

**OX HILL REALTY**  
**CITY CENTER WEST**  
**NARRATIVE**

**January 24, 2022**

Please accept the following Narrative to support the submitted rezoning, special use permit, special exception and related applications to allow the redevelopment of 10501 Main Street, 10515 Main Street and 10523 Main Street. The proposed development consists of an upper-story residential/mixed use building that will include multifamily condominium units, medical and general office space, a drive-through bank, and ground floor retail and/or restaurant uses. This Narrative is submitted in conjunction with a Master Development Plan and Special Use Permit Plat, prepared by Urban, Ltd., dated January 18, 2022 (the “MDP/SUP Plat”) and associated supporting materials. The contents of this Narrative address the approval considerations for rezonings, special use permits and special exceptions as set forth in Sections 6.4.9, 6.7.7 and 6.17.7 of the City of Fairfax Zoning Ordinance (the “Zoning Ordinance”).

Ox Hill Realty (the “Applicant”) is the contract purchaser of a three-parcel assemblage in the City of Fairfax (the “City”) located on the south side of Main Street at its intersection with West Street. The Subject Property consists of three (3) tax parcels identified among the City’s tax records as 57-4-02-071, 57-4-02-072, and 57-4-02-076 (collectively, the “Subject Property”). According to the assessment records, the Subject Property includes a total of approximately 77,683 square feet (approximately 1.78 acres). The Subject Property is currently split-zoned CR (Commercial Retail) and CG (Commercial General). All three parcels are located in the Old Town Fairfax Transition Overlay (TO) District. The Subject Property is currently developed with three existing freestanding buildings including a vacant drive-through bank, a vacant restaurant and a low-rise office building.

**PROPOSED DEVELOPMENT**

The Applicant proposes to rezone the Subject Property from the CR, CG and TO Districts to the CG (Commercial General) and TO Districts to permit the development of a vibrant mixed-use building that will activate the Subject Property and contribute to the vibrancy of Old Town Fairfax. As discussed in more detail below, the proposal is consistent with the vision for Old Town set forth in the City’s Comprehensive Plan as articulated in the Old Town Fairfax Small Area Plan (SAP), and will serve as a catalyst for further redevelopment in the Old Town Fairfax Activity Center.

Overview of Proposed Uses

As depicted on the submitted MDP/SUP Plat, the proposed upper-story residential/mixed use building will include a mix of residential and commercial uses that will breathe life into a relatively dormant area of Old Town Fairfax. With the exception of a small residential lobby in the northwest corner of the building, the first three floors of the building will be occupied exclusively by commercial uses. On the east side of the Subject Property, the ground floor of the

building will include approximately 7,324 square feet of retail and/or restaurant uses oriented toward a proposed public plaza in the southwest quadrant of the intersection of Main Street and West Street. The proposed public plaza is located on property owned by Fairfax County. With the cooperation of the County, the Applicant proposes to improve this area with a plaza that will be accessible to the public. The plaza will provide additional open space in Old Town Fairfax and will serve to integrate the proposed development with the downtown. The restaurants and/or retail establishments will contribute toward the activation of the downtown, and will provide additional dining and/or shopping opportunities for the City and its residents.

The remainder of the first and second floors of the building will be occupied by additional commercial uses including a bank, general office space and medical office space. A portion of the office space has been reserved for an existing business in Fairfax that wishes to relocate from its current space but remain in the City. The proposed office space not only represents an opportunity to attract new businesses and commercial activity to the City, but also to retain an existing business and significant employer. In addition to occupying approximately 15,918 square feet of the proposed office space, the business will occupy and operate a retail bank branch on the ground floor of the building. The bank will include a drive-through, but unlike typical freestanding drive-through establishments, the proposed drive-through facility is located entirely within the proposed underground parking garage and therefore not visible from public view. It will include two (2) parallel drive-through lanes serviced by two (2) electronic teller machines. Each lane will include four (4) stacking spaces measured from the teller machines, consistent with Zoning Ordinance requirements.

The upper four stories of the building will be occupied by 88 multifamily condominium units. The proposed condominiums will include one, two and three-bedroom units ranging from an average of 940 square feet for one-bedroom units to an average of 2,012 square feet for three-bedroom units. Based on the proposed number of units, the proposed development is subject to conformance with the recently-adopted Affordable Dwelling Unit (ADU) provisions of the Zoning Ordinance. The Applicant will work with the City to ensure the proposed development is consistent with the City's ADU regulations. As indicated on the floor plans included in the MDP/SUP Plat, the residential component of the development will include amenity areas, private balconies, and a unique rooftop open space element that includes a swimming pool. The proposed condominium units will help meet the City's demonstrated need for multifamily housing opportunities, and it is anticipated that the size and location of the units will appeal to the growing segment of 'buy-down' homebuyers who wish to remain in or move into the City of Fairfax community close to friends and family but eliminate the maintenance obligations associated with a single family home. The introduction of additional full-time residents in the heart of downtown Fairfax will support the City's business community and contribute to the activation of Old Town Fairfax consistent with the vision of the SAP.

#### Site and Building Design

As shown on the MDP/SUP Plat, the proposed building is oriented to Main Street, forming a street wall that activates the streetscape consistent with the objectives of the TO District. The ground floor of the building will be activated by the retail and/or restaurant uses and the office uses along Main Street. Streetscape improvements along the Main Street frontage include the

undergrounding of existing overhead utilities and the installation of a new ten (10) foot wide brick sidewalk. The proposed public plaza to the east of the building will serve as a gathering space for patrons of the restaurant/retail establishments, residents, employees of businesses within the building and the surrounding area, and the general public. The landscaped public plaza will contribute to the establishment of a network of open spaces throughout Old Town Fairfax, and will enhance connectivity between Old Town and the proposed development.

The proposed development will provide on-site stormwater management and best management practices (BMP) consistent with all applicable state and City requirements. Sustainable stormwater management measures are provided in the form of green roof.

#### Transportation Improvements and Site Access

One of the most significant benefits of the Applicant's proposal is the implementation of substantial improvements to the transportation network in the City and Fairfax County. The Applicant's proposal includes the construction of a new road on the western portion of the site that will provide a connection between Main Street and, ultimately, the Fairfax County Judicial Complex. A new traffic signal is proposed at the intersection of this new road and Main Street. The signal will facilitate access to the parking garage entrances located to the rear of the proposed building, improve traffic conditions along Main Street, and provide an added operational benefit to the Mosby Tower located to the northwest of the Subject Property across Main Street.

In addition to the Main Street connection, the Applicant proposes to construct a new road along the southern property line that will connect West Street with the proposed Main Street connection. This east-west connection, which is located partially on the Subject Property and partially within Fairfax County, will provide vehicular access to the parking garage located beneath the proposed building which, as discussed above, will include the internal bank drive-through facilities. The east west road will also include publicly accessible on-street parking that will provide convenient access to the retail and/or restaurant uses in the building and supplement the on-street parking supply in the downtown. Additionally, a potential connection to the existing parking garage in the Judicial Complex is identified. While the number of parking spaces in the proposed parking garage on the Subject Property will exceed the minimum requirements of the Zoning Ordinance for the mix of uses in the building, the Applicant believes that both the City and County will benefit by improved connections to the County garage. As noted on the MDP/SUP, all proposed improvements on Fairfax County property, including the proposed road, public plaza, and parking garage connection, are subject to coordination with and approval by Fairfax County.

The proposed 4-level parking garage beneath the building includes a total of 474 parking spaces. The number of parking spaces is consistent with Zoning Ordinance requirements. Access to the parking garage is provided on the south side of the building, thereby eliminating the three existing curb cuts on Main Street and reducing queuing conflicts at the intersection of Main Street and West Street. The garage includes two (2) entrances to the parking areas, and one (1) entrance to a dedicated loading area that will serve the residential and commercial uses.

## **REZONING APPLICATION**

The proposed rezoning fulfills each of the approval considerations set forth in Section 6.4.9 of the Zoning Ordinance, as discussed below:

*A. Substantial conformance with the Comprehensive Plan*

The proposed development is in substantial conformance with the Comprehensive Plan (the “Plan”), as it advances several of the Plan’s stated objectives. As indicated on the Plan’s Future Land Use Map, the Subject Property is located within the boundaries of the Old Town Fairfax Activity Center and the Old Town Fairfax Small Area Plan (the “SAP”).

First, the Applicant’s mixed-use development will contribute to the creation of a balanced activity center, thereby advancing one of the five Key Ideas of the SAP. The introduction of residential activity will contribute to the activation of the City’s downtown core, and the addition of office, retail and restaurant uses will complement the existing commercial character of downtown Fairfax while strengthening the City’s commercial tax base. The proposal will provide opportunities for individuals to live, work, shop and dine in downtown Fairfax.

Second, the Applicant’s proposal is consistent with the urban framework envisioned in the SAP. The proposed transportation improvements, which include the construction of new streets along the western and southern boundaries of the Subject Property, will extend the existing grid of streets in Old Town Fairfax westward along Main Street, thereby breaking up this large block and supporting a more walkable, pedestrian oriented experience. The orientation of the proposed building to Main Street and location of retail, restaurant and other commercial uses along the entire Main Street frontage will activate the street and contribute toward the urban character of Old Town. Additionally, the proposed construction of a public plaza at the intersection of Main Street and West Street will add to the growing network of public open spaces in the downtown, consistent with the objectives of the SAP. The proposed building will serve as a gateway to downtown Fairfax.

Finally, the proposed building is consistent with the building height recommendations in the SAP, which characterizes the property as appropriate for up to six-stories. The additional height requested by the Applicant is appropriate in the context of the immediately surrounding area, which is developed exclusively with commercial and institutional uses at heights up to six (6) stories on properties just east and north of the Subject Property along Main Street. The building will also provide a transition between the City and the Fairfax County Judicial Complex to the south, for which Fairfax County has plans for future development in the near and mid-term. The Applicant’s proposal will provide the City with a signature building at the western gateway to the downtown.

*B. Any greater benefits the proposed rezoning provides to the City than would a development carried out in accordance with the current zoning district, and otherwise applicable requirements of this chapter.*

The proposed development includes the consolidation of three split-zoned parcels into a single parcel under a unified zoning district. The proposed CG Zoning District is consistent

with the recommendations of the Plan for the Old Town Fairfax Activity Center, and will allow the development of a mixed-use project that advances a number of the SAP's stated objectives as noted above. The numerous benefits of the proposed rezoning include, but are not limited to, the activation of three underutilized parcels, the construction of a number of transportation and infrastructure improvements, and the retention and addition of commercial activity in the City.

*C. Suitability of the Subject Property for the development and uses permitted by the current versus the proposed district.*

The Subject Property is highly suitable for the proposed development given its location in a commercial area of the City and proximity to existing cultural, civic and commercial uses. While each of the proposed uses are permitted either by right or with Special Use Permit approval under the current zoning classifications, the three parcels are currently split-zoned, and the Zoning Ordinance does not permit the coordinated redevelopment of a split-zoned property. A rezoning to the CG District will allow the development of uses that are permitted under the existing split-zoning classification in a manner that is consistent with the recommendations of the Plan and the SAP. The rezoning is therefore appropriate.

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

The proposed development will not have an adverse impact on public transportation facilities, safety facilities, school facilities, or public parks. As demonstrated in the submitted Fiscal Impact Analysis, the proposed development will result in substantial new revenue for the City on an annual basis which will more than offset the costs of services provided by the City. Additionally, the Applicant's proposal will include significant public facilities improvements including the undergrounding of existing overhead utilities, the construction of new roads, and the installation of a signalized intersection that will mitigate traffic impacts and ensure the flow of traffic on Main Street. Finally, the proposed public plaza to be constructed at the intersection of Main Street and West Street will create additional publicly accessible open space to supplement the open space network in the area and further activate the downtown.

*E. Adequacy of existing and proposed public utility infrastructure.*

The existing public utility infrastructure is adequate to serve the proposed development. As stated above, the proposed development will include the undergrounding of existing overhead utilities along Main Street.

*F. Compatibility of the proposed development with adjacent and nearby communities.*

The proposed development is located in a predominantly commercial area of the City, and does not abut any existing or planned residential neighborhoods. As noted above, the proposed height is compatible with the height of proximate existing buildings on Main Street and with the height of planned development on the adjacent Fairfax County judicial

complex. The addition of multifamily residential uses on the Subject Property advances the land use recommendations of the Plan and SAP, and will contribute to the activation of downtown Fairfax. The proposed development is therefore highly compatible with the surrounding area.

*G. Consistency with the stated purpose of the proposed district.*

The stated purpose of the CG District is to provide areas for office, general retail, automobile-related uses, and uses accessory or complementary thereto. The proposed office, retail, restaurant and drive-through uses are therefore consistent with the proposed CG District. Additionally, the Subject Property is also located in the TO District, which allows upper-story residential/mixed use development as a permitted use where the underlying zoning district is CG. Accordingly, the residential component of the proposed development is also consistent with the stated purpose of the TO District.

Accordingly, the proposed rezoning of the Subject Property from the CR and CG Districts to the CG District fulfills the considerations of Section 6.4.9 of the Zoning Ordinance.

## **SPECIAL USE PERMITS, SPECIAL EXCEPTIONS AND MODIFICATIONS**

In conjunction with the proposed rezoning, the Applicant requests approval of the following special use permit and special exceptions:

1. Pursuant to Section 3.5.5.C of the Zoning Ordinance, a special use permit is hereby requested to allow a drive-through bank in the CG District.

The proposed drive-through bank complies with each of the accessory use standards enumerated in Section 3.5.5.D.10 of the Zoning Ordinance. The drive-through facilities are located completely within the proposed parking garage, and will not be visible from the public right of way. Each of the two drive-through lanes provide the required number of stacking spaces set forth in Section 4.2 of the Zoning Ordinance, and the lanes will be clearly marked to direct the flow of traffic. As the lanes are located within the parking garage, neither will impede the flow of pedestrian traffic into the main entrance of the bank on Main Street.

The drive-through bank also fulfills the approval considerations for a special use permit as set forth in Section 6.7.7 of the Zoning Ordinance. The proposed drive-through, which will replace an existing drive-through bank on the Subject Property, is consistent with the Plan's recommendations which encourage a mix of uses – including commercial uses – in the downtown. The proposed drive-through will also comply with the accessory use standards as outlined above. Third, the proposed drive-through will have no impact on the health or safety of persons in the vicinity of the Subject Property given that the facilities are located entirely within the proposed parking garage. Similarly, the drive-through will have no adverse impact on the public welfare or surrounding properties. For the above reasons, approval of the requested special use permit is appropriate.

2. Pursuant to Section 6.17.1(B)(3) of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the forty-eight (48) foot maximum building height in the TO District.

The Applicant is requesting a modification of the maximum building height requirement to allow a height of six (6) stories and approximately 93 feet. In accordance with the approval criteria for special exceptions set forth in Section 6.17.7 of the Zoning Ordinance, the requested modification of maximum building height will not materially or adversely impact adjacent land uses or the physical character of uses in the immediate vicinity of the Subject Property. The proposed development is located in a commercial area of the City and is surrounded entirely by non-residential uses. Proximate commercial development on Main Street to the west of the Subject Property includes two six (6) story buildings, and the six-level County parking garage. The proposed height is therefore generally compatible with the height of existing structures in the surrounding area. In addition, the adjacent Fairfax County Judicial Complex located south of the Subject Property is not subject to any height restrictions. In its recently adopted Master Plan for the judicial complex, Fairfax County identified two 5 – 7 story buildings immediately south of the Subject Property. The Applicant's proposed six story building will therefore provide a logical transition in height between the City and the planned adjacent buildings on the Judicial Complex.

Given the lack of residential uses in the immediate vicinity of the Subject Property and Fairfax County's plans for the Judicial Complex, the requested increase in maximum building height is compatible with existing and planned development in the surrounding area and will not have adverse impacts on residential communities. Further, the proposed building height is consistent with the height recommendations for the Subject Property identified in the SAP. Accordingly, the requested special exception is appropriate.

3. Pursuant to Section 6.17.1.B.3 of the Zoning Ordinance, a special exception is hereby requested to allow an increase in the 90% maximum lot coverage in the TO District.

The Applicant's proposal includes a lot coverage of approximately 94%, which exceeds the 90% maximum permitted by the TO District regulations. The requested increase in maximum permitted lot coverage is in large part driven by the transportation improvements that are being provided in conjunction with this proposal. The proposed road connections on the western and southern property lines have been identified as desired transportation improvements by the City and Fairfax County, and while the Applicant has worked to minimize lot coverage to the extent possible, the requested increase is necessary to allow these infrastructure improvements while maintaining a viable project. As part of the redevelopment the Applicant will install required stormwater management facilities to detain and treat stormwater, which may also include the provision of green roofs on a portion of the rooftop. Finally, while the proposed public plaza is technically located off-site and

the Applicant has not included it for the purposes of lot coverage calculations, the plaza will include green space, landscaping and other open undeveloped space that would otherwise be excluded from lot coverage calculations. For the foregoing reasons, approval of the requested special exception to allow an increase in maximum permitted lot coverage is appropriate.

4. Pursuant to Section 6.17.1.B.3 of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the yard requirements in the TO District.

The Applicant requests a special exception to allow modifications of the 50% mandatory build-to line and maximum 10 foot front yard requirement in the TO District. A strict application of Section 3.7.3.C.3 of the Zoning Ordinance would require at least 50% of the proposed building face to be located on the property line along Main Street, and would allow a maximum 10 foot setback along the frontage. While the proposed building meets the intent of these requirements through its orientation to Main Street, modifications are requested. The Applicant has proposed to install a 10 foot wide sidewalk along the Main Street frontage, consistent with TO District requirements. A landscape strip is proposed along the back side of the sidewalk in order to provide street trees. As it is not possible to provide both the sidewalk and street trees while constructing the building on the property line, the Applicant requests a modification of the mandatory build-to line requirement. Similarly, the Applicant is requesting a modification of the maximum 10 foot front yard requirement. The provided front yard ranges from approximately 11.7 feet to approximately 17 feet along Main Street. While technically greater than the 10 foot maximum, the space between the building and the property line will be occupied by trees, entryways and other features that will contribute to the streetscape. Because the proposed streetscape improvements and building orientation meet the intent albeit not the strict letter of the TO District requirements, approval of the special exception is appropriate.

5. Pursuant to Section 6.17.1.B.4 of the Zoning Ordinance, a special exception is hereby requested to allow a waiver of the inter-parcel vehicular access requirement set forth in Section 4.3.3.

The Applicant requests a waiver of the requirement to provide an inter-parcel access to the adjacent property located at 10533 Main Street. While the Applicant has previously contacted the adjacent owner about the possibility of consolidating access points, the owner has not been interested in doing so. While the proposed development does not preclude an inter-parcel connection from being made in the future, the Applicant requests a waiver of this requirement.

6. Pursuant to 6.17.1.B.4 of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the loading space requirement set forth in Section 4.2.9.B.



Based on the size and mix of uses in the proposed building, a total of three (3) loading spaces are required. A total of two (2) loading spaces are proposed in the dedicated loading bay accessed from the east west connector road on the south side of the building. The Applicant anticipates that the two (2) loading spaces will be sufficient to accommodate the proposed uses, given the infrequent loading needs of banks and offices and due to the fact that residential loading activities for the for-sale condominium units are likely to be less frequent than a similarly-sized rental project. Because the provided number of loading spaces are adequate from an operational standpoint, the requested special exception is appropriate.

7. Pursuant to 6.17.1.B.4 of the Zoning Ordinance, a special exception is hereby requested to allow a modification of the street tree spacing requirement set forth in Section 4.5.6.B.

The Applicant requests a modification of the maximum fifty (50) foot tree spacing requirement for a limited portion of the Main Street frontage located proximate to the entrance in the northwest corner of the building. Due to the change in grade, and in order to maintain accessibility to the residential lobby and bank entrance, the Applicant is required to provide a ramp and steps along this portion of the building. As a result, the two closest street trees are spaced approximately 140' apart. While this exceeds the maximum spacing allowed by Section 4.5.6.B, the requested modification is limited to this location. Since this modification is driven by accessibility requirements, and since the maximum spacing requirement is met along the remainder of the frontage, the requested special exception is appropriate.

## **CONCLUSION**

The Applicant's proposal is a bold vision that will define the future of Old Town Fairfax. The mixed-use development fulfills a number of the Plan's objectives for Old Town, as articulated in the SAP. The proposed development will breathe life into Old Town with the addition of 88 new condominium units, whose residents will work, shop and dine in the downtown. The significant amount of new proposed office space will allow the City to retain existing businesses, while also attracting new office, retail and restaurant tenants to downtown Fairfax. The retail and restaurant uses situated adjacent to the proposed public plaza at the intersection of West and Main will create a hub of activity on the west end of the downtown that will serve as a gathering space for City residents and employees of the nearby Fairfax County Judicial Complex, further integrating the City and County. Finally, the Applicant's proposal will provide significant infrastructure improvements in the form of an extended grid of streets, undergrounded utilities, a new traffic signal, and enhanced streetscape improvements along a currently dormant stretch of Main Street. The proposed improvements will result in significant new tax revenue, which will allow the City to benefit from the Applicant's bold vision.