



County of Fairfax, Virginia

April 18, 2007

STAFF REPORT

APPLICATIONS

FDPA 82-P-069-6-10

FDPA 82-P-069-11-04

FDPA 82-P-069-12-03

SPRINGFIELD DISTRICT

APPLICANT: Cognac Fair Lakes LLC

PRESENT ZONING: PDC, WSPOD

PARCEL(S): 55-2 ((1)) 14A pt.

ACREAGE:

| | |
|----------------------|-------------------|
| FDPA 82-P-069-6-10: | 3.14 acres |
| FDPA 82-P-069-11-04: | 1.34 acres |
| FDPA 82-P-069-12-03: | <u>3.88 acres</u> |
| Total Land Area: | 8.36 acres |

PLAN MAP: Fairfax Center Area: Office/Mix

PROPOSAL: Request to amend the final development plans for FDP 82-P-069-6, FDP 82-P-069-11, and FDP 82-P-069-12 (Fair Lakes) previously approved as an office development to permit an expansion of an existing parking structure, and the construction of a parking structure above an existing surface parking lot.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 82-P-069-06-10 subject to the proposed development conditions contained in Appendix 1.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Staff recommends approval of FDPA 82-P-069-11-04 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of FDPA 82-P-069-12-03 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirements to the south in favor of the existing and proposed landscaping.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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 Planning Commission.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

The applicant, Cognac Fair Lakes LLC, requests to amend the final development plans for FDP 82-P-069-6, FDP 82-P-069-11, and FDP 82-P-069-12 previously approved as an office development on 8.36 acres in Land Bay V-B-3 of Fair Lakes (Tax Map 55-2 ((1)) 14A). Fair Lakes is zoned Planned Development Commercial District (PDC) at an overall intensity of 0.25 FAR and is located within the Water Supply Protection Overlay District (WSPOD). The applicant is requesting to expand an existing parking structure, and to construct a new parking structure above an existing surface parking lot.

The proposed development conditions and the applicant's affidavit and statement of justification can be found in Appendices 1-3, respectively.

Waivers Modifications Requested:

The applicant requests a modification of the transitional screening and barrier requirements on the south side of the property adjacent to I-66 in favor of the existing and proposed landscaping.

LOCATION AND CHARACTER

Site Description:

The approximately 660-acre Fair Lakes development is located in the Fairfax Center Area on the north side of Interstate 66, east of Stringfellow Road, west of West Ox Road and south of Route 50. A portion of Fairfax County Parkway passes through the center of the development. The area is planned for commercial development in the center with residential uses to the east and northeast. The property, which is the subject of FDPA 82-P-069-6-10, FDPA 82-P-069-11-4, and FDPA 82-P-069-12-3, is located south of Fair Lakes Circle, approximately 1,250 feet east of its intersection with the Fairfax County Parkway. This property is currently developed with an approximately 260,000 gross square foot office structure with associated surface and structured parking facilities. Approximately 779 existing parking spaces are located on the property. Of those, 311 parking spaces (approximately 40%) are surface parking spaces and 468 parking spaces (approximately 60%) are located within a parking structure. The site has two access points; from Fair Lakes Circle and from the southern boundary of the site adjacent to the I-66 exit ramp onto the Fairfax County Parkway.

Surrounding Area Description:

| DIRECTION | USE | ZONING | PLAN |
|-----------|-------------------------------|--------|---------------------|
| North | Office | PDC | Fairfax Center Area |
| South | Interstate 66 Landfill | R-2 | Fairfax Center Area |
| West | Future multifamily and office | PDC | Fairfax Center Area |
| East | Retail | PDC | Fairfax Center Area |

BACKGROUND

The following is selected background information which relates to the subject property. A map that diagrams the land bays within Fair Lakes and a complete zoning tabulation of Fair Lakes land bay uses (dated January 25, 2006) that was provided by the applicant, depicts the uses and square footage approved for the land bays to date (see Appendix 4). Cases listed in bold type are directly related to the subject site.

Site History:

| Application | Date | Description |
|---|--------------------------|--|
| RZ 82-P-069 FDP 82-P-069-01 | April 2, 1984 | Rezoned 620 acres to the PDC District for Fair Lakes. Approved FDP for portions of Land Bay V-A and VI.¹ |
| FDPA 82-P-069-01-4 FDP 82-P-069-08 | July 10, 1986 | Approved minor changes to the parking. Approved a 175,000 square foot office building. ² |
| FDP 82-P-069-06 | July 24, 1986 | FDP for portion of Land Bay V-B.³ |
| FDP 82-P-069-12 FDPA 82-P-069-06-2 | December 10, 1987 | Approved a health club and additional principle and secondary uses on a total of 21.28 acres of land.⁴ |
| FDPA 82-P-069-06-1 FDP 82-P-069-11 FDPA 82-P-069-01-6 FDPA 82-P-069-08-1 | April 9, 1987 | Modified the development for 37.5 acres of Land Bay V-B. Approved additional principal and secondary uses.⁵ |
| PCA 82-P-069-03 RZ 86-P-004 CDPA 82-P-069-03 | July 20, 1987 | Rezoned and incorporated 37.5 acres into Fair Lakes and modified the mix of non-residential and residential uses. ⁶ |
| PCA 82-P-069-04 RZ 86-P-089 | July 1, 1988 | Land Swap with Fairfax County Government. ⁷ |
| FDPA 82-P-069-06-3 | September 28, 1988 | Increased the hotel size and maintained a open space/tree area. ⁸ |
| PCA 82-P-069-05 | October 2, 1989 | Reallocated office uses to retail uses for Land Bays IV and V-B. ⁹ |
| FDPA 82-P-069-06-4 FDPA 82-P-069-11-1 | October 18, 1989 | Approved a 262,000 square foot office building.¹⁰ |

| Application | Date | Description |
|--|------------------|---|
| PCA 82-P-069-06 | October 28, 1991 | Increased retail uses and decreased the minimum office for Land Bays IV and V. ¹¹ |
| FDPA 82-P-069-06-5 FDPA 82-P-069-11-2 | May 5, 1994 | Approved a surface parking area. ¹² |
| FDPA 82-P-069-06-7 FDPA 82-P-069-14-4 | January 26, 2005 | Removed 220,000 square feet of office and added 22,380 square feet of retail. ¹³ |
| PCA 82-P-069-14 CDPA 82-P-069-07 FDPA 82-P-069-6-8 FDPA 82-P-069-11-3 FDPA 82-P-069-01-13 FDPA 82-P-069-8-4 | July 25, 2005 | Approved a reduction in minimum office intensity; approved residential use for a 150,000 square foot multi-family building, an 113,000 square foot office building and a four level parking garage. ¹⁴ |
| FDPA 82-P-069-6-9 | March 1, 2007 | Request to amend the FDP 82-P-069-6 previously approved for hotel development to permit building addition and site modifications. ¹⁵ |

1. **On April 2, 1984, the Board of Supervisors approved RZ 82-P-069 to rezone 620 acres to the PDC District for Fair Lakes to permit a maximum of 5,078,000 square feet of non-residential uses, a minimum of 1,321 dwelling units with a maximum FAR (floor area ratio) of 0.25. FDP 82-P-069-01 was approved by the Planning Commission for portions of Land Bays V-A and VI for offices and multi-family, including a 107,000 square foot office building and surface parking lot on Tax Map 55-2 ((1)) 6 (subject site for FDPA 82-P-069-01-13). Copies of the proffers, Conceptual Development Plan, Final Development Plan and conditions are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.**
2. On July 10, 1986, the Planning Commission approved FDP 82-P-069-08 for a seven story 175,000 square foot office building, parking garage and surface parking (Tax Map 55-2 ((1)) 6A and 8) and FDPA 82-P-069-01-4 to permit a slight adjustment in the parking areas and the location of the access road. The Final Development Plan was amended by subsequent applications copies of the FDP and conditions are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
3. **On July 24, 1986, the Planning Commission approved FDP 82-P-069-06 (Tax Maps 55-2 ((1)) 3B, 7A, 7B, 9A pt., 14A pt., 14B1, 14B2, 14B3, and 18). The development plan approved a maximum of 795,000 square feet consisting of two eight story office buildings at a maximum of 141,000 square feet each (located on the subject site for FDPA 82-P-069-06-8); one thirteen story hotel, a maximum of 220,000 square feet; two eight story office buildings at a maximum of 146,500 square feet each; and a health club at a maximum of 80,000 square feet. The Final Development Plan, including the subject site, was amended by subsequent applications and copies of the FDP and conditions are on file with the Zoning Evaluation Divisions of the Department of Planning and Zoning.**
4. **On December 10, 1987, the Planning Commission approved FDP 82-P-069-12 and FDPA 82-P-069-06-2. FDPA 82-P-069-06-2 revised the final development plan for a 17.48 acre portion of Land Bay V-B of the Fair Lakes Development. Two office buildings, a restaurant, a portion of a health club and a parking deck were approved.**

FDP 82-P-069-12 is located immediately to the west of FDPA 82-P-069-6-2 property and is 3.80 acres. This was the first FDP for this land area. A portion of the health club, surface parking and an open space buffer which includes 2 stormwater management facilities are depicted on this development plan.

5. **On April 9, 1987, the Planning Commission approved FDP 82-P-069-11, concurrent with FDPA 82-P-069-06-1. The Planning Commission also approved FDPA 82-P-069-01-6 and FDPA 82-P-069-08-1. FDPA 82-P-069-11 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) approved surface parking in an area that had not been previously approved for development. FDPA 82-P-069-06-1 (Tax Maps 55-2 ((1)) 3B, 9A pt. 14A pt. 14B1, 14B2 and 14B3) permitted one 266,000 square foot twelve-story office building (located on the subject site), two ten story office buildings at 154,500 square feet each, an 80,000 square foot health club and a day care center. FDPA 82-P-069-06-1 and FDPA 82-P-069-08-1 amended the development plans to permit additional principal and secondary uses to be located within the previously approved office buildings with no change to the approved buildings. The Final Development Plans, including the subject sites, were amended by subsequent applications and a copy of the FDP and conditions are on file with the Zoning Evaluation Divisions of the Department of Planning and Zoning.**
6. On July 20, 1987, the Board of Supervisors approved RZ 86-P-004, concurrent with PCA 82-P-069-03 and CDPA 82-P-069-03 to rezone 37.5 acres to the PDC District and incorporate the area into Fair Lakes to permit a maximum of 5,350,200 square feet of non-residential uses and a minimum of 1,457 dwelling units (the maximum 0.25 FAR was not modified). The Conceptual Development Plan depicted Land Bay V-A as office and Land Bay V-B for non-residential mix of uses.
7. On July 1, 1988, the Board of Supervisors approved RZ 86-P-089 concurrent with PCA 82-P-069-04 to rezone two acres to the PDC District, incorporate the area into Fair Lakes to permit a maximum of 5,364,820 square feet of non-residential uses and a minimum of 1,464 dwelling units; the maximum 0.25 FAR was not modified. Copies of the proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
8. On September 28, 1988, the Planning Commission approved FDPA 82-P-069-06-3 (Tax Maps 55-2 ((1)) 7A, 7B and 9A pt.) for 12.82 acres to permit minor reconfigurations and increase of the hotel from 220,000 square feet to 228,830 square feet. Tax Map 55-2 ((1)) 18 (a portion of the subject site for FDPA 82-P-069-06-8) was approved for open space for trees.
9. On October 2, 1989, the Board of Supervisors approved PCA 82-P-069-05 to reallocate 300,000 square feet of office uses to retail uses for Land Bay IV. Copies of the Conceptual Development Plan and proffers are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.
10. **On October 18, 1989, the Planning Commission approved FDPA 82-P-069-11-1 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) for 3.59 acres to modify the surface parking lot and FDPA 82-P-069-06-4 (Tax Maps 55-2 ((1)) 9A pt.) for 27.11 acres to permit one ten story, 262,000 square foot office building (located on the subject site) and two fourteen story office buildings at a maximum of 505,947 square feet combined.**
11. **On October 28, 1991, the Board of Supervisors approved PCA 82-P-069-06 for Land Bays IV and V-B to increase retail uses by 200,000 square feet to a maximum of 1,100,000 square feet and decrease the minimum office uses by 504,820 square feet; however, the overall FAR for Fair Lakes was not modified. These proffers govern the site and copies are contained in Appendix 5.**

12. **On May 5, 1994, the Planning Commission approved FDPA 82-P-069-6-5, FDPA 82-P-069-11-2, FDPA 82-P-069-12-2, and FDPA 82-P-069-14-1 (Tax Maps 55-2 ((1)) 9A pt., 13, and 14A pt.) for 27.47 acres to modify the FDPs by eliminating the 40,000 square foot health club; adding a third office building; and increasing the total building area by 220,000 square feet. This is the Final Development Plan that governs the subject property on Tax Map 55-2 ((1)) 14A pt. (office); copies of the development plan and conditions are contained in Appendix 6.**
13. **On January 26, 2005, the Planning Commission approved FDPA 82-P-069-06-7 and FDPA 82-P-069-14-4 to remove a 200,000 square foot office building and four level parking deck and approved a 10,880 square foot retail pad site and an 11,500 square foot addition to an approved retail store. The approvals resulted in a reduction of intensity of 177,620 square feet. That office intensity is proposed to be used for office and residential development proposed by FDPA 82-P-069-06-8 and FDPA 82-P-069-11-03. Copies of the Final development Plan and conditions are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.**
14. On July 25, 2005, the Board of Supervisors approved CDPA 82-P-069-07, FDPA 82-P-069-06-08 and FDPA 82-P-069-11-03, concurrent with PCA 82-P-069-14, FDPA 82-P-069-01-13 and FDPA 82-P-069-08-04 to permit the addition of residential uses in Land Bay V-B; to amend the Final Development Plans to provide a 150,000 square foot multi-family building, 113,000 square foot office building and a four level parking garage; to amend the proffers for a portion of Fair Lakes to permit a reduction in the minimum office intensity and provide specific proffers related to the proposed residential uses in Land Bay V-B; and to amend the Final Development Plans to delete a previously approved but unconstructed 60,000 square foot office building and 4,000 square foot drive-in bank and allow the existing surface parking to remain.
15. On March 1, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6 on 7.68 acres (Tax Map 55-2 ((1)) 7A & 7B) to build a one story 7,500 square foot ballroom addition on the northeast side of the existing 13-story Hyatt building and to relocate the drop-off area from the east side to the north side of the existing hotel building.

COMPREHENSIVE PLAN PROVISIONS (Appendix 7)

Fairfax County Comprehensive Plan, Area III, 2003 Edition, Fairfax Center Area, as amended through September 25, 2006, under the heading "Sub-Units H1, H2", beginning on page 65, states:

"These sub-units are planned for office mixed-use. Office development that incorporates architectural excellence, preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that must be achieved to justify the overlay level."

The subject property is located in the eastern portion of Sub-Unit H1 and the western portion of H2, which is planned for a 0.25 FAR at the overlay level. For the complete text of the Plan for this Sub-Unit, see Appendix 6 following this report.

ANALYSIS

Final Development Plan Amendment (FDPA) Plat (Copy at front of staff report)

Title of FDPA: Fair Lakes Land Bay V-B-3
Prepared By: Dewberry & Davis LLC and Noritake Associates
Original and Revision Dates: The FDPA consists of ten sheets, with Sheets 1-5 dated August 14, 2006 as revised through February 20, 2007, Sheets 6-7 dated January, 2005, Sheet 8 dated October 2003, Sheets 9-10 dated August 14, 2006 as revised through February 20, 2007.

Sheet 1 is a title sheet and includes two vicinity maps, a sheet index and contact information.

Sheet 2 is the overall Final Development Plan Amendment for the three applications, which depicts the subject property layout, parking area, access, driveways and right-of-way. This sheet also includes the site tabulations, a depiction of the angle of bulk plane and the general notes of the proposal. In the site tabulations, the total area is 8.36 acres. The site is currently developed with a 10-story, 260,000 square foot office building with a building height of approximately 130 feet. Approximately 39% of the property is open space and approximately 779 parking spaces are provided by surface and structured parking areas. The applicant is proposing to expand the existing 3-level parking structure to the north and east, and to construct a new 2-level parking structure above the existing surface parking lot located to the southwest. This construction will increase the total number of parking spaces on the site to 1,018 spaces (165 surface spaces and 853 structured spaces), which will also slightly decrease the total open space to 34%. Note 22 on the sheet indicates that the locations, shapes and sizes of the proposed parking structures are preliminary and may be modified as long as the modifications are in substantial conformance with the representations of the FDPA. In addition, Note 14 indicates that a 5 foot wide sidewalk along the frontage of the property is the only proposed improvement to the public right of way in the FDPA.

Sheet 3 shows two cross-sections of the proposed parking structure expansion from west to east.

Sheet 4 shows three cross-sections from north to the south; one section involves views of the office building, the new parking structure to the southwest of the site and Interstate 66, and the other two sections involve views of the proposed parking structure expansions and Interstate 66.

Sheet 5 includes the stormwater narratives, the stormwater calculations and charts, and a map of the existing and proposed utility lines. The storm sewer system proposed with this plan will discharge into an existing storm sewer system built with the approved site plan, which discharges into an existing regional facility constructed with the Fairfax County Government Center Land Bay A. Stormwater management and BMP will also be provided from this regional facility.

Sheets 6 and 7 show, for general information only, the East Market at Fair Lakes Phase V site plan, storm profiles, computations and narratives (the adjacent development to the east of the subject property).

Sheet 8 shows, for general information only, the East Market at Fair Lakes Phase I infrastructure narrative and BMP calculations.

Sheet 9 shows the landscape plan for the site. The required tree coverage for the site is approximately 36,417 square feet and the proposed tree coverage is approximately 51,417 square feet. Of the proposed tree coverage, approximately 42,875 square feet include existing trees to be preserved and 8,800 square feet include parking lot landscaping.

Sheet 10 includes the architectural elevations of the proposed parking garage expansion and new construction. Note 21 on Sheet 2 indicates that the exterior design, materials and colors used in the construction of all parking structure expansions will be consistent with the exterior building materials of the existing parking structure as approved by the Department of Public Works and Environmental Services (DPWES).

Land Use Analysis

Issue: Exterior façade

Development in the Fair Lakes area should be of the highest design standards. Staff's concern was that the façade of the proposed parking structure expansions should be constructed with architectural details, massing, building colors and materials consistent with the existing parking structures.

Resolution:

The applicant indicated in Note 21 on Sheet 2 that the exterior design, materials and colors used in the construction of all parking structure expansions will be consistent with the exterior building materials of the existing parking structure as approved by the Department of Public Works and Environmental Services (DPWES). In addition, the applicant has provided architectural elevations of the proposed parking structures on Sheet 10 of the FDPA titled "Architectural Elevations and Photographs." A development condition has been written to require consistency with the exterior façade of the existing parking structure and with the

architectural elevations shown on Sheet 10. Therefore, all land use issues associated with this request have been resolved.

Environmental Analysis (See Appendix 8)

Issue: Water Quality Protection/Stormwater Management/Best Management Practices

The 8.36 acre application property falls within the Cub Run watershed as well as within the County's Chesapeake Bay watershed. The stormwater management (SWM) narrative on Sheet 4 of the FDPA indicates that stormwater management for the site is accommodated by an existing regional stormwater/BMP facility constructed with site plan "Fairfax County Government Center, Land Bay A, Phase 1 SWM/BMP (lower pond) and the site plan associated with East Market at Fair Lakes, Phase 1, Infrastructure (upper pond). The applicant indicates that these regional facilities are privately owned and maintained by the Fair Lakes Master Association; however, no information has been provided that indicates that an agreement has been made with the pond owner to accommodate stormwater runoff from the subject property.

Resolution:

This issue will be addressed during site plan review.

Issue: Vegetation

The new and enlarged parking facilities will be constructed in areas that are predominantly impervious surfaces; however, some loss of vegetation will occur in the northeast corner of the site with the expansion of the existing parking structure. The applicant was encouraged by staff to restore the vegetation to north of the existing parking garage and to supplement existing landscaping on the site with additional plantings to offset the loss of vegetation associated with the parking structure expansions.

Resolution:

The applicant has proposed additional landscaping to the northeast corner of the site; additional landscaping around the new proposed southwest parking garage, and additional landscape screening along the southern property line adjacent to Interstate 66. A development condition has been written to provide landscaping in substantial conformance with that shown on the FDPA.

All environmental issues associated with this request have been resolved with proposed development conditions.

Transportation Analysis (See Appendix 9)

The Department of Transportation has reviewed the application; all issues have been addressed.

Fairfax Center Design Guidelines

In the Fairfax Center Area, a checklist tool assists in evaluating the standards contained in the Comprehensive Plan for conformance with the design guidelines pertaining to rezoning and proffered condition amendment applications. The checklist includes the transportation, environmental, site design, land use and public facilities elements.

The guideline standards were evaluated with the original development of this site and this application applies only to minor changes in a portion of the existing parking. Staff reviewed the applicable standards for this application with relevance to Transportation, Environment, Land Use-Site Planning and Detailed Design and was primarily concerned about the landscaping on the site and the architectural design of the new parking structures. As depicted on the FDPA, the applicant has replaced the loss of vegetation from the proposed parking expansion on the northeast corner of the site with equal or better quality trees and has supplemented existing vegetation along the southern boundary with additional plantings of trees and shrubs. In addition, the applicant has indicated in Note 21 on Sheet 2 that the exterior design, materials and colors used in the construction of all proposed parking structure expansions will be consistent with the exterior building materials of the existing parking structure as approved by the Department of Public Works and Environmental Services (DPWES). The applicant also provided architectural elevations of the proposed parking structures on Sheet 10 of the FDPA titled "Architectural Elevations and Photographs." A development condition has been written to require consistency with the exterior façade of the existing parking structure and with these architectural elevations. The formal Fairfax Center Area evaluation checklist was not included in the appendix because the applicant is proposing a relatively minor revision to expand a previously approved parking facility.

ZONING ORDINANCE PROVISIONS (See Appendix 10)

In evaluating planned developments, the Zoning Ordinance states that the setbacks along the periphery should generally conform to the setback and bulk requirements of the most closely related conventional zoning district. The table below compares the proposed development to the requirements of the C-4 District.

| Bulk Standards (C-4) | | |
|-----------------------------|---|--------------------------|
| Standard | Required | Provided |
| Front Yard | 25° Angle of Bulk Plane (ABP), but not less than 40 feet (ABP = 61 feet for a 130 foot tall building) | > 100 feet |
| Rear Yard | 20° ABP, but not less than 25 feet (ABP = 47 feet for 130 foot tall building) | > 100 feet |
| Building Height | 120 feet subject to an increase permitted by the Board | 130 feet |
| Open Space | 15% | 35% (for the FDPA area) |
| FAR | 1.65 | 0.71 (for the FDPA area) |

Waivers/Modifications:

Modification of the Transitional Screening/Barrier Requirement-South:

The applicant has also requested a waiver of the transitional screening and barrier requirements for the south property boundary adjacent to I-66 and to property zoned R-2. The Zoning Ordinance requires Transitional Screening 1 and Barrier E, F or G. The ordinance allows a modification of the transitional screening and barrier requirements for developments that are separated from adjacent uses by an interstate highway or byway. Since the site to be buffered is across Interstate 66 and a significant distance away from the subject site, and since the applicant has proposed to supplement the existing vegetation with additional plantings located along the southern boundary line between the proposed parking garages and Interstate 66, staff supports the request for a modification of the transitional screening and barrier requirement in favor of the existing and proposed landscaping and in accordance with the development conditions.

Other Zoning Ordinance Requirements:

The approved Conceptual Development Plan (CDPA 82-P-069-03) for Land Bay V is a “blob” plan that shows a broad generalized depiction of office and/or retail uses and established the mix of non-residential and residential uses. The proffers and development conditions associated with the CDPA which govern the subject property may be found in Appendix 5. Since the applicant is proposing to expand an existing parking structure and to construct a new parking structure on the site and does not propose any changes to the existing office building structure, this proposal will not exceed the overall approved FAR, as parking structures do not contribute to the overall floor area on the site. The proposed FDPA is in conformance with the approved CDP and with the executed proffers as attached in Appendix 5. The requested FDPA must also comply with the Zoning Ordinance provisions found in Articles 6 and 16.

Article 6

Fair Lakes is currently zoned Planned Development Commercial (PDC) and the applicant wishes to amend the FDP to expand an existing parking structure and to construct a new parking structure on the site under the existing zoning. Article 6 of the Zoning Ordinance sets forth the requirements regarding the principle and secondary uses permitted, use limitations, lot size requirements, bulk regulations and open space requirements. The district regulations are designed to ensure high quality standards in the layout, design and construction of commercial developments and to implement the stated purpose and intent of the Ordinance. Staff believes that these provisions are satisfied.

Article 16, Sects. 16-101 and 16-102, General Standards and Design Standards (Appendix 11)

The General Standards for planned developments as set forth in Sect. 16-101 were satisfied with the original rezoning of the site to the PDC District; approval of this FDPA request would not affect these standards. The applicant has replaced the loss of vegetation from the proposed parking expansion on the northeast corner of the site with equal or better quality trees and has supplemented existing vegetation along the southern boundary with additional plantings of trees and shrubs. In addition, the applicant indicated that the exterior design, materials and colors used in the construction of all proposed parking structure expansions will be consistent with the exterior building materials of the existing parking structure.

The Design Standards for planned developments set forth in Sect. 16-102 were also satisfied with the original rezoning of the site to the PDC District. In staff's opinion, approval of this FDPA request would not affect these standards.

Overlay District Requirements

Water Supply Protection (WSPOD) (Sect. 7-808)

The Water Supply Protection Overlay District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. This provision will be addressed at site plan review.

Summary of Zoning Ordinance Provisions

All applicable Zoning Ordinance Provisions have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions and is in conformance with the CDP and proffers, with the imposition of the development conditions contained in Appendix 1.

Staff Recommendations

Staff recommends approval of FDPA 82-P-069-06-10 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of FDPA 82-P-069-11-04 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of FDPA 82-P-069-12-03 subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and a waiver of the barrier requirements to the south in favor of the existing and proposed landscaping.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 Planning Commission.

APPENDICES

1. Development Conditions
2. Affidavit
3. Statement of Justification
4. Fair Lakes Land Use Zoning Tabulations
5. Approved PCA 82-P-069-06 Proffers
6. Approved FDPA 82-P-069-6-5, FDPA 82-P-069-11-2, FDPA 82-P-069-12-2, and FDPA 82-P-069-14-1 development conditions and FDPA plat

APPENDICES

7. Comprehensive Plan Citations
8. Environmental and Land Use Analysis
9. Transportation Analysis
10. Zoning Ordinance Provisions
11. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**FDPA 82-P-069-6-10****FDPA 82-P-069-11-04****FDPA 82-P-069-12-03****April 18, 2007**

If it is the intent of the Planning Commission to approve FDPA 82-P-069-6-10, FDPA 82-P-069-11-04, and FDPA 82-P-069-12-03 located at Tax Map 55-2 ((1)) 14A pt. previously approved as an office development, to permit an expansion of an existing parking structure, and the construction of a parking structure above an existing surface parking lot, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site. An asterisk denotes conditions carried forward from FDPA 82-P-069-6-5, FDPA 82-P-069-11-2, and FDPA 82-P-069-12-2.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Fair Lakes Land Bay V-B-3" prepared by Dewberry & Davis LLC and Noritake Associates, consisting of ten sheets, with Sheets 1-5 dated August 14, 2006 as revised through February 20, 2007, Sheets 6-7 dated January, 2005, Sheet 8 dated October 2003, Sheets 9-10 dated August 14, 2006 as revised through February 20, 2007.
2. * Appropriate pavement markings and signs shall be provided in order to provide a pedestrian crosswalk on Fair lakes Circle that links the sidewalk located on the west side of the westernmost entrance with the trail located on the north side of Fair lakes Circle as determined by DEM and VDOT.
3. The proposed landscaping within the FDPA area shall be provided in substantial conformance with the landscape concept plan, as shown on Sheet 9 of the FDPA, as to the location, quantity and quality of plantings. Final plant selection, including trees and shrubs, shall be made at the time of final site plan and may include plants other than those shown on the FDPA, subject to approval by Urban Forest Management.
4. The exterior design, building materials and colors used to expand the existing parking garage and to construct the new proposed parking garage shall be consistent with the exterior building materials used for the existing parking garage and with the architectural elevations shown on Sheet 10 of the FDPA as approved by the Department of Public Works and Environmental Services (DPWES). Photographic documentation and any additional materials which DPWES requires to make such a determination shall be provided by the applicant with submittal of a building permit.

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

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.