

Robert D. Brant
(703) 528-4700 Ext. 5424
rbrant@thelandlawyers.com



**WALSH COLUCCI
LUBELEY & WALSH PC**

January 27, 2023

Via E-Mail

Brooke Hardin
Director, Community Development and Planning
City of Fairfax
10455 Armstrong Street
Fairfax, Virginia 22030

Re: Request for Pre-Application Briefing for Proposed Generalized Development Plan
Amendment and Special Use Permit Applications
10120 Fairfax Boulevard
Applicant: ABTB Mid-Atlantic, LLC

Dear Mr. Hardin:

As you are aware, I represent ABTB Mid-Atlantic, LLC (the “Applicant”), the contract lessee of property located at 10120 Fairfax Boulevard in the City of Fairfax (the “City”). Please accept this letter and the enclosed materials as a request for pre-application briefings with the Planning Commission and City Council to discuss the Applicant’s proposed development of the Subject Property with a Taco Bell restaurant with a drive-through.

10120 Fairfax Boulevard is identified among the City’s real estate assessment records as 47-4-23-000-D and consists of approximately 0.66 acre (the “Subject Property”). The Subject Property is currently a vacant pad site that is part of the Boulevard Marketplace Shopping Center (the “Shopping Center”). Zoned to the CR (Commercial Retail) District, the Subject Property was initially included in a Generalized Development Plan (“GDP”) that was approved subject to proffers by City Council for the Shopping Center in 2008, allowing a total of 17,300 square feet of commercial space, including a 4,300 square foot bank building with drive-through on the Subject Property. In 2011, the Shopping Center was subdivided into two separate parcels, including the Subject Property and the adjacent parcel identified as 47-4-23-000-A. In 2017, City Council approved a GDP amendment, which converted the previously approved drive-through bank to an approximately 5,100 square foot retail building. To date, the approved retail building has not been constructed, and the Subject Property remains vacant.

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

The Applicant proposes to redevelop the Subject Property with a drive-through Taco Bell restaurant. The Applicant's proposal will require a GDP Amendment, as well as a special use permit ("SUP"). In terms of the City's 2035 Comprehensive Plan (the "Plan"), the Subject Property is designated as "Commercial Corridor," which supports a variety of commercial uses including a mix of retail, restaurant, and other commercial uses. The proposed use is therefore consistent with the Plan's recommendations for the Commercial Corridor place type. In addition, the proposed use is consistent with the existing pattern of development along the Fairfax Boulevard corridor, which includes a number of existing drive-through restaurant uses.

As illustrated on the enclosed concept plan, the restaurant with drive-through will consist of an approximately 2,256 square-foot, one story building with a proposed parking area, oriented towards the rear of the Subject Property. The proposed drive-through lane will wrap around the new building and parking area and will accommodate 13 stacking spaces, which exceeds the minimum number required by the Zoning Ordinance. A total of 21 parking spaces are provided on the Subject Property, including 12 spaces along the existing drive aisle of which 8 spaces are subject to a shared parking agreement within the shopping center. Bicycle parking and a small outdoor dining patio area will also be provided proximate to the restaurant's main entrance.

Primary access to the Subject Property will be through the existing internal circulation of the Shopping Center. The Shopping Center is served by two existing vehicular access points along Fairfax Boulevard – including one signalized full-movement access and one right-in/right-out access. An additional vehicular access is provided to the adjacent Patient First parcel, which provides for inter-parcel vehicular access to the Subject Property. No changes are proposed to the existing access or on-site circulation conditions associated with the Shopping Center. To accommodate adequate pedestrian circulation, the Applicant will incorporate a 6-foot wide sidewalk between the proposed building and parking areas. In addition, the Applicant proposes to maintain an existing 8-foot wide trail along the western property line that connects to the George Snyder Trail to the north of the site. Finally, while the northern portion of the Subject Property includes Resource Protection Area ("RPA") and floodplain, none of the Applicant's proposed site improvements will encroach into these environmentally sensitive areas. All site work is limited to previously disturbed areas of the site.

From a transportation standpoint, the proposed conversion of the approved retail building to a drive-through restaurant is not anticipated to generate a substantial traffic impact. As indicated in the submitted preliminary trip generation analysis, the proposed use is anticipated to generate 50 vehicle trips in the morning peak hour and 33 vehicle trips in the evening peak hour, representing 38 additional trips in the morning and 15 fewer trips in the evening when compared to the previously approved use. Also, the Applicant anticipates that this restaurant will attract customers who are already on the road. Accordingly, the proposed use will not have an adverse traffic impact on Fairfax Boulevard.

As shown on the submitted architectural renderings, the building will be architecturally compatible with the adjacent buildings in the Shopping Center through the use of compatible brick materials and cornice details that are shared by the two existing buildings. As part of the

application process, the Applicant will submit a Certificate of Appropriateness application and work with City staff and the Board of Architectural Review to ensure the building is compatible with the area and consistent with the City's Design Guidelines.

I have enclosed the following materials for consideration by staff, the Planning Commission, and City Council:

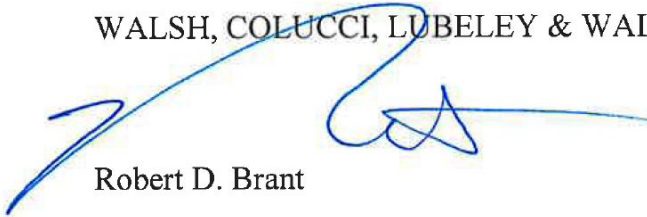
- A concept plan, which provides details of the proposed development and includes an aerial exhibit of the Shopping Center, prepared by Dynamic Engineering and dated January 23, 2023;
- A trip generation assessment prepared by Dynamic Traffic and dated January 20, 2023; and
- Conceptual architectural renderings prepared by GLMV and dated January 26, 2023.

The Applicant's proposal will result in the redevelopment of a vacant pad site with a new restaurant that will add to the mix of tenants within the Shopping Center as well as provide additional food choices to the surrounding community. The proposed restaurant use remains consistent with the commercial character of Fairfax Boulevard and is in harmony with the recommendations of the Plan.

I would appreciate the scheduling of a pre-application briefing to discuss this proposal with the Planning Commission on February 27, 2023, and with City Council on February 28, 2023, or as soon as possible thereafter. Should you have any questions regarding the submitted materials or should you require any additional information, please do not hesitate to contact me. As always, I appreciate your assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Robert D. Brant

Enclosures

Cc: Jason Sutphin Daniel Pellissier Jake Jarboe
 Albert Frederick David Panella Rosa Paddock
 Anna Kohlbrenner Connor McManus Kathryn R. Taylor