



FAIRFAX COUNTY

APPLICATION FILED: September 13, 2005
PLANNING COMMISSION: February 1, 2006
BOARD OF SUPERVISORS: February 6, 2006 @ 3:30 PM

V I R G I N I A

January 18, 2006

STAFF REPORT

APPLICATION SE 2005-LE-026

LEE DISTRICT

APPLICANT: Premier RE Fund I LLC

ZONING: C-6, CRD, HC, SC

PARCEL(S): 80-4 ((1)) 1 and 1A

ACREAGE: 2.89 acres

FAR: 0.59

PLAN MAP: Retail and other

SE CATEGORY: Category 9, Use 11: Approval of nonconforming condominium conversion

PROPOSAL: The applicant seeks a Special Exception to convert two non-conforming, non-residential structures to non-residential condominiums. The existing non-conformities include peripheral and interior parking lot landscaping, transitional screening and barrier requirements, tree cover, open space, percentage of office uses, intensity and rear yard setback.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2005-LE-026 subject to the proposed 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.

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

DESCRIPTION OF THE APPLICATION

The subject site is located in the Springfield Community Business Center (CBC) and contains two buildings, including a 3-story office building and a 2-story commercial building. The office building was constructed in 1966 and the commercial building (which contains retail, office and service uses as permitted in the C-6 District) was constructed in 1970. Although these structures complied with the Zoning Ordinance provisions in effect at the time of construction, they do not meet a number of current Zoning Ordinance provisions and as such, are non-conforming.

The applicant is seeking to convert these two buildings from rental properties to non-residential condominiums. No expansion, enlargement or modifications to the existing site are proposed. Because these buildings are non-conforming, the applicant is required to seek special exception approval. The nonconformities on the site include the following:

- Interior Parking Lot Landscaping. The Zoning Ordinance requires that at least 5% of any parking lot with more than 20 spaces should be landscaped. The existing parking lot contains no interior parking lot landscaping.
- Peripheral Parking Lot Landscaping. Because the site contains a parking lot with more than 20 parking spaces, peripheral parking lot landscaping is required to be provided in accordance with Sect. 13-202 of the Zoning Ordinance. No peripheral parking lot landscaping is provided on-site.
- Transitional Screening and Barrier Requirements. The site abuts an existing single-family detached neighborhood (Yates Village) to the north. The Zoning Ordinance requires that a 50-foot wide landscaped transitional screening yard with a six-foot high barrier be provided along this property line. Currently, there is a seven-foot high brick and block wall along the northern property line.
- Open Space. In the C-6 District, the Zoning Ordinance requires that 15% of the site be open space. Only 5% of the site is open space.
- Tree Cover. The Zoning Ordinance requires that in the C-6 District, 10% tree cover be provided. No tree cover is provided on the site.
- Percentage of Office Uses. In the C-6 District, the use limitations state that the total gross floor area of a site devoted to office may not exceed 25% of the maximum floor area permitted on the lot; however, that amount may be increased to 50% with approval of a special exception. Fifty-nine percent (59%) of the maximum permitted gross floor area of the site will be office.
- Intensity. In the C-6 District, the maximum floor area ratio (FAR) permitted is 0.40 FAR, though an increase to 0.50 FAR may be permitted with approval of a special exception. The subject site has an FAR of 0.59.

- Rear Yard Setback. In the C-6 District, a minimum rear yard setback of 20 feet must be provided. The 2-story commercial building is located one foot from the property line.

LOCATION AND CHARACTER

The subject 2.89 acre site is located on the west side of Brandon Avenue, north of Commerce Street, in the Springfield CBC. A three-story office building is located along Brandon Avenue, with a single row of parking spaces separating the building from the street. Along the north property line of the site is a two-story commercial building. A surface parking lot is located to the south and west of the existing buildings. With the exception of some landscaping around the existing buildings, the site is entirely impervious.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single-family detached residential (Yates Village)	R-4	Residential, 3-4 du/ac
East	Office	C-6	Office
South	Service station	C-8	Mixed Use
West	Retail (Concord Centre)	C-6	Retail and other

BACKGROUND (Appendix 4)

On July 27, 1966, Site Plan #841 was approved to allow a three-story office building on current Lot 1. As-Built Site Plan #841 was approved on November 29, 1967.

On April 21, 1970, Site Plan #1647 was approved to allow a two-story commercial building and parking lot on adjoining Lot 1A. As-Built Site Plan #1647 was approved on January 3, 1972.

On April 29, 2005, the property owner sent a letter to the Zoning Administrator requesting a zoning compliance letter for the subject site. On June 7, 2005, the Zoning Administrator determined that the property was developed in conformance with all applicable zoning and other County regulations. A copy of the Zoning Administrator’s letter is contained in Appendix 4.

There have been no previous variance, special permit, special exception or rezoning requests on the subject site.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Franconia-Springfield Area, Area IV
Planning Sector:	Springfield Community Business Center
Plan Map:	Retail and other
Plan Text:	

On page 61 of the Area IV Volume, Franconia-Springfield Area, Springfield Community Business Center , as amended through May 23, 2005, the Comprehensive Plan states:

Land Unit A is approximately 56 acres in size, and is bounded by Amherst Avenue, I-95, and Old Keene Mill Road. It is located in the northeastern portion of the Springfield Community Business Center (CBC). The Comprehensive Plan recommendations encourage the creation of an urban, pedestrian-oriented area comprised of a mix of medium to high intensity office, retail, hotel, civic, arts, and residential uses.

Currently Land Unit A is developed with approximately 360,000 square feet of retail use, 205,000 square feet of office use and 165,000 square feet of hotel use. The Comprehensive Plan assumes redevelopment of much of this space and the addition of approximately 600,000 square feet of office, 350,000 square feet of retail and 280,000 square feet of hotel uses for a total of approximately 2.0 million square feet of non-residential uses and 800 dwelling units. In total, this amount of development equates to an overall intensity of approximately 1.1 FAR.

A "main street area" treatment is planned along all streets in Land Unit A, except the area to the north of Commerce Street. Figure 18 shows the location of the core, or "main street" area within Land Unit A, which is approximately 27 acres. Like all areas in the CBC, the main street should incorporate the streetscape design features recommended by the Springfield Streetscape Conceptual Design. Street level retail uses are an integral aspect of the main street approach and are intended to help create an urban, people-oriented place that provides convenient retail services and encourages pedestrian movement.

Building facades and entrances should be oriented to the streets with parking located toward the rear of buildings, or below ground. The main street area should have wide sidewalks fronting retail shopping and restaurants on the lower floors of the office and/or residential buildings. Streetscape design should include corner plaza entry features at the intersections of Commerce Street/Backlick Road, Commerce Street/Brandon Avenue, Backlick Road/Bland Street and Bland Street/Brandon Avenue. Plazas at these locations will create an aesthetically pleasing streetscape environment and encourage pedestrian activity.

The main street area will function as the core area of the Community Business Center and will be characterized by multi-story buildings with a mix of street level-retail, hotel, civic, arts, residential, and/or office uses developed with a common design or architectural theme. The portion of a building above three stories should be stepped back from the street-side façade to avoid creating a canyon-like streetscape.

To implement this vision, a unified development plan demonstrating logical and substantial redevelopment of the core area is required with the initial rezoning, including a site for a public building or space for public use to house cultural, performing and visual arts, community and/or governmental use.

Along Commerce Street, consolidation of parcels 80-4 ((6)) 3 and 4C, is encouraged. The area is envisioned to be high rise office, residential or hotel use or a mix of these uses. Facades and entrances should be oriented to the streets with parking located toward the center of the block and to the rear of buildings.

Buildings should step down to a lower height towards Yates Village to maintain a transition to the adjacent residential neighborhood. Building design should include varying rooflines for visual interest. Year round screening should be provided by vegetated buffer located along the northern boundary of Land Unit A in 80-3 ((01)) 1, 1A, 3 and 5D. This buffer may be utilized for surface parking provided that:

- Parking areas are landscaped with planting beds and trees in excess of that prescribed by the Zoning Ordinance;*
- A minimum of 40 feet wide fully vegetated buffer is placed along the residential neighborhood with an eight foot high brick or architectural wall constructed along the parking edge;*
- Buildings are located a minimum of 120 feet from the residential neighborhood. Appropriately landscaped surface parking may be located in this area;*
- Office use should be compatible in design with the residential neighborhood; and*
- Lighting from any development should be designed so that it is not intrusive to the adjacent residential development.*

Freestanding single-use retail or office uses may be appropriate along Old Keene Mill Road and close to I-95. Under the option for redevelopment of the core area, freestanding single-use retail, hotel or office uses are only appropriate along Old Keene Mill Road and close to I-95. As part of the redevelopment of the core area, hotel use up to 110,000 square feet may be appropriate on the northwest corner of Old Keene Mill Road and Backlick Road, Tax Map 80-4((1))10. The site should be considered for this intensity only if enhanced streetscape amenities that create a focal point and gateway to the CBC are provided in addition to meeting the development criteria for Land Unit A. Additionally, to offset the effects of impervious surfaces the installation of rooftop vegetation and/or rain gardens is encouraged.

As discussed in the Transportation section and depicted on Figure 19, a commuter parking facility is planned in Land Unit A and/or C in the area adjacent to Amherst Avenue north of Old Keene Mill Road. The facility will complement a commuter staging area for car pool formation and bus/van service located across Old Keene Mill Road.

A major objective of the redevelopment of Land Unit A is the creation of a visually and functionally cohesive community. In addition to the implementation of urban design and architectural guidelines, land consolidation is necessary to physically unify freestanding buildings and for parking to be located to the rear of buildings or in the center of blocks. Where development intensity greater than .35 FAR is proposed, consolidation of at least 2 contiguous acres is encouraged, except as otherwise specifically recommended. When a consolidation is less than two acres, development should provide for vehicular and pedestrian access with abutting properties. As an alternative, coordinated development plans and concurrent processing of the development applications with a combined land area of at least 2 acres may be appropriate. In any instance, it must be demonstrated that any unconsolidated parcels are able to develop in conformance with the Plan.

All such development proposals in Land Unit A should also meet the following criteria:

- Multi-story buildings should have retail and service uses primarily located on the ground level. Retail and service uses are intended to serve both the needs of the office workers and residents;*
- To the extent possible, parking facilities should be located in the center of the block, behind buildings or otherwise screened from view;*
- Development should be transit-friendly: i.e. buildings should be located close to the street and streetscape amenities such as benches and bus shelters should be provided;*
- As consistent with County Policy, a detailed traffic impact analysis should be prepared to determine any additional improvements required to mitigate the impacts of the proposed development on the street network in the vicinity of the development. Development under this option should mitigate the incremental traffic impact of the proposed development. Examples of mitigation may include but not be limited to making contributions to alternative traffic mitigation projects that benefit the greater Springfield area;*
- Buildings and ground floor retail uses should have street level public access. Display windows oriented towards the street should be provided;*
- Pedestrian circulation and the use of public transit should be encouraged through site design and connections to sidewalk and trails;*
- Building design should reduce the effect of building height and bulk;*
- Shared parking is encouraged;*
- Curb cuts should be minimized; and*
- Urban design elements such as the pedestrian plaza, pedestrian amenities, and landscaping should be provided.*

ANALYSIS

Special Exception (SE) Plat (Copy at front of Staff Report)

Title of SE Plat: Premier Plaza Buildings I and II
Prepared By: Dewberry and Davis
Original and Revision Dates: September 7, 2005, as revised through October 21, 2005

Description of SE Plat:

The SE Plat consists of a single sheet. No changes are proposed to the existing site. The following features are depicted on the SE Plat:

Site Layout: The subject 2.89 acre site is developed with two buildings. A three-story office building is located along Brandon Avenue, with a single row of parking spaces separating the building from the street. Along the north property line of the site is a two-story commercial building. A single row of parking separates the building from the northern property line. A surface parking lot is located to the south and west of the existing buildings.

Access: The subject site has two entrances onto Brandon Avenue. In addition, driveway access is provided to the abutting property to the west in two locations – along the northernmost and southernmost portions of the western property line.

Parking: A total of 232 parking spaces are provided, which is eight (8) spaces in excess of the required parking (224 spaces based on the office parking rate of three per 1,000 spaces). These spaces are all located within the existing surface parking lot. No interior or peripheral parking lot landscaping is provided.

Open Space: Five percent (5%) open space is provided, which is 10% less than the 15% open space requirement for the C-6 District. The open space consists entirely of landscaping around the perimeters of the existing buildings. A seven-foot high brick and block wall is provided along the northern property line, where the site abuts the single-family detached neighborhood of Yates Village.

Land Use Analysis

There are no land use issues in connection with the application. The subject site is located within the Springfield CBC and Commercial Revitalization District (CRD). According to Par. A7-501 of the Zoning Ordinance, the purpose and intent of the Springfield CRD is to provide for additional flexibilities for development and redevelopment while also providing for urban design measures such as streetscape and landscaping. In addition, Par. 2 of Sect. 1-200 states that one of the purposes of the Zoning Ordinance is to facilitate the creation of a convenient, attractive and harmonious community. While no changes are proposed to the existing site, staff believes that the conversion of the site from rental properties to condominiums offers the opportunity to improve the aesthetics of the site. To that end, staff recommended

to the applicant that additional landscaping be provided on the site. In response to this request, the applicant has contracted with a landscaping company to plant trees along Brandon Avenue and along the southern property line. The trees proposed along the southern property line would be located off-site and are subject to permission of the abutting property owner.

Transportation Analysis (Appendix 5)

The proposed application raises no significant transportation issues. However, there is one minor issue with the site. The existing sidewalk along Brandon Avenue is not completely connected to the sidewalk along the front of the property to the south [Tax Map Parcel 80-4 ((6)) 4D]. As recommended by staff, the applicant has agreed to complete this sidewalk connection.

Environmental Analysis

There are no outstanding or significant environmental issues in connection with the application. However, staff would strongly recommend that the applicant increase the amount of landscaping on the site. Sect. 13-101 of the Zoning Ordinance states that the purpose and intent of the landscaping and screening requirements is to reduce the harmful effects of wind and air turbulence and heat and noise; to preserve underground water resources and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to provide shade; and to enhance the appearance of parking lots. Furthermore, Par. 2 of Sect. 1-200 states that the purpose and intent of the Zoning Ordinance is to protect against air and water pollution. Additional landscaping on site would help achieve these objectives.

As noted earlier in this report, the applicant has agreed to install additional landscaping.

ZONING ORDINANCE PROVISIONS (Appendix 6)

No new construction is proposed under this special exception request. The following chart depicts how the site meets the requirements of the Zoning Ordinance.

Bulk Standards (C-6 & CRD Districts)		
Standard	Required	Provided
Minimum Lot Area	40,000 SF	2.89 acres
Minimum Lot Width	200 feet	392 feet
Intensity	0.40 FAR	0.59 FAR
Maximum Height	50 feet (CRD)	35 feet

Bulk Standards (C-6 & CRD Districts)		
Standard	Required	Provided
Open Space	15% (18,895 SF)	5% (6,298 SF)
Front Yard	20 feet (CRD)	40 feet
Side Yard	No requirement	45 feet (Yates Village) and 70 feet (southern property line)
Rear Yard	20 feet	1 foot
Parking Requirement	224 spaces	232 spaces
Transitional Screening and Barrier Requirements	Transitional Screening 3 (50-foot wide landscaped strip) and Barrier E, F or G (six-foot high) is required along the northern property line where the site abuts single-family detached dwellings.	A seven-foot high brick and block wall is located along the northern property line.

Special Exception Requirements (Appendix 6)

Provisions for Approval of Nonconforming Condominium and Cooperative Conversions (Sect. 9-614)

Standard 1 states that pursuant to Va. Code Sections 55-79.43 and 55-429, the standards set forth in Sect. 9-006 (General Standards for Special Exceptions) shall not apply to applications for approval of nonconforming condominiums and that an application for a special exception shall be approved if the applicant can demonstrate to the reasonable satisfaction of the Board that existing nonconformities are not likely to be adversely affected by the proposed conversion.

Standard 2 states that upon approving a special exception, the Board may impose such conditions as deemed necessary to assure that the development will be in harmony with the purpose and intent of the provisions of this Ordinance.

Standard 3 states that an approval of a special exception shall permit existing nonconformities to continue as nonconformities.

As noted, the site was developed in 1971. As determined by the Zoning Administrator, it appears that the site was developed in conformance with all applicable zoning and other County regulations. Staff, however, is concerned with the lack of landscaping on-site. The site is located within the Springfield Commercial Revitalization District, whose purpose and intent is to enhance the older commercial areas of the County by providing for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping. To that end, staff has suggested areas in which the applicant could provide additional

landscaping. Such landscaping would also help facilitate the creation of an attractive community, as stated in Par. 2 of Sect. 1-200 (Purpose and Intent of the Zoning Ordinance). Urban Forest Management of the Department of Public Works and Environmental Services (DPWES) also noted that the landscaping strip along Brandon Avenue is wide enough to support some small trees. Not only would additional landscaping or the addition of trees help improve the aesthetics of the site but it would also provide environmental benefits, as listed in the Purpose and Intent of Article 13 (Sect. 13-101) and the Purpose and Intent of the Zoning Ordinance (Sect. 1-200).

As noted earlier in this report, the applicant has contracted with a landscaping company to install additional landscaping along Brandon Avenue and along the southern property line. Because this landscaping is not depicted on the SE Plat, staff recommends a development condition requiring its installation.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal to permit a non-conforming condominium conversion is in harmony with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions with implementation of the proposed development conditions.

Recommendation

Staff recommends approval of SE 2005-LE-026 subject to the proposed 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. Draft Development Conditions
2. Affidavit
3. Statement of Justification

APPENDICES (Cont.)

4. 6/7/05 Zoning Compliance Letter
5. Environmental Analysis
6. Applicable Zoning Ordinance Provisions
7. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2005-LE-026

January 18, 2006

If it is the intent of the Board of Supervisors to approve SE 2005-LE-026 in the name of the Premier RE Fund I LLC, located at Tax Map 80-4 ((1)) 1 and 1A (6120 and 6128 Brandon Avenue) to permit a nonconforming condominium conversion pursuant to Sect. 9-614 of the Fairfax County Zoning Ordinance, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

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 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 "Premier Plaza Buildings I and II" prepared by Dewberry and Davis, LLC and dated September 7, 2005, as revised through October 21, 2005, 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. Landscaping shall be planted along Brandon Avenue and off-site on Tax Map Parcel 80-4 ((6)) 4A, adjacent to the property's southern property line, as shown on the attached exhibit. The installation of the proposed off-site landscaping along the southern property line is subject to the permission of the property owner of Tax Map Parcel 80-4 ((6)) 4A. The applicant shall diligently pursue permission from the property owner of Tax Map Parcel 80-4 ((6)) 4A and provide documentation of such attempts to DPWES in the event such permission is not provided. If the applicant does not receive a response to its requests for permission to plant the proposed landscaping on Tax Map Parcel 80-4 ((6)) 4A within 60 days, then such request shall be deemed to have been rejected, and the applicant shall be relieved of any further obligation pursuant to this condition. All landscaping that is installed pursuant to this Special Exception shall be maintained in good health by the applicant.

5. A sidewalk connection, either concrete or pavers, shall be provided between the existing sidewalk along Brandon Avenue and the property to the south [Tax Map Parcel 80-4 ((6)) 4A] as shown on the attached exhibit.
6. No more than 59% of the maximum permitted gross floor area of the site shall be office. A parking tabulation shall be submitted prior to any site plan approval to ensure the mix of uses complies with Article 11 of the Zoning Ordinance.

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 Residential Use Permits 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 property has been subjected to a condominium regime pursuant to Virginia Condominium Act. 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.