



# FAIRFAX COUNTY

**APPLICATION FILED:** August 8, 2003  
**PLANNING COMMISSION:** January 25, 2006  
**BOARD OF SUPERVISORS:** Not yet scheduled

V I R G I N I A

January 11, 2006

## STAFF REPORT

**APPLICATION PCA 84-L-020-20/FDPA 84-L-020-2-11**

### LEE DISTRICT

<b>APPLICANT</b>	Apple Federal Credit Union and Kohl's Department Stores, Inc.
<b>PRESENT ZONING:</b>	PDC
<b>PARCEL(S):</b>	91-2 ((1)) 32C, 32E
<b>ACREAGE:</b>	10.55 acres (459,400 sq.ft.)
<b>PROPOSED FAR:</b>	0.276
<b>OPEN SPACE:</b>	1.65 acres (15%)
<b>PLAN MAP:</b>	Mixed-use
<b>PCA/FDPA PROPOSAL:</b>	Amend the proffers and Final Development Plan for Building X (Kohl's Department Store) to decrease the size of the previously approved building addition by 9,211 square feet, and to permit the addition of a 10,000 square foot free-standing building (Building X-1) for use as retail sales, an eating establishment, office, a bank with drive-in facilities, and the establishment of a commuter parking lot.
<b>WAIVERS/MODIFICATIONS REQUESTED:</b>	Modification of the transitional screening and barrier requirement to the east.

Variance in accordance with Par. 8 of Sect. 16-401 to permit a retaining wall located in the front yard to be a height greater than 4 feet (a maximum of 10 feet).

#### **STAFF RECOMMENDATIONS:**

Staff recommends that the Board of Supervisors approve PCA 84-L-020-20 subject to the execution of the draft proffers contained in Appendix 1 of the Staff Report.

Staff recommends that the Planning Commission approve FDPA 84-L-020-02-11 subject to the Board's approval of PCA 84-L-020-20 and subject to the proposed development conditions contained in Appendix 2 of the Staff Report.

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirement to the east.

Staff recommends approval of a variance in accordance with Par. 8 of Sect. 16-401 to permit a retaining wall located in the front yard to be a height greater than 4 feet (a maximum of 10 feet).

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.

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**

**PCA/FDPA Proposal:**

Amend the proffers and Final Development Plan for Building X (Kohl's Department Store) to decrease the size of the previously approved building addition by 9,211 square feet, and to permit the addition of a 10,000 square foot free-standing building (Building X-1) for use as retail sales, office, eating establishment, and a bank with drive-in facilities. The proposal also includes the provision of 12 reserved parking spaces for commuter parking.

A reduced copy of the proposed Final Development Plan (FDP) is included in the front of this report. The applicant's proposed proffers, staffs proposed development conditions, the affidavits, and statement of justification are included in Appendices 1-4, respectively.

**LOCATION AND CHARACTER**

**Site Description:**

The 10.55 acre application property is part of the area identified in the adopted Comprehensive Plan as a mixed use center, known as the Kingstowne Towne Center. The subject property is located in the PDC District section of the Kingstowne Towne Center and is bound on three sides by roadways: Kingstowne Boulevard to the northwest is a six lane divided facility with turn lanes; Sir Viceroy Drive to the southwest is a four lane facility; and King Centre Drive to the southwest is a four lane divided facility. A vacant parcel is located to the northeast of the subject property. The site can be accessed from Kingstowne Boulevard and Sir Viceroy Drive. The subject property has been developed with an 86,584 square foot retail store (Building X) which contains Kohl's Department Store. The building front faces toward Kingstowne Boulevard, with surface parking between the road and the building. A two hundred foot wide power line easement is located adjacent to Kingstowne Boulevard. This easement area is part of the parking lot in front of the retail store.

**Surrounding Area Description:**

Direction	Use	Zoning	Plan
<b>Northwest</b>	Commercial Uses (Kingstowne Shopping Center) <i>Across Kingstowne Blvd.</i>	PDH-4	Mixed Use
<b>Southwest</b>	Commercial uses (Walmart) <i>Across Sir Viceroy Drive</i>	PDC	Mixed use
<b>Southeast</b>	Church; Office Space <i>Across King Center Drive</i>	I-4; PDH-4	Mixed use
<b>Northwest</b>	Currently vacant (Proposed hotel, service station and mini-mart/fast food restaurant)	PDC; PDH-4	Mixed use

**BACKGROUND:**

The Kingstowne Towne Center is zoned to three different zoning districts, I-4, PDC and PDH-4. The application property is located in the portion that is zoned to the PDC District. This land was zoned to the PDC District at the time of the original approval of Kingstowne in 1985. Subsequently, through the approval of amendments to the original zoning, the layout in this portion of the town center was changed to reflect the current development pattern.

The amendment to the original rezoning that approved the layout under which this property was developed was PCA 84-L-020-4/FDPA 84-L-020-2-2. This amendment allowed the establishment of a retail building, known as Building X, with 126,175 square feet of gross floor area that was proposed to be a home center.

The subsequent amendment, PCA 84-L-020-10/FDPA 84-L-020-02-4, allowed amendments to the layout of Building X and permitted the use to be general retail. The site is currently governed by proffers dated April 29, 1996, and conditions dated May 9, 1996 which are attached as Appendix 5 of the Staff Report. There have been previous and subsequent amendments to other parts of the Kingstowne Towne Center that did not affect this particular subject property.

The current application was originally filed on August 8, 2003, and scheduled for a public hearing before the Planning Commission on September 23, 2004. Prior to the publication of the staff report and the scheduled public hearing date, the application was indefinitely deferred by the applicant to address issues related to the provision of commuter parking associated with the application. At the request of the applicant, the application was recently reactivated and scheduled for public hearing,

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Rose Hill Planning District; Area IV  
**Planning Sector:** Lehigh Community Planning Sector (RH4)  
**Plan Map:** Mixed Use

On page 63 of the Rose Hill Planning District of the 2000 edition of the Area IV Plan, under the heading as amended through February 10, 2003, "Policies for the Kingstowne Town and Village Centers," the Plan states:

"25. A mixed-use activity center should be planned in the core area at the intersection of South Van Dorn Street and Kingstowne Boulevard. Uses should include a balanced mix of residential, retail, office, research and development and recreation/leisure activities, and attractive public open spaces and amenities. Industrial uses may be appropriate within the southeastern portion of the core area provided adequate assurances are made that any such industrial uses will be compatible with nearby uses, existing or planned, and of high quality and low intensity, such as high technology."

The Comprehensive Plan map shows that the property is planned for mixed use.

## ANALYSIS:

**Conceptual/Final Development Plan (CDP/FDP)** (Copy at front of staff report)

**Title of CDPA/FDPA Plan:** Proffered Condition Amendment/FDPA Kingstowne Commercial 34  
**Prepared By:** BC Consultants  
**Original and Revision Dates:** June 20, 2003 as revised through January 6, 2006

**Description of the CDPA / FDPA (contains 6 sheets):**

- Sheet 1:** Contains a vicinity map, a legend, site tabulations, a curve table and - proposed site layout.
- Sheet 2:** General Notes and Comments – Contains general notes, owner/applicant information, angle of bulk plane illustration for Building X-1, and Kingstowne PDC Zone tabulations.
- Sheet 3:** Elevations and Detailed Plan – Contains a detailed plan view of Building X-1, and west elevations of Building X-1.
- Sheet 4:** Kingstowne PDC Zone Composite Plan – Contains plan view of PDC zone.
- Sheet 5:** Existing Vegetation Map.
- Sheet 6:** Photographic Information – Contains photos of the existing conditions on site.

**Description of the application:**

The most recent approval for this site (PCA 84-L-020-10/FDPA 84-L-020-02-4) permits the construction of a retail store, know as Building X, to be constructed in two phases. Phase I consists of 86,584 square feet and acts as the central building. The Phase II consists of an additional 39,591 square feet in two additions that flank the sides of the central building: one 10,540 square foot addition to the northeast of the Phase I, and the other, a 29,051 square foot addition to the southwest of Phase I. The total approved gross floor area (GFA) for the building is 126,175 square feet for a floor area ratio (FAR) of 0.274. Phase I was completed in 1994. The Phase II additions have not been constructed.

With this application, the applicant is proposing to reduce the permitted GFA associated with Phase II. The applicant is proposing to reduce the GFA of the southwest addition from 29,051 square feet to 19,840 square feet, a reduction of 9,211 square feet. The reduction would result in a greater setback for the Kohl's store from Sir Viceroy Drive. The applicant is proposing to add a two-story free-standing building (Building X-1) and associated parking to the site located 23 feet from the Sir Viceroy Drive right-of-way (ROW) in an area that is currently maintained grass. The proposal has the following features:

- Proposed 2 story 10,000 square foot building (Building X-1) located in the southwest portion of the site near the intersection of Sir Viceroy Drive and King Center Drive. The addition of this building to the site would result in a site FAR of 0.276.

- Parking is provided on the east side of Building X-1, between Building X-1 and Building X (Kohl's Department Store) with additional spaces to the east of the drive-in banking lanes. The total site (including Building X with the two proposed additions) requires 524 standard parking spaces and 6 loading spaces. A total of 623 standard parking spaces and 6 loading spaces are provided.
- The building is proposed to be utilized as an Apple Federal Credit Union with drive-through facilities, office and retail and eating establishment uses. The applicant states that the proposed uses within the building will be allocated according to the following: 1,000 – 5,000 square feet of retail sales establishment/eating establishment, 3,500 – 4,000 square feet of drive-in bank use, and 5,000 square feet of office.

The building X-1 is oriented towards Sir Viceroy Drive, with the main entrance and a decorative tower facing Sir Viceroy Drive.

The building includes a drive-through facility with, three drive-through windows, on the south side of the building. The applicant has committed that the drive-through facility will only be used for a bank. Motorists wishing to utilize the drive-through facility enter one of two access lanes and proceed to make a horseshoe movement. The two lanes then split into three lanes with two small islands separating the three lanes. A canopy is provided over the cars being serviced by the bank. Three vehicles can be serviced at one time; nine additional stacking spaces (for a total of twelve (12) stacking spaces) are provided. The drive-through facility is not visible from Sir Viceroy Drive because a retaining wall 8 – 10 feet in height is located around the drive-through aisles. The retaining wall will be either a segmental block (i.e. keystone, etc.) masonry wall or a brick facade structural wall.

The applicant has proffered to provide twelve (12) parking spaces on the Property for a commuter park-and-ride facility within the proposed parking lot for the Credit Union building, as shown on the CDPA/FDPA. The proffers indicate that the spaces shall be available for use upon issuance of the NON RUP for Apple Federal Credit Union subject to an agreement between the applicant and the Fairfax County Board of Supervisors that stipulates the spaces will be made available from 5:00 am to 11:00 pm, Monday thru Friday, excluding holidays, for a period of 10 (ten) years from the time they are first made available, after which either party may terminate the agreement upon thirty (30) days written notice, or upon the occurrence of certain events set forth in the agreement.

The proposed building will have a brick facade on all sides of the building as depicted on Sheet 3 of the PCA/FDPA Plat.

- Foundation plantings of shrubs, perennials and/or groundcover are provided around the perimeter of the building.

- There is an existing sidewalk along Sir Viceroy Drive. Sidewalks are provided from Sir Viceroy Drive into the site and around the parking area. Painted crosswalks are provided at appropriate locations. A sidewalk extends around the building from the parking area to the main building entrance which faces Sir Viceroy Drive. This sidewalk connects into the existing sidewalk located along Sir Viceroy Drive.

The applicant shows a possible location near Sir Viceroy Drive for free-standing signs for Building X-1. Any signage must comply with Article 12 of the Zoning Ordinance.

Stormwater management/best management practices (SMW) BMP will be provided by the existing BMP/SMW Management system approved by the Fairfax County Department of Environmental Management (now Department of Department of Public Works and Environmental Services) on March 21, 1988. Approximately 27 trees in the vicinity of Building X-1 will be removed. Evergreen and small compact deciduous trees will be provided around the proposed building and the proposed parking area as depicted on Sheet 1 of the CDPA/FDPA. Additionally, the applicant is providing supplemental evergreen tree landscaping to the rear of existing Kohl's Department Store, between the Store and King Centre Drive. A possible location is shown for a dumpster on the CDPA/FDPA on the north side of the proposed building. A development condition is proposed that would require the dumpster to be fully enclosed with brick or architectural walls with a gate.

### **Land Use Analysis:**

As part of the Kingstowne Towne Center, the subject property is planned for Mixed Use. The proposal to reduce the previously approved GFA of the Phase II addition by 9,211 square feet and add a free-standing 10,000 square feet building resulting in a net increase of 789 square feet to the site does not raise any land use issues. The reduced Phase II addition to Building X will pull back the approved building from Sir Viceroy Drive making room for Building X-1. The uses proposed for the 10,000 square foot building include a bank with drive-through facilities, office space, retail, and a eating establishments use which are permitted primary or secondary uses in the PDC District and are in conformance with the recommendations of the Comprehensive Plan.

### **Transportation Analysis (Appendix 6)**

The proposed Building X-1 includes a drive-through facility on the south side of the building. Motorists wishing to utilize the drive-through facility enter one of two provided lanes and proceed to make a horseshoe movement. The island that is in the middle of this "horseshoe" scales out on the plans to be 23-24 feet wide, which staff of the Department of Transportation have deemed adequate. To ensure that this width is retained, a development condition has been added that

requires the island to be a minimum width of 23 feet from face-of-curb - to face-of-curb. The applicant is providing a commuter parking lot comprising of 12 parking spaces as shown on the CDP/FDPA Plat.

The transportation analysis noted several deficiencies which should be addressed by the applicant. A right turn taper should be provided on Kingstowne Boulevard at the existing site entrance to the Kohl's lot. In addition, the delineation of sight distance at the two points of access to Sir Viceroy Drive does not appear to meet the recently revised VDOT standards. The applicant should verify that the sight distance calculations do meet current standards, or modify the plan as needed to achieve these standards. Also it would be desirable for the wheelchair accessible spaces to be moved closer to the proposed bank entrance. It would also be desirable for a sidewalk to be provided into the Kohl's portion of the site adjacent to the Kingstowne Boulevard entrance. With the approval of the proposed Development Conditions in Appendix 2, staff believes that all transportation issues have been addressed.

#### **Environmental Analysis** (Appendix 7)

There are no environmental issues associated with this proposal. The proposed building will be located on what is currently maintained grassland, but Stormwater Management Best Management Practices (SWM/BMP) will be provided by the current system which was approved in 1988. Approximately 27 trees on site will be removed to accommodate Building X-1. The applicant will plant trees around the proposed building and associated parking as shown on Sheet 1 of the CDPA/FDPA. The applicant is also providing supplemental evergreen landscaping to the rear of the existing Kohl's Department store to further screen the existing store from King Centre Drive. It should be noted that the existing landscaping on the site has not been well maintained and includes plant material that has not thrived or in many cases has died and not been replaced. While maintenance of landscaping is required by the provisions of Article 13, Landscaping and Screening, of the Zoning Ordinance, the draft proffers include specific commitments to maintain the on-site landscaping.

#### **Public Facilities Analysis** (Appendix 8 – 11)

##### **Park Authority Analysis** (Appendix 8)

The proposed additions to the existing retail store do not impact Park Authority facilities.

##### **Fire and Rescue Department Analysis** (Appendix 9)

This property is serviced by Station #5, Franconia. This service currently meets fire protection guidelines.

**Water Service Analysis** (Appendix 10)

The property is located in the service area of the Fairfax County Water Authority. Adequate water service is available at the site from existing 8-inch located at the property.

**Sanitary Sewer Analysis** (Appendix 11)

The application property is located in the Douge Creek (L) Watershed. It is sewer into the Norman M. Cole, Jr. Pollution Control Plant. Based on current and committed flow, there is excess capacity in the plant at this time. However, availability of treatment capacity will depend on the current rate of construction and the timing for development of this site.

**ZONING ORDINANCE PROVISIONS** (Appendix 12)

The proposed development most closely resembles the C-7 District; the following table depicts the bulk regulations of the C-7.

<b>Bulk Standards C-7</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Max. Building Height	90 feet	40 feet
Front Yard	Controlled by a 45° angle of bulk plane, but not less than 40 feet.	Building X (Kohl's) 130 feet Building X-1 (Bank, etc.) 40 feet
Rear Yard	20 feet.	Building X (Kohl's) 55 feet Building X-1 (Bank, etc.) 50 feet
Side Yard	No Requirement	Building X (Kohl's) 25 feet Building X-1 (Bank, etc.) 45 feet
FAR	1.65	0.2764
Open Space	15%	71,874 sq. ft. (15.6%)
Parking Spaces	590	623
Loading Spaces	6	6

Transitional Screening & Barrier		
Standard	Required	Provided
Northwest (PDH-4) Commercial Uses (Shopping Center)	None required	None required
Southwest (PDC) Commercial Uses (Walmart)	None required	None required
Northeast (PDC; PDH-4) (Currently vacant)	None required	None required
Southeast (1-4; PDH-4) (Church; Office)	(for church) Type 1; A, B or C	Minimum 50+ feet;

**Waivers and Modifications**

There is a very small portion of land that is part of parcel 32C and part of parcel 32E, but that is not apart of this application and not counted toward the land area of this application, located just southeast of the application area. This small portion is vacant. Across King Centre Drive from the site is land in the PDH-4 District and land in the 1-4 District. The land in the PDH-4 District contains office uses and does not require transitional screening and barriers. The Church of the Spirit currently occupies the building on the 1-4 site across King Centre Drive therefore; Type 1 transitional screening is required. Type 1 screening requires a planted unbroken strip of open space 25 feet wide. The portion of the subject property across from the site with the church exceeds this screening requirement. Barrier A, B or C is required in this area. Barrier A, B or C requires a fence 42 - 48 inches in height or an evergreen hedge with an ultimate height of 42 - 48 inches. The applicant is not providing a barrier with this application and is requesting a waiver from this requirement. Staff recommends approval of this waiver request since the church is across a four-lane divided road and is set back significantly. Furthermore, trees are provided on site in the area that is across King Centre Drive from the Church.

The applicant is also requesting a variance in accordance with Par. 8 of Sect. 16-401 to permit retaining wall to be located in the front yard to be a height greater than 4 feet (a maximum of 10 feet). A retaining wall 8 – 10 feet in height is located around the drive-through aisles of the bank. The retaining wall will be either a segmental block (i.e. keystone, etc.) masonry wall or a brick facade structural wall making the drive-through facility not visible from Sir Viceroy Drive.

### **Other Zoning Ordinance Requirements:**

Standards for all Planned Developments (Sect. 16-100)

Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject.

### **Sect. 16-101, General Standards**

The first general standard requires that the planned development conform with the Comprehensive Plan (Par. 1). As noted under the Land Use Analysis section, staff has determined that the proposed addition of a free-standing building to be used for a drive-through bank, offices, retail and an eating establishment does not affect the conformance of this development with the recommendations of the Comprehensive Plan.

The second General Standard addresses whether or not the planned development is of such a design that it achieves the purpose and intent of a planned development more than would be development under a conventional district (Par. 2). The purpose and intent of the Planned Development Commercial District are contained in Sect. 16-201 (see Appendix 13). The proposed addition of a 10,000 square foot building to the site does not affect the manner in which this portion of the Kingstowne Towne Center conforms to the purpose and intent of the PDC District.

The third general standard addresses the efficient use of the available land and protection of scenic assets and natural features such as trees, streams and topographic features (Par. 3). The proposed additions are located within the developed portion of the application property and do not affect scenic assets or natural features.

The fourth general standard states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development and shall not hinder, deter or impede development of surrounding undeveloped properties (Par. 4). The proposed Building X-1 does not affect the manner in which the existing retail development conforms to this standard. It should be noted that the surrounding uses are commercial in nature. The drive-through facility is not visible from Sir Viceroy Drive because a retaining wall 8 – 10 feet in height is located around the drive-through aisles. The retaining wall will be either a segmental block (i.e. keystone, etc.) masonry wall or a brick facade structural wall thus vehicles using the drive-through facility will not be visible from Sir Viceroy Drive.

The fifth general standard addresses the adequacy of public facilities in the vicinity (Par. 5). As noted above, the site is located in an area where public facilities and public utilities are adequate for the proposed development.

The sixth general standard addresses internal linkages between internal facilities and to external facilities at a scale appropriate to the development (Par. 6). The parking area associated with proposed Building X-1 links into the existing service drives and parking areas for the existing Building X. Sidewalks and crosswalks are adequately provided adjacent to the proposed Building X-1. Staff believes that this standard has been met with approval of the proposed development conditions which require that VDOT site distance requirements for the development are met.

### **Sect. 16-102, Design Standards**

The first design standard specifies that, regarding compatibility with adjacent development, the peripheral yards of CDP/FDP should generally conform with the setbacks for the most similar conventional district. The previous approval depicts that at the closest point Building X would be 70 feet from Sir Viceroy Drive. The proposed Building X-1 reduces the setback along Sir Viceroy Drive to 23 feet. Staff believes that 23 feet is sufficient and does not affect the compatibility of the existing use with the retail use (Walmart) across Sir Viceroy Drive. The applicant has ensured that the line of site is preserved. No landscaping will be placed in the area preserved for the line of site without approval from VDOT. Staff believes that this standard has been met with the proposed development conditions which require that VDOT site distance requirements are met for the development.

The second design standard states that other applicable provisions of the Ordinance such as off-street parking, landscaping, signs, etc. are applicable to planned developments (Par. 2). As illustrated by the Bulk standard chart above the proposed changes to the site do not reduce the parking provided below that required by Article 11, Parking and Loading. Further, the property does provide sufficient landscaped open space to exceed the minimum open space requirement and to meet parking lot landscaping standards.

Design Standard Number 3 specifies that the street systems conform with the applicable requirements and that a network of trails be provided to provide access to recreational amenities open space, public amenities, vehicular access routes and mass transit facilities (Par. 3). The proposed addition to the site does not affect the manner in which the property conforms to this standard previously with the approval of the proposed development conditions.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant, Apple Federal Credit Union and Kohl's Department Store, Inc. has filed this application to amend the proffers and Final Development Plan for Building X (Kohl's Department Store) to decrease the size of the previously approved building

addition by 9,211 square feet, and to permit the addition of a 10,000 square foot free-standing building (Building X-1) for use as retail sales, office, eating establishment, and a bank with drive-through facilities. The proposal remains in conformance with the existing proffers accepted pursuant to the approval of the use. The applicant has committed that the drive-through facility will only be used for a bank. The applicant has provided appropriate architecture and construction materials and has provided adequate vehicular and pedestrian connections.

Supplemental landscaping is being added to the site and the draft proffers also include a commitment to maintain the existing on-site landscaping, in contrast to the current situation where much of the landscaping is either in poor condition or has died. The applicant has also included a commitment to provide a commuter parking lot comprising of 12 parking spaces as shown on the CDP/FDPA Plat adjacent to proposed 10,000 square foot building (Building X-1). Staff believes that reduction of the GFA permitted in Building X and the addition of Building X-1 to the site for a net GFA increase on site of 789 square feet does not affect the manner in which this retail center conforms with the recommendations of the Comprehensive Plan for the Kingstowne Towne Center or the conformance of this site with the standards for a P-District.

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the execution of the proffers consistent with those contained in Appendix 1 of the Staff Report and the implementation of the Proposed Development Conditions contained in Appendix 2 of the Staff Report.

**Staff Recommendation:**

Staff recommends that the Board of Supervisors approve PCA 84-L-020-20 and the associated CDPA subject to the execution of the draft proffers contained in Appendix 1 of the Staff Report.

Staff recommends that the Planning Commission approve FDPA 84-L-020-11 subject to the Board's approval of PCA 84-L-020-20 and subject to the proposed development conditions contained in Appendix 2 of the Staff Report. Staff recommends approval of a modification of the transitional screening and waiver of the barrier requirement to the east.

Staff recommends approval of a variance in accordance with Par. 8 of Sect. 16-401 to permit a retaining wall to be located in the front yard to be a height greater than 4 feet (a maximum of 10 feet).

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. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Proffers, Development Conditions for PCA 84-L-020-10 / FDPA84-L-020-2-4
6. Transportation Analysis
7. Environmental Analysis
8. Park Authority Analysis
9. Fire and Rescue Analysis
10. Fairfax County Water Authority
11. Sanitary Sewer Analysis
12. Zoning Ordinance Provisions
13. Glossary of Terms

**PROFFER STATEMENT  
KINGSTOWNE PDC SECTION  
PCA 84-L-020-20  
January 6, 2006**

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, and Section 16-403 of the Zoning Ordinance of Fairfax County (1978, as amended), Apple Federal Credit Union and Kohl's Department Stores, Inc. (the "Applicant" or "Developer") in this Proffer Condition Amendment ("PCA") proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 91-2 ((1)), Parcels 32C and 32E (hereinafter referred to as the "Property") will be developed in accordance with the following conditions if, and only if, said PCA is granted. In the event said application is denied, this proffer statement shall be rendered null and void.

Except as modified below, the Property is governed by the Proffer of Development Conditions dated June 17, 1985, of DPA C-448-2 and RZ 84-L-020 and the subsequent amendments that apply to the Property, Proffer Statement dated November 17, 1992 of PCA 84-L-020-4, and Proffer Statement dated April 29, 1996 of PCA 84-L-020-10, except for the following modification to Proffer 67a.:

67a. Development of that portion of the Towne Center identified as Building X and Building X-1 shall be in accordance with the plan entitled Proffered Condition Amendment/FDPA, Kingstowne-Commercial 34, prepared by BC Consultants, Inc., dated June 20, 2003, and revised through January 6, 2006.

In addition to the above-referenced proffers, the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 91-2 ((1)), Parcels 32C and 32E (hereinafter referred to as the "Property"), which is the subject of application number PCA 84-L-020-20, will be developed in accordance with the following additional conditions if, and only if, said PCA is granted:

1. Apple Federal Credit Union shall enter into a license agreement with the Fairfax County Board of Supervisors to provide twelve (12) parking spaces on the Property for a commuter park-and-ride facility within the proposed parking lot for the Credit Union building, as shown on the CDP/FDP. Subject to the provisions set forth in the license agreement, the twelve (12) spaces shall be available for use upon issuance of the NON RUP for Apple Federal Credit Union. The spaces shall be made available from 5:00 am to 11:00 pm, Monday thru Friday, excluding holidays, for a period of 10 (ten) years from the time they are first made available, after which either party may terminate the agreement upon thirty (30) days written notice, or upon the occurrence of certain events set forth in the license agreement. Fairfax County shall provide all necessary signage.

2. The Applicant shall provide landscaping in substantial conformance with the quantity and quality of proposed landscaping shown on the CDP/FDP, in accordance with the recommendations of the Urban Forester. Evergreen trees shall be a minimum height of six (6) feet and deciduous trees shall have a minimum caliper of two and one-half (2 ½) inches at the time of planting.

3. The planting and maintenance of all tree and other landscape plants on the Property shall be in conformance with the Public Facilities Manual. Any trees that are staked or guyed at the time of planting shall have the stakes and guy wires removed within one (1) year. All plants shall be maintained to ensure a healthy growing condition and to preserve their natural form and function. All plants shall be maintained with proper watering, mulching, pruning and other maintenance as specified in the Landscape Specification Guidelines and pruning as specified in the latest edition of American National Standard for Tree care Operations – Tree Shrub and Other Woody Plant Maintenance – Standard Practices, ANSI A-300. All plant material that is dead, dying, or damaged beyond repair shall be replaced.

4. Architecture and facade treatment of the proposed building X-1 shall be in substantial conformance with the architectural elevations on sheet 3 of the CDP/FDP. Specifically, the Applicant shall provide a brick facade on all sides of building X-1.

5. The retaining wall shall be in substantial conformance with Sheets 1 and 3 of the CDP/FDP.

6. Building X-1, as shown on the CDP/FDP, may be developed with a financial institution with drive-thru facilities, a retail sales or eating establishment, and offices. The drive-thru facility shall not be used for any other use other than a drive-in bank.

**KOHL'S DEPARTMENT STORES, INC.**

By: \_\_\_\_\_

Name: Richard Schepp

Title: Executive Vice President

**APPLE FEDERAL CREDIT UNION**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STANFORD PROPERTIES, L.C.**

By: \_\_\_\_\_

Name: Andrew K. Brown

Title: Manager

**PROPOSED DEVELOPMENT CONDITIONS**

**FDPA 84-L-020-2-11  
(Building X and X-1)**

**January 11, 2006**

If it is the intent of the Planning Commission to approve Final Development Plan Amendment (FDPA) 84-L-020-11 located at Tax Map 91-2 ((1)) pt. 32C and pt. 32 E, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions which shall be in addition to all previously approved conditions that affect the subject street.

1. Development of the subject property shall be in substantial conformance with the plan, entitled "Kingstowne-Commercial 34," prepared by the BC Consultants dated June 20, 2003 as revised through January 6, 2006.
2. Dumpsters for Building X-1 shall be enclosed with brick or architectural block walls with a wooden gate.
3. The width of the island adjacent to the teller window/ATMs located at the southern side of Building X-1 shall be a minimum of 23 feet from face-of-curb to face-of-curb.
4. A right turn taper shall be provided on Kingstowne Boulevard at the existing site entrance to the Kohl's lot Drive as determined by VDOT and DPWES.
5. The existing right turn taper at the intersection of Kingstowne Boulevard and Sir Viceroy Drive shall be extended to provide a separate right turn lane for northbound traffic on Kingstowne Boulevard to turn right onto Sir Viceroy Drive as determined by VDOT and DPWES.
6. At the time of site plan review the applicant should verify that the sight distance calculations do meet current standards, or modify the plan as needed to achieve these standards. The two access points along Sir Viceroy Drive shall be designed to meet site distance requirements as determined by VDOT.