



# City of Fairfax, Virginia

## City Council Regular Meeting

Agenda Item # 8a

City Council Meeting 12/10/2024

TO: Honorable Mayor and Members of City Council

FROM: Laszlo A. Palko, City Manager *Laszlo A. Palko*

SUBJECT: Public hearing and Council action on a request from ABTB Mid-Atlantic, LLC, applicant, by Kathryn Taylor, agent/attorney, for consideration of an amendment to the Zoning and General Development Plan for Boulevard Marketplace Shopping Center at the premises identified as 10140-10160 Fairfax Boulevard (Tax Map 47-4-23-000-A) and 10120 Fairfax Boulevard (Tax Map 47-4-23-000-D) in the CR Commercial Retail District and Architectural Control Overlay (ACOD); a Special Use Permit to allow a restaurant with a drive-through facility; a Special Exception to provide an interior landscaped island for every ten parking spaces on the premises identified as 10120 Fairfax Boulevard (Tax Map 47-4-23-000-D); and a Major Certificate of Appropriateness for architecture and landscaping.

ISSUE(S): City Council public hearing regarding an amendment to the Zoning and General Development Plan for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and Architectural Control Overlay (ACOD); a Special Use Permit to allow a restaurant with a drive-through facility, a Special Exception to provide an interior landscaped island for every ten parking spaces, and an issuance of a Major Certificate of Appropriateness for architecture and landscaping.

SUMMARY: The applicant proposes to develop a vacant pad site that is part of the Boulevard Marketplace Shopping Center to a 2,090 square foot fast-food restaurant with a drive-through on 0.66 +/- acres.

FISCAL IMPACT: The anticipated fiscal impact estimate for the proposed development ranges from \$130,000 and \$158,000 annually.

RECOMMENDATION: Staff recommends approval of the Zoning and General Development Plan Amendment; approval with conditions of the special use permit to allow a drive-through facility/window; approval with conditions of special exception to provide an interior landscaped island for every ten parking spaces; approval with conditions of a Major Certificate of Appropriateness.

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

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

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

ATTACHMENTS: Staff Report, Analysis, Application, Zoning Summary, Statement of Justification,

Certified Plat, General Development Plan Amendment-SUP Plat,  
Traffic Impact Study, Fiscal Impact Analysis, Board of Architectural Review Staff Report,  
Posting and Notices, Order and List, Sample Motions, Ordinance, and Presentation



# CITY OF FAIRFAX

## Department of Community Development & Planning

### General Development Plan Amendment (Z-24-00085)

#### Special Use Permit (SU-24-00086)

#### Special Exception (SE-24-00568)

#### Board of Architectural Review (BAR-24-00087)

#### **PUBLIC HEARING DATE**

October 22, 2024

#### **APPLICANT**

ABTB Mid-Atlantic, LLC

#### **AGENT**

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

#### **PARCEL DATA**

##### *Tax Map ID*

- ◇ 47-4-23-000-A
- ◇ 47-4-23-000-D

##### *Street Address*

- ◇ 10140-10160 Fairfax Boulevard
- ◇ 10120 Fairfax Boulevard

##### *Zoning District*

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

#### **APPLICATION SUMMARY**

The applicant is requesting an amendment to the Zoning and General Development Plan for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and Architectural Control Overlay (ACOD); and a Special Use Permit to allow a restaurant with a drive-through facility and a Special Exception to provide an interior landscaped island for every ten parking spaces; and a Major Certificate of Appropriateness for architecture and landscaping. The applicant proposes to develop a vacant pad site into a 2,090 square foot restaurant with a drive-through on approximately 0.66 +/- acres.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the Zoning and General Development Plan Amendment; approval of General Development Plan; approval with conditions of the special use permit to allow a drive-through facility/window; approval with conditions of special exception to provide an interior landscaped island for every ten parking spaces; and an approval with conditions of a Major Certificate of Appropriateness.



**BACKGROUND INFORMATION**

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

Table 1: Site Data

Address	Parcel ID	Owner	Acres
10140-10160 Fairfax Boulevard	47-4-23-000-A	SCC Boulevard Marketplace LLC	2.48
10120 Fairfax Boulevard	47-4-23-000-D	JDC Boulevard, LLC c/o Rosenthal Properties	0.66
Total			3.14

- 10140-10160 Fairfax Boulevard: 19,926 square foot shopping center with 119 parking spaces was constructed in 2012.
- 10120 Fairfax Boulevard: Undeveloped parcel with an approved 5,100 square foot retail building. Currently, sits as a pad site for a future end user with 19 spaces.

The primary access to the subject property is through the existing shopping center. The existing shopping center is served by two access points to Fairfax Boulevard. A secondary inter-parcel access point is provided through the Patient First site with access to Fairfax Boulevard and to Fair Woods Parkway. The overall shopping center also has infrastructure improvements, such as an existing storm drain structure, sanitary sewer line, water line, signs, streetlights and parking lot lights, traffic poles and a pedestrian path that connects to Fair Woods Parkway. The frontage along Fairfax Boulevard has a 6-foot sidewalk. Further information on adjacent properties is provided in Table 2 (below):

Table 2: Surrounding Land Use and Zoning

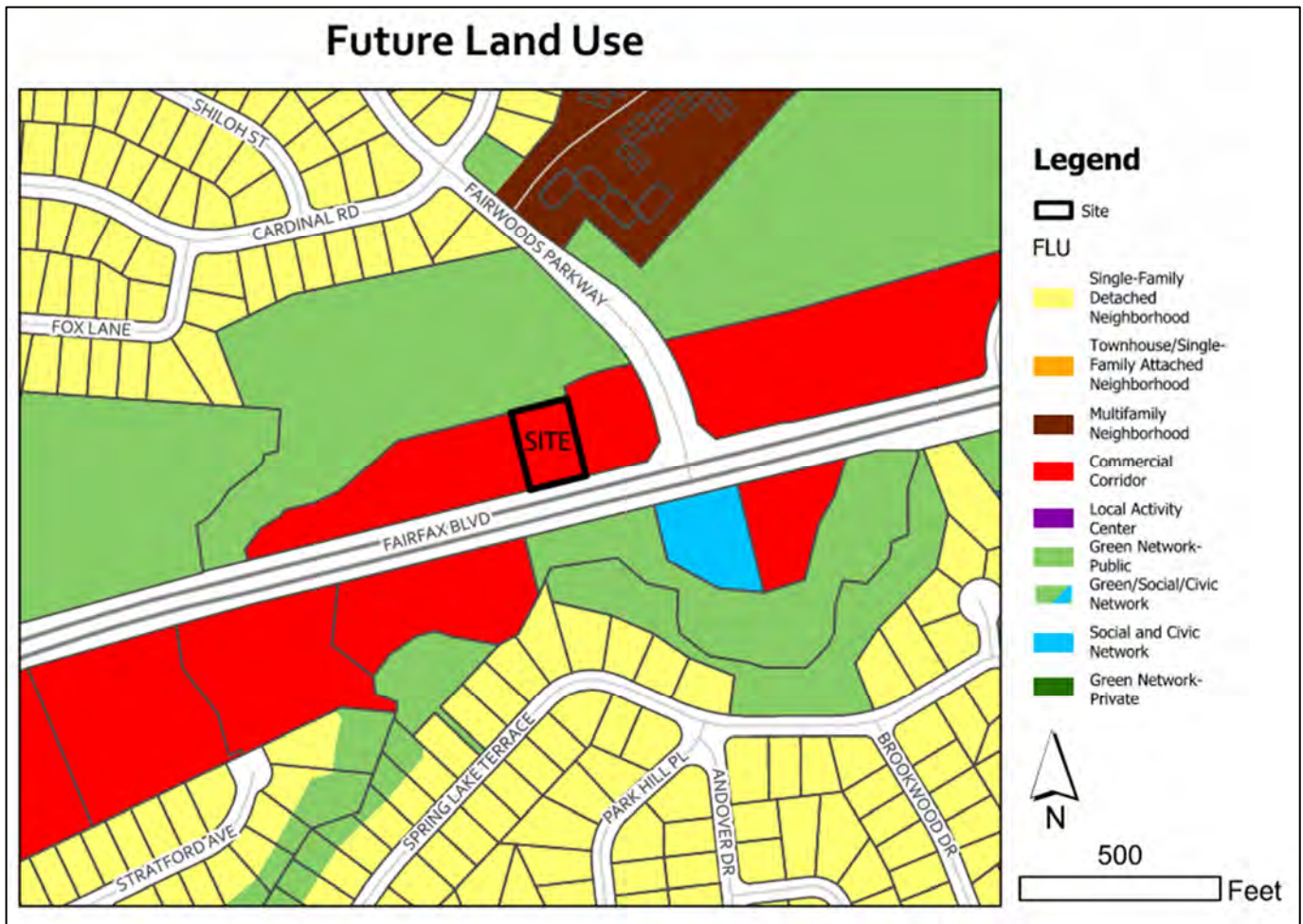
	Existing Zoning	Existing Land Use	Future Land Use
Site	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Undeveloped parcel Shopping Center	Commercial Corridor
North	CR Commercial Retail/Architectural Control Overlay District (ACOD)/Light Industrial/Architectural Control Overlay District (ACOD)	Undeveloped land	Green Network-Public
South	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Fire Station, offices, and restaurant	Commercial Corridor Green Network-Public Social and Civic Network
East	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Patient First	Commercial Corridor
West	CR Commercial Retail/Architectural Control Overlay District (ACOD)	Undeveloped land	Commercial Corridor

The Future Land Use designation for the subject property is Commercial Corridor. The surrounding land use designation is Commercial Corridor Place Type to the east and west, while the future land use designation to the north is Green Network - Public and a mixture of Commercial Corridor, Green Network – Public, and Social and Civic Network.

**COMPREHENSIVE PLAN**

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

Figure 1: Comprehensive Plan



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

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

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

#### Commercial Corridors & Activity Centers Goal 1

Enhance Commercial Corridors.

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

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

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

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

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

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

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

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

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

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

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

#### Neighborhood Goal 2

Provide neighborhood pedestrian connections.

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

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

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

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

#### Community Design and Historic Preservation Goal 1

Require high-quality, sustainable design.

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



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

### Multimodal Transportation Goal 2

Provide viable and attractive mobility choices.

Outcome MM2.1: Pedestrian safety is improved.

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

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

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

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

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

### Multimodal Transportation Goal 3

Integrate transportation with land use.

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

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

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

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

Economic Vitality: Commercial properties tend to contribute more to the tax base than they consume in public expenditures because of relatively high real estate values and lower dependence on public services. The city has historically benefited from having a high ratio of commercial to residential development, resulting in a



lesser tax burden on residences. As commercial properties have aged and new commercial development has slowed, this ratio has begun to shift. The City can offset this shift by supporting measures to increase values of existing commercial properties and encouraging new commercial development so that the value of nonresidential properties continues to comprise a greater proportion of the City's taxable properties (City of Fairfax 2035 Comprehensive Plan, Chapter 5: Economic Vitality, Page 117).

Economic Vitality Goal 1

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

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

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

Economic Vitality Goal 2

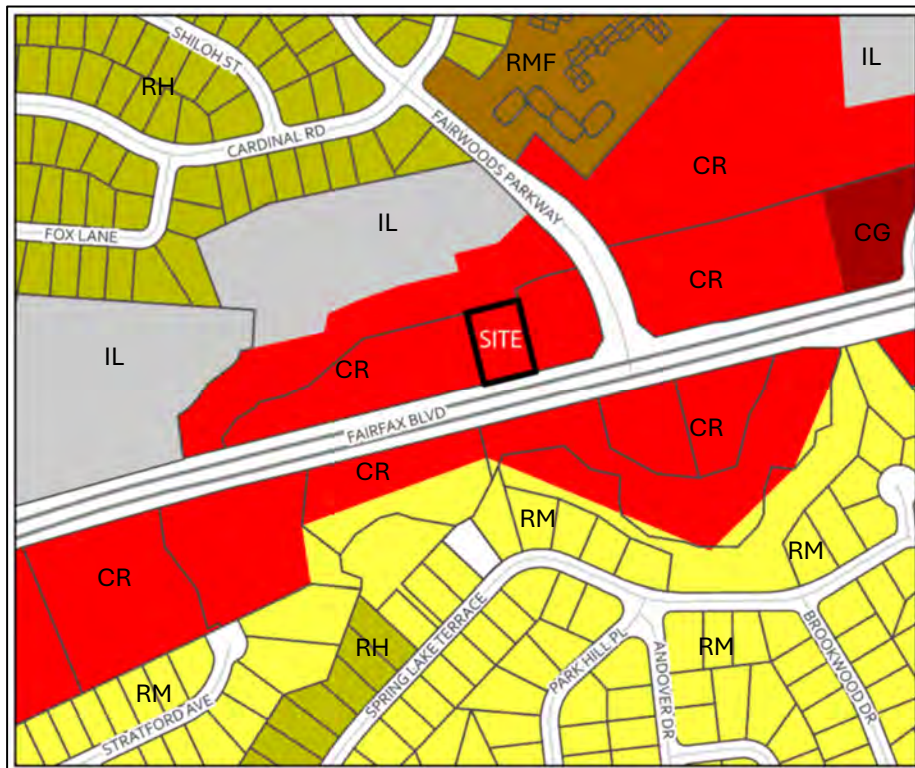
Support diversification of the retail, service, and office sectors.

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

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

Figure 2 (below) illustrates the zoning districts for the subject property and the surrounding properties.

Figure 2: Current Zoning



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

## **PROJECT HISTORY**

### Pre-application Briefings

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

### Formal Land Use Application

The applicant submitted a formal land use application on February 6, 2024. On March 6, 2024, the Board of Architectural Review held a work session with the applicant to discuss the preliminary architecture and landscaping as the proposed development is subject to a Major Certificate of Appropriateness. Staff provided written first submission comments to the applicant's representative on April 5, 2024. Staff met with the applicant and their representative on April 26, 2024, for a Development Review Team meeting to discuss comment letter #1. A follow-up Development Review Team meeting was held on May 24, 2024, to discuss the applicant's plan to address several items for the proposal. On July 23, 2024, the applicant submitted a revised set of plans for staff review. Staff e-mailed the second submission review comments to the applicant on August 14, 2024, in advance of a third Development Review Team meeting that was held on August 16, 2024. The applicant provided a final submission of the General Development Plan on August 20, 2024.

### Post-Submission Work Sessions

On June 10, 2024, the Planning Commission held a post-submission work session to discuss a land use application to amend the Zoning and General Development Plan for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and Architectural Control Overlay (ACOD); and a Special Use Permit to allow a 2,256 square foot restaurant with a drive-through facility to replace an approved 5,100 square foot commercial retail building on approximately 0.66 acres. Planning Commission provided comments and questions that covered several issues such as:

- The drive-through facility does not have a bypass lane.
- The drive-through facility is separated from the parking area so a bypass lane may not be necessary.
- Trail connection is important and should be maintained. The trail should continue to Fairfax Boulevard.
- Clarification that the parking lot for Patient First is not included in the overall number of spaces for the shopping center.
- Discussion on access through Patient First.
- The TIS shows a few intersections with problematic level of service and the nearby fire station creates additional challenges to the intersection of Fair Woods Parkway and Fairfax Boulevard.
- Discussion on the other restaurants that are open late at night.

- Sound may be an issue for residences within 500 feet of the site.

On June 25, 2024, City Council a post-submission work session to discuss the land use application. The applicant proposed to make changes to the plans to reflect the comments provided by staff upon review of the first submission. These changes included additional information regarding seating capacity, operational hours, setbacks including Resource Protection Area boundary, improvements to pedestrian connections, a fire marshal plan, and an erosion and sediment control plan. Staff attached additional information from the applicant with attachments such as the applicant's response to staff comments, the updated General Development Plan Amendment/SUP Plan, and revised Traffic Impact Study. City Council provided comments and questions that covered several issues such as:

- This is close to residential, the applicant should consider different hours for the drive-through if this is to stay open until 2am, maybe the drive-through closes earlier.
- The site is logical for fast food, but there are parking issues and traffic flow issues, in the evening time there are some real challenges. This is not a Taco Bell issue, but rather an issue for the larger shopping center.
- Drive-through and queuing is a concern with potential impacts to Fairfax Boulevard.
- Additional concern about the hours for drive-through and its proximity to residential neighborhood to the north

On July 23, the applicant filed a second submission for the land use application that included a General Development Plan Amendment, Special Use Permit and Special Exception for a fast-food restaurant with a drive-through facility. Staff provided a second comment letter to the applicant's representative via email on August 14, 2024. A follow-up Development Review Team meeting was with the applicant and the applicant's representative held on August 16, 2024, to discuss outstanding issues. On August 19, 2024, the applicant submitted the final General Development Plan Amendment, Special Use Permit and Special Exception for a fast-food restaurant with a drive-through facility.

### Public Hearings

On August 28, 2024, the Board of Architectural Review held a public hearing to discuss the construction of a mixed-use building (BAR-24-00087) located at 10120 Fairfax Boulevard. Staff introduced the case and presented the staff report, which was incorporated into the record by reference. The following comments (below) highlights the discussion from the Board of Architectural Review with city staff and the applicant's representative:

- The Board was happy to see that the proposed brick matches the existing brick for the larger shopping center
- The Board sought an explanation on the material of the artwork and how it would it look
- How many spaces are on the east side of the building?
- How many seats are outside of the building in the patio area?
- Describe the location of the food pick-up window
- Describe the difference in the drive-through lane in the rendering
- The umbrellas do not match the shade of purple on the building.
- Overall, the building design a nice improvement from the work session

The Board of Architectural Review recommended approval with conditions of the architecture and landscaping by a vote of 6-0.

On September 9, 2024, the Planning Commission held a public hearing to discuss the General Development Plan Amendment for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and

Architectural Control Overlay (ACOD); and a Special Use Permit to allow a restaurant with a drive-through facility and a Special Exception to provide an interior landscaped island for every ten parking spaces. The applicant proposes to develop a vacant pad site into a 2,090 square foot restaurant with a drive-through on approximately 0.66 +/- acres. The following comments (below) highlights the discussion from the Planning Commission with city staff and the applicant's representative:

- The Planning Commission sought an explanation on the number of employees and their impacts to parking. Typically, four (4) spaces could be impacted by employee parking. Employees will be encouraged to park in the row adjacent to Fairfax Boulevard.
- Hours of operation for the proposed use and explanation of the mobile order window.
- How does the city deal with noise issues? Noise regulations are under review.
- The applicant has been responsive to comments since the last meeting by providing pedestrian connections, extra screening, volume control and public outreach to neighborhood in the area.
- Questions regarding stacking lane and timing of orders to prevent backups.
- Shared parking agreement in place between Parcel A and Parcel D, does not include parcel with Patient First.
- Parking is based on building square footage, which is 1 space 200 square feet (not based on seating capacity). The applicant is meeting the parking requirements.
- Fire Marshal has reviewed the application and did not express any concerns with Station 33.
- Good tradeoff between parking space loss and trail and pedestrian connection.
- How much scrutiny should be held to the applicant for the larger shopping center inadequacies? The success of the larger shopping center should not be viewed as a constraint the applicant.

The Planning Commission voted (7-0) to recommend approval of the amendment for the previously approved 2017 General Development Plan.

Since the Planning Commission Public Hearing, the applicant has updated the General Development Plan Sheet 10 to show the largest emergency vehicle apparatus (Tower Ladder 403) turning movements.

## **LAND USE REQUESTS**

### **General Development Plan Amendment**

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

Figure 3: General Development Plan Amendment

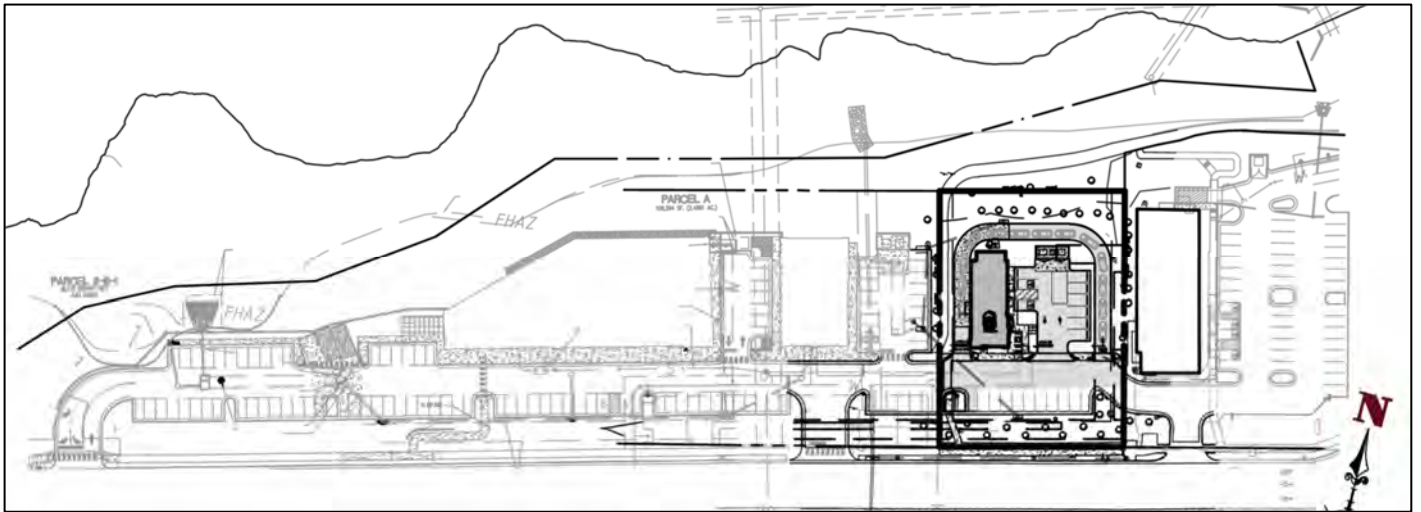
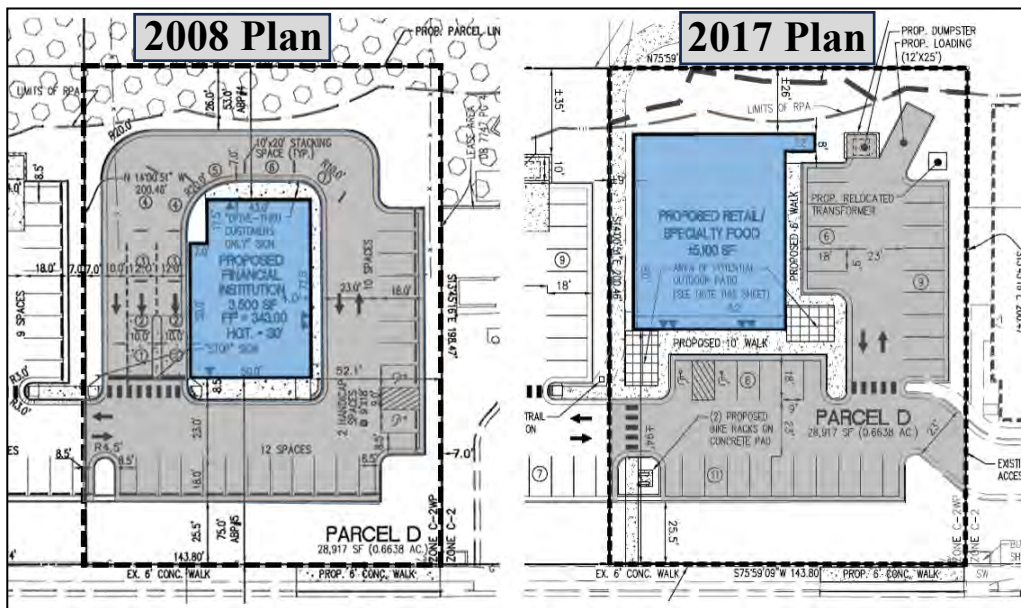


Figure 4 (below) illustrates the amendments to the General Development Plan in 2008 and 2017.

Figure 4: Previous General Development Plan Amendments



To date, the approved retail building has not been constructed and Parcel D remains a vacant pad site in the Boulevard Marketplace Shopping Center. The applicant is seeking to amend the existing Zoning and General Development Plan to allow for the development of Parcel D, which has an approved approximately 5,100 square foot retail building on a vacant pad site. The existing building and supporting infrastructure improvements for Boulevard Marketplace Shopping Center on Parcel A would not be impacted by the proposed redevelopment of Parcel D. The existing shopping center has approximately 119 parking spaces.

#### Description of the General Development Plan

The applicant, ABTB Mid-Atlantic, LLC, is the contract lessee for a 0.66 +/- acre parcel in the Boulevard Marketplace Shopping Center. The applicant proposes to replace an approved 5,100 square foot commercial retail building with a 2,090 square foot restaurant with a drive-through and a walk-up window on the east side

of the building near the main entrance. The general development shows a drive-through facility that wraps around a one-story 2,090 square foot building and parking lot area for customers. The dining room seating capacity is 20 patrons. The applicant has proposed a 190 square foot outdoor patio seating area and bicycle rack near the main entrance to the restaurant. The proposed hours of operation for the dining room are from 8:00 am – 11 pm, daily, for the drive-through from 8:00 am – Midnight, daily and for the walk-up window from 11:00 PM – Midnight, daily. The walk-up window would only be open when the dining room is closed. The walk-up window is for customers to obtain their orders without going through the drive-through and would function as a pick-up window for mobile orders and delivery drivers. The applicant has provided nine (9) spaces adjacent to the entrance of the east side of the building and eleven (11) spaces along Fairfax Boulevard that would be shared with other uses in the shopping center for a total of 20 spaces. The proposed parking area is separated from the proposed drive-through. The proposed drive-through facility has 13 stacking spaces from the drive-through window on the west side of the building and nine (9) spaces from the order station.

The primary access point to the proposed restaurant is through the existing internal connections to the shopping center with two access points along Fairfax Boulevard. At the western end of the shopping center there is a signalized intersection at Boulevard Market Place and Fairfax Boulevard with full turning movements onto Fairfax Boulevard, while the secondary access point to shopping center is a right-in/right-out onto Fairfax Boulevard. The shopping center has an east-west parallel street interior to the site that provides patrons access through the shopping center to an inter-parcel connection to Patient First at the intersection of Fairfax Boulevard and Fair Woods Parkway.

The applicant has provided pedestrian access interior to the site leading to the proposed building from the parking lot areas and from Fairfax Boulevard. The applicant proposes to provide three pedestrian routes to improve the pedestrian connections for the site and the overall shopping center. The first improvement provides a pedestrian connection from the existing 6-foot sidewalk on Fairfax Boulevard to the existing George Snyder Trail on the west side of Parcel D. The second improvement widens the existing 6-foot sidewalk on along Fairfax Boulevard up to 10 feet in width. The third improvement provides a connection on the north side of the east-west parallel street interior to the site from the Patient First site to the east. The fourth improvement is from the shopping center (Parcel A) from the west on the north side of the east-west parallel street interior to the site. To the north of the building footprint and drive-through lane is an area that is in the floodplain and the Chesapeake Bay Resource Protection Area.

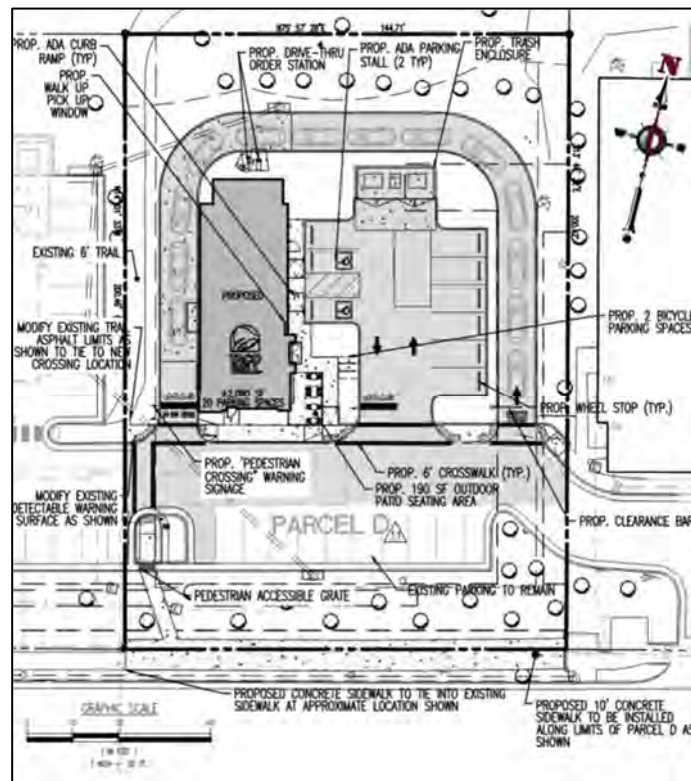
The proposed landscape plan includes a mix of shade, ornamental, and evergreen trees, as well as, evergreen and deciduous shrubs, ground cover, perennials, and grasses along the perimeter of the parking lot and drive-through facility. Also, additional evergreen trees are planned directly adjacent to the order menu board. The applicant proposes to retain the existing trees along Fairfax Boulevard and plant additional street trees between the parking lot and sidewalk on Fairfax Boulevard. The existing trees and plantings in the Chesapeake Bay Resource Protection Area to the north of the drive area is planned to remain in its natural, undisturbed condition.

The proposed building design is consistent with the existing Boulevard Marketplace Shopping Center by incorporating materials, such as masonry and cornice details, Hardie cement board, E.I.F.S, and other materials. The applicant proposes site lighting around the building consisting of LED lighting on bronze posts and LED fixtures.

Figure 5 (next page) shows the building footprint and limits of disturbance for the proposed general development plan.



Figure 5: General Development Plan



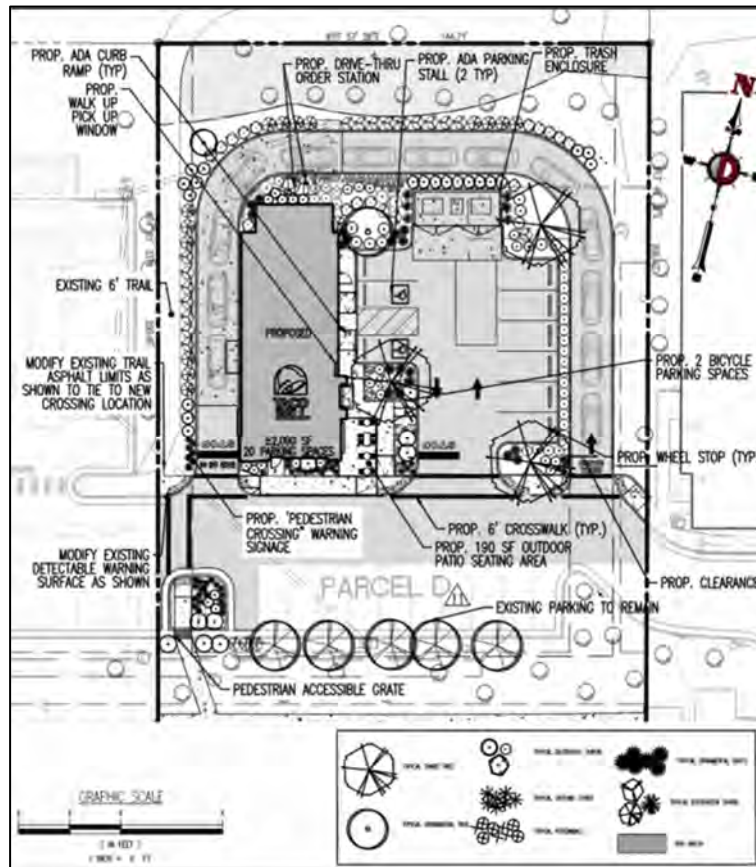
**Building Coverage:** Building coverage is the percentage of lot area that is permitted to be covered by buildings, including both principal structures and accessory buildings (Zoning Ordinance, Section 1.5.7.A.1, Page 1-5). The applicant has proposed a building coverage of 7.8%, which is below the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

**Lot Coverage:** Lot coverage is the percentage of lot area that may be covered by buildings, including both principal and accessory structures, impervious surfaces such as driveways, uncovered porches or patios, swimming pools, or roof overhangs of more than three feet (Zoning Ordinance, Section 1.5.7.B, Page 1-6). The applicant has proposed a lot coverage of 39%, which is below the maximum 85% in the CR Commercial Retail.

**Tree Canopy:** The applicant is required to have a 10-year minimum tree canopy of ten (10) percent (2,892 sf). The applicant proposes to provide a 10-year minimum tree canopy of 21% (5,875 sf) that includes a mix of shade, ornamental, and evergreen trees, as well as, evergreen and deciduous shrubs, ground cover, perennials, and grasses along the perimeter of the parking lot and drive-through facility. Also, additional evergreen trees are planned directly adjacent to the order menu board. The applicant proposes to retain the existing trees along Fairfax Boulevard and plant additional street trees between the parking lot and sidewalk on Fairfax Boulevard. Figure 6 (next page) illustrates the proposed landscape plan for the general development plan.



Figure 6: Landscape Plan



The existing trees and plantings in the Chesapeake Bay Resource Protection Area to the north of the drive area is planned to remain in its natural, undisturbed condition. The applicant proposes to establish a “no mow zone” for this area in the Chesapeake Bay Resource Protection Area.

Transportation: The proposed development is bound by Fairfax Boulevard, Boulevard Market Place, and Fair Woods Parkway. Fairfax Boulevard is classified as an arterial with a six-lane, divided roadway with three lanes in each direction in the vicinity of the proposed development. Fairfax Boulevard has a posted speed limit of 35 MPH near the site. Fair Woods Parkway is a local roadway with on-street parking on both sides of the road in the vicinity of the site. Fair Woods Parkway has curb and sidewalk on both sides of the road with a posted speed limit of 25 MPH. On May 16, 2023, the City’s Transportation Division held a scoping meeting with the applicant’s engineer to discuss the methodology and ITE data for the Traffic Impact Study (TIS). The objective of the TIS is to evaluate intersections and roadways that potentially would be impacted by the proposed master development plan. The applicant submitted the initial TIS Report, dated June 29, 2023. A revised TIS dated July 19, 2024 was submitted to staff on July 23, 2024. The TIS Report studied several roadways and intersections that could be impacted by the proposed development such as: Fairfax Boulevard (US Route 50), Fair Woods Parkway, and multiple intersections, such as, Fairfax Boulevard & Boulevard Marketplace/Gatewood Plaza Driveway, Fairfax Boulevard West Bound & Western Right Turn In/Right Turn Out Driveway, Fairfax Boulevard West Bound & Eastern Right Turn In/Right Turn Out Driveway, Fair Woods Parkway & Northern Site Driveway/CVS Driveway, and Fairfax Boulevard & Fair Woods Parkway. Fairfax Boulevard has curb and sidewalk on both sides of the road. Table 3 (next page) provides a comparison of trips for the proposed sites:

Table 3: Trip Generation Comparison

Land Use (ITE Code)	Size (Sq. Ft.)	AM Peak Hour			PM Peak Hour			Weekday Daily		
		In	Out	Total	In	Out	Total	In	Out	Daily
Bank with Drive-Through (Previously Approved)	3,500	20	15	35	37	37	74	176	175	351
Retail (Previously Approved)	5,055	7	5	12	24	24	48	222	221	443
Fast Food Restaurant with Drive-Through Window	2,090	47	46	93	36	33	69	489	488	977

The proposed use would increase the number of daily vehicular trips due to the proposed fast-food restaurant with a drive-through window with a building footprint of 2,090 square feet. See the Traffic Impact Study (Attachment 7) for observations and conclusions. Table 4 (below) summarizes the existing levels of service (LOS).

Table 4: Existing Levels of Service

Intersections	Intersection Control	Future LOS	
		AM Peak	PM Peak
Fairfax Boulevard & Boulevard Marketplace/Gatewood Plaza Driveway	Signal	A	B
Fairfax Boulevard & Western Site Driveway	Not Signaled	C	C
Fairfax Boulevard & Eastern Site Driveway	Not Signaled	B	C
Fairfax Boulevard and Fair Woods/Fire Station #33 Driveway	Signal	A	B
Fair Woods Parkway & Northern Site Driveway/CVS Driveway	Not Signaled	B	B

Table 5 (below) summarizes with the future levels of service with the proposed development buildout for the intersections surrounding the proposed development and the access points to the site.

Table 5: Future Levels of Service

Intersections	Intersection Control	Future LOS	
		AM Peak	PM Peak
Fairfax Boulevard & Boulevard Marketplace/Gatewood Plaza Driveway	Signal	A	B
Fairfax Boulevard & Western Site Driveway	Not Signaled	C	C
Fairfax Boulevard & Eastern Site Driveway	Not Signaled	B	C
Fairfax Boulevard and Fair Woods/Fire Station #33 Driveway	Signal	A	B
Fair Woods Parkway & Northern Site Driveway/CVS Driveway	Not Signaled	B	B

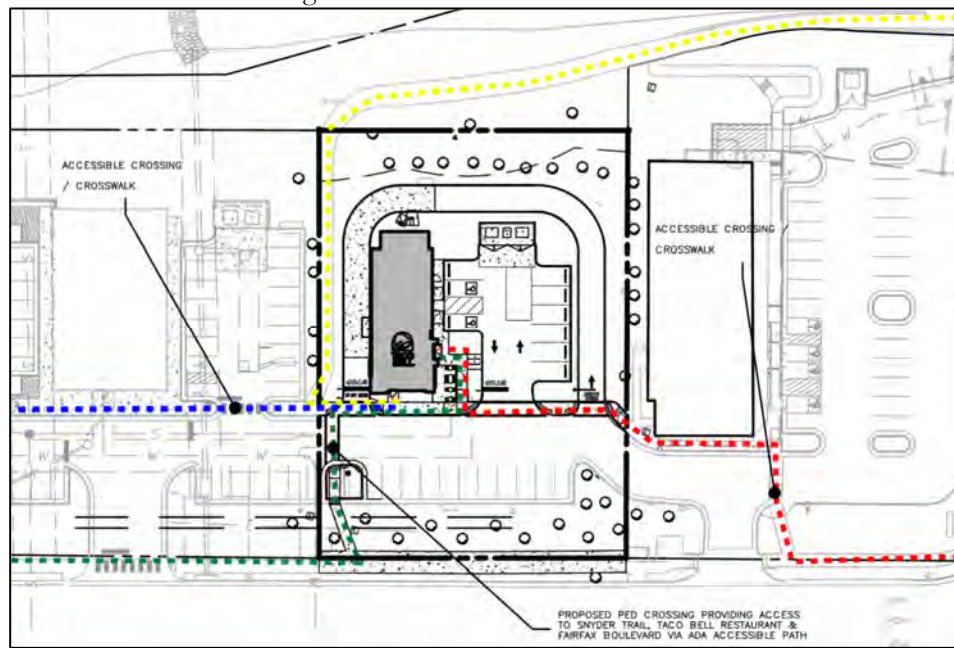
Overall, the existing level of service for the surrounding streets and intersections range from A to C meaning that the traffic flow is free flowing with vehicles almost completely unimpeded in their ability to maneuver

within traffic (LOS A) to stable flow with vehicles having freedom to maneuver within traffic is noticeably restricted (LOS C).

Public Transportation Facilities: The subject property has several mass transportation routes in the vicinity of the subject property, such as Washington Metropolitan Area Transit Authority (WMATA) and the City’s CUE Bus Gold and Green Routes. WMATA 1C line provides service from the Fair Oaks Mall to Dunn Loring Station, while the CUE Bus provides service through the City to Vienna and Fairfax GMU lines. The CUE Bus routes serve the area with routes in the east and west bound directions.

Circulation/Pedestrian Access: The Multi-Modal Transportation Plan recommends a 10-foot sidewalk on Fairfax Boulevard. The applicant has provided pedestrian access interior to the site leading to the proposed building from the parking lot areas and from Fairfax Boulevard. The applicant proposes to provide three pedestrian routes to improve the pedestrian connections for the site and the overall shopping center. The first improvement provides a pedestrian connection from the existing 6-foot sidewalk on Fairfax Boulevard to the existing George Snyder Trail on the west side of Parcel D. The second improvement widens the existing 6-foot sidewalk on along Fairfax Boulevard up to 10 feet in width. The third improvement provides a connection on the north side of the east-west parallel street interior to the site from the Patient First site to the east. The fourth improvement is from the shopping center (Parcel A) from the west on the north side of the east-west parallel street interior to the site. To the north of the building footprint and drive-through lane is an area that is in the floodplain and the Chesapeake Bay Resource Protection Area. Figure 7 (below) illustrates the pedestrian connections for the proposed general development plan.

Figure 7: Pedestrian Movement Plan



Inter-parcel connection: Section 4.3.3.B states “vehicular access shall be required between abutting nonresidential lots fronting on arterial and collector streets prior to the erection or establishment of a principal building on one of the lots in order to facilitate traffic flow between lots, except where topography or other physical conditions make such access unreasonable. The zoning administrator shall determine the location and dimensions of such easement based on public safety and convenience, not owner preference.” (City of Fairfax Zoning Ordinance, Page 4-11). The primary access point to the proposed restaurant is through the existing internal connections to the shopping center with two access points along Fairfax

Boulevard. At the western end of the shopping center there is a signalized intersection at Boulevard Market Place and Fairfax Boulevard with full turning movements onto Fairfax Boulevard, while the secondary access point to shopping center is a right-in/right-out onto Fairfax Boulevard. The shopping center has an east-west parallel street interior to the site that provides patrons access through the shopping center to an inter-parcel connection to Patient First at the intersection of Fairfax Boulevard and Fair Woods Parkway.

Parking: The proposed use (restaurants or food service) is subject to 1 space per 200 square feet of floor area. The parking lot is proposed with 23-foot drive aisles to accommodate two-way traffic. The parking lot design proposes 90-degree parking of 9-feet in width by 18-feet in length and is separate from the drive-through and stacking lane. Table 6 (below) summarizes the required parking requirements.

Table 6: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	Proposed Spaces
Restaurants or food service	2,090 sf	1 space per 200 sq. ft.	11	20

The applicant is required to provide 11 parking spaces and proposes 20 parking spaces, inclusive of two ADA spaces, in the general development plan. The applicant is seeking a special exception to provide an interior landscaped island for every ten parking spaces. The applicant states, “this existing condition was constructed in 2012 in accordance with the original GDP approved in 2008. The Applicant does not propose to modify this existing approved condition as the Applicant seeks to continue to provide ample parking onsite to serve both the proposed use as well as the exiting uses within the Shopping Center.” (Statement of Justification, Page 5). The applicant has proposed “in lieu of constructing a new landscaped island to satisfy this requirement and would only result in one new tree within a 200 square foot island, the Applicant proposes to install five (5) new street trees along Fairfax Boulevard; 600 square feet of new plantings along the drive through lane, including evergreen trees and other various native and non-invasive plantings; as well as 250 square feet of new perennials and native deciduous shrubs along the southern façade of the proposed building. All of these environmental enhancements to the site exceed the tree canopy and open space requirements as well as greatly improves the green spaces provided on the Subject Property above and beyond what is required by the Zoning Ordinance (Statement of Justification, Pages 5-6).

Loading Zone: The applicant proposes a 2,090 square foot commercial building. Due to the size of the proposed building, the applicant is not required to provide a loading space (Section 4.2.9 – Off-Street Loading Requirements).

Bicycle Parking: Bicycle parking and storage facilities are required for all non-residential uses and multifamily uses. Section 4.2.8.C of the Zoning Ordinance states that bicycle parking shall be in a visible, well-illuminated area that does not conflict with automobile or pedestrian traffic. The requirement is 2 bicycle spaces based on the number of required parking spaces (between 1-40). The applicant has provided 2 bicycle spaces for the proposed commercial building and use. The city has a Capital Bikeshare Station at the northwest corner of the intersection of Fairfax Boulevard (US Route 50) and Fair Woods Parkway.

Stormwater Management: Stormwater BMPs, on-site detention facilities, and on-site drainage facilities shall be designed and maintained in such a manner as to minimize economic and environmental costs to the city and its inhabitants (Zoning Ordinance, Section 4.16.2, Page 4-77). Stormwater management facilities for the site were provided in the original construction of the shopping center in 2012.

Utilities: All on-site utilities shall be installed underground at the applicant's expense in accordance with city and applicable utility company standards; provided that temporary overhead facilities required for construction purposes shall be permitted (Section 4.11.B). When the proposed development will result in moving or relocating existing overhead utilities located in adjoining rights-of-way, the applicant shall be responsible for placing such utilities underground and dedicating any additional right-of-way or easement that is necessary. Equipment such as electric distribution transformers, switch gear, meter pedestals and telephone pedestals which is normally installed above ground in accordance with generally accepted utility practice for underground distribution may be so installed (Section 4.11.C). The shopping center has underground utilities to serve the existing buildings. The applicant is proposing to relocate an existing transformer box to make way for the drive-through facility as shown on Sheet 8 (Landscape Plan).

### Special Use Permit

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

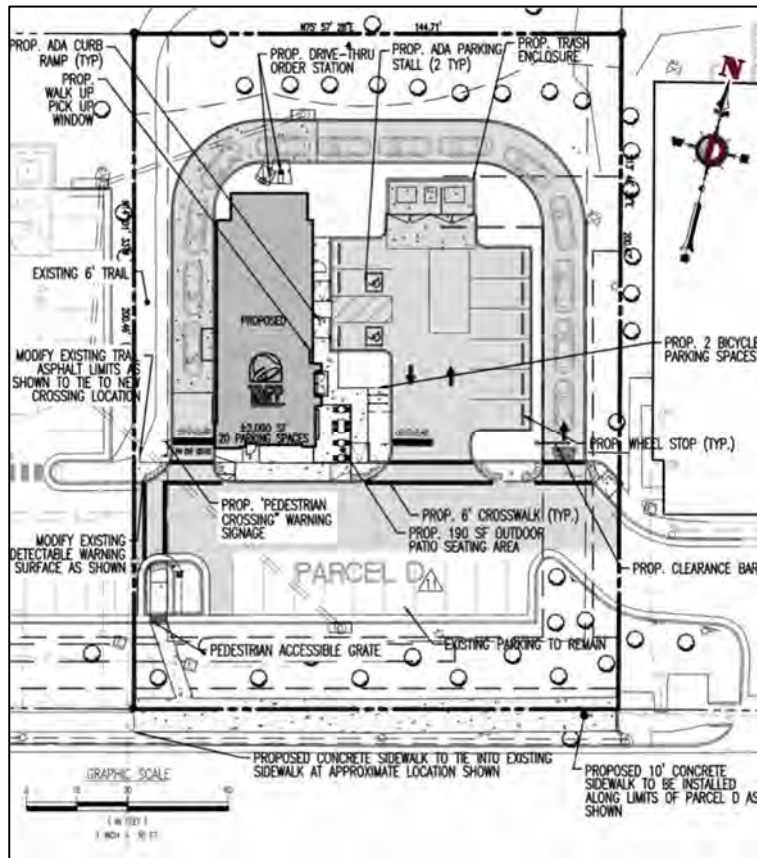
The Zoning Ordinance defines a drive-through facility as “a window or other facility designed to enable a person to transact business while remaining in a motor vehicle.” The development standards for drive-through windows/facilities (Section 3.5.5.D.10 of the Zoning Ordinance) are outlined (below):

#### 10. Drive-through windows/facilities

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

The applicant states that “for the drive-through lane, the Applicant proposes 13 stacking spaces, which exceeds the 10 spaces required, where the location and the direction of the flow of these spaces will be clearly demarcated with pavement markings. In addition, the stacking lane does not abut a parking aisle nor is it located between proposed parking spaces or the public entrance to the restaurant.” (Statement of Justification, Pages 4). Figure 8 (next page) illustrates the number of cars queuing and stacked in the drive-through facility.

Figure 8: Drive-Through Facility/Window



In addition to Section 3.5.5.D.10, the applicant shall demonstrate compliance with stacking space requirements for drive-through windows/facilities (Section 4.2.7 of the Zoning Ordinance). Table 7 (below) provides the minimum number of stacking spaces:

Table 7: Stacking Space Requirements

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

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

The applicant has proposed a walk-up window to help alleviate reduce the number of vehicles entering the drive-through after the dining room closes. The applicant states, “the walk-up window is limited in terms of when it is open. It is open for only one hour, during a non-peak timeframe when the dining room is closed. Therefore, patrons coming to the site to use the walk-up window are not competing for parking spaces with any other visitors since the only people parking at this late evening hour are likely those who are accessing this window and will not be dining in. From the Applicant’s experience at other similar Taco Bell locations



nationwide that have integrated this walk-up window feature, there is typically no wait time as orders are generally ready for pick up once a customer or delivery driver arrives. However, if for whatever reason a walk-up window user would need to wait for an order, the Applicant has strategically placed the walk-up window to be proximate the outdoor patio area, which maintains ample seating and can serve as a waiting area. As such, the walk-up window reduces the number of idling cars in the drive-through lane since the walk-up window users are parking, quickly picking-up their order, then leaving. Thus, the integration of the walk-up window has little to no adverse impacts and is an additional service that alleviates the late-night drive-through traffic.” (Statement of Justification, Pages 4).

Fiscal Impact: Staff estimates that this proposal would bring a net fiscal benefit to the city of between \$130,000 and \$158,000 annually.

## **STAFF RECOMMENDATIONS:**

### Zoning and General Development Plan Amendment

Staff recommends that the City Council **approve** the request for a Zoning and General Development Plan Amendment at 10140-10160 Fairfax Boulevard (Tax Map 47-4-23-000-A) and 10120 Fairfax Boulevard (Tax Map 47-4-23-000-D) in the CR Commercial Retail District and Architectural Control Overlay (ACOD).

### Special Use Permit

Staff recommends that the City Council **approve with conditions** the request for a Special Use Permit for a restaurant with a drive-through window/facilities in the CR Commercial Retail District:

1. Development shall be in conformance with the General Development Plan.

### Special Exception

Staff recommends that the City Council **approve** the request for a Special Exception to provide an interior landscaped island for every ten parking spaces.

### Certificate of Appropriateness

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

1. The proposed modifications shall be in general conformance with the plans and renderings received by staff in August 2024 and recommended for approval by the Board of Architectural Review as of August 28, 2024.
2. The applicant shall secure all required zoning approvals and permits prior to construction.
3. Landscaping is subject to change per urban forester comments at site plan approval stage.

## **ANALYSIS**

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



Attachments

- A1 – Analysis
- A2 – Application
- A3 – Zoning Summary
- A4 – Statement of Support
- A5 – Certified Plat
- A6 – General Development Plan Amendment-SUP Plat
- A7 – Traffic Impact Study
- A8 – Fiscal Impact Analysis
- A9 – Board of Architectural Review Staff Report
- A10 – Posting and Notices
- A11 – Order and list
- A12 – Sample Motions
- A13 – Ordinance

**PREPARED BY:**



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Albert Frederick  
Senior Planner

10/10/24

DATE



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Jason D. Sutphin  
Community Development Division Chief

10/10/24

DATE



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Brooke Hardin  
Director, Community Development & Planning

10/10/24

DATE

**ATTACHMENT 1**  
**ANALYSIS**  
**Zoning Map Amendment (Z-24-00085)**  
**Special Use Permit (SU-24-00086)**  
**Special Exceptions (SE-24-00568)**  
**Board of Architectural Review (BAR-24-00087)**

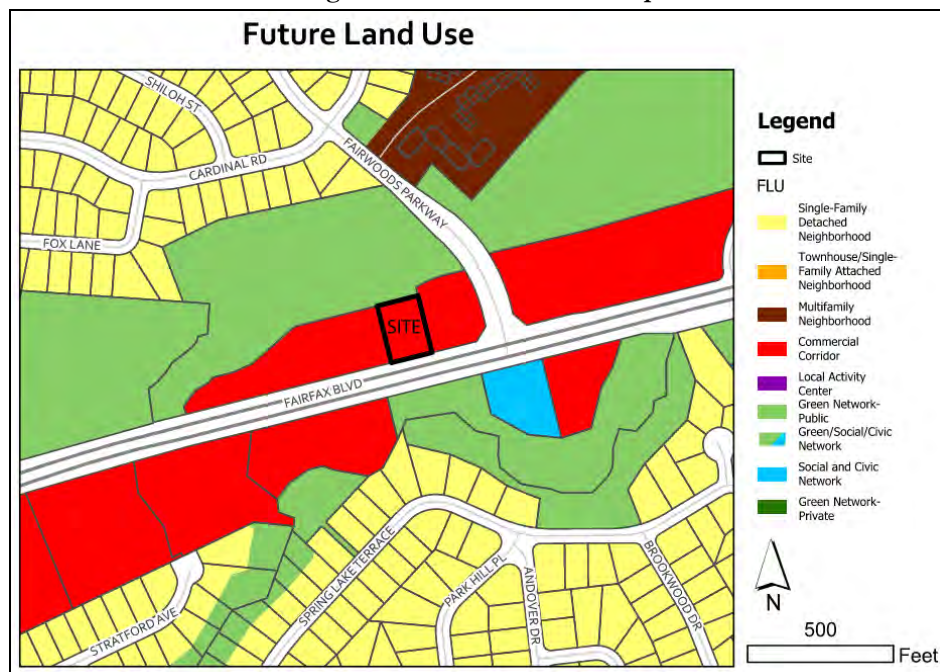
This attachment contains staff analysis on the submitted proposal for an amendment to the Zoning and General Development Plan for Boulevard Marketplace Shopping Center in the CR Commercial Retail District and Architectural Control Overlay (ACOD) at 10140-10160 Fairfax Boulevard and the development of 10120 Fairfax Boulevard for a fast-food restaurant with a drive-through. It is divided into three primary sections:

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

**PART A: CONSISTENCY WITH COMPREHENSIVE PLAN**

The subject property is designated as Commercial Corridor Place Type on the Comprehensive Plan Future Land Use Map. The site is developed with a shopping center in 2012 with 119 parking spaces. The Commercial Corridor Place Type includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Limited manufacturing and other light industrial uses may also be considered. Heavy industrial uses should not be added or expanded beyond areas where they currently exist (such as the tank farm on Pickett Road). Residential uses are not recommended in Commercial Corridors. Commercial areas should accommodate access via a variety of transportation modes and be accessible to adjacent neighborhoods via pedestrian and bicycling facilities. (City of Fairfax 2035 Comprehensive Plan, Page 31). Figure 1 illustrates the Commercial Corridor Place Type for the subject property:

**Figure 1: Future Land Use Map**



### Commercial Corridor

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

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

### Commercial Corridors & Activity Centers Goal 1

Enhance Commercial Corridors.

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

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

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

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

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

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

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

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

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

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

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

## **Neighborhoods**

### **Goal 2 – Provide neighborhood pedestrian connections.**

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

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

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

#### *Staff Analysis:*

*The Multi-Modal Transportation Plan recommends, and the Zoning Ordinance requires a 10-foot wide sidewalk on Fairfax Boulevard. The applicant has proposed to extend the existing 6-foot sidewalk up to ten (10) feet while preserving the existing trees along Fairfax Boulevard. In addition to the sidewalk expansion along Fairfax Boulevard, the applicant has proposed to provide a connection from Fairfax Boulevard to the George Snyder Trail on the west side of the property. The applicant has also proposed internal sidewalks from the west (Boulevard Marketplace Shopping Center) and east (Patient First) of the site.*

## **Community Design and Historic Preservation**

Goal 1 - Require high-quality, sustainable design.

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

#### *Staff Analysis:*

*The proposed building design is consistent with the existing Boulevard Marketplace Shopping Center by incorporating materials, such as masonry and cornice details, Hardie cement board, E.I.F.S, and other materials. The applicant proposes site lighting around the building consisting of LED lighting on bronze posts and LED fixtures.*

## **Multimodal Transportation**

### **Goal 2 – Provide viable and attractive mobility choices.**

Outcome MM2.1: Pedestrian safety is improved.

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

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

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

Outcome MM2.3: Bicycle network, facilities, and programs are improved.

Action MM2.3.3: Expand the provision of bicycle racks for short-term bicycle parking.

Staff Analysis:

*The Multi-Modal Transportation Plan recommends, and the Zoning Ordinance requires a 10-foot wide sidewalk on Fairfax Boulevard. The applicant has proposed to extend the existing 6-foot sidewalk up to ten (10) feet while preserving the existing trees along Fairfax Boulevard. In addition to the sidewalk expansion along Fairfax Boulevard, the applicant has proposed to provide a connection from Fairfax Boulevard to the George Snyder Trail on the west side of the property. The applicant has also proposed internal sidewalks from the west (Boulevard Marketplace Shopping Center) and east (Patient First) of the site. The applicant is proposing 2 bicycle spaces near the main entrance to the restaurant.*

**Goal 3 – Integrate transportation with land use.**

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

Action MM3.2.1: Whenever possible, increase connections – particularly non-motorized connections – between neighborhoods, community facilities, and Activity Center.

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

Staff Analysis:

*The applicant has provided pedestrian access interior to the site leading to the proposed building from the parking lot areas and from Fairfax Boulevard. The applicant proposes to provide four pedestrian routes to improve the pedestrian connections for the site and the overall shopping center. The first improvement provides a pedestrian connection from the existing 6-foot sidewalk on Fairfax Boulevard to the existing George Snyder Trail on the west side of Parcel D. The second improvement widens the existing 6-foot sidewalk on along Fairfax Boulevard up to 10 feet in width. The third improvement provides a connection on the north side of the east-west parallel street interior to the site from the Patient First site to the east. The fourth improvement is from the shopping center (Parcel A) from the west on the north side of the east-west parallel street interior to the site. To the north of the building footprint and drive-through lane is an area that is in the floodplain and the Chesapeake Bay Resource Protection Area. The subject property has several mass transportation routes in the vicinity of the subject property, such as Washington Metropolitan Area Transit Authority (WMATA) and the City's CUE Bus Gold and Green Routes. WMATA 1C line provides service from the Fair Oaks Mall to Dunn Loring Station, while the CUE Bus provides service through the City to Vienna and Fairfax GMU lines. The CUE Bus routes serve the area with routes in the east and west bound directions. The applicant has proposed to improve the overall pedestrian environment by meeting the elements outline in Action MM3.2.4.*

## Parks and Recreation

### **Goal 1 – Develop high-quality park infrastructure.**

Outcome PR1.1: A well-connected system of parks that provides citizens with healthy choices for recreation.

Action PR1.1.1: Identify and address gaps in the connections between the City’s parks and open space.

Action PR1.1.2: Identify opportunities for future open space in neighborhoods that are undersupplied in public recreation and open space opportunities.

Action PR1.1.3: Enhance public access to parks and recreational facilities by making necessary infrastructure improvements.

#### Staff Analysis:

*The applicant has met this goal, and the analysis has been provided in Transportation Goal 3.*

## Economic

### **Goal 1 – Increase the City’s ratio of commercial to residential real estate.**

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

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

### **Goal 2 – Support diversification of the retail, service, and office sectors.**

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

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

#### Staff Analysis:

*The applicant proposes to replace an approved 5,100 square foot commercial retail building with a 2,090 square foot fast-food restaurant with a drive-through and a walk-up window on the east side of the building near the main entrance. This pad site has been vacant since 2008 in the CR Commercial Retail district. Staff estimates that this proposal would bring a net fiscal benefit to the city of between \$130,000 and \$158,000 annually.*

## Environment

### **Goal 1 – Preserve, promote, and enhance a healthy environment.**

Outcome NE1.5: Restored and preserved natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife.

Action NE1.5.3: Encourage new development that protects and preserves environmentally sensitive areas and natural features, such as tree cover (especially significant stands of trees and healthy, mature trees), native vegetation, streams, wildlife habitat, and natural topography.



Staff Analysis:

The applicant proposes to replace an approved 5,100 square foot commercial retail building with a 2,090 square foot fast-food restaurant with a drive-through and a walk-up window on the east side of the building near the main entrance. The applicant has proposed a building coverage of 7.8%, which is below the maximum 60% in the CR Commercial Retail. The applicant has proposed a lot coverage of 39%, which is below the maximum 85% in the CR Commercial Retail. The applicant is required to have a 10-year minimum tree canopy of ten (10) percent (2,892 sf). The applicant proposes to provide a 10-year minimum tree canopy of 21% (5,875 sf) that includes a mix of shade, ornamental, and evergreen trees, as well as, evergreen and deciduous shrubs, ground cover, perennials, and grasses along the perimeter of the parking lot and drive-through facility.

**Sustainability**

**Goal 2 – Support physical activity and healthy lifestyles.**

Outcome SI2.2: Access to parks, recreation, community facilities, trails, and open space.

Action SI2.2.1: Promote walking and trail use as part of healthy community initiative.

Staff Analysis:

The applicant has met this goal, and the analysis has been provided in Transportation Goal 3.

**PART B: CITY POLICY**

This section is divided into the following subjects:

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

**Land Use**

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

Commercial Corridor

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

Commercial Corridor Place Types can accommodate a variety of buildings from small footprint retail buildings to multi-story office buildings. The desired orientation and placement of buildings on a Commercial Corridor site is primarily dependent on the adjacent Street Type. For sites located along Commercial Mains,

buildings should have similar setbacks and building orientation as recommended for the nearby Activity Centers. Parking is encouraged in above-ground structures or underground, should be provided to the side or rear of buildings, and should be screened from view from the right-of-way by building mass or landscaping. For sites located along Boulevards or other street types, buildings should be located near front property lines with parking provided to the side or rear. Direct pedestrian access should be provided from the sidewalk in the right-of-way to primary building entrances. Predicated on the underlying zoning district, the Commercial Corridor Place Type supports a density of a minimum Floor Area Ratio (FAR) of 0.4 for commercial development and a maximum building height of 3 stories/35 feet to 5 stories/60 feet. Refer to the City of Fairfax Design Guidelines for more specific guidance on site design. (Comprehensive Plan, Page 31).

Staff Analysis:

*Staff believes the use shown on the GDP is generally in conformance with the Future Land Use Map category and the Comprehensive Plan. Small Area Plan. The applicant proposes to replace an approved 5,100 square foot commercial retail building with a 2,090 square foot restaurant with a drive-through and a walk-up window on the east side of the building near the main entrance.*

**Scale**

Height: The Commercial Corridor Place Type supports a density of a minimum Floor Area Ratio (FAR) of 0.4 for commercial development and a maximum building height of 3 stories/35 feet to 5 stories/60 feet. The maximum height in the CR Commercial Retail District is 5 stories/60 feet.

Staff Analysis:

*The applicant has proposed a building coverage of 7.8%, which is below the maximum 60% in the CR Commercial Retail. The applicant has proposed a lot coverage of 39%, which is below the maximum 85% in the CR Commercial Retail. Staff believe the proposed building height is consistent with the height maximum requirement in the CR Commercial Retail as the General Development Plan proposes a one-story building with a maximum height of twenty-five (25) feet.*

**Circulation**

Vehicular Network: The primary access point to the proposed restaurant is through the existing internal connections to the shopping center with two access points along Fairfax Boulevard. At the western end of the shopping center there is a signalized intersection at Boulevard Market Place and Fairfax Boulevard with full turning movements onto Fairfax Boulevard, while the secondary access point to shopping center is a right-in/right-out onto Fairfax Boulevard. The shopping center has an east-west parallel street interior to the site that provides patrons access through the shopping center to an inter-parcel connection to Patient First at the intersection of Fairfax Boulevard and Fair Woods Parkway.

Staff Analysis:

*The primary access point to the proposed restaurant is through the existing internal connections to the shopping center with two access points along Fairfax Boulevard. At the western end of the shopping center there is a signalized intersection at Boulevard Market Place and Fairfax Boulevard with full turning movements onto Fairfax Boulevard, while the secondary access point to shopping center is a right-in/right-out onto Fairfax Boulevard. The shopping center has an east-west parallel street interior to the site that provides patrons access through the shopping center to an inter-parcel connection to Patient First at the intersection of Fairfax Boulevard and Fair Woods Parkway.*

Pedestrian Network: The Multi-Modal Transportation Plan and the Zoning Ordinance requires a 10-foot wide sidewalk on Eaton Place. Likewise, all new developments and subdivisions shall provide pedestrian facilities and access in accordance with the requirements of Section 4.4.

Staff Analysis:

The applicant has met this goal, and the analysis has been provided in Transportation Goal 3. To the north of the building footprint and drive-through lane is an area that is in the floodplain and the Chesapeake Bay Resource Protection Area.

**Parking:** The proposed use (restaurants or food service) is subject to 1 space per 200 square feet of floor area. The parking lot is proposed with 23-foot drive aisles to accommodate two-way traffic. The parking lot design proposes 90-degree parking of 9-feet in width by 18-feet in length and is separate from the drive-through and stacking lane. Table 1 (below) summarizes the required parking requirements for the proposal:

Table 1: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	Proposed Spaces
Restaurants or food service	2,090 sf	1 space per 200 sq. ft.	11	20

The existing shopping center has approximately 119 parking spaces. The applicant is required to provide 11 parking spaces and proposes 20 parking spaces, inclusive of two handicap spaces, in the general development plan.

Staff Analysis:

The applicant has provided sufficient parking the request to develop a fast-food restaurant with a drive-through facility, while maintaining the overall parking for the existing shopping center. The applicant is seeking a special exception to avoid installing the required island to preserve the 11 spaces.

**Architecture and Landscaping:** The Architectural Control Overlay District (ACOD) is established to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the city, to make the city more attractive for the development of business and industry, and to protect land values (Zoning Ordinance, Section 3.2.2.B.2, Pg. 3-3). The ACOD shall apply city-wide to all development outside of the historic and transition districts. The requirements of the ACOD include review and recommendation by the Board of Architectural Review (BAR) and issuance of a Certificate of Appropriateness for architecture and landscaping for City Council. Guidance on architecture and landscaping for new development in the ACOD is provided in the Design Guidelines.

Staff Analysis:

On August 28, 2024, the Board of Architectural Review held a public hearing to provide a recommendation on the architecture and landscaping. The Board of Architectural Review recommended approval with the following conditions:

1. The proposed modifications shall be in general conformance with the plans and renderings received by staff in August 2024 and recommended for approval by the Board of Architectural Review as of August 28, 2024.
2. The applicant shall secure all required zoning approvals and permits prior to construction.
3. Landscaping is subject to change per urban forester comments at site plan approval stage.

**Stormwater Management:**

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

Staff Analysis:

Stormwater management facilities for the site were provided in the original construction of the shopping center in 2012.

**Utilities:**

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

Staff Analysis:

*There are no overhead utilities on-site and the applicant has stated that no new poles or utilities will be installed above ground as part of the development of this site.*

**Parks and Open Space:**

In the CR Commercial Retail district, there is no specific requirement to provide open space, but the applicant is required to meet the maximum lot coverage requirement of 85%.

Staff Analysis:

*The CR Commercial Retail district does not have an open space requirement. The applicant has proposed a lot coverage of 39%, which is below the maximum 85% in the CR Commercial Retail.*

**Tree Coverage:**

Section 4.5.6 of the Zoning Ordinance prescribes a 10-year minimum tree canopy requirement by district. The proposed CU Commercial Urban district has a 10-year tree canopy requirement of 10%.

Staff Analysis:

*The applicant is required to have a 10-year minimum tree canopy of ten (10) percent (2,892 sf). The applicant proposes to provide a 10-year minimum tree canopy of 21% (5,875 sf) that includes a mix of shade, ornamental, and evergreen trees, as well as, evergreen and deciduous shrubs, ground cover, perennials, and grasses along the perimeter of the parking lot and drive-through facility. Also, additional evergreen trees are planned directly adjacent to the order menu board. The applicant proposes to retain the existing trees along Fairfax Boulevard and plant additional street trees between the parking lot and sidewalk on Fairfax Boulevard. The existing trees and plantings in the Chesapeake Bay Resource Protection Area to the north of the drive area is planned to remain in its natural, undisturbed condition. The applicant proposes to establish a “no mow zone” for this area in the Chesapeake Bay Resource Protection Area.*

**Fiscal Impact:**

Staff estimates that this proposal would bring a net fiscal benefit to the city of between \$130,000 and \$158,000 annually.

**PART C: PROCEDURAL REQUIREMENTS AND REVIEW CRITERIA**

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

A. Substantial conformance with the comprehensive plan;

*The proposed general development plan amendment and general development plan for a fast-food restaurant with a drive-through facility is consistent with the comprehensive plan in terms of use, bulk, size, and height. The Commercial Corridor Place Type includes a mix of retail, restaurant, service, medical, office, and other commercial uses. The applicant proposes to develop a vacant pad site into a 2,090 square foot fast-food restaurant with a drive-through on approximately 0.66 +/- acres.*

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

*The existing CR Commercial Retail is considered an appropriate zoning district for development activity in the Commercial Corridor Place Type.*

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

*The proposed type of development is appropriate at this location given its Commercial Corridor Place Type designation. The applicant proposes to develop a vacant pad site into a 2,090 square foot fast-food restaurant with a drive-through on approximately 0.66 +/- acres.*

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

*The primary access point to the proposed restaurant is through the existing internal connections to the shopping center with two access points along Fairfax Boulevard. At the western end of the shopping center there is a signalized intersection at Boulevard Market Place and Fairfax Boulevard with full turning movements onto Fairfax Boulevard, while the secondary access point to shopping center is a right-in/right-out onto Fairfax Boulevard. The shopping center has an east-west parallel street interior to the site that provides patrons access through the shopping center to an inter-parcel connection to Patient First at the intersection of Fairfax Boulevard and Fair Woods Parkway. The subject property has several mass transportation routes in the vicinity of the subject property, such as Washington Metropolitan Area Transit Authority (WMATA) and the City's CUE Bus Gold and Green Routes. WMATA 1C line provides service from the Fair Oaks Mall to Dunn Loring Station, while the CUE Bus provides service through the City to Vienna and Fairfax GMU lines. The CUE Bus routes serve the area with routes in the east and west bound directions. City Police has provided the applicant guidance on this proposal based on the principles of Crime Prevention Through Environmental Design (CPTED). Fairfax City Fire Station 33 is located on the south side of Fairfax Boulevard at the terminus of Fair Wood Parkway.*

E. Adequacy of existing and proposed public utility infrastructure;

*Stormwater management facilities for the site were provided in the original construction of the shopping center in 2012. The shopping center has underground utilities to serve the existing buildings. The applicant is proposing to relocate an existing transformer box to make way for the drive-through facility.*

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

*The subject property is located on the north side of Fairfax Boulevard and approximately 250 west of Fair Woods Parkway and adjacent to Patient First Primary and Urgent Care - Fairfax. The primary uses surrounding the shopping center are commercial in nature except for Fairfax City Fire Station 33 on the south side of Fairfax Boulevard and Mosby Woods subdivision to the north. The City of Fairfax owns property to the north and west of the site that lies in the floodplain and the Chesapeake Bay Resource Protection Area (RPA). The Future Land Use designation for the subject property is Commercial Corridor. The surrounding land use designation is Commercial Corridor Place Type to the east and west, while the future land use designation to the north is Green Network - Public and a mixture of Commercial Corridor, Green Network – Public, and Social and Civic Network.*

G. Consistency with the stated purpose of the proposed district.

*The CR, Commercial Retail District is established to provide areas for office and general business and retail establishments and uses accessory or complementary (Section 3.2.1.B.1.c. of the Zoning Ordinance, Page 3-2). The applicant proposes to develop a vacant pad site into a 2,090 square foot fast-food restaurant with a drive-through on approximately 0.66 +/- acres.*