



FAIRFAX COUNTY

APPLICATION FILED: June 29, 2005
PLANNING COMMISSION: December 7, 2005
BOARD OF SUPERVISORS: Not yet scheduled

V I R G I N I A

November 23, 2005

STAFF REPORT

APPLICATION SEA 87-L-078

LEE DISTRICT

APPLICANT: P.R. Restaurant Inc. and SM Properties Inc. t/a Portales Restaurant

ZONING: C-5, R-3, HC

PARCEL(S): 81-3((4)) 5A pt. & 5B1

ACREAGE: 1.27 acres (overall site)
39,465 square feet (C-5 portion, 5B1)
16,023 square feet (R-3 portion, 5A)

FAR: 0.152

OPEN SPACE: 20% (C-5 portion), 30% (overall site)

PLAN MAP: Retail & Other, Residential 2-3 du/ac

SE CATEGORY: Category 6; Parking in an R District

PROPOSAL: To amend SE 87-L-078 previously approved for parking in an R District for restaraunt to permit a change in development conditions.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 87-L-078, subject to the development conditions 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 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: To amend SE 87-L-078 previously approved for Parking in the R District to permit a change in development conditions to extend the hours of operation for the existing eating establishment located on the C-5 portion of the application site.

The applicant's Affidavit and Statement of Justification are attached as Appendices 2 and 3 respectively.

Hours: Existing: 11:00 AM to 11:30 PM Sunday through Thursday and 11:00 AM to 1:00 AM on Friday and Saturday
Proposed: 11:00 am to 2:00 am daily.

Employees: Existing: Approximately eighteen (18) employees.
Proposed: Approximately eighteen (18) employees.

Patrons: Existing: Approximately 264 patrons at peak.
Proposed: Approximately 264 patrons at peak.

LOCATION AND CHARACTER

Site Description: The application property consists two parcels (*Tax Map 81-3 ((4)) 5A pt. & 5B*) and is located on the north side of Franconia Road, approximately 150 feet east of the intersection of Franconia Road and Grovedale Drive. It is bounded to the north and east by single family detached housing zoned R-3 and to the west and south by established commercial uses in the C-5 District. The site is split zoned R-3 and C-5 and located within a Highway Corridor Overlay. The portion of the site zoned R-3 (16,023 sq. ft.) contains parking for the existing eating establishment (Portales Restaurant) on the C-5 portion (39,465 sq. ft.) of the property pursuant to SE 87-L-078.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential, Single family detached (Franconia Hills)	R-3	Residential; 2-3 du/ac
South	Commercial (Convenience Grocery)	C-5	Retail & other
East	Residential, Single family detached (Franconia Hills)	R-3	Residential; 2-3 du/ac
	Commercial (Gasoline & Service Station)	C-5	Retail & other
West	Commercial, Retail (CVS)	C-5	Retail & other

BACKGROUND

Site History:

The existing structure on the site is a one (1) story building (Eating establishment) built in 1989 as a permitted use within the C-5 District, with a gross floor area of 11,600 square feet.

On April 25, 1988 the Board of Supervisors approved SE 87-L-078 to allow parking in the R District to serve the eating establishment pursuant to Sect. 9-609 of the Zoning Ordinance (Appendix 4).

Development Condition #10, approved with SE 87-L-078 stated that the applicant shall apply to Fairfax County for a rezoning for this residential parcel within two years of the Board of Supervisors' approval of this Special Exception. Fairfax County records show that rezoning application RZ 89-L-046 was filed on April 19, 1989 for the residential portion of the subject site (Tax Map 81-3((4)) 5A). The rezoning application was deferred indefinitely on November 8, 1989 and dismissed on February 24, 1995.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: RH1-Franconia Community Planning Sector,
 Franconia Road Corridor

Plan Map: Retail & other, Residential 2-3 du/ac

Plan Text:

The Franconia Community Planning Sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity and 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.

Franconia Road Corridor: Commercial development within the sector should be limited to infill in the area already developed as retail uses along Franconia Road between the existing church to the west and the Oaktree Office Park on the east. Because it is physically separated from adjacent residential uses by a small stream valley, Parcel 81-3((4)) 5A is included in the area planned for commercial use. Screening and buffering should be provided to establish appropriate transitions to residential areas and prevent commercial encroachment. Future improvements within the commercial area should provide for integration of design for the commercial uses, including interparcel access, the consolidation of access points, and improved landscaping.

ANALYSIS

Special Exception Plan - Approved with SE 87-L-078 (Copy at front of staff report)

Since no physical changes are proposed to the existing structures and no new construction is proposed with this application, a waiver of the requirement for submission of a special exception amendment plat has been granted in accordance with Sect. 9-011 of the Zoning Ordinance in favor of the submission of the previously approved special exception plat. The only change requested with this application is to extend the hours of operation from 11:00 AM to 11:30 PM Sunday through Thursday and 11:00 AM to 1:00 AM Friday and Saturday to 11:00 AM – 2:00 AM daily.

Title of SE Plat:	Port of Italy
Prepared By:	Rinker-Detwiler and Associates, P.C.
Original and Revision Dates:	August 20, 1987 as revised through February 29, 1988 containing 2 sheets.

Board of Supervisors Approval Date: April 25, 1988

Transportation Analysis (Appendix 5)

The applicant proposes to amend SE 87-L-078 previously approved for parking in the R District to permit a change in development conditions to extend the hours of service of the existing eating establishment. The Department of Transportation has reviewed the application and has no objection to approval of the proposal.

Environmental Analysis

While there are no proposed site improvements or new construction associated with this application, due to existing gaps in the vegetation between the portion of the site which provides parking in the R-district and the residential properties located to the north and east of the parking lot, staff has proposed a development condition that the applicant shall provide a barrier consisting of a six foot (6') high solid wood or otherwise architecturally solid fence or supplemental landscaping as determined by Urban Forest Management, DPWES along the northern and eastern perimeter of the parking lot. With the implementation of this development condition, all environmental issues will be addressed.

ZONING ORDINANCE PROVISIONS (Appendix 6)

Bulk Standards (C-5)		
Standard	Required	Provided
Lot Size	40,000 square feet	39,458 square feet (C-5) 16,023 square feet (R-3)
Lot Width	200 feet	125 feet
Max. Building Height	40 feet	35 feet
Front Yard	45 degree ABP, not less than 40 feet	82 feet
Side Yard	N/A	
Rear Yard	20 feet	209 feet
Max. FAR	0.50	0.152
Open Space	20%	20%
Parking		
Parking Spaces	75 spaces	77 spaces
Loading Spaces	1 space	1 space

Other Zoning Ordinance Requirements:**Special Exception Requirements (Appendix 5)***General Special Exception Standards (Sect. 9-006)*

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The proposal is to extend the hours of operation of a use previously approved by the Board of Supervisors. There are no proposed site improvements associated with this application. To ensure that the extended hours do not do not adversely affect the adjacent residential properties, staff recommends a development condition to provide supplemental landscaping or a wood fence to serve as a barrier to the adjacent residential community, as there are existing gaps the vegetation currently providing screening to the residential community. Therefore, this Standard has been met.

Category 6 Standards - Parking in R Districts (Sect. 9-609)

As discussed earlier, the Board of Supervisors previously approved SE 87-L-078 to allow parking in the R District for a restaurant pursuant to Sect. 9-609 of the Zoning Ordinance. There are no proposed site improvements other than the barrier to be provided along the northern and eastern boundaries of the parking lot pursuant to staff's proposed development conditions. Therefore the standards of Sect. 9-609 have been met.

Overlay District Requirements (Appendix 6)*Highway Corridor (HC) (Sect. 7 600)*

The applicant proposes to amend SE 87-L-078 previously approved for parking in the R District to permit a change in development conditions to extend the hours of service. The existing restaurant (Eating establishment) use is a permitted use in the C-5 District and Parking in the R District is a Special Exception use in the R-3 District. The existing uses on the site are not subject to the use limitations set forth in Sect. 7-608 of the Zoning Ordinance; therefore these standards have been met.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

There are no proposed site improvements or new construction associated with this application, therefore this standard has been met.

Recommendation

Staff recommends approval of SEA 87-L-078, subject to the development conditions 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. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. SE 87-L-078 – Approval Letter, Development Conditions, & SE Plat
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions
7. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SEA 87-L-078

November 23, 2005

If it is the intent of the Board of Supervisors to approve SEA 87-L-078 located at 6148 Franconia Road [Tax Map 81-3 ((4)) 5A pt. & 5B1] to amend SE 87-L-078 previously approved to permit parking in an R District to serve a restaurant to amend the development conditions to extend the hours of operation pursuant to Sect. 9-609 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previously approved conditions (from SE 87-L-078) are marked with an asterisk (*). New conditions and changes to previous conditions are underlined.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled Port of Italy, prepared by Rinker-Detwiler containing 2 sheets and dated August 20, 1987 as revised through February 29, 1988 and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A left turn deceleration lane on Franconia Road at the site entrance shall be provided subject to Virginia Department of Transportation approval.*
5. Interparcel access to parcel 4A to the east with a public access easement for shared access shall be provided.*
6. Full Transitional Screening as shown on the revised Special Exception Plat dated February 29, 1988 shall be provided along the northern and eastern boundaries as shown on the landscape plan dated February 29, 1988 prepared by Rinker-Detwiler Associates.*
7. A landscaping plan consistent with the proposed planting plan dated February 29, 1988, shall be implemented by the applicant. The existing vegetation shall be supplemented to increase the visual buffer between the proposed use and residential properties to the north and east. The landscaping plan shall be subject to County Arborist's review and approval at the time of Final Site Plan approval. *
8. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

9. The hours of operation of the eating establishment shall be from 11:00 AM to 11:30 PM Sunday through Thursday and 11:00 AM to 1:00 AM on Friday and Saturday 11:00 A.M. to 2:00 A.M. daily.
10. Supplemental landscaping or a barrier consisting of a six foot (6') high solid wood fence or otherwise architecturally solid fence shall be provided along the northern and eastern boundaries of the parking lot on Tax Map 81-3 ((4)) 5A pt. within 90 days of the date of approval of this Special Exception Amendment to fill in gaps in the existing screening provided in that area of the site.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.