

ABTB Mid-Atlantic, LLC

STATEMENT OF JUSTIFICATION

January 18, 2024

Please accept the following as a Statement of Justification in support of the submitted General Development Plan Amendment and Special Use Permit applications to allow the development of 10120 Fairfax Boulevard with an approximately 2,256 square foot restaurant with a drive-through window/facility. This Statement of Justification is submitted in conjunction with the General Development Plan Amendment/Special Use Permit Plat, prepared by Dynamic Engineering Consultants, P.C. dated January 18, 2024, (the “GDPA/SUP Plat”), and other submitted supporting materials. The contents of this Statement of Justification address the approval considerations for the submitted applications, as set forth in Sections 6.4.9 and 6.7.7 of the City of Fairfax Zoning Ordinance (the “Zoning Ordinance”).

ABTB Mid-Atlantic, LLC (the “Applicant”) is the contract lessee of an approximately 0.66 acre property located in the City of Fairfax. The property consists of one (1) tax parcel identified among the City of Fairfax’s tax assessment records as 47-4-23-000-D (the “Subject Property”). The Subject Property is currently a vacant pad site that is part of the Boulevard Marketplace Shopping Center (the “Shopping Center”). Zoned to the CR (Commercial Retail) District, the Subject Property is included in a Generalized Development Plan (“GDP”) that was approved by City Council in 2008, subject to proffers dated June 2, 2008, to allow a total of 17,300 square feet of commercial space, including a 4,300 square foot bank building with drive-through on the Subject Property. In 2011, the Shopping Center was subdivided into two separate parcels, including the Subject Property and the adjacent parcel identified as 47-4-23-000-A (“Parcel A”). In 2017, City Council approved a GDP amendment, which converted the previously approved drive-through bank on the Subject Property to an approximately 5,100 square foot retail building. To date, the approved retail building has not been constructed, and the Subject Property remains vacant.

PROPOSED DEVELOPMENT

The Applicant proposes to redevelop the Subject Property with a drive-through Taco Bell restaurant. No modifications or improvements are proposed to Parcel A, which will remain in its existing condition. The proposed development will provide a high-quality, active commercial use that will revitalize an underutilized parcel. As shown on the submitted GDPA/SUP Plat, the Applicant proposes a commercial use that will be consistent with the recommendations of the Comprehensive Plan and will be compatible with the commercial character of the surrounding area. As illustrated on Sheet 3 of the GDPA/SUP Plat, the proposed restaurant with drive-through will consist of an approximately 2,256 square-foot, one story building. The proposed drive-through lane will wrap around the new building and parking area and will accommodate 13 stacking spaces, which exceeds the minimum number required by the Zoning Ordinance. A total of 21 parking spaces are provided on the Subject Property, including 12 spaces along the existing drive aisle. Bicycle parking and a small outdoor dining patio area will also be provided proximate to the restaurant’s main entrance.

The Subject Property is particularly well-suited for the proposed use given its location along the City's main commercial corridor. In addition, the proposed use is consistent with the existing pattern of development along the Fairfax Boulevard corridor, which includes a number of existing drive-through restaurant uses. Primary access to the Subject Property will be through the existing internal circulation of the Shopping Center. The Shopping Center is served by two existing vehicular access points along Fairfax Boulevard – including one signalized full-movement access and one right-in/right-out access. An additional right-in/right-out vehicular access is provided to the adjacent Patient First parcel, which provides for inter-parcel vehicular access to the Subject Property. No changes are proposed to the existing access or on-site circulation conditions associated with the Shopping Center. To accommodate adequate pedestrian circulation, the Applicant will incorporate a 6-foot wide sidewalk between the proposed building and parking areas. In addition, the Applicant proposes to maintain an existing 8-foot wide trail along the western property line that connects to the George Snyder Trail to the north of the site. A 3.5-wide landscape strip is proposed between the drive-through lane and the 8-foot wide trail as shown on the GDPA/SUP Plat to provide an additional buffer between pedestrians and vehicles in the drive-through lane. Finally, while the northern portion of the Subject Property includes Resource Protection Area (“RPA”) and floodplain, none of the Applicant's proposed site improvements will encroach into these environmentally sensitive areas. All site work is limited to previously disturbed areas of the site. No changes are proposed to the proffers associated with the prior approvals.

The proposed building is characterized by attractive architecture, the provision of quality landscaping, and a reduction of impervious surface. The proposed building will be architecturally compatible with the adjacent buildings in the Shopping Center through the use of compatible masonry and cornice details that are consistent with the materials of the two existing buildings on Parcel A. Building materials may include, but are not limited to brick, Hardie cement board panels, E.I.F.S, and other quality materials. The proposed restaurant building will be one story at a maximum height of twenty-five (25) feet. Quality landscaping is proposed, including robust vegetation around portions of the drive-through lane as shown on the GDPA/SUP Plat. This will result in a significant improvement over the existing landscape conditions on the Subject Property today. The existing street trees, landscaping, streetlights and streetscape along Fairfax boulevard will be retained, ensuring that the established streetscape along this segment of Fairfax Boulevard will remain uniform and consistent. In the end, the proposed development will result in increased green open space and an overall decrease of impervious surface.

GDP AMENDMENT APPLICATION

To permit the development of a restaurant use on the Subject Property, the Applicant requests an amendment to the previously approved rezoning and general development plan, which currently depicts an approximately 5,100 square foot retail building on this vacant pad site. No changes are proposed to the previous proffered commitments, all of which have been fulfilled. This proposed amendment fulfills each of the approved considerations set forth in Section 6.4.9 of the Zoning Ordinance:

The proposed use is in substantial conformance with the Comprehensive Plan. The Future Land Use Map for the City of Fairfax indicates that the Subject Property is planned for a

Commercial Corridor Place Type, which supports commercial uses, including restaurants with drive-through facilities. In addition, the surrounding land use designations are similarly Commercial Corridor. In redeveloping the existing, underutilized parcel into a more active, high-quality community-serving use, the proposed redevelopment is consistent with the stated objectives of the Comprehensive Plan and will provide a benefit to the City by promoting the economic viability of the Fairfax Boulevard corridor. In addition, the proposed amendment to convert the approved retail building to a restaurant with a drive-through remains highly suitable and consistent with the current CR District. Currently, the Subject Property is sufficiently served by public transportation facilities, and the existing utility infrastructure is adequate for the proposed uses. Further, the proposed development is compatible with the surrounding area, as the Subject Property is entirely surrounded by other commercial uses, including an adjacent shopping center with various restaurants, a salon, and convenience stores as well as a medical office. Finally, the proposed development is in keeping with the stated purpose of the CR District. Accordingly, the proposed development will further enhance the growth of commercial activities planned for the Fairfax Boulevard corridor by adding a community-serving use that is convenient for the City's residents.

SPECIAL USE PERMIT

In conjunction with the proposed amendment to the rezoning and general development plan, the Applicant requests approval of a special use permit application pursuant to Section 3.5.5.D.10 of the Zoning Ordinance to allow a drive-through window/facility in connection with the proposed restaurant use. As shown on the GDPA/SUP Plat, the drive-through window will be located on the side of the proposed building that is adjacent the Shopping Center and does not face any residential districts. The Applicant proposes 13 stacking spaces, which exceeds the 10 spaces required, where the location and the direction of the flow of these spaces will be clearly demarcated with pavement markings. In addition, the stacking lane does not abut a parking aisle nor is it located between proposed parking spaces or the public entrance to the restaurant.

In addition, the proposed drive-through window/facility fulfills the approval considerations for a special use permit set forth in Section 6.7.7 of the Zoning Ordinance. The integration of a drive-through window with the proposed restaurant use is consistent with the Comprehensive Plan as a community-serving, commercial use that is supported by the Commercial Corridor land use designation. The use is compliant with all applicable Zoning requirements, related to setbacks, buffers, lighting, signage, parking, and other related requirements. In addition, the inclusion of the drive-through window/facility will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use nor will it have a negative, adverse effect on public welfare, property, and improvements in the neighborhood. As stated above, the surrounding area is entirely commercial in nature and includes other existing restaurants. Thus, the addition of a new restaurant with a drive-through window/facility on the Subject Property will have a positive, beneficial impact on the surrounding neighborhood that is in keeping with the area, as it offers a new and convenient dining option for the City's residents, workers, and visitors.

CONCLUSION

The Applicant's proposal presents an opportunity to develop and activate a vacant pad site with a vibrant, high-quality community-serving use that advances the Comprehensive Plan's objectives of enhancing commercial activities along the Fairfax Boulevard commercial corridor. The proposed development will generate increased economic activity and contribute to the City's continued fiscal growth. The Applicant is eager to bring the first Taco Bell to the City and is committed to ensuring that the proposed development fits into the fabric of Fairfax.