



City of Fairfax, Virginia

City Council Regular Meeting

Agenda Item # 8a

City Council Meeting 7/11/2023

TO: Honorable Mayor and Members of City Council

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

SUBJECT: Request of Ox Hill Realty LLC, applicant, by Walsh Colucci Lubeley & Walsh, P.C., agent/attorney, for a Zoning Map Amendment (Rezoning) from CG Commercial General and CR Commercial Retail to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD) with proffers; a Special Use Permit to allow a financial institution (bank) with a drive-through; Special Exceptions to allow the building height to exceed 48 feet in the Transition Overlay District (TOD), to allow the density to exceed the maximum density of 24 units per acre in the CU Commercial Urban district, to allow modifications of the 50% mandatory build-to line and maximum front yard requirements, to allow a waiver to the inter-parcel vehicular access requirement, and to allow a modification to the requirement to provide a sidewalk on both sides of a street; a modification request to Section 3.9 (Affordable Dwelling Unit) of the Zoning Ordinance, approval of a General Development Plan, and for a Major Certificate of Appropriateness pursuant to City Code Section 110-6.5 for architecture and landscaping on the premises known as “City Centre West” and identified as 10501 Main Street (Tax Map 57-4-02-076), 10515 Main Street (Tax Map 57-4-02-072), and 10523 Main Street (Tax Map 57-4-02-071).

ISSUE(S): City Council public hearing regarding a Zoning Map Amendment (Rezoning) from CG Commercial General and CR Commercial Retail to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD) consistent with improvements shown on the General Development Plan and proffers in the TOD; and issuance of a Major Certificate of Appropriateness for architecture and landscaping.

SUMMARY: The applicant proposes to replace a former 3,721 square foot bank with drive-through, a former 4,408 square foot restaurant and an 11,340 square foot office building with 79 multifamily condominium units, a financial institution (bank) with a drive-through facility, general office uses, medical office uses, retail and restaurant uses.

FISCAL IMPACT: The anticipated fiscal impact estimate for the proposed redevelopment project ranges from \$543,000 and \$741,000 annually with an average of \$642,000.

RECOMMENDATION: Staff recommends approval of the Zoning Map Amendment, General Development Plan, and proffers; approval of the special use permit; approval of special exceptions to height, density, build-to line, and inter-parcel vehicular connection; denial of special exception for sidewalk request; denial of the affordable dwelling unit modification, and approval with conditions of a Major Certificate of Appropriateness.

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

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

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

ATTACHMENTS: Staff Report



CITY OF FAIRFAX

Department of Community Development & Planning

Zoning Map Amendment (Z-22-00054)

Special Use Permit (SU-22-00055)

Special Exceptions (SE-22-00056)

ADU Modification (V-22-00057)

Certificate of Appropriateness (BAR-22-00772)

PUBLIC HEARING DATE

July 11, 2023

APPLICANT

Ox Hill Realty, LLC

AGENT

Robert D. Brant, Attorney
Walsh Colucci Lubeley & Walsh, PC
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
(TOD)

APPLICATION SUMMARY

The applicant is requesting a Zoning Map Amendment (Rezoning) from CG Commercial General and CR Commercial Retail to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD) with proffers; a Special Use Permit to allow an upper-story mixed use building that consists of up to 79 multifamily condominium units with a financial institution (bank) and drive-through facility, general office uses, medical office uses, retail and restaurant uses on 1.78 +/- acres; Special Exceptions to allow the building height to exceed 48 feet in the Transition Overlay District (TOD), to allow the density to exceed the maximum density of 24 units per acre in the CU Commercial Urban district, to allow modifications of the 50% mandatory build-to line and maximum front yard requirements, to allow a waiver to the inter-parcel vehicular access requirement, and to allow a modification to the requirement to provide a sidewalk on both sides of a street; a modification request to Section 3.9 (Affordable Dwelling Unit) of the Zoning Ordinance, and a major certificate of appropriateness.

Staff Recommendation:

See Page 27 of this report for staff recommendations.

Background Information

The site is currently developed with a former 3,721 square foot bank with drive-through, a former 4,408 square foot restaurant and an 11,340 square foot office building. The subject site is located on the south side of Main Street, west of West Street, north of Page Street and the Fairfax County Judicial Complex, and east of Judicial Drive. The subject property consists of a consolidation of three (3) parcels for a total of 1.78 +/- acres as summarized in Table 1 (below):

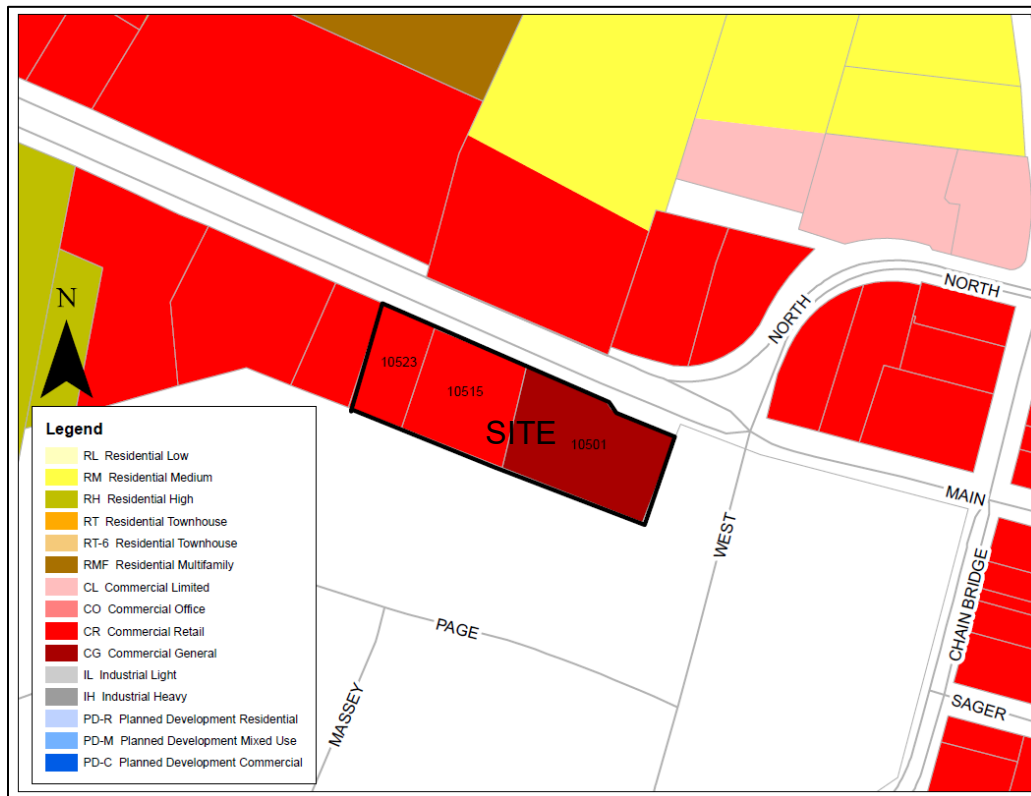
Table 1: Property Information

Address	Description	Area	Current Zoning
10501 Main Street	Former Wells Fargo	0.84 +/- acres	CG, Commercial General/TOD
10515 Main Street	Former Restaurant	0.60 +/- acres	CR, Commercial Retail/TOD
10523 Main Street	Office Building	0.33 +/- acres	CR, Commercial Retail/TOD
Total Area		1.78 +/- acres	

- 10501 Main Street: 3,721 square foot bank with drive-through was constructed sometime around 1986.
- 10515 Main Street: 4,408 square foot restaurant was constructed sometime around 1970 with a brick exterior and metal roof.
- 10523 Main Street: 11,340 square foot office building was constructed sometime around 1971 with a brick exterior.

The parcels that are included in the consolidation for this application, along with their current zoning designations, are shown in Figure 1.

Figure 1: Current Zoning Map



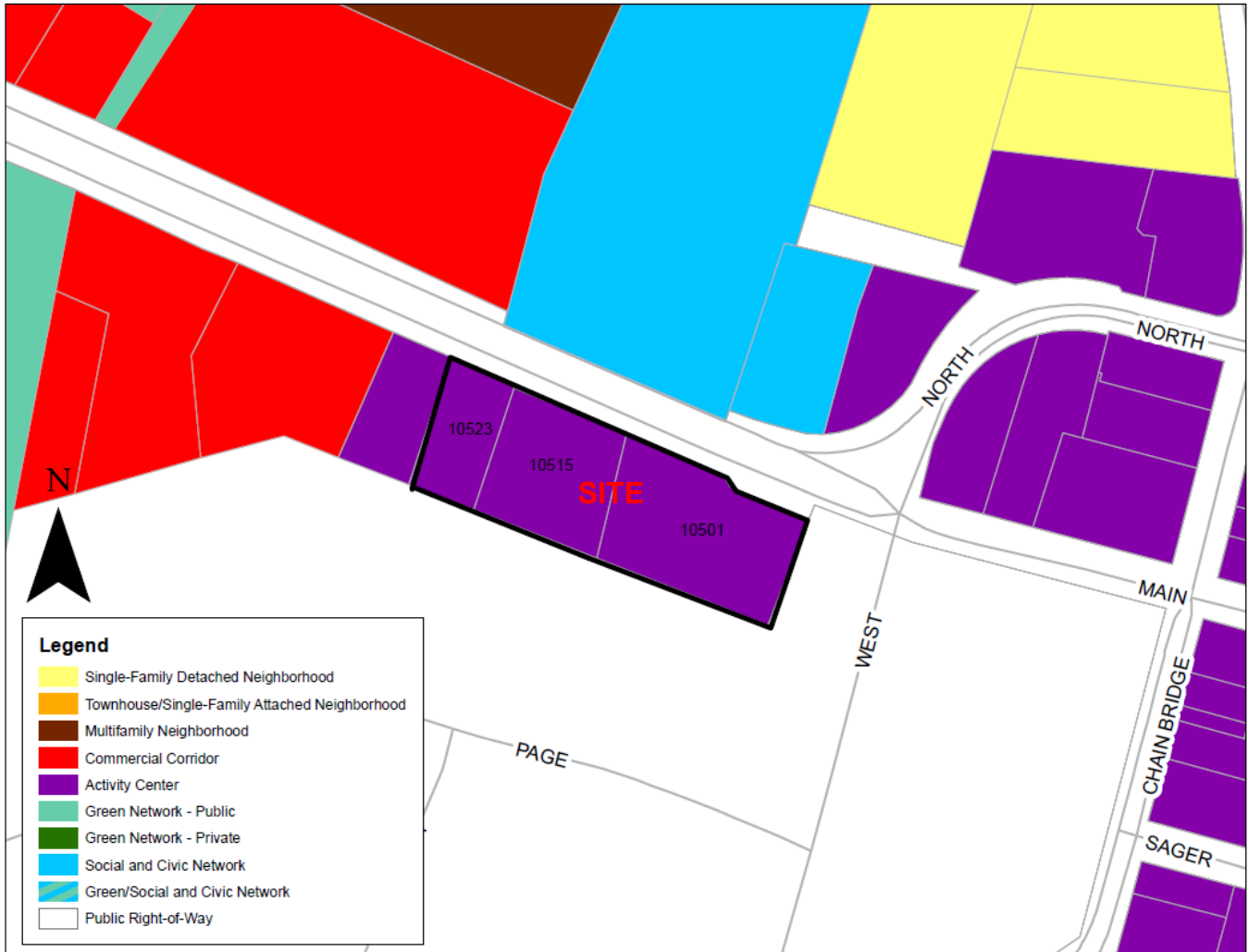
The subject site is split into two zoning districts: CR Commercial Retail and CG Commercial General. If an existing lot is (currently) split into two or more zoning districts, each such portion of the split-zoned parcel may be used only for purposes allowed within the respective zoning district. No principal 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). 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 Judicial Complex, County Sheriff, and Historic Courthouse). 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
South	PDC, Planned Development Commercial District	Fairfax County Judicial Complex	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 into 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 Judicial Complex; and to the west is a three-story office building. Figure 2 (next page) illustrates the Future Land Use Map for the subject site and surrounding area.

Figure 2: Comprehensive Plan



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. 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 the 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 this section beginning on Page 5, the Old Town Fairfax Small Area Plan was adopted in 2020, which includes the subject site. 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%)
 - o 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 (beyond 6 stories) at this site if certain uses are proposed (such as arts center/boutique hotel), 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 Blenheim Boulevard, 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 Blenheim Boulevard, 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 the County agrees with the location in principle, it has not confirmed the design specifics at this time.

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.

Pre-Application Meetings

On April 2, 2019, the 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, that the theater space could be larger, and encouraged collaboration with the Fairfax County and the Master Plan for the Judicial Center. The 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. The Planning Commission expressed similar concerns held by the City Council. The 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 would 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.

Post-Submission Work Sessions

On October 24, 2022, the Planning Commission held a work session to discuss the redevelopment of 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. Planning Commission provided comments and questions that covered several issues such as:

- What are the benefits and differences between the CG Commercial General and CU Commercial Urban? Expressed concern for loss of green space as CU Commercial Urban does not require tree canopy.
- Provide an explanation of how building height is measured. There could be an opportunity to scale back the height of the building towards the west. The change of elevation is roughly ten feet from east to west.
- Concealed parking comes at a significant cost and would need some height above, not necessarily intimidated by the height, and the building could go above 6 stories.
- The issue of balancing city with county as the site is near historic structures. The height could overshadow historic area, but county also has some height and bulk with parking garage. The setback on the east side helps. It would be better to consolidate 2-story building on the west but understand that developers can't always do that.
- Concern for pedestrian safety, not supportive of a reduction in sidewalk width. It is important to maintain the sidewalk width for pedestrian safety and include pedestrian enhancements as well as bike racks. Emphasis should be placed on the ability for people to walk downtown. There may be an opportunity to provide a future transit hub and shuttles as the development opportunities occur in the Small Area Plan.
- Has the applicant provided affordable dwelling units in the land use application?
- The new intersection (five-legged intersection) at proposed connector street and Main Street is a little confusing.
- The Traffic Impact Study is under review by city staff and county staff.
- How does the bank drive-through affect the circulation of the parking garage?
- Why is the site overparked?
- Architectural elements could reduce the amount of blank wall along a portion of Main Street.
- Opportunities for going green with LEED certification and green roof top.

Despite the overall range of comments and questions, the Planning Commission acknowledged the proposal as a start on the path to implementing the Old Town Small Area Plan. New residential in Old Town could bring high end and high demand units. The drive-through bank should be further evaluated.

On November 15, 2022, City Council held a work session to discuss the proposed rezoning and special use permit plan for the redevelopment of 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. City Council provided comments and questions that covered several issues such as:

- Density is not an issue
- Height (7 to 9-stories) and appearance of building compared to Truro Church and other buildings in the historic district

- Concerns with sidewalk width and pedestrian movements around the site
- Questions about fire apparatus being able to serve (not opposed, but there are some serious questions about public safety)
- Loading spaces could be an issue with the amount of commercial space and units proposed
- Tree canopy coverage in the CU Commercial Urban district
- Bank could be a revenue generator
- Recommended that newly elected Council have a chance to discuss the proposal prior to a public hearing

Planning Commission Public Hearing

On June 26, 2023, the Planning Commission held a public hearing on the Zoning Map Amendment (Rezoning) from CG Commercial General and CR Commercial Retail to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD) for the redevelopment of a former bank with drive-through, a former restaurant and a low-rise office building with a proposed upper-story mixed use building that consists of 79 multifamily condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (level 2 of the parking garage), and 7,731 square feet of restaurant and retail space on 1.78 +/- acres. Planning Commission provided comments and questions that covered several issues such as:

- Has the applicant considered LEED Silver Certification?
- A drive-through facility conflicts with the vision of Small Area Plan and the Activity Center Place Type, which are intended to be pedestrian friendly
- Sidewalks should be in ADA compliance and provide a comfortable pedestrian experience
- Provide a detailed explanation of the status with Fairfax County
- Has the applicant considered solar, waste reduction, etc. to make this project more sustainable and environmentally friendly?
- How many trips would be generated by the bank drive-through facility?
- Provide an explanation of the affordable dwelling unit modification? This is not a good look to request a modification to provide the adu's off-site
- Staff recommended contributions to schools and parks, has the magnitude of what that would be been conveyed to the applicant?
- Discussion on the proposed traffic signal
- The building size should be viewed in context with the surrounding buildings
- Small Area Plan has moved forward faster than the zoning ordinance, proposal is generally consistent with in terms of height, functional spaces, housing types needed, consistent with other objectives of the Comprehensive Plan, but there are a few things yet to be addressed.

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

§3.2.1.B.1.c. The CR Commercial Retail 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.

§3.2.1.B.1.d. 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.

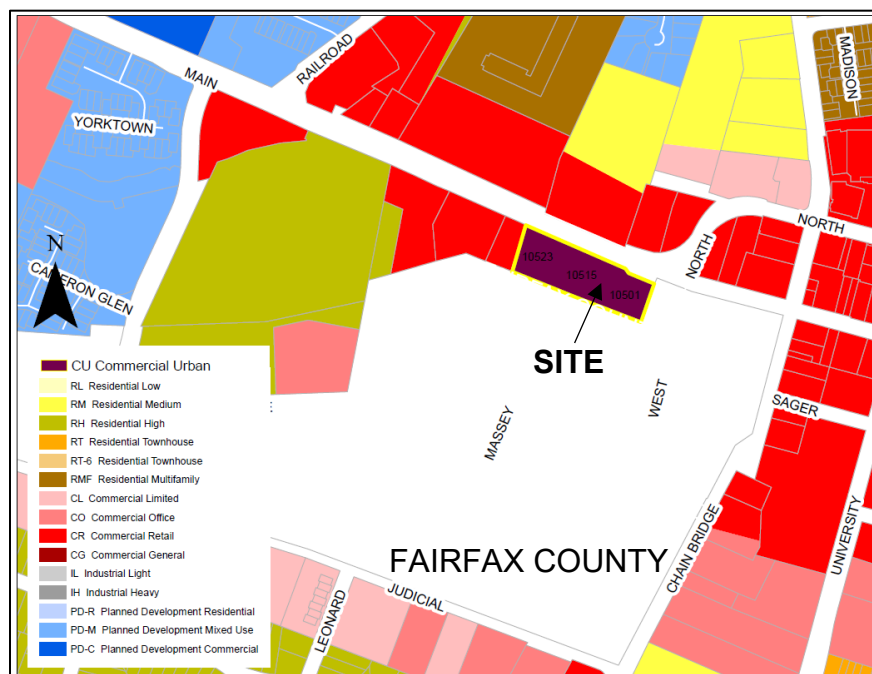
The Transition District is established in areas surrounding Old Town Fairfax as a means to ensure the character of those areas complements that of the historic districts. This is accomplished through regulations in the Zoning Ordinance limiting the height of new construction, encouraging buildings to be oriented toward the street, and requiring more extensive streetscape improvements than the base standards (City of Fairfax, 2035 Comprehensive Plan, Page 64).

Under the current configuration, the proposal could not be developed, and the site would remain with commercial uses as residential uses are not intended 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 CU Commercial Urban.

§3.2.1.B.1.d. 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.

Figure 3 (below) shows the proposed CU Commercial Urban 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 CU Commercial Urban could allow for the site to be developed with commercial uses. CU Commercial Urban requires a special use permit for upper-story residential/mixed uses. However, the Transition Overlay District permits upper-story residential/mixed use as a by-right use. 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 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. However, the Old Town Fairfax Small Area Plan provides guidance for the streetscape and the applicant is expected to provide a streetscape that is consistent with the small area plan. The development standards for upper story residential/mixed uses (Section 3.5.1.D of the Zoning Ordinance) are outlined below:

D. Upper story residential/mixed uses

1. Use

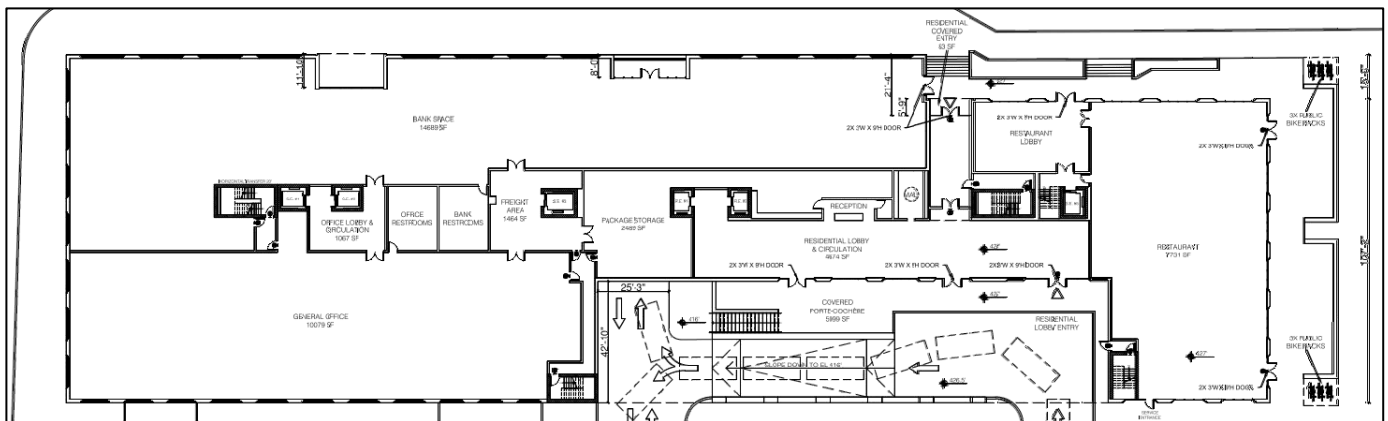
(a) Upper story residential units are allowed above the ground floor of an upper story residential/mixed use building as set forth in principal use table (See Section 3.3.1).

The applicant has proposed up to 79 condominium multifamily units on level 2 through level 7 of the proposed mixed-use building.

(b) At least 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings shall be used solely for nonresidential uses. The remaining 25 percent of the first floor may be used for residential uses and/or residential accessory uses, such as entry lobbies and amenities.

The applicant has proposed approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (level 2 of the parking garage), and 7,731 square feet of restaurant and retail space on the ground floor. Figure 4 (below) provides the first-floor plan with non-residential uses.

Figure 4: Proposed ground floor non-residential uses



(c) Lobby and similar areas on the first floor, which serve upper story residential uses, shall be considered residential accessory uses.

The applicant has proposed approximately 7,373 square feet to provide a residential lobby area and package storage area for the upper story residential units.

2. Dimensional standards

Upper story residential/mixed use buildings shall adhere to all dimensional standards of the nonresidential use specified in Section 3.6.2.

The applicant has submitted special exceptions to the required yard requirement, maximum height, and maximum density.

3. Floor height

(a) Ground floor

(1) The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage, if any, for a minimum depth of at least 25 feet.

The height of the first-floor ranges from 14'10" on the east of the building to 25'10" on the west end of the building due to the change on elevation. The proposed building frontage along Main Street is approximately 425 feet and the building width is approximately 120 feet.

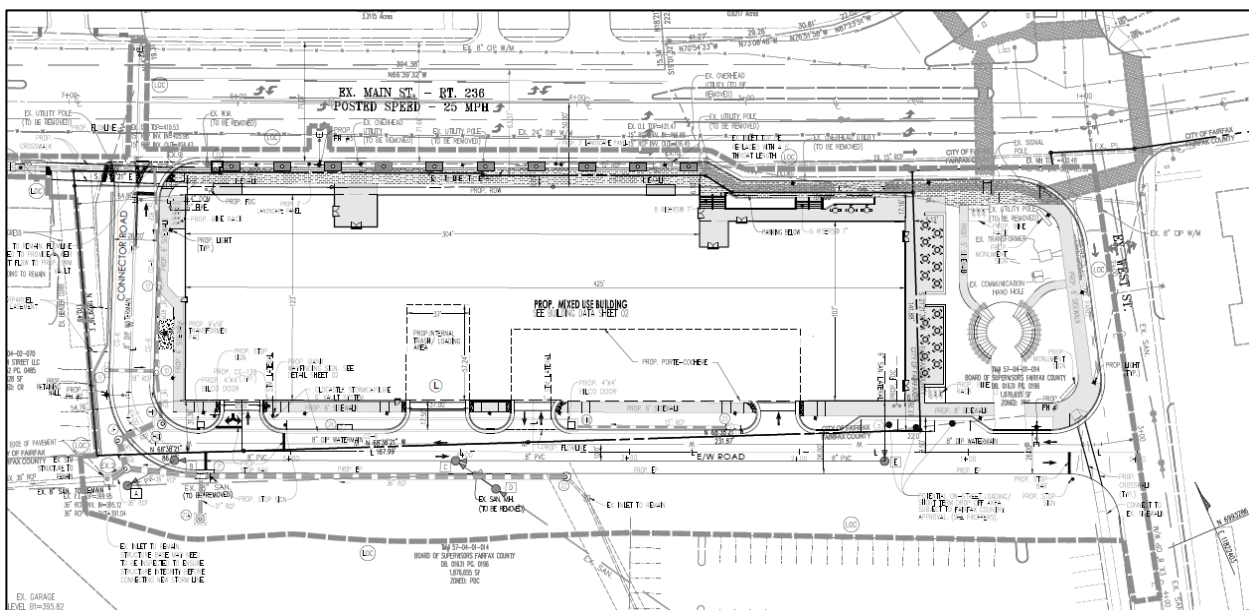
(b) Upper story residential/mixed use

At least 80 percent of each upper story shall have an interior clear height (floor to ceiling) of at least nine feet).

The applicant has proposed interior heights of 12'7" for Level 2, 11'1" for Levels 3 through 5, 12'1" for Level 6, and 12'4" for Level 7.

Figure 5 (below) shows the proposed building footprint for an 8-story upper story residential/mixed-use building with up to 79 condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (level 2 of the parking garage), and 7,731 square feet of restaurant and retail space.

Figure 5: 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 CU Commercial Urban. The site is currently developed with a vacant 3,721 square foot bank with drive through, a vacant 4,408 square foot restaurant and an 11,340 square foot office building. The applicant, Ox Hill Realty, LLC, is the contract purchaser for the three parcels included in this land use application. Ox Hill Realty, LLC proposes to develop an 8-story mixed-use building with up to 79 condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office, and 7,731 square feet of restaurant and retail space. The applicant is also seeking a modification to Section 3.9 (Affordable Dwelling Unit) of the Zoning Ordinance. 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).

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 on 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). Figure 6 (below) illustrates the building height and setbacks in the Old Town Small Area Plan. The subject property has a suggested maximum height of six-stories.

Figure 6: Suggested Maximum Building Heights

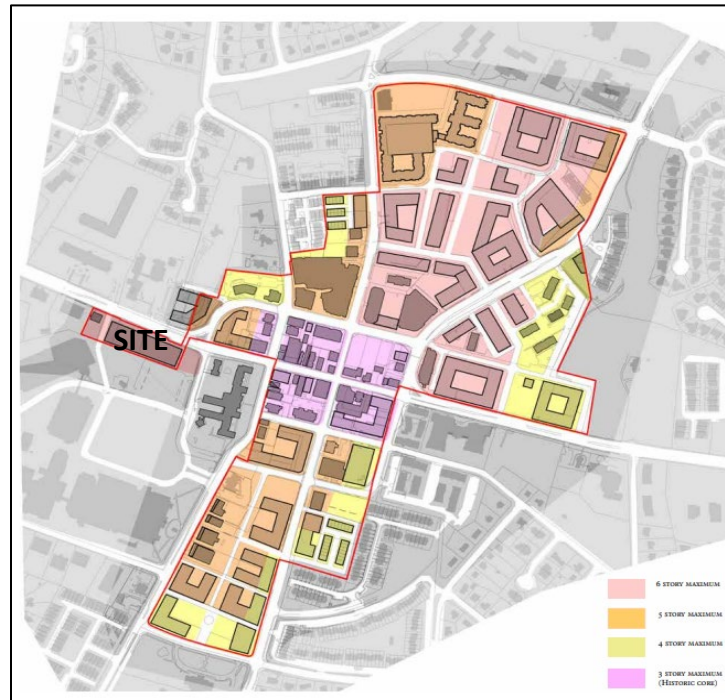


Table 3 (below) provides a comparison of building heights for the proposed development and other buildings in the city and general vicinity of the site.

Table 3: Building Height Comparison

Name	Number of Floors	Height
City Centre West	8	94 +/- feet
Capstone Collegiate	5	64 +/- feet
Fairfax at Gateway (The Moxley)	5	69 +/- feet
Providence Square	4-5	60 +/- feet
Scout on the Circle	6	85 +/- feet
Lamb Center/Wesley Housing	5	60 +/- feet
N29 WillowWood Phase I*	8	80 +/- feet
TDC Acquisitions, LLC at Davies Property*	7	80 +/- feet

*Land use application under review

The applicant is proposing to exceed the recommended height of the small area plan and the maximum height requirement of 48 feet in the Transition Overlay District. At the eastern end of the building where sensitivity to height is the greatest, the applicant has designed a building that would read as 6-stories with a stepped back 7th story. The western end of the building appears to be taller (8-story) due to the slope from east to west as the site has a significant change in grade. The top floor of the residential units has a proposed step back of 20 feet on both ends of the building. The office building to the immediate west is three stories and the Fairfax Building west of the office building is six stories (approximately 80 feet) with a two-level parking garage. The Fairfax County Judicial Master Plan, a projected 20-year plan, shows the construction of two future office buildings immediately south of the subject property. The Mosby Tower building across Main Street from the subject property is 7-stories in height (80 +/- feet).

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 CU Commercial Urban district (24 du/acre). The applicant proposes in general development plan up to 79 total units. The density for the proposed project is 46.1 dwelling units per acre based on acreage of site minus the right-of-way dedication. The residential density for the subject application as compared to the other approved developments in the city is provided in Table 4 (below):

Table 4: Residential Density Comparisons

Project	Site Area (Acres)	Number of Units	Density
City Centre West	1.78	79	46.1 [^]
Capstone Collegiate	6.15	275	44.7
Fairfield at Gateway (The Moxley)	8.32	403	48.4
Providence Square	2.21	96	43.4
Scout on the Circle	8.69	400	46
Lamb Center/Wesley Housing	0.37	54	145.9
N29 WillowWood Phase I*	2.97	268	90.5
TDC Acquisitions, LLC at Davies Property*	2.67	325	121.7

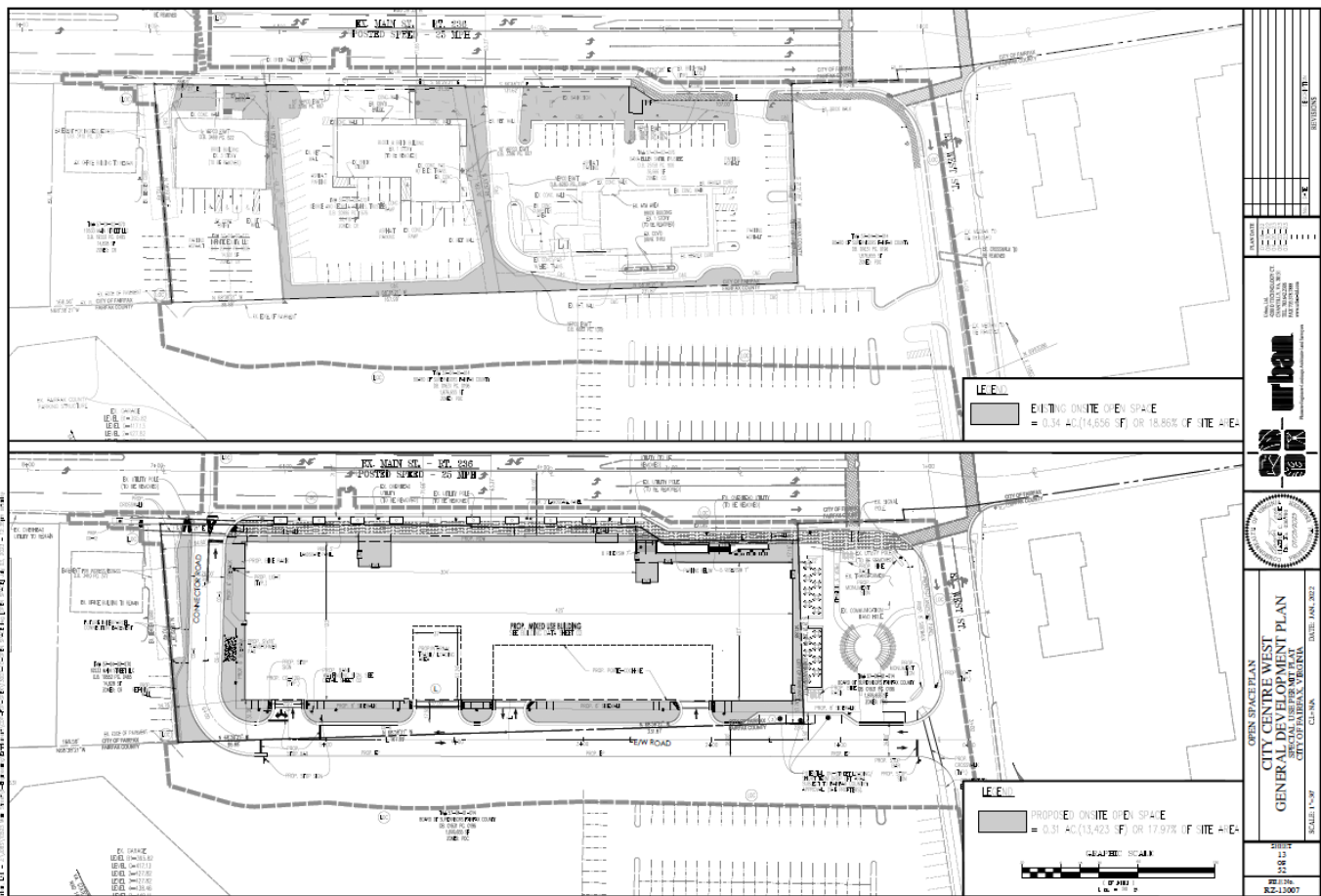
*Land use application under review [^]Based on acreage of site minus the right-of-way dedication

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 the maximum building coverage in the Transition Overlay District and in the CU Commercial Urban district is 80%. The existing building coverage is 17% for the existing three lots. Through lot consolidation and redevelopment, the applicant has proposed building coverage of 66%, which is below the maximum requirement of 80% in the Transition Overlay District and CU Commercial Urban district illustrated in Figure 7 (below) and on Sheet 12 of the general development plan.

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 maximum lot coverage in the Commercial Urban district is 100% and in the Transition Overlay District is 90%. The existing lot coverage is 79% of the three existing lots. Through lot consolidation and redevelopment, the applicant has provided a maximum lot coverage of 90% as illustrated in Figure 7 (below) and Sheet 12 of the general development plan.

Figure 7: Building and Lot Coverage



Tree Canopy: The minimum landscape strip requirement for street trees in Section 4.5.6.B shall not apply in the Old Town Fairfax Transition Overlay District. The proposed CU Commercial Urban district does not have a tree canopy requirement. Likewise, CU Commercial Urban district does not require a minimum ten-foot wide landscaped strip be provided along all streets. The previously requested special exceptions for the maximum requirement of fifty (50) feet for tree spacing and tree canopy requirement of 10% are not required. Figure 8 (next page) provides the proposed landscape plan with 35 canopy trees, 30 evergreen trees, 339 shrubs and groundcovers, perennials, and grasses.

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. Also, the applicant is proposing to develop within the CU Commercial Urban district, which has a 10 percent reduction where structured parking is provided (Section 4.2.3.D.1.c of the Zoning Ordinance). Table 5 (below) summarizes the required parking requirements and proposed parking spaces provided by the applicant.

Table 5: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces Before Reductions	With CU Reduction	With TOD Reduction	Provided Spaces
Upper story residential/mixed-use	79	1.5 spaces/unit	119	107	107*	162
Bank	18,199 sf	1 space/300 sf	61	55	28	148
Office, General	10,079 sf	1 space/300 sf	34	31	16	
Office, Medical	8,584 sf	1 space/200 sf	43	39	20	
Restaurant/Retail	7,731 sf	1 space/200 sf	39	35	18	
Total Parking			296	267	189	310

*TOD reduction for upper story residential/mixed use (1.5 spaces/unit) already applied as bedroom counts were not provided by applicant, preventing regular parking rates from being calculated.

The applicant has proposed four levels of parking with 23-foot travel lanes. A typical parking space in the garage is proposed at 18-feet (length) and 9 feet (width). Parking level four is the lowest level of the building with 47 commercial spaces. Parking level three has 94 commercial spaces and 13 residential spaces proposed. Parking level two is accessible from turning onto the private street and entering the garage at the back of the building. There would be two total entryways for the proposed parking garage. Parking level two also has the bank drive-through with ATM machines in addition to 91 residential spaces. Parking level one has spaces for medical space, bank space, and shared areas with 6 commercial spaces, in addition to a loading dock, 52 residential spaces, 3 residential drop-off spaces, and 3 residential visitor spaces. The applicant has provided one parking on the East-West Road in the City. Staff also notes that off-site parking spaces cannot be counted towards the overall parking numbers for this application as there are two surface spaces on county-owned property that cannot be counted.

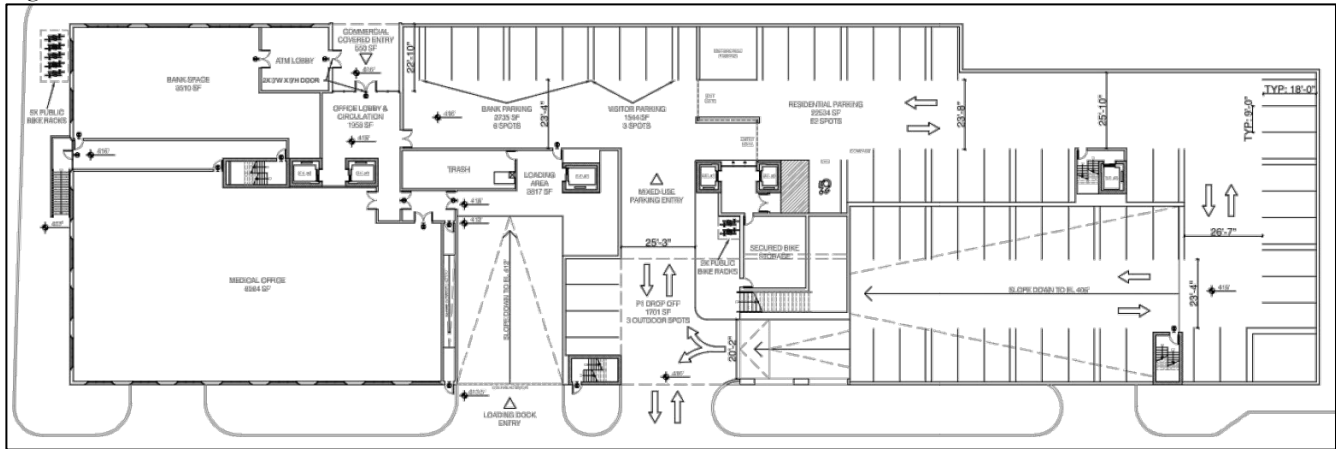
Loading Zone: The applicant proposes commercial uses that are between 10,000-49,999 square feet, which requires a minimum of one loading space. The proposed mixed-use building is more than 50 units (4+ stories), which requires one minimum loading space. The overall loading space requirement is two spaces. The applicant has proposed a loading space area (57-feet x 37-feet) to the rear of the building.

Staff recommends the parking spaces on the East-West Road be converted into loading spaces so that trucks are not parked in the fire lane. Also, the proximity of the spaces to the proposed restaurant and retail space on the east end of the building would allow for vendors to access the site. Since the Planning Commission meeting, the applicant has revised the general development plan to include three parallel spaces on the East-West Road for short-term drop-off area and on-street loading area.

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 applicant has proposed a bicycle rack area that consists of five simple hoops on the west side of the building near Main Street between

the building and the Connector Road, and two bicycle racks are proposed on parking level 1 in the garage. The applicant is also showing two bicycle racks located off-site on the proposed pocket park on county-owned land; however, bike racks shown off-site cannot be counted towards the overall number of bike racks. See Figure 11 (below) for the location of the proposed bike racks.

Figure 11: Bike Racks



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. The Transportation Impact Analysis evaluates 10 existing intersections and three (3) future intersections: Main Street and Judicial Drive, Main Street and Funeral Home Driveway West/Mosby Tower Driveway West, Main Street and Funeral Home Driveway East, Main Street and 10555 Main Street Driveway West, Main Street and 10555 Main Street Driveway East, Main Street and 10533 Main Street Driveway /Mosby Tower Driveway East, Main Street and 10515 Main Street Driveway, Main Street and 10501 Main Street Driveway West/Church Driveways, Main Street and West Street, Future East-West Road and Site Entrance 1, Future East-West Road and Site Entrance 2, and Future East-West Road and West Street. Table 6 (next page) provides a summary of proposed trips:

Table 6: Transportation Impact Analysis

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Existing Uses										
General office building	710	11,340	Sq. Ft.	32	5	37	2	12	14	128
Bank with drive-through	912	3,721	Sq. Ft.	20	15	35	38	38	76	425
Sit-down restaurant (High Turnover)	932	4,408	Sq. Ft.	24	20	44	27	16	43	494
Total Trips				76	40	116	67	66	133	1,047
Proposed Uses										
Multifamily	221	79	DU	7	20	27	21	14	35	429
General Office	710	19,054	Sq. Ft.	38	6	44	4	20	24	212
Medical-Dental Office	720	18,032	Sq. Ft.	38	11	49	4	17	21	180
Retail-Shopping Center	820	5,012	Sq. Ft.	95	59	154	28	31	59	785
Bank with drive-through	912	1,801	Sq. Ft.	10	7	17	19	18	37	266
Restaurant	932	5,012	Sq. Ft.	28	22	50	30	19	49	562
Proposed Total Trips				216	125	341	96	119	225	2,434

The Transportation Impact Study (TIS) shows degradation of one intersection. The study was not updated in time for adequate staff review before the completion of this report, and an analysis will be provided at the public hearing.

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 “All new on-site utilities installed on the Application Property will be located underground. All existing overhead utilities along the Main Street frontage of the Application Property will be either removed or relocated underground. With its first and all subsequent site plan submissions, the Applicant shall include a detailed utility undergrounding plan demonstrating compliance with this proffer for review and approval by DPW. In conjunction with the utility undergrounding or relocation the Applicant will coordinate as necessary with any affected abutting or surrounding property owners” (Proffers, Page 3). The applicant proposes undergrounding of on-site utilities and the overhead utilities along the property's Main Street frontage. Portions of utilities in the County are not shown, but review and approval for those are up to the County.

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 is providing stormwater management facilities on site where none exist today, which would result in an improvement to existing drainage conditions. The applicant is proposing an underground stormwater vault system.

The applicant has provided a sanitary sewer capacity study on Sheet 52. The applicant will need to design the proposed sewer within the guidelines in Section 5.1.2 (Preliminary Engineering Report Requirements) and

Section 5.2 (Sewer System Design Standards) of the Public Facilities Manual. The capacity estimates will need to be based on the full buildout of the judicial center.

In addition to the rezoning request from CG Commercial General and CR Commercial Retail to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD), the applicant proposes the following land use requests for City Council action:

- **Special Use Permit** for a financial institution (bank) with a drive-through window/facilities

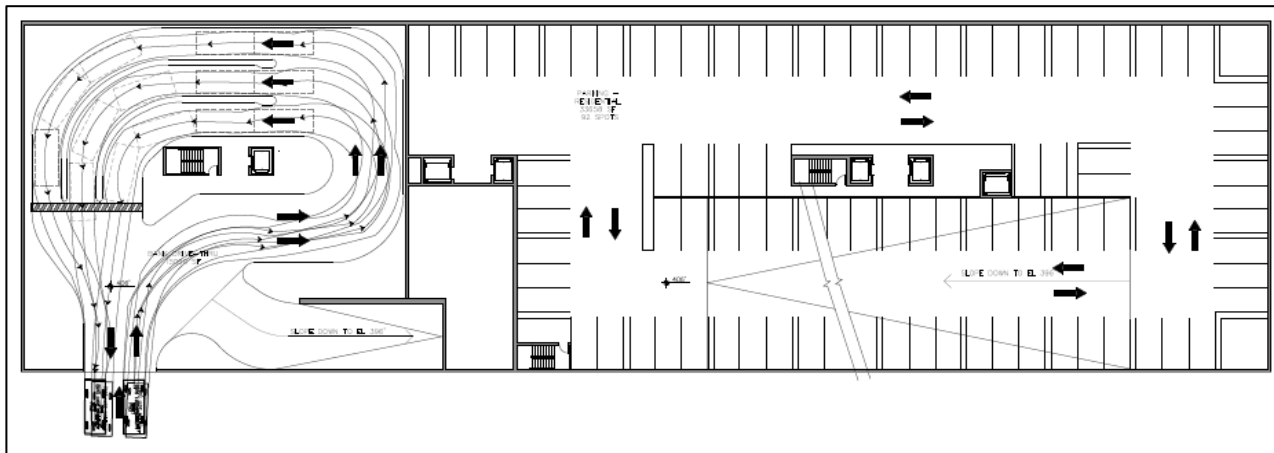
The Zoning Ordinance defines a drive-through facility as “a window or other facility designed to enable a person to transact business while remaining in a motor vehicle.” The development standards for drive-through windows/facilities (Section 3.5.5.D.10 of the Zoning Ordinance) are outlined below:

10. Drive-through windows/facilities

- (a) No drive-through windows/facilities shall be permitted on the side of a building adjacent to or facing any residential district;
- (b) Stacking spaces shall be provided in accordance with the requirements of Section 4.2;
 - (1) The location of each drive-through stacking spaces and the direction of flow shall be clearly demarcated with pavement marking;
 - (2) Where a stacking lane abuts a parking aisle, the area required for the stacking lane shall be in addition to that required for the aisle;
 - (3) No drive-through stacking lane shall be located between parking spaces and any public entrance to such establishment; and
- (c) Screening shall be provided in accordance with the requirements of Section 4.5.

The applicant states “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” (Narrative, Page 2). The applicant has provided turning movements, shown in Figure 12 (below), for the proposed financial institution (bank) with drive-through:

Figure 12: Proposed bank with drive-through



In addition to Section 3.5.5.D.10, the applicant shall demonstrate compliance with stacking space requirements for a bank teller lane and automated teller machine (Section 4.2.7 of the Zoning Ordinance). Table 7 (below) provides the minimum number of stacking spaces:

Table 7: Stacking Space Requirements

Facility or Use	Minimum Spaces	Measures From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window

The applicant has provided three (3) parallel drive-through lanes serviced by electronic teller machines. Each lane would include a minimum four (4) stacking spaces measured from the ATM machines. The applicant is showing stop controls at the entrance.

Special Exceptions

- To allow the building height to exceed 48 feet in the Transition Overlay District (TOD),
- to allow the density to exceed the maximum density of 24 units per acre in the CU Commercial Urban district,
- to allow modifications of the 50% mandatory build-to line and maximum front yard requirements,
- to allow a waiver to the inter-parcel vehicular access requirement, and
- to allow modification to the requirement to provide a sidewalk on both sides of a street.

Building Height

The applicant has requested a special exception to allow the building height to exceed 48 feet in the Transition Overlay District. At the eastern end of the building where sensitivity to height is the greatest, the applicant has designed a building that would read as 6-stories with a stepped back 7th story. The western end of the building appears to be taller (8-story) due to the slope from east to west as the site has a significant change in grade. The top floor of the residential units has a proposed step back of 20 feet on both ends of the building. The proposed building height is approximately 94 feet from the proposed average grade.

Maximum Density

The applicant has requested a special exception to allow the maximum density to exceed the permitted density in CU Commercial Urban in the Transition Overlay District. Density is calculated as the number of dwelling units per gross acre located within the development site (Zoning Ordinance, Section 1.5.8A, Page 1-6). The maximum density in CU Commercial Urban is 24 du/acre (Section 3.6.2 – Nonresidential districts) for developments that are subject to the Affordable Dwelling Unit Ordinance (Section 3.9). The applicant is proposing 79 multifamily (condominium) units on 1.78 +/- acres with a density of 46.1 dwelling units per acre after the right-of-way dedication (2,998 square feet) for Main Street. The proposed density without the right-of-way dedication is 44.4 dwelling units per acre.

While the proposal exceeds the density of the desired zoning district and the Transition Overlay District, the building is generally consistent with the recommended form and scale (the proposed building frontage along Main Street is approximately 425 feet and the building width is approximately 120 feet). Density is not prescribed on a parcel-by-parcel basis. Staff believes that the density is in conformance with the recommendations of the Small Area Plan.

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 Transition Overlay District 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 setbacks 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. “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 to provide street trees and a buffer between traffic and pedestrians, and ground level plantings are proposed at the base of the building. 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.” (Applicant’s Narrative, Page 9). Staff believes that the minimal increase in setback is justified to provide the sidewalk and street trees that are recommended by the small area plan.

Inter-parcel Vehicular Access

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 “while the Applicant has approached the adjacent owner numerous times to inquire about the possibility of consolidating access points or participating in the proposed redevelopment, 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 that the applicant has satisfied this criteria by providing for future inter-parcel access.

Sidewalks on both sides of a street

The applicant has requested a special exception to reduce the sidewalk requirement to one side of a street. The applicant states, “the Applicant has previously contacted the adjacent owner of Parcel 70 to inquire about the possibility of providing cross-access between the parcels and discuss opportunities to consolidate with the proposed development. To date, the adjacent owner has not expressed interest in doing so. As a result, there is insufficient space to accommodate a sidewalk on the west side of the Main Street connector road without encroaching onto the adjacent property. Additionally, there is currently no existing sidewalk infrastructure on the south side of the proposed East West Road for this sidewalk to connect to. Fairfax County has requested that the southern side of the East West Road be constructed in its interim condition, with the ultimate condition to be determined and constructed by Fairfax County in conjunction with the Judicial Complex redevelopment. A pedestrian connection to Main Street is, however, provided on the east side of the road, and the proposed design will not preclude the establishment of a sidewalk on the west side of the road in the future at such time as the adjacent parcel redevelops.” (Narrative, Page 10).

The Small Area Plan and Multimodal plans recommend sidewalks on both sides of streets in the activity center. The applicant has not demonstrated why slight shifts in the retaining wall and road alignments prevent construction of the sidewalk section, which is a needed future linkage. It especially important to build

sidewalks on both sides of the street since this is supposed to be a walkable, mixed-use development in the Old Town Activity Center. The design should support and encourage walkability. While there are places in the city where only having a sidewalk on one side of a street may be acceptable, Old Town is not one of those areas. Staff believes constructing the sidewalk on the west side is critical in preventing future pedestrians from having to cross at or near that curve. This could be a potential safety issue due to limited visibility. Therefore, staff recommends denial of this request, and the applicant will need to meet the design requirements for providing the sidewalk.

- **Major Certificate of Appropriateness** for architecture and landscaping

No structure or improvement in the Old Town Fairfax Transition Overlay District, including signs and significant landscape features associated with such structure or improvement, located on land within the district shall be erected, reconstructed, substantially altered, or restored until the plans for architectural features, and landscaping have been approved in accordance with the provisions of this article and §6.5. (Section 3.7.3 – Old Town Fairfax Transition Overlay District, Page 3-56). Section 6.5 outlines the certificate of appropriateness process including when a certificate of appropriateness shall be required to any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in a historic overlay district (§3.7.2), the Old Town Fairfax Transition Overlay District (§3.7.3), or in the Architectural Control Overlay District (§3.7.4). The subject property is in the Old Town Fairfax Transition Overlay District (TOD). The Board of Architectural Review is required by the zoning ordinance to make a recommendation on special exceptions to the City Council.

Board of Architectural Review for architecture and landscaping:

On November 2, 2022, the Board of Architectural Review held a work session with the applicant to discuss the architecture and landscaping for the proposed upper-story residential/mixed use building. 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. Applications on historic district and the transition overlay district properties requiring a certificate of appropriateness will be submitted to the board of architectural review for recommendation prior to action by the decision-making body. (Section 6.17.5.B). Since the work session in November 2022, the architectural design of the proposed building substantially changed and due to those changes, staff and the BAR requested that the applicant have another work session to discuss the proposed architecture and landscaping prior to a public hearing.

On May 17, 2023, the Board of Architectural Review held a work session with the applicant to discuss the architecture and landscaping for the proposed upper-story residential/mixed use building. Staff presented the changes since the last meeting highlighting the decrease in the number of units from 84 units to up to 79 units and the changes in the non-residential square footage. The applicant's architecture provided the board his perspective of the proposed building design and how the design meets the intent of the city's design guidelines. The board suggested that the applicant look to improve the street level of the building for a better pedestrian experience. The appearance of the building was too monolithic for the area and the height on the east side of the building is too tall adjacent to the historic buildings in the historic overlay district.

The Board of Architectural Review had a public hearing on June 21, 2023, with the applicant to provide a recommendation on the architecture and landscaping, as well as the special exceptions since the subject property is in the Old Town Fairfax Transition Overlay District (TOD). The Board of Architectural Review recommended to deny (2-2) the major certificate of appropriateness for architecture and landscaping. The

Board of Architectural Review also made a recommendation to approve (3-1) the special exceptions in the Transition Overlay District (TOD).

- **Affordable Dwelling Unit Modification**

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 Section 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. The applicant is required to intersperse affordable dwelling units throughout the proposed building and not concentrate these units on the same floor of the proposed building (Zoning Ordinance, Section 3.9.6H, Page 3-80).

The applicant has requested a modification to Section 3.9 to meet the requirements of providing five (5) affordable dwelling units at 60% AMI or 6% of the total number of units. The applicant states, “Sales of these units will be conducted in accordance with the provisions of the ADU Ordinance and the associated administrative regulations. However, the Applicant is actively pursuing a residential development proposal at another location in Old Town Fairfax that presents an opportunity to develop a residential building that consists exclusively of affordable dwelling units. Accordingly, the Applicant is seeking flexibility via an Affordable Dwelling Unit Modification to either: 1) provide the five (5) ADUs on-site within the proposed City Centre West building; or 2) transfer the five (5) ADUs to the future affordable housing development, provided that the Applicant is able to secure the rezoning and other requisite land use approvals for the affordable housing development prior to the completion of City Centre West. To ensure delivery of the ADUs, the Applicant is proposing that if the requisite land use approvals for the affordable housing development are not obtained prior to the Applicant’s request for the first zoning permit for use and occupancy for City Centre West, all five (5) of the ADUs will be provided in the building as identified on the floor plans submitted with the GDP/SUP Plat. Under either option, the Applicant will provide a minimum of five (5) ADUs – either within the City Centre West project or in a future off-site affordable housing development – in compliance with Zoning Ordinance requirements” (Narrative, Pages 2-3).

Staff supports the provision of the five (5) required affordable dwelling units within the development, which the General Development Plan indicates would be provided on levels 2-6 (1 unit per floor). Staff recommends denial of the request for the Affordable Dwelling Unit modification to alternatively provide the required affordable units in a future, off-site building as the city’s ordinance does not allow for it. The proposed units are required to be provided on-site. The modification provisions cannot eliminate the requirement to provide units in the proposed development and may only reduce the number of on-site units provided by no more than 50%. The provisions applying to the proposed development site, not elsewhere, are articulated in Section 3.9 of the Zoning Ordinance.

Fiscal Impact: Staff estimates that this proposal would bring a net fiscal benefit of between \$543,000 and \$741,000 annually with an average of \$642,000.

City Schools: Students living in the City Centre West development would 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 would generate 3-5 students. While that number appears manageable, the combined yields of

other planned residential projects potentially would 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 Middle School (KJMS) and Fairfax High School (FHS) are approaching capacity at 95% and 96% respectively. For FHS, this exacerbates the continued need for trailers. For KJMS, there would 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.

The applicant chose not to mitigate impacts to City parks. The applicant expressed interest in a contribution to school libraries but was not able to present an additional proffer within 17 days of the public hearing.

Staff recommended that the Planning Commission provide a recommendation of **approval** of the Zoning Map Amendment (Rezoning) provided the following revisions are incorporated into the General Development Plan (GDP) and associated application material:

1. The applicant shall demonstrate the compliance with Section 4.11 (Underground Utilities) of the Zoning Ordinance prior to the City Council public hearing.
2. Include mitigation measures for impacts to schools and parks generated by the proposed development activity.
3. Provide an unsignalized, right-in/right-out intersection from this development, with a design that ensures good visibility and minimizes conflicts between the proposed road and the existing driveway to the west, site design that does not preclude future modification of the intersection to a traditional four-leg intersection, and a financial contribution for a future traffic signal if/when it is warranted.
4. Comply with Section 4.4.4.A.1 of the Zoning Ordinance, which requires that sidewalks must be located on both sides of all streets. While an interim condition along the East-West Road may be acceptable (pending County comments), sidewalks should be built on both sides of the Connector Road with a crosswalk at the south end of the sidewalk as an interim condition, in anticipation of the future sidewalk connection in the County. This may require modifications to the design of the proposed road, building footprint, and/or intersection with the East-West street.
5. Staff recommends keeping the all-way stop at the intersection of the Connector Road and East West Road.
6. Staff recommends moving the entrance to the ATM drive-through/garage further east to reduce potential conflicts with the intersection of the Connector Road and East-West Road. If this entrance is not moved, the drive-through exit must be right-out only, and the driveway should be designed to enforce this movement (such as with a pork chop).
7. The Transportation Impact Study (TIS) will need to be revised to reflect changes to the network design, including the unsignalized right-in/right-out intersection of Main Street and the Connector Road and other changes.
8. Staff recommends an on-street loading zone on the East-West Road (pending County approval since part of this is in the County). It is likely that larger trucks will be needed to serve some of the businesses and trucks will not be able to unload in the street, particularly where it conflicts with fire access requirements.
9. Staff recommends improving the garage entrance/ATM drive-through during the entitlement process by eliminating conflict points rather than mitigating with striping and signage after the fact.
10. The applicant shall provide a sanitary sewer capacity study prior to the City Council public hearing as specified by the Department of Public Works.

The motion from Planning Commission to approve with revisions have been attached to the staff report for reference. See Attachment 17.

STAFF RECOMMENDATIONS:

Zoning Map Amendment (Rezoning)

Staff recommends the City Council **approve** the request for a Zoning Map Amendment from CG Commercial General and CR Commercial Retail to CU Commercial Urban with the general development plan and proffers in the Old Town Fairfax Transition Overlay District (TOD).

Special Use Permit

Staff recommends the City Council **approve with conditions** the request for a Special Use Permit for a financial institution (bank) with a drive-through window/facilities in the CU Commercial Urban District:

1. Development shall be in conformance with the General Development Plan and proffers;
2. The entrance design on Main Street shall be modified to accommodate right turns for delivery trucks, or signage shall be installed prohibiting truck turns at this ingress point.

Special Exceptions

Staff recommends the City Council **approve with conditions** to the request for Special Exceptions to allow the building height to exceed 48 feet in the Transition Overlay District (TOD); to allow the density to exceed the maximum density of 24 units per acre in the CU Commercial Urban district, to allow modifications of the 50% mandatory build-to line and maximum front yard requirements, and to allow a waiver to the inter-parcel vehicular access requirement:

1. Development shall be in conformance with the General Development Plan and proffers;
2. The entrance design on Main Street shall be modified to accommodate right turns for delivery trucks, or signage shall be installed prohibiting truck turns at this ingress point.

Staff recommends the City Council **deny** the request for a Special Exception to allow a modification of the requirement to provide a sidewalk on both sides of a street (Section 4.4.4.A.1).

Affordable Dwelling Unit Modification

Staff recommends the City Council **deny** the request for the Affordable Dwelling Unit modification to alternatively provide the required affordable units in a future, off-site building as the city's ordinance does not allow for it.

Certificate of Appropriateness

Staff recommends that the City Council **approve with conditions** the request for a Major Certificate of Appropriateness for architecture and landscaping:

1. The proposed development shall be in general conformance with the plans and renderings received by staff in June 2023 and recommended for approval by the Board of Architectural Review as of June 21, 2023.
2. The applicant shall secure all required zoning approvals and permits prior to construction.
3. Floors two through six of the eastern stepped back portion of the building shall be revised with a third color brick, differentiated brick patterning, or a combination of both to further break up the mass of the building, to be reviewed and approved by the Director of Community Development and Planning.
4. The applicant shall break up the pedestrian realm along Main Street with the installation of art, enhanced landscaping elements, or other experiential elements to be reviewed and approved by the Director of Community Development and Planning.
5. Landscaping is subject to change per urban forester comments at site plan approval stage.

Analysis

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

Attachments

- A1 – Analysis
- A2 – Application
- A3 – Zoning Summary
- A4 – Narrative
- A5 – Certified Plat
- A6 – General Development Plan
- A7 – Proffers
- A8 – Transportation Impact Study
- A9 – Technical Appendix
- A10 – Fiscal Impact Analysis
- A11 – Board of Architectural Review Staff Report
- A12 – Posting and Notices
- A13 – Order and list
- A14 – Sample Motions
- A15 – Ordinance
- A16 – Special Exception Resolution
- A17 – Planning Commission Motion to Approve with Revisions

PREPARED BY:



Albert Frederick
Senior Planner

07/06/23

DATE



Jason D. Sutphin
Community Development Division Chief

07/06/23

DATE



Brooke Hardin
Director, Community Development & Planning

07/06/23

DATE

ATTACHMENT 1
ANALYSIS
Zoning Map Amendment (Z-22-00054)
Special Use Permit (SU-22-00055)
Special Exceptions (SE-22-00056)
ADU Modification (V-22-00057)
Certificate of Appropriateness (BAR-22-00772)

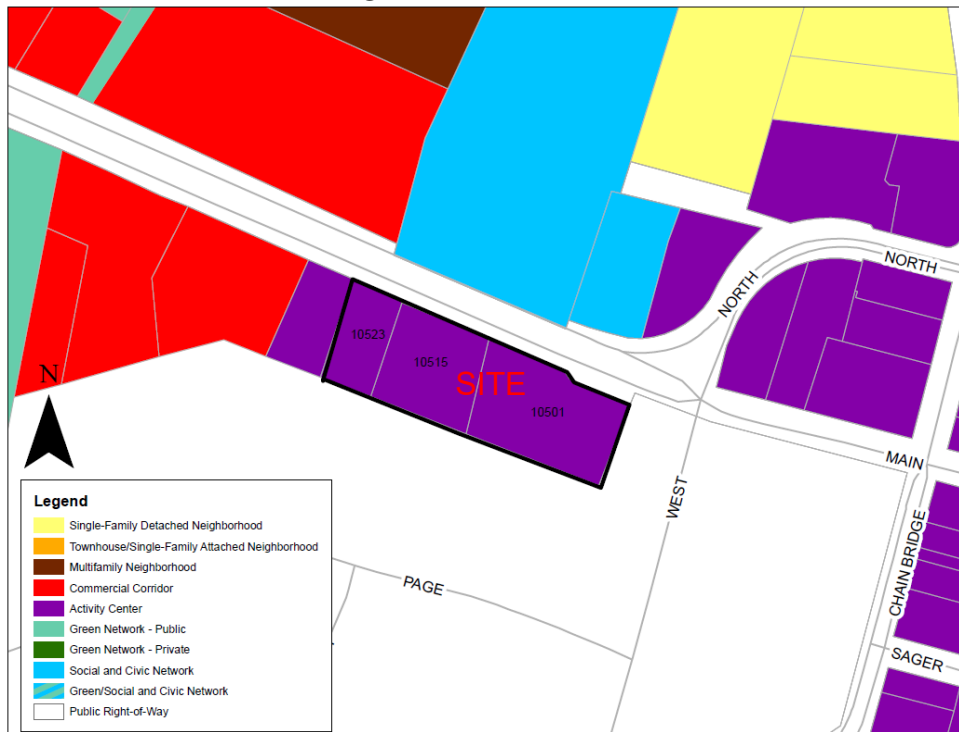
This attachment contains staff analysis on the submitted proposal for the redevelopment of 10501, 10515 and 10523 Main Street. It is divided into three primary sections:

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

PART A: CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated as Activity Center Place Type on the Comprehensive Plan Future Land Use Map. The site is currently developed with a former 3,721 square foot bank with drive through, a former 4,408 square foot restaurant and an 11,340 square foot office building. 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). Figure 1 illustrates the Activity Center Place Type for the subject property:

Figure 1: Future Land Use



Activity Center

The Activity Center Place Type, identified in purple on the Future Land Use Map, 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, and active streets accommodating multimodal transportation, and community-serving commercial.) Uses should be integrated as a mix of commercial uses, multifamily housing, and townhouses, either in the same building (i.e., vertical mixed-use) or as a combination of single-use buildings featuring a range of complementary uses within the Activity Center (i.e., horizontal mixed-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. 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 this section beginning on Page 5, the Old Town Fairfax Small Area Plan was adopted in 2020, which includes the subject site. 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.

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

Neighborhoods

Goal 1 – Enhance neighborhood character.

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

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

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

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

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

Staff Analysis:

The Old Town Fairfax Small Area Plan supports the development of new residential units as the plan states, “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 Fairfax Small Area Plan, Page 24). Likewise, the adopted plan encourages commercial uses in the Old Town area.

Goal 2 – Provide neighborhood pedestrian connections.

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

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

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

Staff Analysis:

The Multi-Modal Transportation Plan recommends and the Zoning Ordinance requires a 10-foot wide sidewalk on Main Street. The applicant is proposing a 10-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 10 feet and is entirely on county-owned property as part of the proposed pocket park. A six-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 sidewalks on the west side of the north-south connector road and on the south side of the east-west road which is in Fairfax County.

Staff recommends compliance with Section 4.4.4.A.1 of the Zoning Ordinance, which requires that sidewalks must be located on both sides of all streets. While an interim condition along the East-West Road may be acceptable (pending County comments), sidewalks should be built on both sides of the Connector Road with a crosswalk at the south end of the sidewalk as an interim condition, in anticipation of the future sidewalk connection in the County. This may require modifications to the design of the proposed road, building footprint, and/or intersection with the East-West street. Staff recommends denial of the request to eliminate sidewalks on the west side of Connector Road and on the south side of the East-West Road.

Housing

Goal 1 – Support a wide range of housing types.

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

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

Staff Analysis:

The applicant proposes to develop up to 79 multifamily units (for sale) in an upper story residential/mixed-use building providing a type of housing that is underdeveloped in the City of Fairfax. According to the Comprehensive Plan, 39% of the housing units (including approved and unbuilt units) in the city are multifamily. The Old Town Fairfax Small Area Plan in the near-term horizon (next 15 years) suggests that an increase of 1,250 residential units (includes townhouses, condos, market-rate apartments, senior living, student, and affordable housing units).

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.

Action H2.1.2 Provide regulatory and financial incentives to increase the supply of affordable housing, including amending the City's Zoning Ordinance to include an Affordable Dwelling Unit ordinance.

Staff Analysis:

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 Section 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. The applicant is required to intersperse affordable dwelling units throughout the proposed building and not concentrate these units on the same floor of the proposed building (Zoning Ordinance, Section 3.9.6H, Page 3-80).

The applicant has requested a modification to Section 3.9 to meet the requirements of providing five (5) affordable dwelling units at 60% AMI or 6% of the total number of units. The applicant states, "Sales of these units will be conducted in accordance with the provisions of the ADU Ordinance and the associated administrative regulations. However, the Applicant is actively pursuing a residential development proposal at another location in Old Town Fairfax that presents an opportunity to develop a residential building that consists exclusively of affordable dwelling units. Accordingly, the Applicant is seeking flexibility via an Affordable Dwelling Unit Modification to either: 1) provide the five (5) ADUs on-site within the proposed City Centre West building; or 2) transfer the five (5) ADUs to the future affordable housing development, provided that the Applicant is able to secure the rezoning and other requisite land use approvals for the affordable housing development prior to the completion of City Centre West. To ensure delivery of the ADUs, the Applicant is proposing that if the requisite land use approvals for the affordable housing development are not obtained prior to the Applicant's request for the first zoning permit for use and occupancy for City Centre West, all five (5) of the ADUs will be provided in the building as identified on the floor plans submitted with the GDP/SUP Plat. Under either option, the Applicant will provide a minimum of five (5) ADUs – either within the City Centre West project or in a future off-site affordable housing development – in compliance with Zoning Ordinance requirements" (Narrative, Pages 2-3).

Staff supports the provision of the five (5) units required affordable dwelling units within the development, which the General Development Plan indicates would be provided on levels 2-6 (1 unit per floor). Staff recommends denial of the request for the Affordable Dwelling Unit modification to alternatively provide the required affordable units in a future, off-site building as the city's ordinance does not allow it. The proposed units are required to be provided on-site. The modification provisions cannot eliminate the requirement to provide units in the proposed development and may only reduce the number of on-site units provided by no more than 50%. The provisions applying to the proposed development site, not elsewhere, are articulated in Section 3.9 of the Zoning Ordinance.

Goal 2 – Provide viable and attractive mobility choices.

Outcome MM2.1: Pedestrian safety is improved.

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

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

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

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

Staff Analysis:

The applicant is proposing a 10-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 10 feet and is entirely on county-owned property as part of the proposed pocket park. A six-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 sidewalks on the west side of the north-south connector road and on the south side of the east-west road which is in Fairfax County. The applicant has proposed a bicycle rack area that consists of five simple hoops on the west side of the building near Main Street between the building and the Connector Road, and two bicycle racks are proposed on parking level 1 in the garage. The applicant is also showing two bicycle racks located off-site on the proposed pocket park on county-owned land; however, bike racks shown off-site cannot be counted towards the overall number of bike racks. The subject property is located on a City-University Energysaver Bus System (Gold Route) transit route with a bus stop located to the north side of Main Street and to the west of the subject property.

Goal 3 – Integrate transportation with land use.

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

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

Staff Analysis:

The applicant is proposing a 10-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 10 feet and is entirely on county-owned property as part of the proposed pocket park. A six-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 sidewalks on the west side of the north-south connector road.

Staff recommends compliance with Section 4.4.4.A.1 of the Zoning Ordinance, which requires that sidewalks must be located on both sides of all streets. While an interim condition along the East-West Road may be acceptable (pending County comments),

sidewalks should be built on both sides of the Connector Road with a crosswalk at the south end of the sidewalk as an interim condition, in anticipation of the future sidewalk connection in the County. This may require modifications to the design of the proposed road, building footprint, and/or intersection with the East-West street. If the private streets are dedicated to the city and accepted as public streets, the sidewalk requirement would be ten feet when the general development plan proposes a six-foot sidewalk. A special exception would be required to reduce the width of the sidewalk from 10 feet to 6 feet. Staff recommends denial of the request to eliminate sidewalks on the west side of Connector Road. The City's zoning ordinance cannot require a sidewalk in the County's jurisdiction.

PART B: CITY POLICY

This section is divided into the following subjects:

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

Land Use

The land use designation for the site is Activity Center. Guidance from the Comprehensive Plan for this land use is provided below followed by a physical characteristic of the conformance of the development proposal with that guidance.

Activity Center

The Activity Center Place Type, identified in purple on the Future Land Use Map, 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, and active streets accommodating multimodal transportation, and community-serving commercial.) Uses should be integrated as a mix of commercial uses, multifamily housing, and townhouses, either in the same building (i.e., vertical mixed-use) or as a combination of single-use buildings featuring a range of complementary uses within the Activity Center (i.e., horizontal mixed-use).

Activity Centers can accommodate a variety of building types based on the different uses permitted and varying characteristics among individual Activity Centers. Recommended physical characteristics for specific uses are provided under Use Characteristics (p. 33) and more specific recommendations are provided for the Old Town Fairfax and Northfax Activity Centers on the following pages. The Comprehensive Plan also recommends Small Area Plans be developed for each of the City's five Activity Centers. As each of these plans is completed and adopted, the recommendations will supersede the pre-existing guidance of this Comprehensive Plan.

In general, new development in Activity Centers should support a connected street network as recommended in the Multimodal Transportation Chapter of the Comprehensive Plan; provide an improved streetscape and pedestrian connections to surrounding uses, including links to the existing pedestrian network; and include inviting public and/or private open spaces. Buildings should be oriented toward streets or open spaces with direct pedestrian access to these areas. Parking should be provided in structured or below-grade facilities where reasonable.

Development in Activity Centers must meet the Code of Virginia definition for an Urban Development Area (Virginia Code § 15.2-2223.1) and follow the recommendations for Private Site Design and Elements in the applicable district of the City of Fairfax Design Guidelines. Predicated on the underlying zoning district, the Activity Center Place Type supports a density of a minimum FAR of 0.4; at least six townhouses or at least 12 multifamily dwelling units per acre; or any proportional combination of residential and commercial densities with building heights predominantly five stories or less, unless otherwise specified in an adopted Small Area Plan (Comprehensive Plan, Page 32).

Staff Analysis:

Staff believes the use shown on the GDP is generally in conformance with the Future Land Use Map category, the Comprehensive Plan, and the Old Town Fairfax Small Area Plan. The applicant is proposing an 8-story upper story residential/mixed-use building with up to 79 condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (second level of the parking garage), and 7,731 square feet of restaurant and retail space.

Scale

Density: 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. Density is not prescribed on a parcel-by-parcel basis in the Old Town Fairfax Small Area Plan. However, the desired zoning district, CU Commercial Urban, in the Old Town Fairfax Transition Overlay District has a maximum density requirement of 24 du/acre.

Staff Analysis:

The applicant has requested a special exception for density to exceed the maximum number of units per acre in the CU Commercial Urban district (24 du/acre). The applicant proposes up to 79 total units in general development plan. The density for the proposed project is 46.1 dwelling units per acre based on acreage of site minus the right-of-way dedication. The residential density for the subject application as compared to the other approved developments in the city is provided in Table 1 (below):

Table 1: Residential Density Comparisons

Project	Site Area (Acres)	Number of Units	Density
City Centre West	1.78	79	46.1 [^]
Capstone Collegiate	6.15	275	44.7
Fairfield at Gateway (The Moxley)	8.32	403	48.4
Providence Square	2.21	96	43.4
Scout on the Circle	8.69	400	46
Lamb Center/Wesley Housing	0.37	54	145.9
N29 WillowWood Phase I*	2.97	268	90.5
TDC Acquisitions, LLC at Davies Property*	2.67	325	121.7

*Land use application under review ^Based on acreage of site minus the right-of-way dedication

Staff believes the proposed density is in line with the adopted vision of the Old Town Fairfax Small Area Plan.

Height: 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 on 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). The subject property has a suggested maximum height of six-stories. However, the subject property has maximum height requirement of 48 feet in the Transition Overlay District.

Staff Analysis:

The applicant is proposing to exceed the recommended height of the small area plan and the maximum height requirement of 48 feet in the Transition Overlay District. At the eastern end of the building where sensitivity to height is the greatest, the applicant has designed a building that would read as 6-stories with a stepped back 7th story. The western end of the building appears to be taller (8-story) due to the slope from east to west as the site has a significant change in grade. The top floor of the residential units has a proposed step back of 20 feet on both ends of the building. Table 2 (below) provides a comparison of building heights for the proposed development and other buildings in the city and general vicinity of the site.

Table 2: Building Height Comparison

Name	Number of Floors	Height
City Centre West	8	94 +/- feet
Capstone Collegiate	5	64 +/- feet
Fairfax at Gateway (The Moxley)	5	69 +/- feet
Providence Square	4-5	60 +/- feet
Scout on the Circle	6	85 +/- feet
Lamb Center/Wesley Housing	5	60 +/- feet
N29 WillowWood Phase I*	8	80 +/- feet
TDC Acquisitions, LLC at Davies Property*	7	80 +/- feet

*Land use application under review

Staff believes the proposed building height is consistent with the height and bulk adopted in the Old Town Fairfax Small Area Plan.

Circulation

Vehicular Network: 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 proposed street as designed does not meet the city’s standard for a public street. The proposed Connector Road, proposed East-West Road, and the existing West Street provides access to the parking garage with a commercial entrance including the bank drive-through and a residential entrance including a drop-off area for the residents and visitors to the building. The porte-cochere is a semi-enclosed area for residential drop-offs/pick-ups, and temporary parking for delivery and rideshare vehicles.

Staff Analysis:

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 proposed street as designed does not meet the city’s standard for a public street. The applicant will need to coordinate with the city and county as the proposed road as designed lies within both jurisdictions. Staff recommends the entrance

design on Main Street shall be modified to accommodate right turns for delivery trucks, or signage shall be installed prohibiting truck turns at this ingress point.

Pedestrian Network: The applicant is proposing a 10-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 10 feet and is entirely on county-owned property as part of the proposed pocket park. A six-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 sidewalks on the west side of the north-south connector road and on the south side of the east-west road which is in Fairfax County.

Staff Analysis:

The applicant is proposing a 10-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 10 feet and is entirely on county-owned property as part of the proposed pocket park. A six-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 sidewalks on the west side of the north-south connector road.

Staff recommends compliance with Section 4.4.4.A.1 of the Zoning Ordinance, which requires that sidewalks must be located on both sides of all streets. While an interim condition along the East-West Road may be acceptable (pending County comments), sidewalks should be built on both sides of the Connector Road with a crosswalk at the south end of the sidewalk as an interim condition, in anticipation of the future sidewalk connection in the County. This may require modifications to the design of the proposed road, building footprint, and/or intersection with the East-West street. If the private streets are dedicated to the city and accepted as public streets, the sidewalk requirement would be ten feet when the general development plan proposes a six-foot sidewalk. A special exception would be required to reduce the width of the sidewalk from 10 feet to 6 feet. Staff recommends denial of the request to eliminate sidewalks on the west side of Connector Road. The City's zoning ordinance cannot require a sidewalk in the County's jurisdiction.

Parking: The applicant has proposed four levels of parking with 23-foot travel lanes. A typical parking space in the garage is proposed at 18-feet (length) and 9 feet (width). Parking level four is the lowest level of the building with 47 commercial spaces. Parking level three has 94 commercial spaces proposed. Parking level two is accessible from turning onto the private street and entering the garage at the back of the building. There would be two total entryways for the proposed parking garage. Parking level two also has the bank drive-through with ATM machines in addition to 91 residential spaces. Parking level one has spaces for medical space, bank space, and shared areas with 6 commercial spaces, in addition to a loading dock, 52 residential spaces, 3 drop-off spaces, and 3 visitor spaces. The applicant has provided one parking on the East-West Road in the City. Staff also notes that off-site parking spaces cannot be counted towards the overall parking numbers for this application as there are two surface spaces on county-owned property that cannot be counted. Table 3 (next page) summarizes the required parking requirements and proposed parking spaces provided by the applicant.

Table 3: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces Before Reductions	With CU Reduction	With TOD Reduction	Provided Spaces
Upper story residential/mixed-use	79	1.5 spaces/unit	119	107	107*	162
Bank	18,199 sf	1 space/300 sf	61	55	28	148
Office, General	10,079 sf	1 space/300 sf	34	31	16	
Office, Medical	8,584 sf	1 space/200 sf	43	39	20	
Restaurant/Retail	7,731 sf	1 space/200 sf	39	35	18	
Total Parking			296	267	189	310

*TOD reduction for upper story residential/mixed use (1.5 spaces/unit) already applied as bedroom counts were not provided by applicant, preventing regular parking rates from being calculated.

Staff Analysis:

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. Also, the applicant is proposing to develop within the CU Commercial Urban district, which has a ten percent reduction where structured parking is provided (Section 4.2.3.D.1.c of the Zoning Ordinance). Staff believes the parking provided on the plan is consistent with Section 4.2 (Off-Street Parking and Loading) Zoning Ordinance.

Architecture and Landscaping:

The Old Town Fairfax Transition Overlay District (TOD) was created by the City of Fairfax as a buffer area around the Old Town Fairfax Historic Overlay District (HOD) to encourage a compatible mixture of residential, retail, and office uses within the area in a manner which complements the scale, siting, and design of the neighboring historic district. The TOD literally serves as a transition between the HOD and the architectural control overlay district (ACOD) which has a more contemporary architectural vocabulary than does the HOD. However, since much of the TOD was developed during the period of rapid regional growth of the last decades of the 20th century, the character of the area reflects a wider variety of developments in mixture of architectural styles and forms popular in that era (Transition Overlay District Guidelines, TOD-1.1).

Staff Analysis:

The Board of Architectural Review had a public hearing on June 21, 2023, with the applicant to provide a recommendation on the architecture and landscaping, as well as the special exceptions since the subject property is in the Old Town Fairfax Transition Overlay District. The Board of Architectural Review recommended to deny (2-2) the major certificate of appropriateness for architecture and landscaping. The Board of Architectural Review also made a recommendation to approve (3-1) the special exceptions in the Transition Overlay District (TOD).

Staff recommends approval of the Certificate of Appropriateness but believes that the proposed architecture does not adequately break up the 425-foot long building, which is longer than a downtown block. The monotone colors and repeating bays present a substantial building as a result. Staff believes that a third brick color or alternate brick patterning are warranted at the eastern most inset portion of the building to achieve the recommendations outlined in the design guidelines for breaking up large buildings. Staff recommends approval with conditions.

Stormwater Management:

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

Staff Analysis:

The applicant is providing stormwater management facilities on site where none exist today, which would result in an improvement to existing drainage conditions. The applicant is proposing an underground stormwater vault system. The applicant has provided a sanitary sewer capacity study on Sheet 52. The applicant will need to design the proposed sewer within the guidelines in Section 5.1.2 (Preliminary Engineering Report Requirements) and Section 5.2 (Sewer System Design Standards) of the Public Facilities Manual. The capacity estimates will need to be based on the full buildout of the judicial center.

Utilities:

Section 4.11 of the Zoning Ordinance requires all on-site above-ground utilities to be relocated underground for any development that will require site plan approval.

Staff Analysis:

The applicant has submitted a conceptual utility plan on Sheet 9 on the GDP. The applicant proposes undergrounding of on-site utilities and the overhead utilities along the property's Main Street frontage. Portions of utilities in the County are not shown, but review and approval for those are up to the County.

Parks and Open Space:

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. The proposed public plaza is in the County.

Staff Analysis:

The CU Commercial Urban district does not have an open space requirement. The applicant chose not to mitigate impacts to city parks.

Tree Coverage:

The minimum landscape strip requirement for street trees in Section 4.5.6.B shall not apply in the Old Town Fairfax Transition Overlay District. The proposed CU Commercial Urban district does not have a tree canopy requirement. Likewise, CU Commercial Urban district does not require a minimum ten-foot wide landscaped strip be provided along all streets.

Staff Analysis:

The applicant has proposed a landscape plan with 35 canopy trees, 30 evergreen trees, 339 shrubs and groundcovers, perennials, and grasses. The applicant also has proposed 12 street trees along Main Street, 4 street trees along the proposed Connector Road and 10 street trees along the proposed East-West Road.

Fiscal Impact:

Staff estimates that this proposal would bring a net fiscal benefit of between \$543,000 and \$741,000 annually with an average of \$642,000.

PART C: PROCEDURAL REQUIREMENTS AND REVIEW CRITERIA

In determining whether to approve or disapprove a proposed rezoning to any district other than a rezoning requesting a planned development district (Section 6.4.9 of the Zoning Ordinance), the planning commission and city council shall consider any proffers, and the following:

A. Substantial conformance with the comprehensive plan;

The proposed general development plan is consistent with the comprehensive plan and the ad. opted Old Town Fairfax Small Area Plan in terms of bulk, size, and height. Density is not prescribed on a parcel-by-parcel basis. The Activity Center Place Type applies to locations in the City where pedestrian-oriented, mixed-use development is strongly encouraged. The applicant has proposed an 8-story upper story residential/mixed-use building with up to 79 condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (second level of the parking garage), and 7,731 square feet of restaurant and retail space. The building is generally consistent with the recommended form and scale as the proposed building frontage along Main Street is approximately 425 feet and the building width is approximately 120 feet.

B. Any greater benefits the proposed rezoning provides to the city than would a development carried out in accordance with the current zoning district (§3.2), and otherwise applicable requirements of this chapter;

The proposed CU Commercial Urban is considered an appropriate zoning district for development activity in the Activity Center Place Type and the Old Town Fairfax Small Area Plan. The applicant has proposed to consolidate three lots into one lot, as well as eliminate multiple ingress/egress points from Main Street into one access point on Main Street and West Street.

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

The proposed type of development is appropriate at this location given its Activity Center Place Type designation and the Old Town Fairfax Small Area Plan. The proposed uses are permitted in the CU Commercial Urban district, except for the drive-through facility for the financial institution (bank). Therefore, the applicant has requested a special use permit for the drive-through facility.

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

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. However, the applicant is seeking reimbursement for the cost to construct these roads and its associated infrastructure. 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 a commercial entrance including the bank drive-through and a residential entrance including a drop-off area for the residents and visitors to the building. The porte-cochere is a semi-enclosed area for residential drop-offs/pick-ups, and temporary parking for delivery and rideshare vehicles.

The applicant has chosen not to mitigate impacts to City parks, and while they desired to contribute to City libraries, they were unable to submit an additional proffer within 17 days of the public hearing and did not wish to defer.

E. Adequacy of existing and proposed public utility infrastructure;

The applicant is providing stormwater management facilities on site where none exist today, which would result in an improvement to existing drainage conditions. The applicant is proposing an underground stormwater vault system. The applicant has provided a sanitary sewer capacity study on Sheet 52. The applicant will need to design the proposed sewer within the guidelines in Section 5.1.2 (Preliminary Engineering Report Requirements) and Section 5.2 (Sewer System Design Standards) of the Public Facilities Manual. The capacity estimates will need to be based on the full buildout of the judicial center. The applicant proposes undergrounding of on-site utilities and the overhead utilities along the property's Main Street frontage. Portions of utilities in the County are not shown, but review and approval for those are up to the County.

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

The applicant has proposed an 8-story upper story residential/mixed-use building with up to 79 condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (second level of the parking garage), and 7,731 square feet of restaurant and retail space. The building is generally consistent with the recommended form and scale (the proposed building frontage along Main Street is approximately 425 feet and the building width is approximately 120 feet). At the eastern end of the building where sensitivity to height is the greatest, the applicant has designed a building that would read as 6-stories with a stepped back 7th story. Staff believes that the proposed architecture does not adequately break up the 425' long building, which is longer than a downtown block. The monotone colors and repeating bays present a substantial building as a result. Staff believes that a third brick color or alternate brick patterning are warranted at the eastern most inset portion of the building to achieve the recommendations outlined in the design guidelines for breaking up large buildings.

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 the office building to the immediate west is three stories and the Fairfax Building west of the office building is six stories with a two-level parking garage.

G. Consistency with the stated purpose of the proposed 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 (Section 3.2.1.B.1.d. of the Zoning Ordinance, Page 3-2). The applicant has proposed an 8-story upper story residential/mixed-use building with up to 79 condominium units, approximately 18,199 square feet of financial institution (bank) with a drive-through, 10,079 square feet of general office, 8,584 square feet of medical office (second level of the parking garage), and 7,731 square feet of restaurant and retail space.