

Statement of Justification
Application: _____

Please accept the following as a statement of justification for a special exception application for a proposed new construction of a small retail building at 9571 Fairfax Boulevard, in the City of Fairfax.

9571 Fairfax Boulevard ("the Property") is a small existing urban in-fill location in the City of Fairfax and is further identified within the tax assessment records of the City of Fairfax as 48 3 06 041. The Property is zoned CG and is comprised of 20,371 square feet (0.4677 acres) of land. The surrounding area has long been a commercial corridor and is zoned primarily CR (Commercial Retail) with one large property zoned RMF (Multi-family) and a few smaller properties zoned CG. The Property's size, shape and location present unique challenges to development. The Property does not meet the current zoning minimum lot size requirements. However, the Property was granted a lot size variance in 1980. However, the lot is legally non-conforming with respect to lot width. The Property was formerly a Shell Gas Station. Shell closed the station prior to the removal the underground storage tanks from the Property in 2007. It was sold to the current owner in 2010. It has remained vacant since.

The Applicant proposes to redevelop the property into a four thousand (4000) square foot, one story retail building with 2200 square feet of supplemental lower level storage. The development has no tenants yet but is seeking uses that are by right under the existing Commercial General (CG) zoning designation.

The size of the site is quite small. It is under a half-acre. The shape of the parcel is irregular as well. The front side borders within Fairfax Circle creating a curved front to the Property and sits close to the point where Old Lee Highway merges into Fairfax Circle. The Property has two curb cut entrances that allow ingress and egress unto Fairfax Circle. To the north is Fairfax Boulevard. To the northeast is Hume Avenue, a lightly traveled service road that acts as a secondary ingress and egress to the Stryker's Square commercial strip center, located to the east of the Property. Hume Avenue also acts as ingress and egress for garbage removal for the Foxcroft Colony Apartments. North of Hume is a service station that sells petroleum and repairs automobiles. The rear and east is the parking lot for Stryker's Square strip center. On the south side of the Property is McDonald's. There is a service drive connection between the Property and McDonalds allowing access between the parcels. With respect to topography, about 2/3 of the Property sits at grade with Fairfax Circle while the rear 1/3 of the Property descends rather steeply around 10-12 feet to the strip center parking lot behind.

Due to the small size, the irregular shape of the site and its topography, as well as the limited site vantage points for safe ingress and egress to Fairfax Circle, development of this site in a viable way that enhances Fairfax Circle would be impossible without encroaching on one or more applicable setbacks, meeting all parking island conditions and landscape strip requirements and meeting the minimum parking requirements. Consequently, the Applicant is hereby requesting, as detailed on the special exception plat submitted in conjunction with this

application, two yard setback special exceptions, two special exceptions to the parking island requirements, one special exception for a walkway along Hume Avenue, one special exception for the landscape requirement along both Hume Avenue and Fairfax Boulevard and one special exception for the minimum number of parking spaces requirement. Notwithstanding the above, the proposed design is generally consistent with the purposes and intent of the City of Fairfax Zoning Ordinance Section 17.7.

The Applicant is requesting a special exception for the front yard setback along Hume Avenue. The current zoning calls for a 20' setback. The Applicant is proposing a 10' setback. Hume Avenue, while technically City right-of-way, is functionally little more than a rear access drive to one property east of the subject parcel. Based on previous coordination with City staff on this issue, we do not believe there are any plans to improve Hume Avenue to create a more functional part of the local street grid. Because of this, a setback reduction is appropriate. This will ensure that the building is oriented towards Fairfax Circle. In addition, by shifting the building location toward Hume Avenue as shown on the enclosed plans, the development will be able to provide adequate parking (23 spaces including 2 ADA) on the south side of the building. This configuration provides the most convenient and safe access to the building as well as providing the safest ingress and egress to Fairfax Circle. Moreover, by providing parking on the south side of building, the configuration allows for the preservation of the service drive access between the McDonald's site and the Property. The site currently has two curb cut entrances. However, in order to provide safer ingress and egress to the site from Fairfax Circle, the Applicant proposes keeping open the southern entrance and closing the northern entrance. The southern entrance is only accessible to vehicles travelling northbound on Old Lee Highway and its location will prevent drivers already in the Circle from cutting across lanes to enter the Property. Additionally, the southern entrance has better visibility for both drivers on Old Lee Highway approaching the Property as well as drivers exiting the property unto the Circle. Additionally, closing the northern entrance to the Property prevents drivers within Fairfax Circle from cutting across lanes and into the Property via that entrance. For additional road safety, Applicant proposes adding a t-bone separation for ingress/egress at the south property entrance. These two actions will provide for safer and more orderly access to and from Fairfax Circle and should allow the northbound traffic to stay in a orderly flow.

Lastly, the impact of the shorter setback to Hume Avenue is minimal as the road is a secondary service road with little traffic. The property north of Hume is a service station that sells petroleum and repairs cars. It is not connected to Hume and thus, the shortened setback will have no effect on this property.

The second special exception requested pertains to the side yard setback at the rear of the Property. The current zoning calls for a side yard setback of 25'. The Applicant is proposing a setback of 2'. Again, the size and shape of the Property dictated the footprint. The east side of the Property is bounded by the excess parking for the strip center. The lower level supplemental storage for the development will be below grade at Fairfax Circle but close to grade with the parking lot of Stryker's Square strip center below and to the rear of the Property. Again, this configuration allows the building to orient towards Fairfax Circle while

still providing convenient parking that is accessible from both Fairfax Circle and the McDonald's parking lot. The proposed setback will not have any material or adverse effect on any of the adjacent parcels. It will not interfere with Stryker's Square and its parking. In fact, in the event that Stryker's Square and this parcel are ever assembled or enter into a joint development, the current building configuration is highly suitable for integration with the strip center as the lower storage level could be modified and oriented towards the existing strip center's parking lot.

The Applicant is further requesting a special exception with respect to the size of two parking islands located at the south end of the back of the Property and the respective planting area within the two parking islands. The current zoning calls for all parking islands to have a minimum 8' width and a minimum of 200 square feet of planting area. Due to the severe grading at the rear of the Property, a retaining wall will be necessary. The retaining wall impacts the size of the two rear parking islands. Accordingly, the rear parking island closest to the building has a width of approximately 4' and a planting area of approximately 80 square feet. The other parking island at the south east rear of the property, which borders McDonald's, has the necessary 8' width but the planting area is limited, by the retaining wall, to only 120 square feet.

The Applicant is also requesting a special exception with respect to distance of any parking space from a parking island. The current zoning calls for no space to be further than 50' from a parking island. The proposed plan has 5 spaces at the back of the Property (two next to the building and three on the southeast lot line that are further than 50' from the parking island. The two spaces next to the building are approximately 57' and 73' respectively from the nearest parking island. The three spaces opposite, on the southeast backend of the property are approximately 56' to 65' from the closest parking island.

The Applicant is also requesting a special exception with respect to the sidewalk requirement along Hume Avenue. The current zoning states that a sidewalk shall be required on all arterial, local and collector streets. Hume Avenue, while primarily as service drive is technically a local road. However, the Applicant is requesting a waiver of the sidewalk requirement along Hume Avenue due to the fact that: (1) the grade of Hume Avenue is too steep for a sidewalk (the grade is currently 10%) and (2) the sidewalk wouldn't extend to another sidewalk or pedestrian destination. There are no uses for pedestrians directly behind the property.

The Applicant is requesting a special exception for the 10' landscape strip requirement along Fairfax Boulevard and Hume Avenue. As stated previously, due to the small lot size and lot shape, the Applicant is not able to provide a 10' landscape strip without significantly impacting the size of the building and reorienting the site away from Fairfax Boulevard. Additionally, the landscaping and sidewalk along the Fairfax Boulevard frontage has been coordinated in detail with Staff and their recommendations are reflected in the Special Exception Plat layout.

The Applicant is requesting a special exception for the minimum parking requirement under Code Section 4.2.3. The current zoning states that parking must be tabulated based on the square footage of both the main retail level and the lower level storage. Retail parking of the

first level requires 1 space for every 200 sqft. In this case, the City requires 20 spaces. The lower level also is parked at 1 space for every 200 sqft. The City requires 11 spaces for the lower level. Because of parcel size and shape and the constraints of the location for ingress/egress to Fairfax Circle, Applicant is providing 23 spaces, of which 2 are ADA accessible. This special exception is warranted because the lower level space will not be leased, will not be accessible by the public, and will generally not be used for any purpose other than storage.

Finally, this application proposes a nonconformance modification with respect to loading along Hume Avenue. The Applicant requests support for a waiver of PFM SECTION 404.06 to permit a driveway within 12' of the Property line along the subject Property's Hume Avenue frontage. The nonconformance is necessary because the below grade storage in the proposed building would include a loading area, which would be accessed from Hume Avenue. This access would require trucks and other vehicles to back up from Hume into the loading area, or back out of the loading area on to Hume Avenue. As mentioned above, Hume is a very low volume road and it is the expectation of the Applicant that this loading approach can be handled safely and efficiently.

Based on all of the site limitations and with zoning conformance in mind, the Applicant has carefully designed its proposed improvements to be consistent with the existing Zoning Ordinance while enhancing the Property to better conform with the City Master Development Plan. That Plan calls for more commercial retail uses and less automotive uses along Fairfax Boulevard - especially within the circle and intersection of Fairfax Boulevard and Lee Highway.

Should you have any questions or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of these applications and the scheduling of a public hearing before the Fairfax City Planning Commission at your earliest convenience. As always, I appreciate your cooperation and assistance.

Sincerely,



Stuart D. Schooler
Applicant

Date: 10/17/2019