



FAIRFAX COUNTY

APPLICATION FILED: June 30, 2005
PLANNING COMMISSION: December 1, 2005
BOARD OF SUPERVISORS: December 5, 2005

V I R G I N I A

November 17, 2005

STAFF REPORT

APPLICATION PCA 80-P-039-09

PROVIDENCE DISTRICT

APPLICANT: Hunters Branch Partners LLC

PRESENT ZONING: PDC, HC

PARCEL(S): 48-4 ((1)) 1E & 1G

ACREAGE: 13.90 acres

FAR: 0.66

OPEN SPACE: 33%

PLAN MAP: Mixed Use

PROPOSAL: To Amend RZ 80-P-039, previously approved for a mixed use development to permit a modification to approved proffers to allow college/university use within an existing structure as an approved secondary use, with a maximum of 30,000 square feet.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 80-P-039-9, subject to the proffers in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Hunters Branch Partners LLC, is requesting to amend proffers #2 and #3 of PCA 80-P-039-5 (Land Bay A), to add college/university use as an approved secondary use, consisting of a maximum of 30,000 square feet. Land Bay A, a 13.90 acre site [Tax Map 48-4 ((1)) 1E & 1 G], is governed by PCA 80-P-039-5 and associated proffers dated March 9, 1998. Land Bay A consists of two parcels containing two 12-story buildings with a total of 400,000 square feet of predominantly office use. The approved proffers permit two secondary uses; including a health club not to exceed 15,000 gross square feet and a delicatessen not to exceed 2,000 square feet. The applicant would like to amend the approved proffers to allow college/university use as an approved secondary use, not to exceed 30,000 square feet located within the existing structures. There are no physical changes proposed to the existing site design.

The remainder of Hunters Branch (Land Bays B, C, and D) includes 232,000 square feet of non-residential space, 648 multi-family residential dwellings, and 54 townhomes. The overall open space proposed for all four Land Bays is 35%, which will remain unchanged.

The draft proffers, and the applicant's affidavit and Statement of Justification are contained in Appendices 1-3, respectively. The complete sets of files for all of the previous applications on the subject site are available in the files of the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ).

LOCATION AND CHARACTER

Site Description:

The subject property is located on the northwest quadrant of the intersection of Nutley Street and Lee Highway (Route 29). Land Bay A consists of two parcels containing two 12-story office buildings with a total of 400,000 square feet. The subject property has 1,400 parking spaces, provided primarily within two parking garages.

Hunters Branch is zoned Planned Development Commercial (PDC) and Highway Corridor (HC). Land Bay B is developed with multi-family residential; the Apartments at Regent's Park. Land Bay C includes townhomes and multi-family residential buildings, and Land Bay D is developed with commercial office space.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Residential, Townhomes and multi-family (Hunters Branch, Land Bay C)	PDC	Mixed Use
	Commercial, office (Hunters Branch, Land Bay D)	PDC	Mixed Use
South	Vacant Land	R-12	Residential, 8-12 du/acre
	Vacant Land	C-3	Public Parks
East	Residential, Single Family Detached (Briarwood Farms)	R-1	Residential, 1-2 du/acre
West	Residential, Multi-family (Hunters Branch, Land Bay B)	PDC	Mixed Use

BACKGROUND

On April 13, 1981, the Board of Supervisors approved RZ 80-P-039 which rezoned approximately 56.90 acres from the R-1 and the R-12 Districts to the PDC District. The approved Conceptual Development Plan (CDP) was a “bubble” type of plan showing general areas of open space, office, residential uses, parking, and circulation flow; and provided for 1,200,000 square feet of office use and a secondary land use of 350 residential dwelling units with a total floor area ratio (FAR) of 0.66 for all uses on the property.

On July 15, 1981, the Planning Commission approved the Final Development Plan (FDP) for RZ 80-P-039. The approved FDP indicated that three (3) pairs of office buildings on the site would each be 12 stories in height and have a combined gross floor area of 1,200,000 square feet; the 350 residential units would be located in six (6) 6-story buildings; and the 525 parking spaces for the commercial component of the site would be located within a 5-level parking structure.

On April 7, 1986, the Board of Supervisors approved Special Exception SE 85-P-090 to allow the stormwater management facility to be located in the floodplain on Land Bay A.

On September 28, 1988, a Comprehensive Sign Plan, CSP-80-P-039, for the non-residential component of Hunters Branch, was approved by the Planning Commission, subject to development conditions.

On March 20, 1989, the Board of Supervisors approved PCA/CDPA 80-P-039 subject to executed proffers and development conditions dated March 13, 1989, to allow a range of principal and secondary uses on the overall Hunters Branch property. The approved uses included: a financial institution - maximum of 15,000 square feet; retail sales or personal service establishments - maximum of 30,000 square feet; and eating establishments - maximum of 30,000 square feet with a maximum of 1,300 seats allowed. Three (3) secondary uses were also approved: a delicatessen consisting of a maximum of 2,000 gross square feet, with a maximum of 75 seats; a health club consisting of a maximum of 15,000 gross square feet; and a maximum of 750 commercial off-street parking spaces within parking structures. In addition, a modification of the transitional screening along the Nutley Street frontage and a waiver of the barrier requirement along the Lee Highway frontage and the Nutley Street frontage were approved, as proffered and shown on the amended Conceptual/Final Development Plan.

On January 8, 1990, the Board of Supervisors approved PCA 80-P-039-2 and on December 14, 1989 the Planning Commission Approved CDPA/FDPA 80-P-039-2, subject to proffers dated September 21, 1989, and Development Conditions, dated December 14, 1989, as amended January 8, 1990, respectively, to allow the relocation of four (4) office buildings and the associated parking structures and a reduction in height of the four (4) office buildings from 12 to 9 stories.

On September 17, 1990, the Board of Supervisors approved PCA 80-P-039-3 and on June 12, 1990 the Planning Commission approved CDPA/FDPA 80-P-039-3, subject to proffers dated July 10, 1990, and development conditions dated September 14, 1990, respectively, to allow a drive-in bank and a free-standing child care center as secondary uses within the office buildings located in Land Bay A of Hunters Branch.

On December 12, 1994, the Board of Supervisors adopted a Comprehensive Plan Amendment for Hunters Branch. The Plan Amendment noted that approximately 320-350 housing units were then approved for development in the southwest corner of Hunters Branch and recommended that those residential uses be provided. The Plan Amendment also provided for additional multi-family residential units or a mix of multi-family and high density single-family attached units as an option within Hunters Branch on the undeveloped portion of Land Unit A at a density of 20-30 units per acre.

On July 17, 1995, the Board of Supervisors approved Proffered Condition Amendment PCA 80-P-039-4 and RZ 95-P-020, subject to proffers dated June 23, 1995, and to Conceptual Development Plan conditions dated July 17, 1995 and the Planning Commission approved FDPA 80-P-039-4 and FDP 95-P-020 on July 17, 1995, to increase the number of residential units in Land Bay B from 350 to 352, to reduce the height of the structures from six (6) stories to four (4), to increase the number of multi-family buildings from six (6) to seven (7),

and to change the site design of the multi-family structures. Rezoning application RZ 95-P-020 and FDP 95-P-020 rezoned a 0.15 acre piece of land along the Lee Highway frontage of Land Bay B from R-1 to PDC in order to incorporate it into the Hunters Branch Development.

On November 20, 1996, a Comprehensive Sign Plan Amendment, CSPA-80-P-039, for the residential component of Hunters Branch, was approved by the Planning Commission, subject to development conditions.

On March 9, 1998, the Board of Supervisors approved Proffered Condition Amendment PCA 80-P-039-5 and PCA 95-P-020, subject to proffers dated March 9, 1998 and on December 11, 1997 the Planning Commission approved FDPA 80-P-039-5 and FDPA 95-P-020 subject to Development Conditions dated December 4, 1997, to allow the development of Land Bays C and D with two options. Option A included office and residential development, and Option B was an all residential option. Option A included an office building of up to 250,000 square feet, with an additional 55,000 square feet reserved, for an FAR of 0.57. These proffers currently govern the Hunters Branch Property.

A copy of the most recently approved proffers and Development Conditions for Land Bay A can be found in Appendix 5. The complete set of files for all of the previous applications for Hunters Branch, including the proffers which currently govern the property, are available in the files of the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ).

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Vienna Planning District; Area II

Planning Sector: Vienna Transit Station Area

Plan Map: Mixed Use

Plan Text:

On page 16 of the 2003 Edition of the Area II Plan, as amended through July 11, 2005, in the LAND USE RECOMMENDATIONS section of the Vienna Transit Station section of the Comprehensive Plan, it states:

“Land Use

Designs for future development should provide facilities to encourage residents to access the station without using their private vehicles. Pedestrian/bike paths should be installed to allow easy access to the station from new development, and it may be desirable for some segments of these paths to be covered to encourage the use of Metro even during inclement weather.

Infill development within and surrounding the Vienna Transit Station Area should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Densities north and south of the Metro station are reflected on the Comprehensive Plan map. Cooperation among property owners and Washington Metropolitan Area Transit Authority (WMATA) should be encouraged.

Recommendations for the Vienna Transit Station Area are organized by land units. The boundaries for these land units are shown on Figure 7.

Land Unit A

This land unit is planned and approved for mixed-use development to include multi-family residential units as well as office uses up to .50 FAR and ancillary uses including, but not limited to, support retail and a day-care center. Approximately 320-350 housing units are approved for development in the southwest corner of the land unit and these should be provided. Additional multi-family residential units or a mix of multi-family and high density single-family attached units may be considered on the remaining undeveloped portion of the land unit at an average of 20-30 dwelling units per acre built at a ratio converting approved office use to multi-family residential use of 1:1 (one office square foot for one residential square foot).

Optional uses may include housing for the elderly/elderly care facilities, hotel/motels and health/recreation facilities that are well integrated into the mixture of office and residential use not to exceed the approved commercial development for Land Unit A of 1,200,000 square feet.

Support retail uses should be integrated within office and residential buildings. Freestanding retail use is not appropriate.

Buildings should be sited so that building heights, in general, do not project more than ten (10) feet above the existing ridge line vegetation; the Environmental Quality Corridor should be preserved, covered paths to the Metro station and a minimum 50-foot landscaped or natural buffer to the residences on Fairlee Drive (Land Unit I) should be provided. The fifty (50) foot buffer may be modified to twenty-five (25) feet in the southwestern portion of the site if the following standards are met:

1. Barriers and enhanced landscaping are provided along the common property line.
2. The height of the apartment buildings closest to the property line shall not exceed four (4) stories and shall be located no closer than 100 feet from the western property line.
3. The twenty-five (25) foot buffer shall be undisturbed.

Because of the site's topography, development should be integrated with the land forms to reduce visual impacts to adjacent residential areas.”

Land Use Analysis

The Plan text specifies that the total non-residential square footage of land Unit A should not exceed 1.2 million square feet. The existing development does not exceed 1.2 million non-residential square feet and there are no proposed site improvements with this application. The existing office development and proposed college/university use are to be located internal to existing structures and are in accordance with the Comprehensive Plan for use and intensity.

Environmental Analysis

There are no environmental issues associated with this request.

Transportation Analysis (See Appendix 5)

The Fairfax County Department of Transportation, Transportation Impact Memorandum, dated November 3, 2005, stated that there are no significant transportation issues associated with this request.

The Virginia Department of Transportation (See Appendix 6)

Issue:

Access via Nutley Street is discouraged and may require improvements if the school area is located on this side of the site.

Resolution:

There are no proposed changes to the existing access to the existing buildings on the subject site. Therefore, this issue has been addressed.

Issue:

Right-of-way needs for future improvements to the Vienna Metro property along the northern portion of this site should be evaluated.

Resolution:

Since there are no proposed site improvements with this application and staff is unaware of a specific improvement project that details the right-of-way needs, staff has no recommendation in reference to this issue. This issue will be addressed at Site Plan review.

Storm Water Management Analysis

As no physical improvements or changes in impervious surface are proposed with this application, there are no storm water management issues associated with this request.

Fire and Rescue (Appendix 7)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #430; Merrifield. The site currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

ZONING ORDINANCE PROVISIONS (Appendix 10)**OTHER ZONING ORDINANCE REQUIREMENTS****P-District Standards**

The requested proposal must comply with, among others, the Zoning Ordinance provisions found in Section 16-101, General Standards, and Section 16-102, Design Standards. At the time of the original zoning the site satisfied the applicable standards. This proposal to add college/university use to the interior of the existing structure will not alter or modify the site design. The site will continue to comply with the applicable provisions.

Section 6-206 Use Limitations

Standard 5 states that secondary uses shall be permitted only in a PDC District which contains one or more principal uses. Unless modified by the Board in conjunction with the approval of a conceptual development plan in order for further implementation of the adopted comprehensive plan, the gross floor area devoted to dwellings as a secondary use shall not exceed fifty (50) percent of the gross floor area of all principal uses in the development, except that the floor area for affordable and market rate dwelling units which comprise the increased density pursuant to Part 8 of Article 2 shall be excluded from this limitation. The gross floor area of all other secondary uses shall not exceed twenty-five (25) percent of the gross floor area of all principal uses in the development. The floor area for dwellings shall be determined in accordance with the gross floor area definition except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways

which may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.

Secondary uses are permitted on the subject site pursuant to RZ 80-P-039-5, previously approved by the Board of Supervisors. The proposed use will not exceed 30,000 square feet or 7.5% of the existing 400,000 square feet of the existing site. The maximum proposed area for all secondary uses is 47,000 square feet of the existing site. Therefore this standard has been addressed.

Standard 6 states that secondary uses shall be designed so as to maintain and protect the character of adjacent properties, and shall be conducted entirely within an enclosed building, with no outside display, except those uses which by their nature must be conducted outside a building.

The proposed college/university use will be conducted within the existing building on the subject site. There will be no outside display associated with the use; therefore this standard has been addressed.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The existing development and proposed use are in accordance with the Comprehensive Plan for use and intensity. There are no proposed changes to the existing building, parking garage or open space. Approval of the application will not adversely affect the character of the site or impact the surrounding area. In staff's opinion, the application is in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of PCA 80-P-039-9, subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approved Development Plan and Proffers for PCA/FDPA 80-P-039-5
5. Transportation Analysis
6. VDOT Analysis
7. Fire and Rescue Analysis
8. Water Authority Analysis
9. Park Authority Analysis
10. Zoning Ordinance Provisions
11. Glossary

PROFFERS

PCA 80-P-039-09

October 26, 2005

1. Amend Preamble to read as follows:

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, subject to the Board of Supervisors approval of the requested Proffered Condition Amendment (“PCA”), Hunter’s Branch Partners LLC, hereinafter referred to as the Applicant for the owners, themselves, successors and assigns in PCA 80-P-039-9, filed for property identified as Tax Map 48-4 ((1)) 1E and 1G (the “Property”), shall be subject to the previously approved proffers dated March 9, 1998 as they pertain to the Property, which will remain in full force and effect, except as amended as follows:

2. Amend Proffer 2 to read as follows:

A maximum of 712,500 square feet of office and principal uses shall be permitted on the Property under Option A. A maximum of 407,000 square feet of office and principal uses shall be permitted on the Property under Option B. In addition to office use, the following uses shall be permitted within the buildings shown on the CDPA/FDPA but in the event any or all of following principal or secondary uses are not provided, the commercial portion of the Property may be developed with all office use.

Principal Uses:

- One or more financial institutions with the total not to exceed 15,000 gross square feet.
- One or more retail sales or personal service establishments with the total not to exceed 30,000 gross square feet.
- One or more eating establishments with the total not to exceed 30,000 gross square feet with a maximum of 1,300 seats allowed.

Secondary Uses:

- One or more health clubs with the total not to exceed 15,000 gross square feet.
- A delicatessen consisting of maximum 2,000 square feet.
- Colleges and Universities consisting of a maximum of 30,000 square feet.
- In addition, residential dwelling units shall be provided as shown on the CDPA/FDPA.

3. Amend Proffer 3 to read as follows:

All the secondary uses will be designed to serve primarily the needs of the residents and occupants of the development, with the exception of colleges and universities, which shall be permitted to serve the needs of persons that do not occupy the development.

[SIGNATURES BEGIN ON NEXT PAGE]

Wachovia Bank, National Association, Trustee as
Successor-in-Interest to First American Bank of Virginia,
Trustee for the Benefit of J. Willard Marriott, Richard E.
Marriott and Snell Construction Corporation

By: _____
Laurence J. Burke, CTFA, CFP

Its: Vice President and Senior Trust Advisor

[SIGNATURES CONTINUE ON NEXT PAGE]