



MEMORANDUM

To: Chair Angres and Members of the Planning Commission

From: Albert Frederick, Senior Planner

Through: Jason D. Sutphin, Community Development Division Chief
Brooke Hardin, Director of Community Development and Planning

RE: City Centre West (Z-22-00054)

Meeting Date: October 24, 2022

The attached documents are inclusive of all materials for the Planning Commission work session on the above-referenced items, including the materials that the applicant has provided in advance of this meeting. This memorandum serves to provide explanation of the purpose of this item.

The intent of this post-submission work session request is to receive feedback from the Planning Commission on a proposal to redevelop a bank with drive through, a vacant restaurant and a low-rise office building with a proposed upper-story mixed use building that consists of 84 multifamily condominium units, 68,905 square feet of general office uses, 12,649 square feet of medical and dental office uses, 3,662 square feet of retail uses, 3,662 square feet of restaurant uses, and bank with drive through on 1.78 +/- acres.

The applicant, Ox Hill Realty, proposes a Zoning Map Amendment (Rezoning) from CG, Commercial General and CR, Commercial Retail to CG, Commercial General in the Old Town Fairfax Transition Overlay District (TOD); a Special Use Permit to allow a bank with a drive-through; Special Exceptions to allow the building height to exceed for 48 feet in the Transition Overlay District (TOD), to allow the maximum density to exceed the permitted density, to exceed the maximum build-to line and maximum front yard requirements, to allow a waiver to the inter-parcel vehicular access requirement, to allow a reduction in the 10% tree canopy requirement, to allow a reduction of maximum street tree spacing requirement and to allow reduction in the sidewalk width in the TOD.

Prior to a formal application being submitted by the applicant, City Council held a pre-application meeting on April 2, 2019, to review a concept plan for a hotel, performance center, college/university space, restaurants, retail, office, approximately 100 residential units and structured parking. On April 22, 2019, the Planning Commission held a pre-application meeting to review a concept plan for a hotel, performance center, college/university space, restaurants, retail, office, approximately 100 residential units and structured parking.

Since these pre-application meetings, the proposal was significantly modified, and an application was filed with a different set of proposed uses and building/site layout.



CITY OF FAIRFAX

Department of Community Development & Planning

Zoning Map Amendment (Z-22-00054)
Special Use Permit (SU-22-00055)
Special Exception (SE-22-00056)

WORK SESSION DATE

October 24, 2022

APPLICANT

Ox Hill Realty, LLC

AGENT

Robert D. Brant, Attorney
 Walsh Colucci Lubeley & Walsh
 2200 Clarendon Boulevard
 Suite 1300
 Arlington, VA 22201

PARCEL DATA

Tax Map ID

- ◇ 57-4-02-076
- ◇ 57-4-02-072
- ◇ 57-4-02-071

Street Address

- ◇ 10501 Main Street
- ◇ 10515 Main Street
- ◇ 10523 Main Street

Zoning District

- ◇ CG, Commercial General
CR, Commercial Retail
- ◇ Old Town Fairfax
Transition Overlay
District/Architectural
Control Overlay District
(ACOD)

APPLICATION SUMMARY

The intent of this post-submission work session request is to receive feedback from the Planning Commission on a proposed Zoning Map Amendment (Rezoning) from CG, Commercial General and CR, Commercial Retail to CG, Commercial General in the Old Town Fairfax Transition Overlay District (TOD); a Special Use Permit to allow a bank with a drive-through; Special Exceptions to allow the building height to exceed for 48 feet in the Transition Overlay District (TOD), to allow the maximum density to exceed the permitted density, to exceed the maximum build-to line and maximum front yard requirements, to allow a waiver to the inter-parcel vehicular access requirement, to allow a reduction in the 10% tree canopy requirement, to allow a reduction of maximum street tree spacing requirement and to allow reduction in the sidewalk width in the TOD. The applicant proposes to redevelop a bank with drive through, a vacant restaurant and a low-rise office building with a proposed upper-story mixed use building that consists of 84 multifamily condominium units, 68,905 square feet of general office uses, 12,649 square feet of medical and dental office uses, 3,662 square feet of retail uses, 3,662 square feet of restaurant uses, and bank with drive through on 1.78 +/- acres.



Background Information

The site is currently developed with a vacant 3,721 square foot bank with drive through, a vacant 4,408 square foot restaurant and a 11,340 square foot office building. The subject site is located on the south side of Main Street, west of West Street and north of Page Street and the Fairfax County Courthouse Public Safety Center, and east of Judicial Drive. It consists of a consolidation of three (3) parcels for a total of 1.784 +/- acres as summarized in Table 1 (below):

Table 1: Property Information

Address	Description	Area	Current Zoning
10501 Main Street	Wells Fargo	0.842 acres	CG, Commercial General/TOD
10515 Main Street	Restaurant	0.608 acres	CR, Commercial Retail/TOD
10523 Main Street	Office Building	0.334 acres	CR, Commercial Retail/TOD
Total Area		1.784 acres	

- 10501 Main Street: Wells Fargo was constructed in 1986
- 10515 Main Street: the restaurant was constructed in 1970
- 10523 Main Street: the office building was constructed in 1971

The site has access from Main Street with four existing curb cuts on three parcels. Further information on adjacent properties is provided in Table 2 (below):

Table 2: Surrounding Land Use and Zoning

	Existing Zoning	Existing Land Use	Future Land Use
Site	CG, Commercial General and CR, Commercial Retail/Old Town Fairfax Transition Overlay District (TOD)	Vacant Bank, vacant restaurant, and office building	Activity Center/Old Town Fairfax Small Area Plan
North	CR, Commercial Retail and RM Residential Medium/Old Town Fairfax Historic Overlay District (HOD)	Religious Institution City parking lot	Social and Civic Network/Activity Center
South	PDC, Planned Development Commercial District	Fairfax County Courthouse Public Safety Center	Public Facilities
East	PDC, Planned Development Commercial District	Undeveloped land, County Sheriff, and Historic Courthouse	Public Facilities
West	CR, Commercial Retail/Old Town Fairfax Transition Overlay District (TOD)	Office	Activity Center/Old Town Fairfax Small Area Plan

The Future Land Use designation for the subject site is Activity Center. The surrounding land use designations are a combination of Activity Center and Social and Civic Network in the city, while the land use designation for the abutting properties in Fairfax County has a future land use designation of Public Facilities. The subject site is split zoned with two zoning districts: CG Commercial General and CR Commercial Retail. The subject site is immediately surrounded by uses that range from an office building to religious institution, city parking lot to county sheriff, and parking garage and judicial center. On the north side of Main Street and directly across from the site is Truro Anglican Church and a city parking lot; to the immediate east of the site

and at the southwest corner of Main Street and West Street is a county-owned parcel; immediately to the south of the site is the county-owned property with the Fairfax County Courthouse Public Safety Center; and to the west is a three-story office building.

Pre-Application Meetings

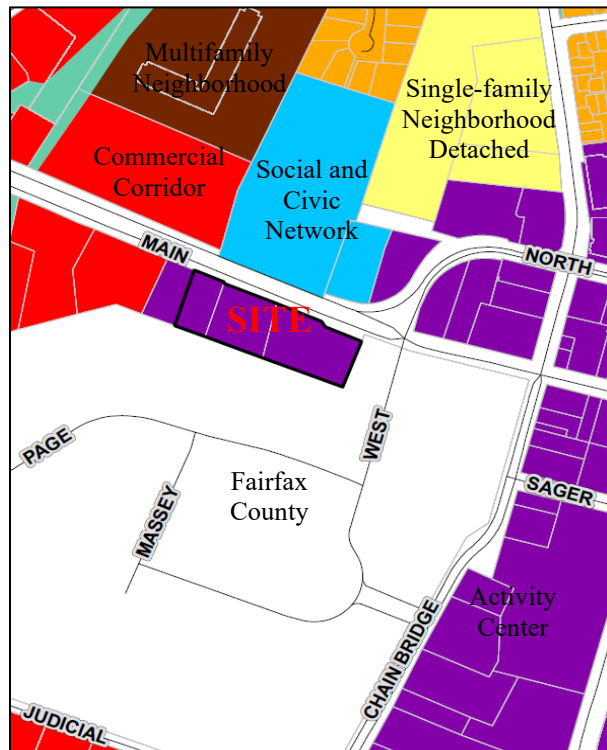
On April 2, 2019, City Council held a pre-application briefing to review a proposal for a hotel, performance center, college/university space, restaurants, retail, and office, approximately 100 residential units and structured parking. City Council expressed some concerns about traffic, mix of uses and functionality, theater space could be larger, collaboration with the Fairfax County and the Master Plan for the Judicial Center. City Council expressed strong support the concept plan. On April 22, 2019, the Planning Commission held a pre-application briefing to review a proposal for a hotel, performance center, college/university space, restaurants, retail, and office, approximately 100 residential units and structured parking. Planning Commission expressed similar concerns held by the City Council. Planning Commission would be interested in learning more about the relationship between the developer, George Mason University, the theater component, and a major hotel chain. Timing of this proposal and the necessary work to be done on the Small Area Plan and the Master Plan for the Judicial Center will be a challenge.

Since these pre-application meetings, the proposal was significantly modified, and an application was filed with a different set of proposed uses and building/site layout.

COMPREHENSIVE PLAN

Land Use: 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. Figure 1 (below) illustrates the Future Land Use Map for the subject site and surrounding area.

Figure 1: Comprehensive Plan



The Activity Center Place Type applies to locations in the city where pedestrian-oriented, mixed-use development is strongly encouraged. Mixed-use development is pedestrian-oriented development that allows multiple activities to take place by layering compatible land uses, public amenities, active streets accommodating multimodal transportation, and community serving commercial (City of Fairfax 2035 Comprehensive Plan, page 32). New development in Activity Center Place Type should provide integrated uses with structured or below grade parking. The overall project design within an activity center should improve the streetscape and provide vehicular and pedestrian connections to the existing road network and surrounding uses as recommended by the Multimodal Transportation Chapter of the Comprehensive Plan (City of Fairfax 2035 Comprehensive Plan, page 32). While the Comprehensive Plan advises the Activity Center's development at a high level, Small Area Plans provide more specific guidance for each Activity Center, including the desired mix of uses, residential density, building density, design aesthetic, street locations, multimodal connections infrastructure improvements, parking, and open space. As each Small Area Plan is completed and adopted, its recommendations will supersede the pre-existing guidance in the 2035 Comprehensive Plan for its respective Activity Center" (City of Fairfax, <https://www.fairfaxva.gov/government/community-development-planning/planning/current-studies-projects-plans/small-area-plans>). As noted in the section beginning on page 5, the Old Town Fairfax Small Area Plan was adopted in 2020, which includes the subject site.

Housing: 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). Therefore, the Comprehensive Plan encourages redevelopment and infill housing to meet the demand for underrepresented types of housing in the City's housing stock.

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 the majority 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).

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. Affordable housing should be encouraged in higher density areas of the city, particularly in the Activity Centers. (Comprehensive Plan, Page 56).

The applicant is proposing 84 multifamily (condominiums) units on 1.78 +/- acres with a density of 47 dwelling units per acre. This land use application is subject to Section 3.9 (Affordable Dwelling Units) of the Zoning Ordinance, which states “the provision of affordable dwelling units shall apply to any site, or any portion thereof, at one location which is the subject of a complete Land Use Application submitted after the effective date of the city's Program, whenever such an application includes, upon approval, a total of 30 or more dwelling units. Any Affordable Dwelling Unit Development is allowed to apply the Affordable Dwelling Unit Development Regulations to that development as set forth in §3.9.3 of this Ordinance (Zoning Ordinance, Page 3-69). The applicant is required to set aside a minimum of 6% of the total units in this upper story mixed-use residential development for affordable dwelling units. For land use applications in an adopted Small Area Plan, specific recommendations on growth in each Activity Center will be determined by the guidance of the adopted Small Area Plan.

Old Town Fairfax Small Area Plan

In June 2020, City Council adopted the Old Town Fairfax Small Area Plan to provide guidance on a neighborhood level for development in the Activity Center Place Type. The guidance provides specifics on the desired mix of uses, recommended height and density, building typologies, street locations, multi-modal connections, infrastructure improvements, parking, and open space. Old Town Fairfax is intended to bring in regional populations to come visit, interact, work, play, shop and dine in the city. It is a unique place within the region, with its historical downtown fabric and its adjacency to George Mason University (Old Town Small Area Plan, Introduction, Page 2).

Mix of Uses

- Old Town has an opportunity to transform into a mixed-use Activity Center that centers and anchors the surrounding communities. Transitioning to a more balanced mix of uses will help create a better sense of place, bringing more activity around the clock, potentially reduce single-use peak traffic, and help create more dynamic public spaces.
- Residential uses are key to supporting new development in the Activity Centers, both of which are currently dominated by office space. New residential construction also provides diversification of residential product type since most of the City’s existing residential inventory comprises older single-family homes and apartment complexes. Expanding residential choices to include new construction, including target market occupants (students and seniors), can help nurture a well-balanced sustainable community (Old Town Small Area Plan, Page 24).
- Retail thrives when concentrated in nodes of no more than two to three urban blocks, and in traditional two-sided walkable pedestrian friendly streets and continuous retail frontage. Public open space can be advantageously used by adjacent retail uses to strengthen the civic life of the park and help support the retail. Retail should be most concentrated in the pedestrian precinct and cultural core-building upon its unique existing retail opportunities (Old Town Small Area Plan, Page 21).
- In the medium to long term mix of uses, the following percentage of uses are anticipated:
 - o Multifamily (52%)
 - o Office (28%)
 - o Retail (11%)
 - o Hotel (5%)

- Institutional (4%)

- Retail frontage is prescribed at this location on Main Street and adjacent to the County-owned land at the corner of southwest Main Street and West Street.

Height and Density

Density is not prescribed on a parcel-by-parcel basis. For a near term horizon of 15 years, it is estimated that Old Town will bring in substantial new development and land use changes, including:

- Residential: Increase of 1,250 residential units (includes townhouses, condos, market-rate apartments, senior living, student, and affordable housing units)
- Office: Increase of at least 25,000 GSF new office space
- Retail: Increase of at least 60,000 GSF new retail space and activation of at least 20,000 GSF of currently vacant retail space
- Most of the properties within the Old Town study area regulated by the Old Town Historic Overlay District and the Old Town Transition Overlay District, which limits buildings to a maximum height of 3 stories and 4 stories, respectively. The plan focuses larger scale redevelopment in Old Town North and Old Town South. Taller buildings conform to the existing character established by the larger existing office buildings and nearby tall structures at the Massey Complex (Old Town Small Area Plan, Page 25).
- Recommended up to six (6) stories for the subject property.

The SAP accommodates increased height at this site if certain uses are proposed, which the applicant no longer proposes.

Building Typologies

A set of buildings that are similar in the function or form but may have different materials and styles.

Street Locations

- One of the key recommendations of this plan is to rethink the street grid and circulation system as a loop road surrounding a pedestrian precinct. Main Street, from West Street to Old Lee Highway, is Fairfax City's historic central street. Currently, Main Street is characterized by narrow sidewalks, no bicycle facilities, uncomfortable crossings, and traffic congestion.
- Main Street from Chain Bridge Road to Old Lee Highway, and University Drive from Sager Avenue to North Street can be designed as pedestrian-oriented streets. The Old Town Small Area Plan incorporates the 30% streetscape design plan as a near term recommendation for Main Street.
- Continued coordination with the redevelopment of the Fairfax County Massey Complex property provides an opportunity to further extend South Street to the west of Chain Bridge Road and connect it to West Street to complete the loop.
- This plan proposes new street connections to create more walkable blocks with a grid of connected streets. Not only is pedestrian connectivity enhanced by the creation of smaller blocks and higher intersection density, but a well-connected network allows choice for travelers to filter through a grid of streets and potentially shorten travel distances. The street grid will result in providing options for people to use other streets and may reduce additional traffic at major intersections than otherwise would be added in the absence of a new network (Old Town Small Area Plan, Page 28).

Multi-modal Connections

- As identified in the City's Multi-modal Transportation Plan, most of the trips on the City's roadway network are people driving in cars that start and end beyond the City's limits (Old Town Small Area Plan, Page 28).
- This Small Area Plan provides a unique opportunity to fundamentally rethink the role and design of Old Town's streets to prioritize people over cars. With this approach, streets can be designed to focus on local activities and local trips made by all modes rather than regional car trips that do not serve the City's goals.
- Mixed-use redevelopment built as walkable districts invite more local travel and produce much higher rates of "internal capture" than typical single-use automobile-dependent developments (Old Town Small Area Plan, Page 28).
- This plan proposes new street connections to create more walkable blocks with a grid of connected streets. New street and trail connections are proposed to the surrounding neighborhoods around Old Town. These new connections will help provide a more direct option for current residents to walk and bike much shorter distances to get to their destinations in Old Town (Old Town Small Area Plan, Page 28).
- Provide comfortable sidewalks and street crossings throughout the Activity Center. Develop a complete network of safe and comfortable bicycle facilities linked to destinations beyond the Activity Center.
- Establish a Transportation Demand Management (TDM) program to encourage active modes of transportation

The east-west private road behind the building would be located partially on County land, and while it is the City's understanding that there is some agreement of understanding, the County has not committed to this design and may have comments.

Infrastructure Improvements

The plan recommends that future developments be encouraged to place existing overhead utilities underground. This is consistent with Section 4.11 of the Zoning Ordinance.

Parking

- Parking management for the Activity Center relies on the following five strategies (Old Town Small Area Plan, Page 34):
- Create a park-once and walk district
- Encourage shared parking
- Establish district-wide parking regulations
- Encourage the use of on demand mobile parking apps
- Manage curbside space

Open Space

The plan calls for a variety of green spaces - from trails and natural spaces to neighborhood parks and plazas. The range of green and open spaces can allow a variety of activities to take place for the residents and visitors.

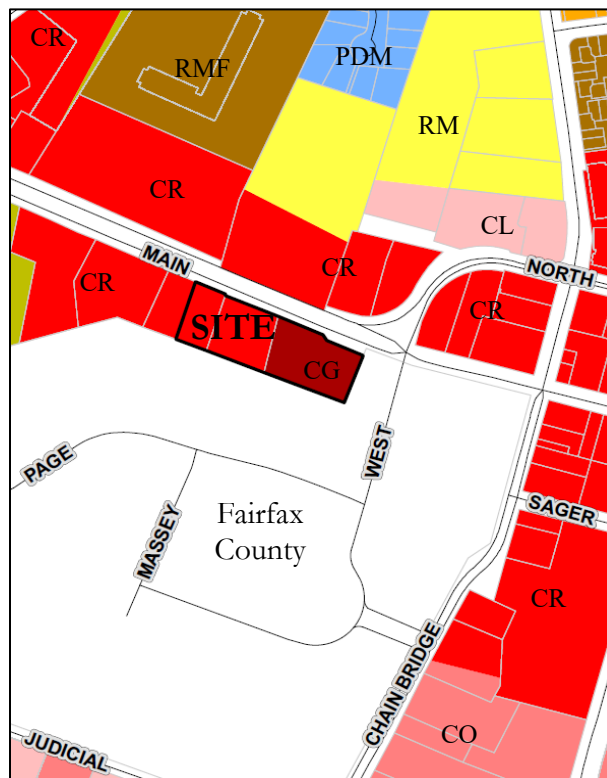
Rezoning: The applicant is requesting a Zoning Map Amendment (Rezoning) from CG, Commercial General and CR, Commercial Retail to CG, Commercial General in the Old Town Fairfax Transition Overlay District (TOD).

§3.2.1.B.1.c CR, Commercial Retail The CR, Commercial Retail District is established to provide areas for office and general business and retail establishments, and uses accessory or complementary thereto.

§3.2.1.B.1.e. The CG, Commercial General District is established to provide areas for office, general retail, automobile-related uses, and uses accessory or complementary thereto.

The subject site is split zoned with two zoning districts: CR Commercial Retail and CG Commercial General. If an existing lot is (currently) split into two or more zoning districts, each such portion of the split-zoned parcel may be used only for purposes allowed within the respective zoning district. No principal or accessory use of land, building or structure, and no use or building or structure authorized by special use permit or special exception is allowed unless the use, building or structure is expressly authorized or permitted within the subject district (Section 2.2.2. Split-zoned lots). Figure 2 (below) illustrates the zoning districts for the subject site and the surrounding properties.

Figure 2: Current Zoning Map



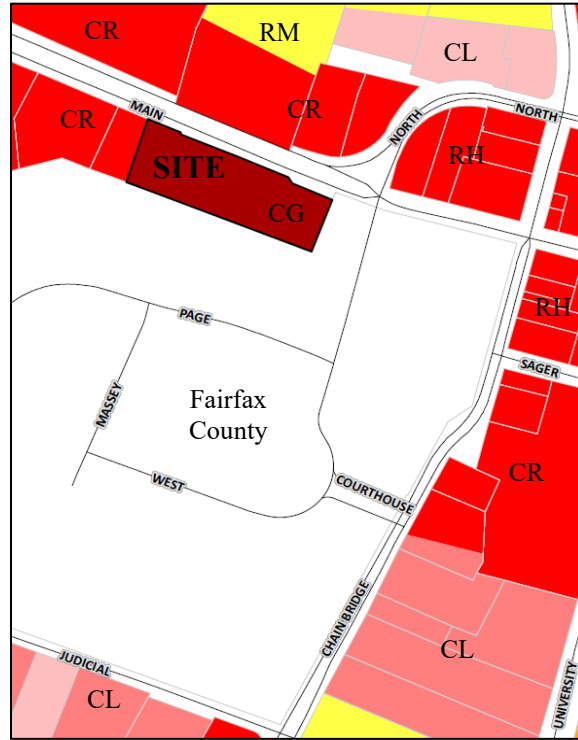
The surrounding zoning districts to the north and west are a combination of CR Commercial Retail and RM Residential Medium in the city with uses that range from an office building, religious institution, and city parking lot; while the parcels in the county to the south and east have PDC Planned Development Commercial zoning with undeveloped land and public facility uses (i.e., Fairfax County Courthouse Public Safety Center, County Sheriff, and Historic Courthouse).

Under the current configuration, the proposal could not be developed, and the site would remain with commercial uses as residential uses are not permitted in CR Commercial Retail and CG Commercial General. Therefore, the applicant is requesting to rezone the property from CR Commercial Retail and CG Commercial General to CG Commercial General.

§3.2.1.B.1.e. The CG, Commercial General District is established to provide areas for office, general retail, automobile-related uses, and uses accessory or complementary thereto.

Figure 3 (below) shows the proposed CG Commercial General district and the zoning designations of the surrounding area.

Figure 3: Proposed Zoning Map

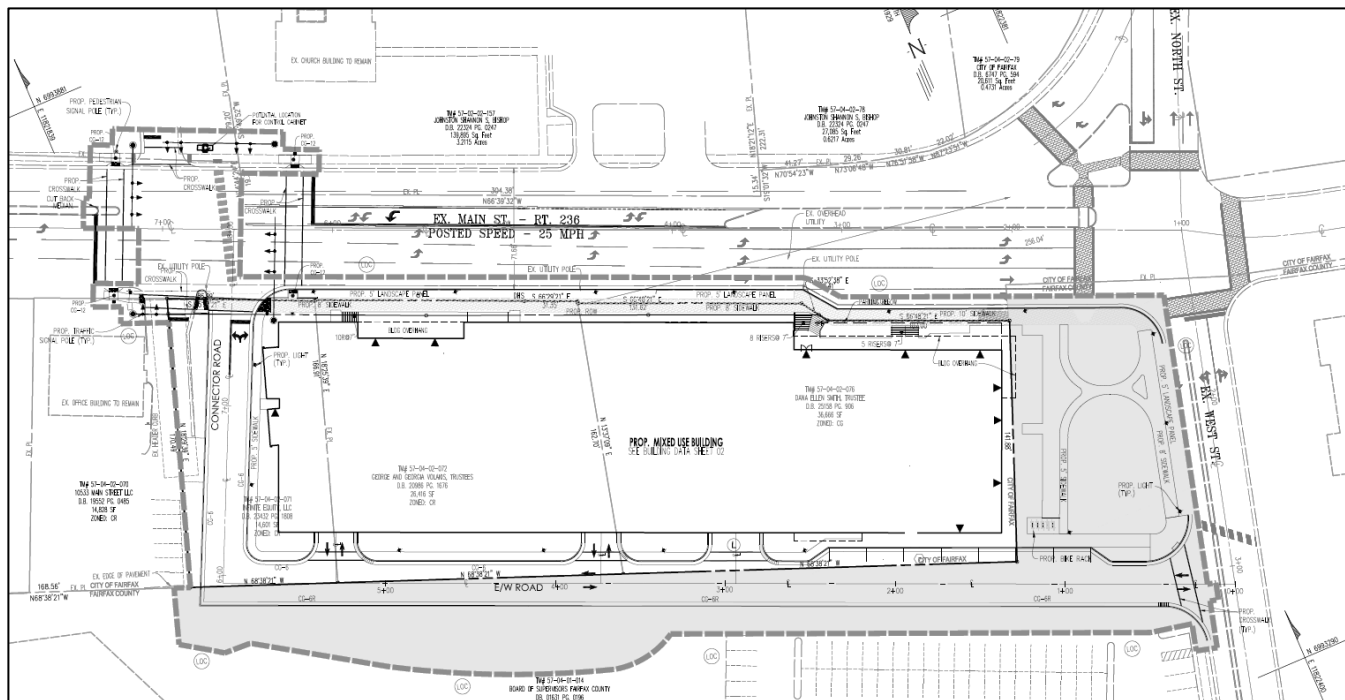


The proposed rezoning from CR Commercial Retail and CG Commercial General to CG Commercial General could allow for the site to be developed with commercial uses. CG Commercial General does not support residential development in the purpose statement. However, the Transition Overlay District permits upper-story residential/mixed use as a by-right use.

Staff has asked the applicant to examine the CU Commercial Urban district. Staff believes the most appropriate zoning district for this land use application is the CU Commercial Urban district as it closely aligns with the Transition Overlay District. The CU Commercial Urban District is established to provide 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 in the downtown area.

Figure 4 (next page) shows the building footprint and limits of disturbance for the proposed general development plan.

Figure 4: General Development Plan



Requests

Rezoning application

The proposed redevelopment is dependent on City Council approval of a Map Amendment (Rezoning) from CR Commercial Retail and CG Commercial General to CG Commercial General. The site is currently developed with a vacant 3,721 square foot bank with drive through, a vacant 4,408 square foot restaurant and a 11,340 square foot office building. The applicant is the contract purchaser for the three parcels included in this land use application. In determining whether to approve or disapprove a proposed rezoning to any district other than a rezoning requesting a planned development district, the planning commission and city council shall consider any proffers, and the specific standards listed in Section 6.4.9.A-G. In granting applications for rezoning to districts other than planned development districts, the city council may accept, through proffering or otherwise as permitted by law, development of the subject site as shown on a general development plan (Section 6.4.10.B). Where the underlying zoning is the CL, CO, CR, CG or CU district in the Transition Overlay District, uses permitted include upper story residential/mixed use (Zoning Ordinance, Section 3.7.3.B.1.a). An amendment to the City’s Zoning Ordinance approved in July 2022 added CU Commercial Urban to the list of underlying zoning districts in which upper story residential/mixed use is permitted by-right in the Transition Overlay District.

Staff recommends that the applicant now consider the more appropriate district of CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD). The CU, Commercial Urban District is established to provide 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 (Zoning Ordinance, Section 3.2.1.B.1.d, Page 3-2). A rezoning from CR Commercial Retail and CG Commercial General to CU Commercial Urban may reduce the number of special exceptions for the proposed general development plan. Staff notes that the CU Commercial Urban district does not have a tree canopy requirement and street trees are not required in the CU Commercial Urban. Likewise, the minimum landscape strip requirement for street trees in Section 4.5.6 shall not apply in the Old Town Fairfax Transition Overlay District.

Scale: The building form and mix of uses as prescribed by the Old Town Fairfax Small Area Plan provides guidance to the height and bulk size of the proposed building. The typical land uses prescribed for this location are mixed use buildings, retail, offices, multifamily, parks and green space. Areas not close to adjacent residential structures are recommended to have a 6-story height limit to accommodate mixed-use buildings. The plan focuses larger scale redevelopment in Old Town North and Old Town South. Taller buildings conform to the existing character established by the larger existing office buildings and nearby tall structures at the Massey Complex. (Old Town Small Area Plan, Page 25). Table 3 (below) provides a comparison of building heights for the proposed development and other buildings in city and general vicinity of the site.

Table 3: Building Height Comparison

Name	Floors	Height
City Centre West	7 to 9-stories	94 +/- feet
Adult Detention Center (County)	7-stories	100 +/- feet
Capstone Collegiate	5-stories	64 +/- feet
Fairfax Building	6-stories	82 +/- feet
Fairfax at Gateway (The Moxley)	5-stories	53 +/-feet
Mosby Tower	7-stories	85 +/-feet
Providence Square	4-stories	60 +/- feet
Scout on the Circle	6-stories	85 +/- feet
N29 WillowWood Phase I*	8-stories	80 +/- feet

*Land use application under review

The applicant has requested a special exception for the maximum height requirement of 48 feet in the Transition Overlay District. In addition to a special exception for height, the applicant has requested a special exception for density to exceed the maximum number of units per acre in the CG Commercial General district (24 du/acre). The general development plan has 84 total units, while the request for special exception has 80 units. The density for the proposed project is 47.19 dwelling units per acre. The overall residential densities and heights for other approved developments as compared to the subject application are provided in Table 4 (below):

Table 4: Project Comparisons

Project	Site Area (Acres)	Number of Units	Density	Building Height
City Centre West	1.78	84	47.1	94 +/- feet
Capstone Collegiate	6.15	275	44.7	64 +/- feet
Fairfield at Gateway (The Moxley)	8.32	403	48.4	69 +/- feet
Providence Square	2.21	96	43.4	60 +/- feet
Scout on the Circle	8.69	400	46	85 +/- feet
N29 WillowWood Phase I (Land use application under review)	2.97	278	95.9	80 +/- feet

Build-to Line: Build-to lines are either the front and side (street) property lines or lines parallel to the front and side (street) property lines as specified to provide the maximum yard allowed to which a minimum percentage of the building facade along the front yard and side (street) yard, if any, must be built (Zoning Ordinance, Section 1.5.4, Page 1-4). The mandatory build-to line in the TOD is 50% with a front and side yard setback of 10 feet. In applying this requirement, 50% of the building face must be within 10 feet of the

property line. The applicant has proposed a range of front yard setback of 4 feet to 17 feet on Main Street; thus, requiring a special exception to the build-to line requirement of the maximum 10-foot front yard requirement.

A right-of-way dedication for up to 50 feet to Main Street is required by the Comprehensive Plan and the Public Facilities Manual.

Building Coverage: Building coverage is the percentage of lot area that is permitted to be covered by buildings, including both principal structures and accessory buildings (Zoning Ordinance, Section 1.5.7.A.1, Page 1-5). The requirement for maximum building coverage in the TOD is 80%. The existing building coverage is 17%. The applicant has provided a building and lot coverage sheet in the general development plan and states the proposed building coverage is 68%.

Lot coverage: Lot coverage is the percentage of lot area that may be covered by buildings, including both principal and accessory structures, impervious surfaces such as driveways, uncovered porches or patios, swimming pools, or roof overhangs of more than three feet (Zoning Ordinance, Section 1.5.7.B, Page 1-6). The requirement for maximum lot coverage in the TOD is 90%. The existing lot coverage is 79% of the three existing lots. The applicant has provided a building and lot coverage sheet in the general development plan and states the proposed lot coverage is 89%.

Tree Canopy: Section 4.5.6 of the Zoning Ordinance prescribes a 10-year minimum tree canopy requirement by district. The tree canopy requirement for the CG Commercial General district is 10%. The general development plan as currently submitted has 4,000 sf under the required 7,768 sf in the CG Commercial General. The applicant is requesting a special exception to the tree canopy requirement. The applicant states, “a significant number of trees both on and off-site along the street frontages and within the public plaza at the intersection of Main Street and West Street. Given that many of the trees are located either in the right of way along Main Street or in the County-owned public plaza, such trees are off-site and are therefore ineligible for inclusion in tree canopy coverage calculations. If the off-site trees were eligible for inclusion in these calculations, the proposed development would significantly exceed the 10% minimum requirement. Because the City will ultimately receive the benefit of the tree canopy required by the Zoning Ordinance, the requested modification is appropriate.” (Narrative, Page 9).

The applicant is also requesting a special exception to allow a reduction in the maximum 50-foot tree spacing requirement for a portion of the street frontage (southeast corner of the building) on Main Street and the future East/West Road to allow on-street parking. The applicant states, “The modification is necessary in order to provide on-street parking spaces along the future street, which will be used for retail parking and, potentially, short-term parking for deliveries, drop offs, and pick-ups. Since this the maximum spacing requirement is met along the remainder of the frontage, the requested special exception is appropriate.” (Narrative, Page 9).

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). The applicant states that all existing utilities

along Main Street frontage will be either removed or relocated underground. Staff requests that the applicant provide a utility plan to show how the utilities will be handled on-site, and once those utilities are removed what will be the impacts to overhead utilities on Main Street. Also, the existing utilities are not shown on the County parcels to the south and east of the site.

Transportation: The proposed development is bound by Main Street, Page Avenue to the south, West Street to the east, and Judicial Drive to the east. Main Street is classified as an arterial street with four lanes and 38,000 average daily trips. Judicial Drive is a collector street with four lanes and 11,000 average daily trips. West Street is a three-lane local road with 2,310 average daily trips. There are additional existing roads like Page Avenue, Massey Drive, Chain Bridge Road, and North Street that should be evaluated in the Transportation Impact Study. Table 5 (below) provides a summary of proposed trips:

Table 5: Trip Generation

City Centre West Traffic Impact Analysis										
Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Proposed Uses										
Multifamily	221	84	DU	8	21	29	23	14	37	456
General Office	710	68,905	Sq. Ft.	78	13	91	13	67	80	739
Medical-Dental Office	720	12,649	Sq. Ft.	27	8	35	13	32	45	398
Retail-Shopping Center	820	10,010	Sq. Ft.	6	3	9	48	51	99	1,257
Bank with drive-through	912	3,328	Sq. Ft.	19	13	32	34	34	68	393
Restaurant	932	3,662	Sq. Ft.	20	16	36	22	14	36	411
Total				214	108	323	112	167	279	2,600

Staff has provided high-level comments related to traffic and street design that need to be addressed:

- Intersection design at Main Street and the proposed private street.
- The applicant needs to get concurrence from the County on the proposed East/West Road, which is partially located on county property and jurisdiction.
- The plan should demonstrate that the proposal can accommodate a Public Facilities Manual (PFM) compliant design of the right turn lane on West Street.
- Transportation Demand Management (TDM) program in the proffers/commitments. The TDM section of the Transportation Impact Statement (TIS) does not make any meaningful recommendations, nor are there any TDM measures mentioned in the draft proffers.
- The TIS was submitted on September 30, 2022 and is still under review by City staff and County staff.
- The City’s potential participation in the development of new roads for the benefit of this site is a separate agreement from the development application, and the city cannot be committed to this in the applicant’s proffers.

Circulation/Pedestrian Access: The applicant proposes to consolidate four access points on Main Street into one access point on the western edge of the site. The applicant proposes a new private street (Connector Road) from Main Street in a north-south direction that connects to a new east-west private street to West

Street along the southern property line. The proposed private streets are 26 feet in width with 13-foot travel lanes. The applicant proposes to install a new traffic signal on Main Street at the new north-south private street. The new east-west road, supported by the new north-south street and the existing West Street, provides access to the parking garage with two entrances in the rear of the upper story residential/mixed use building including the bank with a drive-through on parking level two. A third entrance is proposed as loading area to serve the residential and commercial uses. A portion of the east-west road is on the subject site and a portion is on county-owned land. The east-west road has proposed on street parking. Coordination between the applicant, city staff and county staff are required since the proposed private streets are in two jurisdictions.

The Multi-Modal Transportation Plan and the Zoning Ordinance requires a 10-foot wide sidewalk on Main Street. The applicant is proposing an 8-foot sidewalk on Main Street from the west property line to the recessed portion of the building on the eastern edge of the site. A proposed 10-foot sidewalk continues to the corner of Main Street and West Street. The proposed sidewalk on the west side of West Street is proposed at 8 feet and is entirely on the county-owned property as part of the proposed pocket park. A five-foot wide sidewalk is proposed on the west side of the building between the connector road and the building. This sidewalk is planned to extend to the rear of the building on the north side of the east-west private road. However, the general development plan does not show a sidewalk on the south side of the east-west road necessitating a special exception for sidewalks on both sides of the street.

Parking: The subject site is in the Old Town Fairfax Transitional Overlay District and the minimum required parking shall be reduced by 50 percent for all uses, provided that each dwelling unit shall have no less than 1.50 spaces. Table 6 (below) summarizes the required parking requirements and proposed parking spaces provided by the applicant.

Table 6: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	TOD Reduction	Provided Spaces
Upper story residential/mixed use					The applicant should show how parking spaces are allocated between residential and commercial uses.
1-bedroom	4	1.5 spaces per 1 bed unit	6	6	
2-bedroom	55	2 spaces per 2 bed unit	110	83	
3-bedroom	25	2 spaces per 2 bed unit	50	38	
Bank	3,328 sf	1 space/300 sf	11	6	
Office, General	68,905 sf	1 space/300 sf	230	115	
Office, Medical	12,649 sf	1 space/200 sf	32	16	
Restaurant	3,662 sf	1 space/200 sf	18	9	
Retail	3,662 sf	1 space/200 sf	18	9	
Total			475	281	

The applicant has provided the number of parking spaces (Sheet 2 of GDP) on each floor of the four-level parking garage. However, staff needs additional information to explain how parking is allocated between residential units and commercial uses. Staff also notes that off-site parking spaces cannot be counted towards the overall parking numbers for this application. There are two surface spaces on county-owned property that cannot be counted.

Loading Zone: The applicant proposes commercial uses that exceed 50,000 sf, which requires a minimum of two loading spaces. The overall loading space requirement is three spaces including a one space for 50+ units in an upper story residential/mixed use building (4+ stories). The applicant has proposed one loading space to the rear of the building.

Bicycle Parking: Section 4.2.8.C of the Zoning Ordinance states that bicycle parking shall be in a visible, well-illuminated area that does not conflict with automobile or pedestrian traffic. The requirement is 20 spaces. The applicant has proposed a bicycle rack on level one of the garage and an off-site bicycle rack on the proposed pocket park on county-owned land. The applicant cannot count off-site bicycle parking spaces towards the overall amount of bicycle parking spaces for the land use application.

Inter-parcel connection: The applicant is seeking a special exception to allow a waiver of the inter-parcel vehicular access requirement to the property to the west (10533 Main Street). There is an existing easement for ingress and egress that provides access to the office buildings at 10533 Main Street and 10523 Main Street. The applicant states that they have “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. The Applicant has included a proffer commitment to reserving an area along the western property line to allow the construction of an inter-parcel access in the future at such time as the adjacent property redevelops.” (Narrative, Page 9). Staff believes a single access shared drive or street would eliminate the need to request a waiver for inter-parcel vehicular access requirement and further coordination with the adjacent property owner should be sought.

Stormwater Management: Stormwater BMPs, on-site detention facilities, and on-site drainage facilities shall be designed and maintained in such a manner as to minimize economic and environmental costs to the city and its inhabitants (Zoning Ordinance, Section 4.16.2, Page 4-77). The applicant has proposed on-site stormwater management and best management practices consistent with city and state regulations. The applicant has stated that there may be opportunities for green roof areas to enhance the on-site stormwater management.

Development Impacts

Building/Fire Code: The second submission is still under review. The plans need to demonstrate the apparatus can maneuver into and around the site.

City Schools: Students living in the City Center West development will go to the following City Schools: Providence ES, Katherine Johnson MS, and Fairfax HS. According to City staff's projections, the City Center West project will generate 5 students. While that number appears manageable, the combined yields of other planned residential projects potentially will increase the need for 2-3 additional classrooms. While Providence's capacity deficit has decreased and is in a more manageable capacity status, Katherine Johnson MS (KJMS) and Fairfax HS (FHS) are approaching capacity at 95% and 96% respectively. For FHS, this exacerbates the continued need for trailers. For KJMS, there will likely be a need to add trailers onsite. City Schools staff and Board welcome City students and families and remain concerned with the residential planning projects attribution to capacity deficits for our schools.

Fiscal Impact: The fiscal impact analysis is under review and staff estimates that this proposal would bring a net fiscal benefit of between \$872,000 and \$1,154,000 annually (avg. = \$1,013,000).

In addition to the rezoning request from CG, Commercial General and CR, Commercial Retail to CG, Commercial General in the Old Town Fairfax Transition Overlay District (TOD), the applicant proposes the following land use requests for City Council action; however, formal action and recommendations by the Planning Commission are not required for the following items:

- **Special Use Permit** for a bank with a drive through

The applicant states “The drive-through facilities are located completely within the proposed parking garage and will not be visible from the public right of way. The 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, the facility will not impede the flow of pedestrian traffic into the main entrance of the bank on Main Street.” (Narrative, Pages 6-7). Staff notes that the bank drive-thru turning movements (Sheet 17A) appear inconsistent with proposed circulation (Sheet 24). The turn movements appear to depict multiple conflict points with entering and exiting vehicles. The applicant should show vehicles following the correct path and consider using larger vehicle for turning analysis as many vehicles using this drive through may be larger than a sedan.

- **Special Exceptions** to allow the building height to exceed for 48 feet in the Transition Overlay District (TOD), to allow the maximum density to exceed the permitted density, to exceed the maximum build-to line and maximum front yard requirements, to allow a waiver to the inter-parcel vehicular access requirement, to allow a reduction in the 10% tree canopy requirement, to allow a reduction of maximum street tree spacing requirement and to allow reduction in the sidewalk width in the TOD. Staff also believes the applicant would be required to submit a special exception for the sidewalk width on Main Street as the requirement is a 10-foot wide sidewalk in the TOD and submit a special exception for sidewalks on both sides of a street.
- **Major Certificate of Appropriateness** for architecture and landscaping

Architecture and Landscaping:

On November 2, 2022, the applicant has a scheduled work session to discuss the architecture and landscaping for the proposed upper-story residential/mixed use building with the Board of Architectural Review. Attachment 5 has the preliminary architectural concepts for the proposed building with landscaping. This land use application is subject to a Major Certificate of Appropriateness for architecture and landscaping with a recommendation to City Council from the Board of Architectural Review. The BAR also provides a recommendation on the Special Exceptions as the subject site is in the Transition Overlay District.

Attachments

A1 – Narrative

A2 – SUP Plat

A3 – Traffic Impact Statement

A4 – Draft Commitments

A5 – BAR Submission

PREPARED BY:



Albert Frederick
Senior Planner

10/20/22

DATE



Jason D. Sutphin
Community Development Division Chief

10/20/22

DATE



Brooke Hardin
Director, Community Development & Planning

10/20/22

DATE

OX HILL REALTY
CITY CENTRE WEST
NARRATIVE

August 31, 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 as amended August 30, 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 major financial institution, general office space and medical office space. The Applicant has already secured two major tenants for the building – Truist Bank and Infinite Technologies. These tenants currently occupy office space in Old Town Fairfax, and have expressed a strong desire to remain in the City. The Applicant’s proposal therefore provides an opportunity for the City not only to keep these existing businesses and employers in the City, but also to attract new businesses and commercial activity to the Old Town. 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 three (3) 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 five stories of the building will be occupied by 84 multifamily condominium units. The proposed condominiums will include one, two and three-bedroom units that range in size from approximately 1,055 square feet for one-bedroom units up to approximately 3,262 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. Accordingly, five (5) units, representing 6% of the total number of units, will be provided as for-sale ADUs. Sales of these units will be conducted in accordance with the provisions of the ADU Ordinance and the associated administrative 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 building is served by a partially buried 4-level parking garage that includes a total of 467 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.

The proposed development will provide on-site stormwater management and best management practices (BMP) consistent with all applicable state and City requirements. In furtherance of the Applicant's commitment to sustainable building design, the building will achieve LEED certification. Additionally, the Applicant has identified potential green roof areas on the roof of the building, which will provide enhanced stormwater management.

Transportation Improvements and New Road Infrastructure

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. As noted on the MDP/SUP Plat, 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.

Both new roads to be constructed by the applicant will be private, but will remain publicly accessible in perpetuity through the establishment of public access easements to be recorded by the Applicant. While both roads will be constructed by and at the cost of the Applicant during

construction of the building, they will provide a clear public benefit through the logical extension of the existing street grid in Old Town, the provision of a new vehicular and pedestrian connection between the judicial complex and Main Street, and improved vehicular circulation. Moreover, the City will experience a positive fiscal impact from the proposed development as a whole through the retention of tenants and jobs in the City, and the generation of substantial new tax revenue from this project. For these reasons, and because both jurisdictions have expressed a desire for these streets during the planning process for this proposal, the Applicant is requesting reimbursement from the City and County for their respective portions of the roads and associated infrastructure.

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 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. While the proposed 8-story building exceeds the recommended height in the SAP on account of the significant topography of the site, its unique location adjacent to the Judicial Complex and in proximity to some of the tallest

buildings in the City makes it appropriate in the context of the surrounding area. Through the use of quality materials and architectural design, the building will screen views of the existing concrete parking garage to the southwest. Additionally, Fairfax County ultimately intends to redevelop the Judicial Complex with a number of buildings, the heights of which are currently unknown. Given that there are no residential uses in the vicinity of the property to be adversely impacted, the additional height in this area is appropriate. 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. The 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, the facility will not 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 eight (8) 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 building will therefore screen view of the adjacent County parking garage, and 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 maximum permitted density in the CG District set forth in Section 3.6.2.

The proposed 80 condominium units results in a density of 44.94 units per acre, which exceeds the permitted density of 24 units per acre allowed for developments in the CG District that are subject to the ADU Ordinance. The proposed additional density at this location, however, is supported by the Comprehensive Plan and the Old Town SAP. This project will inject a significant amount of activity into Old Town and continue Old Town's transition into a mixed-use activity center with a balanced mix of uses. The future residents of the proposed building will live in walking distance to local shops, restaurants and other places of business in Old Town Fairfax – thereby reducing reliance on cars and contributing to the activation of the area. In addition to the 80 proposed condominium units, the Applicant's proposal also includes a significant amount of commercial uses, including retail, restaurant and office space – thereby contributing to the balance of uses envisioned by the SAP. The Applicant's proposal will further serve as a catalyst for future re-development in Old Town, thereby advancing the goals of the City and its SAP.

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 curb in order to provide street trees and a buffer between traffic and pedestrians. 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 4 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. The Applicant has included a proffer commitment to reserving an area along the western property line to allow the construction of an inter-parcel access in the future at such time as the adjacent property redevelops.

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

The Applicant is requesting a special exception to allow a reduction of the 10% tree canopy requirement. As identified on the landscape plan on Sheet 22 of the MDP/SUP Plat, the Applicant will be planting a significant number of trees both on and off-site along the street frontages and within the public plaza at the intersection of Main Street and West Street. Given that many of the trees are located either in the right of way along Main Street or in the County-owned public plaza, such trees are off-site and are therefore ineligible for inclusion in tree canopy coverage calculations. If the off-site trees were eligible for inclusion in these calculations, the proposed development would significantly exceed the 10% minimum requirement. Because the City will ultimately receive the benefit of the tree canopy required by the Zoning Ordinance, the requested modification 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 street frontage located in the southeast corner of the building along the future private street. While the tree spacing at this location exceeds the maximum spacing allowed by Section 4.5.6.B, the requested modification is limited to this location. The modification is necessary in order to provide on-street parking spaces along the future street, which will be used for retail parking and, potentially, short-term parking for deliveries, drop offs, and pick ups. Since this 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 80 new condominium units – including five ADUs - 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.