

City of Fairfax, Virginia
City Council Public Hearing



Agenda Item # 8a
City Council Meeting 3/14/2017

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager *RS*

SUBJECT: Public hearing and Council action on a request by Request from JDC Boulevard, LLC, applicant, by John H. Donegan, Owner, for consideration of a General Development Plan Amendment pursuant to former City Code Section 110-5 (superseded by Section 110-6.4 on October 1, 2016) to allow replacement of a previously approved 3,500 square foot bank with 5,100 square feet of general retail space in the former C-2 Retail Commercial zoning district (superseded by CR-Commercial Retail zoning district on October 1, 2016) on the premises known as 10120 Fairfax Boulevard (Boulevard Marketplace) and more particularly described as Tax Map Parcel(s) 47-4-23-000-A and 47-4-23-000-D.

ISSUE(S): Whether to approve the applicant's request for a General Development Plan Amendment.

SUMMARY: The applicant proposes to construct a 5,100 square foot retail building where a 3,500 square foot bank with drive-through was previously proposed as part of a General Development Plan that was approved in 2008. The Planning Commission held a public hearing on February 27, 2017 on this proposal and recommended approval by a vote of 5 to 2. Further discussion of the two votes against the motion is provided in the staff report.

FISCAL IMPACT: The fiscal impact of this proposal is expected to be negligible.

RECOMMENDATION: Staff recommends approval.

ALTERNATIVE COURSE OF ACTION: City Council may approve, approve with conditions, or deny the application.

RESPONSIBLE STAFF/POC: Paul Nabti, Senior Planner
Jason D. Sutphin, Chief, Community Development Division
Brooke Hardin, Director, Community Development & Planning

COORDINATION: Community Development & Planning Police
City Attorney Public Works
Code Administration Treasurer
Department of Parks & Recreation Commissioner of Revenue
Fairfax Water

ATTACHMENTS: Staff Report with summary of zoning districts, sample motions



CITY OF FAIRFAX

Department of Community Development & Planning

General Development Plan Amendment Request

Z-16090107

CITY COUNCIL PUBLIC HEARING DATE

March 14, 2017

APPLICANT

JDC Boulevard, LLC

AGENT

John H. Donegan

PARCEL DATA

Tax Map IDs

47-4-23-000-A and 47-4-23-000-D

Street Addresses

10120 Fairfax Boulevard

Zoning Districts

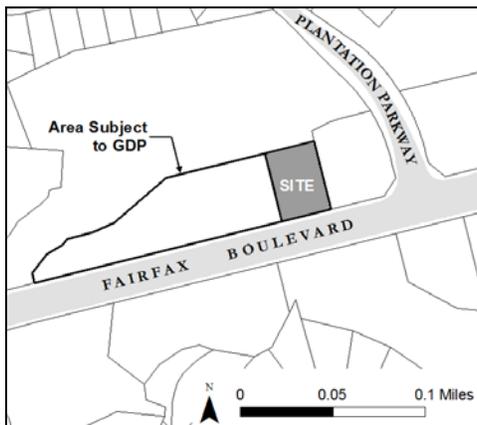
C-2 Commercial Retail

APPLICATION SUMMARY

The applicant proposes to amend the general development plan for Boulevard Marketplace Shopping Center, originally approved in 2008, to replace an approved 3,500 square foot bank and associated drive-through with 5,100 square feet of general retail space.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the request for a General Development Plan Amendment to City Council.



BACKGROUND INFORMATION

The subject site is located on the north side of Fairfax Boulevard, approximately 250 feet west of the intersection with Plantation Parkway. Land uses along this portion of Fairfax Boulevard are primarily retail commercial in nature, with the exception of protected open spaces primarily north and west of the site that are primarily impacted by floodplain and Chesapeake Bay Resource Protection Areas (RPA) and the fire station as an institutional use on the south side of Fairfax Boulevard, directly across from the intersection with Plantation Parkway. The subject site and adjacent site that is subject to the same General Development Plan (GDP) are partially encumbered by the RPA. A summary of uses on adjacent properties is provided in the table below:

	Existing Zoning*	Existing Land Use	Existing Description	Future Land Use
Site	C-2 Retail Commercial	Commercial - Retail	Boulevard Marketplace	Business Commercial
North	I-1 Industrial	Open Space - Undesignated	Open Space	Business Commercial/ Open Space Conservation
South	C-2 Retail Commercial	Commercial – Retail, Open Space - Undesignated	Open Space	Business Commercial/ Open Space Conservation
East	C-2 Retail Commercial	Commercial - Retail	Patient First	Business Commercial
West	I-1 Industrial	Open Space - Undesignated	Open Space	Business Commercial/ Open Space Conservation

*Existing zoning refers to the zoning designation in place at the time the application was filed.

A map depicting existing zoning (at the time of application submission) of the subject site and surrounding properties is provided in Figure 1.

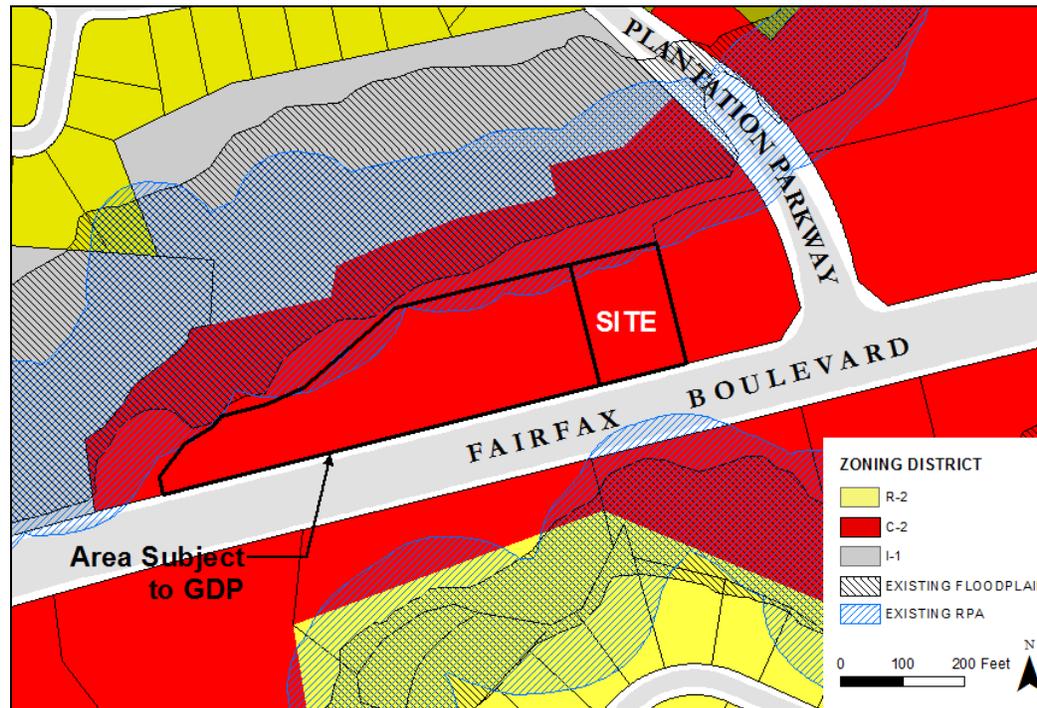


Figure 1: Existing Zoning (at time of application)

The 0.69 acre site was initially included in the 3.15 acre GDP that was approved for Boulevard Marketplace Shopping Center in 2008, allowing a total of 17,300 square feet of commercial space, including a 4,300 bank building (this was later modified to increase the amount of general retail space and decrease the area for the bank).

In 2011, the site was subdivided with the bank parcel located on a separate parcel from the rest of the proposed shopping center. The shopping center was completed in 2012 and the bank parcel was improved to the conditions specified in the GDP, with the building site unimproved in order to allow the eventual development of a bank building to the standards of a future tenant. The shopping center parcel was subsequently sold while the bank parcel was retained by the original applicant. A bank tenant has not been secured to date.

PROJECT PROPOSAL

The applicant proposes to amend the existing GDP to replace the approved 3,500 square foot bank building and drive through, with a 5,100 square foot commercial retail building. The currently approved GDP site plan is provided in Figure 2A. The proposed GDP site plan is provided in Figure 2B.

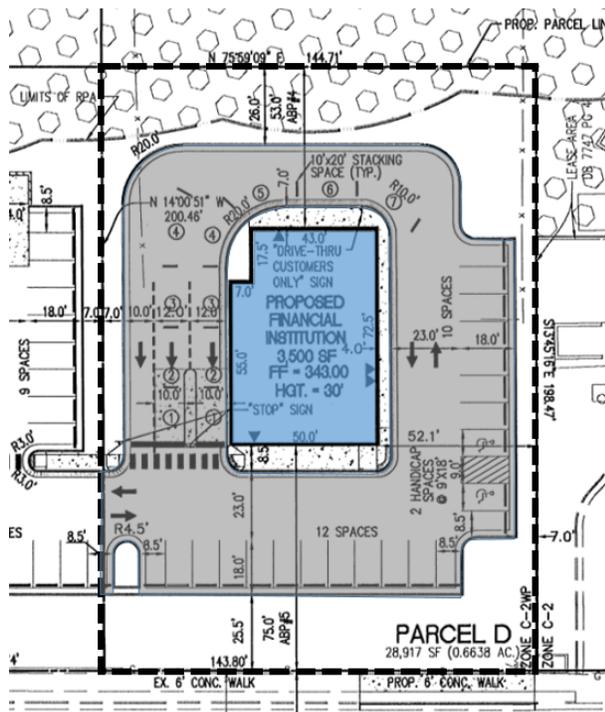


Figure 2A: Currently approved GDP for parcel

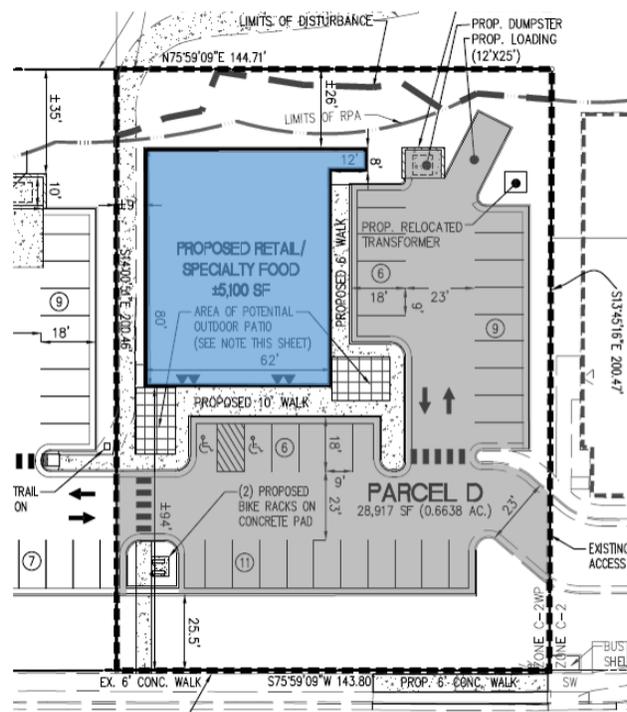


Figure 2B: Proposed GDP for parcel

A summary of the proposed development tabulations as compared to those tabulations for previously approved GDP are provided in the table below:

	2008 GDP (Existing)	2017 Amendment (Proposed)
General Retail Area	19,583	24,500
Bank Area	3,500	0
Total Building Area	23,083	24,500
Parking Required	105	130
Parking Provided	117	133
Tree Cover	28,600	28,900

LAND USE REQUESTS

The applicant has requested a rezoning/amendment to the existing General Development Plan as approved by City Council in 2008. The original GDP approval was also tied to two Special Use Permit approvals; one to allow as use that generates in excess of 700 vehicle trips per day in the Highway Corridor Overlay District as required by City Code Section 110-874(b)(2) and another to allow a drive-through facility for the bank, as required in the C-2 retail commercial district. Additional information is provided on these SUPs in attachment 1.

Note that the application for this GDP amendment was received and accepted prior to the effective date of the current Zoning Ordinance. As such, the land use request is processed and reviewed per the standards and land use designations that were effective at that time and have since been superseded.

ANALYSIS

Staff analysis of the request for a General Development Plan Amendment is provided in Attachment 1.

PLANNING COMMISSION HEARING

At a public hearing held on February 27, 2017 the Planning Commission provided a recommendation to City Council to approve the subject application as submitted. Planning Commission Member Cate voted against the project, citing that the 2008 proffer statement from the original rezoning required development to be in substantial conformance the General Development Plan submitted with that application as opposed to the General Development Plan submitted with the current application, but he did not recommend that the applicant provide a new proffer. Planning Commission member Burrell concurred with Cate and also voted against the proposal. The City Attorney has reviewed the existing proffers and the attached motions and ordinance, and does not believe that it is necessary to modify the existing proffers. Staff does not recommend that this proffer be amended to reference the currently submitted plans for the following reasons:

1. The language for attached ordinance for the General Development Plan Amendment references the General Development Plan submitted with the current application. This ordinance supersedes the in-place proffer that references the previously approved General Development Plan.
2. All of the proffers associated with the original approval, as provided in Attachment 7, required single actions (such as a monetary contribution or a public improvement) as opposed to requiring continuous actions (such as ongoing maintenance or oversight of a home owners association). All of the proffers have been satisfied including compliance with the 2008 General Development Plan. If the proffer that references the General Development Plan is modified, all other proffers would also have to be modified as well, either to clarify that they are not required to be satisfied again, or to be

deleted. Deletion of all of the 2008 proffers does not mean that new proffers would be needed, as the ordinance would provide for the specifics of the approval of the current application.

3. As a result of 2016 State Legislation restricting proffers for residential development, staff has been encouraged by legal advisors to limit “unnecessary proffers”. Unnecessary proffers include any proffer where the requirements of that proffer are addressed through other means, such as in the improvements shown in a General Development Plan or certain improvements that are otherwise required applicable local, state or federal code. Although the subject application does not include a residential component, staff recommends that similar standards be applied to all development applications, rather than differentiating standards based on use types. In this case, a new proffer that requires development to be in substantial conformance with a General Development Plan would be considered unnecessary if the motion and ordinance to approve that development is already subject to the General Development Plan.

The City Attorney has reviewed the existing proffers and the attached motions and ordinance, and supports the staff recommendation not to modify the existing proffers.

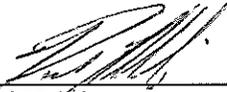
RECOMENDATIONS

Staff recommends that the City Council approve the request for a General Development Plan Amendment.

ATTACHMENTS

1. Staff Analysis
2. Summary of Zoning Districts and Overlays
3. Application
4. Statement of Justification
5. Proposed General Development Plans and Architectural Elevations
6. Existing General Development Plan as Approved in 2008
7. 2008 Approval and Proffers
8. Postings and Notices
9. Rezoning Ordinance
10. Sample Motions

PREPARED BY:



Paul Nabti
Planner

3/7/17

DATE

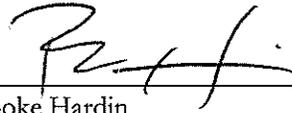
REVIEWED AND APPROVED:



Jason Sutphin
Community Development Division Chief

3/7/17

DATE



Brooke Hardin
Director, Community Development & Planning

3/8/17

DATE

STAFF ANALYSIS

**Boulevard Marketplace – General Development Plan Amendment
Z-16090107**

APPLICABLE CODE SECTIONS**Section 110-5. Zoning map amendments.**

(e) *City council action.* After the public hearing before the planning commission, the commission may report a recommendation to the city council. Failure of the commission to report 90 days after the first meeting of the commission after the proposed amendment has been referred to the commission, or such shorter period as may be prescribed by the city council, shall be deemed approval. The city council shall hold a public hearing on the proposed amendment and render its decision only after posting, advertising and notification of property owners by the city of the public hearing have been performed in the manner specified in subsections (b) and (c) of this section. After the public hearing, the city council may make appropriate changes or corrections in the ordinance or proposed amendment. The public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by this section.

Section 110-366(3). Zoning Map Amendments and Special Use Permits

The City Council may approve zoning map amendments and grant special use permits and the board of zoning appeals may grant special use permits only after considering the applicable standards provided below:

- a) Consistency with the comprehensive plan and other adopted city goals and policies;
- b) The size and shape of the lot on which the use is proposed;
- c) Vehicular and pedestrian traffic;
- d) Trip generation characteristics of the proposed use;
- e) Site design;
- f) Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors which may affect the serenity of the neighborhood;
- g) The safety and movement of vehicular traffic upon adjacent streets;
- h) The safety and welfare of residents living in the area;
- i) The location, height, and design of buildings, walls, fences and landscaping proposed;
- j) Overall impact of the proposed use upon the development and use of adjacent land;
- k) Safety and welfare of persons working in the neighborhood;
- l) Harmony of the proposal with the general purpose and intent of the applicable article of this chapter; and
- m) The purposes of zoning ordinances set forth in the Code of Virginia, § 15.2-2283.

Section 110-31(b). Conformity with chapter; enumeration and purpose of districts

(12) *C-2.* The C-2 retail commercial district is established to provide areas for office and general business establishments and uses accessory or complementary thereto.

(16) *HCOD.* The highway corridor overlay district is established in furtherance of the purposes set forth in Code of Virginia, §§ 15.2-2200, 15.2-2283 and 15.2-2284, and in general to protect the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and the facilitation of well-conceived, coordinated development.

Section 110-781. - Permitted uses—By right.

The following uses are permitted by right in the C-2 retail commercial district:

- (1) Uses permitted by right in the C-1 office commercial district.
- (2) Retail sales establishments.
- (3) Personal service establishments.
- (4) Pharmacies or medical supply services.
- (5) Hotels.
- (6) Movie theaters.
- (7) Restaurants and refreshment areas.
- (8) Fast-food restaurants which are located under the roof of a shopping center, have no drive-in window and no delivery service. The total gross floor area of all fast-food restaurants shall comprise no more than 20 percent of the gross floor area of any shopping center.
- (9) Specialty food establishments.
- (10) Catering service.
- (11) Lumber and building supplies sales; electrical, heating, air conditioning, plumbing or painting sales or service; provided that all materials, equipment and vehicles are displayed or stored entirely in buildings enclosed on all sides or within walls, fences, or plantings which shield such items from public view.

Staff Analysis: The most likely uses to occupy the space proposed through this plan are retail sales establishments, personal service establishments or specialty food establishments, which are all permitted in the district. Certain other uses may be permitted with a special use permit. Note that occupancy permits will be reviewed against the new zoning ordinance for which permitted uses may vary from those listed above.

Sec. 110-874. Uses permitted in the Highway Corridor Overlay District (HCO).

- (a) *By right.* As permitted by the underlying zoning district.
- (b) *Special use permit.*
 - (1) As permitted by the underlying zoning district.
 - (2) Any use or development that will generate an estimated average daily traffic volume in excess of 700 trips.
 - (3) Any commercial or industrial use or development seeking vehicular access from a local street which also provides access to residential areas.

Staff Analysis: The combined trip generation for the shopping center, including both parcels, is in excess of 700 trips, thus an SUP is required. This SUP was granted with the original rezoning and the applicant requests that it continue through this land use action. No formal action is required by City Council to allow the existing SUP to continue.

Sec. 110-876. Development standards in the HCO.

In addition to the requirements contained in the underlying zoning district and other applicable requirements contained in this chapter, development in the highway corridor overlay district shall be subject to the following considerations:

- (1) Such uses shall have access designed so as not to impede traffic on a public street. To that end, access via the following means may be given favorable consideration:
 - a. By the provision of shared entrances, inter-parcel travel ways or on-site service drives connecting adjacent properties;
 - b. By the internal streets of a commercial or industrial complex; or
 - c. By other appropriate means, approved by the director of public works, which are designed to control access points to a public street. Existing parcels of land shall not be denied safe access to a public highway if no reasonable joint or cooperative access is possible.
- (2) Such uses shall provide for pedestrian circulation and, where applicable, bicycle circulation to be coordinated with that existing or proposed on adjacent properties.
- (3) Such development shall be evaluated for consistency with the city's comprehensive plan as well as other adopted city policies and standards which specify construction, functional and aesthetic requirements.

Staff Analysis: The proposed site plan relies on inter-parcel access to the existing shopping center to the west and to the Patient First site to the east for all vehicular access, with no new direct connection to Fairfax Boulevard. Provisions for pedestrian connections are provided to adjacent sites and improvement of the pedestrian/ bicycle network is provided with the extension of the existing trail. Further discussion of these aspects of the plan as well as specific components of the Comprehensive Plan are provided below. In general, the proposed plan is consistent with this section of the code.

Section 110-80(d). Use regulations in Chesapeake Bay Preservation Areas.

All development or redevelopment within a Chesapeake Bay preservation area exceeding 2,500 square feet of disturbed land area shall be subject to the general performance standards in section 110-84 as well as the development review procedures outlined in section 110-86 [*110-86 pertains to Site Plan review procedures*].

Staff Analysis: The proposed plan disturbs an area of less than 2,500 square feet within the RPA, so this Special Use Permit is not required. Further discussion is provided under the Environment heading in Attachment 1.

COMPREHENSIVE PLAN; OTHER CITY POLICY**Land Use**

The Future Land Use Map of the Comprehensive Plan designates this site and surrounding properties along Fairfax Boulevard as Business-Commercial.

Business Commercial

Retail, office and hotel uses are appropriate for this category. The broad nature of this category allows for a mixture of nonresidential uses in addition to the typical single-use shopping center or office park developments commonly found along commercial strips.

The applicant is proposing to replace a previously approved bank, which is permitted in the C-2 Retail Commercial District, with general retail space which is also permitted in the C-2 Retail Commercial District. General retail type uses are consistent with recent development surrounding the property, including the existing portions of the shopping center to the west and the Patient First facility to the east. The proposed building is generally in-line with the existing buildings in the shopping center and would not require any further impact to the natural area to the north, which provides a buffer between the commercial uses along Fairfax Boulevard and the single family residential uses in the Mosby Woods community.

An SUP for a drive-through for the bank was approved with the original rezoning. Since the proposed replacement use is permitted in the C-2 district, the approved SUP is no longer required. An action by City Council to approve the GDP amendment would nullify the SUP because that use is no longer indicated on the plan.

Staff Analysis: Staff believes the proposal would be compatible with surrounding uses and the purpose of the business commercial district.

Site Layout

Neither the Comprehensive Plan nor the Fairfax Boulevard Masterplan have site specific recommendations for the subject property. The most area-specific Future Land Use section text of the Comprehensive Plan states (page 171):

Fairfax Boulevard – Mosby Parkway

The section of Fairfax Boulevard from Eaton Place to Draper Drive is characterized by natural features; these should be retained, enhanced and incorporated into the unified streetscape. Development of this segment of Fairfax Boulevard should be environmentally sensitive and facilitate bicycle/pedestrian circulation and access. The streetscape should be designed to limit surface parking lots, particularly those visible from the right-of-way, and to respect and enhance the natural features of each site.

Although the proposed site layout accomplishes some of the goals of the Comprehensive Plan by recognizing the environmentally sensitive nature of the area and accommodating bicycle and pedestrian access, the location of the surface parking lot is not directly consistent with the Comprehensive Plan and Community Appearance Plan language. Despite this, the site plan is

generally consistent with recent development on adjacent properties. In addition, configuration of the building to make surface parking less visible from the right-of-way, as recommended in the Comprehensive Plan, would complicate circulation patterns and increase disturbance in the RPA.

Staff Analysis: Although the site layout differs from some of the language of the Land Use chapter of the Comprehensive Plan, staff believes that an alternative layout could conflict with other sections of the plan or other city policy. This deviation can be supported with the incorporation of enhanced landscaping as provided on the existing site to remain.

Vehicular Access and Parking

No vehicular access points are proposed to directly connect the subject site to Fairfax Boulevard. Instead, the site is reliant on existing curb-cuts on the other shopping center parcel to the west and on the Patient First site to the east. This is consistent with the Comprehensive Plan goal of minimizing curb-cuts along commercial streets and thoroughfares, and it allows fewer disruptions to the pedestrian network.

As a change in use, general retail is expected to generate fewer vehicle trips per day than the approved bank with an accessory drive-through facility. The following table provides a summary of anticipated daily trips ends resulting approved use compared to the proposed use based on The Institute for Transportation Engineers Trip Generation Report, 8th Edition (ITE Manual).

	Square feet	Trips per 1,000 sf	Anticipated trips
Bank with drive-through	3,500	246.49	863
Specialty retail/restaurant	5,100	127.15	648

Table 1-1: Comparison of anticipated vehicle trip ends per day for the proposed use as compared to the approved use.

Consistent with Section 110-874(b)(2) of the City Code, an SUP was provided with the original rezoning to allow a use that generates in excess of 700 trips per day in the Highway Corridor Overlay District. The number of trips per day was estimated based on the all uses within the entire shopping center. With the decrease in the number of trips anticipated with this GDP Amendment, as indicated above, the overall number of trips generate per day from the entirety of the shopping center that is subject to this GDP is still greater than 700, so this SUP is required to continue. No formal action is required by City Council to allow this SUP to continue since it was a separate action from the approval of the GDP that is proposed to be amended.

A proffer from the original rezoning required the property owner to accommodate inter-parcel access with the property to the east at such time that site were to redevelop. In 2014, City Council approved a proposal for a Patient First medical care facility on that property and construction of this facility along with the inter-parcel access was completed in 2016. With the incorporation of this inter-parcel access, the site can be accessed via four vehicular access point rather than the two that were provided with the original General Development Plan. Two of the four access points are signalized and allow left turns.

A total of 32 parking spaces are provided on the subject site where a minimum of 26 are required. This results in a total of 133 parking spaces for the entire shopping center subject to the GDP where a minimum of 130 spaces are required. Parking is provided in two bays from a single drive-aisle in front of the building and in two bays from a single-drive aisle to the east of the building. Up to two additional parking spaces could be provided in place of one of the two outdoor patio areas identified on the GDP and shown in the Figure 1-1 below. This would be determined at the time of administrative site plan review.

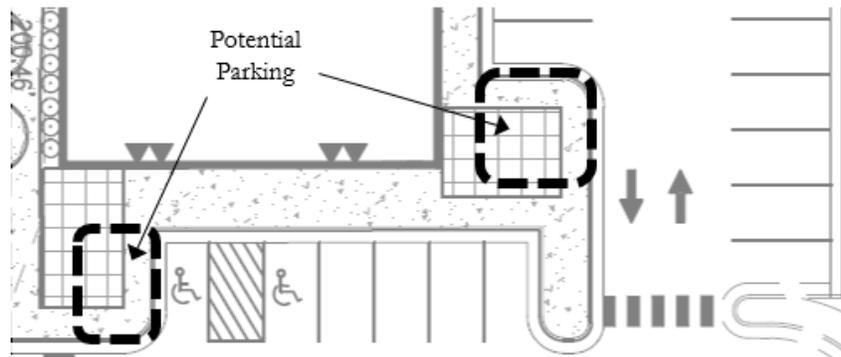


Figure 1-1: Potential additional parking space locations

One loading space, as required by City Code, and one dumpster enclosure are provided at the north end of the site.

Staff Analysis: The proposed circulation pattern is supported by the Comprehensive Plan and City Code, and the parking quantity exceeds the minimum required by City Code.

Pedestrian Circulation

The Community Appearance Plan provides specific recommendations for improving pedestrian amenities for both public and private infrastructure projects within designated commercial corridors, including Fairfax Boulevard, as stated below (page 42):

A fundamental concept to the improvement of corridors within the City is that of improved pedestrian orientation. Accommodations for pedestrians and bicyclists are important because they introduce elements of scale to the corridor in addition to the inherent environmental and traffic-improvement aspects of increased pedestrian activity.

Although the public/street front pedestrian amenities for the subject site were approved and constructed with the original rezoning, the applicant is proposing several minor modifications to the plan to improve the pedestrian network, as summarized below.

1. Removal of the drive-through associated with the bank eliminates the need for one crosswalk.
2. Incorporation of a trail extension to the Fairfax Boulevard sidewalk (as discussed under Parks and Recreation below) provides an additional pedestrian connection to the site as well as the extended trail network.

- An additional crosswalk is proposed across the eastern most drive aisle connecting to the pedestrian network that was provided through the development of the adjacent Patient First site in 2016.

These pedestrian improvements are depicted in Figure 1-2 below:

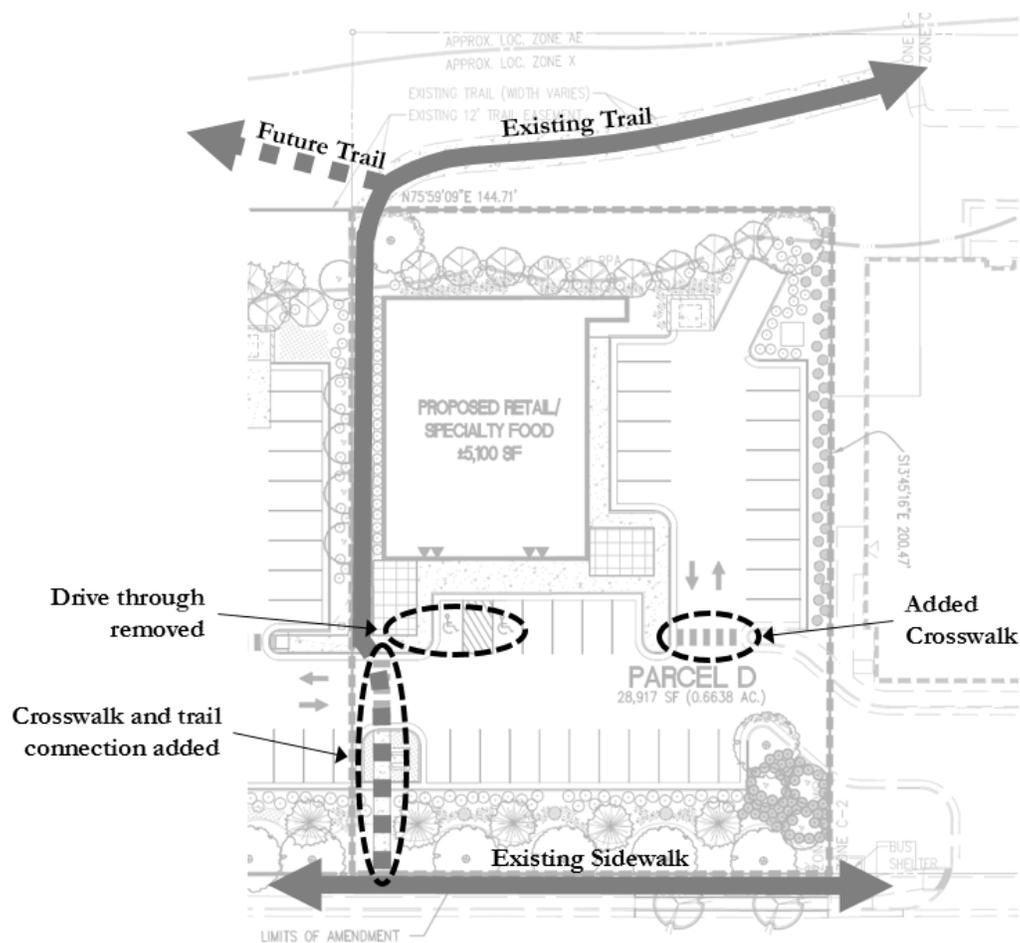


Figure 1-2: Proposed pedestrian/bicycle network improvements

Staff Analysis: The proposed pedestrian improvements support the goals of the Community Appearance Plan for a site within a commercial corridor by expanding the pedestrian network that was proposed through the previously approved General Development Plan.

Environment

An estimated 2,450 square feet of the site are located within the Chesapeake Bay Resource Protection Area (RPA). Strategy ENV-1.5 from the Comprehensive Plan highlights city-wide intentions for stream corridors and RPA.

ENV-1.5 Preserve stream corridors in a natural state.

Land located along streams that serves to provide a substantial habitat for wildlife, mitigates the impact of floods, or serves as a recreational area should be retained and

restored (where necessary) to the extent possible. Where appropriate, such areas may be considered for future improvements to the City's storm water management system and recreational facilities.

The proposed plan would impact up to 1,200 square feet of area, primarily for grading. A special use permit for disturbance in the RPA is only required if more than 2,500 square feet of land area is disturbed. The exact limits of disturbance will be determined at time of administrative site plan review, though the extents within the RPA will not surpass the area which was previously disturbed for construction of the bank drive through lane as shown in Figure 1-3 below. The applicant does not propose any new impervious surface in the RPA.

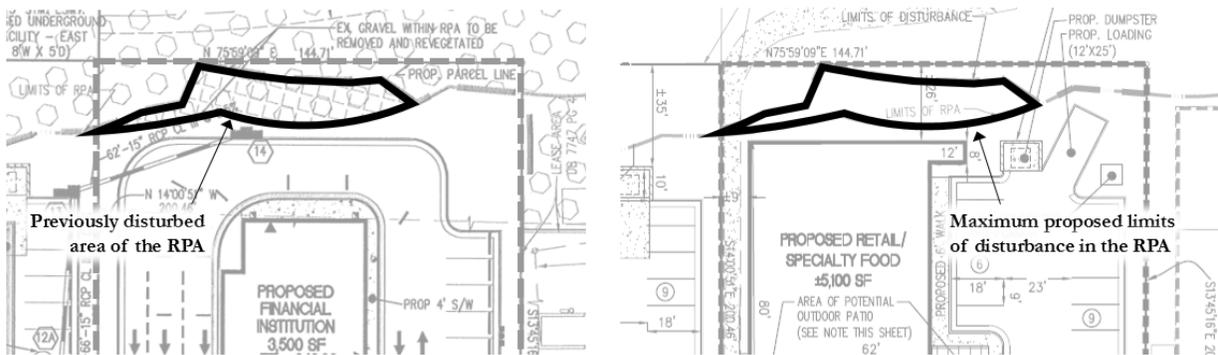


Figure 1-3: Existing and proposed limits of disturbance within the RPA

Staff Analysis: The proposed plan appears to be consistent with the Environment Chapter of the Comprehensive Plan by retaining all previously undisturbed areas within the RPA on the site and not adding any impervious area within the limits of the RPA.

Parks, Recreation and Open Space

Through the original 2008 rezoning for Boulevard Marketplace Shopping Center, the applicant contributed a sum of \$50,000 to the City Department of Parks and Recreation for construction of portions of the Snyder Trail. Since then, approximately 325 feet of the trail length has been constructed, from Plantation Parkway to the northwestern corner of the applicant site. Another 135 foot long segment extends along the applicant's western property line, connecting the shopping center to the trail. Through this application, the applicant proposes to install a crosswalk across the shopping center drive aisle and add an extension of the trail to the sidewalk along the north side of Fairfax Boulevard, providing a continuous connection through the site to the primary trail. This extension is indicated in Figure 1-2 above:

The Snyder Trail is proposed to extend from its current terminus near the applicant property to Chain Bridge Road in the Comprehensive Plan (Map PRO-2). Accommodation of the Snyder Trail and proposed connections are further supported through Strategy ENV-1.6 of the Comprehensive Plan:

ENV-1.6 Encourage and support a system of trails that links City residents to open space areas.

Through the local development review process, use of trust funds and grants, regional cooperation and strong public leadership, the City should continue to seek completion and maintenance of an integrated citywide trail system.

The applicant has also provided a location on the site for potential signage to identify the Snyder Trail. Construction of the sign or a monetary contribution toward the cost of a sign would be supported by the Department of Parks and Recreation, though the applicant has not indicated an interest in such a contribution to date.

Staff Analysis: The proposed plan appears to be consistent with the Parks, Recreation and Open Space Chapter of the Comprehensive Plan by accommodating a new connection to the existing and proposed trail network through the land use review process. Staff would further support a provision for a trail identification sign or a monetary contribution in support of a trail identification sign at the new connection to the trail network.

Architectural Review

Since this application falls under the standards of the former zoning ordinance, the Certificate of Appropriateness for architecture must be granted by the Board of Architectural Review (BAR). The BAR approved the architectural design for the proposed building with conditions at a public hearing on January 18, 2017, subject to approval of the General Development Plan by City Council. The City Council may still make recommendations for modifications to the architectural design. Depending on the extent of modifications, the design may be considered administratively, or the applicant may be required to seek a new approval from the BAR. A general description of the design elements considered by the BAR is provided below. Architectural graphics are provided in the General Development Plan set in Attachment 5.

Building Architecture: The building form is generally rectangular with a small portion of the building extending from the northeast corner. The building's profile is proposed to be two feet higher on the east tenant side, adding a slight vertical dimension to this edge of the shopping center. A 9'4" parapet is proposed around the front tenant spaces, effectively shielding the rooftop mechanical units from view in the right-of-way. Both tenant spaces would be faced in grey stone veneer with sand colored mortar, and would have ample floor to ceiling storefront windows in a black finish on the south, east, and west elevations. Above all storefront space would be suspended, flat, awnings. A dumpster enclosure is proposed beside the northeast corner of the building off of the parking lot, and would match the existing dumpster enclosure on the west end of the Boulevard Marketplace shopping center, which is composed of reddish-brown split-face CMU and matching corrugated metal doors.

Landscaping: Guidance in the Comprehensive Plan for landscaping generally focuses on screening, breaking up large parking lots and establishing a street edge. Many of these elements are already in place on the site, installed as part of the construction for the existing Boulevard Marketplace Shopping Center.

New plantings include additional shrubs along the east property line beside the Patient First building, shrubs surrounding an existing transformer, decorative serviceberry trees along the rear of

the proposed building and parking area to the north accompanied by ground plantings of shrubs and perennials, and a row of shrubs in a narrow strip of landscaping between the west façade of the proposed building and the concrete walkway that ties into the existing trail to the north.

Signage: The BAR, in concurrence with the City Attorney, granted a request by the applicant and the owner of the Boulevard Marketplace Shopping Center to nullify the Master Sign Plan (MSP) for the combined shopping center that was approved with the original rezoning. Instead, all new tenant signage will be required to meet the standards of the new zoning ordinance.

Staff Analysis: All of the materials proposed for this building are materials used in the existing Boulevard Marketplace shopping center, creating a cohesive extension of the commercial center eastward. Because the MSP for the site has been nullified, signage was not included in this report and will instead be reviewed following the criteria of the new zoning ordinance.

ATTACHMENT 2



SUMMARY OF ZONING DISTRICTS AND OVERLAYS

ZONING DISTRICTS: Each property in the City belongs to one of the following zoning districts, which spells out permitted uses and types of development for all parcels within each district, as summarized below:

R-1, R-2 & R-3 RESIDENTIAL DISTRICTS: Permits single-family detached housing and select types of supportive, complementary uses that create quiet and comfortable neighborhoods. Development must be consistent with the character of a residential neighborhood and fit within certain parameters, including:

- **R-1:** 20,000 minimum lot size and 50' setback from the street;
- **R-2:** 12,500 minimum lot size and 35' setback from the street;
- **R-3:** 9,500 minimum lot size and 25' setback from the street.

RT & RT-6 TOWNHOUSE DISTRICTS: Provides for townhouse developments with private outdoor yards and community open spaces.

- **RT:** Limited to 9 townhouses per acre;
- **RT-6:** Limited to 6 townhouses per acre.

RM MULTIFAMILY DISTRICT: Provides areas for low-rise multifamily complexes or single-family townhouses. Buildings may be no taller than 3 stories or 35'. Permitted uses include multifamily units, townhouses, duplexes, retirement homes and select directly related, complementary uses.

PD, RPD & CPD PLANNED DEVELOPMENT DISTRICTS: Permits the creation of developments that preserve land resources through methods that are not possible in other zoning districts. Planned Developments are intended to result in compact development with integrated uses and are designed to achieve quality neighborhoods while allowing reduced setbacks and higher densities compatible with nearby uses.

- **PD:** Intended to have fully integrated mixture of uses;
- **RPD:** Intended for mixed-use dominated by Residential;
- **CPD:** Intended for mixed-use dominated by Commercial.

C-1L LIMITED OFFICE DISTRICT: Serves as a transition district between nearby residential uses and high-intensity commercial uses by providing for low-intensity, townhouse-style office buildings limited to 3 stories or 35' and may not exceed 17,500 sq. ft.

C-1 OFFICE COMMERCIAL DISTRICT: Provides for a office and related uses, but not retail or lodging. Can serve as a buffer between residential and commercial areas, but permits a higher intensity than C-1L. Buildings may be up to 5 stories or 60'.

C-2 RETAIL COMMERCIAL DISTRICT: Permits a wide variety of commercial uses, including office, retail, restaurant, lodging, entertainment. Most general retail or office uses are permitted by right, and many additional uses are permitted through SUP. Buildings may be up to 5 stories or 60' tall.

C-3 GENERAL COMMERCIAL DISTRICT: Includes most uses permitted in the C-2 district, plus gas stations, car repair, car sales (SUP), and adult uses. Buildings may be up to 5 stories or 60' tall.

I-1 INDUSTRIAL DISTRICT: Provides for certain light industrial uses by-right. Other industrial uses, such as warehouses, contractors, wholesalers, etc., are permitted by SUP.

I-2 INDUSTRIAL DISTRICT: Provides for certain industrial uses by-right, such as warehouses, contractors, etc. Other manufacturing or industrial uses are permitted by SUP.

ZONING OVERLAYS: Some properties are governed by regulations that exceed that of the underlying zoning district. These “Overlay Districts” are summarized below:

RESOURCE PROTECTION AREA (RPA): Includes land within 100 feet of water bodies that have perennial flow, as well as other natural features such as wetlands and intermittent streams. The RPA seeks to protect these waters from significant degradation due to land disturbances.

RESOURCE MANAGEMENT AREA (RMA): Includes all land in the City that is not part of an RPA. Land disturbances in the RMA can have cause water quality degradation and diminish the functionality of RPA lands. Together, the RMA and RPA form the Chesapeake Bay Preservation Area, which encompasses all of the City.

100-YEAR FLOODPLAIN: Includes land subject to inundation by the “100-year flood” as on FEMA flood maps (a flood that has a 1% chance of occurring each year).

HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOD): Modifies land use regulations to reduce traffic congestion and to facilitate well-conceived, coordinated development along the 50/29 Corridor. All uses estimated to generate an average daily traffic volume over 700 trips is subject to an SUP, as are commercial or industrial uses seeking access from residential streets.

HISTORIC OVERLAY DISTRICTS: Provide additional protection to areas of historic interest in the City in order to ensure that development or building modifications do not alter or diminish the historic quality of the district:

- **OLD TOWN FAIRFAX HISTORIC DISTRICT:** An overlay district that seeks to preserve the character of Old Town by protecting significant structures and guarding against new uses that may be incompatible with Old Town’s existing traditional character.
- **BLenheim HISTORIC DISTRICT:** Includes the property at Historic Blenheim; the district preserves Blenheim mansion and controls uses and structures built on the property.
- **FAIRFAX PUBLIC SCHOOL HISTORIC DISTRICT:** Includes the property containing the Fairfax Museum & Visitor Center; the district controls uses and structures built on the property.

OLD TOWN FAIRFAX TRANSITION OVERLAY DISTRICT (TOD): Established to encourage a compatible mixture of residential, retail and office uses in areas close to the Old Town Fairfax Historic District. New development must complement the scale and design of the Historic District.

ARCHITECTURAL CONTROL OVERLAY DISTRICT: Includes all land in the city which is located outside of an historic district and zoned and used for anything other than a single-family detached residence. This district seeks to encourage the construction of attractive buildings by requiring Board of Architectural Review (BAR) approval for all exterior architectural features, as well as certain signage and landscaping.

Application No. 2-16090107

CITY OF FAIRFAX
ZONING MAP AMENDMENT,
PROFFER PLAN/GDP AMENDMENT,
PROFFER AMENDMENT OR
OLD TOWN FAIRFAX REDEVELOPMENT OPTION
APPLICATION

RECEIVED

SEP 29 2016

Community Dev & Planning

I/We JDC Boulevard, LLC by John H. Donegan, Owner
(name of applicant) (authorized agent's name and relationship to applicant)
a corporation / general partnership / limited partnership / sole proprietorship / individual (circle one) which is the
property owner / contract purchaser / lessee (circle one)
of Lots A & D, Block 23, Section 47-4 of the
Near Fairfax Subdivision containing 137,210 (Sq. Ft.) on the premises known as
Boulevard Marketplace requests that the property currently zoned C-2 be
rezoned to C-2. This property is recorded in the land records of Fairfax County in the name of
JDC Boulevard, LLC. 1760 Reston Pkwy, Ste 210, Reston VA 20190
(name and address of subject property)

I hereby state that no application for a change in zoning has been made for this property within the last twelve (12) months in accordance with Section 110-5 of the City Code. A prior application was made on July 14, 2011.

[Signature]
(signature of applicant or authorized agent)

Manager
(title or relationship)

Address 1760 Reston Pkwy, Ste 210, Reston, VA 20190 Phone: 703-956-9775

STATE OF VIRGINIA to-wit:

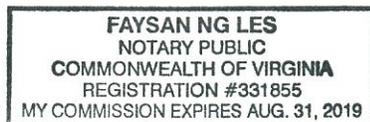
I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 31st day of August, 2019, do hereby certify that this day personally appeared before me in the State

aforesaid John H. Donegan
(Name)

Manager of JDC Boulevard, LLC
(Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the day of September 20, 2016, and acknowledged the same before me.

GIVEN under my hand and seal this 20th day of September, 2016



[Signature] / 331855
Notary Public Registration #

THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER

I/We JDC Boulevard, LLC by John H. Donegan hereby certify that the applicant named above has the authority vested by me to make this application.

[Signature] (signature of owner or authorized agent) Manager (title or relationship)

Address 1760 Roston Parkway Ste 210 Roston VA 20190 Phone: 703 956-9775

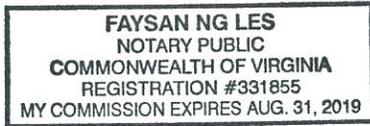
STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 31st day of August, 2 019, do hereby certify that this day personally appeared before me in the State

aforesaid John H. Donegan (Name) Manager of JDC Boulevard, LLC (Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the day of, September 20, 2 016, and acknowledged the same before me.

GIVEN under my hand and seal this 20th day of September, 2016



[Signature] / 331855
Notary Public Registration #

FOR OFFICE USE ONLY

Proposal filed: 9/29/16 Received by: em/adc

Fee Paid: 5,000.00 Receipt No. 38019

Previous Cases: _____

Current status of business license and fees:

Treasurer: JDC Boulevard has ~~no~~ no delinquent accounts Resigned by [Signature]
Commissioner of Revenue: JDC Boulevard LLC must meet the filing requirements of this office prior to beginning Business. 10-10-14
Debra L. Keightley 10-10-16

EQUITABLE OWNERSHIP DISCLOSURE STATEMENT

Community Dev & Planning

I. GENERAL DISCLOSURE REQUIREMENTS

In accordance with § 110-5 (d) of the Code of the City of Fairfax, Any application for a change in zoning shall include as part of the application a statement on a form provided by the zoning administrator providing complete disclosure of the legal and equitable ownership in any real estate to be affected by the requested change in zoning.

In the case of corporate ownership of real estate, the disclosure shall include the names of stockholders, officers and directors and in any case the names and addresses of all the real parties in interest; provided, however, that the requirement of listing the names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. Such disclosure shall be sworn to under oath before a notary public or other official before whom oaths may be taken.

II. IDENTIFICATION OF REAL PROPERTY AFFECTED

Map Number Parcel Number Street Address Current Owner of Record

47-4-23 D 10120 Fairfax Blvd. JDC Boulevard, LLC.

III. DESCRIPTION OF CHANGE IN ZONING REQUESTED

Completely describe the action being requested, attach narrative if desired.

Rezoning from C-2 to C-2 to permit a change to the existing rezoning.

IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

The following individuals have legal and equitable ownership in the real estate to be affected by the requested change in zoning. (Include name, address and telephone number)

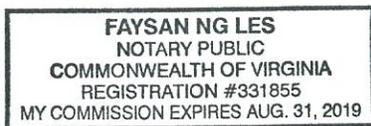
JDC Boulevard, LLC.
1760 Reston Parkway, Ste 210
Reston, VA 20190
703-956-9775

THE DISCLOSURE MADE ON THIS FORM IS IN ACCORDANCE WITH § 110-5 (D) OF THE CODE OF THE CITY OF FAIRFAX MUST BE SWORN UNDER OATH BEFORE A NOTARY PUBLIC OR OTHER OFFICER BEFORE WHOM OATHS MAY BE TAKEN. ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURE NOTARIZED. ATTACH A SEPARATE SHEET IF NECESSARY.

I hereby swear to the best of my knowledge that the information provided in this statement is true and complete.


Signature

Subscribed and sworn before me this 20th day of September, 2016.
My commission expires: 8/31/19



 / 331855
Notary Public Registration No.

AFFIDAVIT
CITY OF FAIRFAX

I, JDC Boulevard, LLC., by John H. Donegan do hereby make oath or affirmation that
(name of applicant or agent)

I am an applicant in Application Number 2-16090107 and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
John H. Donegan	1760 Reston Parkway, Suite 210	Owner/Applicant
JDC Boulevard, LLC.	Reston, VA 20190	

(SEE ATTACHED SHEET FOR ADDITIONAL INFORMATION)

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: JDC Boulevard, LLC.

Name	Address	Relationship
John H. Donegan	1760 Reston Parkway, Suite 210	Owner/Applicant
JDC Boulevard, LLC.	Reston, VA 20190	

(SEE ATTACHED SHEET FOR ADDITIONAL INFORMATION)

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name: JDC Boulevard, LLC.

Name	Address	Relationship
John H. Donegan	1760 Reston Parkway, Suite 210	Owner/Applicant
JDC Boulevard, LLC.	Reston, VA 20190	

(SEE ATTACHED SHEET FOR ADDITIONAL INFORMATION)

2. That neither the Mayor nor any member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state).

NONE

3. That within five (5) years prior to the filing of this application, neither the Mayor nor any member of the City Council, Mayor, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state).

NONE

(SEE ATTACHED SHEET FOR ADDITIONAL INFORMATION)

WITNESS the following signature:

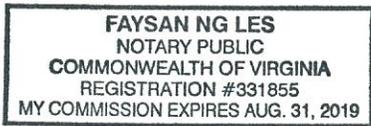


Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 20th day of September, 2016, in the State of Virginia

My commission expires: 8/31/19




Notary Public/

331855
Registration #

Affidavit Attachment (September 2016)

1a) *Continuation of Representatives*

John H. Donegan JDC Boulevard, LLC	1760 Reston Parkway, Suite 210 Reston, VA 20190	Owner/Applicant
Aaron M. Vinson Walter L. Phillips, Inc.	207 Park Avenue Falls Church, VA 22046	Engineer
Max H. Burkhalter Walter L. Phillips, Inc.	207 Park Avenue Falls Church, VA 22046	Engineer
Monica R. Westgate Walter L. Phillips, Inc.	207 Park Avenue Falls Church, VA 22046	Land Planner
Francis X. Watkins Bignell, Watkins & Hasser	One Park Place, Suite 250 Annapolis, MD 21401	Architect

1b) *Continuation of List of Stockholders*

JDC Boulevard, LLC – 1760 Reston Parkway, Suite 210, Reston, VA 20190
Relationship – Owner/Applicant
John H. Donegan
Bobbi B. Moffett
Harry A. Kettmer

Walter L. Phillips, Inc. – 207 Park Avenue, Falls Church, VA 22046
Relationship: Engineer/Planner
Jeffrey J. Stuchel
Brian G. Baillargeon
Aaron M. Vinson
Karen L. S. White

Bignell, Watkins, & Hasser – One Park Place, Suite 250, Annapolis, MD 21401
Relationship: Architects
Francis X. Watkins
George L. Hasser
Richard J. Loeschke
Adeniyi K. Paul
Adil A. Nour

1c) *Continuation of List of Partners*

JDC Boulevard, LLC – 1760 Reston Parkway, Suite 250, Reston, VA 20190

Relationship: Owner/Applicant

John H. Donegan

Bobbi B. Moffett

Harry A. Kettmer

Walter L. Phillips, Inc. – 207 Park Avenue, Falls Church, VA 22046

Relationship: Engineer/Planner

Jeffrey J. Stuchel

Brian G. Baillargeon

Aaron M. Vinson

Karen L. S. White

Bignell, Watkins, & Hasser – One Park Place, Suite 250, Annapolis, MD 21401

Relationship: Architects

Francis X. Watkins

George L. Hasser

Richard J. Loeschke

Adeniyi K. Paul

Adil A. Nour

3) *Continuation of Contribution Disclosure*

Walter L. Phillips, Inc. – None

Bignell, Watkins & Hasser – None

JDC Boulevard, LLC. – None

Jay Donegan through J Donegan Company:

\$500 to Silverthorne for Mayor, April 2014 and April 2016

\$250 to Greenfield for City Council, March 2012

\$100 to Greenfield for City Council, May 2016

Parcel ID 47-4-23-000-A
10140 Fairfax Boulevard

OWNER AUTHORIZATION

CH Realty VI/R Fairfax Boulevard, L.L.C., owner of the property located at 10140 Fairfax Boulevard, in Fairfax City, further identified as Parcel Identification Number 47-4-23-000-A (the "Property"), does hereby authorize JDC Boulevard, LLC and Walter L. Phillips Incorporated to act as its agents in filing application number Z-16090107, titled "10120 Fairfax Boulevard – JDC Boulevard LLC." as shown on the Generalized Development Plan Amendment dated February 3, 2017.

CH REALTY VI/R FAIRFAX BOULEVARD, L.L.C.,
a Delaware limited liability company

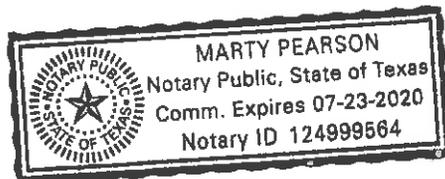
By: Fund VI Managers, L.L.C.,
a Texas limited liability company,
its manager

By: [Signature]
Name: Daniel F. Feeney
Title: Vice President

STATE/Commonwealth of Texas
CITY/COUNTY OF Wallas

The foregoing instrument was acknowledged before me this 8th day of February, 2017,
by Daniel F. Feeney, as Vice President of Fund VI Managers, LLC,
the manager of CH Realty VI/R Fairfax Boulevard, L.L.C.

[Signature]
Notary Public



My commission expires: _____

RECEIVED

FEB 09 2017

THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER

Community Dev & Planning

By: Fund VI Managers, L.L.C.,
a Texas limited liability company, its Manager

I/We CH Realty VI/R Fairfax Boulevard, L.L.C. by Daniel F. Feeney - Vice President hereby certify that the applicant named above has the authority vested by me to make this application.

CH Realty VI/R Fairfax Boulevard, L.L.C., a Delaware limited liability company
By: Daniel F. Feeney, a Texas limited liability company, its Manager
By: Daniel F. Feeney
Name: Daniel F. Feeney
Title: Vice President

(signature of owner or authorized agent)

(title or relationship)

Address 3819 Maple Avenue, Dallas, Texas 75219

Phone: 214-661-8067

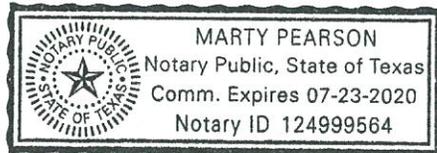
STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 23rd day of July, 2020, do hereby certify that this day personally appeared before me in the State

aforesaid Daniel F. Feeney, Vice President of Fund VI Managers, L.L.C., the manager of CH Realty VI/R Fairfax Boulevard, L.L.C.
(Name) (Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the day of, February 8, 2017, and acknowledged the same before me.

GIVEN under my hand and seal this 8th day of February, 2017



Marty Pearson
Notary Public Registration #

FOR OFFICE USE ONLY

Proposal filed: _____

Received by: _____

Fee Paid: _____

Receipt No. _____

Previous Cases: _____

Current status of business license and fees:

Treasurer: There are no delinquent taxes owed for CH Realty VI/R Fairfax Blvd
Commissioner of Revenue: CH Realty VI/R Fairfax Boulevard LLC has met the filing requirements of this office. Underwritten 2-13-17
2-15-17

EQUITABLE OWNERSHIP DISCLOSURE STATEMENT

I. GENERAL DISCLOSURE REQUIREMENTS

In accordance with § 110-5 (d) of the Code of the City of Fairfax, Any application for a change in zoning shall include as part of the application a statement on a form provided by the zoning administrator providing complete disclosure of the legal and equitable ownership in any real estate to be affected by the requested change in zoning.

In the case of corporate ownership of real estate, the disclosure shall include the names of stockholders, officers and directors and in any case the names and addresses of all the real parties in interest; provided, however, that the requirement of listing the names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. Such disclosure shall be sworn to under oath before a notary public or other official before whom oaths may be taken.

II. IDENTIFICATION OF REAL PROPERTY AFFECTED

<u>Map Number</u>	<u>Parcel Number</u>	<u>Street Address</u>	<u>Current Owner of Record</u>
47-4-23	A	10140 Fairfax Blvd.	CH Realty VI/R Fairfax Boulevard, L.L.C.

III. DESCRIPTION OF CHANGE IN ZONING REQUESTED

Completely describe the action being requested, attach narrative if desired.

Rezoning from C-2 to C-2 to permit a change to the existing rezoning.

IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

The following individuals have legal and equitable ownership in the real estate to be affected by the requested change in zoning. (Include name, address and telephone number)

CH Realty VI/R Fairfax Boulevard, L.L.C.
3819 Maple Avenue
Dallas, TX 75219

THE DISCLOSURE MADE ON THIS FORM IS IN ACCORDANCE WITH § 110-5 (D) OF THE CODE OF THE CITY OF FAIRFAX MUST BE SWORN UNDER OATH BEFORE A NOTARY PUBLIC OR OTHER OFFICER BEFORE WHOM OATHS MAY BE TAKEN. ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURE NOTARIZED. ATTACH A SEPARATE SHEET IF NECESSARY.

I hereby swear to the best of my knowledge that the information provided in this statement is true and complete.

_____ Signature

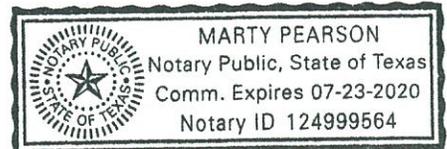
Subscribed and sworn before me this 8th day of February, 2017.

My commission expires: 7/23/20

Marty Pearson
Notary Public Registration No. _____

CH Realty VI/R Fairfax Boulevard, L.L.C., a Delaware limited liability company
By: Fund VI Managers, L.L.C., a Texas limited liability company, its Manager

By: [Signature]
Name: Daniel F. Feeney
Title: Vice President



2. That neither the Mayor nor any member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state).

NONE

3. That within five (5) years prior to the filing of this application, neither the Mayor nor any member of the City Council, Mayor, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state).

NONE

(SEE ATTACHED SHEET FOR ADDITIONAL INFORMATION)

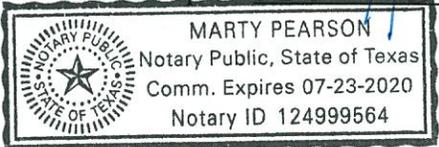
WITNESS the following signature:

Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 8th day of February, 2017, in the State of Texas

My commission expires: 7/23/2020



Marty Pearson
Notary Public/

Registration #

CH Realty VI/R Fairfax Boulevard, L.L.C., a Delaware limited liability company
By: Fund VI Managers, L.L.C., a Texas limited liability company, its Manager

By: [Signature]
Name: Daniel F. Feeney
Title: Vice President

RECEIVED

FEB 09 2017

Community Dev & Planning

Parcel ID 47-4-23-000-A

10140 Fairfax Boulevard

OWNER AUTHORIZATION

CH Realty VI/R Fairfax Boulevard, L.L.C., owner of the property located at 10140 Fairfax Boulevard, in Fairfax City, further identified as Parcel Identification Number 47-4-23-000-A (the "Property"), does hereby authorize JDC Boulevard, LLC and Walter L. Phillips Incorporated to act as its agents in filing application number Z-16090107, titled "10120 Fairfax Boulevard – JDC Boulevard LLC." as shown on the Generalized Development Plan Amendment dated February 3, 2017.

CH REALTY VI/R FAIRFAX BOULEVARD, L.L.C.,
a Delaware limited liability company

By: Fund VI Managers, L.L.C.,
a Texas limited liability company,
its manager

By: [Signature]

Name: Daniel F. Feeney

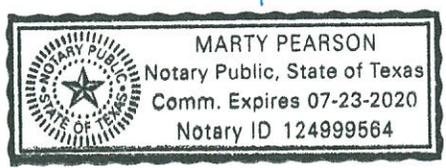
Title: Vice President

STATE/Commonwealth of Texas
CITY/COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 8th day of February, 2017,
by Daniel F. Feeney, as Vice president of Fund VI Managers, L.L.C.
the manager of CH Realty VI / R Fairfax Boulevard, L.L.C.

[Signature]
Notary Public

My commission expires: 7/23/20



**BOULEVARD MARKETPLACE
(10120 FAIRFAX BOULEVARD)**

RECEIVED

FEB 13 2017

Community Dev & Planning

**APPLICATION FOR
GENERALIZED DEVELOPMENT PLAN AMENDMENT**

STATEMENT OF SUPPORT

September 23, 2016

JDC Boulevard, LLC (“Applicant”), Parcel D only, as the owner of certain land in the City of Fairfax (“City”), is requesting land use approval to allow a retail/specialty food building to be developed in the location where a financial institution was formerly approved within the existing C-2 zoning district at Boulevard Marketplace (“Property”). The Property is located at 10120 Fairfax Boulevard in the City (Tax Map numbers 47-4-23-A). On June 24, 2008, the City of Fairfax City Council adopted Ordinance No. 2008-14 to amend the zoning map of the City to reclassify from C-2 retail commercial with proffers to C-2 retail commercial with proffers for the Property. The Applicant is requesting approval of amendment to the approved generalized development plan.

The Applicant proposes to develop the property with an approximately 4,600 square feet retail/specialty food building. This will be in addition to the existing approximately 15,000 square foot retail/specialty food building and an approximately 4,420 square foot retail/specialty food building, of which approximately 2,400 square feet is a convenience store for a sum total of approximately 24,000 square feet. It is anticipated that the tenants will be primarily retail, specialty food and limited restaurant uses. As previously noted, the subject of this application is to request approval of the revision to the approved GDP amendment to remove the previously approved financial institution from the plan and propose a retail/specialty food to be located on the subject property.

The majority of the property adjacent to the north of the subject property is encumbered with Resource Protection Area (RPA) and Floodplain Area. The proposed layout has been designed to maximize the developable area of the site, while still respecting the RPA and Floodplain areas.

The undisturbed RPA area is heavily vegetated and will continue to act as a buffer to the adjacent neighborhood, therefore there will be no adverse impact on the adjacent homes. The proposed development will be approximately 310 feet from the closest adjacent residential lot; however, the majority of the adjacent residential lots are approximately 420 feet from the proposed development.

COMPREHENSIVE PLAN ANALYSIS

The City's Future Land Use Map shows two future uses for the Property. The land immediately adjacent to Fairfax Boulevard is identified on the map as future business commercial property. The land in the rear is identified on the map as conservation open space. As mentioned above, the Applicant intends to focus the development of the site on Parcel D only, which is identified by the City for future business commercial uses. The City's Comprehensive Plan states that commercial is defined as follows:

“Retail, office and hotel uses are appropriate in this category. The broad nature of this category allows for a mixture of non-residential uses in addition to the typical single-use shopping center or office park developments commonly found along a commercial strip.”

Based on this definition, the proposed development is in conformance with the City's Comprehensive Plan recommendation for future land use. Additionally, the Comprehensive Plan states that the Lee Highway/Fairfax Boulevard Corridor is the “backbone of the City's economy, serving a dual role as a principal mover of traffic through the City and as a concentrated business boulevard with important focal areas and major City gateways.” “Appropriate land uses along the corridor are primarily commercial.” Overall, the proposed development is in conformance with the City's Comprehensive Plan.

JUSTIFICATION FOR GENERALIZED DEVELOPMENT PLAN AMENDMENT

With this application, the Applicant is requesting a GDP Amendment.

The development of the Property, which will be heavily buffered by the RPA area and will not be disproportionate to the surrounding land uses based on the fact that the proposed FAR (0.1) is well below the allowable FAR (0.5). The height of the tallest feature of the buildings is currently 42 feet, and the proposed building will be approximately 25 feet, which is in scale with the adjacent neighborhood and the heights allowed in the adjacent residential zone. Additionally, access to the site will be via two access points along Fairfax Boulevard; therefore, traffic generated from the site will be focused onto Fairfax Boulevard, which further lessens any potential adverse impacts on the adjacent residential area. The Applicant is only proposing an additional 1,100 SF of development which will not result in overburdening community facilities or result in dangerous or detrimentally increase transportation congestion.

Overall, the proposed development of the retail/specialty food is consistent with the City's zoning requirements and Comprehensive Plan objectives for the Fairfax Boulevard corridor. The Applicant is proposing to transform the now vacant Parcel D into an attractive, economically-viable commercial center that will feature retail and specialty food that will provide needed services to the surrounding community.



City of Fairfax

© City of Fairfax 1973

City Hall • Fairfax, Virginia 22030-3630

June 26, 2008

Ms. Jenifer L. T. Hornback, Agent
Walter Phillips, Inc.
207 Park Avenue
Falls Church, VA 22046

Dear Ms. Hornback:

The Fairfax City Council, at its regular meeting of June 24, 2008 approved the request of JDC Fairfax, LLC, contract purchaser, by Jenifer Hornback, Agent, for a special use permit pursuant to City Code Section 110-874(b)(1) to allow a financial institution with a drive-through facility in the C-2 Retail Commercial and Highway Corridors Overlay District, approved a special use permit pursuant to City Code Section 110-874(b)(2) to allow a use and development that will generate an estimated average daily traffic volume in excess of 700 trips in the Highway Corridors Overlay District, and adopted an ordinance to approve the application to rezone from C-2 Retail Commercial with proffers to C-2 Retail Commercial with proffers and subject to the proffer statement revised through June 20, 2008 and rezoning site layout revised through June 18, 2008 on the 5.81 acre premises known 10120 Fairfax Boulevard and more particularly described as tax map parcel 47-4-02-002B1 and part of 47-4-02-004.

Sincerely,

Melanie R. Burrell
City Clerk

cc: David Hudson, Director, Community Development & Planning
Jack Blevins, Community Development Division Chief

MRB/rmm

fill



ORDINANCE NO. 2008-14

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF FAIRFAX, VIRGINIA TO RECLASSIFY FROM C-2 RETAIL COMMERCIAL WITH PROFFERS TO C-2 RETAIL COMMERCIAL WITH PROFFERS "THE PROPERTY" IDENTIFIED AS CITY OF FAIRFAX TAX MAP PARCELS 47-4-02-004 AS A 4.98 ACRE PORTION OF THE 5.81 ACRE PARCEL TO BE REZONED AND 47-4-02-002B1.

WHEREAS, Robert E. Stafford and Associates, LP., and JDC Fairfax, Contract Purchaser, by Jennifer Hornback, Agent, submitted application No. Z-0850003 requesting a change in the zoning classification of a 5.81 acre tract of land from C-2 Retail Commercial with Proffers to C-2 Retail Commercial with Proffers and more specifically described in the attached metes and bounds description;

WHEREAS, the City Council has carefully considered the application, the recommendation of the Planning Commission and staff, and the testimony received at public hearings; and

WHEREAS, the City Council has determined that the proposed rezoning is proper and in accordance with the Comprehensive Plan as well as with the pertinent provisions set forth in the Code of Virginia and the Code of the City of Fairfax, Virginia;

NOW, THEREFORE BE IT ORDAINED, that the above-described property be rezoned from C-2 Retail Commercial with Proffers to C-2 Retail Commercial with Proffers.

BE IT FURTHER ORDAINED that the above described property is subject to the following reasonable conditions authorized by City Code Section 110-7, which are proffered by the property owners:

1. The proposed development shall be constructed in substantial conformance with the Conceptual Development Plan/SUP Plan (the "CDP/SUP") prepared by Walter L. Phillips, Inc. dated April 24, 2008 as revised through June 20, 2008.
2. The applicant shall remove invasive plant material and trash debris located along the Central Fork Accotink Creek stream bank and shall as part of the first site plan submission for the application property include a landscape plan for additional plantings along the stream bank and floodplain area of the subject property subject to review and approval by City Staff.
3. As shown on Sheet 8 of the Conceptual Development Plan/SUP, prior to approval of the first site plan for the application property, the applicant shall dedicate and convey to the City that portion of the Central Fork Accotink Creek stream valley located within the application area, and the adjacent land, from the southern boundary of the Resource Protection Area, except as where it may vary to ensure that the remaining parcel still conforms to applicable zoning requirements such as rear yard setbacks, open space and tree cover, to northern property line of the application property such an area that is a minimum of 8.0 acres.
4. The applicant shall, prior to issuance of the first occupancy permit for the application property, contribute the sum of \$50,000 to the City for recreational purposes within the City; and, the applicant shall contribute an additional total of \$15,000 to cover the initial park costs for three (3) years (\$5,000 per year for the first three (3) years).
5. The applicant shall submit a Phase I Archeology Study prior to approval of the first site plan for the application property and if recommended, conduct a Phase 2 study on the area proposed to be disturbed. If the Phase 2 study recommends any recovery of artifacts, the applicant shall recover such artifacts and donate such artifacts to the City, if requested by the City.
6. Access to the site shall be provided via a full movement, signalized entrance located opposite an existing median break on Fairfax Boulevard approximately 1,075 feet west of Plantation Parkway and a right-in/right-out entrance located approximately

480 feet west of Plantation Parkway. In the event a signal is not approved by the Director of Public Works at the westernmost full movement entrance in accordance with Proffer 9, the westernmost entrance shall be configured to provide for left-turn inbound and right-in/right-out movements only.

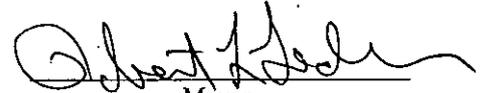
7. At the time of submission of the first site plan for the application property, the applicant shall complete a traffic signal warrant study for the westernmost entrance of the application property on Fairfax Boulevard based on full build out of the application property. If deemed warranted by the City, the applicant shall design, equip and install said traffic signal within existing rights-of-way, including modifications to signal timings at the nearest up and downstream signals (Plantation Parkway and Eaton Place) exclusive of modifications to existing hardware at those locations such as replacement of mast arms, signal heads etc. In the event any off-site rights-of-way and/or easements necessary to complete the installation of the signal at the westernmost entrance are not made available to the applicant at no cost, then the applicant shall escrow \$250,000 towards the future installation of a signal at this location. If a signal is not approved by the Director of Public Works for any reason at the westernmost entrance on Fairfax Boulevard then the applicant's obligation towards signalization of the westernmost entrance is null and void.
8. The applicant shall construct an eastbound left-turn lane on Fairfax Boulevard at the westernmost site entrance within the existing median area of Fairfax Boulevard to provide 250 feet of storage with a 100-foot taper prior to issuance of the first occupancy permit for the application property. For purposes of this Proffer, the term "construct" shall mean substantially completed and available for use by the public as determined by the Director of Public Works but not necessarily accepted for maintenance by the City and/or others.
9. The applicant shall extend the eastbound left-turn lane on Fairfax Boulevard at Plantation Parkway in order to provide for a total of 400 feet of left-turn storage and a 50 to 100-foot taper as may be approved by City staff within the existing median area of Fairfax Boulevard and provided any off-site rights-of-way and/or easements are provided at no-cost to the applicant. Such improvement shall be completed prior to Surety bond release for the application property. In the event, such off-site rights-of-way and/or easements are not available then the applicant shall escrow the cost to complete said extension in the future by others as determined by the Director of Public Works.
10. The applicant shall provide for interparcel access with the adjacent properties to the east in a location to be determined in consultation with the adjacent property owners/assigns and City staff at such time as either the adjacent properties redevelop and/or the City Council determines such access is necessary.
11. Upon demonstration by the applicant that, despite diligent efforts by the applicant, provision of an improvement has been unreasonably delayed by others or by circumstances beyond the control of the Applicant, the Director of Public Works may agree to a later date for the completion of each improvement.
12. The applicant/owner shall grant any necessary easements to the City for future construction, use, access and maintenance for a future trail along the stream from Plantation Parkway to the western boundary of the application property.

BE IT FURTHER ORDAINED, that the above rezoning, proffered conditions, application package and Conceptual Development Plan, be approved.

The Zoning Administrator of the City is hereby directed to modify the Zoning Map to show the changes in the zoning of these premises, including the existence of the proffered conditions, and the Clerk of the Council is directed to transmit duly certified copies of this ordinance to the applicant, Zoning Administrator, and to the Planning Commission of this City as soon as possible.

This ordinance shall be effective as provided by law.

Planning Commission hearing: June 23, 2008
City Council hearing: June 24, 2008
Adopted: June 24, 2008

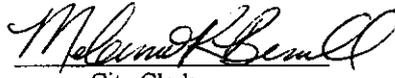


Mayor

9/3/08

Date

ATTEST:



City Clerk

The motion to adopt the ordinance was approved June 24, 2008
Vote

Councilmember Cross	Aye
Councilman Greenfield	Absent
Councilmember Lyon	Aye
Councilman Rasmussen	Nay
Councilman Silverthorne	Aye
Councilmember Winter	Aye

Proposed Proffers
10120 Fairfax Boulevard/Boulevard Marketplace

Z-08050003

June 2, 2008

Revised June 17, 2008

Revised June 20, 2008

Revised June 24, 2008

Revised July 24, 2008

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950, as amended, JDC Fairfax, LLC (the "Applicant") for themselves, their successors and assigns in Z-08050003, (the "Application"), filed for property identified as Tax Maps 47-4-2-2B1 and 47-4-02-04 (the "Application Property") hereby agrees to the following proffers, provided that the City Council approves the Application rezoning a portion of the Application Property currently zoned C-2WP District to the C-2WP District as requested in the Application. In the event the Application is approved by the City Council, any previous proffers applicable to the Application Property or portions thereof, shall be deemed null and void and shall have no further force or effect.

1. The proposed development shall be constructed in substantial conformance with the Conceptual Development Plan/SUP Plan (the "CDP/SUP") prepared by Walter L. Phillips, Inc. dated April 24, 2008 as revised through June 20, 2008.
2. The applicant shall remove invasive plant material and trash debris located along the Central Fork Accotink Creek stream bank and shall as part of the first site plan submission for the application property include a landscape plan for additional plantings along the stream bank and floodplain area of the subject property subject to review and approval by City Staff.
3. As shown on Sheet 8 of the Conceptual Development Plan/SUP, prior to approval of the first site plan for the application property, the applicant shall dedicate and convey to the City that portion of the Central Fork Accotink Creek stream valley located within the application area, and the adjacent land, from the southern boundary of the Resource Protection Area, except as where it may vary to ensure that the remaining parcel still conforms to applicable zoning requirements such as rear yard setbacks, open space and tree cover, to northern property line of the application property such an area that is a minimum of 8.0 acres.
4. The applicant shall, prior to issuance of the first occupancy permit for the application property, contribute the sum of \$50,000 to the City for recreational purposes within the City; and, the applicant shall contribute an additional total of \$15,000 to cover the initial park costs for three (3) years (\$5,000 per year for the first three (3) years).

5. The applicant shall submit a Phase I Archaeology Study prior to approval of the first site plan for the application property and if recommended, conduct a Phase 2 study on the area proposed to be disturbed. If the Phase 2 study recommends any recovery of artifacts, the applicant shall recover such artifacts and donate such artifacts to the City, if requested by the City.
6. Access to the site shall be provided via a full movement, signalized entrance located opposite an existing median break on Fairfax Boulevard approximately 1,075 feet west of Plantation Parkway and a right-in/right-out entrance located approximately 480 feet west of Plantation Parkway. In the event a signal is not approved by the Director of Public Works at the westernmost full movement entrance in accordance with Proffer 9, the westernmost entrance shall be configured to provide for left-turn inbound and right-in/right-out movements only.
7. At the time of submission of the first site plan for the application property, the applicant shall complete a traffic signal warrant study for the westernmost entrance of the application property on Fairfax Boulevard based on full build out of the application property. If deemed warranted by the City, the applicant shall design, equip and install said traffic signal within existing rights-of-way, including modifications to signal timings at the nearest up and downstream signals (Plantation Parkway and Eaton Place) exclusive of modifications to existing hardware at those locations such as replacement of mast arms, signal heads etc. In the event any off-site rights-of-way and/or easements necessary to complete the installation of the signal at the westernmost entrance are not made available to the applicant at no cost, then the applicant shall escrow \$250,000 towards the future installation of a signal at this location. If a signal is not approved by the Director of Public Works for any reason at the westernmost entrance on Fairfax Boulevard then the applicant's obligation towards signalization of the westernmost entrance is null and void.
8. The applicant shall construct an eastbound left-turn lane on Fairfax Boulevard at the westernmost site entrance within the existing median area of Fairfax Boulevard to provide 250 feet of storage with a 100-foot taper prior to issuance of the first occupancy permit for the application property. For purposes of Proffer 10, the term "construct" shall mean substantially completed and available for use by the public as determined by the Director of Public Works but not necessarily accepted for maintenance by the City and/or others.
9. The applicant shall extend the eastbound left-turn lane on Fairfax Boulevard at Plantation Parkway in order to provide for a total of 400 feet of left-turn storage and a 50 to 100-foot taper as may be approved by City staff within the existing median area of Fairfax Boulevard and provided any off-site rights-of-way and/or easements are provided at no-cost to the applicant. Such improvement shall be completed prior to Surety bond release for the application property. In the event, such off-site rights-of-way and/or easements are not available then the applicant

shall escrow the cost to complete said extension in the future by others as determined by the Director of Public Works

10. The applicant shall provide for interparcel access with the adjacent properties to the east in a location to be determined in consultation with the adjacent property owners/assigns and City staff at such time as either the adjacent properties redevelop and/or the City Council determines such access is necessary.
11. Upon demonstration by the applicant that, despite diligent efforts by the applicant, provision of an improvement has been unreasonably delayed by others or by circumstances beyond the control of the Applicant, the Director of Public Works may agree to a later date for the completion of each improvement.
12. The applicant shall grant any necessary easements to the City for future construction, use, access and maintenance for a future trail along the stream from Plantation Parkway to the subject property.

By: Robert E Stafford Sr + Assoc LLLP
Name: David R Stafford
Title: M.S.P.

AFFIDAVIT

I hereby affirm that the City has adequately complied with the written notification procedures defined in §15.2-2204 (amended) of the Code of Virginia and §110-6.B.2 of the Code of the City of Fairfax, Virginia. These notices were sent by first-class mail on March 3, 2017, to the last known address of each abutting property owner (including those located across rights-of-way) shown in the current real estate tax assessment records. A list of these addresses is attached and their accuracy as of March 1, 2017, is certified by the City Real Estate Assessor.

A copy of the notice, pertaining to date, time and location of the City Council meeting for a General Development Plan Amendment for property located at 10120 Fairfax Boulevard (Boulevard Marketplace) and more particularly described as Tax Map Parcel(s) 47-4-23-000-A and 47-4-23-000-D, is attached.



Director of Community
Development and Planning

Commonwealth of Virginia
City of Fairfax

Subscribed and sworn before me this 3 day of March, 2017,

 7632704
Notary Public

My commission expires: 11/30/19



NOTICE OF PUBLIC HEARING
CITY OF FAIRFAX, VIRGINIA

Notice is hereby given that the City Council of the City of Fairfax at its meeting on Tuesday, March 14, 2017 at 7:00 p.m. in the City Hall Annex, Room 100, 10455 Armstrong Street, will hold a Public Hearing to consider the following:

Z-16090107

Request from JDC Boulevard, LLC, applicant, by John H. Donegan, Owner, for consideration of a General Development Plan Amendment pursuant to former City Code Section 110-5 (superseded by Section 110-6.4 on October 1, 2016) to allow replacement of a previously approved 4,300 square foot bank with 5,100 square feet of general retail space in the former C-2 Retail Commercial zoning district (superseded by CR-Commercial Retail zoning district on October 1, 2016) on the premises known as 10120 Fairfax Boulevard (Boulevard Marketplace) and more particularly described as Tax Map Parcel(s) 47-4-23-000-A and 47-4-23-000-D.

All interested parties are invited to attend the public hearing and express their views. Staff reports will be available five (5) days prior to the meeting date in the Office of Community Development & Planning, Annex Room 207, City Hall.

Melanie Crowder, City Clerk

2/24/2017

3/3/2017



City of Fairfax

10455 Armstrong Street
Fairfax, Virginia 22030-3630

March 3, 2017

Re: 10120 Fairfax Boulevard

Dear Property Owner:

Current City real estate records indicate that you are the owner of land near or adjacent to the property which is the subject of the above-referenced application. Pursuant to City Code Section 110-6.B.2 **you are hereby notified that the City Council at its meeting on Tuesday, March 14, 2017 at 7:00 p.m. in City Hall Annex, Room 100, 10455 Armstrong Street, will hold a public hearing to consider the following:**

Z-16090107

Request from JDC Boulevard, LLC, applicant, by John H. Donegan, Owner, for consideration of a General Development Plan Amendment pursuant to former City Code Section 110-5 (superseded by Section 110-6.4 on October 1, 2016) to allow replacement of a previously approved 4,300 square foot bank with 5,100 square feet of general retail space in the former C-2 Retail Commercial zoning district (superseded by CR-Commercial Retail zoning district on October 1, 2016) on the premises known as 10120 Fairfax Boulevard (Boulevard Marketplace) and more particularly described as Tax Map Parcel(s) 47-4-23-000-A and 47-4-23-000-D.

You are entitled to speak at the public hearing, or you may submit written testimony. A copy of the application is available for review in the Department of Community Development and Planning, Annex Room 207, City Hall.

If you have questions regarding the application, please call the Zoning Office at 703-385-7820.

Sincerely,

A handwritten signature in cursive script that reads "Paul Nabti".

Paul Nabti
Planner III

cc: Jason Sutphin



City of Fairfax

*10455 Armstrong Street
Fairfax, Virginia 22030-3630*

March 3, 2017

Marianne Gardner
Planning Division
Fairfax County Dept. of Planning and Zoning
12055 Government Center Pkwy, Suite 730
Fairfax, Virginia 22035

Re: 10120 Fairfax Boulevard

Pursuant to Section 15.2-2204 (amended) of the Code of Virginia, enclosed is the legal notification for the above-referenced application. For additional information, please call the Department of Community Development and Planning at 703-385-7820 or Alexis El-Hage at alexis.el-hage@fairfaxva.gov

Sincerely,

Paul Nabti /s/

Paul Nabti
Planner III

Enclosure

cc: Jason Sutphin

DONALD & MARIE CARPENTER
3302 PLANTATION PKWY
FAIRFAX VA 22030

MATTHEW T. A. GOODMAN (TRS)
10209 RAIDER LN
FAIRFAX VA 22030

ROBERT & ANNETTE CARR
3300 PLANTATION PKWY
FAIRFAX VA 22030

ROBERT E STAFFORD & ASSOCIATES LP
3 MOON CREEK CIRCLE
SMITHFIELD VA 23430

PHILIP & THERESA FERLOTTI
10123 RANGER RD
FAIRFAX VA 22030

JDT PROPERTIES INC
5520 OAKWOOD RD
ALEXANDRIA VA 22310

DANIEL P SPROULL (TRS)
SUSAN E SPROULL (TRS)
10125 RANGER RD
FAIRFAX VA 22030

DIP SPV COMPANY 5 LLC
C/O LINCOLN PROPERTY COMPANY
12601 FAIR LAKES SUITE 1032
FAIRFAX VA 220333

COUNTRY CLUBS HILLS CIVIC ASSOC
JUDY FRASER
3514 SPRING LAKE TERR
FAIRFAX VA 22030

DONALD & ROSEMARY GARNEAU
10127 RANGER RD
FAIRFAX VA 22030

CITY OF FAIRFAX
10455 ARMSTRONG ST
FAIRFAX VA 22030

GREAT OAKS HOA
IAIN WILLIAMSON
9935 GREAT OAKS WAY
FAIRFAX VA 22030

CHRIS SNYDER
10129 RANGER RD
FAIRFAX VA 22030

MOSBY WOODS COMMUNITY ASSOC
ROBERT REINSEL
3134 SINGLETON CIR
FAIRFAX VA 22030

WILLIAM & DEBORAH LOGAN II
PATRICA STROUP
10131 RANGER RD
FAIRFAX VA 22030

MOSBY WOODS CONDO ASSOC
R. JEROME BROWN
10173 MOSBY WOODS DR
FAIRFAX VA 22030

RODNEY & MARJORIE URANO
10133 RANGER RD
FAIRFAX VA 22030

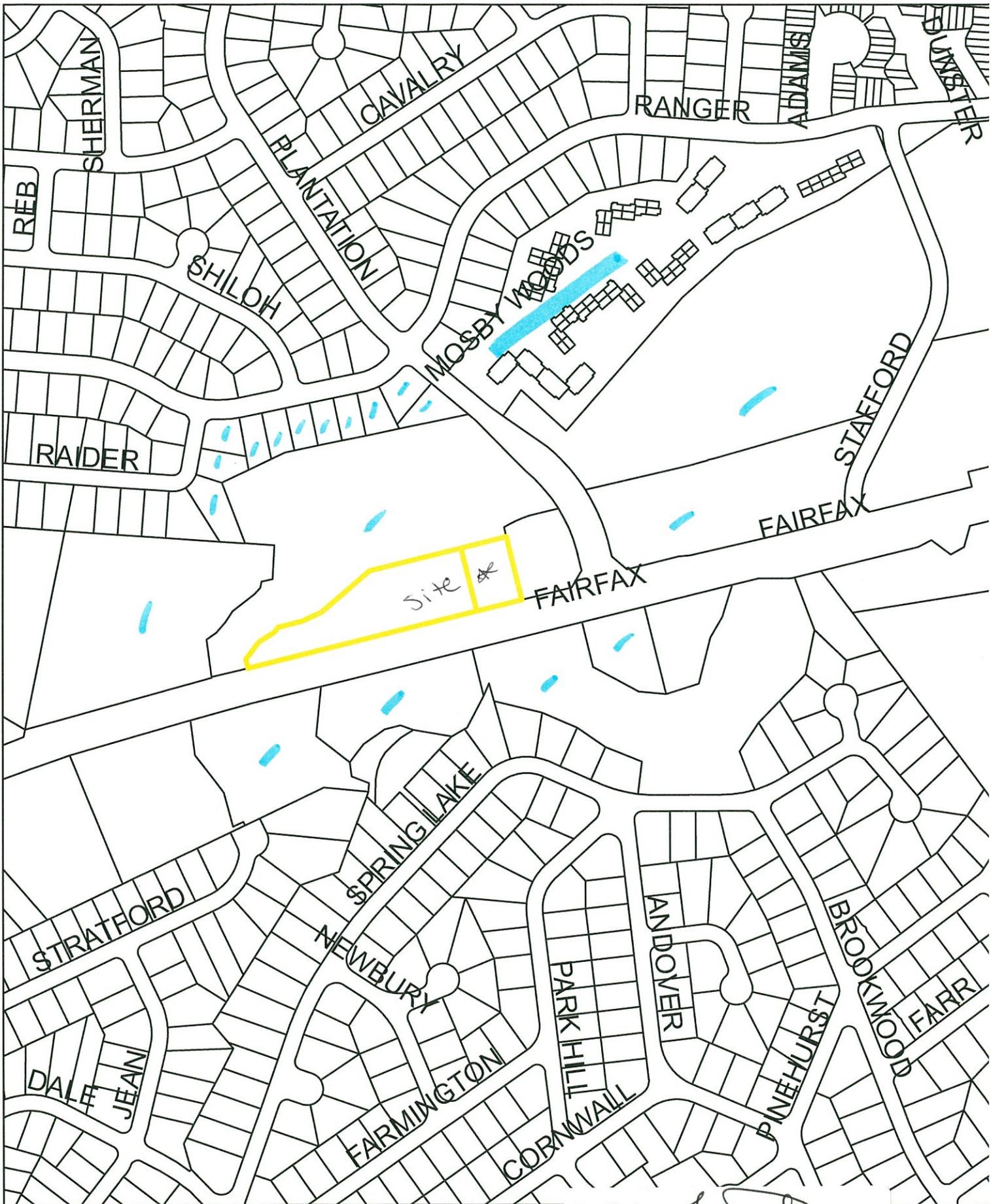
NICK CAINE
DIRECTOR OF MARKET RESEARCH
1029 NORTH ROYAL STREET STE 301
ALEXANDRIA VA 22314

KATHLEEN NOONAN
10205 RAIDER LN
FAIRFAX VA 22030

WESTMORE CITIZENS ASSOC
GARY PERRYMAN
11008 WESTMORE DR
FAIRFAX VA 22030

CAROLINE & STEVEN ROUNTREE
10207 RAIDER LN
FAIRFAX VA 22030

MARIANNE GARDNER
PLANNING DIVISION
FAIRFAX COUNTY PLANNING
12055 GOVERNMENT CENTER PKWY, 730
FAIRFAX VA 22030



Certified: 
Thomas E. Reed, CAE, SRA
Real Estate Assessment Director
3/1, 2017





RECEIVED

MAR 02 2017

Community Dev & Planning

AFFIDAVIT FOR POSTED NOTICE (SIGN)

I, NICHOLAS KIOWELL hereby affirm that I have received, read, understand and
Applicant/Agent Name
agree to abide by the 'Posted Notice Instructions to the Applicant' and location map depicting sign
placement given to me on 3-2-17 as required by City Code, Chapter 110, Article
6.2.5.B.3. Date

The subject property will be posted visibly and securely with two (2) signs, from Friday, March 3, 2017
to Wednesday, March 15, 2017, including the date of the public hearing as given on the sign(s).

Notices will not be placed on trees, utility poles, or traffic control signs or elsewhere in the public right-
of-way. All posted notices will be removed no later than March 24, 2017.

A photo confirmation of the "Posted Notice" (sign) placement will be provided to the Zoning Office on
date of placement.

[Signature]
Applicant/Agent Signature

3-2-17
Date

APPLICANT / AGENT MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 2
day of March, 2017, in the State of Virginia.

My commission expires 11/30/19.

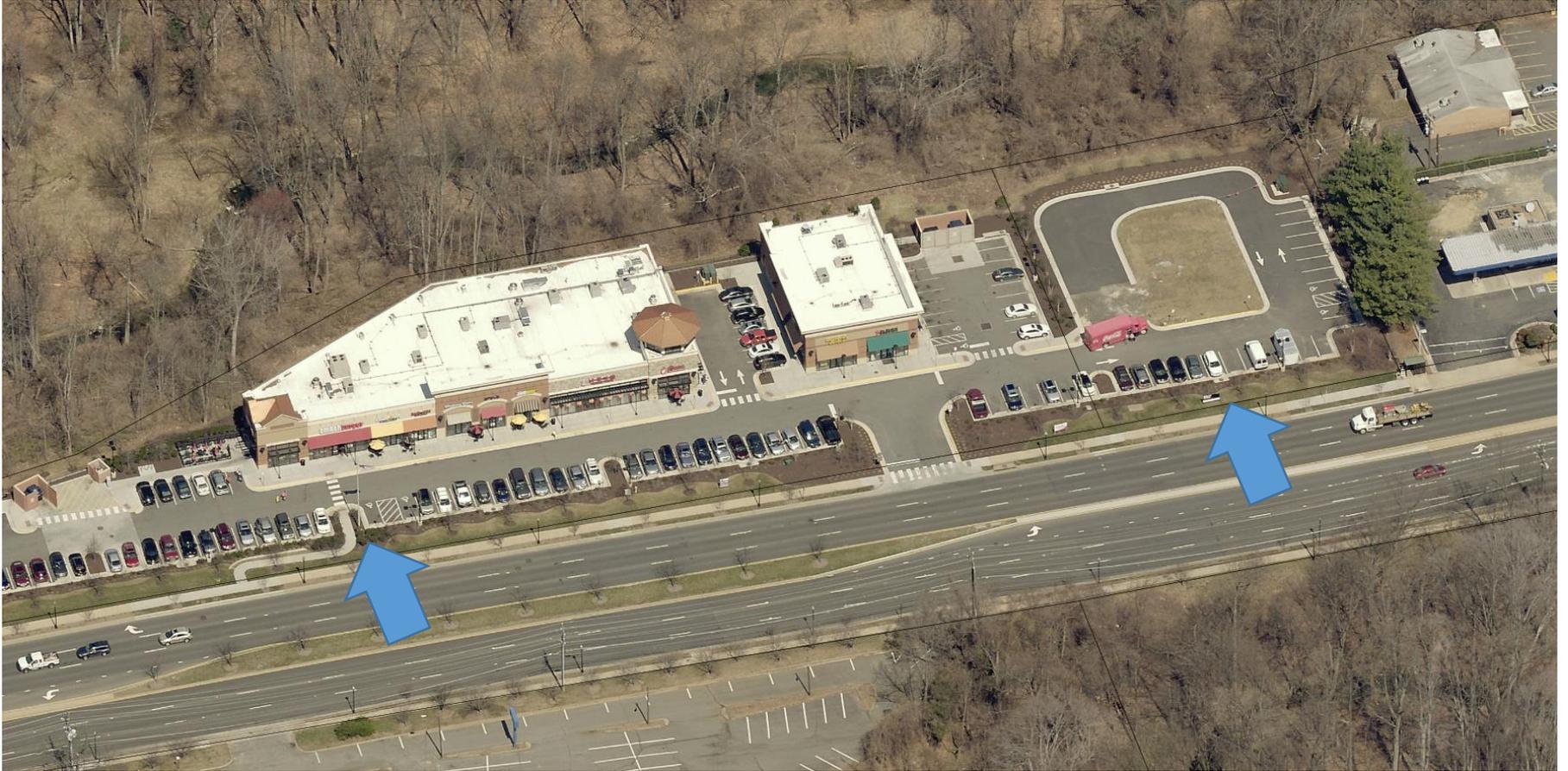


[Signature] 7632704
Notary Public/Registration No.

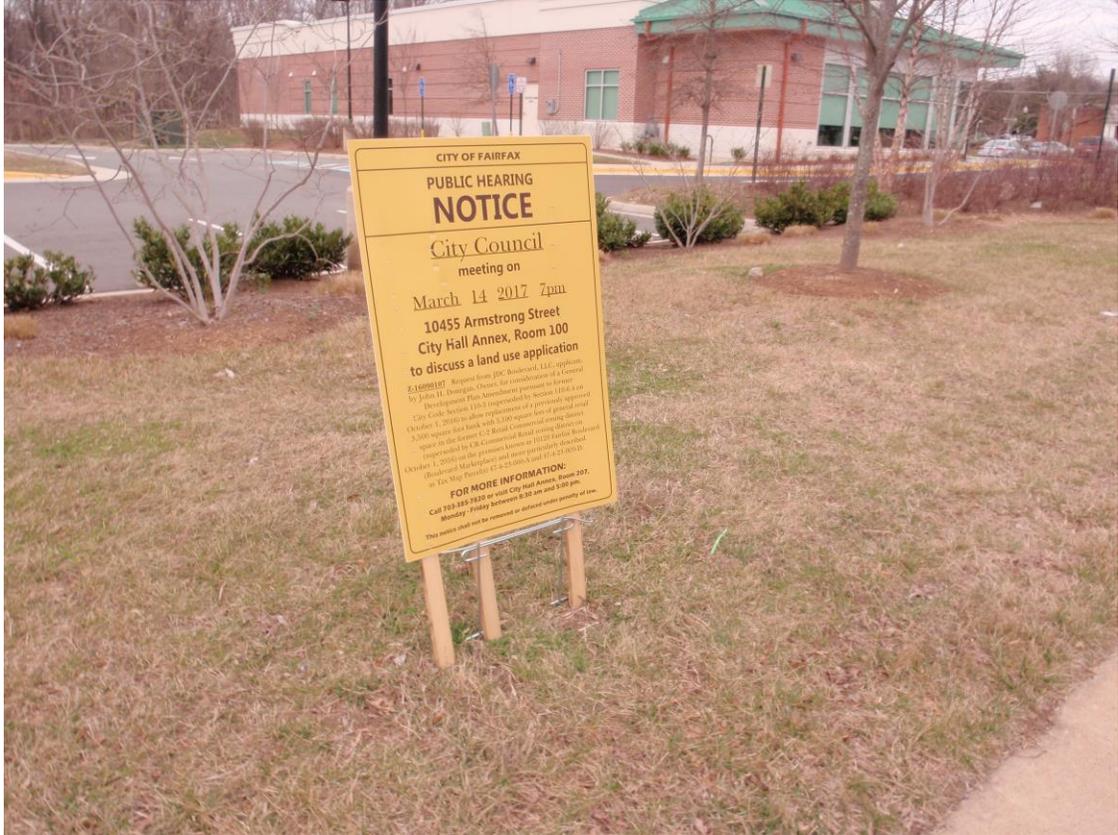
OFFICE USE ONLY

Receipt # _____ Date Paid 3/2/17 Fee Paid 150⁰⁰
Associated Case # 2-6090107 Staff Initials ale

Z-16090107 (Boulevard Marketplace)
City Council Hearing Sign Placement



Note: Place signs at the approximate locations shown, facing toward the right-of-way.



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF FAIRFAX, VIRGINIA BY ADOPTING AMENDMENTS TO THE GENERAL DEVELOPMENT PLAN IN THE C-2 RETAIL COMMERCIAL DISTRICT AND ASSOCIATED WITH THE LAND KNOWN AS 10120 FAIRFAX BOULEVARD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 47-4-23-000-A AND 47-4-23-000-D.

WHEREAS, JDC Boulevard LLC by John H. Donegan, owner, with authorization from CH Realty VI/R Fairfax Boulevard L.L.C., by Daniel F. Feeney, Vice President, submitted application No. Z-16090107, requesting modifications to the General Development adopted in 2008, for the parcels identified above, and more specifically described as follows:

“Beginning at a point in the north right-of-way line of Fairfax Boulevard – Routes 29, 211, and 50, said point being the southwest corner of Parcel C, Consolidation and Re-subdivision of Parcel 2-B-1, Eaton Tract, and Portion of Parcel 4, as recorded in Deed Book 21756 at Page 821; thence with the north right-of-way line of Fairfax Boulevard – Routes 29, 211, and 50, S 75° 59' 09" W, 809.54 feet to a point; thence S 76° 10' 32" W, 60.63 feet to a point, said point being a southern corner to Parcel B, Consolidation and Re-subdivision of Parcel 2-B-1, Eaton Tract, and Portion of Parcel 4; thence with Parcel B, N 14° 00' 51" W, 28.65 feet to a point; thence N 36° 24' 54" E, 61.76 feet to a point; thence N 48° 54' 41" E, 7.74 feet to a point; thence N 58° 24' 19" E, 53.04 feet to a point; thence N 36° 07' 03" E, 19.13 feet to a point; thence N 75° 59' 09" E, 76.14 feet to a point; thence N 65° 25' 18" E, 66.54 feet to a point; thence N 49° 06' 51" E, 195.28 feet to a point; thence with Parcel B and continuing with aforesaid Parcel C, N 75° 59' 09" E, 435.60 feet to a point; thence S 13° 45' 16" E, 200.47 feet to the point of beginning and containing an area of 137,210 square feet, or 3.1500 acres, more or less.”

WHEREAS, the City Council has carefully considered the application, the recommendation of the Planning Commission and staff, and the testimony received at public hearing; and

WHEREAS, the City Council has determined that the proposed rezoning is proper and in accordance with the Comprehensive Plan as well as with the pertinent provisions set forth in the Code of Virginia and the Code of the City of Fairfax, Virginia;

NOW, THEREFORE BE IT ORDAINED that the General Development Plan associated with the above described property be amended per the attached plans last revised on February 3, 2017.

BE IT FURTHER ORDAINED, that the above application package and general development plan revised through February 3, 2017 be approved.

The Clerk of the Council is directed to transmit duly certified copies of this ordinance to the applicant, Zoning Administrator, and to the Planning Commission of this City as soon as possible.

This ordinance shall be effective as provided by law.

Planning Commission hearing: February 27, 2017

City Council hearing: March 14, 2017

Adopted: _____

Mayor

Date

ATTEST:

City Clerk

The motion to adopt the ordinance was approved _____.

	Vote
Councilmember DeMarco	_____
Councilmember Drummond	_____
Councilmember Greenfield	_____
Councilmember Miller	_____
Councilmember Schmidt	_____
Councilmember Stehle	_____

9. MOTIONS:

ATTACHMENTS: [If the City Council agrees with the staff recommendation, then Motion 9A is appropriate]

- 9A. Motion to recommend approval of the General Development Plan Amendment.
- 9B. Motion to recommend denial of the General Development Plan Amendment.

APPROVAL
(Recommended by Staff)

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, I MOVE THAT THE CITY COUNCIL ADOPT THE ATTACHED RESOLUTION TO APPROVE THE APPLICATION OF JDC BOULEVARD, LLC, APPLICANT, BY JOHN H. DONEGAN, OWNER, FOR CONSIDERATION OF A GENERAL DEVELOPMENT PLAN AMENDMENT; SUBJECT TO THE GENERAL DEVELOPMENT PLAN DATED SEPTEMBER 23, 2016 AND LAST REVISED ON FEBRUARY 3, 2017 ON THE PREMISES KNOWN AS 10120 FAIRFAX BOULEVARD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL(S) 47-4-23-000-A AND 47-4-23-000-D.

DENIAL

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, I MOVE THAT THE CITY COUNCIL NOT ADOPT THE ATTACHED RESOLUTION TO APPROVE THE APPLICATION OF JDC BOULEVARD, LLC, APPLICANT, BY JOHN H. DONEGAN, OWNER, FOR CONSIDERATION OF A GENERAL DEVELOPMENT PLAN AMENDMENT; SUBJECT TO THE GENERAL DEVELOPMENT PLAN DATED SEPTEMBER 23, 2016 AND LAST REVISED ON FEBRUARY 3, 2017 ON THE PREMISES KNOWN AS 10120 FAIRFAX BOULEVARD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL(S) 47-4-23-000-A AND 47-4-23-000-D FOR THE FOLLOWING REASONS:

(Planning Commission to choose from the following sample reasons)

- The applicant's proposal is not consistent with the Comprehensive Plan and other adopted City goals and policies;
 - The applicant's proposal will adversely impact the safety and movement of vehicular traffic upon adjacent streets;
 - The applicant's proposal will adversely impact the serenity of the neighborhood;
 - The applicant's proposal will adversely impact adjacent property or the surrounding area; or
 - The applicant's proposal will adversely impact the safety and welfare of residents living in the area
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