County of Fairfax, Virginia

January 10, 2007

STAFF REPORT

APPLICATION SE 2006-PR-019

PROVIDENCE DISTRICT

APPLICANT:	Virginia International University
ZONING:	I-4
PARCEL(S):	57-1 ((1)) 10
ACREAGE:	11 acres
FAR:	0.35 (entire site)
PLAN MAP:	Office
SE CATEGORY:	Category 3: College, Universities
PROPOSAL:	Operate a University within an Existing Office Building

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-PR-019 subject to the proposed development conditions 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.

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
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It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

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

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

DESCRIPTION OF THE APPLICATION

Proposal:	Operate a university within a portion of an existing office building.
Size:	Total Existing Office (Existing Office Park): 165,881 sq. ft. Building for Proposed Use: 12,482 sq. ft. Virginia International University: 7,478 sq. ft. Office: 5,004 sq. ft.
Enrollment:	Students: 170 maximum daily enrollment (~110 daytime; ~60 evening) Faculty: 35 (26 part time; 9 full time)
Hours:	8:30 a.m. through 9:00 p.m. Monday through Friday
Waivers/Modifications:	No waivers or modifications are requested with the application.

A reduced copy of the proposed Special Exception Plat is included in the front of this report. The proposed development conditions, the Affidavit and the statement of justification are included as appendices 1 through 3.

LOCATION AND CHARACTER

Site Description

The subject property is located in an existing office building located at 3957 Pender Drive, which is part of a larger office park located approximately 800 feet northeast of the intersection of Pender Drive and Waples Mill Road on Tax Map 57-1((1)) 10. No physical changes are proposed to the property.

The subject property consists of approximately 11 acres of land area with six separate office buildings on site; 4 one-story and 2 two-story office buildings. The proposed university will occupy a portion of a one-story building located at 3957 Pender Drive, which is also located in the middle of the site on the west side. Three access points are provided from Pender Drive. Existing vegetation is located along the perimeter and includes a mixture of evergreen shrubs and trees. Additional landscaping is provided around each building. In addition, surface parking is provided along the perimeter of the site with two separate surface parking lots located in the middle of the site.

Surrounding Area Description

The subject property is located within a large office park that is located east of Waples Mill Road, south of Interstate 66 and north of Route 50. The table below lists the land use, zoning and current Plan for surrounding properties.

Direction	Use	Zoning	Plan
North	Office	I-4	Fairfax Center Area Land Unit K: Office @ Overlay Level 0.50 FAR
South	Office	C-6	Fairfax Center Area Land Unit K: Office @ Overlay Level 0.50 FAR
East (City of Fairfax)	Residential Townhouses & Apartments	--	--
West	Office	I-5	Fairfax Center Area Land Unit K: Office @ Overlay Level 0.50 FAR

BACKGROUND

- On November 5, 1979, the Board of Supervisors approved RZ 79-C-054, which rezoned approximately 22 acres from R-12 (Residential 12 du/ac) to the I-4 District. The land area of this Special Exception consists of 11 of those 22 acres. Proffered Conditions A, B and C, subject to RZ 79-C-054, limit the floor area ratio (FAR) to 0.67 FAR, building heights to 70 feet and the total building coverage on-site to 60 percent. There is no proffered development plan. (Appendix 4)

- On November 5, 1979, the Board of Supervisors approved PCA 74-2-036 concurrent with RZ 79-C-054, which applied the same proffer conditions from RZ 79-C-054 to approximately 25.2 acres of property zoned to the I-5 district that is located on the west side of Pender Drive.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III

Planning District: Fairfax Center Area

Land Unit: Land Unit K

Plan Map: Office

The Fairfax County Comprehensive Plan, 2003 Edition, Area III, Fairfax Center Area as amended through September 25, 2006, Land Unit K, page 78, states:

"This area contains office use and a hotel. These uses are expected to remain. Undeveloped parcels are planned for medium intensity office use at .50 FAR at the overlay level to be compatible with the overall intensity of this area. Particular attention should be given to the presentation of a high-quality image from I-66 and Route 50. The planned roadway improvements for this area are shown on Figure 6.

Development in this area is constrained by an Environmental Quality Corridor (EQC) associated with the stream valley that traverses the western portion of the land unit. The EQC encompasses the floodplain, associated alluvial soils, and steep slopes. This EQC should be retained in open space."

ANALYSIS

Special Exception Plat (Copy at front of staff report)

Title of SE Plat:	As Built Site Plan: Fairfax Executive Park
Prepared By:	Patton, Harris, Rust and Guy
Original and Revision Dates:	December, 1980 as revised through October 10, 1985

The SE Plat consists of one sheet, which represents the existing conditions and is taken from the approved "As Built Site Plan." The proposed university will occupy a portion (7,478 sq. ft.) of the existing office building labeled 3957 on the SE Plat that is located in the middle of the site near the west side of the property. The site tabulation table indicates that the six existing office buildings total 165,881 square feet of gross floor area and required 664 parking spaces at the time of site plan approval. The site plan shows a total of 677 surface parking spaces which are primarily located along the perimeter of the site with two parking lots in the center of the site. No physical changes are proposed to the exteriors of the office buildings, the existing stormwater management, existing sidewalks or the existing landscaping, screening and tree cover. Three access points are shown on the SE Plat from Pender Drive

Land Use Analysis

The application proposes a university within a portion of an existing office building located in Land Unit K of the Fairfax Center Area. The Plan text notes that this area contains office use and recommends office use at 0.50 floor area ratio for this site (see Appendix 5). The application does not propose to increase the gross floor area and is in harmony with the recommendations of the Comprehensive Plan.

Fairfax Center Checklist Analysis

The Fairfax Center Checklist is a tool used by staff in evaluating zoning applications within the Fairfax Center Area for conformance with the

Comprehensive Plan. Since the applicant seeks a special exception to operate as a university and proposes no physical change to the interior or exterior of the existing office building, a formal review of the Fairfax Center check list was not undertaken.

Transportation Analysis (See Appendix 6)

No transportation issues are associated with this application.

Environmental Analysis

No environmental issues are associated with this application.

ZONING ORDINANCE PROVISIONS (See Appendix 7)

The current parking requirement for office and university uses is:

a) Office Use: 125,000 square feet of gross floor area or more: Two and six-tenths (2.6) spaces per 1000 square feet of gross floor area.

b) University Use: Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time.

However, the number of existing parking spaces on the site (677) was based on the previous higher zoning requirement for office use (4.5 spaces per 1000 square feet of gross floor area).

Under the current Zoning Ordinance, 412 parking spaces are required for the square footage devoted to the office use (158,403 sq. ft.), 35 parking spaces are required to accommodate all of the faculty and employees and the Director of the Department of Public Works and Environmental Services (DPWES) determines the requirement for the students. Since the applicant has requested 110 students during the day, the time period that would conflict with use of the parking spaces by office workers, 110 spaces would likely be the maximum number required for the University. These 557 spaces are less than the 677 existing on the site. Staff has proposed a development condition limiting the number of students on site prior to 6:00 p.m. to 110 students.

Transitional Screening and Barrier Requirements

The subject property is bounded by office uses to the north, south, and west and residential uses to the east. According to the Zoning Ordinance, the residential uses to the east in the City of Fairfax require Transitional Screening I. This screening currently exists. Since no changes are proposed to the interior or exterior of the existing office buildings, Staff believes that the existing vegetation on all lot lines adequately screens the site.

Waivers and Modifications

No waivers or modifications were requested with this application.

Special Exception Requirements

Standards for all Category 3 Uses (Sect. 9-304)

The Category 3 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to Site Plan Review. The proposed use meets these standards.

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 existing office buildings are below the 0.50 FAR recommended for office use by the Comprehensive Plan. No change is proposed to the gross floor area of the building. Staff believes that the proposed university use will complement the existing office uses on the site and is in harmony with the use and density recommendations of the Fairfax Center Area.

- Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. Staff believes that the purpose and intent of the I-4 District is satisfied because the proposed university use is permitted by special exception and the applicant's proposed continuing education facility is compatible with the existing office uses.

- Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of adjacent properties. The proposed university is to be located in an existing office building and no change is proposed to the gross floor area. The adjacent properties are already developed and may expand or redevelop in conformance with the Zoning Ordinance and Comprehensive Plan.

- Par. 4 states that pedestrian and vehicular traffic associated with the use may not be hazardous or conflict with existing or anticipated traffic in the neighborhood. Staff believes that this standard has been satisfied. Pedestrian access is provided on existing sidewalks located along the

surrounding streets and the site layout provides for safe and efficient pedestrian and vehicular circulation.

- Par. 5 addresses the requirements of Article 13, Landscaping and Screening. Staff believes that the existing landscaping is in accordance with Article 13 of the Zoning Ordinance.

- Par. 6 requires that open space be provided as required in the zoning district.

- Par. 7 addresses the adequate provision of utilities, drainage, parking and loading at the site. This is a developed site where utilities are already provided. The proposal does not propose to add any additional impervious surfaces to the site.

- Par. 8 states that all signs are regulated by the provisions of Article 12, Signs.

Overlay District Requirements

The application property is not located within an Overlay District. No issues are associated with this application.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the proposal to permit a university use within a portion of an existing office building is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of SE 2006-PR-019 subject to the Proposed Development Conditions in Appendix 1.

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. Proffer conditions for RZ 79-C-054
5. Plan Citations
6. Transportation Analysis
7. Applicable Zoning Ordinance Provisions
8. Glossary of Terms

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

SE 2006-PR-019

January 10, 2007

If it is the intent of the Board of Supervisors to approve SE 2006-PR-019 located at Tax Map 57-1 ((1)) 10 (3957 Pender Drive) for use as a university within the existing office building pursuant to Sect. 5-404 of the Fairfax County Zoning Ordinance, the 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. Other Permitted or Special Permit uses may be allowed on the site without amending this special exception so long as the proposed use is in substantial conformance with the SE Plat and all Zoning Ordinance requirements have been met.

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 As Built Site Plan: Fairfax Executive Park, prepared by Patton, Harris, Rust and Guy, consisting of 1 sheets dated December, 1980 as revised through October 10, 1985, 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. The amount of gross floor area devoted to the university use within the building shall be limited to 7,480 square feet.

5. The maximum daily enrollment shall be limited to 170 students.

6. In no event shall more than 110 students be permitted to attend classes during the day before 6:00 p.m.

7. The maximum number of parking spaces for university employees and faculty members shall be limited to 35.

8. There shall be no dorms or dedicated eating establishments on the portion of the site devoted to university use.

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

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. 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.