



MEMORANDUM

To: Chair Feather and Members of the Planning Commission

From: Albert Frederick, Senior Planner

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

RE: Work Session for Taco Bell (10120 Fairfax Boulevard)

Meeting Date: June 10, 2024

The attached documents are inclusive of all materials for the Planning Commission Work Session on the above-referenced item. This memorandum serves to provide an explanation of the purpose of this item. The applicant is requesting an amendment to a previously approved Zoning and General Development Plan for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and Architectural Control Overlay (ACOD); and a Special Use Permit to allow a restaurant with a drive-through facility. This land use application is subject to a Major Certificate of Appropriateness for architecture and landscaping. The applicant proposes to develop a vacant pad site that is part of the Boulevard Marketplace Shopping Center to a 2,256 square foot restaurant with a drive-through on 0.66 +/- acres.

The following items do not require a review and recommendation from Planning Commission, but will be reviewed by the Board of Architectural Review and City Council:

- Special Use Permit to allow a drive-through windows/facilities
- A Major Certificate of Appropriateness pursuant to City Code Section 110-6.5 for architecture and landscaping.



CITY OF FAIRFAX

Department of Community Development & Planning

General Development Plan Amendment (Z-24-00085)
Special Use Permit (SU-24-00086)

WORK SESSION DATE

June 10, 2024

APPLICANT

ABTB Mid-Atlantic, LLC

AGENT

Kathryn Taylor, Attorney
Walsh Colucci Lubeley & Walsh
2200 Clarendon Boulevard
Suite 1300
Arlington, VA 22201

APPLICATION SUMMARY

The intent of this post-submission work session request is to receive feedback from the Planning Commission on an amendment to the Zoning and General Development Plan for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and Architectural Control Overlay (ACOD); and a Special Use Permit to allow a restaurant with a drive-through facility. This land use application is subject to a Major Certificate of Appropriateness for architecture and landscaping. The applicant proposes to develop a vacant pad site that is part of the Boulevard Shopping Center to a 2,256 square foot restaurant with a drive-through on approximately 0.66 +/- acres.

PARCEL DATA

Tax Map ID

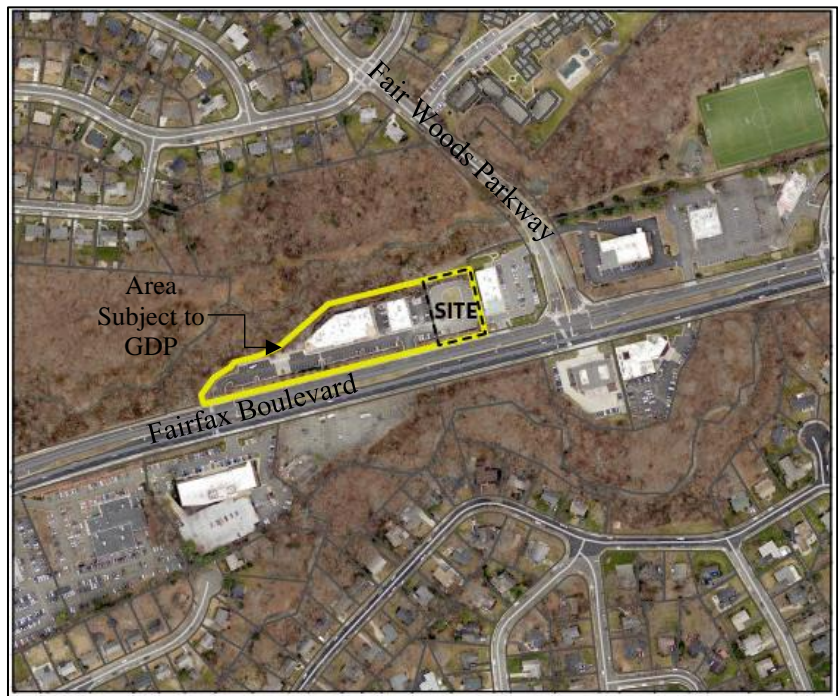
- ◇ 47-4-23-000-A
- ◇ 47-4-23-000-D

Street Address

- ◇ 10140 Fairfax Boulevard
- ◇ 10120 Fairfax Boulevard

Zoning District

- ◇ CR Commercial Retail
- ◇ Architectural Control Overlay District (ACOD)



Background Information

The applicant, ABTB Mid-Atlantic, LLC, is the contract lessee of a 0.66-acre parcel (Parcel D) in the Boulevard Marketplace Shopping Center. The subject property is located on the north side of Fairfax Boulevard and approximately 250 west of Fair Woods Parkway and adjacent to Patient First Primary and Urgent Care - Fairfax. The primary uses surrounding the shopping center are commercial in nature except for Fairfax City Fire Station 33 on the south side of Fairfax Boulevard. To the north and west of the site is floodplain and the Chesapeake Bay Resource Protection Area (RPA). Table 1 (below) provides the site data for the subject property.

Table 1: Site Data

Address	Parcel ID	Owner	Acres
10140 Fairfax Boulevard	47-4-23-000-A	SCC Boulevard Marketplace LLC	2.48
10120 Fairfax Boulevard	47-4-23-000-D	JDC Boulevard, LLC c/o Rosenthal Properties	0.66
Total			3.14

- 10140 Fairfax Boulevard: 19,926 square foot shopping center with 112 parking spaces was constructed in 2012.
- 10120 Fairfax Boulevard: Undeveloped parcel with an approved 5,100 square foot retail building. Currently, sits as a pad site for a future end user.

The primary access to the subject property is through the existing shopping center. The existing shopping center is served by two access points to Fairfax Boulevard. A secondary inter-parcel access point is provided through the Patient First site with access to Fairfax Boulevard and to Fair Woods Parkway. The overall shopping center also has infrastructure improvements, such as an existing storm drain structure, sanitary sewer line, water line, signs, streetlights and parking lot lights, traffic poles and a pedestrian path that connects to Fair Woods Parkway. The frontage along Fairfax Boulevard has an 8-foot sidewalk. 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	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Undeveloped parcel Shopping Center	Commercial Corridor
North	CR Commercial Retail/Architectural Control Overlay District (ACOD) Light Industrial/Architectural Control Overlay District (ACOD)	Undeveloped land	Green Network-Public
South	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Fire Station, offices, and restaurant	Commercial Corridor Green Network-Public Social and Civic Network
East	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Patient First	Commercial Corridor
West	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Undeveloped land	Commercial Corridor

The Future Land Use designation for the subject property is Commercial Corridor. The surrounding land use designation is Commercial Corridor Place Type to the east and west, while the future land use designation to

the north is Green Network - Public and a mixture of Commercial Corridor, Green Network – Public, and Social and Civic Network.

Project History

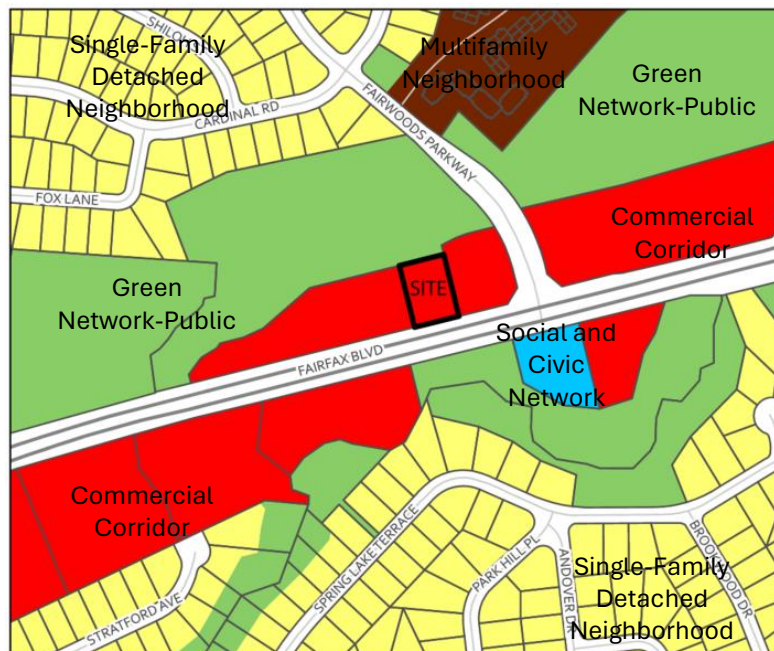
On February 27, 2023, the Planning Commission held a pre-application briefing to discuss the proposed 2,256-square foot restaurant with drive-through window/facility located in the Boulevard Marketplace Shopping Center. The Planning Commission expressed the following concerns with the proposal, such as parking for the shopping center, stacking for the drive-through window, a second drive-through lane and safety with the potential number of cars entering and exiting the site. The trail connection is a positive feature of the proposal. On March 7, 2023, the City Council held a pre-application briefing for the proposed plans. The City Council highlighted some issues of concern similar to the Planning Commission, such as parking, traffic, and queuing in the drive-through facility. Additional comments centered around whether Taco Bell is right for this location and could the site be developed without a drive-through.

The applicant submitted a formal land use application on February 6, 2024. The Board of Architectural Review held a work session with the applicant to discuss the preliminary architecture and landscaping as proposed development is subject to a Major Certificate of Appropriateness. Staff provided written first submission comments to the applicant’s representative on April 5, 2024. Staff met with the applicant and their representative on April 26, 2024, for a Development Review Team meeting to discuss comment letter #1. A follow-up Development Review Team meeting was held on May 24, 2024, to discuss the applicant’s plan to address several items for the proposal.

COMPREHENSIVE PLAN

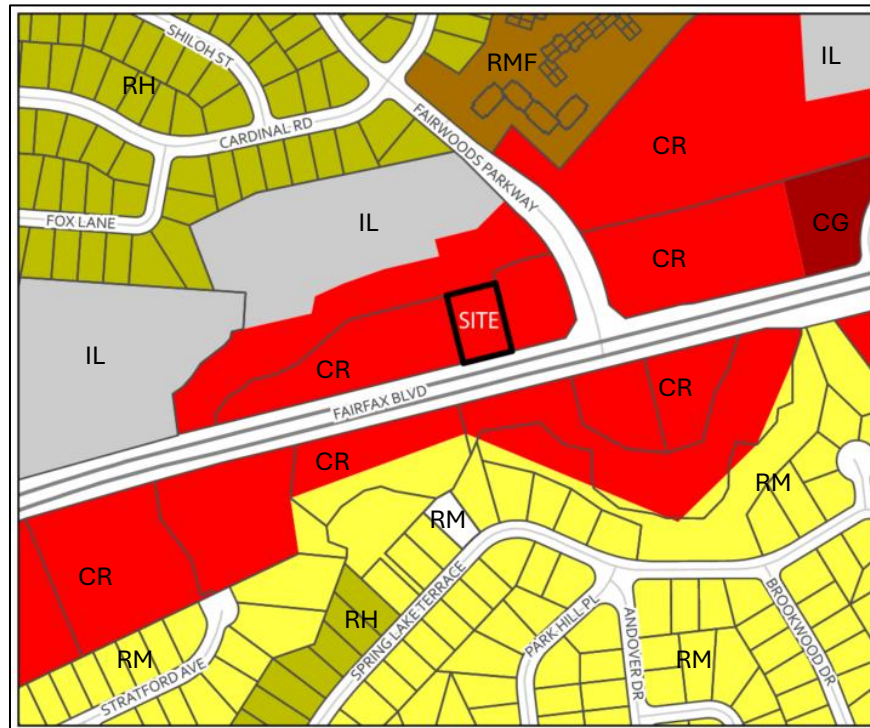
Land Use: The Comprehensive Plan provides a general plan and communicates a vision for future land use and development in the city; while the Zoning Ordinance provides the regulatory mechanism to ensure the new development and changes in land use are consistent with the vision. Figure 1 (below) illustrates the Future Land Use Map for the subject property and surrounding area:

Figure 1: Comprehensive Plan



The Commercial Corridor Place Type includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Limited manufacturing and other light industrial uses may also be considered. Heavy industrial uses should not be added or expanded beyond areas where they currently exist (such as the tank farm on Pickett Road). Residential uses are not recommended in Commercial Corridors. Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities (City of Fairfax, 2035 Comprehensive Plan, Page 31). See Attachment 2 for Policy Guidance. Figure 2 (below) illustrates the zoning districts for the subject property and the surrounding properties.

Figure 2: Current Zoning



The surrounding zoning district to the east and west is CR Commercial Retail with uses that range from restaurants, medical facilities, and retail uses. To the north of the site is undeveloped land owned by the City of Fairfax and to the south of the site is a restaurant, city owned park land, offices, and a public facility (Fire Station 33).

Requests

General Development Plan Amendment

In 2008, a General Development Plan was approved for Boulevard Marketplace Shopping Center on 3.15 acres to allow a total of 17,300 square feet of commercial space including a 4,300 square foot bank building. A modification to the plan was approved to increase the amount of general retail space and decrease the area for the bank. In 2011, the bank parcel was subdivided from the shopping center establishing Parcel D (0.66-acres) and was sold to the current property owner (JDC Boulevard, LLC). In 2012, the Boulevard Marketplace Shopping Center was completed with the bank site being improved as pad site for a future tenant. In 2017, an amendment to the existing General Development Plan was approved to replace the approved 3,500 square foot bank building and drive-through with a 5,100 square foot commercial retail building. To date, the

approved retail building has not been constructed and Parcel D remains a vacant pad site in the Boulevard Marketplace Shopping Center. The applicant is seeking to amend the existing Zoning and General Development Plan to allow for the development of Parcel D, which has an approved approximately 5,100 square foot retail building on a vacant pad site. Parcel A (Boulevard Marketplace Shopping Center) would remain unchanged. The existing building and supporting infrastructure improvements for the shopping center would not be impacted by the proposed redevelopment of Parcel A. The existing shopping center has approximately 112 parking spaces.

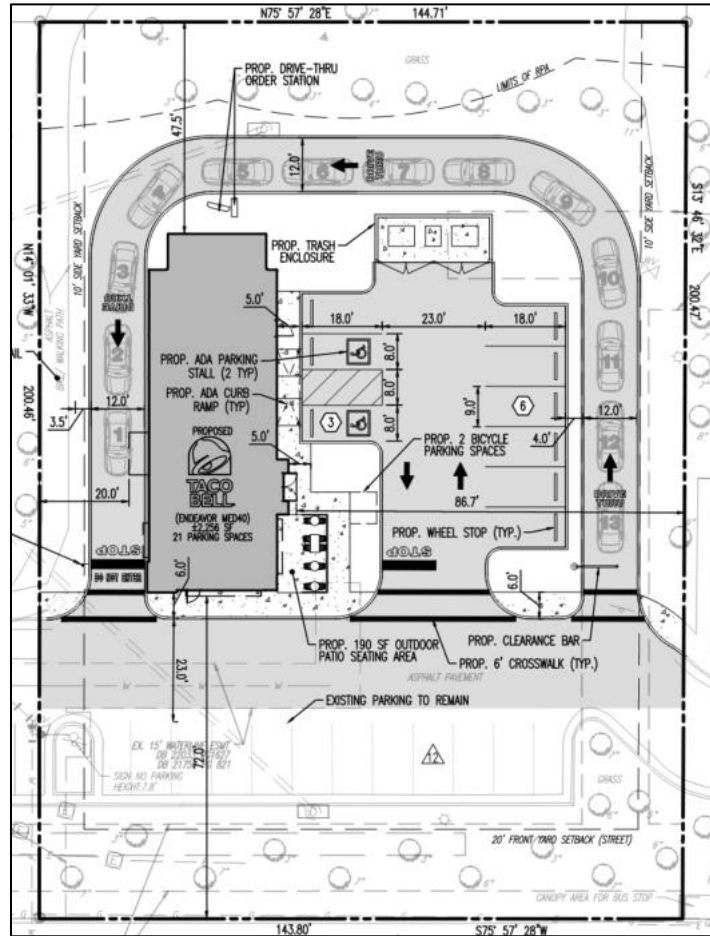
Description of the General Development Plan

The applicant, ABTB Mid-Atlantic, LLC, is the contract lessee for a 0.66 +/- acre parcel in the Boulevard Marketplace Shopping Center. The applicant proposes to replace an approved 5,100 square foot commercial retail building with a 2,256 square foot restaurant with a drive-through. The general development shows a drive-through facility that wraps around a one-story 2,256 square foot building and parking lot area for customers. The applicant has provided nine (9) spaces adjacent to the entrance of the east side of the building and twelve (12) spaces that would be shared with other uses in the shopping center for a total of 21 spaces. The proposed drive-through facility has 13 stacking spaces from the drive-through window on the west side of the building and nine (9) spaces from the order station. The applicant has proposed a 190 square foot outdoor patio seating area near the main entrance to the restaurant. The applicant has provided pedestrian access interior to the site leading to the proposed building from the parking lot areas.

The primary access point to the proposed restaurant is through the existing internal connections to the shopping center with two access points along Fairfax Boulevard. At the western end of the shopping center there is a signalized intersection at Boulevard Market Place and Fairfax Boulevard with full turning movements onto Fairfax Boulevard, while the secondary access point to shopping center is a right-in/right-out onto Fairfax Boulevard. The shopping center has an east-west parallel street interior to the site that provides patrons access through the shopping center to an inter-parcel connection to Patient First at the intersection of Fairfax Boulevard and Fair Woods Parkway. On the west side of Parcel D is an existing shared use path that connects to the George T. Synder Trail to the north of the site and along the frontage of the shopping center is a 6-foot sidewalk. To the north of the building footprint and drive-through lane is an area that is in the floodplain and the Chesapeake Bay Resource Protection Area with existing plantings.

Figure 3 (next page) shows the building footprint and limits of disturbance for the proposed general development plan.

Figure 3: General Development Plan

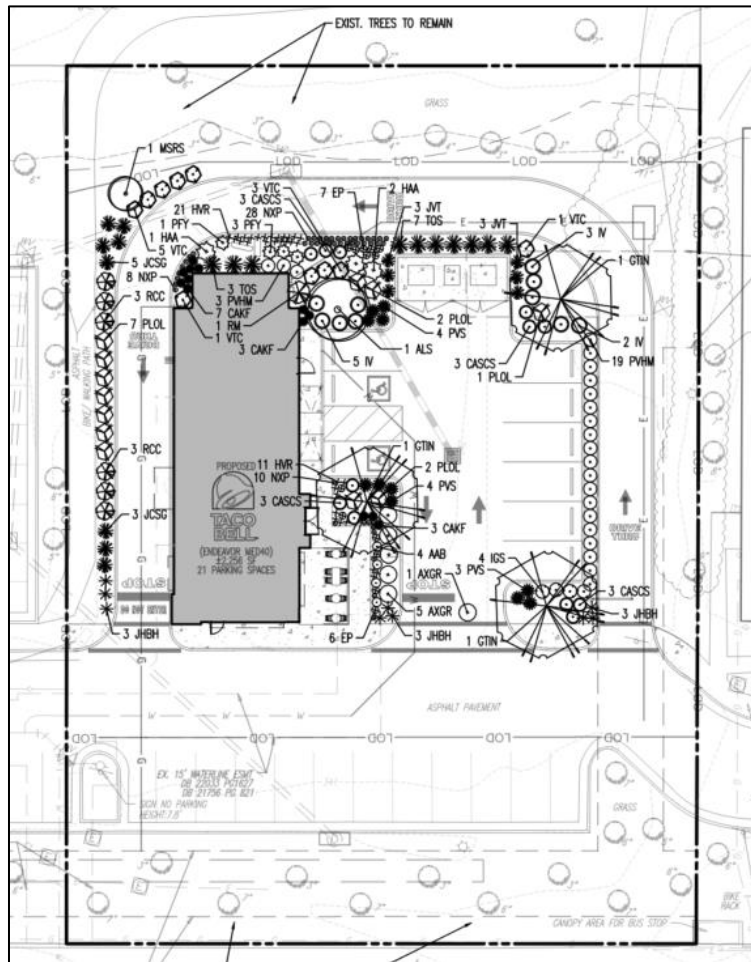


Building Coverage: Building coverage is the percentage of lot area that is permitted to be covered by buildings, including both principal structures and accessory buildings (Zoning Ordinance, Section 1.5.7.A.1, Page 1-5). The applicant has proposed a building coverage of 7.8%, which is below the maximum 60% in the CR Commercial Retail.

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 applicant has proposed a lot coverage of 39%, which is below the maximum 85% in the CR Commercial Retail.

Tree Canopy: The landscape plan as submitted is incomplete. Figure 4 (next page) illustrates the proposed landscape plan for the general development plan.

Figure 4: Landscape Plan



The applicant states “that 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” (Statement of Justification, Page 2).

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 shopping center has underground utilities to serve the existing buildings. The applicant is proposing to relocate an existing transformer box to make way for the drive-through facility.

Transportation: The proposed development is bound by Fairfax Boulevard, Boulevard Market Place, and Fair Woods Parkway. Fairfax Boulevard is classified as a principal arterial street with a posted speed limit of 35 MPH near the site and this segment of Fairfax Boulevard is three lanes in each direction. Fair Woods Parkway is a two-lane local road with on-street parking and a posted speed limit of 25 MPH. Table 3 (next page) provides a summary of proposed trips:

Table 3: Trip Generation

Land Use (ITE Code)	Size (Units)	AM Peak Hour			PM Peak Hour			Weekday Daily		
		In	Out	Total	In	Out	Total	In	Out	Daily
Fast Food Restaurant with Drive-Through Window (934)	2,256 (Sq. Ft.)	52	49	101	39	36	75	528	527	1,055

Public Transportation Facilities: The subject property has several mass transportation routes in the vicinity of the subject property, such as MetroBus, and the City’s CUE Bus Gold and Green Routes.

Circulation/Pedestrian Access: The Multi-Modal Transportation Plan recommends a 10-foot sidewalk on Fairfax Boulevard. The applicant has proposed a 6-foot sidewalk between the building and the parking lot. The site has an existing trail on the western property line that connects to the George T. Snyder Trail.

Parking: The proposed use (restaurants or food service) is subject to 1 space per 200 square feet of floor area. Table 4 (below) summarizes the required parking requirements.

Table 4: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	Proposed Spaces
Restaurants or food service	2,256 sf	1 space per 200 sq. ft.	11	21

The applicant is required to provide 11 parking spaces and proposes 21 parking spaces in the general development plan.

Loading Zone: The applicant proposes a 2,256 square foot commercial building. Due to the size of the proposed building, the applicant is not required to provide a loading space (Section 4.2.9 – Off-Street Loading Requirements).

Bicycle Parking: Section 4.2.8.C of the Zoning Ordinance states that bicycle parking shall be in a visible, well-illuminated area that does not conflict with automobile or pedestrian traffic. The requirement is 2 bicycle spaces based on the number of required parking spaces (between 1-40).

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). Stormwater management facilities for the site were provided in the original construction of the shopping center.

Special Use Permit

- **Special Use Permit** for drive-through windows/facilities in the CR Commercial Retail

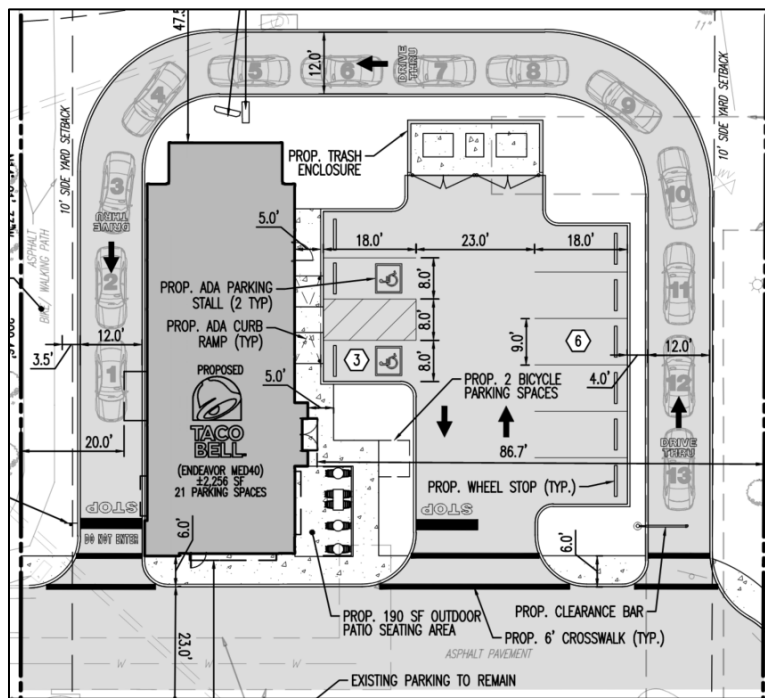
The Zoning Ordinance defines a drive-through facility as “a window or other facility designed to enable a person to transact business while remaining in a motor vehicle.” The development standards for drive-through windows/facilities (Section 3.5.5.D.10 of the Zoning Ordinance) are outlined below:

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 that “the drive-through window will be located on the side of the proposed building that is adjacent to 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.” (Statement of Justification, Page 3). Figure 5 (below) illustrates the number of cars stacked in the drive-through facility.

Figure 5: Drive-Through Facility/Window



In addition to Section 3.5.5.D.10, the applicant shall demonstrate compliance with stacking space requirements for drive-through windows/facilities (Section 4.2.7 of the Zoning Ordinance). Table 5 (next page) provides the minimum number of stacking spaces:

Table 5: Stacking Space Requirements

Facility or Use	Minimum Spaces	Measures From
Drive-through windows/facilities	6	Order Box
Drive-through windows/facilities	4	Service window, or from order box to service window

The proposed drive-through facility has 13 stacking spaces from the drive-through window on the west side of the building and nine (9) spaces from the order station. The applicant is showing stop controls into the interior parking lot and at the exit for the drive-through.

Code Administration: The drive lane down the center of the parking lot will need to be designated a Fire Lane and the applicant will need to provide fire apparatus turning movements (both directions) into the fire lane using Tower Ladder 403 specifications. Also, based on the drive lane in the parking area will be a fire lane, and the service road in front of the property is already (and will remain) a fire lane, the applicant needs to share where delivery trucks will park.

City Schools: No impact on City Schools as the proposal is for non-residential use.

Fiscal Impact: City staff is preparing the fiscal impact analysis.

Historic Resources: No issues with the proposed land use application.

Parks and Recreation: No impact on the City Parks as the proposal is for non-residential use.

Police: City Police provided the applicant with comments based on the principles of Crime Prevention Through Environmental Design (CPTED).

Proposed Changes to First Submission GDP Plans

The applicant has proposed to make changes to the plans to reflect the comments provided by staff upon review of the first submission. These changes include additional information regarding seating capacity, operational hours, setbacks including Resource Protection Area boundary, improvements to pedestrian connections, a fire marshal plan, and an erosion and sediment control plan. See Attachments 9-11 for the applicant’s response to staff comments, the updated General Development Plan Amendment/SUP Plan, and revised Traffic Impact Study. These documents have not been formally filed through a resubmission to City staff as additional revisions may be considered following the work sessions with the Planning Commission and City Council.

Attachments

- A1 – Statement of Justification
- A2 – Policy Guidance
- A3 – Certified Plat
- A4 – General Development Plan
- A5 – Traffic Impact Study
- A6 – Certificate of Appropriateness Work Session Staff Report
- A7 – Statement of Design Intent
- A8 – Certificate of Appropriateness Package
- A9 – Revised General Development Plan (not formally submitted)
- A10 – Revised Traffic Impact Study (not formally submitted)
- A11 – 1st Submission Comment Response Letter

PREPARED BY:



Albert Frederick
Senior Planner

06/03/24

DATE



Jason D. Sutphin
Community Development Division Chief

06/03/24

DATE



Brooke Hardin
Director, Community Development & Planning

06/03/24

DATE

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.

Policy Guidance

2035 Comprehensive Plan Policies

Commercial Corridor Place Type

The Commercial Corridor Place Type, identified in red on the Future Land Use Map, includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Limited manufacturing and other light industrial uses may also be considered. Heavy industrial uses should not be added or expanded beyond areas where they currently exist (such as the tank farm on Pickett Road). Residential uses are not recommended in Commercial Corridors. Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities.

Commercial Corridor Place Types can accommodate a variety of buildings from small footprint retail buildings to multi-story office buildings. The desired orientation and placement of buildings on a Commercial Corridor site is primarily dependent on the adjacent Street Type. For sites located along Commercial Mains, buildings should have similar setbacks and building orientation as recommended for the nearby Activity Centers. Parking is encouraged in above-ground structures or underground, should be provided to the side or rear of buildings, and should be screened from view from the right-of-way by building mass or landscaping. For sites located along Boulevards or other street types, buildings should be located near front property lines with parking provided to the side or rear. Direct pedestrian access should be provided from the sidewalk in the right-of-way to primary building entrances. Predicated on the underlying zoning district, the Commercial Corridor Place Type supports a density of a minimum Floor Area Ratio (FAR) of 0.4 for commercial development and a maximum building height of 3 stories/35 feet to 5 stories/60 feet. Refer to the City of Fairfax Design Guidelines for more specific guidance on site design.

Neighborhoods: Neighborhood – the places where we live, learn, play, and increasingly work – constitute the largest geographical use of land in the city, though physical boundaries are not the only thing defining character trait of a neighborhood. The City’s neighborhoods each have their own unique character and offer a variety of housing and lifestyle opportunities. Neighborhoods are supported by a separate Guiding Principle in this Plan due to their importance to residents. City growth and development policies must both preserve the quality of neighborhoods and protect neighborhoods from adverse consequences of growth. However, this should not imply that Fairfax’s neighborhoods should remain static. Well-designed and properly scaled infill can be an appropriate strategy to foster walkability, better amenities, and housing affordability (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 45).

Neighborhood 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.

Neighborhood Goal 2

Provide neighborhood pedestrian connections.

Outcome 2.1: Residents of all abilities safely and easily move about the community.

Action 2.1.1: Identify opportunities for future open space and trails in neighborhoods that are currently deficient in offering these amenities.

Action 2.1.2: Expand existing pedestrian network to increase connectivity within neighborhoods and to other destinations.

Commercial Corridors and Activity Centers: Fairfax’s success in achieving the community’s vision for future development hinges upon effective growth strategies for the City’s areas of highest redevelopment potential. These areas will accommodate the majority of new commercial activity, higher density residential neighborhoods, and transportation improvements. Success in achieving this vision will be measured not by the magnitude of new investment, but rather by the attributes that can transform a disjointed pattern of development into an attractive and welcoming neighborhood. If the City’s Commercial Corridors and Activity Centers can be transformed into areas with attractive physical characteristics and a mix of uses, then the city will realize a major aspect of its goal to be a vibrant 21st century community. While higher intensity mixed-use redevelopment of older commercial properties can provide economic and social benefits to the community, these benefits would be most realized if concentrated in key areas to allow new developments to complement each other, avoid oversaturating the market, and minimize impacts to existing neighborhoods. These types of uses are primarily envisioned in Activity Centers, as indicated on the Future Land Use Map. While a mix of uses and connected street grids are envisioned in all Activity Centers, such development is always encouraged in the Old Town Fairfax and Northfax Activity Centers (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 49).

Commercial Corridors & Activity Centers Goal 1

Enhance Commercial Corridors.

Outcome CCAC1.1: Commercial Corridors with attractive physical characteristics that provide shopping, dining, services, and other businesses.

Action CCAC1.1.1 Encourage commercial redevelopment that offers amenities and atmosphere to attract top-tier commercial tenants.

Action CCAC1.1.2 Identify underutilized properties (i.e., buildings assessed at considerably less than the total property value) and, working with the City’s Economic Development Authority, encourage redevelopment.

Action CCAC1.1.3 Encourage creativity and architectural excellence in new commercial developments.

Action CCAC1.1.4 Develop urban design concept diagrams for small block and multi-block areas along the City's Commercial Corridors outside the Activity Centers.

Action CCAC1.1.5 Encourage tree-lined and heavily-landscaped property edges, particularly where surface parking is adjacent to the public rights-of-way.

Action CCAC1.1.6 Provide pedestrian and bicycle connections to nearby neighborhoods.

Outcome CCAC1.2: Tenants representing diverse business sectors that meet current and emerging trends in neighborhood-serving retail, service, and other business demands.

Action CCAC1.2.1 Strengthen existing retail businesses and expand choices to capture retail spending by residents.

Action CCAC1.2.2 Create a marketing plan to generate excitement about the current retail and service offerings.

Community Design: An attractive, well-designed City instills civic pride; improves the visual character of the community; creates a strong, positive image; and attracts quality developments. Community Design relates not just to what buildings look like, but to the spaces between buildings, as well as to the street and public realm. While accommodating new growth and change, consideration must be given to preserving significant elements of the community that contribute to the City's unique character. The intent of the Community Design and Historic Preservation Guiding Principle is to capitalize on unique features of the city in a manner reflecting the community's values and its connection to the history and traditions that distinguish it from other communities in the region (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 61).

Community Design and Historic Preservation Goal 1

Require high-quality, sustainable design.

Outcome CDHP1.2: Attractive buildings, inviting public spaces, and welcoming gateways that contribute to our economic vitality and unique character.

Multimodal Transportation: Transportation is about more than mere movement – transportation grants us access to the needs of everyday life. Sustainable, connected, and integrated transportation is fundamental to the success and livability of the city. Multimodal refers to the multiple ways people use to get around – car, bus, train, bike, walking, etc. – and a multimodal plan incorporates these various transportation modes into an efficient and connected system (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 67).

Multimodal Transportation 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).

Outcome MM2.2: The City's existing trail system, including the "Green Ribbon" parks and trail network, is connected and expanded.

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.

Action MM2.2.2 Connect the George Snyder Trail to the planned I-66 trail facility.

Multimodal Transportation Goal 3

Integrate transportation with land use.

Outcome MM3.2: Walkability to and within Activity Centers and between neighborhoods is increased.

Action MM3.2.1 Whenever possible, increase connections – particularly nonmotorized connections – between neighborhoods, community facilities, and Activity Centers.

Action MM3.2.2 With development projects, break up large blocks to a more walkable scale. Pursue additional secondary and tertiary street network opportunities. Streets should be well-designed as complete streets and align at regular intersections for a continuous street grid.

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

Economic Vitality: Commercial properties tend to contribute more to the tax base than they consume in public expenditures because of relatively high real estate values and lower dependence on public services. The city has historically benefited from having a high ratio of commercial to residential development, resulting in a lesser tax burden on residences. As commercial properties have aged and new commercial development has slowed, this ratio has begun to shift. The City can offset this shift by supporting measures to increase values of existing commercial properties and encouraging new commercial development so that the value of nonresidential properties continues to comprise a greater proportion of the City's taxable properties (City of Fairfax 2035 Comprehensive Plan, Chapter 5: Economic Vitality, Page 117).

Economic Vitality Goal 1

Increase the City's ratio of commercial to residential real estate.

Outcome EV1.1: New development and redevelopment that maximize revenue generation from nonresidential buildings and uses.

Action EV1.1.1 Attract new commercial businesses while supporting and retaining existing businesses.

Economic Vitality Goal 2

Support diversification of the retail, service, and office sectors.

Outcome EV2.1: The retail and service sectors more effectively compete with other regional commercial sectors, resulting in increased desirability as a destination.

Action EV2.1.1 Attract new retail and service businesses representing sectors that have the ability to become regional destinations.

GENERAL NOTES:

- THE RECORD OWNER OF PARCEL D IS JDC BOULEVARD, LLC C/O ROSENTHAL PROPERTIES BY DEED DATED JULY 13, 2011 AND RECORDED AT THE FAIRFAX COUNTY REGISTRY OF DEEDS IN BOOK 21756, PAGE 821, AND IS SHOWN AS TAX MAP # 47-4-23-000D. THE RECORD OWNER OF PARCEL A IS SCC BOULEVARD MARKETPLACE LLC C/O SITE CENTERS CORP BY DEED DATED JULY 13, 2011 AND RECORDED AT THE FAIRFAX COUNTY REGISTER OF DEEDS IN BOOK 21756, PAGE 821, AND IS SHOWN AS TAX MAP # 47-4-23-000A.
- SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND MAY NOT SHOW ALL DEDICATIONS, EASEMENTS, RESTRICTIONS OR COVENANTS EXISTING IN THE CHAIN OF TITLE.
- THIS SURVEY IS BASED ON THE FIELD CONDITIONS AS OF NOVEMBER 2022, JANUARY 2024, AND INFORMATION FROM DEEDS AND PLATS.
- TOTAL AREA OF PARCEL A IS APPROXIMATELY 2.49 ACRES AND PARCEL D IS APPROXIMATELY 0.66 ACRES.
- BEARINGS SHOWN HEREON ARE IN REFERENCE TO GRID NORTH, VIRGINIA NORTH STATE PLANE COORDINATE SYSTEM UNLESS OTHERWISE NOTED, NAD83. ELEVATIONS DEPICTED HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED GPS OBSERVATIONS.
- UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL SURFACE EVIDENCE LOCATED IN THE FIELD IN CONJUNCTION WITH ANY RECORD INFORMATION AVAILABLE AT THE TIME OF THIS SURVEY, AND MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT 811 AND FIELD VERIFY EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION AND/OR EXCAVATION TICKET # A229900342-00A.
- A WETLAND DELINEATION WAS NOT PERFORMED AS PART OF THIS SURVEY, AND NO WETLAND FLAGS WERE OBSERVED OR PROVIDED TO THIS SURVEYOR.
- STREAM AND WETLAND INFORMATION WAS GATHERED FROM GIS FROM THE CITY OF FAIRFAX META DATA UPDATED ON AUGUST 25, 2022. NO FIELDWORK WAS PERFORMED TO GATHER THIS INFORMATION.
- NO EVIDENCE OF RECENT EARTHWORK WAS OBSERVED DURING THE COURSE OF THIS SURVEY.
- NO POSSIBLE ENCROACHMENTS OBSERVED.
- REFERENCE IS MADE TO THE FOLLOWING PLANS:
 - CONSOLIDATION AND RE-SUBDIVISION OF PARCEL 2-B-1 EATON TRACT DEED BOOK 9311 PAGE 115 AND PORTION OF PARCEL 4.
- ALL PARKING SPACES SHOWN HEREON ARE OPEN.
 - NUMBER OF REGULAR PARKING SPACES = 17
 - NUMBER OF HANDICAP PARKING SPACES = 2

SURVEYORS CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION THAT THIS "EXISTING CONDITIONS DRAWING" HAS BEEN PREPARED IN ACCORDANCE WITH ADMINISTRATIVE CODE FOR LAND SURVEYS IN VIRGINIA

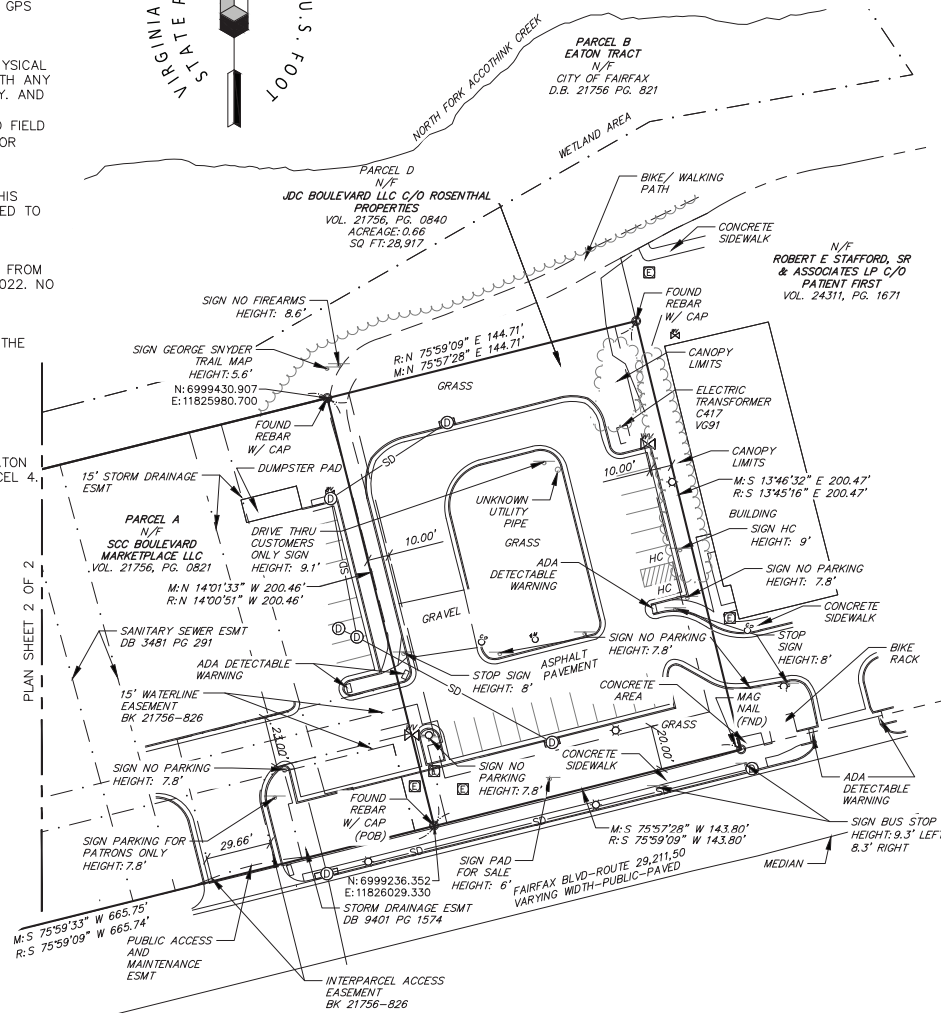
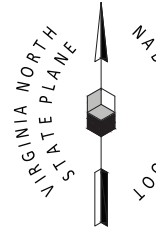
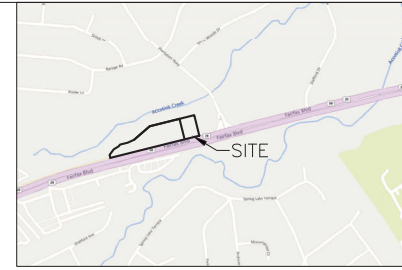
Michael Gress

Digitally signed by Michael Gress
DN: cn=Michael Gress, o=Commonwealth of Virginia, ou=Surveyors, email=mgress@surveyors.com, c=US

MICHAEL GRESS; VAPLS 0403003638

DATE

CORNERSTONE ENERGY SERVICES INC.
111 CHINQUAPIN ROUND ROAD
SUITE 203, ANNAPOLIS, MD 21401



LEGEND

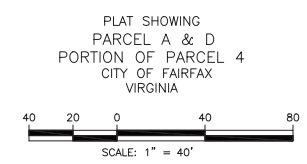
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- - -	ABUTTER LINE
---	SETBACK
---	EASEMENT
---	FLOODPLAIN
○	IRON PIPE/ROD FOUND
●	REBAR SET
---	BUILDING
---	EDGE PAVEMENT
---	EDGE CONCRETE
---	PAVEMENT PAINT
---	EDGE GRAVEL
---	CURB LINE
---	TREELINE
○	BOLLARD/POST
W	SIGN
W	WATER
W	WATER GATE VALVE
W	WATER SHUT OFF
W	WATER METER
W	HYDRANT
W	SEWER CLEANOUT
W	STORM DRAIN
W	DRAINAGE MANHOLE
W	ELECTRIC BOX
W	LIGHT POLE

APPROVED FOR
CITY OF FAIRFAX, VIRGINIA

ZONING OFFICIAL

DATE

APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD WITHIN 180 DAYS AFTER DATE THEREOF



REV:	BY:	DATE:	STATUS:
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK.			

Cornerstone
Energy Services

111 CHINQUAPIN ROUND ROAD
SUITE 203
ANNAPOLIS, MD 21401

410-220-5615

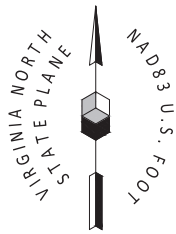
EXISTING CONDITIONS SURVEY

OF: 10120 FAIRFAX BLVD
FAIRFAX, VA

FOR: SOUTH PAW; DAVID PANELLA
354 AMITY ROAD, SUITE 200
WOODBRIIDGE, CT 06525

DRAWN	CHECKED
AR/MA	MJG
PROJECT NO.	DATE
22320.10	1/30/24
SHEET SIZE	SCALE
18"x24"	1"=40'

SHEET 1 OF 2



SURVEYORS CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION THAT THIS "EXISTING CONDITIONS DRAWING" HAS BEEN PREPARED IN ACCORDANCE WITH ADMINISTRATIVE CODE FOR LAND SURVEYS IN VIRGINIA

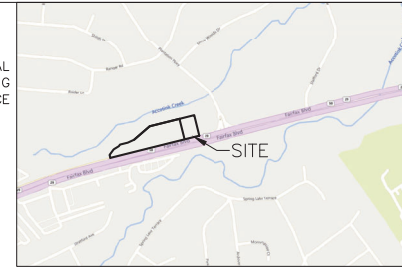
Michael Gress

Digitally signed by Michael Gress
DN: cn=Michael Gress, email=mgress@cornerstoneenergy.com, c=US
Date: 2024.02.27 14:58:56-0500

MICHAEL GRESS; VAPLS 0403003638

DATE

CORNERSTONE ENERGY SERVICES INC.
111 CHINQUAPIN ROUND ROAD
SUITE 203, ANNAPOLIS, MD 21401

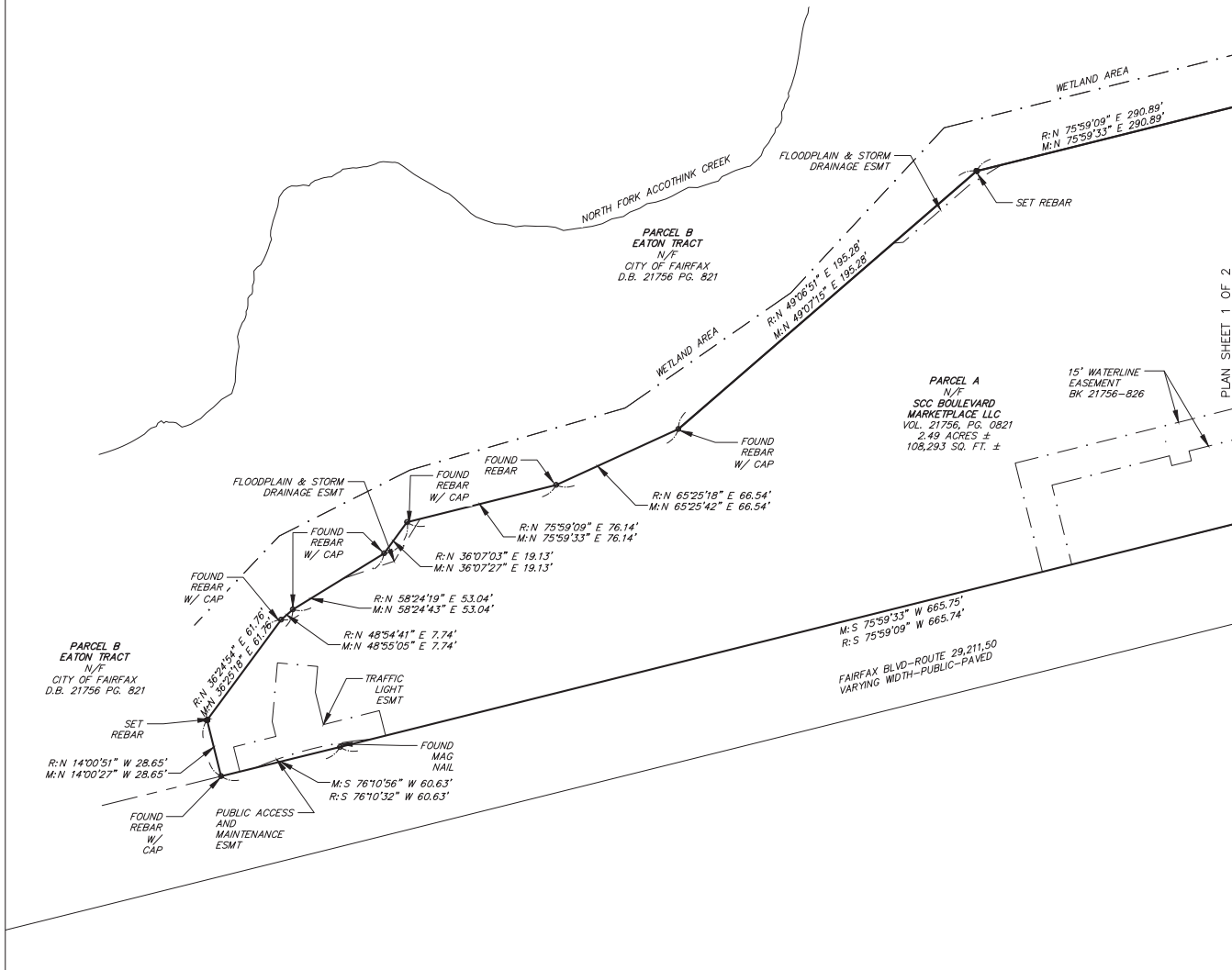
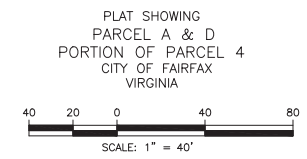


LEGEND

- PROPERTY LINE
- - - ABUTTER LINE
- · - · - SETBACK
- · - · - EASEMENT
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- BUILDING
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- TREELINE
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- ⊕ SEWER CLEANOUT
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- ⊕ DRAINAGE MANHOLE
- ⊕ ELECTRIC BOX
- ⊕ LIGHT POLE

APPROVED FOR CITY OF FAIRFAX, VIRGINIA
ZONING OFFICIAL
DATE

APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD WITHIN 180 DAYS AFTER DATE THEREOF



REV:	BY:	DATE:	STATUS:
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK.			

Cornerstone
Energy Services

111 CHINQUAPIN ROUND ROAD
SUITE 203
ANNAPOLIS, MD 21401

410-220-5615

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SHEET 2 OF 2