



# CITY OF FAIRFAX

## Department of Community Development & Planning

### Zoning Map Amendment (Z-24-00517)

### Special Use Permit (SU-24-00518)

### Special Exception (SE-24-00519)

### RPA Delineation (RP-24-00520)

#### WORK SESSION DATE

February 4, 2025

#### APPLICANT

10201 Fairfax Boulevard, LLC

#### AGENT

Sara V. Mariska  
Odin, Feldman, Pittleman, P.C.  
1775 Wiehle Avenue  
Suite 400  
Reston, VA 20190

#### PARCEL DATA

##### *Tax Map ID*

◇ 57-2-02-034

##### *Street Address*

◇ 10201 Fairfax Boulevard

##### *Zoning District*

- ◇ CR Commercial Retail/RM Residential Medium
- ◇ Architectural Control Overlay District

#### APPLICATION SUMMARY

The applicant is requesting to rezone approximately 3 acres from the RM Residential Medium and CR Commercial Retail Zoning District to CR Commercial Retail. The applicant is requesting a comprehensive plan amendment to amend the Comprehensive Plan Future Land Use Map from Commercial Corridor to Multifamily Neighborhood. The applicant requests a special use permit for multifamily in the CR zoning district and approval of nine special exceptions for density, building height, bulk plane, setbacks, landscaping, RPA buffer area, and parking in the CR Commercial Retail District/RM Residential Medium Zoning Districts and Architectural Control Overlay District on approximately 3 acres.



## **BACKGROUND INFORMATION**

The applicant, 10201 Fairfax Boulevard, LLC, is the owner of a 2.99-acre parcel which includes an office building known as Gatewood Plaza. The subject property is bounded on the north by Fairfax Boulevard and to the south is the terminus of Stratford Avenue, a residential street. The primary uses surrounding the subject property are commercial, office, industrial, retail, and residential uses.

Table 1: Site Data

Address	Parcel ID	Owner	Acres
10201 Fairfax Boulevard	57-2-02-034	10201 Fairfax Boulevard, LLC	2.99

The primary access to the subject property from the north is from Fairfax Boulevard. The subject site is served by access points from Fairfax Boulevard and has inter-parcel access from the west through 10245 Fairfax Boulevard. The subject site also has infrastructure improvements, such as sanitary sewer line, water line, signs, streetlights and parking lot lights, and traffic poles. The frontage along Fairfax Boulevard has existing 5-foot sidewalks. Further information on adjacent properties is provided in Table 2 (below):

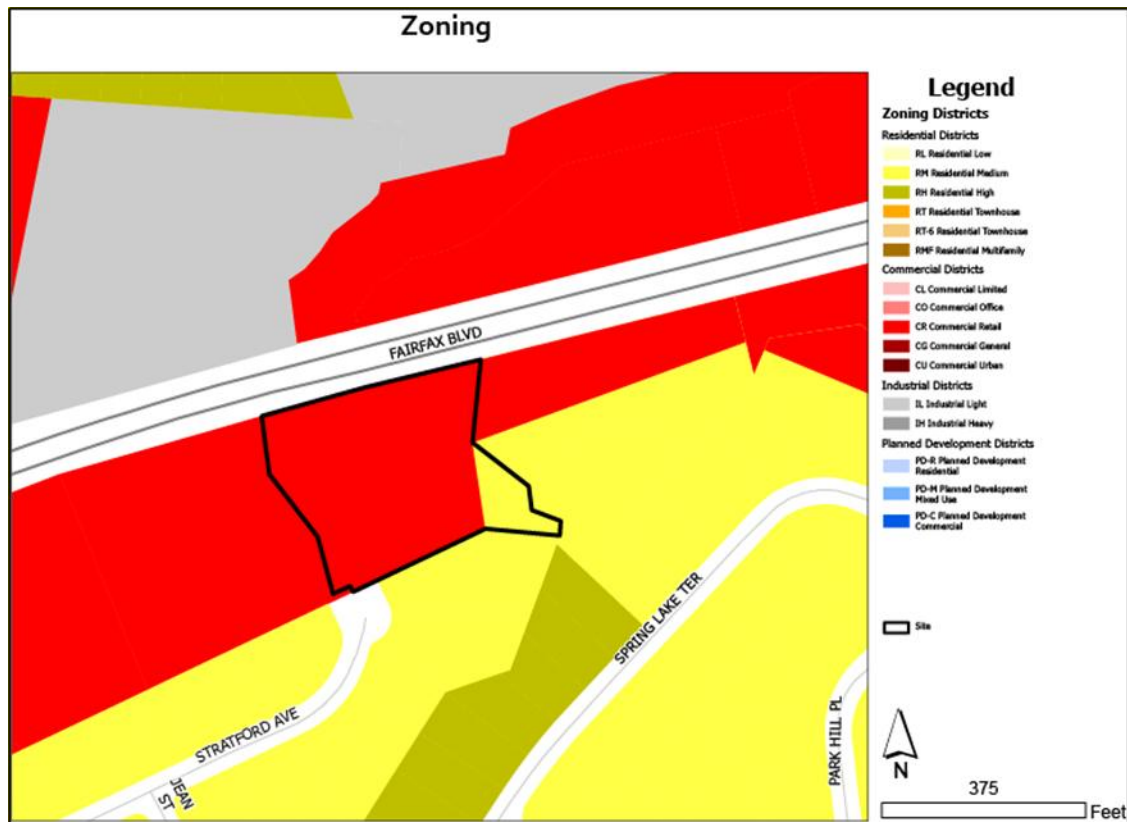
Table 2: Surrounding Land Use and Zoning

	Existing Zoning	Existing Land Use	Future Land Use
Site	CR Commercial Retail/ RM Residential Medium/ Architectural Control Overlay District	Commercial, Office	Commercial Corridor
North	CR Commercial Retail/ IL Industrial Light/ Architectural Control Overlay District	Commercial, Retail	Commercial Corridor
South	RM Residential Medium	Residential- Single Detached	Single- Family Detached Neighborhood
East	CR Commercial Retail/ RM Residential Medium/ Architectural Control Overlay District	Commercial, Retail	Commercial Corridor
West	CR Commercial Retail/ Architectural Control Overlay District	Commercial, Auto Dealer	Commercial Corridor

The Future Land Use designation for the subject site and the properties to the north, east and west is Commercial Corridor and properties to the south are designated as Single-Family Detached Neighborhood.

Figure 1 (next page) illustrates the zoning districts for the subject property and the surrounding properties.

Figure 1: Current Zoning

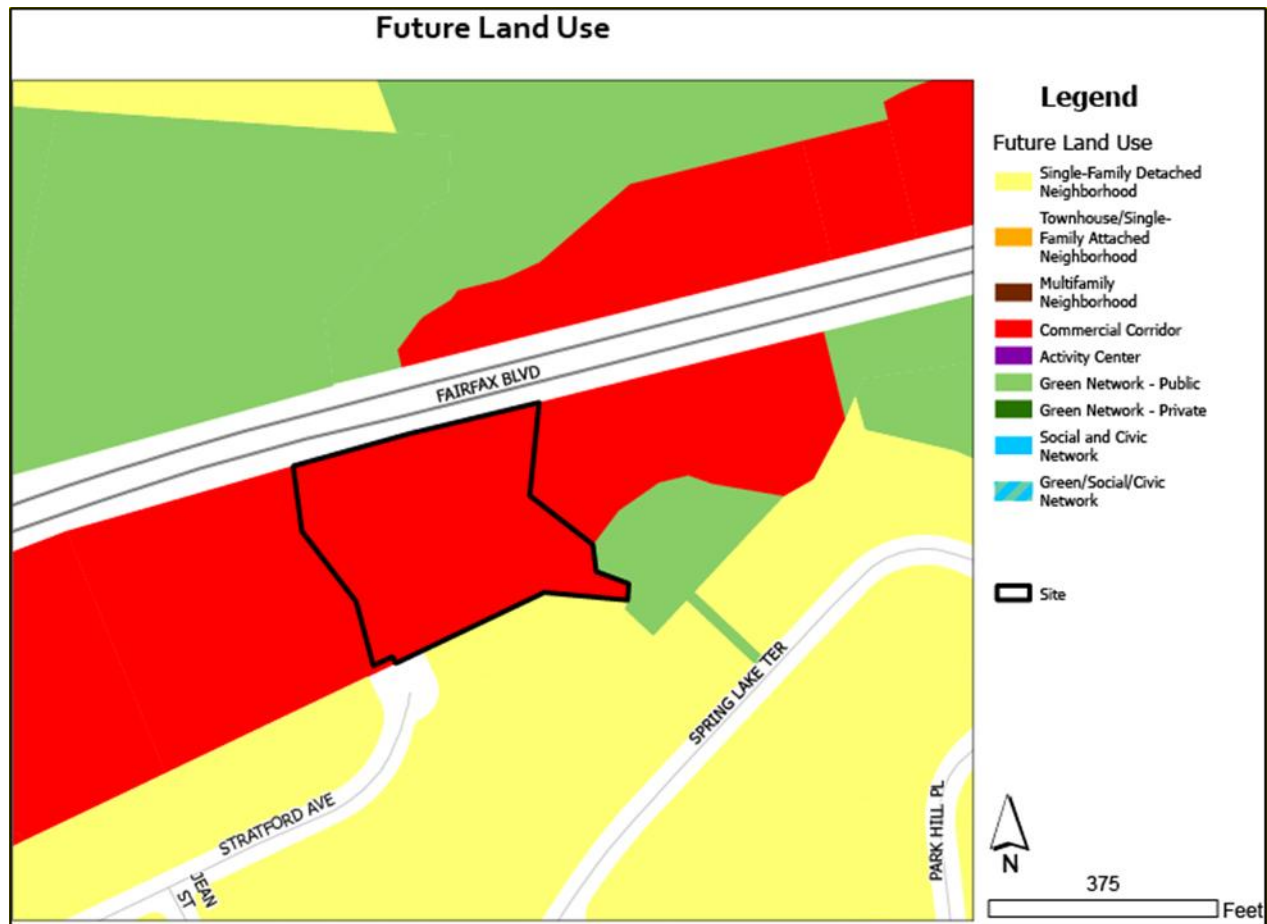


The surrounding zoning districts to the north are CR Commercial Retail and IL Light Industrial with retail and restaurant uses. The surrounding zoning districts to the south are RM Residential Medium and RH Residential High with single family residential uses. The surrounding zoning districts to the east are CR Commercial Retail and RM Residential Medium with restaurant and residential uses. The surrounding zoning district to the west is CR Commercial retail with retail uses. The subject property and the properties directly abutting the subject property to the east and west are within the Architectural Control Overlay District.

## **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 2 (next page) illustrates the Future Land Use Map for the subject property and surrounding area:

Figure 2: Future Land Use Map



### 2035 Comprehensive Plan Policies

**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.

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. 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 bicycle facilities (City of Fairfax 2035 Comprehensive Plan, Page 27).

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. 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 to 5 stories (City of Fairfax 2035 Comprehensive Plan, Page 27).

Housing: In order to function equitably and inclusively, the City must prioritize the availability of housing units for people of widely varying income levels, ages, and lifestyle choices. Although the City is primarily built out, a variety of new housing types can be accommodated through redevelopment on a relatively limited basis to broaden the current offerings and accommodate changing demands. Accordingly, housing that is affordable, housing that is designed for older adults and people with disabilities to accommodate the City's

relatively high proportion of older adults, and housing for growing younger families seeking modern single-family housing without leaving the City should be prioritized.

#### Housing Goal 1

Support a wide range of housing types.

Outcome H1.1: Residential development in Activity Centers, along with an emphasis on market-driven needs, fills gaps in the City's housing supply.

Action H1.1.1: Support development of housing units in the Activity Centers that are suitable for a wide range of household incomes, that produce an overall mix of rental and for-sale units, and that emphasize walkability and connectivity.

#### Housing Goal 2

Ensure availability of housing that is affordable.

Outcome H2.1: The City's affordable housing unit stock has been preserved and grown through redevelopment and strategic investments.

Outcome H2.2: Preservation of and reinvestment in the City's existing supply of affordable multifamily rental housing units.

Action H2.2.1: Facilitate partnerships between existing property owners and nonprofit organizations to preserve and ensure long-term affordability of existing multifamily complexes.

The Multifamily Neighborhood Place Type, identified in brown in the Future Land Use Map, applies to neighborhoods that are primarily developed with multifamily apartment or multifamily condominium housing. Townhouse/Single-Family Attached Neighborhood uses and Single-Family Detached Neighborhood uses may be considered in the Multifamily Neighborhood Place Type when developed in conjunction with Multifamily Neighborhood uses (City of Fairfax 2035 Comprehensive Plan, Page 26).

The design and layout of new Multifamily Neighborhood developments should reflect the location of the development within the City. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. Otherwise, a building height of up to five stories may be considered. In order to retain the relative affordability available in many existing multifamily structures, redevelopment of existing multifamily sites within Multifamily Neighborhood land use areas, where additional density is permitted by the Zoning Ordinance, should consider accommodating existing multifamily structures. Predicated on the underlying zoning district and additional density permitted through the provision of affordable dwelling units, the Multifamily Neighborhood Place Type supports up to 24 dwelling units per acre and a maximum height of 5 stories (City of Fairfax Comprehensive Plan, Page 26).

**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 68).

## 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 is connected and expanded.

Action MM2.2.1 Identify and fill gaps in the trail network that balance the City's goals for environmental protection and multimodal connectivity.

Action MM2.2.2 Establish design standards for a variety of trail functions and targeted users, such as commuter routes, shared use paths, recreation paths, and natural trails to help guide the design and implementation of each new trail project.

Action MM2.2.4 Improve trail crossings across arterial streets.

Action MM2.2.5 Improve connections between parks and trails by providing improvements such as accessible wayfinding, traffic calming/safety, and non-motorized facility enhancements.

## 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.

Sustainability Initiatives: The City has a responsibility to future generations to develop sustainably. In 2013, the City executed an energy performance contract to implement energy retrofits at fourteen City-owned buildings. The City pays back the upfront costs of the retrofits using annual energy cost savings over time.

#### Sustainability Initiatives Goal 1

Increase the use of sustainable practices, technology, design, and materials.

Outcome SI1.2: The use of renewable energy sources and advanced sustainable technologies is increased.

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 121).

#### Economic Vitality Goal 1

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

Outcome EV1.1: New development and redevelopment continues to generate revenue 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.

Outcome EV2.2: An improved office space inventory attracts high-value tenants.

Action EV2.2.1: Work with owners and operators of existing office buildings to encourage property renovations and upgrades needed to bring properties to Class A status.

Action EV2.2.2: Encourage the provision of Class A office space in new commercial development projects and renovations.

#### Economic Vitality Goal 3

Transform the Commercial Corridors and Activity Centers.

Outcome EV3.1: Redevelopment projects in the Commercial Corridors and Activity Centers create destinations that attract tenants, customers, and residents.



## **PROJECT HISTORY**

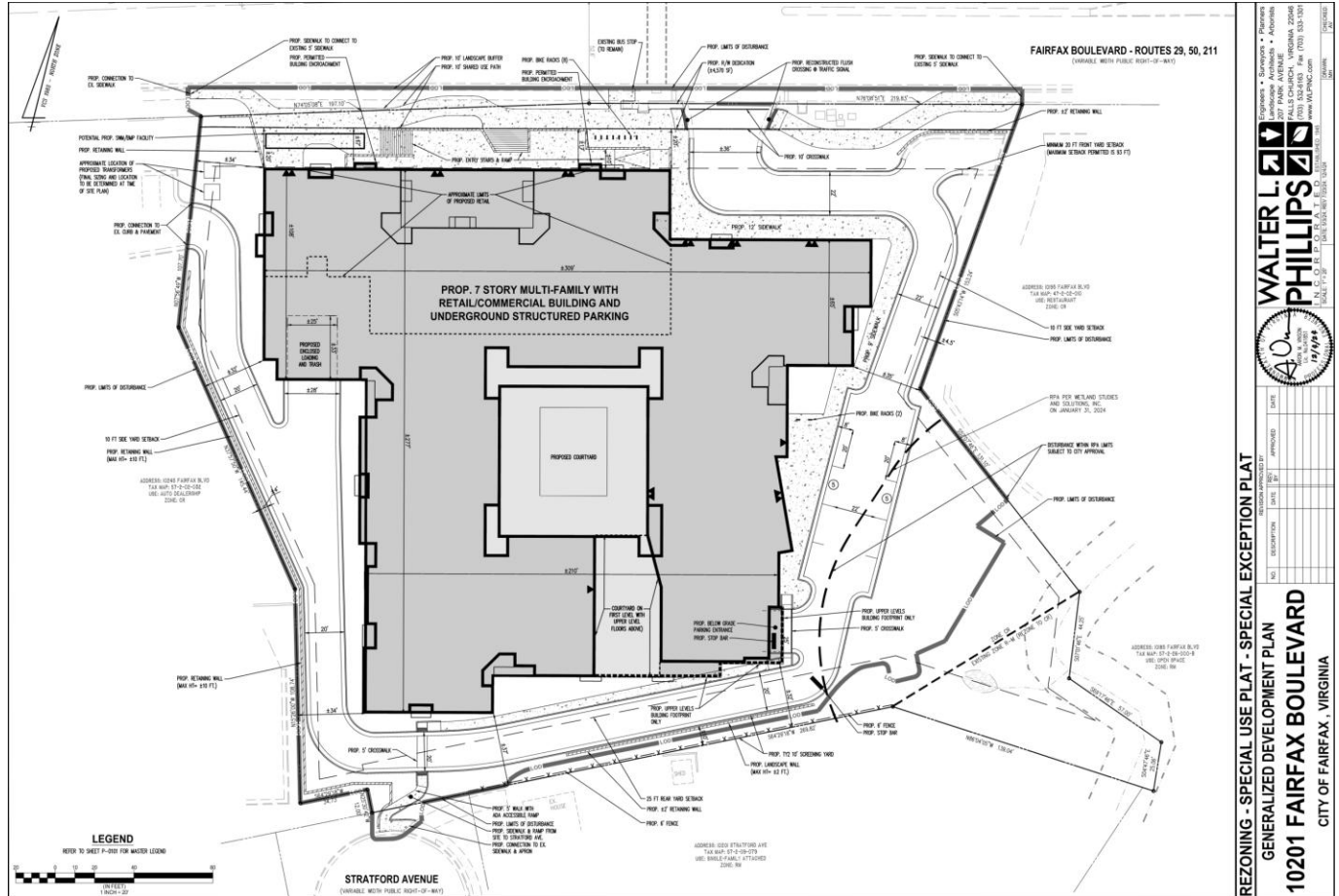
In November 2023 and December 2023, the Planning Commission and City Council, respectively held pre-application briefings to discuss the proposed development. The Planning Commission highlighted some issues of concern like the proximity of the proposal to single family residential and the RPA, repurposing of a successful commercial property and giving up the commercial tax base, housing within the commercial corridor, and lack of a connection to proposed and existing trail systems. The Planning Commission noted that the interparcel connectivity and existing signalized intersection are positive features of the proposal. The City Council highlighted some issues of concern like the Planning Commission, such as the proximity to single family residential housing and the RPA, pedestrian connectivity, screening, and repurposing of a successful commercial office building to residential. The City Council noted that the high-tech building and amenities and the connection to Stratford Avenue as positive features of the proposal.

The applicant submitted a formal land use application in July 2024. Staff provided written first submission comments to the applicant's representative in August 2024. The applicant resubmitted development plans in November 2024. Staff provided written second submission comments to the applicant's representative in December 2024. City staff advised the applicant and the applicant's representatives prior to the acceptance of a complete application that the proposal to use the property for residential in the commercial corridor would not be supported.

## Description of the Generalized Development Plan

Figure 3 (next page) shows the Generalized Development Plan

Figure 3: Generalized Development Plan



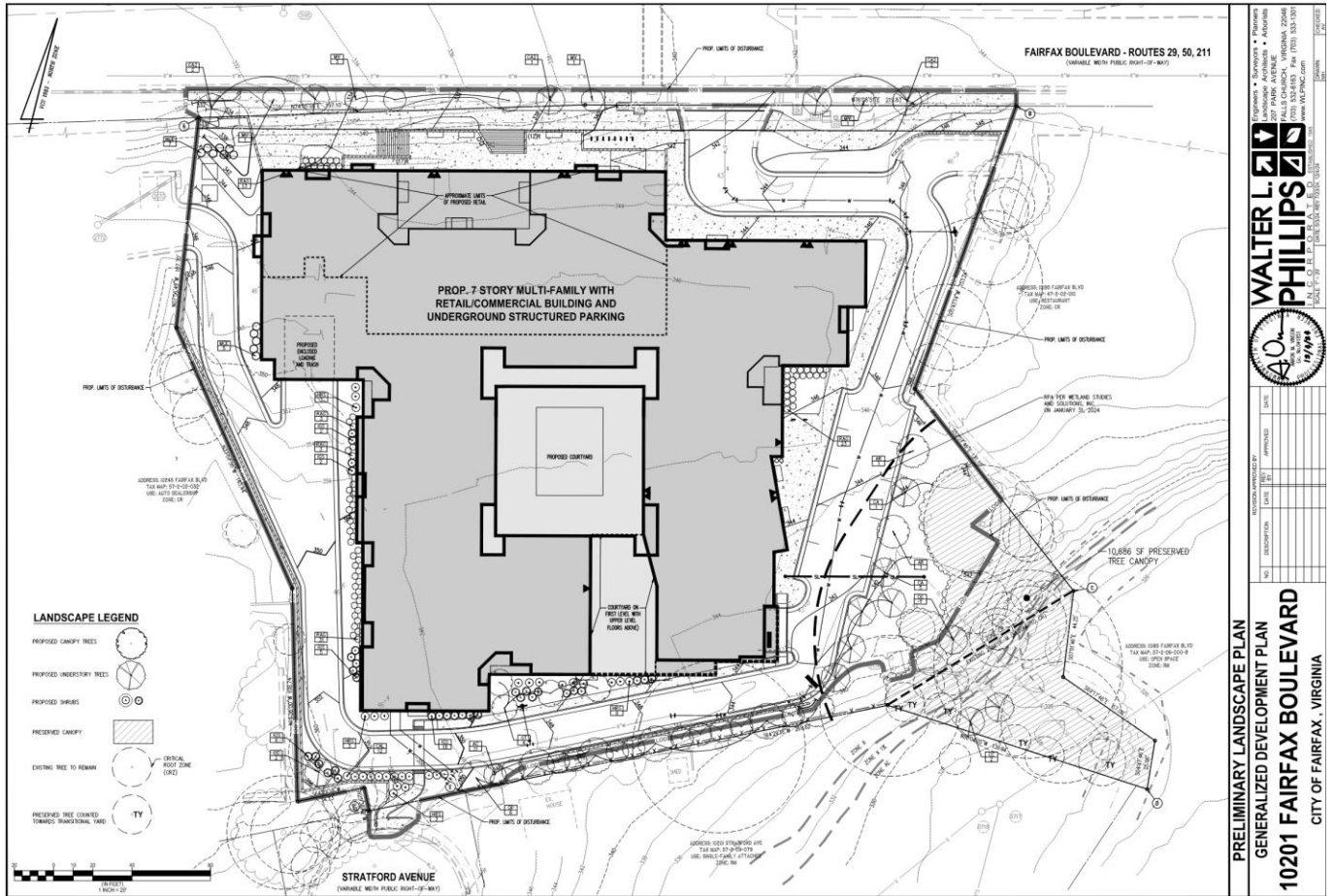
**Building Coverage:** Building coverage is the percentage of lot area that is permitted to be covered by buildings, including both principal structures and accessory buildings (Zoning Ordinance, Section 1.5.7.A.1, Page 1-5). A maximum building coverage of 85% is permitted in the CR zoning district and the applicant is proposing a building coverage of approximately 50%.

**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). A maximum lot coverage of 85% is permitted in the CR zoning district and the applicant is proposing a lot coverage of approximately 80%.

**Tree Canopy:** The applicant is required to have a 10-year minimum tree canopy of 10%, and the applicant is proposing a tree canopy of approximately 12%.

Figure 4 (next page) illustrates the proposed landscape plan for the general development plan.

Figure 4: Landscape Plan



Transportation:

Table 3 (below) provides a comparison of trips for the proposed uses:

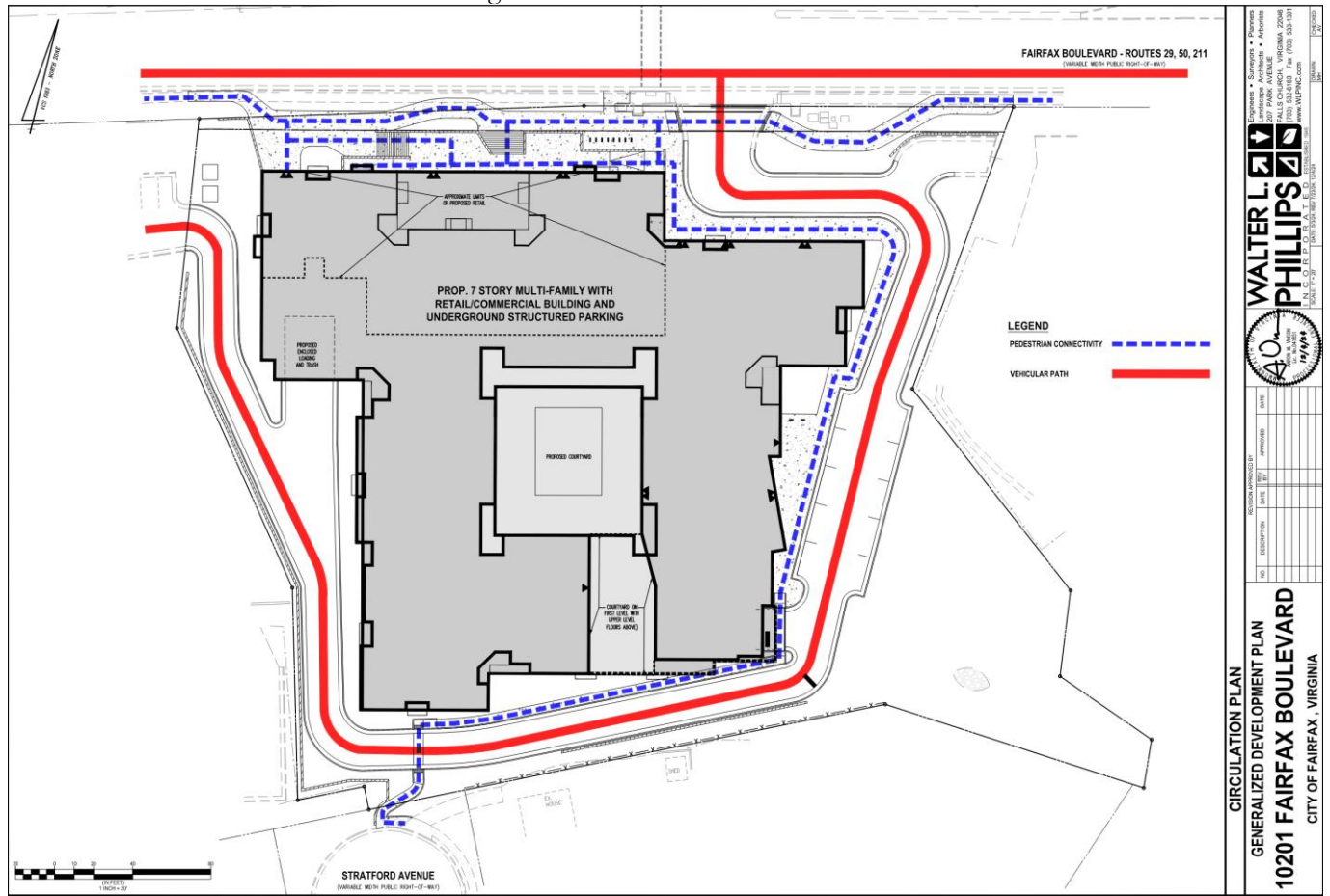
Table 3: Trip Generation Comparison

Land Use (ITE Code)	Size	AM Peak Hour			PM Peak Hour			Weekday Daily
		In	Out	Total	In	Out	Total	Total
General Office Building (Existing Development)	93,115GSF	138	19	157	27	130	157	1,091
Multifamily Residential (Mid-Rise)	307DU	27	94	121	66	42	108	1,283
Retail Plaza	20,700GSF	28	18	46	61	58	119	992
General Office Building	11,200GSF	22	3	25	5	22	27	173
Medical Office	10,000GSF	24	6	30	11	27	38	322
Total Proposed Trips		101	121	222	143	149	292	2,770
Total Trips (Proposed – Existing)								1,679

Public Transportation Facilities: The subject property is served by the City's CUE Bus Gold and Green Routes.

Circulation/Pedestrian Access: All new developments and subdivisions shall provide pedestrian facilities and access in accordance with the requirements of §4.4 of the zoning ordinance. Section 4.4.4.A states that sidewalks are required on both sides of all arterial, collector and local streets. The applicant is providing sidewalks ranging from 5-10' wide along the south, east, and north sides of the proposed building and connects with the terminus of Stratford Avenue. The applicant is also proposing a 10' wide sidewalk along the Fairfax Boulevard frontage. Figure 5 (next page) shows the circulation plan.

Figure 5: 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).

Parking: The applicant is requesting a special exception to reduce the parking requirement by 38% or 259 spaces.

Table 6 (below) summarizes the parking requirements.

Table 6: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	Proposed Spaces
Upper Story Residential / Mixed Use	307DU	1.25 spaces per efficiency unit; 1.5 spaces per 1 bedroom unit; 2 spaces per 2 or more bedroom units; other uses as required herein	484	
Retail	20,700GSF	1 space per 200 square feet of floor area	104	
Office, General	11,200GSF	1 space per 300 square feet of floor area	37	
Office, Medical	10,000GSF	1 space per 200 square feet of floor area	50	
Total			676	417

Loading Zone: Loading spaces are required for all public, civic and institutional, commercial, and industrial uses over 10,000 square feet and all multifamily and upper story residential / mixed use buildings over four stories and over 50 units. One loading space is required for this proposal, and the applicant is providing one loading space.

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. 20 bicycle parking spaces are required, and the applicant is proposing 20 bike spaces with a bike room inside the parking garage and bike racks outdoors on the subject site.

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). The applicant is proposing to remove the existing stormwater management system and would replace it with new BMPs.

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).

## **LAND USE REQUESTS**

1. Zoning Map Amendment
2. Comprehensive Plan Amendment
3. Special Use
4. Special Exceptions

The applicant is requesting 9 (nine) special exceptions:

1. A special exception for section 3.6.2 of the Zoning Ordinance to modify the nonresidential districts dimensional standards table to allow up to 111.5 dwelling units per acre.
2. A special exception for section 3.6.2 of the Zoning Ordinance to modify the nonresidential districts dimensional standards table to allow up to 85 feet or 7 stories in building height.
3. A special exception for section 3.6.2 of the Zoning Ordinance to modify the Old Town Fairfax Transition Overlay District dimensional standards to allow a 60 degree angle bulk plane adjacent to a residential district.
4. A special exception for section 3.6.2 of the Zoning Ordinance to modify the nonresidential districts dimensional standards table to allow encroachment into the required 10 foot side (interior) yard to permit a drive aisle.
5. A special exception for section 3.6.2 of the Zoning Ordinance to modify the nonresidential districts dimensional standards table to allow encroachment into the required 25 foot rear yard to permit a drive aisle.
6. A special exception for section 4.18.12 of the Zoning Ordinance to modify the Chesapeake Bay requirements to allow encroachment into the landward 50 feet buffer component of the Resource Protection Area.
7. A special exception for section 4.2.3 of the Zoning Ordinance to modify the parking requirements to allow a reduction of 38%.
8. A special exception of sections 4.5.5.C.3(b) of the Zoning Ordinance to modify the transitional yard requirements to allow the existing conditions within the Resource Protection Area to remain undisturbed.

### **Zoning Map Amendment**

The subject property is currently split zoned with an approximately 5,436 square foot portion of the site designated as RM Residential Medium and the remainder of the subject site zoned CR Commercial Retail. The proposed redevelopment is dependent on City Council approval of a Zoning Map Amendment (rezoning) to rezone the entire property to CR Commercial Retail to accommodate the proposed uses. The site is currently developed with an approximately 93,114 square foot five story office building that is 90.3% occupied (according to January 2025 data from CoStar). In determining whether to approve or disapprove a proposed rezoning to any district other than a planned development district, the planning commission and city council shall consider any proffers, and the approval considerations listed in §6.4.9 of the Zoning Ordinance.

### **Comprehensive Plan Amendment**

The Comprehensive Plan's Future Land Use Map designates the subject property as Commercial Corridor. The Commercial Corridor Place Type includes a mix of retail, restaurant, service, medical, office, and other commercial uses. Residential uses are not recommended in Commercial Corridors (City of Fairfax

Comprehensive Plan, Page 27). While reinvestment and redevelopment of properties in Commercial Corridors is encouraged, incorporation of residential mixed uses is not recommended (City of Fairfax 2035 Comprehensive Plan, Page 50). Because this proposal includes a request for a special use permit for upper story residential / mixed uses and because the Commercial Corridor Place Type does not support residential uses, a Comprehensive Plan Amendment is required.

The applicant is requesting a comprehensive plan amendment to amend the future land use map to change the designation from Commercial Corridor to Multifamily Neighborhood. The Multifamily Neighborhood Place Type applies to neighborhoods that are primarily developed with multifamily apartment or multifamily condominium housing. The Multifamily Neighborhood Place Type does not accommodate commercial, retail, or office uses. Development that is adjacent to Single-Family Detached or Townhouse/Single-Family Attached neighborhoods within City limits, or to neighborhoods zoned primarily for single-family detached or single-family attached residences within adjacent jurisdictions, should have a maximum of three floors and provide landscaped setbacks for portions of the site that are adjacent to any such uses. The Multifamily Neighborhood Place Type supports up to 24 dwelling units per acre (City of Fairfax 2035 Comprehensive Plan, Page 26).

### **Special Use**

The applicant is requesting a special use permit for upper story residential / mixed uses in the CR Commercial Retail zoning district. The principal use table in §3.3.1 of the Zoning Ordinance lists upper story residential/mixed uses as permitted with special use in the CR zoning district and are subject to the specific use standards contained in §3.5 of the Zoning Ordinance. In determining whether to approve a special use permit, the city council shall consider the approval considerations in §6.7.7 of the Zoning Ordinance.

### **Special Exceptions**

#### **Maximum Density**

Density is calculated as the number of dwelling units per gross acre located within the development site (Zoning Ordinance, Section 1.5.8A). The maximum density permitted on the subject site is 20 general units per acre or 24 affordable dwelling units per acre. The applicant is requesting a special exception to allow a maximum of 111.5 dwelling units per acre for a modification of 91.5 dwelling units per acre on the subject site.

#### **Building Height**

Height is the vertical distance from grade plane to the highest point of the roof line of a flat roof (Zoning Ordinance, Section 1.5.11.A.1). The maximum height permitted on the subject site is 5 stories or 60 feet. The applicant is requesting a special exception of §3.6.2 to allow a maximum height of 7 stories or 85 feet for a modification of 2 stories or 25 feet on the subject site.

#### **Bulk Plane**

Bulk plane refers to a theoretical plane beginning at the property line and rising over a specified slope determined by an acute angle measured down from the vertical, which, together with other dimensional standards, delineates the maximum bulk of any improvement, which may be constructed on the lot (Zoning Ordinance, §1.5.6.A).



The maximum bulk plane permitted on the subject site is 45 degrees adjacent to residential districts. The applicant is requesting a special exception of §3.6.2 to allow a 60-degree angle rear bulk plane adjacent to the residential district to the south for a modification of 15 degrees on the subject site.

### Required Yards

There are four types of required yards – front, side(street), side(interior), and rear yards. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as expressly allowed in §1.5.12. (Zoning Ordinance, §1.5.12).

In accordance with Zoning Ordinance section §1.5.12 driveways may encroach into required yards, provided that to the extent practicable, they extend across rather than along the required yards. The proposed driveway is extending along each required yard, so the applicant is requesting special exceptions of Zoning Ordinance §3.6.2 to allow encroachment into the 10-foot required side yard and to allow encroachment to the 25-foot required rear yard. The requested modification would reduce the side yard to approximately 5 feet and the rear yard to approximately 10 feet at the narrowest point.

### Parking

The total parking required for this proposal is 676 spaces and the applicant is proposing to provide 417 spaces on the subject site. The applicant is requesting a special exception of §4.2.3 to allow a 38% parking reduction for a total parking reduction of 259 spaces.

### Transitional Yards

A transitional yard is a specified land area, located parallel to and within the outer perimeter of a lot or project and extending to the lot line, together with fencing or walls on the lot line, and planting and landscaping required on the land (Zoning Ordinance §4.5.5.B). There are three types of transitional yards that may occur on any given parcel, with one of these types being use boundary transitional yards. Where commercial developments occur adjacent to single-family attached, single-family detached, duplex, townhouse, or multi-family dwellings, TY2 transitional yards shall be provided in accordance with §4.5.5.D. The TY2 transitional yard requires a minimum transitional yard width of 10 feet, a minimum fence or wall height on the lot line of 6 feet, a minimum of 3 canopy trees and 3 understory trees per 100 feet.

The applicant is requesting a special exception of §4.5.5.C.3(b) of the zoning ordinance to permit a modification of the transitional screening yard to allow existing conditions within the RPA to remain undisturbed.

### Resource Protection Area

The City has adopted regulations that implement the requirements of Chesapeake Bay Preservation Act (Code of Virginia, §62.1-44.15:75 et seq.). The purpose of 4.18 (Chesapeake Bay Preservation) is to: a. protect sensitive environmental lands within the city; b. safeguard the quality of state waters; c. prevent further increase in pollution of state waters; d. reduce existing pollution of state waters; and e. promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the City (Zoning Ordinance §4.18.1)

The resource protection area are all lands identified as Chesapeake Bay preservation areas as designated by the city council and shown on the city Chesapeake Bay preservation area map. The resource protection area includes tidal wetlands; nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; intermittent streams that remain largely in a natural condition and that

have not been significantly impacted by adjacent development; water bodies with perennial flow; a 100-foot vegetated buffer area located adjacent to and landward of the components listed above, and expanded to include noncontiguous wetlands within the floodplain that are partially located within the buffer, along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the resource protection area notwithstanding the presence of permitted uses, encroachments or permitted vegetation clearing in compliance with the performance criteria of §4.18.6.

Accotink Creek, a USGS identified perennial stream is present in the south east corner of the site within the portion of the property that is currently zoned RM Residential Medium. As a result of having a perennial stream on site, an RPA Site-Specific Study in accordance with Zoning Ordinance §4.18 (Chesapeake Bay Preservation) is required. The RPA Site-Specific Study is currently under review.

Attachments

A1 – Statement of Support

A2 – Generalized Development Plan

A3 – Parking Study

**PREPARED BY:**



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Clara Schwieger  
Planner II

01/24/25

DATE



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Jason D. Sutphin  
Community Development Division Chief

01/24/25

DATE



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Brooke Hardin  
Director, Community Development & Planning

01/24/25

DATE