



City of Fairfax, Virginia

City Council Regular Meeting

Agenda Item # 8c

City Council Meeting 1/11/2022

TO: Honorable Mayor and Members of City Council

FROM: Robert A. Stalzer, City Manager *RA Stalzer*

SUBJECT: Request of Pulte Home Company, LLC, applicant, by Walsh Colucci Lubeley & Walsh, P.C., agent/attorney, for a Zoning Map Amendment (Rezoning) pursuant to City Code Section 110-6.4 and Section 110-6.6, rezoning from CR Commercial Retail, RMF Multifamily and RH Residential High to PD-M, Planned Development Mixed Use while retaining the Architectural Control Overlay District (ACOD), approval of a Master Development Plan with modifications and commitments, pursuant to Section 110-3.8 (Planned Development Districts); and, to allow the development of townhouses, two-over-two condominiums, and a future commercial development phase; and for a Major Certificate of Appropriateness pursuant to City Code Section 110-6.5 for architecture and landscaping on the premises known as “Breezeway Motel” and identified as 10807 Cedar Avenue (Tax Map 57-1-14-055-A), 10829 Fairfax Boulevard (Tax Map 57-1-14-043), 3930 Oak Street (Tax Map 57-1-14-077-A), 3932 Oak Street (Tax Map 57-1-14-076-A), 3934 Oak Street (Tax Map 57-1-14-075-A), and 3937 Walnut Street (Tax Map 57-1-14-083).

ISSUE(S): City Council public hearing regarding a Zoning Map Amendment (Rezoning) from CR Commercial Retail, RMF Multifamily and RH Residential High to PD-M, Planned Development Mixed Use with modifications and commitments while retaining the ACOD; issuance of a Major Certificate of Appropriateness for architecture and landscaping; a consideration of an ordinance permanently vacating, discontinuing, and closing an approximately 4,558 sf (0.105 acre), more or less, portion of a public right-of-way (Cedar Avenue and Walnut Street) within the City of Fairfax, consistent with improvements shown on the Master Development Plan and the Statement of Commitments.

SUMMARY: The applicant proposes to replace an existing 50-room motel, 38-unit apartment complex, and four (4) single-family homes with forty-two (42) townhouses, twenty (20) condominiums, and a commercial building of 8,000 square feet to 10,010 square feet.

FISCAL IMPACT: The anticipated fiscal impact estimate for the proposed redevelopment project ranges from \$134,000 to \$303,000 with an average net gain annually of \$218,500.

RECOMMENDATION: Approval of this land use application is contingent upon the right-of-way vacation for a portion of Cedar Avenue and Walnut Street being approved. Staff recommends approval of the Zoning Map Amendment; approval of Master Development Plan with modifications and commitments; and conditional approval of a Major Certificate of Appropriateness.

ALTERNATIVE ACTION: City Council may approve or deny the subject applications or defer the decision on all of the subject applications to a later date.

RESPONSIBLE STAFF/POC: Albert Frederick, Senior Planner
Jason Sutphin, Community Development Division Chief
Brooke Hardin, Director, Community Development & Planning

COORDINATION:

Community Development and Planning	Building and Fire Code	Human Services
Public Works	Fairfax Water	Police
City Attorney	Historic Resources	Real Estate
Parks and Recreation	City Schools	

ATTACHMENTS:

Staff Report



CITY OF FAIRFAX

Department of Community Development & Planning

Zoning Map Amendment (Z-18-00539)

PUBLIC HEARING DATE

January 11, 2022

APPLICANT

Pulte Home Company, LLC

OWNER

Robert W. Pierce

AGENT

Robert D. Brant, Attorney

PARCEL DATA

Tax Map ID

- ◇ 57-1-14-043
- ◇ 57-1-14-055A
- ◇ 57-1-14-083
- ◇ 57-1-14-077A
- ◇ 57-1-14-076A
- ◇ 57-1-14-075A

Street Address

- ◇ 10829 Fairfax Boulevard
- ◇ 10807 Cedar Avenue
- ◇ 3937 Walnut Street
- ◇ 3930 Oak Street
- ◇ 3932 Oak Street
- ◇ 3934 Oak Street

Zoning District

- ◇ CR, Commercial Retail
- ◇ RH, Residential High
- ◇ RMF, Multifamily
- ◇ Architectural Control Overlay District (ACOD)

APPLICATION SUMMARY

The applicant is requesting a Zoning Map Amendment (Rezoning) from CR Commercial Retail, RH Residential High and RMF Multifamily to PD-M Planned Development Mixed Use while retaining the Architectural Control Overlay District (ACOD), approval of a master development plan with modifications and commitments; to allow the development of townhomes, multifamily (two-over-two condominium units), and a future commercial development phase; a Major Certificate of Appropriateness for architecture and landscaping; and a consideration of an ordinance permanently vacating, discontinuing, and closing an approximately 4,558 sf (0.105 acre), more or less, portion of a public right-of-way (Cedar Avenue and Walnut Street) within the City of Fairfax, consistent with improvements shown on the Master Development Plan and the Statement of Commitments.

STAFF RECOMMENDATION

1. Staff recommends approval of the Zoning Map Amendment (Rezoning) with development in conformance with the Master Development Plan with modifications and commitments submitted by the Applicant on December 21, 2021.
2. Staff recommends approval of the modifications to the Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual as stated in the Master Development Plan.
3. Staff recommends that City Council approve with conditions the request for a Major Certificate of Appropriateness for architecture and landscaping. See Page 36 for recommendations.

Approval of this land use application is contingent upon the right-of-way vacation for a portion of Cedar Avenue and Walnut Street being approved. The Master Development Plan takes into consideration 4,558 square feet of city owned right-of-way. This area would have portions of townhouses and open space. The applicant has not submitted an alternate plan to show how the plan could be developed without the city owned right-of-way.

Background Information

The site is currently developed with the Breezeway Motel consisting of 50 rooms constructed in 1951; Fairfax Garden Apartments consisting of 38 apartments constructed in 1959; three (3) single family homes on Oak Street built in 1957 and one (1) single family home on Walnut Street built in 1954. Cedar Avenue divides the apartment property. Currently, there are approximately 30 parallel parking spaces on Cedar Avenue and approximately 10 parallel parking spaces on Oak Street. The subject property is located within the blocks bounded by Fairfax Boulevard, Oak Street, Second Street and Walnut Street. The site consists of a consolidation of six (6) parcels for a total of 4.63 +/- acres as summarized in Table 1 (below):

Table 1: Property Information

Address	Description	Area	Current Zoning
10829 Fairfax Boulevard	Breezeway Motel	1.148 acres	CR, Commercial Retail in the ACOD
10807 Cedar Avenue	Fairfax Gardens Apartment	2.082 acres	RMF, Multifamily in the ACOD
3937 Walnut Street	Single-Family Home	0.557 acres	RH, Residential High
3930 Oak Street	Single-Family Home	0.251 acres	RH, Residential High
3932 Oak Street	Single-Family Home	0.253 acres	RH, Residential High
3934 Oak Street	Single-Family Home	0.342 acres	RH, Residential High
Total Area		4.633 acres	

- The existing Breezeway Motel is composed of four separate structures, including the rental office, an L-shaped one-story building containing motel rooms, a two-story rectangular building containing motel rooms, and a two-story rectangular structure elevated above ground floor parking containing motel rooms. The exterior of the buildings is white painted cinder block with simple side gable and flat roof forms. The rental office has a unique north/front façade with a gabled form that is made up of windows. The stairwells at the corners of the elevated two-story building are capped with distinctive rounded red open-face canopies. Most of the site is paved with asphalt making up parking and drive aisles. A distinctive two-tier pylon sign is in the center of the property in a curbed landscape bed fronting on Fairfax Boulevard. This motel is discussed in the 2004 cultural resources inventory and report prepared by EHT Tracerics, Inc., a preservation consultant based out of Washington DC. The report recommends that the Breezeway Motel be included on a Multiple Property Documentation Form as part of a series of roadside motels, diners, and service stations for their historical significance to post-World War II development of the City and the era in American history when cross country travel became a popular pastime. The report also recommends the Breezeway be considered for individual nomination to the National Register of Historic Places. No motion has been taken on either recommendation to date. The Virginia Department of Historic Resources identification number for the Breezeway Motel is 151-5252. Fairfax Gardens Apartments, composed of four two- and three-story garden-style apartment buildings, have rectangular footprints, white-painted brick exteriors, front- and rear-facing balconies, and side gable asphalt shingle roofs. The property contains mature canopy trees. Landscaping is concentrated along Walnut Street on the west side of the property in the form of mature evergreen trees.

- Fairfax Gardens Apartments was constructed in 1959 and is composed of four two-and three-story garden-style apartment buildings separated by Cedar Avenue.
- One single-family home at 3937 Walnut Street was constructed in 1954.
- Three (3) single-family homes at 3930-3934 Oak Street were constructed in 1957.

The Future Land Use designation for the subject property is split by two place types, Commercial Corridor and Multifamily Neighborhood:

The Commercial Corridor Place Type designation includes a mix of retail, restaurant, service, medical, office, and other commercial uses (Comprehensive Plan, Page 31). Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities (Comprehensive Plan, Page 31). The parcel size, depth and width of the Commercial Corridor is more than adequate to support commercial uses on Fairfax Boulevard. The commercial portion is approximately 1.14-acres with a depth of approximately 200 feet and width of approximately 250 feet. The physical characteristics of the Commercial Corridor Place Type can accommodate a variety of buildings from small retail buildings to multi-story office buildings. The Comprehensive Plan encourages sites located along Boulevards or other street types, buildings should be located near front property lines with parking to the side or rear. Parking is also encouraged in above-ground structures or underground, should be provided to the side or rear of buildings, and should be screened from view from the right-of-way by building mass or landscaping (Comprehensive Plan, Page 31).

Multifamily Neighborhood Place Type designation applies to neighborhoods that are primarily developed with multifamily apartment and multifamily condominium housing. Townhouse/Single-Family Attached Neighborhood uses, and Single-Family Detached Neighborhood uses may be considered in the Multifamily Neighborhood Place Type when developed in conjunction with Multifamily Neighborhood uses (Comprehensive Plan, Page 30). The design and layout of new Multifamily Neighborhood developments should reflect the location of the development within the city. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to four stories or 45 feet may be considered (Comprehensive Plan, Page 30). Multifamily Neighborhood Place Type supports up to 20 dwelling units per acre and a maximum height of 4 stories/45 feet.

The site has access from Fairfax Boulevard, Walnut Street, Cedar Avenue and Oak Street. The surrounding future land use designations are a combination of Commercial Corridor, Single-Family Detached Neighborhood, Multifamily Neighborhood, Green Space, and Social and Civic Network. The surrounding zoning districts are a combination of RH Residential High and CR Commercial Retail. The subject property is split zoned with three zoning districts: CR Commercial Retail, RH Residential High and RMF Multifamily Family. Further information on adjacent properties is provided in Table 2 (next page):

Table 2: Surrounding Land Use and Zoning

Direction	Existing Land Use/Uses	Zoning	Future Land Use
Site	Motel/Multifamily; Residential – Single Detached	RH, Residential High; CR, Commercial Retail/RMF, Multifamily in the ACOD	Commercial Corridor, Multifamily Neighborhood
North	Commercial/Retail	CR, Commercial Retail in the ACOD	Commercial Corridor
South	Residential – Single Detached	RH, Residential High	Single-Family Detached Neighborhood
East	Residential-Multifamily/Montessori School/Retail/Open Space	RH, Residential High; CR, Commercial Retail/CO, Commercial Office in the ACOD	Social and Civic Network Commercial Corridor Green Network
West	Commercial/Office	CR, Commercial Retail in the ACOD	Commercial Corridor

The subject property is immediately surrounded by uses that range from single-family homes to duplexes, car equipment installation to offices, auto service repair to a restaurant, bank and private park and civic organization. On the north side of Fairfax Boulevard and directly across from the Breezeway Motel is an auto service repair shop and a restaurant, and on the northwest corner of Fairfax Boulevard and Fairchester Drive is a five-story hotel; to the east of the Breezeway Motel and on the south side of Fairfax Boulevard is a car equipment installation service and commercial printer business; to the west of the Breezeway Motel and separated by Walnut Street is a bank, fast food restaurant and office building; to the south of Fairfax Gardens Apartment is a line of single-family detached homes fronting on Second Street; to the east of the Breezeway Motel and north of Cedar Avenue is four (4) duplexes and a single-family detached home fronting on Oak Street; and, to the east of the Fairfax Gardens Apartment and south of Cedar Avenue separated by Oak Street is Chilcott Field, a private park, that is owned by the American Legion Post 177.

Application History

Pre-Application Meetings

On June 11, 2018, the Planning Commission held a work session to review the proposal. Some of the comments voiced by the commissioners' included concerns about affordable housing, questions about providing a mixture of housing types instead of only townhouses and whether some could be converted to condominiums, reduction of units proposed to meet the open space requirements and concerns about how the city would be able to enforce the live-work units and what types of businesses would use those spaces.

On July 10, 2018, City Council held a work session to review the proposal. City Council expressed some concerns that were in line with comments from the Planning Commission, as well as the estimated student generation and potential traffic impacts caused by the proposal.

Post-Application Work Sessions

On August 6, 2018, the applicant applied to rezone six (6) parcels from CR Commercial Retail, RMF Multifamily and RH Residential High to PDM Planned Development Mixed Use on 4.63 +/- acres. The application included a Master Development Plan (MDP) to replace the existing uses on site with 74 townhomes, 8 of which were identified as live-work units fronting on Fairfax Boulevard. During the first review of the MDP submitted on August 6, 2018, staff informed the applicant and its representative that the proposed plan did not conform to the City's Comprehensive Plan with the proposed live/work units fronting on Fairfax Boulevard in the Business Commercial Future Land Use designation. The initial design did not

meet Objective LU-3 of the previous Comprehensive Plan or the Fairfax Boulevard Master Development Plan. Staff also informed the applicant that the application was incomplete due to issues related to the depicted right-of-way for Cedar Avenue and Walnut Street. Staff also provided comments on the two entrances from Cedar Avenue because the entrances were too close to the intersections with Walnut Street and Oak Street. A better alignment would be entrances at mid-block on Cedar Avenue. Likewise, the entrance/exit off Walnut Street were too close to Fairfax Boulevard creating conflicts for drivers accessing the site (particularly the commercial use) and drivers coming and going from Fairfax Boulevard. On September 28, 2018, staff provided the first comment review letter to the applicant's representative including the following comments from Building Code and Fire Administration:

- Please provide an exhibit showing fire apparatus turning movements throughout site.
- Please provide data on available fire flow.
- Please indicate fire lane signage throughout site.
- Hammerhead between lots 33 and 74 is too short. Sixty feet minimum required.
- Site flow might be improved by connection to Cedar Avenue adjacent to lot 20 rather than between 14 and 15.

On June 7, 2019, the applicant submitted a revised Master Development Plan that removed the live/work units from the plan and added a commercial building footprint in the range of 8,000 sf to 10,000 sf with a list of potential uses. On August 19, 2019, staff provided a courtesy review to address the revised MDP, while the applicant and Public Works discussed the right-of-way vacation and other transportation related issues. On September 27, 2019, the Development Review Team met with the applicant to discuss the proposed right-of-way vacation and transportation improvements on Cedar Avenue, and Public Works and City Attorney have subsequently outlined the vacation process. Staff provided the applicant with a number of comments, including the following from Building Code and Fire Administration:

- Provide an exhibit showing fire apparatus turning movements throughout site. Please use apparatus similar to "aerial platform" in handout.
- Provide data on available fire flow. See response to C3. Is developer planning to install the mains as required by Fairfax Water?
- Indicate fire lane signage throughout site.

The Building Code and Fire Administration provided details of the aerial platform tower truck dimensions to the applicant so that they could revise the apparatus turning movements.

Work Session #1

On December 10, 2019, City Council discussed the proposed plans for redeveloping the Breezeway Motel, Fairfax Garden Apartments and four single family homes with 42 townhomes, 20 two-over-two condominiums and 8,000 sf to 10,000 sf of commercial. After staff presented the current proposal, City Council discussed a few issues that ranged from building heights and density, traffic volumes to right-of-way vacation, and open space to the status of the Breezeway Motel. The applicant stated that the Breezeway would remain until the landowner found a new owner to acquire the property and redevelop the site. City Council expressed concerns about the Breezeway remaining while townhouses were being developed. City Council also expressed an interest in seeing how the four redevelopment projects (Breezeway, Paul VI, Mount Vineyard and American Legion) in the area would have an impact on traffic and other infrastructure.

On January 13, 2020, the Planning Commission held a work session to discuss a proposal to replace the existing motel, 38 multifamily units and four (4) single-family homes with 42 townhomes, 20 two-over-two condominiums and 8,000 sf to 10,000 sf of commercial, on the 4.63 acres. The right-of-way vacation for Cedar Avenue requires City Council to authorize the City Manager to sign as a participant on the land use application. This proposal would require approval of a rezoning, Master Development Plan, and a request for right-of-way vacation.

Work Session #2

On September 28, 2020, the application was revised and submitted for a proposed Comprehensive Plan Amendment from Commercial Corridor to Multifamily, a rezoning from CR, Commercial Retail and RH, Residential High and RMF, Multifamily to PD-R, Planned Development Residential, approval of a Master Development Plan with modifications, and a right-of-way vacation. The applicant proposed to replace the existing Breezeway motel, 38 multifamily units and four single-family homes with 31 townhouse units, 34 two-over-two units, and a five-story age-restricted condominium building with 212 parking spaces on 4.63 +/- acres. A right-of-way vacation request for Cedar Avenue requires City Council to authorize the City Manager to sign as a participant on the land use application. If the right-of way vacation is approved, the total project area is increased from 4.63 +/- acres to 4.73 +/- acres.

The Planning Commission held a work session on September 28, 2020, on the revised proposal. Planning Commission comments and questions covered a few issues such as:

- How is the elimination of commercial land on Fairfax Boulevard consistent with the Comprehensive Plan?
- A residential building along Fairfax Boulevard may not be an appropriate response to meeting housing needs of the City's senior population.
- What are the cumulative transportation impacts from the proposed development and other developments on the surrounding roads (Oak Street, Walnut Street and Cedar Avenue)?
- The increase in density will change this neighborhood.
- What is the appropriate height for the age-restricted building when evaluating the adjacent properties along Fairfax Boulevard?
- How do you screen/transition from single-family homes on 2nd Street with four story townhomes looking down on the rear yards of the adjacent homes?
- Connectivity using pedestrian and bicycle facilities and other off-site improvements should be explored by the applicant and City staff.
- Developer should consider safety measures for open space areas. There was also some concern with HOA open space areas being open to the public.
- Discussion on parking for multifamily units, trash facilities, loading zones and sound.
- Documentation of the historic elements of the Breezeway should be considered and coordinated with City staff.
- Applicant was encouraged to begin outreach to the surrounding neighborhood and associations.

Overall, the Planning Commission indicated general support for the townhomes/two over two condos and open space, but members expressed reservations regarding replacing commercial property with residential along Fairfax Boulevard.

On October 6, 2020, City Council held a work session to discuss the revised concept. City Council had several comments and questions regarding the revised plans, such as:

- Fairfax Boulevard is an important commercial corridor in the city and should be developed consistent with the Comprehensive Plan.
- Has the applicant included affordable units in this proposal?
- Would the applicant have to follow the Affordable Dwelling Unit (ADU) ordinance if volunteering to be in the program?
- What is staff's position on the senior building (55+)?
- Condo building without amenities maybe a difficult to sell based on potential price point.
- Has there been a traffic analysis that considers other residential projects in the area, such as Paul VI, American Legion, Fairfax Gateway, and Mount Vineyard?
- This area may be too dense based on existing units and proposed redevelopment potential.
- Will there be enough space for right-of-way improvements, such as on-street parking and bike lanes.
- Reservations expressed over the potential density for this neighborhood and the potential traffic from the increase in density.
- Need to address the diversity in housing stock including units for lower income residents. The loss of thirty-eight (38) units is a concern.
- Parking for the condo building was a concern in that it may not be enough parking.

City Council expressed the preference for a commercial use along Fairfax Boulevard to replace the existing Breezeway Motel. On October 9, 2020, the applicant decided to stop the review of the third submission after receiving comments from Planning Commission and City Council. The proposed plan used an intercity bus to model the turning movements, but this submission was withdrawn by the applicant and superseded with a new submission so formal staff comments were never generated.

After withdrawing the third submission, the applicant resubmitted a fourth revised rezoning application on November 2, 2020. The applicant submitted a rezoning request from CR Commercial Retail, RMF Multifamily and RH Residential High to PD-M Planned Development Mixed Use and a master development plan with modifications that included twenty (20) stacked condominium (two-over-two) multifamily units, forty-two (42) townhouses, and a commercial building between 8,000 and 10,000 square feet of floor area. The application proposed a limited number of commercial uses for the future commercial building. On January 11, 2021, staff provided the applicant with the fourth review comment letter. Staff provided comments for the applicant to address including comments from Building Code and Fire Administration stating the following:

- The proposed Emergency Access behind Units 62 and 21 at Cedar Avenue must have at the private street and Cedar Ave access, normal curb cuts for entrance/exit. Fire Apparatus will not drive over curbs. Removable bollards can be installed at Cedar Avenue entrance/exit. This will have to be marked Fire Lane with signage.
- Fire apparatus should not be required to drive over standard curbs. The City and Fairfax County Fire & Rescue have apparatus (Rescue Engines and Rescues) that have low ground clearances created by underbody "belly pans" that can be damaged. To this end, there needs to be either a low curb (height to-be-determined) or a standard entry/exit road transition onto the proposed grass paver fire lane/emergency lane. There would still be removable (locked) bollards to restrict only emergency vehicle use.

The applicant modeled a 40-foot pumper truck with this submission when Building Code and Fire Administration had previously asked for details of the aerial platform tower truck dimensions to the applicant so that they could revise the apparatus turning movements. Staff met with the applicant to discuss the fourth submission comments on January 26, 2021. On January 29, 2021, the applicant submitted a concept plan with roundabout at Cedar Avenue and Walnut Street, which was presented to Planning Commission and City Council in March 2021.

Work Session #3

On March 8, 2021, and on March 9, 2021, Planning Commission and City Council held work sessions with the applicant to get feedback on the most recent updates to the proposal. These updates included phasing of the project and redevelopment of the Breezeway Motel site, open space requirement, transportation improvements for Cedar Avenue and Walnut Street, and street alignment on Oak Street with the proposed American Legion redevelopment. In Phase Two, the applicant proposed to demolish the Breezeway Motel and provide a pad ready site with landscaping and other site improvements. Phase Three consists of the vertical commercial development (up to 10,000 square feet) to be constructed by a commercial developer in the future. Planning Commission and City Council expressed interest in four areas of the revised proposal: density, affordable housing and relocation package, timing and redevelopment of the Breezeway Motel and transportation improvements including sidewalks. The applicant shared with Planning Commission and City Council that they are the contract purchaser for all parcels included in this application and would develop the residential portion of the plan. The commercial phase would be marketed by the contract purchaser for development by a commercial developer.

On July 26, 2021, the applicant filed a fifth submission of the rezoning application from CR Commercial Retail, RMF Multifamily and RH Residential High to PD-M Planned Development Mixed Use, a master development plan with modifications and commitments that include forty-two (42) townhouses, twenty (20) stacked condominium (two-over-two) multifamily units, and a commercial building between 8,000 and 10,010 square feet of floor area. As part of the application, the applicant requests to vacate approximately 4,569 square feet of existing Cedar Avenue at Walnut Street (See Attachment 9). The applicant submitted a plat of the right-of-way vacation without showing utilities on June 7, 2019. Staff provided the applicant with direction relating to their right-of-way vacation request on January 16, 2020. The applicant submitted an appraisal on October 1, 2021. The master development plan shows utilities but are not shown on the plat that was submitted. The city is conducting an independent appraisal of the proposed area to be vacated. The applicant also submitted an updated Traffic Impact Study, a commercial marketing plan, and a tenant relocation assistance plan. As part of this submission, the applicant applied for a Major Certificate of Appropriateness for architecture and landscaping. This submission incorrectly measured height from the floor level of the first floor and not average grade, with a height of approximately 49 feet for the multifamily units and 38 feet for the townhomes. On September 3, 2021, an initial appraisal report for the vacation of right-of-way was submitted by the applicant for staff to review. Staff provided a fifth comment letter to the applicant on September 8, 2021, including comments from Building Code and Fire Administration stating:

- The turning analysis - pumper fire truck has data not representative of our largest apparatus. See below for our apparatus specifications (Sheet 13 of 30):
Pierce Velocity Chassis - Tower Ladder 403 (100' Aerial Platform)
Overall Length: 46' – 9.25"
Overall Width: 10' – 5"
Overall Height: 12' – 2"
Turning Radii:

Inside Turn: 20' – 9"
Curb to Curb: 37' – 4"
Wall to Wall: 45' – 0"
Wheelbase: 257"
Inside Cramp Angle: 45 degrees
Tread Width: 17.7"

- General comment: The commercial building, if occupied by a single tenant, does not show a loading dock/door.

On October 4, 2021, the applicant submitted a sixth version of the rezoning application from CR Commercial Retail, RMF Multifamily and RH Residential High to PD-M Planned Development Mixed Use, a master development plan with modifications and commitments that include forty-two (42) townhouses, twenty (20) stacked condominium (two-over-two) multifamily units, and a commercial building between 8,000 and 10,010 square feet of floor area. This submission included a dedication of approximately 2,500 square feet of right-of-way along Fairfax Boulevard. As part of the application, the applicant requests to vacate approximately 4,569 square feet of existing Cedar Avenue at Walnut Street. The applicant also submitted a revised Traffic Impact Study, a revised commercial marketing plan, and a revised Major Certificate of Appropriateness application for architecture and landscaping. On October 7, 2021, staff met with the applicant to discuss truck turning movements and subsequently, submitted a revised emergency truck turning movements. The applicant submitted revised emergency truck turning movements on October 13, 2021. On October 14, 2021, staff provided comments to the applicant. The next day, a memo from Building Code and Fire Administration was forwarded to the applicant regarding the truck turning movements and the comments were as follows:

- The dimensions listed are not exact to the actual dimension of the City of Fairfax Tower Lower 403, as provided in the City of Fairfax comment letter dated September 8, 2021. The dimensions should reflect a height of 12 feet 2-inches and the width of 10 feet 5-inches. I do not believe these inaccuracies affect turning movement on this site. It should be noted that any tree canopy overhanging driving surfaces will need to be maintained for unimpeded passage.
- The proposed northern site turnaround near units 11 and 12 is acceptable.
- Overlaying the landscape sheet to the fire apparatus turning movement sheet it appears that a tree located at the corner of unit 40 would affect the turning movement at this location.
- The drawing does not show right and left turning movements from city streets. We will need to have the ability to turn from either direction.
- There are a few locations where the apparatus jumps the curb and sidewalk to make its maneuvers. At units 34, 35, 51 apparatus encroaches into the driveway area for that unit. If a car is parked halfway in the garage and halfway on the driveway (not in the street) then the truck is unable to maneuver. It is noted that they are proposing 22' streets without sidewalks, which if wider may allow for the maneuvers without these issues. As depicted on the drawing it appears the truck is making very sharp and somewhat straight turns rather than a more rounded turn radii we typically see.

The applicant submitted the final master development plan and summary of commitments for November 8, 2021, and staff pointed out significant issues particularly with fire access. The applicant requested to defer the meeting on November 8, 2021, to November 22, 2021, while being unable to amend the master development plan the applicant did provide exhibits illustrating how they would address issues and amend the master development plan prior to the City Council hearing.

Planning Commission Public Hearing

On November 22, 2021, Planning Commission recommended to deny (7-0) the request to rezone the subject property from CR Commercial Retail, RH Residential High and RMF Multifamily to PD-M Planned Development Mixed Use while retaining the Architectural Control Overlay District (ACOD) and the Master Development Plan to allow the development of townhomes, multifamily (two-over-two condominium units), and a future commercial development phase with modifications and commitments for the following reasons:

The applicant's proposal, as set forth in the Master Development Plan, narrative, and summary of commitments:

1. Fails to adequately address the primary housing concern identified in the City's Comprehensive Plan Housing Goals 1 and 2, which is affordable housing, in that the proposal removes affordable housing from the City's inventory rather than preserves it or expands its availability.
2. Will adversely impact the welfare of City residents currently living or housed at the subject properties, many of whom are disadvantaged, without fair and just consideration or accommodation.
3. Is inconsistent with the Comprehensive Plan's principles for use and development in Commercial Corridors by not providing a complete development.
4. Fails to demonstrate that the interim use of the commercial property is a better use for the City and/or its residents than the current use.
5. Fails to adequately demonstrate that, as required by the zoning ordinance, rezoning of the existing commercial site to be part of the Planned Development is more beneficial than retaining the existing general district.
6. Fails to adequately clarify the significant uncertainty regarding fire apparatus movement.

Certificate of Appropriateness (Board of Architectural Review)

On September 16, 2020, the applicant had a pre-application work session with the Board of Architectural Review (BAR) for a residential development comprising of 31 townhouse units, 34 two-over-two units, and a five-story age restricted condominium building. The BAR had comments on a range of topics:

- Lack of privacy between the southern row of townhouses and their terraces overlooking single-family lots on Second Street. The applicant should consider how landscape screening will help provide privacy between the development and existing homes on Second Street.
- The end units of each stick of townhomes and two-over-two units should be embellished in some way to differentiate them from the center units.
- The two-over-two buildings have very flat facades. The townhouses and two-over-two units should have modulated facades to add dimension.
- Building mass and scale should respond to the context of the site.
- Make each stick of units look like a standalone building. Do not mimic neighboring architecture, project needs to add a level of uniqueness to the City of Fairfax.
- Provide renderings from outside of the site looking inward to add context.
- Engage landscape architect to ensure trees aren't being shown in locations where there is not sufficient room for growth, select species that will provide visual interest and pleasing textures.
- Explore art deco or "space age" architecture of the 1950's into the design of these buildings.
- Concept feels rushed, could be developed as feedback is received from Boards and Commissions.
- Consider simplifying and unifying the color palette.

On July 26, 2021, the applicant submitted a formal application for the Board of Architectural Review (BAR). Staff received the BAR hearing submission on October 25, 2021 and noted a number of discrepancies between the MDP and BAR plans. Staff communicated those discrepancies with the applicant noting that the

height diagram was incorrect and some of the plan sheets did not match. On November 3, 2021, the BAR held a public hearing on the Major Certificate of Appropriateness for architecture and landscaping. The BAR voted to defer the request and directed the applicant to resolve the outstanding issues related to the architecture and landscaping for the proposal.

On December 15, 2021, the applicant had a second public hearing before the Board of Architectural Review. Staff recommended the following conditions:

1. The proposed modifications shall be in general conformance with the plans and renderings received by staff on December 1, 2021, as recommended to be modified below to address discrepancies and inaccuracies. MDP must match BAR plans prior to City Council hearing.
2. The Applicant shall secure all required zoning approvals and permits prior to construction.
3. All dimensions for height and width must match throughout plans, including new MDP submission.
4. The applicant shall reduce the number of false windows on townhome end units in addition to removing shutters on the double windows on all façades.
5. The side elevation of unit 1/2 shall have banding or solider coursing.
6. The landscape sheet shall reflect foundation plantings or have a note that references an attachment.
7. The MDP must account for foundation plantings and open space area plantings.
8. The applicant shall ensure exterior pipes and vents are painted to match surrounding building material.
9. The applicant shall conduct quality control of its plan to ensure all images match throughout the plan set prior to resubmittal. Every plan item shall match the next MDP submission.

The Board of Architectural Review recommended approval to the City Council for the proposal with the following conditions:

1. The proposed modifications shall be in general conformance with the plans and renderings received by staff on December 1, 2021, as recommended to be modified below to address discrepancies and inaccuracies. MDP must match BAR plans prior to City Council hearing.
2. The applicant shall secure all required zoning approvals and permits prior to construction.
3. All dimensions for height and width must match throughout plans, including new MDP submission.
4. The applicant shall remove the false windows on the upper story of townhome end units in addition to removing shutters on the double windows on all façades.
5. The side elevation of unit 1/2 shall have banding or solider coursing.
6. The landscape sheet shall reflect foundation plantings or have a note that references an attachment.
7. The MDP must account for foundation plantings and open space area plantings.
8. The applicant shall ensure exterior pipes, vents, downspouts, and gutters are painted to match adjacent building material.
9. The applicant shall conduct quality control of its plans to ensure all images match throughout the plan set prior to resubmittal. Every plan item must match the next MDP submission.
10. The applicant shall return to a future meeting of the Board of Architectural Review for final approval of the landscape plan on a date to be determined, prior to site plan approval.

Master Development Plan

The subject property is composed of six (6) parcels that have been assembled for the redevelopment of a four (4) phased Master Development Plan with modifications and commitments:

- Phase One is the demolition of all existing structures and improvements (i.e., Breezeway Motel, Fairfax Garden Apartments and four (4) single-family homes). The demolition of all existing structures and improvements shall be completed prior to the issuance of a certificate of occupancy for the first residential unit in Phase Two. The demolition work in Phase One may be completed prior to or concurrent with the work in Phase Two.
- Phase Two consists of forty-two (42) townhouses and twenty (20) condominiums with a density of 13.24 units per acre. Townhouses are a mix of front entry units at 22 feet and 24 feet in width, and rear entry units at 20 feet in width. All townhomes have a private rooftop terrace. Each unit is required to have two (2) parking spaces per unit. The applicant has provided two garaged spaces for townhomes. The condominiums have two (2) parking spaces per unit consisting of a one-car garage and a tandem driveway space. The applicant has provided 146 parking spaces (104 garage spaces, 20 driveway spaces and 22 private surface spaces). The applicant would also install infrastructure and stormwater management facilities related to the residential development. The removal or undergrounding of overhead utilities on site or along the property frontage and the construction of the project's streetscape would take place in this phase. The applicant requests that the city vacate approximately 4,558 square feet (0.105 acre) of existing Cedar Avenue at Walnut Street and reconfigure the existing triangular shape median to a conventional intersection with traffic calming improvements along Walnut Street and Cedar Avenue. The proposed vacation would allow the applicant to construct three dwelling units on the south side of Cedar and landscape area on the north side. The applicant would install thirty (30) on-street parking spaces on Cedar Avenue, nine (9) on-street parking spaces on the west side of Oak Street and seven (7) on-street parking spaces on the west side of Walnut Street, north of Cedar Avenue. The required 20% open and recreational space for the master development plan would be included in this phase. 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.
- Phase Three includes the interim improvements on the Breezeway Motel parcel (Parcel 57-1-14-043) notwithstanding the land area that is designated for open space in Phase Two. The interim improvements would prepare the site for the ultimate commercial buildout in Phase Four. These interim improvements include clearing and grading of the Breezeway parcel, installation of landscaping along the southern portion of the parcel, seeding of all open areas, and the installation of a temporary interim 10-foot asphalt trail along Fairfax Boulevard, and the retention of the existing interim sidewalk along Walnut Street. Interim improvements in Phase Three shall be complete prior to the issuance of certificate of occupancy for Phase Two.
- Phase Four of the Master Development Plan, to be constructed by others, consists of a future commercial building ranging from 8,000 sf to 10,010 sf with a maximum of forty-four (44) parking spaces and associated infrastructure, utilities, and stormwater management facilities. The size and use or mix of uses in the commercial building may vary provided that the parking does not exceed 44 spaces in compliance with Section 4.2.3.E of the Zoning Ordinance. The maximum building height is 35 feet and two stories. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals. The applicant has provided a Commercial Marketing Plan (Attachment 7, Exhibit A) and a commitment for Phase Four of the proposal. Tax Map Parcel 57-1-14-043 also has a proposed inter-parcel vehicular access and a pedestrian access to the adjacent property owner to the east Tax Map 57-1-14-048 (10805 Fairfax Boulevard). Future development in phase four would be required to match the MDP, and a Certificate of Appropriateness, site plan and building permits would be required. If the proposal does not match the approved MDP, an amendment to the MDP could be required with review and approval from Planning Commission and City Council including a Major Certificate of Appropriateness.

Redevelopment of the subject property requires a Zoning Map Amendment (Rezoning) from RH Residential High, RMF Multifamily, and CR Commercial Retail to PD-M Planned Development Mixed Use while retaining the Architectural Control Overlay District (ACOD), approval of a master development plan with modifications and commitments, and a Major Certificate of Appropriateness for architecture and landscaping. The applicant has included in the Commitments a Marketing Strategy Plan (Attachment 7, Exhibit A) and a Tenant Relocation Plan (Attachment 8, Exhibit B).

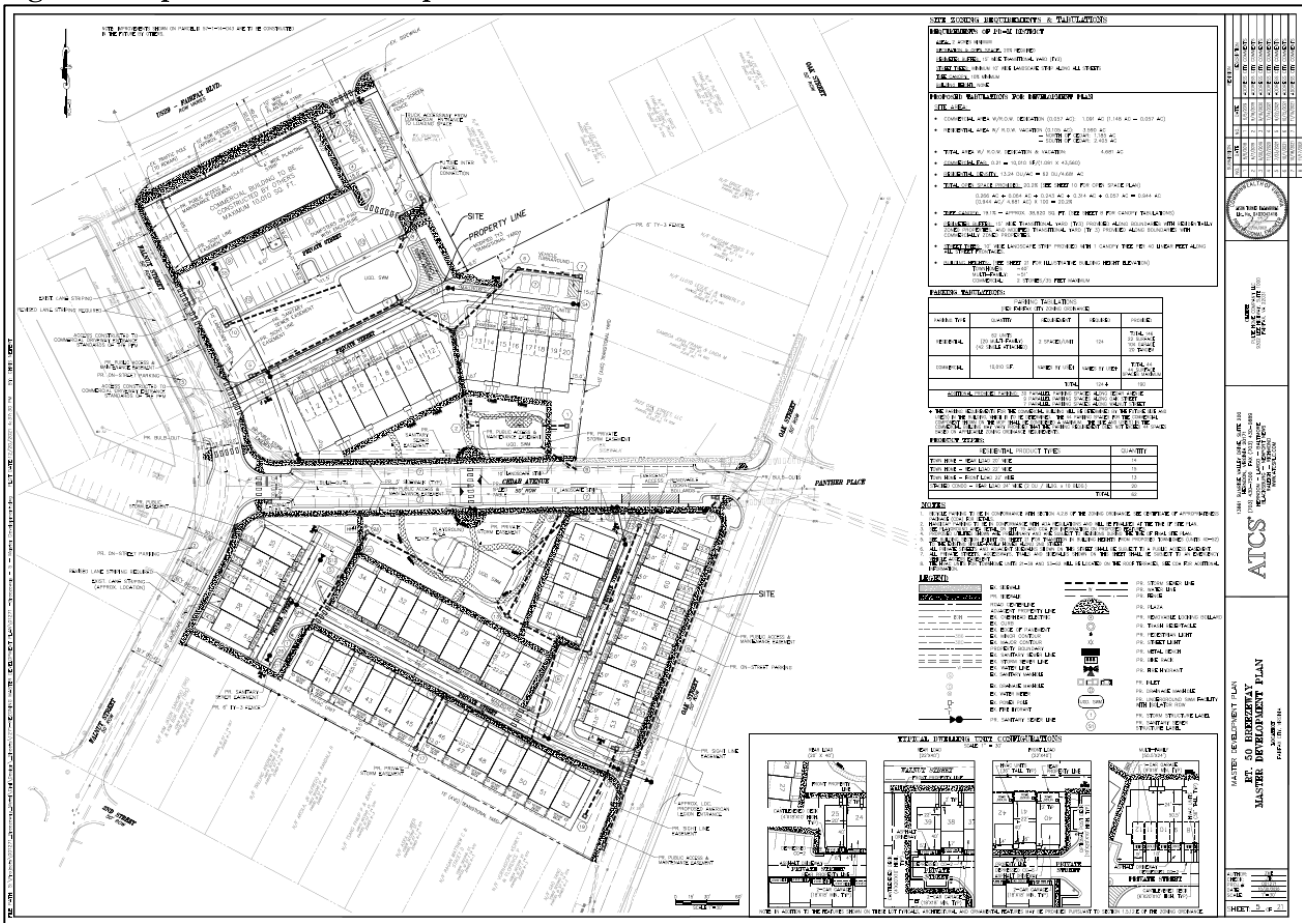
Zoning: The Zoning Ordinance provides the regulatory mechanism to ensure the new development and changes in land use are consistent with the vision of the Comprehensive Plan. The subject property is currently made up of multiple zoning districts with CR Commercial Retail, RMF Multifamily and RH Residential High Districts. The applicant is requesting to rezone the properties from CR Commercial Retail, RMF Multifamily and RH Residential High to PD-M Planned Development Mixed Use while remaining in the ACOD.

§3.2.3. Planned Development Districts B. The PD-M, Planned Development Mixed Use District, is intended to provide for coordinated mixed use developments which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses.

§3.8.2.B.2. Planned development district rezoning may be approved only when the applicant demonstrates to the satisfaction of the City council that a proposed planned development project would result in a greater benefit to the City than would development under general zoning district regulations.

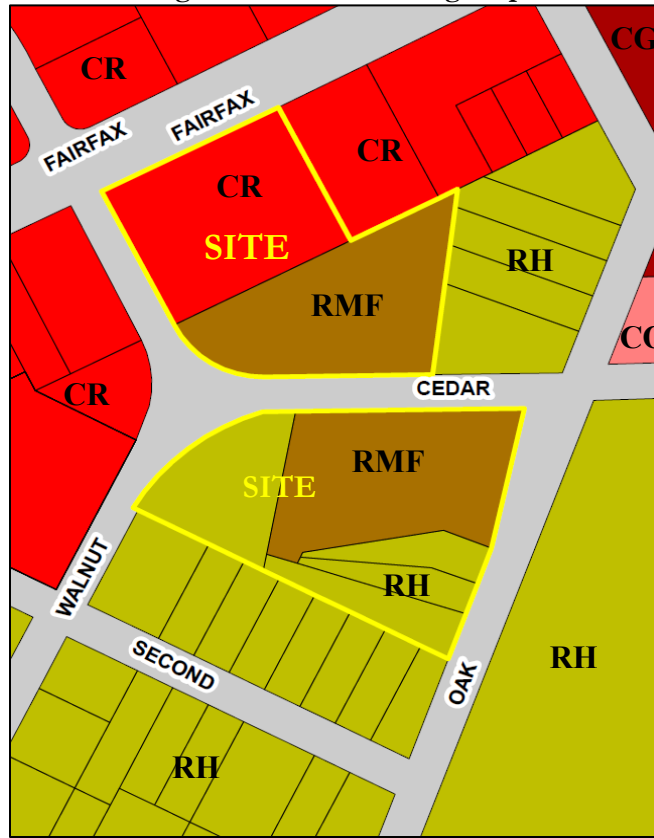
The development proposed in the master development plan shall be in substantial conformance with the comprehensive plan. A master development plan shall be filed by the applicant and approved by the city council as part of the approval of each planned development rezoning. After a master development plan has been submitted by an applicant and approved by the city council, development of the property that is the subject of that plan shall be in substantial conformance with the approved master development plan (Zoning Ordinance, Section 3.8.2.C, Page 3-59). On December 21, 2021, the applicant submitted a final version of the land use application to rezone the subject property, master development plan with modifications and commitments to allow the development of townhomes, multifamily (two-over-two condominium units), and a future commercial development phase. Figure 1 (next page) illustrates the proposed master development plan

Figure 1: Proposed Master Development Plan



The surrounding zoning districts are a combination of RH Residential High and CR Commercial Retail. The subject property is immediately surrounded by uses that range from single-family homes to duplexes, car equipment installation to offices, auto service repair to a restaurant, bank and private park and civic organization. On the north side of Fairfax Boulevard and directly across from the Breezeway Motel is an auto service repair shop and a restaurant, and on the northwest corner of Fairfax Boulevard and Fairchester Drive is a five-story hotel; to the east of the Breezeway Motel and on the south side of Fairfax Boulevard is a car equipment installation service and commercial printer business; to the west of the Breezeway Motel and separated by Walnut Street is a bank, fast food restaurant and office building; south of Fairfax Gardens Apartment with single-family detached homes fronting on Second Street; to the east of the Breezeway Motel and north of Cedar Avenue is four (4) duplexes and a single-family detached home fronting on Oak Street; and, to the east of the Fairfax Gardens Apartment and south of Cedar separated by Oak Street is a private park, Chilcott Field that is owned by the American Legion. Figure 2 (next page) illustrates the zoning districts for the subject property and the surrounding properties:

Figure 2: Current Zoning Map

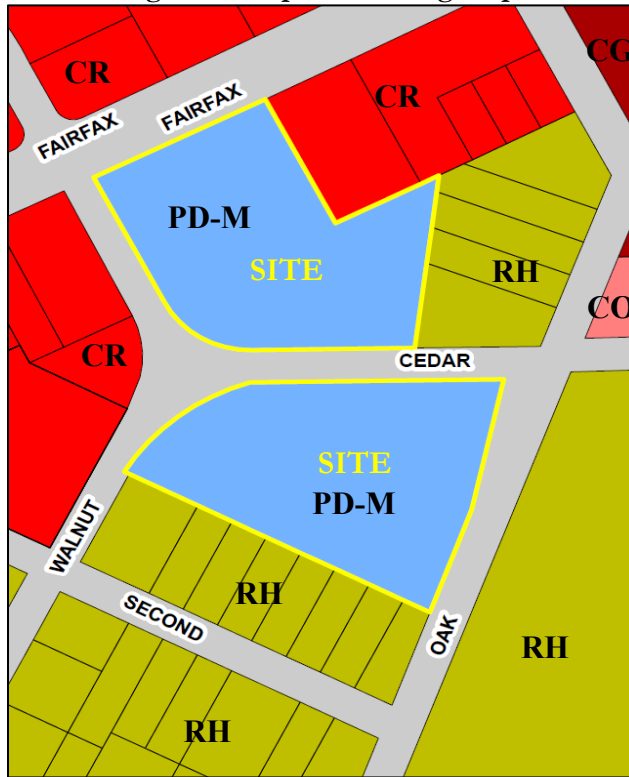


The subject property is split by three zoning districts: CR Commercial Retail, RH Residential High and RMF Multifamily Family. Under the current configuration, the proposal could not be developed, and the site would remain largely as a residential site with limited commercial opportunities. Therefore, the applicant is requesting to rezone the property from RMF Multifamily, RH Residential High and CR Commercial Retail to PD-M Planned Development-Mixed Use.

§3.8.2.B.2. Planned development district rezoning may be approved only when the applicant demonstrates to the satisfaction of the City council that a proposed planned development project would result in a greater benefit to the City than would development under general zoning district regulations.

The PD-M Planned Development Mixed Use District is intended to provide for coordinated mixed use developments which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses (Zoning Ordinance, Section 3.2.3.B, Page 3-3). Figure 3 (next page) shows the proposed PD-M district and the zoning designations of the surrounding area:

Figure 3: Proposed Zoning Map



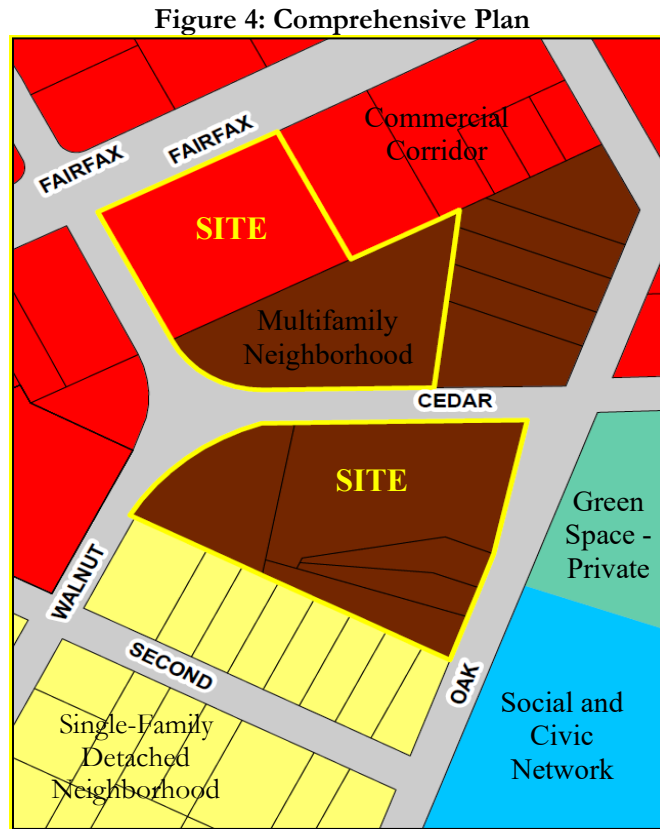
The proposed rezoning from RH Residential High, RMF Multifamily and CR Commercial Retail to PD-M Planned Development Mixed Use would allow for the “applicant to create special and unique developments by mixing and clustering, where appropriate, land uses and/or dwelling types and providing more usable recreation and open space in a master development plan proposed by the applicant and approved by the city council. Planned developments should create a more livable, affordable, and sustainable community. Starting from the baseline, which is current zoning, applicants may be given increased development rights, such as increased density and height, as well as increased flexibility, in return for providing benefits that make the project “superior” and the community better in accordance with the goals and objectives of the City, including, but not limited to, those set forth in the comprehensive plan” (Zoning Ordinance, Section 3.8.1, Page 3-59).

Comprehensive Plan

Land Use: The Comprehensive Plan describes the community’s vision for how it wants to physically grow and develop in the future (10 to 20 years). It also provides guidance on land use, transportation, housing, economic development, environment, public facilities, parks, arts, and historic preservation (City of Fairfax 2035 Comprehensive Plan, Chapter 1: Introduction, Page 5). The Comprehensive Plan provides a general plan and communicates a vision for future land use and development in the city; while the Zoning Ordinance provides the regulatory mechanism to ensure the new development and changes in land use are consistent with the vision. The Comprehensive Plan states “where any new development is proposed that requires a land use action not consistent with the Comprehensive Plan, the applicant should request a modification to the Comprehensive Plan as well” (Chapter 1: Introduction, City of Fairfax 2035 Comprehensive Plan, Page 15).

The Comprehensive Plan and the Zoning Ordinance provide opportunities for flexibility in site design and whether a use is appropriate and compatible with the adjacent properties. Some consideration for

appropriateness is the ability to mitigate through site design, density and height limitations, setbacks, bufferyards and landscaping. The applicant is seeking to build a mixed-use development that is comprised of four phases as stated in the Narrative, detailed in the Master Development Plan and in the Summary of Commitments. To develop this project, the applicant seeks a Zoning Map Amendment (Rezoning) from RH Residential High, RMF Multifamily, and CR Commercial Retail to PD-M Planned Development Mixed Use in the Architectural Control Overlay District. This proposal does not require a Comprehensive Plan Amendment. The subject site is overlaid on the Future Land Use Map from the Comprehensive Plan in Figure 4 (below):



The proposed development would be consistent with the Comprehensive Plan Place Type of Multifamily Neighborhood with a mixture of multifamily and townhouses, and in the Commercial Corridor Place Type a commercial building footprint ranging from 8,000 sf to 10,010 sf is planned to be constructed by others. The Multifamily Neighborhood Place Type, identified in brown in the Future Land Use Map, applies to neighborhoods that are primarily developed with multifamily apartment or multifamily condominium housing. Townhouse/Single-Family Attached Neighborhood uses, and Single-Family Detached Neighborhood uses may be considered in the Multifamily Neighborhood Place Type when developed in conjunction with Multifamily Neighborhood uses (Comprehensive Plan, Page 30).

The design and layout of new Multifamily Neighborhood developments should reflect the location of the development within the city. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to four stories or 45 feet may be considered. To retain the relative affordability available in many existing multifamily structures, redevelopment of existing multifamily sites within Multifamily Neighborhood land use areas, where additional density is permitted by the Zoning Ordinance,

should consider accommodating existing multifamily structures. Predicated on the underlying zoning district, the Multifamily Neighborhood Place Type supports up to 20 dwelling units per acre and a maximum height of 4 stories/45 feet (Comprehensive Plan, Page 30). The height and type of units adjacent to single-family neighborhoods is consistent with the Comprehensive Plan.

The applicant is proposing 42 townhouse units and 20 multifamily two-over-two units in Phase One with a density of 13.24 dwelling units per acre. Density is calculated as the number of dwelling units per gross acre located within the development site. The Multifamily Neighborhood Place Type has a maximum density of 20 dwelling units per acre. The applicant is proposing three and four stories against existing single-family detached and attached. The townhouse buildings on the south side of Oak Street are proposed at approximately 40 feet to mid-point of roof with four (4) stories adjacent to the single-family neighborhood on Second Street. The multifamily units (two-over-two condominiums) on the north side of Cedar Avenue are proposed at a height of 51 feet to mid-point of roof with four (4) stories.

Commercial Corridor Place Type, identified in red on the Future Land Use Map, includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Limited manufacturing and other light industrial uses may also be considered. Heavy industrial uses should not be added or expanded beyond areas where they currently exist (such as the tank farm on Pickett Road). Residential uses are not recommended in Commercial Corridors. Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities (Comprehensive Plan, Page 31). The commercial portion is approximately 1.14-acres (49,659 sf) with a depth of approximately 200 feet and width of approximately 250 feet. Phase One of the Master Development Plan is the demolition of all structures and improvements on site. Phase Four to be constructed by others consists of a future commercial building (8,000 sf to 10,010 sf) and associated infrastructure, utilities, stormwater management facilities and open space of the Master Development Plan. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permit and other necessary approvals. Phase Four also excludes certain uses in Section 3.8.4 of the Zoning Ordinance. Parking standards for Phase Four are dependent upon the uses and parking requirements in Section 4.2.3.E of the Zoning Ordinance. The size and mix of uses are intended to not require more than 44 parking spaces as shown on the MDP. Parcels of this size typically can accommodate retail, office, restaurant, and other shopping center uses. At this time, a developer or use has not been identified for Phase Four. The applicant has dedicated 10 feet (approximately 2,500 square feet) of road frontage on Fairfax Boulevard to meet the 100-foot right-of-way requirement prescribed by the Comprehensive Plan and Public Facilities Manual.

Housing: Although the City is primarily built out, a variety of new housing types can be accommodated through redevelopment on a relatively limited basis to broaden the current offerings and accommodate changing demands (Comprehensive Plan, Pg. 53). Likewise, it is vital that a variety of high-quality, attractive housing choices continue to be available in the city to support differing needs and demands of residents. Housing needs and demands are reflective of the existing housing stock and fluctuating market trends, making them subject to change over time.

The Comprehensive Plan provides guidance to the types of housing choices that are necessary to meet the needs and demands of current and future residents. The 2035 Comprehensive Plan has identified a shortage of multifamily and condominiums. Although significant single-family development is not anticipated as the city is primarily built-out, potential redevelopment and infill housing that keep up with modern expectations and meet demand are encouraged, provided they comply with the Zoning Ordinance (Comprehensive Plan, Page 54). Current shortages could include multifamily rentals and condominiums, of which most of the City's stock was built in the 1960s, and townhomes, of which the city currently has a lower ratio than many

surrounding communities in Fairfax County (Comprehensive Plan, pg. 54). Therefore, the Comprehensive Plan encourages redevelopment and infill housing to meet the demand for underrepresented types of housing in the City's housing stock. In addition to expanding housing choices, proactive strategies should be taken to ensure that the city is as welcoming as possible to current and potential residents, regardless of socioeconomic status, age, or other circumstances (Comprehensive Plan, pg. 53).

Specific housing types are identified in the Land Use Strategies Section of the Comprehensive Plan. The applicant is providing a housing type that is underrepresented in the City's existing stock of housing units (Outcome H1.1). The applicant does not have any information on whether the existing 38 multifamily units would meet the standard of naturally occurring affordable housing. The initial application was received on August 6, 2018, prior to the adoption of the Affordable Dwelling Unit (ADU) ordinance and the applicant has indicated that the proposal does not include any affordable units (Outcome H2.1).

Housing Goal 1

Support a wide range of housing.

Outcome H1.1: Continued development of housing types that are underrepresented in the City's existing stock of housing units.

It is vital that a variety of high-quality, attractive housing choices continue to be available in the City to support differing needs and demands of residents. Housing needs and demands are reflective of the existing housing stock and fluctuating market trends, making them subject to change over time. Specific housing types are identified in the Land Use Strategies Section of the Comprehensive Plan. Current shortages could include multifamily rentals and condominiums, of which most the City's stock was built in the 1960s, and townhomes, of which the city currently has a lower ratio than many surrounding communities in Fairfax County (Comprehensive Plan, pg. 54).

Housing Goal 2

Ensure availability of housing that is affordable.

Outcome H2.1: Affordable housing units have been added to the City's housing stock through redevelopment and strategic investments.

There are several tools available to encourage the establishment of new affordable residential units as well as to preserve existing "naturally occurring affordable housing" that is affordable to families earning below the region's median household income (Comprehensive Plan, pg. 56).

On September 29, 2015, City Council adopted Resolution No. R-15-42 to address the need for housing affordability for City of Fairfax residents through voluntary development contribution in lieu of providing affordable units. The resolution offers a monetary formula as a guide with rates adjusted annually in accordance with the Consumer Price Index for All Urban Customers (CPI-U). The formula includes both a by-right rate of \$3,012 per unit and a development approval rate of \$6,036 per unit. Adjusting these rates in accordance with the consumer price index to the current year from the 2015 figures, as provided for in the resolution, would yield rates of \$3,297 and \$6,608, respectively. In applying this to the proposed 62 units, the development yield is roughly 52 units at the by-right rate and 10 units at the development approval rate. This equates to a voluntary development contribution of \$237,524. The City of Fairfax Affordable Dwelling Unit Ordinance was adopted on June 23, 2020, and since the application was submitted prior to the adoption of

the ordinance, the provisions of the ADU ordinance do not apply. The applicant has voluntarily committed to provide a monetary contribution of \$237,524.00.

The applicant also has provided a commitment for tenant relocation that includes a monetary contribution for a reimbursement for moving expenses of \$1,500.00 for a one-bedroom unit and \$1,800.00 for two- and three-bedroom units to help off-set the cost of moving. Each tenant would receive a 180-day notice to relocate from Fairfax Garden Apartments. Mt. Vineyard (Oak Knoll Apartments) and Layton Hall had provisions of 90-days and 180-days, respectively.

Multimodal Transportation: The intent of the Multimodal Transportation Plan is to recommend strategies that will improve the operation and safety of the City's transportation system to achieve the larger community objectives for a vital, vibrant, and livable city (Comprehensive Plan, Page 66).

Multimodal Transportation Goal 1

Connect with the region.

Outcome MM1.2: Safety and operations in the regional network are improved.

Action MM1.2.2 Simplify multi-leg and offset intersections, such as the intersection of McLean Avenue, Warwick Avenue, and Fairfax Boulevard.

Action MM1.2.3 Address safety and operational deficiencies at major intersections, such as the intersection of Eaton Place and Chain Bridge Road.

The site has direct access to Fairfax Boulevard, Oak Street, Cedar Avenue and Walnut Street. The applicant has proposed to consolidate access points and redistribute vehicle movements by redeveloping the site. The proposed commercial pad would have one access point on Fairfax Boulevard and one access point on Walnut Street. The twenty (20) condominiums have a single access point from Walnut Street. The proposed forty-two (42) townhouses on the south side of Cedar Avenue have a single access point from Oak Street. The driveways in the residential portion of the plan are proposed at width of 22 feet. The private street in the northern section of the site has an emergency turnaround. This proposed access point is offset from the proposed northern access point planned for the proposed redevelopment of the American Legion site.

Currently, there are approximately 30 parallel parking spaces on Cedar Avenue and approximately 10 parallel parking spaces on Oak Street. The applicant is proposing traffic improvements for Walnut Street, Cedar Avenue and Oak Street. First, the applicant is proposing a bulb-out with a pedestrian crossing and seven (7) parallel parking spaces on Walnut Street. Second, the applicant is also proposing a mid-block pedestrian crossing, bulb-outs on both ends of Cedar Avenue and thirty (30) parallel parking spaces on Cedar Avenue by widening the road by three feet. The proposed road improvements would be consistent with the Multi-Modal Plan. Third, a proposed right-of-way vacation request for the intersection of Walnut Street and Cedar Avenue to remove the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorists on Walnut Street, as well as increase pedestrian safety at the intersection. As a result of this request, a portion of the city owned right-of-way would become a part of the streetscape and open space area on the north side of the proposed development. The southern portion of the right-of-way vacation would become a part of the streetscape and land area for townhouse Units 35-37. Finally, the applicant is proposing to add nine (9) parallel spaces on the west side of Oak Street.

Public Works may need to address residential parking districts in this area. The applicant has not provided Transportation Demand Management (TDM) measures to off-set any transportation impacts.

Multimodal Transportation Goal 2

Provide viable and attractive mobility choices.

Outcome MM2.1: Pedestrian safety is improved.

Action MM2.1.2 Ensure the pedestrian network is accessible to all and meets the requirements of the Americans with Disabilities Act (ADA).

Action MM2.1.4 Improve pedestrian crosswalks. Crosswalks should be provided across all legs of all intersections.

Action MM2.1.5 Expand the sidewalk network. Sidewalks should be provided with any significant street maintenance, rehabilitation, or reconstruction project and may be constructed independent of a street project.

The pedestrian network provided in the master development plan is consistent with the Comprehensive Plan and the Zoning Ordinance. In Phase One of the plan, the applicant is proposing pedestrian improvements on the west side of Oak Street, both sides of Cedar Avenue, the east side of Walnut Street and on the south side of Fairfax Boulevard. Crosswalks are proposed for a mid-block connection on Cedar Avenue and on the east side of Walnut Street crossing Cedar Avenue. A crosswalk is also proposed for Walnut Street just north of the intersection of Cedar Avenue. Likewise, the applicant has proposed a sidewalk along Walnut Street to the commercial area. Internal sidewalks connect the units on the southern portion and northern portion of the site to open space on Cedar Avenue. The applicant is seeking a modification to the sidewalk requirement for both sides of all streets internal to the site. This modification applies to all private streets within the proposed development. All units have a connection to a five (5) foot sidewalk in the front of the unit or in the case of Units 40-52 to the private street creating a continuous pedestrian connection throughout the site. The applicant proposes a pedestrian walkway near the eastern property line from the condominiums in Phase Two to the proposed commercial development in Phase Four of the plan. As recommended by the Multi-Modal Plan, a ten (10) foot wide sidewalk along Fairfax Boulevard would be installed along with the commercial building and associated improvements as part of Phase Four. There is an existing crosswalk on Walnut Street and Fairfax Boulevard, and an existing crosswalk from the south side to the north side of Fairfax Boulevard.

Outcome MM2.3 Bicycle network, facilities, and programs are improved.

Action MM2.3.3 Expand the provision of bicycle racks for short-term bicycle parking.

Bicycle parking and storage facilities shall be required for all multifamily and nonresidential uses (Zoning Ordinance, Section 4.2.8, Page 4-91). The applicant has provided 7 bicycle spaces for the proposed commercial building, 8 bicycle spaces for the proposed two-over-two condominiums, and 12 bicycle spaces for the proposed townhouses.

Multimodal Transportation Goal 3

Integrate transportation with land use.

Outcome MM3.2: Walkability to and within Activity Centers and between neighborhoods is increased.

Action MM3.2.4 – Improve the overall pedestrian environment, including pedestrian crossings, street trees, furnishing zones; buffering sidewalk from vehicle travel lanes; improved pedestrian scale lighting; and active ground floor uses along street edges.

The subject property is located within a ½-mile and to the east of Kamp Washington Activity Center. There is an existing sidewalk network from Fairfax Heights Subdivision to Kamp Washington. The applicant has proposed to improve the overall pedestrian environment by meeting the elements outline in Action MM3.2.4. The applicant is proposing several traffic improvements for Walnut Street and Cedar Avenue with a mid-block pedestrian crossing, bulb-outs, and 30 parallel parking spaces on Cedar Avenue, 7 parallel spaces on Walnut Street and 9 parallel parking spaces on Oak Street. The applicant has provided a landscape plan, a pedestrian movements plan, and detail sheet with lighting fixtures and furnishes as part of the Master Development Plan. The landscape plan illustrates a ten-foot landscape strip from the back of a five-foot sidewalk on all public streets. Sidewalks also have a separation of approximately four (4) feet from the back of curb. Metro Bus Route 1C (from Fair Oaks to Fairfax Boulevard Line) provides daily service to the site on Fairfax Boulevard. The applicant did not provide a Transportation Demand Management program or trip cards as part of this land use application.

Parks: The master development plan shall provide recreation and open space in accordance with the requirements of Section 3.8.7. At least 20 percent of each planned development site shall be designated and provided as recreation and open space (Zoning Ordinance, Section 3.8.2.G, Page 3-61).

Parks and Recreation Goal 1

Develop high-quality park infrastructure.

Outcome PR1.1: A well-connected system of parks that provides citizens with healthy choices for recreation.

Action PR1.1.1 Identify and address gaps in the connections between the City’s parks and open space.

Action PR1.1.2 Identify opportunities for future open space in neighborhoods that are undersupplied in public recreation and open space opportunities.

Action PR1.1.3 Enhance public access to parks and recreational facilities by making necessary infrastructure improvements.

The applicant would provide 20.2% (0.944 acres/41,120 sf) of recreation and open space that qualifies for the minimum width of 50 feet. The overall open space including areas less than 50 feet in width is approximately 43.4% (2.044 acres/88,445 sf). Portions of the overall calculation is mainly landscaped areas and not active recreation areas or other uses that Fairfax Parks and Recreation would provide. The applicant is not providing monetary contributions to mitigate impacts to City Parks.

Environment: An essential component of a planned development is the natural environment through tree preservation, landscaping with tree canopy coverage and impervious coverage. 10-year minimum tree canopy requirements as stated in Section 4.5.6 (Tree Requirements) of the Zoning Ordinance is 10% for proposed developments in the PD-M, Planned Development Mixed Use. Likewise, the proposal is subject to a minimum ten-foot landscaped strip shall be provided along all streets. Street trees shall be required along all

streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet part (Section 4.5.6B, Zoning Ordinance, Page 4-101).

Environmental

Outcome NE1.5: Restored and preserved natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife.

Action NE1.5.3 Encourage new development that protects and preserves environmentally-sensitive areas and natural features, such as tree cover (especially significant stands of trees and healthy, mature trees), native vegetation, streams, wildlife habitat, and natural topography.

According to the tree inventory (Sheet 4) provided by the applicant, there are currently 160 trees on site. Six trees (three Red Maples, an Eastern White Pine, a Pitch Pine, and a Leyland Cypress) would remain on site. The applicant has redesigned the underground stormwater management to preserve Tree #89 (Red Maple) on the south side of Cedar Avenue. Staff has recommended that the applicant keep Tree #59 (Red Maple) on the north side of Cedar Avenue. The applicant has provided a landscaping plan with a tree canopy of 19.1% (38,920 sf) exceeding the required 10% tree canopy requirement that includes the preservation of existing trees, plantings in the transitional yards, street trees, parking lot landscaping, within the open space areas, and the landscape buffer between the two-over-two condominium units and the proposed commercial building.

The overall impervious surface area would increase from 2.23 +/- acres to 2.90 +/- acres with the build out of the proposed development. The applicant has requested a modification to the landscape strip requirement and tree requirements along internal private streets (Section 4.5.6.B of the Zoning Ordinance). The applicant is seeking this modification to eliminate the 10-foot planting strip for interior private streets. Staff supports the modification because it is not uncommon for private alleyways in the interior of the site and between units to be void of landscaping. Likewise, the same modification to the private street leading to the two-over-two condominiums is appropriate as each driveway connects the units to the private street, which would impact the 10-foot landscape strip. The applicant attributes the need for the modification due to site constraints and the urban character of the project.

Additionally, the applicant is seeking a modification to the 15-foot transitional bufferyard in the northeast corner of the site abutting Tax Map Parcel 57-1-14-048 and the planting types within transitional yards along abutting existing residential homes. The abutting property to the east of the Breezeway Motel is an existing commercial business with a commercial zoning district. The applicant is seeking to reduce the required transitional yard from 15 feet to 9 feet with eight (8) canopy trees, eight (8) understory trees, eight (8) shrubs, and a six (6) foot fence and 15 feet to 13 feet on the southern property line to the commercial business. Staff supports the reduction in the width of the transitional yard adjacent to an existing commercial use in the CR Commercial Retail district. Staff also supports the use of evergreens or a similar planting to mix in with the required trees in the transitional yard abutting existing residential homes along the project boundary. The depth of the transitional yard would remain at the required 15 feet with additional evergreens planted.

Requests

In addition to the rezoning request from RH Residential High, RMF Multifamily and CR Commercial Retail to PD-M Planned Development Mixed Use while retaining the Architectural Control Overlay District (ACOD), the applicant has submitted the following applications for consideration by City Council:

- Approval of a Master Development Plan with modifications and commitments,
- Approval of a Major Certificate of Appropriateness; and,
- A request to vacate a portion of right-of-way for Cedar Avenue and Walnut Street.

Rezoning application

The proposed redevelopment is dependent on City Council approval of a Map Amendment (Rezoning) from RH Residential High, RMF Multifamily and CR Commercial Retail to PD-M Planned Development Mixed Use. The Breezeway Motel is in the CR Commercial Retail district, and the Fairfax Garden Apartments is in the RMF Multifamily district, and four (4) single-family homes are in the RH Residential High district. All the properties are held under a single ownership with the applicant as the contract purchaser. The applicant would be developing the residential component of the project and would be seeking a commercial builder to develop the future commercial development. In approving a rezoning for a planned development, the City Council shall find the proposed district designation and master development plan comply with the general provisions for all planned development in Section 3.8.2 and the specific standards for the planned development listed in Section 3.8.3 through Section 3.8.6. Planned development district rezoning may be approved only when the applicant demonstrates to the satisfaction of the City Council that a proposed planned development project would result in a greater benefit to the City than would a development under general zoning district regulations.

The Master Development Plan is proposed as four phases with a modification to the development schedule as stated in Section 3.8.2.I of the Zoning Ordinance, which states “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 as part of a PD-C or PD-M district development prior to the issuance of a zoning permit to authorize the occupancy of 100 percent of the approved nonresidential floor area for that development. The foregoing shall be binding on the applicant unless the applicant proposes a modification to this requirement in the master development plan and the City council approves such modification when it approves the master development plan” (Page 3-61). Phase One is the demolition of all existing structures and improvements. Phase Two is proposed as two-over-two condominiums, townhouses, and 100% of the open space requirement. Phase Three is the interim plan that includes site preparation for the future commercial development. Phase Four, to be constructed by others, is proposed with a specific list of commercial uses to occupy a building that is approximately 8,000 square feet to 10,010 square feet with 44 parking spaces. Strict application of the ordinance would prohibit occupancy of all residential units prior to the completion of the commercial building fronting Fairfax Boulevard. Therefore, the applicant is seeking a modification to the development schedule requirement.

The applicant states the proposed development is in substantial conformance with the Comprehensive Plan. The housing component of the proposed plan is in the Multifamily Neighborhood Place Type and provides a transitional use from the existing commercial uses and proposed commercial building on Fairfax Boulevard to the single-family detached homes fronting on Second Street, and single-family detached and attached homes on Oak Street north of Cedar Avenue. The Comprehensive Plan provides guidance suggesting that development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to four (4) stories or 45 feet may be considered.

Forty-two (42) townhomes are proposed on the south side of Cedar Avenue. The fourth floor of each townhome unit includes a private terrace. The HVAC units for Units 21-39 and 53-62 are proposed to be located on the rooftop terrace, while the HVAC units for Units 40-52 would be located to the rear of the townhome. A transitional yard of fifteen feet (15) with a six (6) foot fence is proposed to abut the single-family detached homes on Second Street and the single-family detached and attached homes on Oak Street north of Cedar Avenue. Ten (10) rear-entry townhouses front on Oak Street and five (5) rear-entry

townhouses front on Walnut Street. There are fourteen (14) rear-loaded townhouse units lining the open space area on the south side of Cedar Avenue. Each unit has two garage parking spaces with access from a private street that measures at 22 feet in width. No townhouse unit has direct vehicle access from a public street (i.e., Cedar Avenue, Oak Street and Walnut Street).

Twenty (20) stacked, rear-loaded two-over-two condominiums that fronts on an open space area are planned for the north side of Cedar Avenue. These rear-loaded units have one garage space and one tandem driveway space that are accessed by a 22-foot wide private street with an emergency turnaround. The condominiums would have HVAC units located to the rear of the homes, adjacent to the driveways. A wood privacy fence would be installed to the rear of Unit 1 to screen the HVAC units from the nearest public street in Walnut Street.

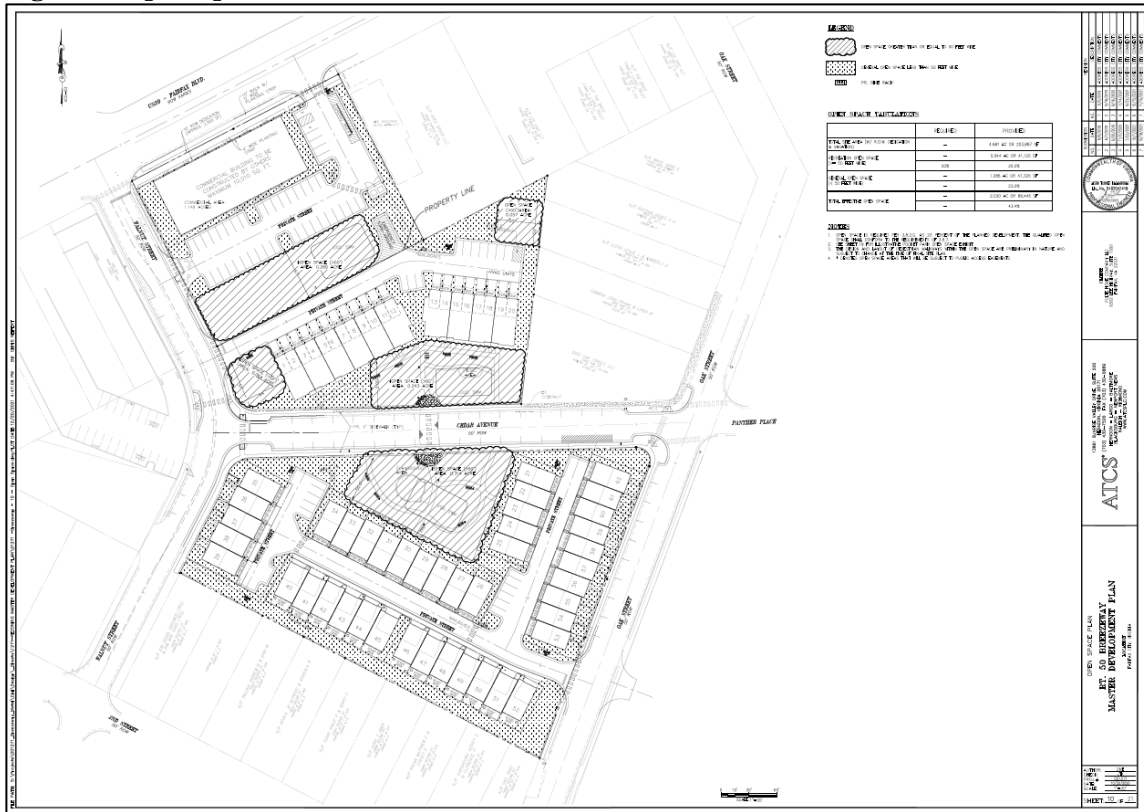
The non-residential component of the proposal is located at the southeast corner of Fairfax Boulevard and Walnut Street. Phase Four, to be developed by others, would require a separate approval for a major certificate of appropriateness for the proposed building. The applicant has prescribed a limited number of specified uses for the proposed commercial development. The building footprint as proposed has a range of 8,000 square feet to 10,010 square feet with a maximum of 44 parking spaces. The development plan shows a 10,010 square foot commercial building pad situated along the front property line with 90-degree parking to the east side and rear of the building, a commercial entrance on the east side of the building from Fairfax Boulevard with a driveway aisle of 24 feet, as well as a loading area of 10 feet in width. The plan also shows a commercial entrance south of the building from Walnut Street.

Open Space: The Planned Development Districts requires at least twenty (20) percent of the site to be designated as recreation and open space for use and enjoyment of the residents and occupants of the development. Section 3.8.7.B.3 requires the minimum width for any required recreation and open space shall be 50 feet. The zoning administrator may grant exceptions for items such as trail easements and midblock crossings when their purpose meets the intent of §3.8.7. The Zoning Ordinance also requires at least 60% of the required open space be contiguous, however, it may be bisected by a residential street.

Open space is programmed as an amenity area on the north side of Cedar Avenue abutting twenty (20) stacked, rear-loaded two-over-two condominiums and on south side of Cedar Avenue abutting fourteen (14) rear-loaded townhouse units, at the northeast corner at Cedar Avenue and Walnut Street, north of the private drive and south of the proposed commercial building footprint, and in the northeast corner of the site near the emergency turnaround for the multifamily units. The development currently proposes five (5) areas of open space for a total of 0.944 acres (41,120 sf) or 20.2% of the property. The first open space area (0.314 +/- acres) is located between the proposed commercial building on Fairfax Boulevard and the private driveway to the proposed condominiums on the north side of Cedar Avenue. The second and third open space areas (0.243 +/- acres and 0.266 +/- acres) are located immediately north and south of Cedar Avenue, accessible to both the residents in the development, as well as the surrounding neighborhood. There are fourteen (14) rear-loaded townhouse units lining the open space area on the south side of Cedar Avenue. Each unit has two garage parking spaces with access from a private street that measures at 22 feet in width. No townhouse unit has direct access vehicle access from a public street (i.e., Cedar Avenue, Oak Street and Walnut Street). On the north side of Cedar Avenue, there are twenty (20) stacked, rear-loaded two-over-two condominiums that front on an open space area. The fourth area of 0.064 acres is located at the northeastern corner of Cedar Avenue and Walnut Street. The final area of 0.057 acres is located at the northeast corner of the site. These areas meet the zoning requirement that open spaces must be a minimum of fifty (50) feet in width. The overall site has 43.4% (88,445 sf) of open space, which includes areas that are less than the required 50 feet (Section 3.8.7.B.3 of the Zoning Ordinance). The applicant has also provided open space that

is at least 60% contiguous, which includes any recreation and open space bisected by a local street. Four of these areas are accessible to the public through an access easement that is described in Commitment 15 (Attachment 6) and shown on Sheet 10 of the master development plan. Figure 5 (below) shows open space areas that are programmed for this project:

Figure 5: Open Space

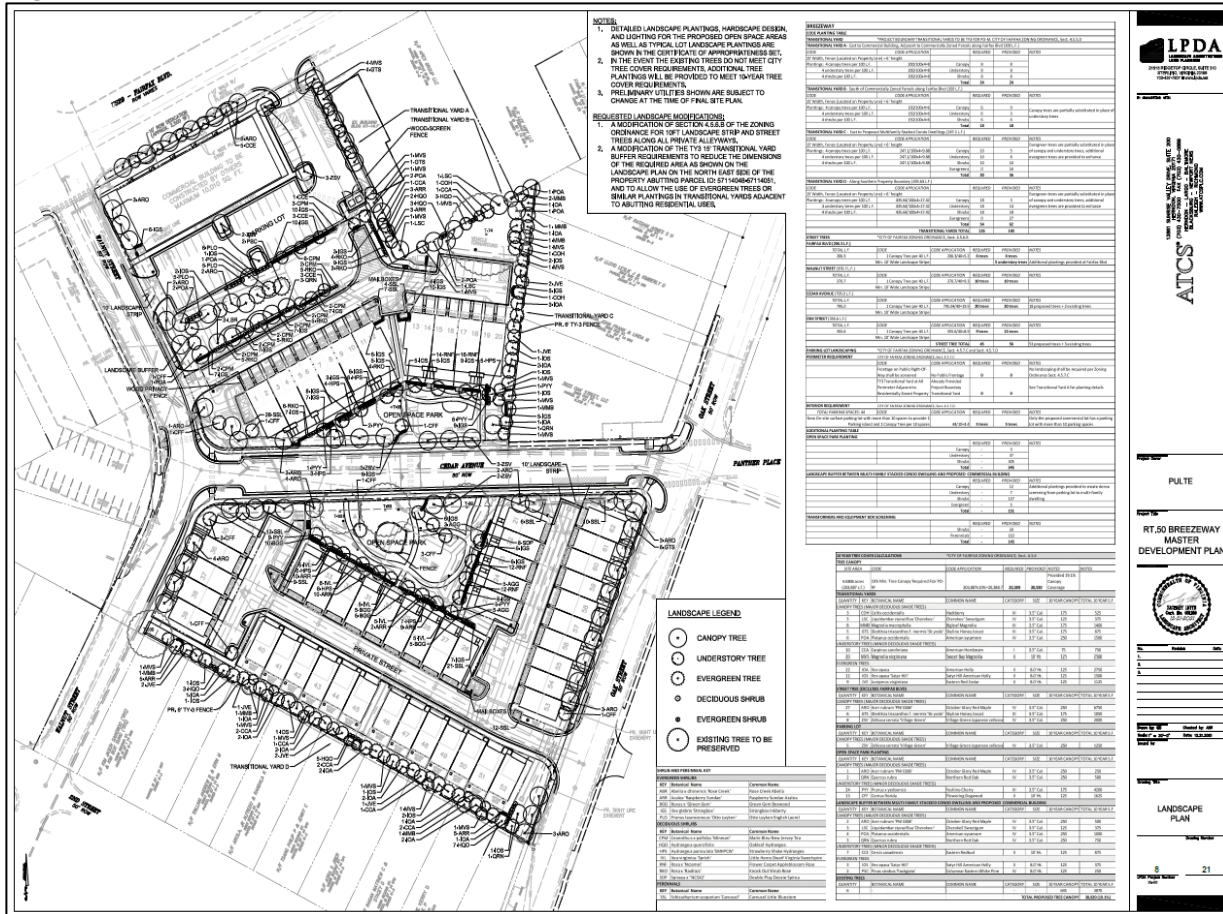


The applicant has also provided open space that is at least 60% contiguous, which includes any recreation and open space bisected by a local street. The applicant is proposing to install a mid-block pedestrian crosswalk on Cedar Avenue that connects the north and south side of the development. At this connection point on the north side of Cedar Avenue, the applicant proposes a pocket park with a plaza, benches, sidewalks, and picnic area. On the south side of Cedar Avenue, the applicant proposes a pocket park with a plaza, benches, sidewalks, tot lot with seating area, and a bicycle rack.

The subject property is located within a ¼-mile of Pat Rodio Park. City staff requested a contribution for improvements to Pat Rodio Park. In comparison to other projects, Paul VI approvals included sixty (60) parking spaces dedicated for Pat Rodio Park, and the developers for Mt. Vineyard and The Enclave provided a contribution of \$378 per each net new dwelling unit. The applicant states the “open space will be programmed with open lawns, seating areas and play area facilities to serve future residents and the surrounding community” (Narrative, Page 7). The open space along Cedar Avenue is planned as accessible to the public through public access easements and “contributes to the network of parks and open spaces throughout the city” (Narrative, Page 7). The applicant in Commitment 15 would provide a provision to place four open space areas identified on the master development plan in a public access easement. To that end, the applicant has not included a contribution towards the improvements to City Parks.

Transitional Yards: The transitional yard requirements and the screening requirements are intended to improve compatibility of uses by providing privacy and enhancing the aesthetic transition between uses (Section 4.5.1 of the Zoning Ordinance). According to Section 4.5.5.C, all site area boundaries for a master development plan with PD-M, Planned Development Mixed Use require a transitional yard buffer of fifteen (15) feet. The applicant has requested a modification to reduce the TY3 transitional yard requirement along the northeast property line (Parcel ID 57-1-14-048/10805 Fairfax Boulevard) from 15 feet to 9 feet and 15 feet to 13 feet on the southern property line to the commercial business. Figure 6 (below) illustrates the required transitional yards and the modification request to the transitional yard requirement:

Figure 6: Transitional Yard



Staff recommended that the applicant use an evergreen or a similar planting to mix in with the required trees as a buffer to the existing homes on Oak Street and Second Street because evergreen trees maintain its green foliage year-round, grow fast and can provide screening and privacy between uses. Section 4.5.5.D of the Zoning Ordinance provides the minimum tree plantings as well as the minimum fence or wall height of the TY3 transitional yard specifications along the Subject Property’s boundaries. Table 3 (next page) provides the TY3 requirements and what the applicant has submitted in the Master Development Plan.

Table 3: Transitional Yards

Required by Zoning Ordinance (Section 4.5.5.D)	Provided by the Applicant			
	Transitional Yard A (200 feet)	Transitional Yard B (150 feet)	Transitional Yard C (247 feet)	Transitional Yard D (435 feet)
Minimum Transitional Width – 15 feet (TY3)	15 feet to 9 feet	15 feet to 13 feet	15 feet	15 feet
Minimum Fence or Wall Height (feet) on lot line – 6 feet	6-foot fence	6-foot fence	6-foot fence	6-foot fence
Minimum Canopy Tree (4 per 100 feet)	8 canopy required; 8 canopy provided	6 canopy required; 9 canopy provided	10 canopy required; 5 canopy provided; 11 evergreens provided	18 canopy required; 4 canopy provided; 20 evergreens provided
Minimum Understory Tree (4 per 100 feet)	8 understory required; 8 understory provided	6 understory required; 3 understory provided	10 understory required; 6 understory provided	18 understory required; 14 understory provided
Minimum Shrubs (4 per 100 feet)	8 shrubs required; 8 shrubs provided	6 shrubs required; 6 shrubs provided	10 shrubs required; 10 shrubs provided	18 shrubs required; 18 shrubs provided

A transitional yard buffer of 15 feet (TY3) is required along the site area boundary. Transitional Yard A is approximately 200 feet in length. The applicant is seeking a modification to reduce the width from 15 feet to 9 feet adjacent to an existing commercial use in the CR Commercial Retail district. The applicant intends to maintain the required fencing, quantity, and type of plant species along this boundary line but would reduce the width of the transitional yard. The applicant is proposing a six-foot fence with 8 canopy trees, 8 understory trees and 8 shrubs along the property line. Transitional Yard B is approximately 150 feet in length. The applicant is proposing a reduction to the transitional yard from 15 feet to 13 feet with a six-foot fence, 9 canopy trees, 3 understory trees and 6 shrubs along the property line.

Transitional Yard C is approximately 247 feet in length. The applicant is proposing a six-foot fence with 5 canopy trees, 6 understory trees and 10 shrubs along the property line. The applicant intends to maintain the required fencing, quantity, and type of plant species along the southern property line adjacent to single-family detached homes along Second Street. At the request of staff, the applicant has included evergreen or a similar planting as a buffer to the existing homes on Oak Street because evergreen trees maintain its green foliage year-round, grow fast and can provide screening and privacy between uses. The applicant has included the use of evergreens or a similar planting to the list of modifications on the cover page of the master development plan.

Transitional Yard D is approximately 435 feet in length. The applicant is proposing a six-foot fence with 5 canopy trees, 6 understory trees and 10 shrubs along the property line. The applicant intends to maintain the required fencing, quantity, and type of plant species along the southern property line adjacent to single-family detached homes along Second Street. At the request of staff, the applicant has included an evergreen or a similar planting as a buffer to the existing single-family homes on Second Street because evergreen trees maintain its green foliage year-round, grow fast and can provide screening and privacy between uses. The applicant has included the use of evergreens or a similar planting to the list of modifications on the cover page of the master development plan.

The applicant is seeking a modification to the landscape strip and street tree requirements for internal private streets due to site constraints and the urban design of the proposed development. Section 4.5.6.B states “street trees shall be required along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet part” and Section 4.5.6.B.1 states “all street trees shall be planted no less than three feet or more than 15 feet from the back of the curb or edge of pavement.” The applicant has provided a ten (10) foot landscape strip along Cedar Avenue, Oak Street and Walnut Street. Table 4 (below) summarizes the number street trees that are required for the proposal.

Table 4: Street Trees

Required by Zoning Ordinance (Section 4.5.6.B)	Provided by the Applicant			
	Fairfax Boulevard (250 feet)	Walnut Street (270 feet)	Cedar Avenue (750 feet)	Oak Street (355 feet)
Minimum Canopy Tree (1 per 40 feet)	6 canopy required; 6 canopy provided; 5 understory provided	10 canopy required; 10 canopy provided	20 canopy required; 20 canopy provided	9 canopy required; 13 canopy provided

The final design for Fairfax Boulevard along the property frontage is proposed as a 10-foot wide sidewalk with a 5-foot wide planting strip. The applicant is also required to provide a 10-year minimum tree canopy of ten (10) percent (20,389 sf). The applicant proposes to provide a 10-year minimum tree canopy of 19.1% (38,920 sf) through the combination of tree preservation and new plantings. The location of trees at the northeast corner of Cedar Avenue and Walnut Street may not meet the requirements in Section 4.5.6.B.1 to plant trees no less than three feet or more than 15 feet from the back of the curb or edge of pavement because of the location of the easement and the potential size of the easement. The master development plan did not provide the size of the easement.

Scale: The design and layout of new Multifamily Neighborhood developments should reflect the location of the development within the city. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to four (4) stories or 45 feet may be considered. The proposed residential development varies in unit type and size. The townhome buildings on the south side of Oak Street are proposed at a height of 40 feet to mid-point of roof with four (4) stories adjacent to the single-family neighborhood on Second Street. All rooftop terraces on the proposed townhouses would be located on the front of the units. The multifamily units (two-over-two condominiums) on the north side of Cedar Avenue are proposed at a height of 51 feet to mid-point of roof with four (4) stories and balconies to the rear of the units. Section 1.5.11.A.1 states that “Height is the vertical distance from grade plane, as defined in Section 9.3.1, to the highest point of the roof line of a flat roof, to the deck line of mansard roof, and to the mean height level (midpoint) between eaves and highest ridge point for gable, hip or gambrel roof; as specified in the Virginia Uniform Statewide Building Code (USBC).”

Condominiums are located on the north side of Cedar Avenue with a single access point from Walnut Street, while townhomes are planned to be developed on the south side of Cedar Avenue with a single access point from Oak Street. The townhouses are located to serve as a transition to the single-family neighborhood on Second Street. The proposed plan has townhouse units facing Cedar Avenue, Walnut Street and Oak Street. The overall residential densities and heights for other approved developments as compared to the subject application are provided in Table 5 (next page):

Table 5: Residential Comparisons

Project	Site Area (Acres)	Number of Units	Density	Building Height
Pulte/Breezeway	4.68	62	13.24	40' to mid-point of roof (townhouses) 51' to mid-point of roof (multifamily)
Cameron Glenn	6.23	48	13.3	43'
Madison Mews	1.76	26	14.8	50'
Main Street Residences	4.32	40	9.3	45' 5"
Mayfair	0.93	25	28.5	43'
Metro Church/EYA	3.69	50	13.5	45'
Mount Vineyard	6.11	132	21.6	48' (townhomes); 55' (multifamily)
Paul VI	18.5	266	14.4	40-45' (townhomes) 45' (multifamily); 35' (single family detached)

The townhouse unit dimensions proposed are generally like those in other townhouse developments in the city as shown in Table 6 (below):

Table 6: Townhouse Unit Width Comparison

Project	Total # of TH units	Townhouse Unit Width					
		16'	17'	20'	22'	24'	30'+
Pulte/Breezeway*	42			X	X		
Cameron Glen	48					X	
Madison Mews	26					X	
Main Street Residences	40				X	X	X
Mayfair	25		X	X			
Metro Church/EYA	50	X		X		X	
Mount Vineyard	38				X		
Paul VI	115			X	X	X	

*Includes 20 two-over-two condominium units (20) that are rear loaded with a width of 24 feet

The applicant has proposed 42 front and rear loaded townhouses with widths of 20 feet and 22 feet. The applicant has also proposed 20 rear-loaded two-over-two condominiums (multifamily) at 24 feet in width. The total number of units in the proposed planned development is 62 units. The applicant is seeking a modification to Section 3.5.1.C.2 which states, “No more than two of any 10 or one of any three to five abutting dwelling units having the same front yard setback. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit and no setback distance shall be less than the required minimum” (Zoning Ordinance, Page 3-14). The applicant states that the desired articulation is achieved through the staggering of front building walls such that no two adjacent townhouses share the same front yard setback. After further review of the modification request and the setbacks provided on the master development plan, the modification request is not required as the applicant has provided the staggering of units to meet the Zoning Ordinance requirement.

Transportation

The site has direct access to Fairfax Boulevard, Oak Street, Cedar Avenue and Walnut Street. There are two driveway aprons on Fairfax Boulevard to the existing Breezeway Motel, one driveway apron on the curve of Walnut Street to the existing Fairfax Garden Apartments on the north side of Cedar Avenue, and one

driveway apron on the south side of Cedar Avenue for the remaining units at Fairfax Garden Apartments. The single-family home at 3937 Walnut Street has a circular drive with two driveway aprons. The three (3) single-family homes fronting on Oak Street each have a driveway apron. The applicant has proposed to consolidate access points and redistribute vehicle movements by redeveloping the site. The proposed commercial pad would have one access point on Fairfax Boulevard and one access point on Walnut Street. The proposed twenty (20) condominiums have a single access point from Walnut Street. The proposed forty-two (42) townhouses on the south side of Cedar Avenue have a single access point from Oak Street. The applicant has coordinated with the American Legion to align this driveway with the proposed northern access point planned for the redevelopment of the American Legion site.

The applicant is proposing traffic improvements for Walnut Street, Cedar Avenue and Oak Street. First, the applicant is proposing a bulb-out with a pedestrian crossing and seven (7) parallel parking spaces on Walnut Street. Second, the applicant is also proposing a mid-block pedestrian crossing, bulb-outs on both ends of Cedar Avenue and thirty (30) parallel parking spaces on Cedar Avenue by widening the road by three feet. Third, the applicant has requested a right-of-way vacation for Cedar Avenue and Walnut Street. The right-of-way vacation would add approximately 4,558 square feet (0.105 acre) to the development plan for portions of three units on the south side of Cedar Avenue and a portion of an open space area on the north side of Cedar Avenue. The applicant has proposed to make transportation improvements by removing the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorist on Walnut Street, as well as increase pedestrian safety at the intersection. As a result of this request, a portion of the city owned right-of-way would become a part of the streetscape and open space area on the north side of the proposed development. The southern portion of the right-of-way vacation would become a part of the streetscape and land area for townhouse Units 35-37. The street design on the northeast and southeast quadrants of this intersection would include a 5-foot wide sidewalk, planting strips, curb and gutter, ADA curb ramps, and curb bump-outs as shown on the Master Development Plan. On-street parking would be provided along the west side of Walnut Street, and portions of Walnut Street will be re-striped to accommodate on-street parking and traffic calming improvements. The applicant would install a crosswalk across Cedar Avenue to align with the curb ramps. Finally, the applicant is proposing to add nine (9) parallel spaces on the west side of Oak Street.

On June 25, 2019, the City's Transportation Division held a scoping meeting with the applicant's engineer to discuss the methodology and ITE data for the Traffic Impact Study (TIS). The objective of the TIS is to evaluate intersections and roadways that potentially would be impacted by the proposed master development plan. The applicant submitted a revised TIS Report, dated October 25, 2021. The TIS Report studied several roadways and intersections that could be impacted by the proposed development such as: Fairfax Boulevard, Main Street, Walnut Street, Cedar Avenue, Oak Street and Second Street. Fairfax Boulevard is classified as an arterial with a five-lane, undivided roadway in the vicinity of the proposed development. The posted speed limit is 35 miles per hour with a center two-way left turn lane. Main Street is also classified as an arterial roadway with a four-lane, divided median roadway in the vicinity of the site. The posted speed limit sign is 35 miles per hour. Walnut Street is a two-lane north-south undivided roadway. Walnut Street provides access to residential and commercial properties south of Fairfax Boulevard. Walnut Street. There is one existing single-family home with access to Walnut Street. The proposal has two access points north of Cedar Avenue from Walnut Street. Cedar Avenue is a two-lane east-west roadway that bisects the subject property. The existing Fairfax Garden Apartments has a curb cut on Cedar Avenue. However, the proposal does not provide an access point on Cedar Avenue. Oak Street is a north-south undivided roadway from Main Street to Fairfax Boulevard. Currently, there are three existing single-family homes with driveways on Oak Street. The proposal

consolidates the three access points to one access point on Oak Street. Second Street is a two-lane east-west local street from Fairfax Boulevard to Walnut Street.

The Virginia Administrative Code defines level of service as a qualitative measure describing the operational conditions within a vehicular traffic stream, generally in terms of such service measures as speed, travel time, freedom to maneuver, traffic interruptions, and comfort and convenience (24 VAC 30-73-10. Definitions). In simple terms, level of service is a measure of traffic flow with A being the best and F being the worst. Table 7 (below) provides the existing level of service for the intersections surrounding the proposed development.

Table 7: Existing Intersection Capacity Summary

Intersections	Intersection Control	Existing LOS	
		AM Peak	PM Peak
Fairfax Blvd & Meredith Dr./Oak St.	Signal	C	B
Fairfax Blvd & Fairchester Dr./Walnut St.	Signal	B	A
Walnut St & Cedar Ave.	Stop	A	A
Walnut St & Second Ave.	Stop	A	A
Oak St & Second Ave.	Stop	A	A
Oak St. & Cedar Ave./Panther Pl.	Stop	A	A

Table 4-1 of the TIS Report shows a couple of approaches to have an unstable flow with operations at capacity (Level E) and a forced or breakdown in flow with traffic volumes more than capacity (LOS F). Overall, the existing level of service for the surrounding streets range from A to C meaning that the traffic flow is free flowing with vehicles almost completely unimpeded in their ability to maneuver within traffic (LOS A) to stable flow with vehicles having freedom to maneuver within traffic is noticeably restricted (LOS C). The applicant has provided a Traffic Impact Study estimating a net difference of 2 AM peak hour trips, 97 PM peak hour trips and 1,237 daily trips upon buildout of the development. Most of the projected trips are generated from the proposed commercial development in Phase Four. Table 8 (below) provides a summary of existing trips and proposed trips:

Table 8: Trip Generation Summary

Land Use		ITE Code	Size	AM Peak Hour	PM Peak Hour	Daily
Existing	Single-Family Detached Homes	210	4	3	4	38
	Multifamily Housing (Low-Rise)	220	6	3	3	44
	Multifamily Housing (Mid-Rise)	221	32	11	15	173
	Motel	320	50	21	21	152
Subtotal Existing Uses				38	43	407
Proposed	Townhomes	220	62	31	41	387
	Commercial (Retail Shopping Center)	820	10 ksf	9	99	1,257
Subtotal Proposed Uses				40	140	1,644
Net Difference				2	97	1,237

The proposed uses would increase the number of daily vehicular trips due to the proposed commercial retail use with a maximum building footprint of 10,010 square feet. Table 9 (next page) summarizes with the future level of service with the proposed development buildout for the intersections surrounding the proposed development and the access points to the site.

Table 9: Future Intersection Capacity Summary

Intersections	Intersection Control	Future LOS	
		AM Peak	PM Peak
Fairfax Blvd & Meredith Dr./Oak St.	Signal	C	B
Fairfax Blvd & Fairchester Dr./Walnut St.	Signal	B	B
Walnut St & Cedar Ave.	Stop	A	A
Walnut St & Second Ave.	Stop	A	A
Oak St & Second Ave.	Stop	A	A
Oak St. & Cedar Ave./Panther Pl.	Stop	A	A
Fairfax Blvd. Access Point	Stop	B	A
Walnut St. Commercial Access Point	Stop	A	A
Walnut St. Residential Access Point	Stop	A	A
Oak St. Residential Access Point	Stop	A	A

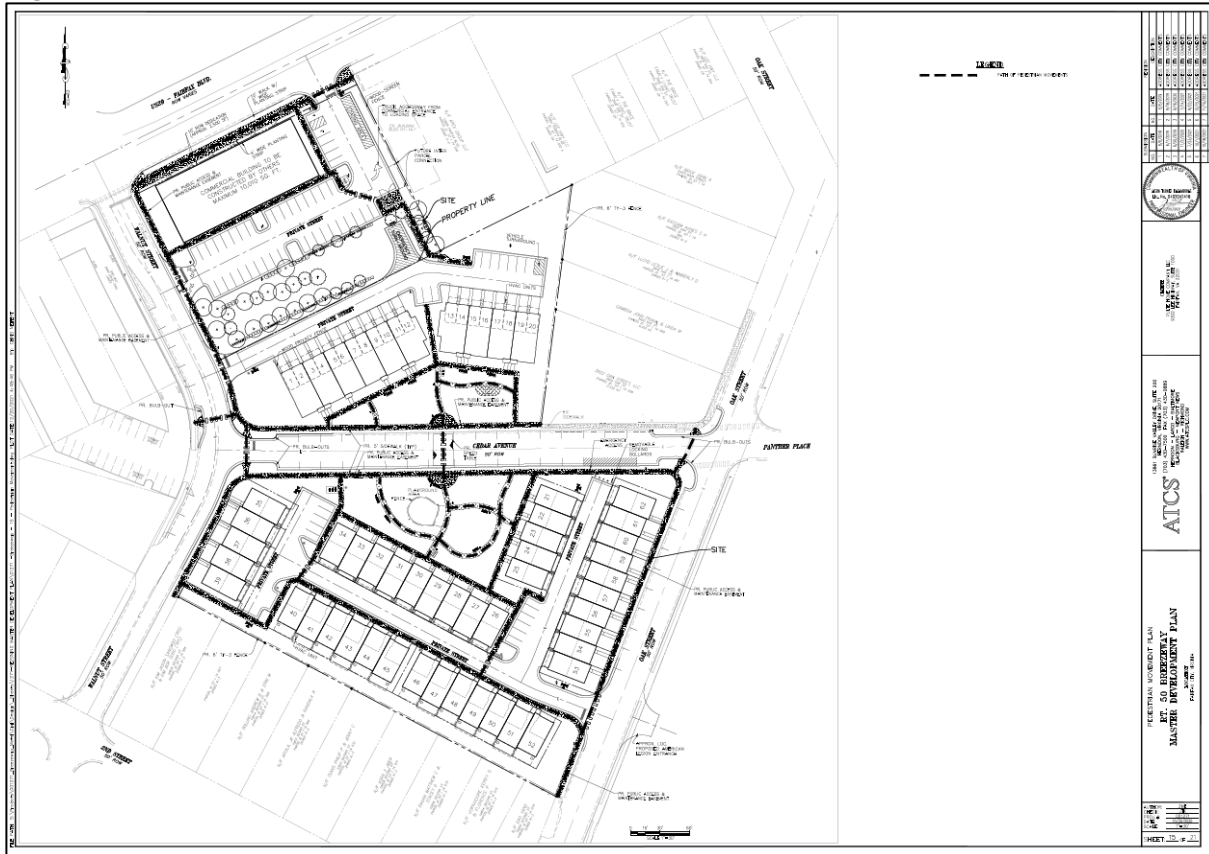
Table 7-1 of the TIS Report shows a couple of approaches to have an unstable flow with operations at capacity (Level E) and a forced or breakdown in flow with traffic volumes more than capacity (LOS F). Overall, the existing level of service for the surrounding streets range from A to C meaning that the traffic flow is free flowing with vehicles almost completely unimpeded in their ability to maneuver within traffic (LOS A) to stable flow with vehicles having freedom to maneuver within traffic is noticeably restricted (LOS C). See the Traffic Impact Study (Attachment 10) for observations and conclusions.

Circulation/Pedestrian Access: The applicant proposes access points into the proposed commercial portion of the site from Fairfax Boulevard and Walnut Street. The applicant has proposed only one access point from Walnut Street for the twenty (20) condominiums on the north side of Cedar Avenue. One access point is planned for Oak Street to forty-two (42) townhouses in the southern section of the development. There are no vehicular access points from Cedar Avenue except for an emergency access point to the section of townhomes south of Cedar Avenue. The Public Facilities Manual (PFM) standard in Detail Sheet 401.01 requires a minimum of thirty (30) feet for private accessways. The proposed master development plan has private streets throughout the development that ranges from 22 feet to 24 feet from face of curb to face of curb. Therefore, the applicant is requesting a waiver to this PFM standard. The turning movements shown on Sheet 13 (Emergency Vehicle Access Turning Movements) using the largest emergency vehicle, 403 Fire Ladder Truck with an overall length of 46'-9.25" and overall height of 12'-2" provided has been reviewed and accepted by Code Administration/Fire Marshal.

The proposed architecture shows rear loaded units with decks (4' x 20') and front-loaded units with decks to the rear of the townhomes. The proposed multifamily units are proposed with decks (6' x 20') to the rear of the units. The applicant has provided a typical dwelling unit configuration on Sheet 5 (Master Development Plan). Staff supports the waiver to Public Facilities Manual (PFM) standard in Detail Sheet 401.01 to reduce the required minimum for private accessways from 30 feet to 22 feet to 24 feet as the applicant has demonstrated that emergency truck movements can be made throughout the site. The applicant has proposed an emergency access point with removable locking bollards on the south side of Cedar Avenue in alignment with the private internal street between Units 21-25 and Units 52-62. The applicant is proposing an emergency turnaround on the north side of Cedar Avenue to accommodate an emergency vehicle. The applicant is seeking a waiver to the 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 Master Development Plan.

Consistent with the multimodal plan, the applicant is proposing sidewalks that are five (5) foot wide internal to the site and five (5) foot wide sidewalks on Cedar Avenue, Walnut Street and Oak Street. The applicant is proposing to install a mid-block pedestrian crosswalk on Cedar Avenue. A crosswalk on the east side of Walnut Street crossing Cedar Avenue, a crosswalk on Walnut Street north of Cedar Avenue, and a crosswalk west of Oak Street across Cedar Avenue. Figure 7 (below) illustrates the pedestrian connections for the proposed master development plan.

Figure 7: Pedestrian Movement Plan



The applicant is seeking a modification to the sidewalk requirement for both sides of all streets internal to the site. This modification applies to all private streets within the proposed development. All units have a connection to five (5) foot sidewalk in the front of the unit or in the case of Units 40-52 to the private street creating a continuous pedestrian connection throughout the site. The Master Development Plan depicts a pedestrian connection from the two-over-two condominiums near the eastern property line and a pedestrian connection along Walnut Street to the commercial area. There is an existing crosswalk on Walnut Street and Fairfax Boulevard, and an existing crosswalk from the south side to the north side of Fairfax Boulevard. In Phase Three (Interim Plan), the applicant proposes to keep the existing sidewalk along Walnut Street in its existing condition and to remain open for pedestrian access until the final streetscape improvements are completed in Phase Four. In addition to keeping the existing sidewalk on Walnut Street, the applicant proposes a ten-foot asphalt trail in Phase Three until the final streetscape improvements are made in Phase Four. As recommended by the Multi-Modal Plan, a ten (10) foot wide sidewalk or multiuse path on Fairfax Boulevard would be installed in Phase Four of the project.

Inter-parcel connection: As part of Phase Four, the applicant is proposing a future inter-parcel connection for pedestrians and vehicles with the adjacent commercial property (Parcel ID # 57-1-14-048) to the east on

Fairfax Boulevard as required by Section 4.3.3.B which states “vehicular access shall be required between abutting nonresidential lots fronting on arterial and collector streets prior to the erection or establishment of a principal building on one of the lots in order to facilitate traffic flow between lots, except where topography or other physical conditions make such access unreasonable. The zoning administrator shall determine the location and dimensions of such easement based on public safety and convenience, not owner preference.”

Parking: Residential units are required two (2) parking spaces per unit. The applicant has proposed forty-two townhouses with two (2) parking spaces each with a total of 84 spaces. The two-over-two condominiums have one (1) car garage and one (1) tandem driveway space for a total of 20 spaces. Section 4.2.4.B.1 of the Zoning Ordinance allows tandem parking for townhouses duplex and single-family homes. However, the Zoning Ordinance prohibits tandem parking from occurring with multifamily units. The applicant is seeking a modification to Section 4.2.4.B.1 of the Zoning Ordinance to allow tandem parking for the two-over-two stacked condominium multifamily units. Tandem parking is common for the unit type as it serves for parking individual homeowners of these units. The applicant has developed a similar product in Mt. Vineyard. Staff supports the modification to allow tandem parking for the multifamily units on the north side of Cedar Avenue. The applicant has provided twenty-two (22) additional surface parking spaces throughout the residential portion of the proposed plan.

The proposed commercial building footprint with a limited number of uses as proposed has a maximum of 10,010 square feet and a maximum of 44 parking spaces. The development plan shows a 10,010 square feet commercial building pad situated along the front property line with 90-degree parking to the east side and rear of the building, a commercial entrance on the east side of the building from Fairfax Boulevard with a driveway aisle of 24 feet, as well as a loading area of 10 feet in width. The plan also shows a commercial entrance south of the building from Walnut Street. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals. Table 10 (below) summarizes the required parking requirements and proposed parking spaces provided by the applicant:

Table 10: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	Provided Spaces
Townhomes	42	2 spaces/unit	84	84
Condominiums	20	2 spaces/unit	40	40
Surface Parking	N/A	N/A	N/A	22
Commercial	8,000 – 10,010 sf Retail/Restaurant	1:200	50	44
Total				190

The size and use or mix of uses in the commercial building may vary provided that the parking does not exceed 44 spaces in compliance with Section 4.2.3.E of the Zoning Ordinance. In addition to the parking spaces on site, the applicant proposes thirty (30) parallel spaces on Cedar Avenue, nine (9) parallel spaces on Oak Street and seven (7) Walnut Street. However, on-street parking on a city road may not be included in parking calculations for the development. The subject property is in a residential parking district with some restrictions. Parking is restricted to residents with permits from 7 am to 4 pm from Monday through Friday on Oak Street and Second Street. Otherwise, parking is available evenings and on weekends.

Bicycle Parking: Bicycle parking and storage facilities are required for all non-residential uses and multifamily uses. This proposal requires five (5) bicycle parking spaces. The applicant has provided 7 bicycle spaces for

the proposed commercial building, 8 bicycle spaces for the proposed two-over-two condominiums, and 12 bicycle spaces for the proposed townhouses.

Utilities: All on-site utilities shall be installed underground at the applicant's expense in accordance with City and applicable utility company standards; provided that temporary overhead facilities required for construction purposes shall be permitted (Section 4.11.B). When the proposed development will result in moving or relocating existing overhead utilities located in adjoining rights-of-way, the applicant shall be responsible for placing such utilities underground and dedicating any additional right-of-way or easement that is necessary. Equipment such as electric distribution transformers, switch gear, meter pedestals and telephone pedestals which is normally installed above ground in accordance with generally accepted utility practice for underground distribution may be so installed (Section 4.11.C). Phase Two would include the removal or undergrounding of existing overhead utilities on the subject property or along the frontage. All utilities would be installed underground for this land use application. The applicant has provided a commitment on utilities that states, "All new on-site utilities constructed with each phase of development will be located underground. All existing overhead utilities on the Subject Property will be either removed or relocated underground as depicted on the MDP. In conjunction with the utility undergrounding or relocation the Applicant will coordinate as necessary with any affected abutting or surrounding property owners." (Attachment 6, Summary of Commitment).

Stormwater Management: Storm drainage facilities which must be provided by landowners to control rainfall runoff from and across their property in a manner not detrimental to other inhabitants of the city and to preserve, where possible, presently existing natural creek channels. It is the further purpose of Section 4.16 to minimize the adverse effects of stormwater runoff on downstream drainageways within the city (Zoning Ordinance, Section 4.16.1.A, Page 4-159). The site currently does not have an existing stormwater management system due to the age of the existing structures and development requirements at the time of development. The proposed development would install three underground facilities as shown on the master development plan. The applicant states that these facilities have been designed within the context of the landscaping and overall site design. The proposed public stormwater easement (Sheet 9) on the northeast corner of Cedar Avenue and Walnut Street maybe in conflict with the plantings shown on Landscape Plan (Sheet 8) requiring an administrative action if the easement sizes need to be increased. The current plan does not provide a measurement of the size of the easement.

City Schools: Providence Elementary School (PES) has a capacity of 910 students. The school is at 100% capacity utilization. According to Fairfax County Public Schools FY21 Approved Capital Improvement Program, Providence's projected membership for the next four years is over 1,000 students, placing the school as much as 111% overcapacity. That is a moderate capacity deficit without further residential development or other membership or boundary adjustments. Providence ES currently has two trailers; both are used as resource rooms. Providence's Special Use Permit for the trailers was renewed in November 2019 for five years. It is projected that the Breezeway development student yield ratio will be .230. According to City staff's projections, the Breezeway project will generate 15 students. While that number appears manageable, the combined yields of other planned residential projects such as Northfax and the American Legion potentially equal up to 63 students (2-3 additional classrooms). This will contribute to Providence remaining overcapacity. Moreover, this exacerbates the need for trailers on the Providence grounds and/or reconfiguring interior space at the school. City Schools staff and Board remain concerned with the residential planning projects attribution to capacity deficit and overcrowding at Providence Elementary School. The applicant has not included a contribution towards mitigation of impacts to City Schools.

Recommendation

1. Staff recommends approval of the Zoning Map Amendment (Rezoning) with development in conformance with the Master Development Plan with modifications and commitments submitted by the Applicant on December 21, 2021.
2. Staff recommends approval of the modifications to the Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual as stated in the Master Development Plan.
3. Staff recommends approval with conditions the request for a Major Certificate of Appropriateness for architecture and landscaping. The following conditions are recommended by staff:
 1. The applicant shall secure all required zoning approvals and permits prior to construction.
 2. All dimensions for height and width must match throughout plans, including new MDP submission.
 3. The MDP must account for foundation plantings and open space area plantings.
 4. The applicant shall ensure exterior pipes, vents, downspouts, and gutters are painted to match adjacent building material.
 5. The applicant shall return to a future meeting of the Board of Architectural Review for final approval of the landscape plan on a date to be determined, prior to site plan approval. The landscape sheet shall reflect foundation plantings and open space area plantings.
 6. The applicant shall modify the site design on the master development plan to save Tree #59 or demonstrate to the Public Works Director prior to site plan approval to why the site improvements cannot be changed so that Tree #59 can be saved.

Analysis

Staff analysis of the compliance of this proposal with the Comprehensive Plan, Zoning Ordinance and other City goals and policy is provided in Attachment 1 – Analysis.

Attachments

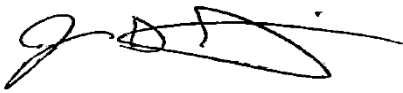
- A01 – Analysis
- A02 – Summary of Zoning Districts
- A03 – Planned Development District Application
- A04 – Narrative
- A05 – Master Development Plan
- A06 – Summary of Commitments
- A07 – Commercial Marketing Plan – Exhibit A
- A08 – Tenant Relocation Assistance Plan – Exhibit B
- A09 – Certified Plat
- A10 – Traffic Impact Study
- A11 – Right-of-Way Vacation Plat
- A12 – Fiscal Impact Analysis
- A13 – Posting and Notices
- A14 – Board of Architectural Review Staff Report
- A15 – Order and Motions – List
- A15A – Sample Motions
- A16 – Ordinance

PREPARED BY:



Albert Frederick
Senior Planner

1/5/2022
DATE



Jason D. Sutphin
Community Development Division Chief

1/5/2022
DATE



Brooke Hardin
Director, Community Development & Planning

1/5/2022
DATE

**ATTACHMENT 1
ANALYSIS
(Z-18-00539)**

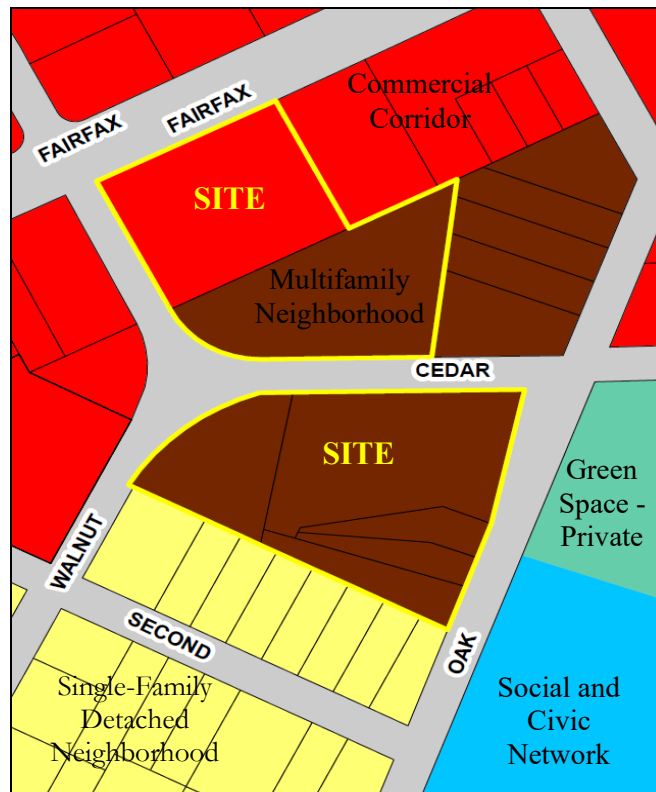
This attachment contains staff analysis on the submitted proposal for the redevelopment of the Breezeway site. It is divided into three primary sections:

- A. Comprehensive Plan: Analysis of the conformance of the application with the Comprehensive Plan and the Future Land Use Map.
- B. City Policy: Analysis of the conformance of the application with general requirements of the Zoning Ordinance and other City goals and policy.
- C. Procedural Requirements and Review Criteria: Analysis of conformance of the plan with specific citations from the Zoning Ordinance.

PART A: CONSISTENCY WITH COMPREHENSIVE PLAN

The Comprehensive Plan is a guide for future growth of the city, focusing on community needs through 2035. There are numerous nonresidential properties throughout the City with the potential for redevelopment or to reposition themselves for current market demands. The proposed applications are reviewed based on its consistency with the Comprehensive Plan as a whole. The applicant is seeking to build a mixed-use development that is comprised of four phases as stated in the Narrative, detailed in the Master Development Plan and in the Summary of Commitments. To develop this project, the applicant seeks a Zoning Map Amendment (Rezoning) from RH Residential High, RMF Multifamily, and CR Commercial Retail to PD-M Planned Development Mixed Use in the Architectural Control Overlay District (ACOD). This proposal does not require a Comprehensive Plan Amendment. The subject site is overlaid on the Future Land Use Map from the Comprehensive Plan in Figure 1 (below):

Figure 1: Comprehensive Plan



The proposed development would be consistent with the Comprehensive Plan Place Type of Multifamily Neighborhood with a mixture of multifamily and townhouses, and in the Commercial Corridor Place Type a commercial building footprint ranging from 8,000 sf to 10,010 sf is planned to be constructed by others. The Multifamily Neighborhood Place Type, identified in brown in the Future Land Use Map, applies to neighborhoods that are primarily developed with multifamily apartment or multifamily condominium housing. Townhouse/Single-Family Attached Neighborhood uses, and Single-Family Detached Neighborhood uses may be considered in the Multifamily Neighborhood Place Type when developed in conjunction with Multifamily Neighborhood uses (Comprehensive Plan, Page 30).

The design and layout of new Multifamily Neighborhood developments should reflect the location of the development within the city. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to four stories or 45 feet may be considered. To retain the relative affordability available in many existing multifamily structures, redevelopment of existing multifamily sites within Multifamily Neighborhood land use areas, where additional density is permitted by the Zoning Ordinance, should consider accommodating existing multifamily structures. Predicated on the underlying zoning district, the Multifamily Neighborhood Place Type supports up to 20 dwelling units per acre and a maximum height of 4 stories/45 feet (Comprehensive Plan, Page 30). The height and type of units adjacent to single-family neighborhoods is consistent with the Comprehensive Plan.

Commercial Corridor Place Type, identified in red on the Future Land Use Map, includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Limited manufacturing and other light industrial uses may also be considered. Heavy industrial uses should not be added or expanded beyond areas where they currently exist (such as the tank farm on Pickett Road). Residential uses are not recommended in Commercial Corridors. Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities (Comprehensive Plan, Page 31). The commercial portion is approximately 1.14-acres (49,659 sf) with a depth of approximately 200 feet and width of approximately 250 feet prior to the 10-foot right-of-way dedication for Fairfax Boulevard.

Phase One of the Master Development Plan is the demolition of all structures and improvements on site. In Phase Two, the applicant is proposing 42 townhouse units and 20 multifamily two-over-two units with a density of 13.24 units per acre. Density is calculated as the number of dwelling units per gross acre located within the development site. The Multifamily Neighborhood Place Type has a maximum density of 20 dwelling units per acre. The proposed density in the Multifamily Neighborhood Place Type area alone is 17.7 du/acre. The townhouse buildings on the south side of Oak Street are proposed at approximately 40 feet to mid-point of roof with four (4) stories adjacent to the single-family neighborhood on Second Street. The multifamily units (two-over-two condominiums) on the north side of Cedar Avenue are proposed at a height of 51 feet to mid-point of roof with four (4) stories.

Phase Three is the interim improvements of clearing, grading, and seeding of the commercial site for Phase Four. Phase Four to be constructed by others consists of a future commercial building (8,000 sf to 10,010 sf) and associated infrastructure, utilities, stormwater management facilities and open space of the Master Development Plan. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permit and other necessary approvals. Phase Four also excludes certain uses in Section 3.8.4 of the Zoning Ordinance. Parking standards for Phase Four are dependent upon the uses and parking requirements in Section 4.2.3.E of the Zoning Ordinance. The size

and mix of uses are intended to not require more than 44 parking spaces as shown on the Master Development Plan. Parcels of this size typically can accommodate retail, office, restaurant, and other shopping center uses. At this time, a developer or use has not been identified for Phase Four. The applicant has dedicated 10 feet (approximately 2,500 square feet) of road frontage on Fairfax Boulevard to meet the 100-foot right-of-way requirement prescribed by the Comprehensive Plan and Public Facilities Manual.

The proposed applications are reviewed based on its consistency with the Comprehensive Plan as a whole. Descriptions of specific Comprehensive Plan strategies and other language that influence the staff recommendations are provided below.

Neighborhoods

Goal 1 – Enhance neighborhood character.

Outcome N1.1: Infill housing that complements the character of surrounding homes in existing neighborhoods.

Action N1.1.1: Maintain regulatory standards to ensure infill housing fits in with the surrounding neighborhood context.

Outcome N1.2: Residents have regular communication and positive interactions with other members of their neighborhood as well as the larger City community.

Action N1.2.1: Encourage and support community engagement through homeowner, condominium, and civic associations.

Action N1.2.2: Establish regular communication with homeowner, condominium, and civic associations and residential property managers as a means to keep individual citizens informed about City business.

Staff Analysis:

The housing component of the proposed plan is in the Multifamily Neighborhood Place Type and provides a transitional use from the existing commercial uses and proposed commercial building on Fairfax Boulevard to the single-family detached homes fronting on Second Street, and single-family detached and attached homes on Oak Street north of Cedar Avenue. The proposed residential portion of the plan is generally conforming to the Comprehensive Plan Place Types with respect to use and density. A transitional yard of fifteen (15) feet with a six-foot fence is proposed to abut the single-family detached homes on Second Street and the single-family detached and attached homes on Oak Street north of Cedar Avenue.

Twenty (20) stacked condominiums units are planned for the north side of Cedar Avenue with a height of 51 feet. These rear-loaded units have one garage space and one tandem driveway space that are accessed by a 22-foot wide private street with an emergency turnaround. The condominiums would have HVAC units located to the rear of the homes, adjacent to the driveways. A wood privacy fence would be installed to the rear of Unit 1 to screen the HVAC units from the nearest public street in Walnut Street. Forty-two (42) townhomes are proposed on the south side of Cedar Avenue at 40 feet in height and four stories. The fourth floor of each townhome unit includes a front facing private terrace. All rooftop terraces on the proposed townhouses would be located on the front of the units. The HVAC units for Units 21-39 and 53-62 are proposed to be located on the rooftop terrace, while the HVAC units for Units 40-52 would be located to the rear of the townhome. A transitional yard of fifteen feet (15) with a six (6) foot fence is proposed to abut the single-family detached homes on Second Street and the single-family detached and attached homes on Oak Street north of Cedar Avenue. Ten (10) rear-entry townhouses front on Oak Street and five (5) rear-entry townhouses front on Walnut Street. There are fourteen (14) rear-loaded townhouse units lining the open space area on the

south side of Cedar Avenue. Each unit has two garage parking spaces with access from a private street that measures at 22 feet in width. No townhouse unit has direct vehicle access from a public street (i.e., Cedar Avenue, Oak Street and Walnut Street).

The applicant is proposing traffic improvements for Walnut Street, Cedar Avenue and Oak Street. First, the applicant is proposing a bulb-out with a pedestrian crossing and seven (7) parallel parking spaces on Walnut Street. Second, the applicant is also proposing a mid-block pedestrian crossing, bulb-outs on both ends of Cedar Avenue and thirty (30) parallel parking spaces on Cedar Avenue by widening the road by three feet. Third, a proposed right-of-way vacation request for the intersection of Walnut Street and Cedar Avenue to remove the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorist on Walnut Street, as well as increase pedestrian safety at the intersection. As a result of this request, a portion of the city owned right-of-way would become a part of the streetscape and open space area on the north side of the proposed development. The southern portion of the right-of-way vacation would become a part of the streetscape and land area for townhouse Units 35-37. Finally, the applicant is proposing to add nine (9) parallel spaces on the west side of Oak Street.

The pedestrian network provided in the Master Development Plan is consistent with the Comprehensive Plan and the Zoning Ordinance. The applicant is proposing pedestrian improvements on the west side of Oak Street, both sides of Cedar Avenue, the east side of Walnut Street and on the south side of Fairfax Boulevard. Crosswalks are proposed for a mid-block connection on Cedar Avenue and on the east side of Walnut Street crossing Cedar Avenue. A crosswalk is also proposed for Walnut Street just north of the intersection of Cedar Avenue. Likewise, the applicant has proposed a sidewalk along Walnut Street to the commercial area. Internal sidewalks connect the units on the southern portion and northern portion of the site to open space on Cedar Avenue. The applicant is seeking a modification to the sidewalk requirement for both sides of all streets internal to the site. This modification applies to all private streets within the proposed development. All units have a connection to a five (5) foot sidewalk in the front of the unit or in the case of Units 40-52 to the private street creating a continuous pedestrian connection throughout the site. The applicant proposes a pedestrian walkway near the eastern property line from the condominiums in Phase Two to the proposed commercial development in Phase Four of the plan. As recommended by the Multi-Modal Plan, a ten (10) foot wide sidewalk along Fairfax Boulevard would be installed along with the commercial building and associated improvements as part of Phase Four. There is an existing crosswalk on Walnut Street and Fairfax Boulevard, and an existing crosswalk from the south side to the north side of Fairfax Boulevard.

Goal 2 – Provide neighborhood pedestrian connections.

Outcome N2.1: Residents of all abilities safely and easily move about the community.

Action N2.1.1 Identify opportunities for future open space and trails in neighborhoods that are currently deficient in offering these amenities.

Action N2.1.2 Expand existing pedestrian network to increase connectivity within neighborhoods and to other destinations.

Staff Analysis:

The applicant has proposed to improve the existing pedestrian connections along the property street frontage of Oak Street, Walnut Street, Cedar Avenue and Fairfax Boulevard. The current sidewalk along the property frontage on Oak Street, Walnut Street and Cedar Avenue is four (4) feet in width and the proposed improvements include a five (5) foot concrete sidewalk and a ten (10) foot landscape strip. The existing sidewalk on Fairfax Boulevard is six (6) feet and the proposed sidewalk is ten (10) feet with a five (5) foot wide planting strip. The proposed 10-foot sidewalk on Fairfax Boulevard is consistent with the Multi-Modal Plan, as well as the five-foot sidewalk on Oak Street, Cedar Avenue and Walnut Street. Oak Street and Cedar Avenue are classified as limited connection residential streets in the Multi-Modal Plan. Walnut Street is classified as a neighborhood circulator in the Multi-Modal Plan. The applicant is proposing to install a mid-block pedestrian crosswalk on Cedar Avenue

that connects the north and south side of the development. At this connection point on the north side of Cedar Avenue, the applicant proposes a pocket park with a plaza, benches, sidewalks, and picnic area. On the south side of Cedar Avenue, the applicant proposes a pocket park with a plaza, benches, sidewalks, tot lot with seating area, and a bicycle rack. A proposed right-of-way vacation request for the intersection of Walnut Street and Cedar Avenue to remove the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorist on Walnut Street, as well as increase pedestrian safety at the intersection.

Commercial Corridors

Goal 1 – Enhance commercial corridors.

Outcome CCAC1.1: Commercial Corridors with attractive physical characteristics that provide shopping, dining, services, and other businesses.

Action CCAC1.1.1: Encourage commercial redevelopment that offers amenities and atmosphere to attract top-tier commercial tenants.

Action CCAC1.1.2: Identify underutilized properties (i.e., buildings assessed at considerably less than the total property value) and, working with the City’s Economic Development Authority, encourage redevelopment.

Action CCAC1.1.3: Encourage creativity and architectural excellence in new commercial developments.

Action CCAC1.1.5: Encourage tree-lined and heavily landscaped property edges, particularly where surface parking is adjacent to the public rights-of-way.

Action CCAC1.1.6: Provide pedestrian and bicycle connections to nearby neighborhoods.

Outcome CCAC1.2: Tenants representing diverse business sectors that meet current and emerging trends in neighborhood-serving retail, service, and other business demands.

Action CCAC1.2.1: Strengthen existing retail businesses and expand choices to capture retail spending by residents.

Action CCAC1.2.2: Create a marketing plan to generate excitement about the current retail and service offerings.

Staff Analysis:

The non-residential component of the proposed plan is located at the southeast corner of Fairfax Boulevard and Walnut Street. The parcel size, depth and width of the Commercial Corridor is more than adequate to support commercial uses on Fairfax Boulevard. The parcel is approximately 1.14-acres (49,659 sf) with a depth of approximately 200 feet and width of approximately 250 feet prior to the proposed 10-foot right-of-way dedication for Fairfax Boulevard. The development plan shows a 10,010 square foot commercial building pad situated along the front property line with 90-degree parking (maximum of 44 spaces) to the east side and rear of the building, a commercial entrance on the east side of the building from Fairfax Boulevard with a driveway aisle of 24 feet, as well as a loading area of 10 feet in width. The plan also shows a commercial entrance south of the building from Walnut Street. Phase Four excludes certain uses in Section 3.8.4 of the Zoning Ordinance and the excluded uses are identified in the Summary of Commitments (Attachment 6). Parking standards for Phase Four are dependent upon the uses and parking requirements in Section 4.2.3.E of the Zoning Ordinance. While the preference would be for the commercial development to be in conjunction with the residential use, the plan does present a strategy of a pad site that would accommodate a

development based on the Master Development Plan. This plan is consistent with the Commercial Corridor Place Type. However, the owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals. The applicant has submitted a Commercial Marketing Plan (Attachment 7) for the Breezeway Motel site.

Housing

Goal 1 – Support a wide range of housing types.

Outcome H1.1: Continued development of housing types that are underrepresented in the City’s existing stock of housing units.

Action 1.1.1.2: Support development of housing types that are not heavily represented in the City’s housing stock, as identified in the housing assessment, where reasonable.

Goal 2 – Ensure availability of housing that is affordable.

Outcome H2.1: Affordable housing units have been added to the City’s housing stock through redevelopment and strategic investments.

Outcome H2.2: Preservation of and reinvestment in the City’s existing supply of affordable multifamily rental housing units.

Staff Analysis:

The applicant is providing a housing type that is underrepresented in the City’s existing stock of housing units (Outcome H1.1). Figure 12 (Housing Units by Type) illustrates that 50% of the city’s housing stock is comprised of single-family detached/ townhomes, 36% with multifamily and 13% with townhouses (Comprehensive Plan, Pg. 55). Phase Two is proposed as forty-two (42) townhouses and twenty (20) multifamily (two-over-two stacked condominiums). The applicant does not have any information on whether the existing 38 multifamily units would meet the standard of naturally occurring affordable housing. The initial application was received on August 6, 2018, prior to the adoption of the Affordable Dwelling Unit (ADU) ordinance and the applicant has indicated that the proposal does not include any affordable units (Outcome H2.1). The applicant has provided a voluntary development contribution of \$237,524 towards the City’s Affordable Housing Trust Fund. In addition to the contribution, the applicant would provide written notice to tenants of Fairfax Gardens Apartments as outlined in the Tenant Relocation Assistance Plan attached to this report. The applicant would provide moving expenses in the amount of \$1,500.00 for a one-bedroom unit and \$1,800.00 for two- and three-bedroom units to help off-set the cost of moving. Each tenant would receive a 180-day notice to relocate from Fairfax Garden Apartments. Mt. Vineyard (Oak Knoll Apartments) and Layton Hall had provisions of 90-days and 180-days, respectively.

Multimodal Transportation

Goal 1 – Connect with the region.

Outcome MM1.2: Safety and operations in the regional network are improved.

Action MM1.2.2 Simplify multi-leg and offset intersections, such as the intersection of McLean Avenue, Warwick Avenue, and Fairfax Boulevard.

Action MM1.2.3 Address safety and operational deficiencies at major intersections, such as the intersection of Eaton Place and Chain Bridge Road.

Goal 2 – Provide viable and attractive mobility choices.

Outcome MM2.1: Pedestrian safety is improved.

Action MM2.1.1: Fill critical gaps in the pedestrian network. Develop and act on a prioritized list of sidewalk improvements in the commercial areas and provide sidewalks on at least one side of every residential street in neighborhoods that are in agreement.

Action MM2.1.2: Ensure the pedestrian network is accessible to all and meets the requirements of the Americans with Disabilities Act (ADA).

Action MM2.1.5: Expand the sidewalk network. Sidewalks should be provided with any significant street maintenance, rehabilitation, or reconstruction project and may be constructed independent of a street project.

Action MM2.2.1: Identify and fill gaps in the trail network. Find opportunities for future trails, complete connections to existing segments, implement projects proposed by the Parks and Recreation Master Plan, and pursue new trail connections to create a more functional trail network.

Outcome MM2.3 Bicycle network, facilities, and programs are improved.

Action MM2.3.3 Expand the provision of bicycle racks for short-term bicycle parking.

Staff Analysis:

The site has direct access to Fairfax Boulevard, Oak Street, Cedar Avenue and Walnut Street. The applicant has proposed to consolidate access points and redistribute vehicle movements by redeveloping the site. The proposed commercial pad would have one access point on Fairfax Boulevard and one access point on Walnut Street. The proposed twenty (20) condominiums have a single access point from Walnut Street. The proposed forty-two (42) townhouses on the south side of Cedar Avenue have a single access point from Oak Street. This proposed access point is offset from the proposed northern access point planned for the redevelopment of the American Legion site.

The applicant is proposing traffic improvements for Walnut Street, Cedar Avenue and Oak Street. First, the applicant is proposing a bulb-out with a pedestrian crossing and seven (7) parallel parking spaces on Walnut Street. Second, the applicant is also proposing a mid-block pedestrian crossing, bulb-outs on both ends of Cedar Avenue and thirty (30) parallel parking spaces on Cedar Avenue by widening the road by three feet. Third, a city right-of-way vacation request for the intersection of Walnut Street and Cedar Avenue to remove the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorist on Walnut Street, as well as increase pedestrian safety at the intersection. As a result of this request, a portion of the city owned right-of-way would become a part of the streetscape and open space area on the north side of the proposed development. The southern portion of the right-of-way vacation would become a part of the streetscape and land area for townhouse Units 35-37. Finally, the applicant is proposing to add nine (9) parallel spaces on the west side of Oak Street.

Staff believes that the pedestrian network provided in the Master Development Plan is consistent with the Comprehensive Plan and the Zoning Ordinance. The applicant is proposing pedestrian improvements on the west side of Oak Street, both sides of Cedar Avenue, the east side of Walnut Street and on the south side of Fairfax Boulevard. Crosswalks are proposed for a mid-block connection on Cedar Avenue and on the east side of Walnut Street crossing Cedar Avenue. A crosswalk is also proposed for Walnut Street just north of the intersection of Cedar Avenue. Likewise, the applicant has proposed a sidewalk along Walnut

Street to the commercial area. Internal sidewalks connect the units on the southern portion and northern portion of the site to open space on Cedar Avenue. The applicant is seeking a modification to the sidewalk requirement for both sides of all streets internal to the site. This modification applies to all private streets within the proposed development. All units have a connection to a five (5) foot sidewalk in the front of the unit or in the case of Units 40-52 to the private street creating a continuous pedestrian connection throughout the site. The applicant proposes a pedestrian walkway near the eastern property line from the condominiums in Phase Two to the proposed commercial development in Phase Four of the plan. As recommended by the Multi-Modal Plan, a ten (10) foot wide sidewalk along Fairfax Boulevard would be installed along with the commercial building and associated improvements as part of Phase Four. There is an existing crosswalk on Walnut Street and Fairfax Boulevard, and an existing crosswalk from the south side to the north side of Fairfax Boulevard.

Goal 3 – Integrate transportation with land use.

Outcome MM3.2 – Walkability to and within activity centers and between neighborhoods is increased.

Action MM3.2.4 – Improve the overall pedestrian environment, including pedestrian crossings, street trees, furnishing zones; buffering sidewalk from vehicle travel lanes; improved pedestrian scale lighting; and active ground floor uses along street edges.

Staff Analysis:

The subject property is located within a 1/2-mile and to the east of Kamp Washington Activity Center. There is an existing sidewalk network from Fairfax Heights Subdivision to Kamp Washington. The applicant has proposed to improve the overall pedestrian environment by meeting the elements outline in Action MM3.2.4. The applicant has provided a landscape plan, a pedestrian movements plan, and detail sheet with lighting fixtures and furnishes as part of the Master Development Plan. Landscape plan illustrates a ten-foot landscape strip from the back of a five-foot sidewalk on all public streets. Sidewalks also have a separation of approximately four (4) feet from the back of curb.

The applicant has proposed to improve the existing pedestrian connections along the property street frontage of Oak Street, Walnut Street, Cedar Avenue and Fairfax Boulevard. The current sidewalk along the property frontage on Oak Street, Walnut Street and Cedar Avenue is four (4) feet in width and the proposed improvements include a five (5) foot concrete sidewalk and a ten (10) foot landscape strip. The existing sidewalk on Fairfax Boulevard is six (6) feet and the proposed sidewalk is ten (10) feet with a five (5) foot wide planting strip. The applicant is proposing to dedicate ten (10) feet (approximately 2,500 square feet) of right-of-way along Fairfax Boulevard that is consistent with the Comprehensive Plan and the requirements of Public Facilities Manual (PFM). The applicant is not providing Transportation Demand Management strategies or contributions.

Parks and Recreation

Goal 1 – Develop high-quality park infrastructure.

Outcome PR1.1: A well-connected system of parks that provides citizens with healthy choices for recreation.

Action PR1.1.1 Identify and address gaps in the connections between the City's parks and open space.

Action PR1.1.2 Identify opportunities for future open space in neighborhoods that are undersupplied in public recreation and open space opportunities.

Action PR1.1.3 Enhance public access to parks and recreational facilities by making necessary infrastructure improvements.

Staff Analysis:

The Planned Development Districts require at least twenty (20) percent of the site to be designated as recreation and open space for use and enjoyment of the residents and occupants of the development. The applicant proposes five (5) areas of open space for a total of 0.944 acres (41,120 sf) or 20.2% of the recreation and open space that qualifies for the minimum width of 50 feet. The overall open space including areas less than 50 feet in width is approximately 43.4% (2.044 acres/88,445 sf). The Zoning Ordinance also requires at least 60% of the required open space be contiguous, however, it may be bisected by a residential street. Open space is programmed as an amenity area on the north side of Cedar Avenue abutting twenty (20) stacked, rear-loaded two-over-two condominiums and on south side of Cedar Avenue abutting fourteen (14) rear-loaded townhouse units, at the northeast corner at Cedar Avenue and Walnut Street, north of the private drive and south of the proposed commercial building footprint, and in the northeast corner of the site near the emergency turnaround for the multifamily units. Four of these areas are accessible to the public through an access easement that is described in Commitment 15 (Attachment 6) and shown on Sheet 10 of the master development plan. These areas are landscaped areas and do not provide organized athletic fields or some other uses, therefore City Parks staff has asked the applicant to mitigate impacts to city parks at \$378 per each net new dwelling unit and the applicant has chosen not to provide a contribution.

Environmental

Goal 1 – Preserve, promote, and enhance a healthy environment.

Outcome NE1.5: Restored and preserved natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife.

Action NE1.5.3 Encourage new development that protects and preserves environmentally-sensitive areas and natural features, such as tree cover (especially significant stands of trees and healthy, mature trees), native vegetation, streams, wildlife habitat, and natural topography.

Staff Analysis:

The applicant has provided a landscaping plan with a tree canopy of 18.5% (37,820 sf) exceeding the required 10% tree canopy requirement that includes the preservation of existing trees, plantings in the transitional yards, street trees, parking lot landscaping, within the open space areas, and the landscape buffer between the two-over-two condominium units and the proposed commercial building. The overall impervious surface area would increase from 2.23 +/- acres to 2.90 +/- acres with the build out of the proposed development. The Planned Development Mixed Use District does not have a maximum lot coverage, but CR Commercial Retail has a maximum lot coverage of 85% and RMF Residential Multifamily has a maximum lot coverage of 80% as a comparison. Staff has provided comments on the number of trees being preserved and tree planned to be removed, inquired if more trees could be preserved and noted that trees in previous versions of the plan called out trees to be saved would be impacted by the proposed development design. Tree #89 is example of a tree that would be preserved but could be impacted by the proposed development design. The applicant has redesigned the underground stormwater system to minimize potential impacts to the root system for Tree #89. Staff has recommended that the applicant keep T-59 (Red Maple) on the north side of Cedar Avenue.

The applicant has requested a modification to the landscape strip requirement and tree requirements along internal private streets (Section 4.5.6.B of the Zoning Ordinance). The applicant is seeking this modification to eliminate the 10-foot planting strip for interior private streets. Staff supports the modification because it is not uncommon for private alleyways in the interior of the site and between units to be void of landscaping. Likewise, the same modification to the private street leading to the two-over-two condominiums is appropriate as each driveway connects the units to the private street, which would impact the 10-foot landscape strip. The applicant attributes the need for the modification due to site constraints and the urban character of the project.

Additionally, the applicant is seeking a modification to the 15-foot transitional bufferyard in the northeast corner of the site abutting Tax Map Parcel 57-1-14-048. The abutting property to the east of the Breezeway Motel is an existing commercial

business with a commercial zoning district. The applicant is seeking to reduce the required transitional yard from 15-foot to 9 feet with eight (8) canopy trees, eight (8) understory trees, eight (8) shrubs, and a six (6) foot fence. Staff supports the reduction in the width of the transitional yard as the transitional yard abuts an existing commercial development in the CR Commercial Retail district. Staff also supports the use of evergreens, or a similar planting mixed into the transitional yard abutting existing residential homes on the perimeter of the project. The applicant has included the use of evergreens or a similar planting to the list of modifications on the cover page of the master development plan. The depth of the transitional yard would remain at the required 15 feet but would be denser with a mixture of plantings.

PART B: CITY POLICY

This section is divided into the following subjects:

1. Land Use
2. Scale
3. Circulation (including vehicular circulation, pedestrian circulation, and parking)
4. Architecture and Landscaping
5. Historic Resources
6. Stormwater Management
7. Utilities
8. Open Space
9. Tree Coverage
10. Fiscal Impact

Land Use

The current land use designations for the site are Commercial Corridor and Multifamily Neighborhood. Guidance from the Comprehensive Plan for the two land use place types are provided below with a description of the physical characteristics.

Commercial Corridor Place Type

The Commercial Corridor Place Type, identified in red on the Future Land Use Map, includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Limited manufacturing and other light industrial uses may also be considered. Heavy industrial uses should not be added or expanded beyond areas where they currently exist (such as the tank farm on Pickett Road). Residential uses are not recommended in Commercial Corridors. Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities.

Commercial Corridor Place Types can accommodate a variety of buildings from small footprint retail buildings to multi-story office buildings. The desired orientation and placement of buildings on a Commercial Corridor site is primarily dependent on the adjacent Street Type. For sites located along Commercial Mains, buildings should have similar setbacks and building orientation as recommended for the nearby Activity Centers. Parking is encouraged in above-ground structures or underground, should be provided to the side or rear of buildings, and should be screened from view from the right-of-way by building mass or landscaping. For sites located along Boulevards or other street types, buildings should be located near front property lines with parking provided to the side or rear. Direct pedestrian access should be provided from the sidewalk in the right-of-way to primary building entrances. Predicated on the underlying zoning district, the Commercial Corridor Place Type supports a density of a minimum Floor Area Ratio (FAR) of 0.4 for commercial development and a maximum building height of 3 stories/35 feet to 5 stories/60 feet.

Multifamily Neighborhood Place Type

The Multifamily Neighborhood Place Type identified in brown in the Future Land Use Map, applies to neighborhoods that are primarily developed with multifamily apartment or multifamily condominium housing. Townhouse/Single-Family Attached Neighborhood uses, and Single-family Detached Neighborhood uses may be considered in the Multifamily Neighborhood Place Type when developed in conjunction with Multifamily Neighborhood uses.

The design and layout of new Multifamily Neighborhood developments should reflect the location of the development within the city. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to four stories or 45 feet may be considered. In order to retain the relative affordability available in many existing multifamily structures, redevelopment of existing multifamily sites within Multifamily Neighborhood land use areas, where additional density is permitted by the Zoning Ordinance, should consider accommodating existing multifamily structures. Predicated on the underlying zoning district, the Multifamily Neighborhood Place Type supports up to 20 dwelling units per acre and a maximum height of 4 stories/45 feet.

Staff Analysis:

Staff believes the uses shown on the Master Development Plan are generally in conformance with the Future Land Use Map category and the guidance of the Comprehensive Plan. Phase One is the demolition of all existing structures and improvements (i.e., Breezeway Motel, Fairfax Garden Apartments and four (4) single-family homes). Phase Two also includes the required open space of twenty (20) percent. Phase Two includes a combination of twenty (20) condominiums and forty-two (42) townhouses by Pulte Homes with a density of 13.24 units per acres. The Multifamily Neighborhood Place Type prescribes a density of up to 20 dwelling units per unit. The proposed density in the Multifamily Neighborhood Place Type area alone is 17.7 du/acre. Townhouses are a mix of front entry units at 22 feet and 24 feet in width, and rear entry units at 20 feet in width. Each townhome unit is required to have two (2) parking spaces per unit and the applicant has provided two garaged spaces for each unit. The applicant has provided 146 parking spaces (104 garage spaces, 20 driveway spaces and 22 private surface spaces). The townhouses are proposed at four (4) floors and approximately 40 feet in height. The condominiums are proposed at four (4) floors and at approximately 51 feet in height.

The condominiums have two parking spaces per unit with a one-car garage and a tandem driveway space. The applicant is requesting a modification to Section 4.2.4.B.1 of the zoning ordinance to allow tandem parking for the two-over-two condominium units. Staff supports this modification as tandem parking is common for the unit type as it serves for parking individual homeowners of these units. The applicant has developed a similar product in Mt. Vineyard. Staff supports the modification to allow tandem parking for the multifamily units on the north side of Cedar Avenue.

The applicant has requested a modification to the Section 3.8.2IH 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 owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals. Phase Four excludes certain uses in Section 3.8.4 of the Zoning Ordinance.

Scale

Density/Height: Predicated on the underlying zoning district, the Multifamily Neighborhood Place Type supports up to 20 dwelling units per acre and a maximum height of 4 stories/45 feet (Comprehensive Plan, Pg. 30). The Planned Development Mixed Use District does not have maximum height requirement.

Staff Analysis:

Staff believes the use shown on the MDP is generally in conformance with the Future Land Use Map category and the guidance of the Comprehensive Plan. Phase Two includes a combination of twenty (20) condominiums and forty-two (42) townhouses with a density of 13.24 units per acre. The overall densities for other approved projects as compared to the subject application is provided in Table 1 (below):

Table 1: Comparable Projects in the City

Project	Site Area	Number of Units	Density	Height
Breezeway	4.63	62	13.24	40 +/- feet (townhomes) 51 +/- feet (multifamily)
Capstone	6.15	275	44.7*	48 +/- feet
Metro Church/EYA	3.7	50	13.5	45 +/- feet
Mt. Vineyard	6.11	132	21.6	55 +/-; 48 +/- feet
Paul VI	18.51	266	14.4	45 +/- feet
The Enclave	3.7	80	22	68 +/- feet
Scout on the Circle	9.81	400	40.7*	85 +/- feet

*Project is in an Activity Center

Townhouses are a mix of front entry units at 22 feet and 24 feet in width, and rear entry units at 20 feet in width. All rooftop terraces on the proposed townhouses would be located on the front of the units. The townhouses are proposed at four (4) floors and approximately 40 feet in height. The condominiums are proposed at four (4) floors and at approximately 51 feet in height. The applicant is proposing three and four stories against existing single-family detached and attached.

Intensity/Height: Predicated on the underlying zoning district, the Commercial Corridor Place Type supports a density of a minimum Floor Area Ratio (FAR) of 0.4 for commercial development and a maximum building height of 3 stories/35 feet to 5 stories/60 feet (Comprehensive Plan, Pg. 31).

The parcel size, depth and width of the Commercial Corridor is more than adequate to support commercial uses on Fairfax Boulevard. The parcel is approximately 1.14-acres (49,659 sf) with a depth of approximately 200 feet and width of approximately 250 feet. The development plan shows a 10,010 square foot commercial building pad situated along the front property line with 90-degree parking (maximum of 44 spaces) to the east side and rear of the building, a commercial entrance on the east side of the building from Fairfax Boulevard with a driveway aisle of 24 feet, as well as a loading area of 10 feet in width. The plan also shows a commercial entrance south of the building from Walnut Street. Phase Four excludes certain uses in Section 3.8.4 of the Zoning Ordinance and the excluded uses are identified in the Summary of Commitments (Attachment 6). Parking standards for Phase Three are dependent upon the uses and parking requirements in Section 4.2.3.E of the Zoning Ordinance. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals. The proposed FAR is 0.21 which is below the suggested Comprehensive Plan suggested minimum of 0.4 for commercial development.

Circulation

Vehicular Network: The site has direct access to Fairfax Boulevard, Oak Street, Cedar Avenue and Walnut Street. There are two driveway aprons on Fairfax Boulevard to the existing Breezeway Motel, one driveway apron on the curve of Walnut Street to the existing Fairfax Garden Apartments on the north side of Cedar Avenue, and one driveway apron on the south side of Cedar Avenue for the remaining units at Fairfax

Garden Apartments. The single-family home at 3937 Walnut Street has a circular drive with two driveway aprons. The three (3) single-family homes fronting on Oak Street each have a driveway apron.

Staff Analysis:

The City’s Transportation Division held a scoping meeting with the applicant’s engineer to discuss the methodology and ITE data for the Traffic Impact Study (TIS). The objective of the TIS is to evaluate intersections and roadways that potentially would be impacted by the proposed master development plan. The applicant has provided a Traffic Impact Study estimating a net difference of 2 AM peak hour trips, 109 PM peak hour trips and 1,237 daily trips upon buildout of the development. Most of the projected trips are generated from the proposed commercial development in Phase Four. There is a projected increase of 132 daily trips from the residential development. Table 2 (below) provides a summary of existing trips and proposed trips:

Table 2: Trip Generation

Land Use		ITE Code	Size	AM Peak Hour	PM Peak Hour	Daily
Existing	Single-Family Detached Homes	210	4	3	4	38
	Multifamily Housing (Low-Rise)	220	6	3	3	44
	Multifamily Housing (Mid-Rise)	221	32	11	15	173
	Motel	320	50	21	21	152
Subtotal Existing Uses				38	43	407
Proposed	Townhomes	220	62	31	41	387
	Commercial (Retail Shopping Center)	820	10 ksf	9	99	1,257
Subtotal Proposed Uses				40	140	1,644
Net Difference				2	97	1,237

The proposed uses would increase the number of daily vehicular trips due to the proposed commercial retail use; however, the level of service for Fairfax Boulevard would not be degraded. The applicant accounted for existing and future conditions in the immediate area. See the attached TIS for observations, conclusions, and background information in the appendix.

The applicant has proposed to consolidate access points and redistribute vehicle movements by redeveloping the site. The proposed commercial pad would have one access point on Fairfax Boulevard and one access point on Walnut Street. The applicant is proposing to provide a cross access easement from the commercial parcel to the car stereo store to the east consistent with Section 4.3.3.B (Cross access requirement) which requires “vehicular access shall be required between abutting nonresidential lots fronting on arterial and collector streets prior to the erection or establishment of a principal building on one of the lots in order to facilitate traffic flow between lots, except where topography or other physical conditions make such access unreasonable. The Zoning Administrator shall determine the location and dimensions of such easement based on public safety and convenience, not owner preference.” (Zoning Ordinance, Pg. 4-11). The proposed twenty (20) condominiums have a single access point from Walnut Street. The proposed forty-two (42) townhouses on the south side of Cedar Avenue have a single access point from Oak Street. The driveways in the residential portion of the plan are proposed at a width of 22 feet. The private street in the northern section of the site has an emergency turnaround. The proposed access point is offset from the proposed northern access point planned for the redevelopment of the American Legion site on the east side of Oak Street.

The applicant is proposing traffic improvements for Walnut Street, Cedar Avenue and Oak Street. First, the applicant is proposing a bulb-out with a pedestrian crossing and seven (7) parallel parking spaces on Walnut Street. Second, the applicant is also proposing a mid-block pedestrian crossing, bulb-outs on both ends of Cedar Avenue and thirty (30) parallel parking spaces on Cedar Avenue by widening the road by three feet. Third, a proposed right-of-way vacation request for the intersection of Walnut Street and Cedar Avenue to remove the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorist on Walnut Street, as well as increase pedestrian safety at the intersection. As a result

of this request, a portion of the city owned right-of-way would become a part of the streetscape and open space area on the north side of the proposed development. The southern portion of the right-of-way vacation would become a part of the streetscape and land area for townhouse Units 35-37. Finally, the applicant is proposing to add nine (9) parallel spaces on the west side of Oak Street. Public Works may need to address residential parking districts in this area with City Council as Paul VI High School is no longer in operation.

Pedestrian Network: The applicant is seeking a modification for the requirement to provide sidewalks on both sides of a private street. The Master Development Plan provides for a multi-use path of ten (10) feet along the property frontage on Fairfax Boulevard as referenced in the Comprehensive Plan Multimodal Transportation Plan.

Staff Analysis:

The applicant proposes access points into the proposed commercial portion of the site from Fairfax Boulevard and Walnut Street. The applicant has proposed only one access point from Walnut Street for the twenty (20) condominiums on the north side of Cedar Avenue. One access point is planned for Oak Street to forty-two (42) townhouses in the southern section of the development. There are no vehicular access points from Cedar Avenue except for an emergency access point to the section of townhomes south of Cedar Avenue. The applicant is proposing a sidewalk network throughout the site with five (5) foot wide sidewalks internal to the site and five (5) foot wide sidewalks on Cedar Avenue, Walnut Street and Oak Street. The applicant is proposing to install a mid-block pedestrian crosswalk on Cedar Avenue. A crosswalk on the east side of Walnut Street crossing Cedar Avenue, a crosswalk on Walnut Street north of Cedar Avenue, and a crosswalk west of Oak Street across Cedar Avenue.

The applicant is seeking a modification to the sidewalk requirement for both sides of all streets internal to the site. This modification applies to all private streets within the proposed development. All units have a connection to five (5) foot sidewalk in the front of the unit or in the case of Units 40-52 to the private street creating a continuous pedestrian connection throughout the site. The Master Development Plan depicts a pedestrian connection from the two-over-two condominiums near the eastern property line and a pedestrian connection along Walnut Street to the commercial area. There is an existing crosswalk on Walnut Street and Fairfax Boulevard, and an existing crosswalk from the south side to the north side of Fairfax Boulevard. In Phase Three (Interim Plan), the applicant proposes to keep the existing sidewalk along Walnut Street in its existing condition and to remain open for pedestrian access until the final streetscape improvements are completed in Phase Four. In addition to keeping the existing sidewalk on Walnut Street, the applicant proposes a ten-foot asphalt trail in Phase Three until the final streetscape improvements are made in Phase Four. As recommended by the Multi-Modal Plan, a ten (10) foot wide sidewalk or multiuse path on Fairfax Boulevard would be installed in Phase Four of the project.

Parking: Residential units are required two (2) parking spaces per unit. The commercial phase in Phase Four, to be developed by others, would require separate approvals for a Major Certificate of Appropriateness for the proposed building. The applicant has proposed to exclude certain uses for the proposed commercial development. Table 3 (below) provides a breakdown of the required and provided parking spaces for the proposed Master Development Plan.

Table 3: Parking

Use	Units	Parking Requirements	Required Spaces	Provided Spaces
Townhomes	42	2 spaces per unit	84	84
Multifamily (Two over two stacked condominiums)	20	2 spaces per unit	40	40
Surface Parking	N/A	N/A	N/A	22
Commercial Building*	8,000 – 10,010 sf Retail/Restaurant	1:200	50	44
Total				190

*Parking would be determined during the review process for Phase Four.

Staff Analysis:

Staff believes that the applicant has sufficient demonstrated that the site would be adequately parked in Phase One. The applicant has proposed 146 residential parking spaces on site through a combination of 104 garage spaces, 20 tandem spaces, and 22 surface parking spaces, which is 2.35 spaces per unit. There are twelve (12) surface parking spaces near the townhouses on the south side of the development and ten (10) surface parking spaces on the north side near the two-over-two unit. The building footprint as proposed in the Master Development Plan has a maximum of 10,010 square feet and a maximum of 44 parking spaces. Ultimately, the number of parking spaces for Phase Four would be determined by the uses proposed for the commercial building. In addition to the parking spaces on site, the applicant proposes thirty (30) parallel spaces on Cedar Avenue, nine (9) parallel spaces on Oak Street and seven (7) Walnut Street. However, on-street parking on a city road may not be included in the parking calculations for the development. Public Works may need to address residential parking districts in this area with City Council as Paul VI High School is no longer in operation.

Architecture and Landscaping:

The Architectural Control Overlay District (ACOD) is established to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the city, to make the city more attractive for the development of business and industry, and to protect land values (Zoning Ordinance, Section 3.2.2.B.2, Pg. 3-3). The ACOD shall apply city-wide to all development outside of the historic and transition districts. The requirements of the ACOD include review and recommendation by the Board of Architectural Review (BAR) and issuance of a Certificate of Appropriateness for architecture and landscaping for City Council. Guidance on architecture and landscaping for new development in the ACOD is provided in the Design Guidelines.

Staff Analysis:

The Master Development Plan is subject to a public hearing with the Board of Architectural Review for architecture and landscaping with a recommendation to the City Council. On November 3, 2021, the BAR held a public hearing on the Major Certificate of Appropriateness for architecture and landscaping. The BAR voted to defer the request and directed the applicant to resolve the outstanding issues related to the architecture and landscaping for the proposal. On December 15, 2021, the BAR approved the plan with conditions (See Page 11 of the staff report). The applicant made some revisions to the plan after the BAR meeting. Staff has provided an update to the recommended BAR conditions in the staff report on Page 36.

Stormwater Management:

Even though stormwater management typically is not fully designed until administrative site plan review, the General Development Plan would be subject to the requirements of the state code and the City's stormwater management regulations.

Staff Analysis:

The applicant must demonstrate during site plan review that the stormwater management system is sufficient to handle a 1-year and 10-year 24-hour storm event. Likewise, the design and construction of stormwater management facilities shall comply with Virginia Stormwater Management Program (VSMP) Permit Regulations.

Utilities:

Section 4.11 of the Zoning Ordinance requires all on-site above-ground utilities to be relocated underground for any development that will require site plan approval. When the proposed development will result in moving or relocating existing overhead utilities located in adjoining rights-of-way, the applicant shall be responsible for placing such utilities underground and dedicating any additional right-of-way or easement that is necessary. Equipment such as electric distribution transformers, switch gear, meter pedestals and telephone pedestals which is normally installed above ground in accordance with generally accepted utility practice for underground distribution may be so installed (Section 4.11.C).

Staff Analysis:

Section 4.11.B states, "All on-site utilities shall be installed underground at the applicant's expense in accordance with city and applicable utility company standards; provided that temporary overhead facilities required for construction purposes shall be permitted." The existing overhead utilities that currently serve the Breezeway Motel, Fairfax Garden Apartments and four (4) single-family homes would be removed. All existing overhead utilities on the subject property would be either removed or relocated underground with each phase of development. The applicant states that any existing overhead utilities shown on the Master Development Plan to remain are located off-site or within the right-of-way. Staff has requested that the applicant show easements in the area to be vacated as there are underground utilities that would generate the need for easements. Such easements may impact the proposed tree plantings on the northeast corner of Cedar Avenue and Walnut Street, which may cause an issue with meeting the street tree requirements.

Parks and Open Space:

Section 3.8.2.G of the Zoning Ordinance requires that a Master Development Plan provide recreation and open space. At least twenty (20) percent of each of each planned development site shall be designated and provided as recreation and open space. The Master Development Plan has provided 20.2 percent of the site as recreation and open space. The Zoning Ordinance requires at least 60% of the required open space be contiguous and may be bisected by a residential street which it is in this proposal.

Staff Analysis:

The Planned Development Districts requires at least twenty (20) percent of the site to be designated as recreation and open space for use and enjoyment of the residents and occupants of the development. The Zoning Ordinance also requires at least 60% of the required open space be contiguous, however, it may be bisected by a residential street. The development currently proposes five (5) areas of open space for a total of 0.944 acres (41,120 sf) or 20.2% of the property. These areas meet the zoning requirement that open spaces must be a minimum of fifty (50) feet in width. The overall site has 43.4% (88,445 sf) of open space, which includes areas that are less than the required 50 feet (Section 3.8.7.B.3 of the Zoning Ordinance). The applicant would also provide open space that is at least 60% contiguous, which includes any recreation and open space bisected by a local street. The applicant has provided a tot lot and general open space but did not provide organized athletic fields or some other park uses.

Tree Coverage:

The applicant has provided a landscape plan as part of the master development plan. This plan includes interior landscaping, transitional yards, improvements along Fairfax Boulevard and temporary plantings for Phase Two in preparation for the commercial footprint planned in Phase Three. Section 4.5.6.A of the Zoning Ordinance requires a 10% tree coverage for the site and the proposed Planned Development Mixed Use.

Staff Analysis:

The applicant has provided a landscaping plan with a tree canopy of 19.1% (38,920 sf) exceeding the required 10% tree canopy requirement that includes the preservation of existing trees, plantings in the transitional yards, street trees, parking lot landscaping, within the open space areas, and the landscape buffer between the two-over-two condominium units and the proposed commercial building. The applicant has requested a modification to the landscape strip requirement and tree requirements along internal private streets (Section 4.5.6.B of the Zoning Ordinance). The applicant is seeking this modification to eliminate the 10-foot planting strip for interior private streets. Staff supports the modification because it is not uncommon for private alleyways in the interior of the site and between units to be void of landscaping. Likewise, the same modification to the private street leading to the two-over-two condominiums is appropriate as each driveway connects the units to the private street, which would impact the 10-foot landscape strip. The applicant attributes the need for the modification due to site constraints and the urban character of the project.

Additionally, the applicant is seeking a modification to the 15-foot transitional bufferyard in the northeast corner of the site abutting Tax Map Parcel 57-1-14-048 and the planting types within transitional yard along the southern property line abutting

the single-family homes on Second Street. The abutting property to the east of the Breezeway Motel is an existing commercial business with a commercial zoning district. The applicant is seeking to reduce the required transitional yard from 15-foot to 9 feet with eight (8) canopy trees, eight (8) understory trees, eight (8) shrubs, and a six (6) foot fence. Also, the applicant is proposing a reduction to the transitional yard from 15 feet to 13 feet with a six-foot fence, 9 canopy trees, 3 understory trees and 6 shrubs along the property line. Staff supports both reductions in the width of the transitional yard adjacent to the existing commercial use in the CR Commercial Retail district. Staff also supports the use of evergreens or a similar planting to mix in with the required trees in the transitional yard abutting existing residential homes along the project boundary. The applicant has included the use of evergreens or a similar planting to the list of modifications on the cover page of the master development plan. The depth of the transitional yard would remain at the required 15 feet.

Fiscal Impact:

Staff anticipated fiscal impact estimate for the proposed redevelopment of Breezeway Motel ranges from \$134,000 to \$303,000 with an average net gain annually of \$218,500. The applicant conducted their fiscal impact estimate with similar results (See Attachment 10).

PART C: PROCEDURAL REQUIREMENTS AND REVIEW CRITERIA

Following is an analysis of citations from the Zoning Ordinance related to procedural requirements and review criteria from Section 6.6.8 of the Zoning Ordinance:

A. Substantial conformance with the comprehensive plan;

Staff believes the uses shown on the Master Development Plan are generally in conformance with the Comprehensive Plan and the Multifamily Neighborhood Place Type and Commercial Corridor Place Type. Phase One is the demolition of all existing structures and improvements. Phase Two is proposed as two-over-two condominiums, townhouses, and 100% of the open space requirement. Phase Three is the interim plan that includes site preparation for the future commercial development. Phase Four, to be constructed by others, is proposed with a specific list of commercial uses to occupy a building that is approximately 8,000 square feet to 10,010 square feet with 44 parking spaces. Strict application of the ordinance would prohibit occupancy of all residential units prior to the completion of the commercial building fronting Fairfax Boulevard. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals.

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

The subject property is currently split zoned with RH Residential High, RMF Multifamily and CR Commercial Retail Districts. Four (4) of the six (6) parcels are zoned RH Residential High with four (4) existing single-family homes. The existing Breezeway Motel with 50-rooms is in the Commercial Retail district and the Fairfax Garden Apartments with thirty-eight (38) units is in the RMF Multifamily district. Under the current lot configuration, the proposal could not be developed, and the sites would be limited by the split zoned parcels. Therefore, the applicant is requesting to rezone the property from RH Residential High, RMF Multifamily and CR Commercial Retail to PD-M Planned Development-Mixed Use. The PD-M, Planned Development Mixed Use District, is intended to provide for coordinated mixed use developments which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses (Zoning Ordinance, Section 3.2.3.B, Pg. 3-3). The proposed Master Development Plan would create additional open space with site amenities that exceed the minimum 20% open space requirement. The Master Development Plan also would make traffic improvements at the intersection of Walnut Street and Cedar Avenue to remove the triangular shape median with a T-intersection with crosswalks, curb and gutter, ADA compliant curb ramps and curb bump outs, and a stop sign for west bound traffic on Cedar Avenue. These improvements are designed to reduce the speed of motorist on Walnut Street, as well as increase pedestrian safety at the intersection.

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

The current uses are limited due to the property having three zoning districts. Staff believes that the proposed uses are consistent with the Comprehensive Plan and Zoning Ordinance. Residential townhouses serve as a transitional use to the adjacent single-family homes on Second Street and multifamily stacked condominiums (two-over-two) are planned in the middle of the site to transition from the planned commercial area on Fairfax Boulevard. The planned development allows the six parcels to be consolidated and buildings placed on-site to provide the required transitional yards, landscaping, parking, and open space.

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

The site has adequate public facilities to support an approval of a rezoning from RH Residential High, RMF Multifamily and CR Commercial Retail to PD-M Planned Development Mixed Use. The subject property is located on a mass transit route and the adjoining road has capacity to support the proposed uses. There are adequate public safety facilities in the area. Providence ES (PES) has a capacity of 910 students. The school is at 100% capacity utilization. According to Fairfax County Public Schools FY21 Approved Capital Improvement Program, Providence's projected membership for the next four years is over 1,000 students, placing the school as much as 111% overcapacity. That is a moderate capacity deficit without further residential development or other membership or boundary adjustments. Providence ES currently has two trailers; both are used as resource rooms. Providence's Special Use Permit for the trailers was renewed in November 2019 for five years. It is projected that the Breezeway development student yield ratio will be .230. According to City staff's projections, the Breezeway project would generate 15 students. While that number appears manageable, the combined yields of other planned residential projects such as Northfax and the American Legion potentially equal up to 63 students (2-3 additional classrooms). This would contribute to Providence remaining overcapacity. Moreover, this exacerbates the need for trailers on the Providence grounds and/or reconfiguring interior space at the school. City Schools staff and Board remain concerned with the residential planning projects attribution to capacity deficit and overcrowding at Providence ES. The applicant has chosen not to mitigate for impacts.

The nearest city owned park is Pat Rodio Park, a four (4) acre neighborhood park, to the east of the subject property. Pat Rodio Park is located at the corner of Keith Avenue and Cedar Avenue. This city park offers a Little League Field, multipurpose field, and a playground. The applicant has chosen not to mitigate for impacts to parks.

The Fairfax City Fire Department is part of the Northern Virginia regional response system with mutual aid to neighboring jurisdictions. Fire Station #33 is located at 10101 Fairfax Boulevard, which is approximately 1.4 +/- miles from the subject property. Fire Station 33 will house a specialized Rescue Engine Company, which has both heavy rescue and firefighting capability, and an ALS transport unit. Fire Station #3 is located at 4081 University Drive, which is approximately 1.3 +/- miles from the subject property. Fire Station #3 includes an advanced life support (ALS) transport unit.

The turning movements shown on Sheet 13 (Emergency Vehicle Access Turning Movements) using the largest emergency vehicle, 403 Fire Ladder Truck with an overall length of 46'-9.25" and overall height of 12'-2" provided has been reviewed and accepted by Code Administration/Fire Marshal.

Metro Bus Route 1C (from Fair Oaks to Fairfax Boulevard Line) provides daily service to the site on Fairfax Boulevard.

E. Adequacy of existing and proposed public utility infrastructure;

The public utility infrastructure is adequate and proposed on-site stormwater facilities would reduce impact on infrastructure. Fairfax Water has reviewed the project and there are no noted issues for the project.

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

The proposed planned development is consistent with the general requirements set forth in Section 3.8.2 and Section 6.6 of the Zoning Ordinance with exception to street design standards that would pose a problem with emergency vehicles movement through the site. Staff finds that proposed master development plan has inadequate turning movements that could impact the health, safety, and welfare of the residents of the City of Fairfax.

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

The applicant has proposed uses at a scale that is outlined in the Comprehensive Plan. The proposal as submitted is consistent with the Comprehensive Plan and is compatible with the surrounding area. The subject property is immediately surrounded by uses that range from single-family homes to duplexes, car equipment installation to offices, auto service repair to a restaurant, bank and private park and civic organization. On the north side of Fairfax Boulevard and directly across from the Breezeway Motel is an auto service repair shop and a restaurant, and on the northwest corner of Fairfax Boulevard and Fairchester Drive is a five-story hotel; to the east of the Breezeway Motel and on the south side of Fairfax Boulevard is a car equipment installation service and commercial printer business; to the west of the Breezeway Motel and separated by Walnut Street is a bank, fast food restaurant and office building; south of Fairfax Gardens Apartment with single-family detached homes fronting on Second Street; to the east of the Breezeway Motel and north of Cedar Avenue is four (4) duplexes and a single-family detached home fronting on Oak Street; and, to the east of the Fairfax Gardens Apartment and south of Cedar separated by Oak Street is a private park, Chilcott Field that is owned by the American Legion. This area has started to redevelop with Mt. Vineyard at the corner of Main Street and Oak Street and to the east of the site at the former site of Paul VI High School.

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

The applicant has proposed a mixed use planned development in four phases. Phase One is the demolition of all existing structures and improvements (i.e., Breezeway Motel, Fairfax Garden Apartments and four (4) single-family homes). In Phase Two, the applicant is proposing to develop forty-two (42) townhouses and twenty (20) stacked condominiums (two-over-two) with a density of 13.24 units per acre. Townhouses are a mix of front entry units at 22 feet and 24 feet in width, and rear entry units at 20-feet in width. All proposed townhouses are proposed to have a private rooftop terrace. The townhouses are proposed at four (4) floors and approximately 40 feet in height. The condominiums are proposed at four (4) floors and at approximately 51 feet in height. Phase Three is the interim improvements on the Breezeway Motel site (Parcel 57-1-14-043) to clear and grade the site, to install landscaping along the southern portion of the parcel, to seed all open areas, to install a temporary 10-foot asphalt trail along Fairfax Boulevard, and to retain the existing sidewalk along Walnut Street. The interim improvements would prepare the site for the ultimate commercial buildout in Phase Four. Phase Four, to be constructed by others, consists of a future commercial building (8,000 sf to 10,010 sf) and associated infrastructure, utilities, and stormwater management facilities.

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

The proposed planned development is compatible with the surrounding uses. The applicant is proposing 42 townhouse units and 20 multifamily two-over-two units in Phase Two with a density of 13.24 dwelling units per acre. Density is calculated as the number of dwelling units per gross acre located within the development site. The Multifamily Neighborhood Place Type has a maximum density of 20 dwelling units per acre. The townhouse buildings on the south side of Oak Street are proposed at approximately 40 feet to mid-point of roof with four (4) stories adjacent to the single-family neighborhood on Second Street. The multifamily units (two-over-two condominiums) on the north side of Cedar Avenue are proposed at a height of 51 feet to mid-point of roof with four (4) stories.

The non-residential component of the proposal is located at the southeast corner of Fairfax Boulevard and Walnut Street. Phase Four, to be developed by others, would require separate approvals from City Council including a major certificate of appropriateness for the proposed building. The applicant has prescribed a limited number of specified uses for the proposed

commercial development. The development plan shows an 8,000 sf to 10,010 sf commercial building pad situated along the front property line with 90-degree parking of 44 spaces to the east side and rear of the building, a commercial entrance on the east side of the building from Fairfax Boulevard with a driveway aisle of 24 feet, as well as a loading area of 10 feet in width. The plan also shows a commercial entrance south of the building from Walnut Street. The applicant has stated that the proposed building height would be limited to 35 feet.

Staff believes the applicant has provided transitions between uses that through use of open space, sidewalks, and landscaping to integrate residential uses and potential non-residential uses.

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

The applicant has proposed a mixed use planned development in a section of the Fairfax Heights Subdivision that is bounded by Fairfax Boulevard, Oak Street, Second Street and Walnut Street. The applicant has engaged the community and heard from City Council, the Planning Commission and city staff to minimize any real or perceived negative impacts for redevelopment at this location.

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

The applicant is proposing to develop the site in four phases with a modification to the development schedule as stated in Section 3.8.2.I of the Zoning Ordinance, which states “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 as part of a PD-C or PD-M district development prior to the issuance of a zoning permit to authorize the occupancy of 100 percent of the approved nonresidential floor area for that development. The foregoing shall be binding on the applicant unless the applicant proposes a modification to this requirement in the master development plan and the city council approves such modification when it approves the master development plan.” (Pg. 3-63).

Phase One is the demolition of all existing structures and improvements (i.e., Breezeway Motel, Fairfax Garden Apartments and four (4) single-family homes). Phase Two consists of forty-two (42) townhouses and twenty (20) condominiums with a density of 13.24 units per acre. The required 20% open and recreational space for the master development plan would be included in this phase.

Phase Three is the interim improvements on the Breezeway Motel site (Parcel 57-1-14-043) to clear and grade the site, to install landscaping along the southern portion of the parcel, to seed all open areas, to install a temporary 10-foot asphalt trail along Fairfax Boulevard, and to retain the existing sidewalk along Walnut Street. The interim improvements would prepare the site for the ultimate commercial buildout in Phase Four. Phase Four, to be constructed by others, consists of a future commercial building (8,000 sf to 10,010 sf) and associated infrastructure, utilities, and stormwater management facilities.

Phase Four of the Master Development Plan, to be constructed by others, consists of a future commercial building ranging from 8,000 sf to 10,010 sf with a maximum of forty-four (44) parking spaces and associated infrastructure, utilities, and stormwater management facilities. The size and use or mix of uses in the commercial building may vary provided that the parking does not exceed 44 spaces in compliance with Section 4.2.3.E of the Zoning Ordinance. The maximum building height is 35 feet and two stories. The owner of Tax Map Parcel 57-1-14-043 would be required to obtain approval of a Major Certificate of Appropriateness, site plan approval, building permits and other necessary approvals.

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

The subject property is not located in an ecologically sensitive area as the site has been developed since the 1950's and 1960's. The applicant has proposed a mixed-use planned development that with open space, landscaping, and tree coverage. The impervious surface area has been increased from 2.23 acres of the site to 2.9 acres. The applicant has provided a landscaping plan with a tree canopy of 18.5% (37,820 sf) exceeding the required 10% tree canopy requirement that includes the preservation of existing trees, plantings in the transitional yards, street trees, parking lot landscaping, within the open space areas, and the landscape buffer between the two-over-two condominium units and the proposed commercial building. According to the tree inventory (Sheet 4) provided by the applicant, there are currently 160 trees of varying condition and species on the site, as shown on Sheet 3 of the MDP. Six trees (three Red Maples, an Eastern White Pine, a Pitch Pine, and a Leyland Cypress) would remain on site.

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

On September 29, 2015, City Council adopted Resolution No. R-15-42 to address the need for housing affordability for City of Fairfax residents through voluntary development contribution in lieu of providing affordable units. The resolution offers a monetary formula as a guide with rates adjusted annually in accordance with the Consumer Price Index for All Urban Customers (CPI-U). The formula includes both a by-right rate of \$3,012 per unit and a development approval rate of \$6,036 per unit. Adjusting these rates in accordance with the consumer price index to the current year from the 2015 figures, as provided for in the resolution, would yield rates of \$3,297 and \$6,608, respectively. In applying this to the proposed 62 units, the development yield is roughly 52 units at the by-right rate and 10 units at the development approval rate. This equates to a voluntary development contribution of \$237,524. The initial application was received on August 6, 2018, prior to the adoption of the Affordable Dwelling Unit (ADU) ordinance. The City of Fairfax Affordable Dwelling Unit Ordinance was adopted on June 23, 2020, and since the application was submitted prior to the adoption of the ordinance and its provisions do not apply, the applicant has voluntarily committed to provide a monetary contribution. In addition to the ADU contribution, the applicant also has provided a commitment for tenant relocation that includes a monetary contribution for a reimbursement for moving expenses of \$1,500.00 for a one-bedroom unit and \$1,800.00 for two- and three-bedroom units to help off-set the cost of moving. Each tenant would receive a 180-day notice to relocate from Fairfax Garden Apartments.



SUMMARY OF ZONING DISTRICTS AND OVERLAYS

GENERAL ZONING DISTRICTS: Unless within a planned development district, each property in the City belongs to one of the following zoning districts, which spells out permitted uses and types of development for all parcels within each district, as summarized below:

RL, RM & RH RESIDENTIAL DISTRICTS: Permits single-family detached housing and select types of supportive, complementary uses that create quiet and comfortable neighborhoods. Development must be consistent with the character of a residential neighborhood and fit within certain parameters, including:

- **RL RESIDENTIAL LOW:** 20,000 minimum lot size and 40' front setback from the street;
- **RM RESIDENTIAL MEDIUM:** 7,500 minimum lot size and 25' front setback from the street;
- **RH RESIDENTIAL HIGH:** 6,000 minimum lot size and 20' front setback from the street.

RT & RT-6 TOWNHOUSE DISTRICTS: Provides townhouses in both districts, as well as duplexes, single-family attached, and single-family detached housing in the RT district.

- **RT-6:** Limited to 6 units per acre;
- **RT:** Limited to 12 units per acre.

RMF MULTIFAMILY DISTRICT: Provides for multifamily housing as well as townhouses, duplexes, single-family attached, and single-family detached housing. Buildings may be no taller than 3 stories and 35' or 4 stories and 45' (where not adjacent to a single-family detached district) with a density limited to 20 units per acre. Permitted uses also include nursing homes, assisted living facilities, congregate living facilities and select directly related, complementary uses.

CL COMMERCIAL LIMITED DISTRICT: Provides for limited, low intensity office development as a transitional use between residential and commercial areas with buildings limited to 3 stories and 35' in height that may not exceed 17,500 sq. ft. in floor area.

CO COMMERCIAL OFFICE DISTRICT: Provides for offices for business, governmental and professional uses, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

CR COMMERCIAL RETAIL DISTRICT: Provides for office and general business and retail establishments, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

CU COMMERCIAL URBAN DISTRICT: Provides an urban, mixed use development option for appropriate parts of the downtown area and sites in the general vicinity of the three key Fairfax Boulevard intersections: Main Street, Chain Bridge Road, and Old Lee Highway, or as may be more precisely specified by a current or future adopted plan. Buildings may be up to 5 stories and 60'.

CG COMMERCIAL GENERAL DISTRICT: Provides areas for office, general retail, automobile-related uses, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

IL INDUSTRIAL LIGHT DISTRICT: Provides areas for light industrial uses. Buildings may be up to 3 stories and 35'.

IH INDUSTRIAL HEAVY DISTRICT: Provides areas for general industrial uses. Building may be up to 6 stories and 60'.

PLANNED DEVELOPMENT DISTRICTS AND ZONING OVERLAYS: Some properties are included in planned development districts and/or are governed by regulations that exceed that of the underlying general zoning district through overlays and other development standards. These are summarized below:

PD-R, PD-M, PD-C & PD-I PLANNED DEVELOPMENT DISTRICTS: Provides for coordinated developments and communities with appropriate boundary transitional yards and recreation and open space. The districts provide additional flexibility not available in general zoning districts and allows for innovations and special features in site development that make the community better.

- **PD-R PLANNED DEVELOPMENT RESIDENTIAL:** Allows for permitted/special uses in the R districts;
- **PD-M PLANNED DEVELOPMENT MIXED USE:** Allows for permitted/special uses in the R and C districts;
- **PD-C PLANNED DEVELOPMENT COMMERCIAL:** Allows for permitted/special uses in the C districts;
- **PD-I PLANNED DEVELOPMENT INDUSTRIAL:** Allows for permitted/special uses in the CG, IL, and IH districts.

HISTORIC OVERLAY DISTRICTS: Provide additional protection to areas of historic interest in the City in order to ensure that development or building modifications do not alter or diminish the historic quality of the district:

- **OLD TOWN FAIRFAX HISTORIC DISTRICT:** Encourages a compatible mixture of residential, retail and office uses within the district.
- **FAIRFAX PUBLIC SCHOOL HISTORIC DISTRICT:** Includes the property containing the Fairfax Museum & Visitor Center; the district controls uses and structures built on the property.
- **BLenheim HISTORIC DISTRICT:** Includes the property at Historic Blenheim; the district preserves Blenheim mansion and controls uses and structures built on the property.

OLD TOWN FAIRFAX TRANSITION OVERLAY DISTRICT: Established to encourage a compatible mixture of residential, retail and office uses in areas close to the Old Town Fairfax Historic District. New development must complement the scale, siting and design of the Historic District.

ARCHITECTURAL CONTROL OVERLAY DISTRICT: Includes all land in the city which is located outside of an historic district and zoned and used for anything other than a single-family detached residence. This district seeks to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the city, to make the city more attractive for the development of business and industry, and to protect land values.

RESOURCE PROTECTION AREA (RPA): Includes land within 100 feet of water bodies that have perennial flow, as well as other natural features such as wetlands and intermittent streams. The RPA seeks to protect these waters from significant degradation due to land disturbances.

RESOURCE MANAGEMENT AREA (RMA): Includes all land in the City that is not part of an RPA. Land disturbances in the RMA can have cause water quality degradation and diminish the functionality of RPA lands. Together, the RMA and RPA form the Chesapeake Bay Preservation Area, which encompasses all of the City.

100-YEAR FLOODPLAIN: Includes land subject to inundation by the “100-year flood” as on FEMA flood maps (a flood that has a 1% chance of occurring each year).

**CITY OF FAIRFAX
PLANNED DEVELOPMENT APPLICATION**

I/We Pulte Home Company, LLC by Robert D. Brant, Attorney-in-Fact/Agent
(Name of applicant) (Authorized agent's name and relationship to applicant)

a corporation / general partnership / limited partnership / sole proprietorship/individual (circle one) which is the

property owner / contract purchaser / lessee (circle one)

of Lots 67-1-14-043, -055A, -075A, -076A, -077A & 083, and a portion of Cedar Avenue/Walnut Street right of way to be vacated, Block _____, Section _____ of the Fairfax Heights Subdivision containing approx. 206,386 (Sq. Ft.) on the premises known as 10829 Fairfax Blvd, 10807-10818 Cedar Ave, 3937 Walnut St, 3930 Oak St* requests that the property currently zoned CR, RMF & RH be rezoned to PD-M. This property is recorded in the land records of Fairfax County in the name of Robert W. Pierce in Deed Book See attached legal description, Page _____.

(Name and address of subject property)
*3932 Oak St., 3934 Oak St. and a portion of the Cedar Avenue/Walnut Street right of way to be vacated.

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3.C Application Requirements, which states:

1. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter.
2. The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the city or other parties to show that the standards or criteria have not been met.
3. Each application is unique and, therefore, more or less information may be required according to the needs of the particular case. Information needs tend to vary substantially from application to application and to change over time as result of code amendments and review procedure changes. Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted."

[Signature] 11-2-2020 Attorney-in-Fact/Agent
(Signature of applicant or authorized agent) (Title or relationship)

Address Walsh Colucci Lubeley & Walsh, PC 2200 Clarendon Blvd, Ste 1300, Arlington, VA 22201 Phone 703-528-4700

Email rbrant@thelandlawyers.com

STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 31st day of December, 2020, do hereby certify that this day personally appeared before me in the State aforesaid Robert Brant Attorney-in-Fact/Agent
(Name) (Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the 2nd day of November, 2020, and acknowledged the same before me.

GIVEN under my hand and seal this 2nd day of November, 2020.

Cynthia S Smallwood / 304587
Notary Public Registration #



**AFFIDAVIT
CITY OF FAIRFAX**

I, Pulte Home Company, LLC, by Robert D. Brant, attorney-in-fact do hereby make oath or affirmation that
(name of applicant or agent)

I am an applicant in Application Number Z-18-00539 and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

See Attachment A

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

See Attachment B

Corporation Name: _____

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

N/A

Partnership Name: _____

Name	Address	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

WITNESS the following signature:



Applicant or Agent

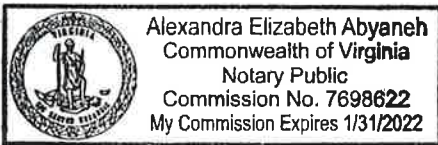
Pulte Home Company, LLC by Robert D. Brant

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 23 day of July, 2021, in the State of Virginia, County of Arlington

My commission expires: 1/31/22

Alexandra Elizabeth Abyaneh 7698622
Notary Public/ Registration #



ATTACHMENT A

Pulte Home Company, LLC
9302 Lee Highway, Suite 1000
Fairfax, Virginia 22031
Agents: Stephen S. Collins, Jr. (Former)
David DeMarco
Rose-Ellene Sumrall
Clare McCaffery
Jeffrey Gothard

Applicant/Contract Purchaser

Robert W. Pierce
3613 Prosperity Avenue
Fairfax, VA 22031

Title Owner of Tax Map 057-1-14-043, -055A,
-075A, -076A, -077A, and -083

City of Fairfax
10455 Armstrong Street
Fairfax, VA 22030

Title Owner of Cedar Avenue and Walnut Street
Right-of-Way

ATCS, P.L.C.
2553 Dulles View Drive, #300
Herndon, VA 20171
Agent: Gregory ("Gus") Brush (Former)
Chris Neifert
Melanie Graff
Gregory White
Ravi Shrestha (Former)

Engineer/Agent

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 610
Tysons, VA 22102
Agent: John J. Andrus (Former)
Christopher Turnbull
Grady P. Vaughan
Jillian G. Kinder
William Zeid (Former)

Transportation Consultant/Agent

Robert Charles Lesser & Co., LLC
7200 Wisconsin Avenue, Suite 1110
Bethesda, MD 20816
Agent: Leonard Bogorad (Former)
Erin Talkington
Kelly Mangold
John Rendleman

Economic Consultant/Agent

Enterprise Realty Services, Inc.
9237 Cambridge Manor Court
Potomac, MD 20854
Agent: Stevan Varga

Broker/Agent

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

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ATTACHMENT B

Pulte Home Company, LLC

Sole Member: Pulte Diversified Company, LLC

Pulte Diversified Company, LLC

Sole Member: PulteGroup, Inc.

PulteGroup, Inc.

Publicly traded on the NYSE

ATCS, P.L.C.

Shareholders: Young Ho Chang, John A. Depasquale, Michael J. Rosenfeld, Kevin Porter, Kwong Hui, James W. Whitehead

M. J. Wells & Associates, Inc.

M. J. Wells & Associates, Inc. is an Employee Stock Ownership Plan (ESOP). All employees are eligible Plan participants; however, no one employee owns 10% or more of any class of stock.

Robert Charles Lesser & Co., LLC

Members: Gadi Kaufmann, Charles Hewlett, Adam Ducker, Todd LaRue, Gregg Logan, Robert Gardner, Taylor Mammen

Enterprise Realty Services, Inc.

Sole Shareholder: Stevan Varga

Walsh, Colucci, Lubeley & Walsh, P.C.

Shareholders:

Wendy A. Alexander	John H. Foote	Charles E. McWilliams	Kathleen H. Smith
David J. Bomgardner	H. Mark Goetzman	Antonia E. Miller	Lynne J. Strobel
E. Andrew Burcher	Bryan H. Guidash	J. Randall Minchew	Garth M. Wainman
Thomas J. Colucci	Michael J. Kalish	Andrew A. Painter	Matthew A. Westover
Michael J. Coughlin	Michael R. Kieffer	M. Catharine Puskar	
Jonelle Cameron		John E. Rinaldi	

LEGAL DESCRIPTION

NORTH PARCEL

BEING ALL OF

LOTS 43-47, 55-A, 56-A, 57-A, 58-A SECTION 2, FAIRFAX HEIGHTS

Beginning at an Iron Pipe Set, on the northerly right of way line of Cedar Avenue, having a right of way width of 50 Feet, said point also lying on the southwesterly most corner of Tax Map Parcel 057-1((14))-0059 (3922 Oak Street). Thence, departing the line of Tax Map Parcel 057-1((14))-0059 (3922 Oak Street) and running with the said right of way line of Cedar Avenue,

1. SOUTH 88° 26' 45" WEST, 212.69 Feet to a Point of Curvature; thence continuing with the said right of way of Cedar Avenue and the easterly right of way line of Walnut Street, (also having a 50 foot right of way width),
2. 140.37 Feet along the arc of a curve, deflecting to the right, having a Radius 125.20 Feet, and a Chord Bearing and Distance of NORTH 59° 26' 09" WEST, 133.13 Feet to an Iron Pipe Set at a Point of Tangency; thence continuing with the said easterly right of way line of Walnut Street,
3. NORTH 27° 18' 45" WEST, 200.00 Feet to a Drill Hole Set, said point lying at the northeastern corner of said Walnut Street and also lying on the southerly right of way line of Fairfax Boulevard, U.S. Route 29, having a variable right of way width; thence with said southerly right of way line of Fairfax Boulevard,
4. NORTH 62° 41' 15" EAST, 250.00 Feet to an Iron Pipe Found; said point also lying on the northwesterly most corner of Tax Map Parcel 057-1((14))-0048 (10805 Fairfax Blvd.), thence departing the southerly right of way line of Fairfax Boulevard and running with the southwesterly line of Tax Map Parcel 057-1((14))-0048
5. SOUTH 27° 18' 45" EAST, 200.00 Feet to an Iron Pipe Found, said pipe lying on the southeasterly corner of Tax Map Parcel 057-1((14))-0048, thence continuing with the southeasterly line of parcel 48, and continuing with Tax Map Parcels 057-1((14))-0049 & 50,
6. NORTH 62° 41' 15" EAST, 150.00 Feet to an Iron Pipe Set, said pipe lying on the southeast corner of Parcel 50 and also on an angle point at the rear of Tax Map Parcels 057-1((14))-0062, thence departing the line of Parcel 50 and running with the line of Parcel 62 and continuing with Tax Map Parcels 057-1((14))-0061, 0060, and 0059,
7. SOUTH 06° 32' 45" WEST, 247.08 Feet to the point of beginning.

Containing an area of 100, 291 square feet or 2.3024 acres of land, more or less.

LEGAL DESCRIPTION
SOUTHERN PARCEL
BEING ALL OF
LOTS 75-A,76-A,77-A,78-A,79-A,80-A,81-A, 83, 84,
SECTION 2, FAIRFAX HEIGHTS

Beginning at an Iron Pipe Set on the southeasterly right of way line of Walnut Street, having a right of way width of 50 feet; said point also lying on the northwesterly most corner of Tax Map Parcel 057-1((14))-0066 (10818 Second Street) thence departing parcel 66 and running with the said southeasterly right of way line of Walnut Street and continuing to the southerly right of way line of Cedar Avenue, having a right of way width of 50 feet;

1. 250.76 Feet along the arc of a curve, deflecting to the right, having a Radius of 234.69 Feet and a Chord Bearing and Distance of NORTH 57° 50' 19" EAST, 239.00 Feet to an Iron Pipe Found at a Point of Tangency, thence continuing with the southerly right of way of Cedar Avenue,
 2. NORTH 88° 26' 45" EAST, 288.74 Feet to an Iron Pipe Found at a Point of Curvature; thence with said southerly right of way line of Cedar Avenue to the westerly line of Oak Street, having a right of way width of 50 feet,
 3. 29.36 Feet along the arc of a curve, deflecting to the right and a Radius of 15.00 Feet, having a Chord Bearing and Distance of S35° 28' 45" EAST, 24.89 Feet to an Iron Pipe Found at a Point of Tangency; thence with said westerly right of way line
 4. SOUTH 20° 35' 45" WEST, 335.56 Feet to an Iron Pipe Found, said point also lying on the northeasterly most corner of Tax Map Parcel 057-1((14))-0074 10802 Second Street; thence departing the line of Oak Street and running with the rear line of Parcel 74 and continuing with Tax Map Parcel 057-1((14))-0071, 72, 71, 70, 69,68, 67 and 66,
 5. NORTH 62° 46' 15" WEST, 435.64 Feet to the point of beginning.
- Containing an area of 101,526 square feet or 2.3307 acres of land, more or less.

LEGAL DESCRIPTION
RIGHT OF WAY VACATION
(NORTHEASTERN) PORTION OF
THE INTERSECTION OF
CEDAR AVENUE AND WALNUT STREET
SECTION 2, FAIRFAX HEIGHTS
FAIRFAX CITY, FAIRFAX COUNTY, VIRGINIA

Beginning at a point of curvature on the easterly right of way of Walnut Street, having a 50 foot right of way width, as shown on a plat of subdivision recorded among the Land Records of Fairfax County, Virginia at Deed Book E-12, Page 396, said point being a common corner to Lots 43 & 55A, Section 2, Fairfax Heights as shown on a plat of subdivision recorded among said land records at Deed Book Q-13, Page 180,

Thence with the easterly right of way line, said line also being the northerly line of Cedar Avenue, having a 50 foot right of way width, as shown on said plat of subdivision recorded among said land records at Deed Book E-12 Page 396:

1. 140.37 feet along the Arc of a Curve, deflecting to the left, having a radius of 125.20 feet, and having a Chord Bearing and Distance of South 59°26'09" East, 133.13 feet to a point of non-tangency on said northerly right of way line; thence departing the existing right of way line and running through the dedicated right of way the following three (3) courses:
2. South 88°26'45" West, 72.44 feet to a point of curvature, thence
3. 35.28 feet along the Arc of a Curve, deflecting to the right, having a radius of 25.00 feet, and a Chord Bearing and Distance of North 51°07'15 West, 32.43 feet to a point of reverse curvature; thence
4. 52.33 feet along the Arc of a Curve, deflecting to the left, having a radius of 180.35 feet, and a Chord Bearing and Distance of North 19°00'00" West, 52.15 feet to the point of beginning.

Containing an area of 1,351 square feet or 0.0310 acres of land, more or less.

LEGAL DESCRIPTION
RIGHT OF WAY VACATION
(SOUTHEASTERN) PORTION OF
THE INTERSECTION OF
CEDAR AVENUE AND WALNUT STREET
SECTION 2, FAIRFAX HEIGHTS
FAIRFAX CITY, FAIRFAX COUNTY, VIRGINIA

Beginning at a point of curvature on the southerly right of way line of Cedar Avenue, having a 50 foot right of way width, as shown on a plat of subdivision recorded among the Land Records of Fairfax County, Virginia at Deed Book E-12, Page 396, said point also being the common corner of Lots 81A & 83, Section 2, Fairfax Heights as shown on a plat of subdivision recorded among the land records of Fairfax County at Deed Book Q-13, Page 180 and Deed Book E-12, Page 396;

thence with said southerly right of way line, said line also being the easterly right of way line of Walnut Street, having a 50' right of way width, as shown on said plat of subdivision recorded among the land records at Deed Book E-12, Page 396,

1. 250.74 feet along the Arc of a Curve, deflecting to the left, having a radius of 234.69 feet, and a Chord Bearing and Distance of South 57°50'11" West, 238.98 feet to a point of non-tangency on said easterly right of way line; thence departing the right of way line and running through the existing right of way the following four (4) courses:
2. North 27°13'45" East, 88.00 feet to a point of curvature; thence
3. 30.40 feet along the Arc of a Curve, deflecting to the left, having a radius of 180.35 feet, and a Chord Bearing and Distance of North 22°24'01" East, 30.36 feet to a point of reverse curvature; thence
4. 30.92 feet along the Arc of a Curve, deflecting to the right, having a radius of 25.00 feet, and a Chord Bearing and Distance of North 53°00'31" East, 28.99 feet to a point tangency, thence
5. North 88°26'45" East, 127.38 feet to the point of beginning.

Containing an area of 3,207 square feet or 0.0736 acres of land, more or less.

PULTE HOME COMPANY, LLC

NARRATIVE

December 21, 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;
- Dedication of approximately 2,500 square feet of right-of-way along Fairfax Boulevard;
- 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 removal 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 \$134,000 to \$295,000, 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 4,558 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 a maximum height of 40 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.

This transitional yard will be planted with a variety of plantings including both deciduous and evergreen trees to maximize screening. 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. The condominium units will be located in two buildings that are architecturally compatible with the proposed townhouses. The condominium buildings will have a maximum building height of 51 feet. 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 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. The broker will proactively market the commercial component of the development to expedite the construction of 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 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 two (22) 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 of the transitional yard requirements has been requested for this limited portion of the perimeter, and also to allow the use of evergreen trees in portions of the transitional yards that abut surrounding residential uses. Additionally, through a combination of tree preservation and new plantings, the proposed 19.1% canopy coverage significantly 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.

PHASING

The proposed development will be constructed in phases as illustrated on Sheet 6 of the MDP and as more fully described in Paragraph 2 of the Summary of Commitments. Phase One will involve the demolition of the existing improvements on the Subject Property, including the Breezeway Motel. Phase Two includes the construction of the townhouses and stacked condominium units with all associated infrastructure, streetscape and intersection improvements, utilities, stormwater management facilities, required open space, and recreational amenities. Phase Two may be constructed in two separate sub-phases corresponding with the townhouse and multifamily components of the residential development. Phase Two will also include the removal or undergrounding of existing overhead utilities on the Subject Property or along the frontage, and the construction of streetscape and traffic calming improvements along Walnut Street and Cedar Avenue. The 20% open space requirement will be met in Phase Two, which will include the installation of the open space area between the residential development and the future commercial pad site. Phase Three involves the construction of interim improvements on the Breezeway parcel to prepare the site for the ultimate commercial developer. These interim improvements include the clearing and grading of the Breezeway parcel, the installation of landscaping along the southern portion of the parcel, the seeding of all open areas of the future commercial pad site, the installation of a temporary 10' asphalt trail along Fairfax Boulevard, and the retention of the existing interim sidewalk along Walnut Street. The ultimate improvements to the Breezeway parcel will occur in Phase Four, which will include the construction of the commercial building and all associated infrastructure, utilities, stormwater management facilities and ultimate streetscape along Fairfax Boulevard and Walnut Street. To the extent the open space area between the commercial pad site and the residential component of the development is impacted by construction activities in Phase Four, the open space area will be replanted and restored to its pre-existing condition prior to occupancy of the commercial building. Phase Four will be constructed by others, as noted above.

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 13.24 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 in the additional dedicated right-of-way 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 13.24 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 40 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 51 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 and between the residential and commercial portions of the development 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 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 and proposed public utility infrastructure is sufficient to accommodate the proposed development. As stated above, in conjunction with the development, the Applicant will remove or 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 further described in the Summary of Commitments. Each phase will include construction of all infrastructure, utilities and open space required for each phase. Phase One of the redevelopment includes the demolition of the existing improvements on the Subject Property. Phase Two includes the construction of the residential component of the development. The residential phase may be constructed in two sub-phases corresponding to the townhouse and multifamily components of the development, with the construction of all infrastructure, utilities, and stormwater management facilities occurring with each sub-phase. All required open space for the proposed development will be completed in Phase Two, as will all proposed streetscape and traffic calming improvements along the residential frontage. Phase Three of the development will include the installation of interim improvements on the Breezeway Parcel as described in the Summary of Commitments. Finally, Phase Four of the development will include the construction of the commercial building and all associated infrastructure, utilities, stormwater management facilities, and the ultimate streetscape along Fairfax Boulevard. The fourth phase will be constructed by others, and will require the submission and approval of a separate Certificate of Appropriateness and site plan.

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, which includes the preservation of significant large trees in the open space area south of Cedar Avenue.

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 19.1% canopy coverage exceeds the 10% minimum 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. The proposed street widths are compatible with or greater than the widths of previously approved townhouse developments in the City. 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. Additionally, the Applicant has committed to installing signage and fire lane markings along the interior private streets to prohibit vehicle parking. Given the urban character of the proposed development, and the fact that the City has previously approved similar requests for modifications of the street width requirement, 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 to reduce the width of the required yard along the northeast property line abutting Tax Map

Parcel 57-1-14-048, and to allow the use of evergreen trees and similar plantings in the required transitional yards adjacent to abutting residential uses.

The proposed reduction of the required 15' TY3 transitional yard 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. In addition, the Applicant is requesting a modification of the planting requirements to allow the use of evergreen trees and similar plantings to enhance the buffer between the proposed development and adjacent residential uses. While the use of evergreen trees is technically a deviation from the planting requirements in the Zoning Ordinance, these trees will provide improved screening between the development and surrounding residential homes. The proposed development meets the intent of the transitional yard requirements along all portions of the periphery that abut residential uses through the provision of a mix of deciduous and evergreen trees. Accordingly, the requested modifications of the transitional yard requirements are 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. A modification of Section 4.2.4.B.1 of the Zoning Ordinance to allow tandem parking for the two-over-two stacked condominium multifamily units.

Section 4.2.4.B.1 of the Zoning Ordinance allows tandem parking for townhouses, duplex and single-family homes. As the two-over-two units are classified as multifamily dwellings, a strict application of Section 4.2.4.B.1 prohibits the use of tandem parking. As discussed above each of the two-over-two units will include two off-street parking spaces with one space located in a garage and one tandem space located in the adjacent driveway. This tandem parking configuration is common for the unit type, and the Applicant's nearby Mt. Vineyard project serves as an example where the configuration has been implemented successfully. As the tandem parking spaces will be used by residents of a single household, the tandem arrangement will not result in any conflicts. For these reasons, the requested modification is appropriate.

9. The vacation of approximately 4,558 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. These areas have no independent development potential, and currently consist of asphalt, curb and gutter associated with the existing intersection. 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. Finally, the Applicant is dedicating approximately 2,500 square feet of right-of-way along Fairfax Boulevard to facilitate the ultimate 100-foot wide street section envisioned by the Comprehensive Plan. The benefit of these improvements

and dedication, 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.