



Board of Supervisors

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Randal E. Vosburg
County Administrator

September 7, 2023

CERTIFIED AND FIRST CLASS MAIL

Jonelle Cameron, Esq.
Walsh, Colucci, Lubeley & Walsh, P.C.
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192
Certified Mail Number: 9589 0710 5270 0864 6473 49

Copy via certified and first class mail to:
Ozark Automotive Distributors, Inc.
233 S. Patterson Avenue
Springfield, MO 65802-2298
Certified Mail Number: 9589 0710 5270 0864 6472 88

SUBJECT: *Application 23155132; Tax Map Parcel No. 37-30C (Property); Zoning Administrator Determination*

Dear Ms. Cameron:

This letter is in response to your attached request for a Zoning Administrator Determination, regarding the following:

1. Whether the proposed principal use of the Property, described as a distribution center in which items will be received and distributed to the user's retail stores, plus associated parking and storage of tractor trailers, as described in the letter dated June 9, 2023 enclosed herein ("Letter"), is permitted by-right on the Property as Light Industrial Use.

The property, located on Tax Map Parcel No. 37-30C, is zoned M-1, Light Industrial. The proposed principal use, as described in the Letter, is not *Light Industrial*. The proposed use is considered *Warehouse, Storage*, which Stafford County Code Sec. 28-25 defines as "[s]torage and shipping operations characterized by volumes of traffic that exceed one hundred (100) vehicle trips per day, and which may include outdoor storage as well as indoor storage of goods." *Warehouse, Storage*, is a by-right use in the M-1 Zoning District and is therefore permitted by-right on the Property.

2. Whether the proposed ancillary use of the Property, described as a retail store which will provide limited services to customers, as described in the Letter, is a permitted ancillary use on the Property.

Letter to: Jonelle Cameron, Esq.

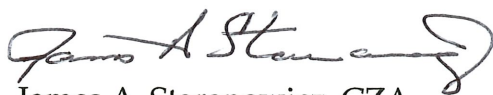
September 7, 2023

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Stafford County Code Sec. 28-25 defines *ancillary* as “[a] use or structure permitted only in conjunction with a principal use permitted in the same zoning district. Ancillary uses cumulatively cannot exceed ten (10) percent of the gross floor area of a building or, area of a structure, of the related principal use and shall be located on the same lot as the principal use.” Because the proposed ancillary use, as described in the Letter, meets this definition, it is a permitted ancillary use on the Property in conjunction with the principal use described above in the Letter.

This determination may be appealed to the Board of Zoning Appeals within thirty (30) days from receipt of this letter, in accordance with Sec. 15.2-2311 of the Code of Virginia, or this decision shall be final and un-appealable. You may obtain the BZA appeal application at <https://staffordcountyva.gov/AppealofZoningDecisions>. The fee for such an application is \$1,952.25.

Sincerely,

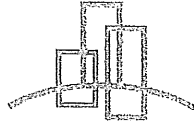


James A. Staranowicz, CZA,
Interim Zoning Administrator

JAS:sjs

Attachment (1)

cc: Kathy Baker, Acting Director of Planning and Zoning
Paul Santay, Chief Director of Community Development Services
Michael Morris, Deputy County Administrator
Rysheda McClendon, County Attorney



WALSH COLUCCI
LUBELEY & WALSH PC

Jonelle Cameron
(703) 680-4664 Ext. 5132
jcameron@thelandlawyers.com
Fax: (703) 680-6067

June 9, 2023

Via Fed-Ex & E-mail Only

Douglas Morgan, Zoning Administrator
Stafford County Zoning
1300 Courthouse Road, 2nd Floor
Stafford, Virginia 22554

Re: Request for Zoning Determination
Tax Map 37 30C

Dear Mr. Morgan:

I am writing on behalf of NOVA Gateway LLC, the owner of the property identified as Tax Map Number 37 30C (the "Property") to request a zoning determination that the proposed use as outlined below is permitted by-right on the Property. A Stafford County Mapping aerial outlining the Property in aqua is enclosed as **Exhibit A**.

On November 4, 2020, the Board of Supervisors approved a reclassification on the Property to M-1, Light Industrial. A copy of the proffers associated with RC20153406, Project Clover is included as **Exhibit B** for your reference. A national aftermarket auto parts retailer is seeking to construct a 533,520 sq. ft. building on the Property with associated parking and storage of tractor trailers. Approximately, 526,020 sq. ft. will be used as a distribution center in which items will be received and distributed to its retail stores throughout the east coast. Approximately, 7,500 sq. ft. will be used as an ancillary retail store that will include a 2,500 sq. ft. showroom with the remaining 5,000 sq. ft. being a backroom and storage area for the merchandise. This auto parts retail area will also provide to its customers free battery testing; starter and alternator testing; oil, fluid and battery recycling; wiper blade and bulb installation; and check engine light reading. In addition, rental of tools and equipment; brake drum and rotor resurfacing; custom automotive paint mixing; and custom hydraulic hose services will also be available to customers. The associated site plan is SP# 23155015.

ATTORNEYS AT LAW

703 680 4664 ■ WWW.THELANDLAWYERS.COM
4310 PRINCE WILLIAM PARKWAY ■ SUITE 300 ■ WOODBRIDGE, VA 22192-5199
ARLINGTON 703 528 4700 ■ LOUDOUN 703 737 3633

Doug Morgan
June 9, 2023
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We believe that the proposed distribution use is permitted by-right on the Property as a principal Light Industrial Use and the retail portion is permitted as an ancillary use because it is being provided in conjunction with the principal use and is less than ten percent (10%) of the gross floor area of the building.

Time-Sensitive Request:

Because this zoning verification and determination is being requested in connection with a pending real estate transaction, we are requesting an expedited processing of this verification, if possible. A check in the amount of \$422.40 is enclosed for the County's processing fee. If you have any questions, need any additional information, or would like to meet to further discuss this request, please contact me. Thank you for your prompt attention to this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Jonelle Cameron

Enclosures
P1308101.DOCX