~ comments that urged a dedication for a sidewalk along Farr Avenue by showing such 25 feet from the Farr Avenue centerline. This submission also ~~it also~~ responds to those comments by adding a streetlight along Farr Avenue in addition to those being provided by the City intersection project along other frontages.

This submission also responds to concerns about car carriers delivering vehicles on this site by stipulating that all off-loading of vehicles will occur off-site, and with car carrier

circulation limited to north of Warwick, away from fire lanes and customer circulation. With respect to noise mitigation, service bays have been oriented away from the residential neighborhoods to the south and the Applicant will not utilize any sort of outdoor PA system. Additionally, a minimum 10-foot setback of rooftop heating and air conditioning units (RTUs) will be maintained from the edge of the roof parapets and there will be integration of landscape buffers along property lines where possible. This submission responds to parking concerns by limiting parking to the 61 spaces provided with storage located off-site.

The new showroom building (10601 Fairfax Boulevard) architectural plan depicts the showroom, lounge, sales offices and new vehicle delivery. It also shows how customers would drop off vehicles for service or repair at 10595 Warwick with the option to wait in the lounge. Repair or service at 10595 Warwick would occur at the expanded and renovated building where, as shown on the separate architectural plan, ~~178~~ repair/service bays will operate on the first floor, two of which will be for detailing, and where parts will be stored on the second floor. Both buildings will contain offices to support vehicle sales, repair and service.

The elevations that are part of the draft BAR package show the clean lines of the proposed new sales building to KIA specifications, covered drop-off service lanes, new Pylon sign, line of sight to the service building and new care delivery area on the opposite side from the drop off service lanes. The final BAR package will be submitted to the BAR in the next several weeks.

### **Special Exception Applications**

~~The six (6) special exception applications would be to allow: (1) waiver of Zoning Ordinance § 4.2.4 to locate parking in the front/side yard as specified in Zoning Ordinance § 1.5.12 for 10601-10641 Fairfax Boulevard and 3700 Farr Avenue, (2) waiver of Section 4.5.7.D.2 requiring a terminal landscape island for all parking spaces, but only for the parking area behind the used car building at 10601 Fairfax Boulevard, (3) modification of Section 3.5.3.J.1 to permit screening yard TY2 in lieu of screening yard TY3 and to allow modification of traditional screening yard TY3 from 15 to 10 feet, (4) modification of Section 3.5.3.I.8 requiring 500 feet of separation between each sales and leasing establishment (5) waiver of Sections 4.5.6.B, B.1 to reduce landscaping strip all street frontages from 10 feet down to 3 feet, to eliminate street tree requirements along all frontages except Fairfax Boulevard, and to allow street trees along Fairfax Boulevard to be located more than 15 feet from the back of the curb and (6) to reduce width of sidewalks along all street frontages to be less than required by the Zoning Ordinance in favor of the width proposed by the City in the proposed intersection improvement project and to waive the sidewalk requirement along Farr Avenue.~~

Again, the remaining special exception requests are (1) waiver of the 500-foot separation from other dealers by virtue of integration of the United Bank parcel into this consolidated automobile sales, service and repair operation, (2) a lessened request to allow parking in front/side yards through consolidation of parking of the four parcels, (3) to allow street trees along Fairfax Boulevard to be located more than 15 feet from the curb by virtue of conflicting City zoning requirements and comprehensive plan guidance, and (4) to relieve the applicant of requirement to build a side walk along Farr Avenue to allow the canopy trees to remain.

### Section 6.7.7 Special Use Review Criteria

As required by the Special Use Request Instructions, the Applicants set forth responses to the applicable Special Use Review Criteria.

#### A. Substantial Compliance with Comprehensive Plan

The proposed uses are consistent with the Commercial Corridor designation of the properties on the 2035 Comprehensive Plan Future Land Use Map. Service uses, like those planned for the properties for vehicle, sales, service and repair, are contemplated along with the retail, restaurant, medial and office properties that exist along the Fairfax Boulevard corridor.

#### B. Compliance with all Applicable Requirements of this the Zoning Ordinance

Except as detailed in the special exception requests herein, the applications comply with all applicable requirements of the Zoning Ordinance.

#### C. The Effect on the Health or Safety of Persons residing or Working in the Neighborhood of the Proposed Use.

The applications continue the legal nonconforming vehicle sales, repair and service uses that have long co-existed with the residential neighborhoods to the south. The applications will provide an opportunity to upgrade the existing buildings and to further mitigate any adverse impacts of continuing these uses.

#### D. The Effect on Public Welfare, Property and Improvements in the Neighborhood.

In addition to serving the public welfare as outlined in “C”, above, the proposed development will improve the neighborhood by replacing an aging and underutilized bank building and renovating an old dealership building with modern buildings that will integrate their uses into a single, modern automobile sales, service/repair.

### Section 6.17.7 Statements for Special Exceptions

#### Parking Front/Side Yard, ZO §§ 4.2.4, 1.5.12.

The lots at 10601, 10641 Fairfax Boulevard will be used for parking for the uses at the other two lots as part of the integration of the uses at the three lots into a single use. The SUP Plan shows where the proposed location of the parking within the setback. The small size and configuration of these lots require their use for parking and vehicle display. Parking is mostly for the display of inventory of goods offered for sale by this business. The extent of parking in the setback has been reduced since the last submission by virtue of the elimination of the pre-owned sales building and by providing larger landscape areas than currently exist.

### **Terminal Landscape Island for 10601 Fairfax Boulevard**

Waiver of Section 4.5.7.D.2 requiring a terminal landscape island for the parking area behind the used car building at 10601 Fairfax Boulevard is necessary because the very small size of the site and its use for parking for its integrated use with the other two parcels.

Formatted: Indent: First line: 0"

### **Modification of Screening Yard from TY3 to TY2 and Modification of Transitional Screening Yard TY3 from 15 to 10 Feet.**

Modification of the Screening Yard to TY2 from TY 3 is necessary to meet the planting requirements given the reduction of the transitional screening yard from 15 feet to 12 feet in a very small area as shown on in green on the "Blowup of Area Requiring A Screening Modification" on Sheet P-0401 of the plan because of site limitations. The Transitional Screen Yard of TY 3 also needs to be reduced from 15 to 12 feet in this very small area given the site limitations in size and configuration. The request needs to be understood in the context of TY3 Screening Yard being met in all other locations on the southern boundary, and in the context of an increase in the setback from the existing buffer in this very small area at 2-4 feet. Also additional trees will be provided to create better screening and improve the current conditions. To help support this request we have increased the proposed landscaping to be consistent with the landscaping requirements required in the TY3 screening yard in this very small area.

### **500-Foot Separation between Auto Sales Facilities, ZO § 3.5.3.J.1**

The existing Ourisman KIA dealership at 10595 Warwick Avenue and 10641 Fairfax Boulevard are legally nonconforming to this requirement given the other automobile dealerships across Fairfax Boulevard. It is only the addition of the ~~current~~former United Bank site at 10641 Fairfax Boulevard to the existing legally nonconforming use that necessitates the special exception request. All properties will operate as a single dealership such that the number of dealerships that are nonconforming to the separation distance will not increase.

### **Reduction of Landscaping Strip, Eliminate Street Trees except for Fairfax Boulevard, and Permit Street Trees on Fairfax Boulevard to be Located More than 15 Feet from Curb, ZO § 4.5.6. B.1,**

The ~~landscaping strip and the~~ location of the street trees must be adjusted in some areas to comply with the Comprehensive Plan guidance and to provide a 5-foot streetscape zone from the trail and to be consistent with the street improvement proposed by the City along the street frontage. ~~therefore The landscape strip required by the Zoning Ordinance would be reduced from 10 to be consistent the City's improvements, and the street tree requirement would be eliminated except for along Fairfax Boulevard and~~ street trees would be located more than 15 feet from the back of the curb. ~~All of these changes are required given the relatively small size and configuration of the site. The increase in street tree setback changes are is thus required because of conflicting City zoning ordinance requirements and comprehensive plan guidance.~~

~~the City's planned improvements prevent compliance with street tree plantings along frontages other than Fairfax Boulevard and require plantings along Fairfax Boulevard to be placed more than 15 feet from the back of the curb.~~ The "Streetscape Summary" at Sheet P-301 of the Special Use Permit specifies the landscape street reductions necessary to comply with the City intersection improvement project.

~~**Reduction of sidewalk Width Consistent with Intersection Improvements and**~~  
~~**Waiver of Sidewalk requirement along Farr Avenue**~~

~~— The width of sidewalks should be consistent with that proposed by the City in conjunction Fairfax Boulevard intersection improvements.~~ Waiver of the sidewalk requirement along Farr Avenue is necessary to allow the canopy trees there to remain. The "Streetscape Summary" at Sheet P-301 of the Special Use Permit specifies the landscape street reductions necessary to comply with the City intersection improvement project. At the same time, the Applicant has agreed to dedicate the land for future sidewalk construction.

# STATEMENT OF SUPPORT AND BUSINESS OPERATION PLAN

Dated: August 12, 2024

## Special Use Permit Applications

Ourisman Fairfax Boulevard, Inc., dba, Ourisman KIA of Fairfax, (“Ourisman”) operates at 10595 Warwick Avenue and 10601 Fairfax Boulevard without a special use permit as a legal nonconforming automobile dealership and vehicle repair in the Commercial Retail (CR) Zone. The dealership also operates with administrative offices 3700 Farr Avenue. The offices are also zoned CR with their operation having been determined to be a by right use. The existing administrative offices at 3700 Farr Avenue will continue to support Ourisman’s vehicle sales, leasing, service/repair operations. No renovations are planned for that property.

Ourisman seeks special use permits to: (1) construct a new show room building next door at 10641 Fairfax Boulevard where United Bank formerly operate a branch, but which has been vacant for some time and (2) continue the legal nonconforming vehicle service and vehicle repair building at 10595 Warwick Avenue and 10601 Fairfax Boulevard locations, but with additions to the building at 10595 Warwick Avenue to allow for electric vehicle servicing and repair, and for overall more efficient service, repair and parts operations.

This submission responds to comments by the City Council at the 13 February 2024 work session about the number of special exceptions and the amount of activity on the relatively small site by removing the pre-owned sales building at 10601 Fairfax Boulevard. This removal has allowed more space and has reduced the number of special exceptions needed. Specifically, the need for special exceptions for (1) waiver of transitional yard reduction, (2) variance of the terminal landscape island size, (3) reduction in number of street trees and (4) reduction of planting width has been eliminated. The additional space has also lessened parking in setbacks, thereby reducing the extent of the variance for that particular special exception request.

The remaining special exception requests are (1) waiver of the 500-foot separation from other dealers by virtue of integration of the United Bank parcel into this consolidated automobile sales, service and repair operation, (2) a lessened request to allow parking in front/side yards through consolidation of parking of the four parcels, (3) to allow street trees along Fairfax Boulevard to be located more than 15 feet from the curb by virtue of conflicting City requirements, and (4) to relieve the applicant of requirement to build a sidewalk along Farr Avenue to allow the Canopy Trees to remain, but also to allow for dedication of necessary right-of-way for future construction.

The remaining special exception requests have countervailing public benefits. The request for waiver of Section 4.4,4B.1.b sidewalk requirement is to allow canopy trees to remain along Farr Avenue while also dedicating the necessary right-of-way for construction. The special exception to allow parking in the front side yard is part of a plan that consolidates the separate parking and uses in the current condition. The special exception for waiver of Section 4.2.4 of the 500-foot separation between auto dealerships is understood in the context of the upgrade of

an existing dealership that is already nonconforming to that requirement through the construction of a new showroom facility and the upgrade of the existing repair/service facility. The special exception for the waiver of Section 4.5.6.B.2 to allow street trees to be located more than 15 feet from the back of the curb is in honor of conflicting City zoning ordinance requirements and comprehensive plan guidance.

The special use permit applications are supported by a special use permit/special exception plan by Walter L. Phillips, Inc. (SUP Plan), as well as architectural plans and the current draft of the future BAR submission showing floor plans, elevations, new pylon sign and various other features by Ammon Heisler Sachs architects for the new showroom building planned for the United Bank parcel at 10641 Fairfax Boulevard and for the reconstructed vehicle repair, service and parts building at 10595 Warwick Avenue. The concept plan shows the dimensions of the two buildings adjoining one another along Warwick Avenue, including the additions to the existing showroom building to allow it to continue the legal nonconforming vehicle repair service and parts to support the new showroom. The SUP Plan also shows the proposed continued legal nonconforming use of the small triangular property at 10601 Fairfax Boulevard, but with the building removed and parking for the overall use contemplated by these applications. The SUP Plan accounts for future street improvements, the right-of-way for which the City is currently acquiring. The Applicant has coordinated its design with the City Project.

The 9 August 2024 submission moves the proposed showroom building 6 feet to the north and removes one parking space allowing the 15-foot TY3 transitional to be met and thus removing the need for that special exception request. The movement of the building also allows transition of limits of clearing further off the rear property line to save the off-site or shared trees in that location. The August 9, 2024 submission responds to comments about sight distance by restricting both left turn movement out of the site at McLean Avenue and by restricting exiting onto Warwick Avenue. The entrance at Warwick would consolidate existing entrances from Fairfax Boulevard and would constitute the sole entrance onto the site. A mountable curb island has been added to discourage left turns at the McLean Boulevard exit in response to community concerns. Signage would be erected enforcing these entry/exist restrictions and the Applicant would design and implement an enforcement plan that would monitor and enforce compliance. In addition, the Applicant has developed and is currently enforcing a test drive protocol that would prohibit test drives in the nearby residential neighborhoods by restricting same to Fairfax Boulevard.

With respect to the sidewalk along Farr, this submission also responds to earlier comments that urged a dedication for a sidewalk along Farr Avenue by showing such 25 feet from the Farr Avenue centerline. This submission also responds to those comments by adding a streetlight along Farr Avenue in addition to those being provided by the city intersection project along other frontages.

This submission also responds to concerns about car carriers delivering vehicles on this site by stipulating that all off-loading of vehicles will occur off-site, and with car carrier circulation limited to north of Warwick, away from fire lanes and customer circulation. With respect to noise mitigation, service bays have been oriented away from the residential neighborhoods to the south and the Applicant will not utilize any sort of outdoor PA system.



Additionally, a minimum 10-foot setback of rooftop heating and air conditioning units (RTUs) will be maintained from the edge of the roof parapets and there will be integration of landscape buffers along property lines where possible. This submission responds to parking concerns by limiting parking to the 61 spaces provided with storage located off-site.

The new showroom building (10601 Fairfax Boulevard) architectural plan depicts the showroom, lounge, sales offices and new vehicle delivery. It also shows how customers would drop off vehicles for service or repair at 10595 Warwick with the option to wait in the lounge. Repair or service at 10595 Warwick would occur at the expanded and renovated building where, as shown on the separate architectural plan, 17 repair/service bays will operate on the first floor, two of which will be for detailing, and where parts will be stored on the second floor. Both buildings will contain offices to support vehicle sales, repair and service.

The elevations that are part of the draft BAR package show the clean lines of the proposed new sales building to KIA specifications, covered drop-off service lanes, new Pylon sign, line of sight to the service building and new care delivery area on the opposite side from the drop off service lanes. The final BAR package will be submitted to the BAR in the next several weeks.

### **Special Exception Applications**

Again, the remaining special exception requests are (1) waiver of the 500-foot separation from other dealers by virtue of integration of the United Bank parcel into this consolidated automobile sales, service and repair operation, (2) a lessened request to allow parking in front/side yards through consolidation of parking of the four parcels, (3) to allow street trees along Fairfax Boulevard to be located more than 15 feet from the curb by virtue of conflicting City zoning requirements and comprehensive plan guidance, and (4) to relieve the applicant of requirement to build a sidewalk along Farr Avenue to allow the canopy trees to remain.

### **Section 6.7.7 Special Use Review Criteria**

As required by the Special Use Request Instructions, the Applicants set forth responses to the applicable Special Use Review Criteria.

#### **A. Substantial Compliance with Comprehensive Plan**

The proposed uses are consistent with the Commercial Corridor designation of the properties on the 2035 Comprehensive Plan Future Land Use Map. Service uses, like those planned for the properties for vehicle, sales, service and repair, are contemplated along with the retail, restaurant, medial and office properties that exist along the Fairfax Boulevard corridor.

#### **B. Compliance with all Applicable Requirements of this the Zoning Ordinance**

Except as detailed in the special exception requests herein, the applications comply with all applicable requirements of the Zoning Ordinance.

C. The Effect on the Health or Safety of Persons residing or Working in the Neighborhood of the Proposed Use.

The applications continue the legal nonconforming vehicle sales, repair and service uses that have long co-existed with the residential neighborhoods to the south. The applications will provide an opportunity to upgrade the existing buildings and to further mitigate any adverse impacts of continuing these uses.

D. The Effect on Public Welfare, Property and Improvements in the Neighborhood.

In addition to serving the public welfare as outlined in “C”, above, the proposed development will improve the neighborhood by replacing an aging and underutilized bank building and renovating an old dealership building with modern buildings that will integrate their uses into a single, modern automobile sales, service/repair.

**Section 6.17.7 Statements for Special Exceptions**

**Parking Front/Side Yard, ZO §§ 4.2.4, 1.5.12,**

The lots at 10601, 10641 Fairfax Boulevard will be used for parking for the users at the other two lots as part of the integration of the uses at the three lots into a single use. The SUP Plan shows where the proposed location of the parking within the setback. The small size and configuration of these lots require their use for parking and vehicle display. Parking is mostly for the display of inventory of goods offered for sale by this business. The extent of parking in the setback has been reduced since the last submission by virtue of the elimination of the pre-owned sales building and by providing larger landscape areas than currently exist.

**500-Foot Separation between Auto Sales Facilities, ZO § 3.5.3.J.1**

The existing Ourisman KIA dealership at 10595 Warwick Avenue and 10641 Fairfax Boulevard are legally nonconforming to this requirement given the other automobile dealerships across Fairfax Boulevard. It is only the addition of the former United Bank site at 10641 Fairfax Boulevard to the existing legally nonconforming use that necessitates the special exception request. All properties will operate as a single dealership such that the number of dealerships that are nonconforming to the separation distance will not increase.

**Permit Street Trees on Fairfax Boulevard to be Located More than 15 Feet from Curb, ZO § 4.5.6. B.1,**

The location of the street trees must be adjusted in some areas to comply with the Comprehensive Plan guidance and to provide a 5-foot streetscape zone from the trail and to be consistent with the street improvement proposed by the City along the street frontage; therefore street trees would be located more than 15 feet from the back of the curb. The increase in street tree setback is, thus, required because of conflicting City zoning ordinance requirements and comprehensive plan guidance. The “Streetscape Summary” at Sheet P-301 of the Special Use

Permit specifies the landscape street reductions necessary to comply with the City intersection improvement project.

**Waiver of Sidewalk requirement along Farr Avenue**

Waiver of the sidewalk requirement along Farr Avenue is necessary to allow the canopy trees there to remain. The “Streetscape Summary” at Sheet P-301 of the Special Use Permit specifies the landscape street reductions necessary to comply with the City intersection improvement project. At the same time, the Applicant has agreed to dedicate the land for future sidewalk construction.