City of Fairfax, Virginia
City Council Work Session

Agenda Item # 1a

City Council Meeting 7/2/2019

TO: Honorable Mayor and Members of City Council

FROM: Robert A. Stalzer, City Manager RAStalzer

SUBJECT: Discussion of a request by 9571 Fairfax Boulevard LLC for a redevelopment proposal of 9571 Fairfax Boulevard, Tax Map 48-3-06-041.

ISSUE(S): Whether to discuss the proposed commercial development. The intent of this work session request is to receive feedback from City Council before proceeding with the public hearing.

SUMMARY: The potential applicant proposes to develop the subject property with a one-story retail building with basement storage, a parking lot, landscape improvements, a sidewalk, and a storm water management facility. The proposal also includes realignment of the outer lane of Fairfax Circle and removal of a curb cut on the Circle.

FISCAL IMPACT: A fiscal impact analysis has not been conducted at this time.

RECOMMENDATION: Discussion and guidance on the overall site layout and use.

ALTERNATIVE COURSE OF ACTION: City Council may choose to postpone discussion to a future date.

RESPONSIBLE STAFF/ Jason Sutphin, Community Development Division Chief
Brooke Hardin, Director, Community Development & Planning

POC: Tommy Scibilia, Planner II

COORDINATION:

Community Development and Planning	Building and Fire Code
Human Services	Public Works
Fairfax Water	Police
City Attorney	Historic Resources
Real Estate	Commissioner of Revenue
Treasurer	

ATTACHMENTS: Staff Report, Attachment 1-Statement of Justification, Attachment 2-Illustrative Exhibit

CITY OF FAIRFAX

Department of Community Development & Planning

City Council Work Session

WORK SESSION DATE

July 2, 2019

POTENTIAL APPLICANT

9571 Fairfax Boulevard, LLC

OWNER

9571 Fairfax Boulevard, LLC

AGENT

Stuart Schooler

PARCEL DATA

Tax Map ID
48-3-06-041

Street Addresses
9571 Fairfax Boulevard

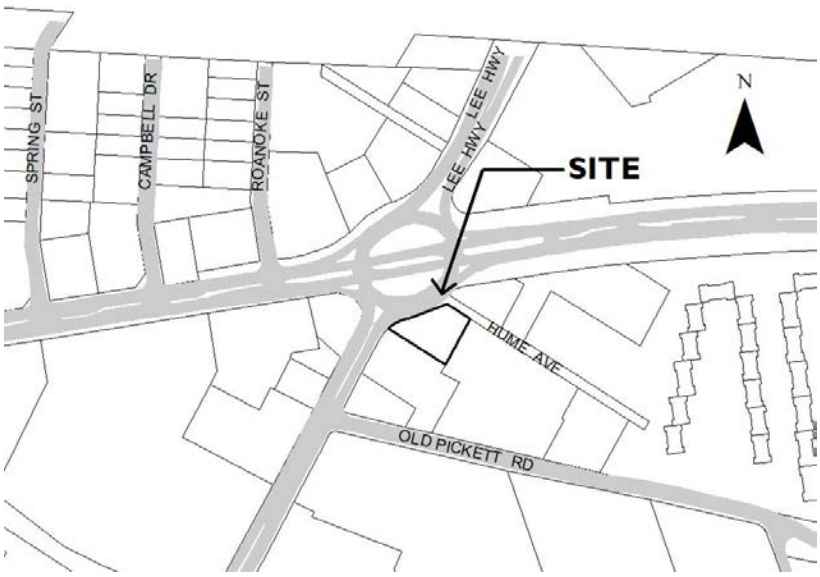
Zoning District
CG, Commercial General

Overlay District
Architectural Control Overlay District

PROPOSAL SUMMARY

The potential applicant is proposing to construct a 3,500 square-foot one-story retail building with up to 2,130 square feet of basement storage space and potential outdoor seating areas. Several special exceptions, as listed below, and a major certificate of appropriateness would be required. More requests may be identified if the potential applicant proceeds with a formal land use submission.

1. Modify the required minimum interior side yard setback
2. Modify the required minimum street side yard setback
3. Provide relief from the requirement to provide a sidewalk along a street
4. Provide relief from meeting landscape strip and street tree requirements along streets
5. Modify the parking lot landscape islands minimum size and spacing requirements
6. Modify the minimum number of parking spaces required



City Hall ♦ 10455 Armstrong Street ♦ Room 207
Fairfax ♦ Virginia ♦ 22030
703-385-7820 ♦ (FAX) 703-385-7824

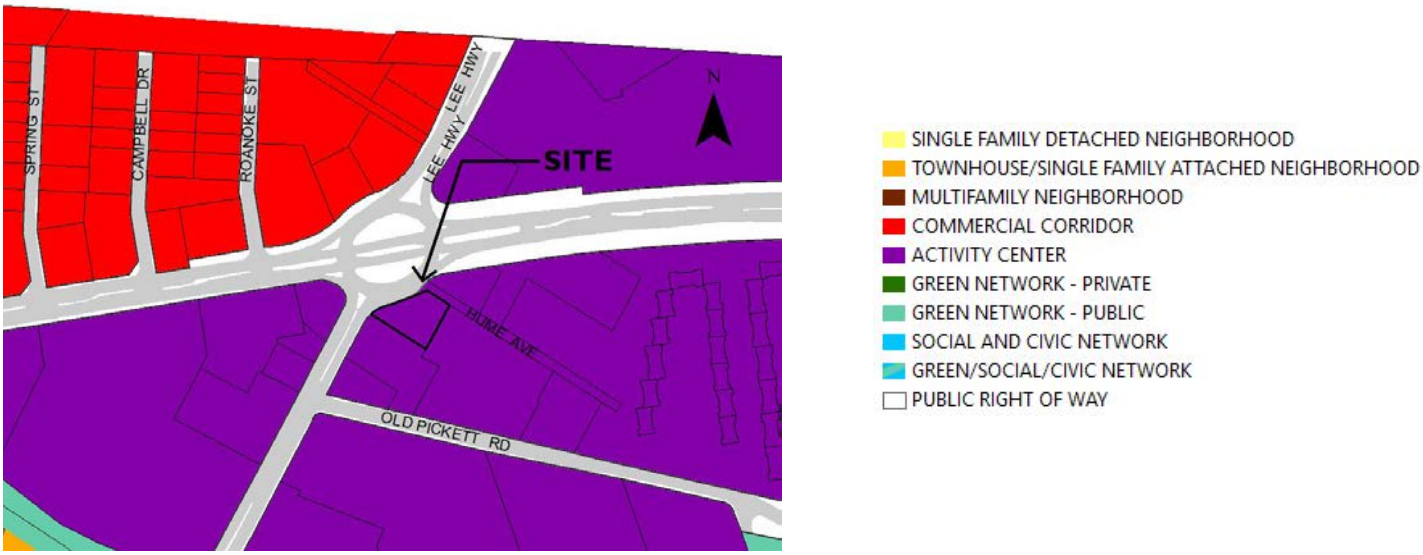
BACKGROUND INFORMATION

The subject site is considered a corner lot, and is located in the northeast quadrant of the City immediately south of Fairfax Circle. The 0.47-acre site is bounded by Fairfax Boulevard along the circle to the north (street side yard), Hume Avenue to the northeast (front yard), McDonald's to the southwest (interior side yard), and Stryker's Square to the southeast (interior side yard). There are two existing curb cuts providing access on Fairfax Boulevard and a cross access or interparcel connection to McDonald's to the southwest. A fuel station canopy on the subject site was demolished in April 2018. There are currently no standing structures remaining on the site but several trees and some pavement remain.

Further information on adjacent properties is provided below:

Direction	Existing Land Use	Zoning	Future Land Use
North	Commercial-Retail, Auto-Dealer	CR, Commercial Retail and CG, Commercial General	Activity Center, Commercial Corridor
East	Commercial-Retail	CR, Commercial Retail	Activity Center
South	Commercial-Retail	CG, Commercial General	Activity Center
West	Commercial-Retail	CR, Commercial Retail	Activity Center, Commercial Corridor

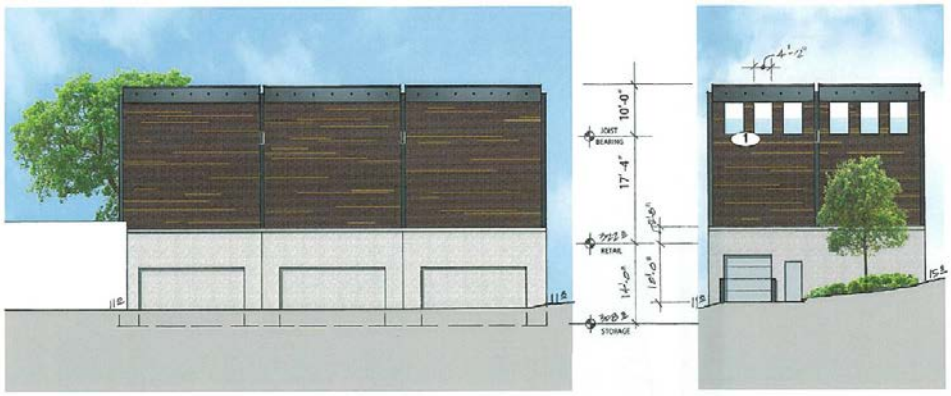
The subject site is currently zoned CG, Commercial General, while surrounding land uses are zoned both CG and CR, Commercial Retail. The future land use designation for the subject site in the Comprehensive Plan Future Land Use Map is Activity Center. Properties to the south and east of Fairfax Circle are also designated Activity Center, as these properties are located within the Fairfax Circle Activity Center. Properties to the north and west of the Circle are designated as Commercial Corridor. See the Future Land Use Map below. The Comprehensive Plan calls for a mix of uses within the Activity Centers, including dining, retail, and multifamily residential.



The potential applicant appeared before the Board of Architectural Review (BAR) and City Council in 2018 with a similar proposal. On July 18, 2018 the BAR recommended approval of the major certificate of appropriateness. On November 13, 2018 City Council denied the request of the applicant for six special exceptions and a major certificate of appropriateness. Commentary generally focused around concerns about vehicular access and safety, as well as a lack of vision for this part of the City. Below are the illustrative plan and elevations that accompanied the previous land use requests.

NORTHWEST ELEVATION

SOUTHWEST ELEVATION



SOUTHEAST ELEVATION

NORTHEAST ELEVATION

Below are recorded land use actions on the property:

- March 11, 1980: City Council approved the request of the Texas Company to rezone 20,371 square feet of land from C-2 Commercial to C-3 Commercial.
- May 14, 1980: The Board of Zoning Appeals granted a variance to allow a lot area less than the minimum lot area required in the C-3 zoning district.
- 1980: Site plan was approved. Existing Texaco service station was demolished to develop a new service station with related retail, parking, landscaping and underground tanks.
- April, 2018: Building permit application to demolish building and gas pump canopy was approved.
- July 18, 2018: BAR recommended approval of the major certificate of appropriateness for a new restaurant building and site improvements.
- November 13, 2018: City Council denied request for 6 special exceptions and a major certificate of appropriateness for a new restaurant building and site improvements.

PROPOSAL

The potential applicant is proposing to construct a 3,500 square-foot one-story retail building with up to 2,130 square feet of basement storage space, and potential outdoor seating areas on an outdoor deck and roof deck. All existing improvements on the site including trees, concrete curb, paved areas, shoebox lighting and fencing would be removed. One of the two existing curb cuts on the circle closest to Hume Avenue would be closed off with new curbing. The new curbing would narrow and realign the outermost traffic lane on the circle to a width consistent with the other vehicle travel lanes. A new sidewalk would be installed along the realigned curb with an eight-foot-wide landscape strip. The proposed building would be setback 20 feet from the east property line adjacent to Hume Avenue, a local street that is approximately 450 feet long with an existing 30-foot right-of-way. The building would be 37 feet from the northwest property line adjacent to Fairfax Boulevard, 69 feet from the southwest property line adjacent to McDonald's, and 2.4 feet at the closest point on the southeast property line adjacent to Stryker's Square. Other on-site improvements proposed include:

- A parking lot with 23 spaces and a bike rack for two bikes
- A storm water management and BMP facility
- Landscaping improvements including trees and shrubs
- Two dumpster facilities within a dumpster enclosure
- A retaining wall with a maximum height of 16 feet
- Sidewalks
- A monument sign (to be reviewed under a separate application)

See Attachment 2 for the illustrative site plan exhibit.

Changes from the previous proposal include a smaller overall building footprint, an increased setback from Hume Avenue compliant with front yard setback requirements for the CG zoning district, and the modification of the interparcel access to the McDonald's lot making it one way only for exiting the site.

POTENTIAL LAND USE REQUESTS

As identified in the proposal summary, staff has identified six special exceptions listed below that would be needed, as well as a major certificate of appropriateness for architecture, landscaping, and

site amenities. Note that additional or modified land use requests may be needed upon formal submission of an application and further staff review should the potential applicant choose to proceed.

1. Modify the required minimum interior side yard setback.
   -The potential applicant would need to request a 2.4 foot setback from the southeast property line where 25 feet is required. Additionally, the parking areas encroach into the required setbacks from both the southeast and southwest property lines. Parking is not allowed in required yards per §4.2.4.
2. Modify the required minimum street side yard setback.
   -A parking space is shown encroaching into the 25 foot required setback along Fairfax Circle. Parking is not allowed in required yards per §4.2.4.
3. Provide relief from the requirement to provide a sidewalk along a street.
   -No sidewalk is shown along Hume Avenue, a local street, as required by §4.4.4.A.
4. Provide relief from meeting landscape strip and street tree requirements along streets.
   -A 10 foot landscape strip and street trees are required along both Hume Avenue and Fairfax Boulevard per §4.5.6.B.
5. Modify the landscape islands minimum size and spacing requirements.
   -The interior landscape island and one of the terminal landscape islands are smaller than the required 200 square feet and narrower than the required 8 feet inside the curb per §4.5.7.D.
   -An interior landscaped parking lot island is required to be constructed for every 10 parking spaces per §4.5.7.D. One row of parking has 12 spaces with no interior landscaped island.
6. Modify the minimum number of parking spaces required.
   -Restaurant uses are required to provide 1 space for every 200 square feet of floor area per §4.2.3.E. The total floor area, which includes the basement storage space, is shown at 5,630 square feet, which would require 28 parking spaces where 23 are provided.

The potential applicant would be required to appear before the Board of Architectural Review for a recommendation on the major certificate of appropriateness for architecture, landscaping, and site amenities prior to City Council action.

In addition to the land use requests and certificate of appropriateness, the potential applicant may also need to request a waiver to a Public Facilities Manual (PFM) requirement that loading spaces not be located less than 12 feet from a property line.

PRELIMINARY STAFF ANALYSIS

Staff has provided preliminary feedback on the conceptual plan and at this time the potential applicant wishes to receive feedback from City Council before proceeding with a formal application submission. Initial staff commentary from the various departments is below.

Code Administration

1) The triangular curb at the center of the driveway off Fairfax Circle would need to be mountable for emergency vehicle access.

Transportation:

1) Access to the site would be limited to the right-in, right-out from Old Lee Highway traveling northbound.
2) Staff supports the removal of a curb cut from close proximity to the intersection of Fairfax Boulevard and Hume Avenue, which would prevent cut-across traffic on the circle.
3) Staff supports reducing the width of the outside lane of the circle to build a sidewalk in alignment with other sections of sidewalk, and to make the outside traffic lane less arbitrary in width.
4) Staff supports the exception to the sidewalk requirement on Hume, but believes that the 10-foot right-of-way should be reserved here so that a sidewalk could be constructed at a future date if future conditions of surrounding sites would justify this.

Community Development and Planning:

1) Several land use approvals, as outlined above, would be required.

ATTACHMENTS:

1. Statement of Justification
2. Illustrative Exhibit

PREPARED BY:

Tommy Scibilia
Planner, Community Development & Planning

6/26/19
DATE

REVIEWED AND APPROVED:

Jason Sutphin
Community Development Division Chief

6/26/19
DATE

Brooke Hardin
Director, Community Development and Planning

6/26/19
DATE

Statement of Justification 6/21/2019

Please accept the following as a statement of justification for a special exception application for a proposed new construction of a small retail building at 9571 Fairfax Boulevard, in the City of Fairfax.

9571 Fairfax Boulevard ("the Property") is a small existing urban in-fill location in the City of Fairfax and is further identified within the tax assessment records of the City of Fairfax as 48 3 06 041. The Property is zoned CG and is comprised of 20,371 square feet (0.4677 acres) of land. The surrounding area has long been a commercial corridor and is zoned primarily CR (Commercial Retail) with one large property zoned RMF (Multi-family) and a few smaller properties zoned CG. The Property's size, shape and topography present unique challenges to development. The Property does not meet the current zoning minimum lot size requirements. However, the Property was granted a lot size variance in 1980. The lot is legally non-conforming with respect to lot width and slopes down 12 feet from Fairfax Circle to Stryker Square. The Property was formerly a Shell Gas Station. Shell closed the station prior to the removal of the underground storage tanks from the Property in 2007. It was sold to the current owner in 2010. It has remained vacant since. However, by request of the City, the owner demolished the existing improvement and canopy.

The Applicant proposes to redevelop the property into a three thousand and five hundred (3500) square foot, one story retail building with 2000 square feet of below grade storage. The development has no tenants yet but is seeking uses that are by right under the existing Commercial General (CG) zoning designation.

The irregularly shaped corner parcel fronts on Fairfax Circle creating a curved front yard with two curb cuts unto the Property. On the south side of the Property is McDonald's. To the north is Fairfax Boulevard. To the northeast, and abutting the Property, is Hume Avenue, a non-improved, lightly traveled service road that acts as a tertiary ingress and egress to Stryker Square, a commercial strip center property to the southeast and; as the access for garbage removal at the Foxcroft Colony Apartments. North of Hume Avenue is a service station that repairs automobiles and sells petroleum. To the rear and east of the Property is the parking lot for Stryker Center. Currently, about 2/3 of the Property sits at grade with Fairfax Circle. The rear 1/3 of the Property descends rather steeply with approximately a 10-12 feet drop to the strip center parking lot behind.

To create a visible enhancement to Fairfax Circle and improve the traffic flow and safety by vacating one of the curb cuts, Applicant is requesting, as detailed on the special exception plat submitted in conjunction with this application, a side yard setback special exception, a special exception to the terminal landscape requirement, a special exception to permit parking spaces more than fifty (50) feet from a planting island, a special exception for the sidewalk requirement along Hume Avenue and a special exception for the landscape requirement along both Hume Avenue and Fairfax Boulevard. Notwithstanding the above, the proposed design is

generally consistent with the purposes and intent of the City of Fairfax Zoning Ordinance Section 17.7.

Applicant is requesting a side yard special exception to eliminate all side yard setback requirements. Applicant's side yard special exception request pertains to the side yard setback at the rear of the Property where it adjoins Stryker Square and also the south side of the property where it adjoins the McDonald's property. The current zoning calls for all side yard setbacks to be 25'. With respect to the rear/east of the property confronting Stryker Square, the Applicant is proposing a setback of 2.4' to facilitate future contemplated lot consolidation along with future re-orientation toward Stryker Square. The proposed lower level dead-storage for the building accessible only from Hume Avenue will be below grade at Fairfax Circle to screen deliveries and eliminate congestion and back-ups unto the Circle. Tenant and visitor parking will be located between the proposed building and McDonald's parking lot.

This configuration allows the building to orient towards Fairfax Circle and provide convenient parking that is accessible from both Fairfax Circle and the McDonald's parking lot. The proposed setback will not have any material or adverse effect on any of the adjacent parcels. It will not interfere with the Stryker Square strip center or its parking.

Applicant's is further requesting special exception relief because the south side yard of the Property is the only viable location for a parking lot. The current plan for the Property calls for parking to reside within the 25' area of the side setback. Based on conversations with the City Planning Office, it is Applicant's understanding that by granting a side yard exception, it would preclude applicability of Section 4.2.4 of the City Code restricting parking in said side setback. By orienting the building towards Fairfax Circle, the development will be able to provide sufficient parking, 23 spaces (including 2 disabled) on the south side of the building while providing convenient and safe access to the building as well as ingress and egress to Fairfax Circle. The required parking spaces for a building this size is only 18 spaces so Applicant is providing 5 additional spaces. Moreover, by providing parking on the south side of building, the configuration allows for the preservation of the service drive access between the McDonald's site and the Property.

The Applicant is requesting a special exception with respect to the terminal landscape requirement. The rear south and east side of the Property do not meet the requirements of the code with respect to the two parking terminal islands located there. Due to site constrains mentioned earlier, as well as the need for a retaining wall on the rear south east corner of the Property, the two parking islands are smaller than required by Code. Because of the island terminal sizes, neither meets the City's size requirement to allow a canopy tree to be planted within.

The Applicant is also requesting a special exception with respect to distance of any parking space from a parking island. The current zoning calls for no space to be further than 50' from a parking island. The proposed plan has 7 spaces at the back of the Property (four spaces next to

the building and three on the southeast lot line that are further than 50' from the parking island. (See attached diagram.)

The Applicant is also requesting a special exception with respect to the sidewalk requirement along Hume Avenue. The current zoning states that a sidewalk shall be required on all arterial, local and collector streets. Hume Avenue is classified as a local road. The Applicant is requesting a waiver of the sidewalk requirement along Hume Avenue because the grade of Hume Avenue is too steep for a sidewalk (the grade is currently 10%); and the sidewalk wouldn't connect to another sidewalk or pedestrian destination. There are no uses for pedestrians directly behind the property.

The Applicant is requesting a final special exception for the 10' landscape strip requirement along Fairfax Boulevard and Hume Avenue. The lot size and shape only permit a 10' landscape strip if the building is re-oriented away from Fairfax Boulevard which would result in the front yard along Fairfax Circle becoming a side or rear yard. Finally, the landscaping and sidewalk along the Fairfax Boulevard frontage have been coordinated in detail with Staff and their recommendations are reflected in the Special Exception Plat layout.

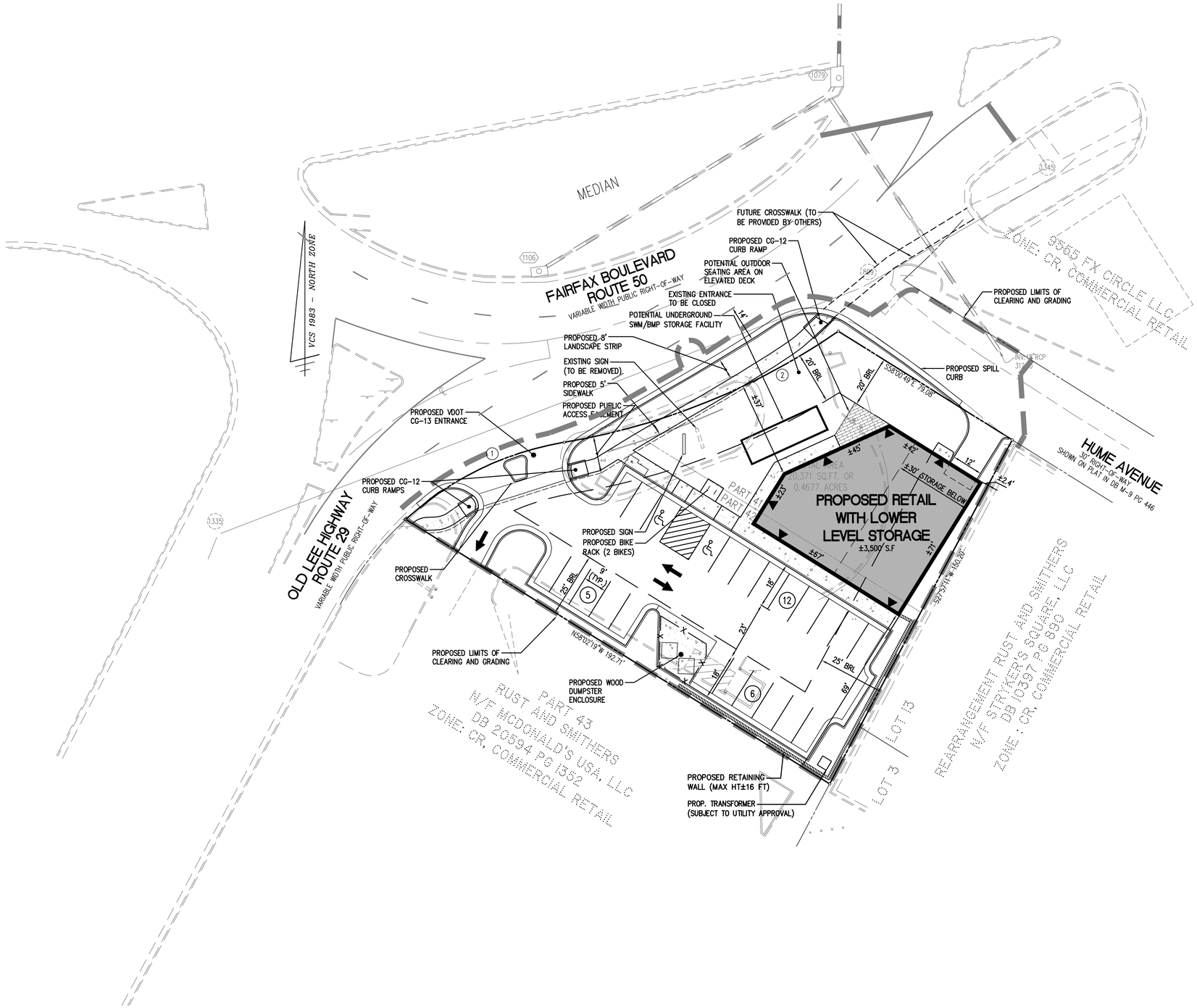
Based on all of the site limitations and with zoning conformance in mind, the Applicant has carefully designed its proposed improvements to be consistent with the existing Zoning Ordinance while enhancing the Property to better conform with the City Master Development Plan. That Plan calls for more commercial retail uses and less automotive uses along Fairfax Boulevard - especially within the circle and intersection of Fairfax Boulevard and Lee Highway.

Should you have any questions or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of these applications and the scheduling of a public hearing before the Fairfax City Planning Commission at your earliest convenience. As always, I appreciate your cooperation and assistance.

Sincerely,

Stuart D. Schooler
Applicant

Date: _____



ZONING TABULATION

EXISTING ZONE: CG, COMMERCIAL GENERAL

SITE AREA: 20,371 SF OR 0.4677 AC*

	CG PERMITTED	PROVIDED
MINIMUM LOT AREA	22,000 SF	20,371 SF*
MINIMUM LOT WIDTH	150 FT	±100 FT**
MAXIMUM BUILDING HEIGHT	60 FT/5 STORIES	±35 FT
MAXIMUM BUILDING COVERAGE	NONE	N/A
MAXIMUM LOT COVERAGE	90%	±80%
MINIMUM YARD REQUIREMENTS		
FRONT (HUME AVENUE)	20 FT	20 FT
STREET (SIDE) (FAIRFAX BLVD)	20 FT	37 FT
SIDE	25 FT	2.4 FT

* A VARIANCE WAS APPROVED IN 1980 FOR LOT SIZE

** LOT WIDTH IS LEGALLY NON-CONFORMING

PARKING TABULATION

USE: RETAIL

RATE: 1 SP/200 SF

(3,500/200 = 17.5)

PARKING REQUIRED = 18 SPACES

PARKING PROVIDED = 23 SPACES (INCLUDING 2 ADA SPACES)

SPECIAL EXCEPTIONS REQUESTED

1. A SPECIAL EXCEPTION OF THE SIDE YARD SETBACK IS REQUESTED. (SEC. 3.6.2)
2. A SPECIAL EXCEPTION TO TERMINAL LANDSCAPE ISLAND REQUIREMENTS REQUESTED. (SEC. 4.5.7 D 1 & 2)
3. A SPECIAL EXCEPTION TO PERMIT PARKING SPACES MORE THAN 50 FEET FROM A PLANTING ISLAND IS REQUESTED. (SEC. 4.5.7 D 1)
4. A SPECIAL EXCEPTION OF THE SIDEWALK REQUIREMENT ALONG HUME AVENUE IS REQUESTED. (SEC. 4.4.3 A)
5. A SPECIAL EXCEPTION OF THE LANDSCAPE STRIP REQUIREMENT ALONG FAIRFAX BOULEVARD AND HUME AVENUE. (SEC. 4.5.6 B)

20 0 10 20 40 80

1 INCH = 20'

CONCEPT EXHIBIT

9571 FAIRFAX BOULEVARD

PREPARED BY
WALTER L. PHILLIPS INCORPORATED ESTABLISHED 1945
Engineers • Surveyors • Planners
Landscape Architects • Arborists
207 PARK AVENUE
FALLS CHURCH, VIRGINIA 22046
(703) 532-6163 Fax (703) 533-1301
WLPINC.com

SCALE: 1" = 20'
DATE: 4/17/2019

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