

PULTE HOME COMPANY, LLC

RECEIVED

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Community Dev & Planning

NARRATIVE

July 23, 2021

Please accept the following Narrative in support of the submitted planned development rezoning application and associated requests to allow for the redevelopment of an assemblage of six parcels, including the Breezeway Motel, with a mixed-use development that includes twenty (20) stacked condominium (two-over-two) multifamily units, forty two (42) townhouses, and a commercial building consisting of between 8,000 and 10,010 square feet of floor area. This Narrative is included as part of the Master Development Plan prepared by ATCS (the “MDP”), and should be read in conjunction with the MDP as if fully set forth therein. The contents of this Statement of Justification address the requirements set forth in Section 3.8.2.C.1 of the City of Fairfax Zoning Ordinance.

LOCATION AND CONTEXT

The property consists of six (6) tax parcels identified as 57-1 ((14)) 43, 55A, 75A, 76A, 77A and 83, and a portion of Cedar Avenue and Walnut Street right-of-way to be vacated (collectively, the “Subject Property”). The Subject Property is currently split-zoned CR (Commercial Retail), RMF (Multifamily) and RH (Residential High). The CR zoned portion of the Subject Property is developed with the Breezeway Motel, an aging hotel constructed in the early 1950’s that is located in the southeast quadrant of the intersection of Fairfax Boulevard and Walnut Street. The RMF portion of the Subject Property is developed with the Fairfax Gardens multifamily apartments, which are located on the north and south side of Cedar Avenue, a public street that bisects the Subject Property. The RH portion of the Subject Property is developed with single family homes located on Oak Street and Walnut Street. The existing development on the Subject Property includes a total of 50 motel units, 38 multifamily dwelling units and four (4) single family homes. Surrounding uses include single family detached and attached uses to the south and east, the American Legion property across Oak Street to the east, and commercial uses along Fairfax Boulevard to the east and west.

APPLICATION OVERVIEW

The proposal consists of an attractive mixed use development characterized by a variety of residential housing types, a commercial component on Fairfax Boulevard, publicly accessible open space, and transportation improvements. The Applicant has a proven record of developing quality residential communities in the City, as evidenced by its successful completion of the Mt. Vineyard community located to southeast of the Subject Property. A total of 62 residential units are proposed, including 20 stacked condominium units and 42 townhouses, as well as an 8,000 – 10,010 square foot commercial building that will be constructed by others. The proposed unit types will appeal to a range of potential homebuyers at different price points, and the commercial component will contribute to the commercial activity along Fairfax Boulevard, one of the City’s main commercial corridors. The proposed development will contribute number of significant benefits to the City and the surrounding community. These benefits include the following:

- The redevelopment of the aging Breezeway Motel;
- A diversification of the City's housing stock;
- The provision of publicly-accessible open space;
- Streetscape, roadway and intersection improvements along the Subject Property's frontage, including the provision of traffic calming measures and additional parallel parking spaces along Cedar Avenue, Walnut Street and Oak Street;
- The undergrounding of all above-grade utilities currently located along the frontage of the Subject Property;
- The installation of below-grade stormwater management and best management practices (BMP) facilities on-site where none exist today;
- A positive fiscal impact on the City, resulting in potential annual net revenues ranging from \$145,000 to \$348,000, with minimal impacts on schools and traffic; and
- A monetary contribution to the City's affordable housing fund and a commitment to providing relocation assistance to tenants of the existing Fairfax Gardens Apartments.

In order to allow the proposed development, the Applicant proposes to rezone the Subject Property from the CR, RMF and RH Districts to the Planned Development Mixed Use (PD-M) District. In conjunction with the rezoning, the Applicant also proposes to vacate approximately 4,569 square feet of the Cedar Avenue and Walnut Street right-of-way proximate to its intersection with Walnut Street to allow the reconfiguration of this intersection and provision of traffic calming measures.

PROPOSED DEVELOPMENT

The proposed development is consistent with the land use and density recommendations of the Comprehensive Plan, and is compatible with the mix of uses in the surrounding area. As illustrated on the MDP, the layout of the proposed development will result in a transition in height and intensity from the existing single family detached homes to the south of the Subject Property to the commercial corridor along Fairfax Boulevard. The portion of the Subject Property south of Cedar Avenue will include 42 townhouses. Access to the southern portion of the development is provided on Oak Street, where three curb cuts currently exist. The townhouses, which consist of three stories with habitable attic space that includes a private roof terrace on the front of each house, are characterized by traditional architecture, pitched roofs, and are limited in height to approximately 38 feet. A 15 foot wide landscaped transitional yard is provided along the southern property line, consistent with Zoning Ordinance requirements, to serve as a buffer to the single family homes. The southern portion of the property also includes an open space element that will include a lawn with seating areas, pedestrian walkways, and a play area to serve families in the proposed development and the surrounding area. This space will be privately owned and

maintained, but subject to a public access easement to allow use by other residents of nearby neighborhoods.

Although the Subject Property is bisected by Cedar Avenue, the Applicant's proposed traffic calming improvements to this street will facilitate pedestrian connectivity between the northern and southern portions of the proposed development. These improvements include the reconfiguration of the Cedar Avenue and Walnut Street intersection, the provision of curb bump outs intended to slow traffic and shorten the walking distance between curbs, the installation of a tabled mid-block pedestrian connection that will also slow traffic and allow pedestrian access between the two central open space areas, and the widening of Cedar Avenue by three (3) feet to accommodate on-street parking on both sides of the street. In addition, additional on-street parking spaces will be provided on the west side of both Walnut Street and Oak Street, further contributing to the parking supply in the area. All of these improvements, constructed at the Applicant's expense, will result in the creation of a safer road network for both vehicles, cyclists, and pedestrians.

The northern portion of the Subject Property will be developed with 20 stacked condominium units oriented to Cedar Avenue, and an 8,000 – 10,010 square foot commercial building oriented to Fairfax Boulevard that will be constructed by others. Vehicular access to the northern portion of the development is provided via two access points on Walnut Street and one access point on Fairfax Boulevard. The single Fairfax Boulevard access represents a consolidation of the two existing access points and an improvement over the existing conditions. The proposed access has been shifted as far east as possible to maximize spacing. The two access points on Walnut Street will provide access to the signalized intersection with Fairfax Boulevard for the commercial building and the stacked condominium units.

The commercial building on Fairfax Boulevard will be oriented to the intersection of Fairfax Boulevard and Walnut Street. The commercial building will include between 8,000 and 10,010 square feet, and while a specific use(s) has not yet been identified, the building will accommodate a commercial use or mix of uses consistent with those permitted in the PD-M District. The commercial component will have access to Fairfax Boulevard and Walnut Street, and will be served by up to 44 surface parking spaces. To the rear of the building, an open space area is provided to serve as a buffer and provide a transition to the residential portion of the development to the south. While development of the commercial building will be in substantial conformance with the layout shown on the MDP, the architectural design and landscaping will be determined in the future in conjunction with a separate Major Certificate of Appropriateness application.

While the commercial building and associated open space will be constructed by others, the Applicant will facilitate its development by removing the existing Breezeway Motel, clearing and grading the site to facilitate the future commercial development, and installing interim improvements to include grass, interim landscaping and an interim sidewalk along the Fairfax Boulevard and Walnut Street frontage of the Breezeway parcel. In addition, the Applicant will proactively market the commercial component of the development to expedite the construction of the commercial building. The Applicant has engaged the services of a commercial real estate broker, and will work with the broker to implement a marketing plan for the commercial building.

Pursuant to the marketing plan, a copy of which has been attached to the Summary of Commitments that accompanies this Narrative and the MDP, the Applicant and its broker will market the commercial building to local and regional retail, office and commercial real estate developers and investors. The Applicant will keep the City apprised of its marketing efforts through regular the City, and will remain engaged with the Economic Development Office during the marketing process. As the Applicant will own the commercial portion of the Subject Property upon its acquisition of the assemblage, the Applicant's interests will align with those of the City in terms of identifying a developer and user(s) for the commercial building as expeditiously as possible.

Ample parking is provided throughout the community in accordance with Zoning Ordinance requirements. For the commercial component, a maximum of 44 surface parking spaces are provided to the side and rear of the building. While the specific use(s) of this building will be determined in the future, the use or mix of uses will comply with the parking requirements of the Zoning Ordinance. For the residential component, each townhouse and stacked condominium unit will include two dedicated parking spaces. Each townhouse garage will accommodate two cars. Each stacked condominium unit will include a one-car garage and one tandem driveway space. Twenty (20) additional on-site surface parking spaces are provided throughout the residential component of the development to provide parking for visitors and guests. While not included in the parking tabulations on the MDP, thirty (30) additional on-street parallel parking spaces are provided along both sides of Cedar Avenue, nine (9) additional spaces are provided along Oak Street, and seven (7) additional spaces are provided along Walnut Street. Overall, the number of parking spaces on site exceeds Zoning Ordinance requirements.

The existing uses on the Subject Property were developed prior to the adoption of current stormwater regulations, and therefore no stormwater management facilities are located on site today. With the proposed development, the Applicant will install underground facilities to meet stormwater detention and quality requirements in accordance with state and City requirements. The locations of these facilities are identified on the MDP, and have been configured with the landscape design and site design.

Finally, the proposed development meets or exceeds the City's transitional yard and canopy coverage requirements. A 15' wide landscaped transitional yard is provided around the perimeter of the development, with the exception of a small area that abuts an existing adjacent commercial use on Fairfax Boulevard. A modification has been requested for this limited portion of the perimeter. Additionally, through a combination of tree preservation and new plantings, the proposal exceeds the 10% 10-year tree canopy requirements of the PD-M District. The Applicant has worked to maximize landscaping and tree coverage wherever possible to enhance the appearance of this development.

COMPREHENSIVE PLAN

In addition to providing the City with the benefits enumerated in the Overview section above, the Applicant's proposal is consistent with the land use and density recommendations of the City's Comprehensive Plan (the "Plan"), and advances a number of the Plan's stated goals and objectives.

Land Use

The Plan's Future Land Use Map includes two different Place Type designations for the Subject Property. The portion along Fairfax Boulevard that is currently developed with the Breezeway Motel parcel is designated as a Commercial Corridor Place Type, and the portion currently developed with the multifamily and single family dwellings is designated as a Multifamily Neighborhood Place Type.

According to the Plan, the Commercial Corridor Place Type includes a mix of retail, restaurant, service, medical, office and other commercial uses, consistent with the proposed permitted uses for the future commercial building. Residential uses are not recommended in the Commercial Corridor Place Type, and no residential uses are proposed on the Breezeway Motel parcel. The Plan indicates that the Commercial Corridor Place Type can accommodate a variety of buildings, including small footprint buildings. The proposed 8,000 to 10,010 square foot building is consistent with this recommendation. For sites located along Boulevards, the Plan states that buildings should be located near the front property line with parking provided to the rear or side of the building and direct pedestrian access provided from the sidewalk. The proposed layout of the commercial building and associated parking and pedestrian facilities is consistent with these recommendations. Accordingly, the commercial component of the proposed development is consistent with the Plan's recommendations.

The proposed development of the remaining portion of the Subject Property is consistent with its Multifamily Neighborhood Place Type Designation. The Plan states that townhouse uses are appropriate in Multifamily Neighborhood Place Types when developed in conjunction with Multifamily Neighborhood uses. The Applicant proposes to develop a combination of townhouses as well as stacked condominium multifamily dwellings, consistent with this Place Type description, as well as with the Applicant's nearby Mt. Vineyard community which shares the Multifamily Neighborhood Place Type designation. The proposed 62 dwelling units results in a density of approximately 13.08 dwelling units per acre, which is considerably less than the maximum density of 20 dwelling units per acre recommended by the Plan, and a modest increase over the 42 existing multifamily and single family dwellings on the Subject Property today. When considering the significant benefits that the City will receive as a result of this rezoning, the modest increase in density is appropriate. The layout shown on the MDP includes the tallest structures – the two-over-two stacked condominiums – located away from the proximate single family homes, which is also consistent with the Plan's recommendations.

For the above reasons, the mixed-use development proposed by the Applicant is consistent with the Place Type designations for the Subject Property as set forth in the Plan. The development preserves the commercial character of Fairfax Boulevard, while also providing a transition to the single family residential communities to the south.

Multimodal Transportation

The first Goal stated in the Multimodal Transportation Chapter of the Plan is to connect with the region. The Applicant's proposal is consistent with a number of Outcomes and Actions

associated with this goal. Outcome MM1.2 identifies the improvement of safety and operations in the regional network as an objective. Within this Outcome, Actions 1.2.2 and 1.2.3 speak to the simplification of multi-leg and offset intersections and the addressing of safety and operational deficiencies at major intersections. As discussed above and illustrated on the MDP, the Applicant's proposal advances these actions through street improvements to Cedar Avenue, the reconfiguration of the unconventional intersection at Cedar Avenue and Walnut Street, and through the consolidation of access points on Fairfax Boulevard proximate to the signalized intersection. These improvements are consistent with the Plan's goals for transportation.

In addition, Outcome MM2.1 identifies the improvement of pedestrian safety as an objective. The actions within this Outcome speak to improvements to the pedestrian network, crosswalks, and expansion of the sidewalk network. Once again, the Applicant's proposal advances these actions through the traffic calming and crosswalk improvements along Cedar Avenue, Walnut Street and Oak Street, the provision of a 10' wide sidewalk with associated landscaping along Fairfax Boulevard, and the streetscape improvements along the frontages of the Subject Property. The redevelopment will result in significant improvements to the existing pedestrian network in this area of the City.

Outcome MM2.3 speaks to the City's desire for improved bicycle facilities, and Action 2.3.3 encourages the expansion of bicycle racks for short-term bicycle parking. The proposed open space areas throughout the proposed development will include bicycle racks to advance this objective.

Finally, Outcome MM3.2 of the Transportation Chapter addresses the need for enhanced walkability between neighborhoods. As discussed above in conjunction with Outcome 2.1, the proposed pedestrian and streetscape improvements on the Subject Property will achieve this outcome. Sidewalks are provided along all frontages of the Subject Property, including a 10 foot wide sidewalk along Fairfax Boulevard that is consistent with the Plan's proposed treatment of 'Boulevards.' Crosswalks are proposed at key crossing points to facilitate connectivity throughout the area. Accordingly, the Applicant's proposal advances a number of the transportation elements of the Plan.

Parks and Recreation

The Community Services chapter of the Plan underscores the importance of recreation and open space to the City and its residents. Parks and Recreation Goal 1 identifies the need to develop a high-quality park infrastructure, and to ensure that all neighborhoods are provided with access to parks and recreation amenities. Outcome PR1.1 identifies the need for a well-connected system of parks that provides citizens with healthy choices for recreation, and Action PR1.1.2 seeks to identify opportunities for future open space in neighborhoods that are undersupplied in public recreation and open space opportunities.

Through the provision of publicly accessible open space along Cedar Avenue, the Applicant's proposal advances the Plan's objectives. This open space will be programmed with open lawns, seating areas and play area facilities to serve future residents and the surrounding

community. The open space will contribute to the network of parks and open spaces throughout the City.

For the above reasons, the proposed development is consistent with the recommendations of the Plan. The development will advance a number of the City's objectives by diversifying housing options in the City, adding publicly accessible open space, and contributing to the City's affordable housing goals.

REZONING APPLICATION

In support of the Applicant's request to rezone the Subject Property from the CR, RMF and RH Districts to the PD-M District, the following information is provided to address each of the approval considerations set forth in Section 6.6.8 of the Zoning Ordinance:

A. Substantial Conformance with the Comprehensive Plan;

As discussed above, the development is in conformance with the Plan's recommendations for the Subject Property and advances a number of the City's goals set forth in the Plan related to land use, transportation, and parks and recreation. The proposed development on the southern portion of the property consists of a mix of multifamily and townhouse unit types, which are appropriate in a Multifamily Neighborhood. The proposed development results in a density of 13.08 units per acre, which as noted above is well within the maximum 20 units per acre recommended for the Multifamily Neighborhood place type. In addition, the commercial building shown on the MDP is consistent with the Commercial Corridor place type designation for the Breezeway parcel. The townhouses on the southern portion of the Subject Property adjacent to the existing single family detached homes are limited to 38 feet in height. This limited height, combined with the 15' landscaped transitional yard provided along the perimeter of the property, will ensure compatibility with the adjacent residential neighborhood. While the proposed stacked condominium buildings technically exceed the 4 stories/45 foot height guidance recommended by the Plan for Multifamily Neighborhoods, these buildings will be limited to 49 feet in height and buffered from the adjacent homes on Oak Street by a 15' landscaped transitional yard, which will mitigate the additional building height. In addition, the adjacent parcels on Oak Street are designated as a Multifamily Neighborhood place type under the Plan. In the event these parcels are redeveloped with Multifamily Neighborhood uses in the future, the height of those uses is likely to be compatible with the proposed heights of the stacked condominium buildings.

For these reasons, the proposed development is in substantial conformance with the Comprehensive Plan.

B. Any greater benefits the proposed planned development provides to the City than would a development carried out in accordance with the general district regulations;

The proposed development will provide a number of substantial developments to the City than would otherwise be realized through the development of the Subject Property under its existing zoning classifications. The proposed PD-M District will allow the Applicant to develop the Subject Property with a vibrant mixed-use community consisting of commercial uses and variety of housing types to accommodate a range of potential home buyers. The PD-M District also requires the provision of a minimum 20% open space, which the underlying general zoning districts do not. The Applicant's proposal exceeds the 20% minimum open space requirement. In addition, the Applicant is committed to making the open space areas along Cedar Avenue publicly accessible so that they will be available not only to future residents of this community, but to other residents of the surrounding area. Consistent with the Plan's stated objectives, these open space areas will contribute to an expansion of the City's open space network. The redevelopment will involve a number of infrastructure and transportation improvements, including the undergrounding of existing overhead utilities, the installation of an enhanced streetscape along the street frontages, and traffic calming measures along Cedar Avenue and Walnut Street. Finally, as demonstrated in the submitted fiscal impact analysis, the mixed-use development will result in a positive fiscal impact to the City, while having a minimal impact on the school system. The Applicant's redevelopment of the Subject Property will revitalize the site and will benefit the surrounding area and the City as a whole.

C. Suitability of the subject property for the development and uses permitted by the general zoning district regulations versus the proposed district;

Having developed similar residential developments in the City at the nearby Mt. Vineyard community, as well as throughout the region, the Applicant is confident that the Subject Property is a highly suitable location for the proposed development. A majority of the Subject Property is already zoned either RMF or RH, which allow for residential uses. The Breezeway Motel parcel, which is currently zoned CR, allows a variety of commercial uses. The Subject Property is therefore well-suited for the proposed development and the mix of uses identified on the MDP.

D. Adequacy of existing or proposed public facilities such as public transportation facilities, public safety facilities, public school facilities, and public parks;

These public facilities in the vicinity of the Subject Property are adequate to serve the proposed development. As noted above, the proposed development will have a minimal impact on the school system. Based on student generation formulas provided and implemented by the City, the 62 proposed residential dwellings will generate approximately 15 new students. The proposed development supplements the City's existing public parks and recreation facilities through the provision of on-site publicly accessible open space. As demonstrated in the submitted traffic impact analysis, the existing road network is more than adequate to handle the modest number of new vehicle trips generated, and all intersections in the study area will continue to operate at acceptable levels of service. Finally, the proposed

improvements to Cedar Avenue and Walnut Street represent an improvement to the functionality and safety of the existing transportation facilities.

E. Adequacy of existing or proposed public utility infrastructure;

Existing public utility infrastructure is sufficient to accommodate the proposed development. As stated above, in conjunction with the development, the Applicant will underground any existing overhead utilities on-site.

F. Consistency with the applicable requirements of this chapter, including the general provisions of Section 3.8.2;

Except for the modifications requested herein and on the MDP, the proposal is consistent with the provisions of Section 3.8.2 and elsewhere in the Zoning Ordinance.

G. Compatibility of the proposed planned development with the adjacent community;

As discussed above, compatibility with the adjacent community is provided through the use of quality architecture and materials, the provision of height transitions, generous setbacks to the adjacent residential uses, landscape and buffering, and improvements to streetscape, roadways and pedestrian connectivity. From a land use standpoint, the proposed residential and commercial uses are compatible with the mixed-use character of the surrounding area, and will establish a gradual transition in height and density from Fairfax Boulevard to the residential community to the south. Finally, the publicly accessible open spaces will serve as gathering spaces for future residents to congregate with their neighbors in the surrounding area, further integrating the development into the existing community.

H. Consistency with the general purpose of the planned development districts in Section 3.8.1 and the stated purposes of Section 3.2.3;

The proposed planned development is consistent with the stated purposes in these sections. The applicant has utilized the flexibility afforded by the Planned Development District regulations to create a mixed-use community with a mix of housing types oriented around active open spaces. The variety of design achieved by the various uses and building types will create a unique development in the City.

I. Compatibility of each component of the overall development with all other components of the proposed planned development;

The Applicant has worked diligently to integrate the various components of the development to form a cohesive whole. The northern and southern portions of the development are oriented to a centralized open space feature that is bisected by Cedar Avenue, yet connected through the mid-block crossing. Pedestrian paths and sidewalks throughout the community are provided to enhance connectivity

throughout the development. The commercial component of the development is located adjacent to existing commercial uses on Fairfax Boulevard, and an open space area located to the rear of the commercial component will establish a transition to the residential component to the south.

J. The quality of design intended for each component of the project and the ability of the overall MDP to ensure a unified cohesive environment at full build-out;

With this development, the Applicant intends to build upon its record of developing quality residential communities as it recently did at Mt. Vineyard. While this development will be distinct from Mt. Vineyard in architecture and appearance, the quality of the two developments will be consistent. The two residential components of the development, while separated by Cedar Avenue that traverses the Subject Property, will nonetheless be integrated by two complementary open space features on the north and south sides of Cedar Avenue that are connected by the tabled mid-block pedestrian connection. The multifamily and townhome portions of the development will be further integrated through the use of comparable building materials, color schemes and architectural features. To the north, the provision of an open space feature between the commercial and multifamily components of the development will serve as a buffer between the two uses, and also serve as a common gathering area for residents as well as employees and/or customers of the future commercial building. Through these site design features, the Applicant has achieved a mixed-use development where each of the parts come together to form a cohesive whole.

K. Self-sufficiency requirements for each phase of the overall project of Section 3.8.2.H;

The Applicant anticipates that the proposed development will be constructed in phases based on market conditions as described in the Summary of Commitments. With each phase of development, all necessary utilities, infrastructure, stormwater management and open space associated with that phase will be constructed to ensure that each phase is self-sufficient. In addition, the overall 20% open space requirement will be met with construction of the first phase. Prior to the issuance of a certificate of occupancy for the first residential unit in the development, the existing improvements on the Breezeway Motel parcel will be demolished and removed, and the parcel will be graded to allow for future development of the commercial component by others.

L. The effectiveness with which the proposed planned development protects and preserves the ecologically sensitive areas within the development; and

The Subject Property is currently developed, with no significant ecologically sensitive areas. The applicant has maximized tree preservation to the extent feasible, and the preservation of some significant large trees in the open space area south of Cedar Avenue is proposed.

M. The extent to which the residential component of the planned development promotes the creation and preservation of affordable housing suitable for supporting the current and future needs of the City.

While this application is not subject to the City's affordable dwelling unit ordinance adopted in June 2020 as it was submitted prior to the effective date of the ordinance, in furtherance of the Housing Goals set forth in the Plan, the Applicant has committed to providing a monetary contribution in the amount of \$237,524.00 to the City's housing fund. In addition, the Applicant has included a commitment to providing relocation assistance to existing tenants in good standing of the Fairfax Gardens Apartments in accordance with the submitted Tenant Relocation Assistance Plan.

MODIFICATIONS AND ASSOCIATED REQUESTS

In conjunction with the proposed rezoning, the Applicant requests approval of the following modifications:

1. A modification of the landscape strip and street tree requirements set forth in Section 4.5.6.B of the Zoning Ordinance along the internal private streets.

Section 4.5.6.B requires that a 10 foot landscape strip with street trees be provided along every street. The Applicant is requesting a modification of this requirement for the internal private streets identified on the MDP. Due to site constraints, and given the urban character of the proposed development, it is not feasible to provide the required landscape strip and street trees along the internal streets. However, the Applicant is meeting these requirements along all public street frontages surrounding the Subject Property. In addition, the Applicant is exceeding the 10% canopy coverage requirement of the PD-M District. A modification of this requirement is therefore appropriate.

2. A modification of the sidewalk requirements set forth in Section 4.4.4.A.1 of the Zoning Ordinance along the internal private streets.

Section 4.4.4.A.1 requires the provision of sidewalks along both sides of all streets. For the reasons stated above, it is not feasible to provide sidewalks along both sides of the internal public streets. As shown on the MDP, each residential unit will have access to a sidewalk either in front of or to the rear of each unit. On the southern portion of the property, the rear loaded townhouse units will have access to the sidewalk located along Walnut Street or the sidewalk in the central open space area. The front loaded townhouse units along the southern property line have access to a sidewalk that runs along the length of the internal private street. The stacked condominium units will have access to a sidewalk along Oak Street. Given the urban character of the proposed development, and the fact that the Applicant is meeting the sidewalk requirements along all public street frontages, a modification of this requirement for the private streets only is appropriate.

3. A modification of the townhouse setback requirement set forth in Section 3.5.1.C.2 of the Zoning Ordinance.

Section 3.5.1.C.2 of the Zoning Ordinance states that no more than two of any ten or one of any three to five abutting dwelling units shall have the same front yard setback. While all of the townhouses throughout the proposed development are staggered such that no two adjacent townhouses share the same setback, each group of townhouses includes multiple townhouses with the same front yard setback. The desired articulation is achieved through the staggering of front building walls such that no two adjacent townhouses share the same front yard setback. Additionally, a high degree of visual interest and articulation is created through the use of a variety of materials, textures, colors, balconies, fenestration and other architectural features as identified in the submitted renderings and elevations. The use of these design techniques breaks up the appearance of each row of townhouses, and avoids a monolithic or flat appearance. The intent of the setback requirement in Section 3.5.1.C.2 is met through the use of these staggered setbacks and architectural treatments. Accordingly, the requested modification of the requirement is appropriate.

4. A of PFM Detail 401-01 for a typical curb and gutter street to allow private access ways that are less than 30 feet from face of curb to face of curb or edge of pavement.

The proposed width of private streets throughout the proposed development ranges from 22' to 24' from face of curb to face of curb. While less than the 30' required by the PFM, the streets have sufficient width to allow two-way vehicular traffic, and are wide enough to accommodate fire trucks and emergency vehicles. The proposed waiver will therefore not impact the safety or functionality of these streets. Given the urban character of the proposed development, the requested PFM waiver is appropriate.

5. A waiver of the requirements of Section 2.4.1 of the PFM for private access ways to have a minimum horizontal radius of 175.

The proposed waiver of the required horizontal radius applies to a section of the internal private street in the northern portion of the proposed development between Units 12 and 13 as identified on the MDP. The proposed waiver will not impact the ability of vehicles to navigate the internal street.

6. A modification of the 15-foot wide TY3 transitional yard requirement along the northeast property line abutting Tax Map Parcel 57-1-14-048.

The proposed modification of the TY3 transitional yard requirements applies to the shared boundary of the commercial component of the development and the adjacent commercial building on Fairfax Boulevard to the east. In lieu of a 15' transitional yard, the applicant has proposed a 9' wide landscaped buffer between the

commercial parking area and the property line. This buffer will be planted with trees as identified on the MDP. While the 9' wide landscaped buffer does not meet the strict requirements of Section 4.5.5 of the Zoning Ordinance, the treed landscape buffer meets the intent of this requirement. Moreover, given that the adjacent property is commercially zoned and developed with a commercial use, the modification of the TY3 requirements will not adversely impact the adjacent property. Accordingly, the requested modification is appropriate.

7. A waiver of the development schedule requirements of Section 3.8.2.I of the Zoning Ordinance.

Section 3.8.2.I of the Zoning Ordinance states that no zoning permit shall be issued for a mixed use development to authorize the occupancy of more than 66 percent of the approved residential dwelling units, prior to the issuance of a zoning permit to authorize the occupancy of 100 percent of the approved nonresidential floor area. The Applicant is requesting a waiver of this requirement to allow the Applicant to proceed with the entire residential component of the proposed development in advance of the commercial component. As noted above, the commercial component of the development will be constructed by others. While the Applicant has initiated conversations with the City's economic development office and will continue to diligently pursue the marketing of the commercial component, given uncertainties and volatility in the current retail and commercial real estate markets, the Applicant is unable to commit to a timeframe for the construction of this building. However, the Applicant has committed to the demolition of the Breezeway Motel and the grading of the commercial parcel prior to the issuance of the first certificate of occupancy for the residential component. As stated previously, the Applicant will market the commercial component of the development in coordination with a commercial real estate broker who will implement a directed marketing plan, and will coordinate with the City's Economic Development Office to identify a user(s) for the building. Given these commitments, which will deliver a pad ready site and enhance the marketing efforts for the commercial building, the requested modification is appropriate.

8. The vacation of approximately 4,569 square feet of the Cedar Avenue and Walnut Street right-of-way.

As shown on the submitted vacation plat, the proposed vacation consists of two non-contiguous slivers of roadway on the north and south side of Cedar Avenue at its intersection with Walnut Street. This existing intersection has an unconventional design that includes a triangular shaped median and an unusual traffic pattern. In exchange for its vacation of this right-of-way, the City will receive a substantial benefit in the form of a reconfigured intersection constructed by the Applicant at no cost to the City. As shown on the MDP, the Applicant will reconfigure this condition to a conventional stop-controlled intersection, with traffic calming curb bump outs on Cedar Avenue. This will result in a significantly safer condition for both pedestrians and motorists. While portions of three

townhouses will be located on the southern piece of right-of-way to be vacated, the majority of the vacated area will be used for streetscape and open space improvements, including the entirety of the 1,354 square foot piece on the north side of Cedar Avenue.

The Applicant estimates that the construction costs associated with these intersection improvements are approximately \$90,000. As part of this redevelopment, the Applicant will also be removing a significant amount of overhead utilities at an estimated cost of \$1.7 million. Further, the Applicant has committed to the demolition of the Breezeway Motel at an estimated cost of \$685,000, and upgrading street lights along the entire property frontage at a cost of \$104,000. The benefit of these improvements, in combination with the publicly accessible open space and the numerous other benefits this redevelopment will provide to this area, far outweighs the value of the small portion of right of way the Applicant has requested to vacate. Accordingly, the requested vacation is appropriate.

The Applicant's proposal presents an opportunity to redevelop a number of aging structures with a mixed-use development that advances the stated objectives of the Comprehensive Plan. The proposed development will offer a significant amount of usable and publicly accessible open space, enhanced pedestrian connectivity, a variety of housing options and high quality architecture that is compatible with recent development in the surrounding area.