



APPLICATION FILED: September 8, 2006
APPLICATION AMENDED: October 27, 2006
PLANNING COMMISSION: December 7, 2006
BOARD OF SUPERVISORS: January 8, 2007

County of Fairfax, Virginia

November 23, 2006

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-L-011

LEE DISTRICT

CRD

APPLICANT: Starco Properties VIII LLC

ZONING: C-8, R-2; CRD, HC

LOCATION: 6910 Richmond Highway & 3091 Clayborne Avenue

PARCEL(S): 92-2 ((18)) (6)1A & 92-2((18)) (7)8A

ACREAGE: 3.74 acres (overall site)
3.37 acres (C-8)
0.37 acres (R-2)

FAR: 0.58

OPEN SPACE: 18.3% (overall site)
17.1% (C-8)
29.7% (R-2)

PLAN MAP: Office

SE CATEGORY: Category 6: Increase in percentage of office use in a CRD;

PROPOSAL: Request for approval of a Special Exception Amendment to delete vehicle sale, rental, and ancillary service establishment use and increase the percentage of office use permitted in an existing building up to 100% of the floor area.

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Department of Planning and Zoning

Zoning Evaluation Division
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STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 95-L-011, subject to the proposed development conditions contained in Appendix 1.

Staff recommends that the previously approved waivers and modifications of transitional screening and barrier, peripheral parking lot landscaping width, and the service drive be approved.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, 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

SEA Proposal:

This application is a request to amend SE 95-L-011, previously approved for an increase in building height, parking in the R District, vehicle sales, rental, and ancillary service establishment and increase in FAR including an increase in the floor area for office use to permit deletion of the vehicle sale, rental and ancillary service establishment, and increase the percentage of office use from 75% of the building up to 100% of the building. The subject property is zoned C-8, R-2 and located in a Commercial Revitalization District, and the Highway Corridor Overlay District. The applicant also requests a reaffirmation of all modifications and waivers previously approved with SE 95-L-011.

Hours of operation: 7:00 a.m. - 7:00 p.m. Monday - Friday.

Number of Employees: Approximately 275 on site at any one time.

The applicant's affidavit and statement of justification can be found in Appendices 2-3, respectively.

LOCATION AND CHARACTER

Site Description:

The subject property comprises 3.74 acres and is located in Land Unit D of the Beacon/Groveton Community Business Center in the Richmond Highway Corridor. The site is located on the west side of Richmond Highway at its intersection with Clayborne Avenue. The subject property is split zoned C-8 (3.37 acres) and R-2 (0.37 acres) and located within the Richmond Highway Commercial Revitalization District (CRD) and within a Highway Corridor Overlay District. The C-8 portion of the property consists of an existing office building on the site, constructed in 1990, and associated parking. The R-2 portion of the site contains parking spaces which were approved with the original Special Exception. There are no exterior site improvements or modifications proposed with this application.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office	PRM	Office
South	Single-family Detached (Groveton Heights)	R-2	Residential; 2-3 du/ac
East	Office	C-3	Mixed Use
East	Vacant	PRM	Mixed Use
West	Single-family Detached (Groveton Heights)	R-2	Residential; 2-3 du/ac

BACKGROUND

On July 27, 1987, the Board of Supervisors approved SE 86-L-081 for a Vehicle Sale, Rental & Ancillary Service establishment, and parking in the R District and increase in building height, subject to development conditions.

On April 3, 1989, the Board approved six months of additional time, extending the period of time to establish the use to July 27, 1989. The site plan was approved on July 17, 1989; however the building permit was not issued until September 15, 1989.

In late 1994, it was determined by the Zoning Administrator that SE 86-L-081 had expired as commencement of construction had not occurred prior to the expiration date

On September 11, 1995, the Board of Supervisors approved SE 95-L-011 for use as a vehicle sale, rental and ancillary service establishment, increase in building height, parking in an R District, increase in FAR and increase in percentage of office use, subject to development conditions dated July 27, 1995. A reduction of the approved SE plat, and approved development conditions are contained in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area IV, Richmond Highway Corridor Area

Planning Sector: Beacon/Groveton Community Business Center, Land Unit D

Plan Map: Office

In the Fairfax County Comprehensive Plan, Area IV, 2003 Edition, Richmond Highway Corridor Area, Beacon/Groveton Community Business Center, as amended through October 23, 2006, page 39-41, the Plan states:

Land Unit D

The area between Richmond Highway and Donora Drive extending from Memorial Street south to midway between Clayborne Avenue and Collard Street has been designated the Groveton Redevelopment Area and is appropriate for redevelopment to medium intensity office use up to .70 FAR. This development should be attractive, well-landscaped and be made compatible with adjacent residential uses through attractive building design, site planning and architectural treatments as well as effective landscaping and buffering. Building height should be compatible with the adjacent community. In order to mitigate impacts on the community, there should be a decrease in building height from Richmond Highway to the west.

As an option, high density residential use with office and support retail at an overall intensity up to 1.8 FAR may be appropriate for parcels 92-2((1)) 13A, 93-1((1)) 97, 98 and 93-1((38)) (1) 1,4,7 if the following conditions are met.

- Complete consolidation of the block bounded by Richmond Highway, Memorial Street, Donora Drive, and Groveton Street is achieved.
- The development includes 70,000 to 90,000 square feet of office and retail use with a minimum of 20,000 square feet of retail use and a minimum of 50,000 square feet of office. A 70,000 square feet office component is desirable.
- Concurrent development of non-residential and residential uses takes place.
- The development proposal creates a mixed-use activity center by providing the following features:
 - Locating buildings close to Richmond Highway;
 - Orienting residential and non-residential uses to sidewalks;
 - Providing streetscape amenities such as street trees, sidewalks, plazas, retail browsing areas, street furniture and landscaping; and
 - Other building elements as described in the Urban Design Recommendations of the Comprehensive Plan for the Richmond Highway Corridor.
- Buildings are designed to step down to form an appropriate transition to adjacent residential properties west of Richmond Highway. To the extent possible, buildings along Richmond Highway should be sited to avoid casting shadows on the residential neighborhood facing Donora Drive. Appropriate landscaping and façade treatment measures are taken to reduce mass and size effect of multi-story structures on this neighborhood.

- Highway noise impact is mitigated through appropriate site and building design, and construction materials.
- Creative stormwater management techniques are examined as an alternative to underground detention facilities.
- The existing park and recreation deficiencies are offset through provision of neighborhood park and recreation facilities. Typical facilities may include, but are not necessarily limited to the following:
 - Picnic facilities;
 - Open play areas;
 - Court facilities;
 - Playgrounds and tot lots;
 - Landscaped garden/seating areas; and
 - Activity/game areas.

In addition, urban park features should be integrated within the site, such as plazas, gathering spaces, special landscaping, street furniture, and pedestrian amenities.

- Appropriate turn lanes to and from the site and any necessary intersection improvements are provided to enhance circulation efficiency. In addition, a detailed traffic impact analysis should be done to determine possible other improvements required to mitigate the impacts of the proposed development on the transportation system. The impacts of the development allowed under this option should be offset through a combination of measures as deemed appropriate by the Department of Transportation. These measures may include a combination of capacity, roadway, pedestrian circulation, and access improvements, and an effective Transportation Demand Management (TDM) program that takes advantage of the proximity to the Metrorail and existing and future transit along Richmond Highway. The TDM program should include activities such as the provision of shuttle bus service, Metrorail subsidies, and vanpool and carpool matching services.

Special Exception Plat (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 was 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 permit deletion of the vehicle sale, rental and ancillary service establishment, and an increase in the percentage of office use on the C-8 portion of the subject property.

Title of SE Plat: Stohlman Building, Lee District, Fairfax County, Virginia

Prepared By: Paciulli, Simmons & Associates, LTD.

Original and Revision Dates: Dated January 1995
revised through June 15, 1995

Plat Description:

The previously approved special exception plat consists of one sheet, containing a vicinity map, general notes, and the proposed site layout. As shown, two parcels bisected by Clayborne Avenue with access to the northern most parcel provided along the northern boundary from Groveton Street and to both parcels from Clayborne Avenue. The plat depicts a five-story building on the C-8 portion of the site with associated parking on the R-2 portion of the property.

ANALYSIS

Land Use Analysis

As noted above, the 3.74 acre subject property is located in Land Unit D of the Beacon/Groveton Community Business Center (CBC), which is within the Richmond Highway Corridor CRD. There were no outstanding land use issues identified with the original special exception application. The application proposes to delete the vehicle sale, rental and ancillary establishment use on the site and increase the percentage of permitted office use in the existing building from 75% to 100% on a property planned for office use. Therefore, no land use issues have been identified with this application.

Environmental Analysis

No significant environmental issues were identified as a result of the environmental evaluation of the original special exception application. As there are no site improvements proposed with this application, no issues were identified with this application.

Transportation Analysis (See Appendix 5)

Richmond Highway Frontage

Issue:

The Comprehensive Plan shows Route 1 (Richmond Highway) to be improved to eight lanes at this location. Right-of-way to 88 feet from centerline is needed to accommodate this improvement. The previously approved SE Plat shows Right-of-way dedication to 65 feet from the centerline. Further, a waiver of the service along the Richmond Highway Frontage was previously approved.

Resolution:

At this time there are no existing design plans or timetable for Richmond Highway improvements, and there is no new construction or intensification proposed with this application. Therefore, the Department of Transportation has no objections to a waiver of the service drive requirement or the dedication shown on the SE Plat.

Stormwater Management Analysis (Appendix 6)

As there are no site improvements proposed with this application, there are no additional stormwater detention or water quality control requirements associated with the application.

ZONING ORDINANCE PROVISIONS (See Appendix 7)

Bulk Standards C-8 (CRD)		
Standard	Required	Provided
Lot Size	40,000 square feet	51,158 square feet
Lot Width	200 ft.	270 ft. (parcel north of Clayborne Ave.) 120 ft. (parcel south of Clayborne Ave.)
Max. Building Height	40 ft. 50 ft. (Richmond Highway CRD)	59.5 ft.*
Front Yard (Clayborne Ave.)	45° angle of bulk plane, but not less than 40 ft. 20 ft. (Richmond Highway CRD)	77 ft.
Front Yard (Richmond Hwy.)	45° angle of bulk plane, but not less than 40 ft. 20 ft. (Richmond Highway CRD)	114 ft.
Front Yard (Donora Dr.)	45° angle of bulk plane, but not less than 40 ft. 20 ft. (Richmond Highway CRD)	147 ft.
Front Yard (Groveton St.)	45° angle of bulk plane, but not less than 40 ft. 20 ft. (Richmond Highway CRD)	126 ft.
FAR	0.50, up to 0.70 with Board approval	0.58**
Open Space	15%	17.1%
Parking Spaces	219	315
Loading Spaces	4	4

* Increase in building height previously approved with SE 95-L-011

** Increase in F.A.R. previously approved with SE 95-L-011

Bulk Standards R-2		
Standard	Required	Provided
Lot Size	15,000 sq. ft.	16,340 sq. ft.
Lot Width	100 ft. interior lot 125 ft. corner lot	75 ft.
Max. Building Height	35 ft. single-family detached 60 ft. all other structures	No structures on or proposed on R-2 portion of site
Front Yard	30 ft.	N/A
Side Yard	8 ft.	N/A
Rear Yard	25 ft.	N/A
FAR	0.20 for uses other than residential or public	N/A
Open Space	25%	29.7%
Parking Spaces	No requirement	39***

*** Parking in an R District approved with SE 95-L-011

Previously Approved Waivers and Modifications (SE 95-L-011)

Waiver of the service drive requirements where the property adjoins Richmond Highway.

Waiver of the transitional screening and barrier requirements between the C-8 and R-2 District on the parcel south of Clayborne Avenue in favor of the existing conditions shown on the Special Exception Plat.

Modification of the transitional screening requirements along the northern, southern, and westernmost boundaries in favor of the existing conditions shown on the Special Exception Plat.

Modification of the yard width for peripheral parking lot landscaping where both parcels of the property adjoin Richmond Highway, and on the parcel south of Clayborne Avenue where it adjoins the Clayborne Avenue right-of-way in favor of the existing conditions shown on the Special Exception Plat.

The applicant requests a reaffirmation of all of the previously approved waivers and modifications. Staff is supportive of such a reaffirmation.

OTHER ZONING ORDINANCE REQUIREMENTS:**Special Exception Requirements (See Appendix 7)**General Standards (Sect. 9-006)

- Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, the current structure and uses on the site were previously determined to be in harmony with the Comprehensive Plan recommendations for the site. The application proposes to delete the vehicle sale, rental and ancillary establishment use on the site and increase the percentage of permitted office use in the existing building from 75% to 100% on a property planned for office use. Therefore, this Standard has been met.
- Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. Staff has concluded that the purpose and intent of the C-8 District has been satisfied with this application. The existing site is designed in a manner that minimizes interference with through traffic movements along Richmond Highway, which is consistent with the purpose and intent of the C-8 District. Additionally, the application is in harmony with the recommendations for the Richmond Highway Corridor CRD. Therefore, this Standard has been met.
- Par. 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 current structure and uses on the site are in harmony with the Comprehensive Plan recommendations for the site and do not hinder or discourage development and use of surrounding properties. The application proposes to delete the vehicle sale, rental and ancillary establishment use on the site and increase the percentage of permitted office use in the existing building from 75% to 100% on a property planned for office use. There are no proposed site improvements associated with this application. Therefore, this Standard has been met.

- The Special Exception General Standards were evaluated with the original SE application for the subject property. As there are no site improvements proposed with this application and the vehicle sale, rental and ancillary establishment use will no longer be a permitted use with the approval of this application, staff feels that all of the standards have been met.

Category 6 Special Exception Uses: Modifications/waivers/increases and uses in a Commercial Revitalization District. (Sect. 9-601)

Increase in the amount of office space:

Sect. 9-622 states, that in a Commercial Revitalization District, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, an increase in the amount of office use permitted in accordance with the underlying zoning district regulations.

Sect. A7-402 of the Zoning Ordinance states that in the C-8 District, notwithstanding the provisions of Sect. 4-805, offices may, as a by right use, occupy a total gross floor area of eighty-five (85) percent of the maximum floor area permitted on the lot in accordance with the maximum floor area for the district. An increase in office use up to 100 percent of the maximum floor area permitted for the district may be allowed in accordance with the provisions of Sect. 9-622.

Office use is a permitted use in the C-8 District, notwithstanding the provisions of Sect. 4-805. Additionally, the application property is shown to be planned for office use on the Comprehensive Plan map. Staff feels that these provisions set forth in Sect. 9-622 and A7-402 of the Zoning Ordinance have been satisfied.

Highway Corridor Overlay District Special Exception Uses (Sect. 7-607)

This section states that all uses permitted by special exception in the underlying zoning district(s) are permitted with certain exceptions. The uses proposed with this application are permitted by special exception; therefore this standard has been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the application is in harmony with the land use recommendations of the Comprehensive Plan and, is in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of SEA 95-L011 subject to the proposed Development Conditions contained in Appendix 1.

Staff recommends that the previously approved waivers and modifications of transitional screening and barrier, peripheral parking lot landscaping width, and the service drive be approved.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, 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. Clerk to Board Approval Letter, Approved Development Conditions & SE Plat (SE 95-L-011)
5. Transportation Analysis
6. Stormwater Management Analysis
7. Zoning Ordinance Provisions
8. Glossary of Terms

DEVELOPMENT CONDITIONS

SEA 95-L-011

November 23, 2006

If it is the intent of the Board of Supervisors approved SEA 95-L-011 located at 6910 Richmond Highway & 3091 Clayborne Avenue [Tax Map 92-2 ((18)) (6)1A & 92-2 ((18)) (7)8A] to amend SE 95-L-011 previously approved for increase in building height, parking in the R District, vehicle sales, rental, and ancillary service establishment and increase in FAR including an increase in the area for office to permit deletion of the vehicle sale, rental and ancillary service establishment, and increase the percentage of office use pursuant to Sect. 9-622 and A7-402 of the Fairfax County Zoning Ordinance, staff recommends that the approval be subject to conformance with the following development conditions. These development conditions supersede all previous development conditions. Previously approved conditions (from SE 95-L-011) 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 Stohlman Building, prepared by Paciulli, Simmons & Associates, LTD. which is dated January 1995 as revised through June 15, 1995, 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. Right-of-way dedication to a minimum of sixty-five (65) feet from the centerline of Richmond Highway shall be provided within sixty (60) days of demand by VDOT or Fairfax County or at time of site plan approval, whichever occurs first.*
5. Office uses may occupy up to 100% of the gross floor area of the existing building. The following uses shall be permitted in the existing building and shall be limited to a maximum of 25% of the gross floor area of the building provided there is a proportionate reduction in the office use square footage and parking is provided in accordance with Article 11 of the Zoning Ordinance.*
 - Accessory uses as permitted by Article 10 of the Zoning Ordinance.
 - Business service and supply service establishments.

- Colleges, Universities.
 - Eating establishment.
 - Garment cleaning establishments.
 - Health Clubs.
 - Personal Service establishments.
 - Private schools of special education.
 - Retail sales establishments.
6. Building height shall be limited to a maximum of 59.5 feet.*
 7. Floor Area Ratio (FAR) for the application property shall be limited to a maximum of 0.58, including basement area based only on the portions of the site zoned C-8.*
 8. All plantings in the required transitional screening yards, interior parking lot landscaping, and peripheral parking lot landscaping shall be maintained in good condition and replaced when necessary as determined by Urban Forest Management, DPWES.*
 9. All lighting shall be directed to the interior of the site and will be of an intensity so as to avoid impacting the single family community to the west.*
 10. The seven (7) foot brick wall located in the south, west, and north transitional screening yards shall be maintained in good condition and cleaned of graffiti when necessary, as determined by Urban Forest Management, DPWES.*
 11. Approval of all signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.
 12. Accessible parking spaces shall be specifically designated and shall be located so that persons are not required to cross a vehicle travel aisle to use these.*
 13. There shall be no outside loudspeaker system.*

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, eighteen (18) 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.