



APPLICATION FILED: February 14, 2007
PLANNING COMMISSION: May 30, 2007
BOARD OF SUPERVISORS: June 4, 2007
@ 3:30 P.M.

County of Fairfax, Virginia

May 17, 2007

STAFF REPORT

APPLICATION RZ 2007-MV-004

CRD

MOUNT VERNON DISTRICT

APPLICANT: Badco, LLC d/b/a DAKS Restaurant

PRESENT ZONING: R-2, HC, CRD

REQUESTED ZONING: C-6, HC, CRD

PARCEL(S): 101-3 ((1)) 96

ACREAGE: 2.0 acres

FAR/DENSITY: 0.136 FAR

OPEN SPACE: 26%

PLAN MAP: Retail & Other

PROPOSAL: To rezone from the R-2 District to the C-6 District to permit development of an eating establishment within a Highway Corridor Overlay District and a Commercial Revitalization District.

WAIVERS/MODIFICATIONS: Waiver of the service drive requirement along Richmond Highway.

Modification of the barrier requirement along the northern property boundary in favor of that depicted on the GDP.

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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
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www.fairfaxcounty.gov/dpz/

Waiver of the transitional screening and barrier requirements along the southern property boundary in favor of the streetslane shown on the GDP.

STAFF RECOMMENDATIONS:

Staff recommends denial of RZ 2007-MV-004. However, if it is the intent of the Board of Supervisors to approve RZ 2007-MV-004, staff recommends that the approval be made subject to the execution of proffers consistent with those 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.

The approval of this application does not interfere with, abrogate, or annul any easements, 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.



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

DESCRIPTION OF THE APPLICATIONS

Proposal:

The applicant, Badco, LLC/DAKS Restaurant, is requesting approval to rezone the site from the R-2 District to the C-6 District to construct and establish a restaurant on a 2 acre site located within the Woodlawn Community Business Center in the Richmond Highway Corridor. The site is located within the Richmond Highway Commercial Revitalization and Highway Corridor Overlay Districts. The proposed building consists of 11,817 square feet with up to 375 seats.

The applicant's draft proffers, the applicant's Affidavit and Statement of Justification can be found in Appendices 1-3, respectively.

Waivers and Modifications:

Waiver of the service drive requirement along Richmond Highway in favor of that shown on the GDP.

Modification of the barrier requirement along the northern property boundary in favor of that depicted on the GDP.

Waiver of the transitional screening and barrier requirements along the southern property boundary.

LOCATION AND CHARACTER

Site Description:

The site is located at the northwest quadrant of the intersection of Richmond Highway (Route 1), and Woodlawn Court. The subject property is 2.0 acres, and is located within the Highway Corridor Overlay District. The current zoning for the subject property is R-2 (Residential; 2 du/ac) and is also located within the limits of the Richmond Highway Commercial Revitalization Overlay District. The site is currently heavily vegetated and contains structures consisting of a two-story single family detached dwelling and an accessory detached 1-story garage. There is also a gravel driveway on the site, providing access from the existing service drive along the Richmond Highway frontage of the site.

Bordering the property to the north are lower density single-family detached residential uses. Along the north side of Richmond Highway to the east and west of the proposed development are commercial uses including the Woodlawn Center directly to the west, zoned C-6 and a vacant vehicle sale, rental and

ancillary service establishment across Woodlawn Court to the east, zoned C-6. Across Richmond Highway from the property is a newly developed single family detached development zoned PDH-5 and an eating establishment zoned C-8.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential, SFD	R-2, HC	Residential; 2-3 du/ac
South	Residential; SFD (Talbot Property)	PDH-5, HC, CRD	Mixed Use
South	Eating Establishment (Woodlawn Heights)	C-8, HC, CRD	Mixed Use
East	Vehicle Sale, Rental & Ancillary Service Establishment (Engleside Plaza)	C-6, HC, CRD	Retail & other
West	Shopping Center (Woodlawn Center)	C-6, HC, CRD	Retail & other

BACKGROUND

Site History:

The subject property is included within the Richmond Highway Commercial Revitalization District (CRD), which was rezoned by the Board of Supervisors on October 29, 1998.

COMPREHENSIVE PLAN PROVISIONS (*Appendix 4*)

Plan Area:	Area IV
Planning District:	Mount Vernon, Richmond Highway Corridor Area
Planning Sector:	Woodlawn Business Community Center, Sub-unit A-2
Plan Map:	Retail & Other
Plan Text:	

Fairfax County Comprehensive Plan, 2003 Edition, Area IV, Mount Vernon, Richmond Highway Corridor Area, Woodlawn Community Business Center, Sub-unit A-2, as amended through October 23, 2006, pages 59-60.

This sub-unit primarily consists of the Woodlawn Shopping Center and other strip commercial uses located on the west side of Richmond Highway south of Woodlawn Court and is planned for community-serving retail use up to .35 FAR. This area presents an opportunity for possible redevelopment. With substantial consolidation,

Sub-unit A-2 is planned for mixed-use development including office and/or retail uses up to .50 FAR. Any development proposal should meet the following conditions:

- Consolidation of parcels includes the environmental quality corridor surrounding Dogue Creek which is preserved as open space;
- Building heights are tapered down toward adjacent residential uses;
- Dedication of needed rights-of-way for planned roadway improvements are provided;
- Access points are consolidated and an efficient internal circulation system is provided;
- Substantial buffering and screening are provided to adjacent residential and other existing uses;
- Retention of existing basic commercial uses currently located in the Woodlawn Plaza Center is encouraged; and
- Inclusion of urban design elements, such as streetscaping, public art, Pedestrian plazas, cultural/recreation facilities, landscaped open space, landmarks or building designs which will denote this area as a focal point of the found at the end of this Plan are used as a guide.

Additional Plan Citations

Fairfax County Comprehensive Plan, 2003 Edition, Area IV, Mount Vernon, Richmond Highway Corridor Area, as amended through October 23, 2006, pages 69-79.

"Urban Design Recommendations

The Richmond Highway urban design recommendations are intended to help foster new development and redevelopment that function well together and contribute to a positive image of the area as a desirable place to live, work, shop or visit. These recommendations build on guidance found in the 1989 Richmond Highway Urban Design Study and the Virginia Department of Transportation Richmond Highway Study completed in 1998.

Historically, development in the Richmond Highway Corridor has occurred in an uncoordinated, strip-commercial manner with little attention to efficient functioning and aesthetic form. These deficiencies should be corrected in any new development or redevelopment through integration of the urban design elements prescribed in the following recommendations.

These recommendations specifically address streetscape, landscape, parking lot, building and site design and signage elements. Combined, these elements comprise the physical form. The guidance provided for each element seeks to create an improved visual image for the Richmond Highway Corridor. These recommendations will be used as performance criteria in the review of development applications and site plans for properties in the Richmond Highway Corridor. In addition, these recommendations support public and private revitalization in the Richmond Highway Corridor.

Given the existing uncoordinated development patterns along Richmond Highway, implementation of the following urban design recommendations will require creative application of the design elements described. Modifications in the application of the streetscape guidance outlined in this Plan will likely be necessary to respond to site conditions or roadway design considerations. Until such time as road improvements are designed and/or constructed along Richmond Highway, it will be necessary to provide flexibility in the implementation of streetscape improvements in the right of way. Urban design elements should be incorporated into each site in a way that transitions effectively to adjacent existing properties and future planned land uses.

The complete Urban Design Guidelines for the Richmond Highway Corridor are contained in Appendix 4.

ANALYSIS

Generalized Development Plan (Reduction at front of report)

Title of GDP: DAKS Restaurant/Woodlawn Court - Generalized Development Plan

Prepared By: Dewberry & Davis LLC

Original and Revision Dates: February 5, 2007 as revised through April 20, 2007

The GDP consists of seven sheets. **Sheet 1** is a title sheet, which includes a vicinity map, angle of bulk plane detail, sheet index, and architectural section and elevations. **Sheet 2** shows the proposed development, site tabulations, general notes, and possible low impact development stormwater management strategies. **Sheet 3** shows the existing drainage divides. **Sheet 4** shows the proposed drainage divides. **Sheet 5** contains the stormwater management and outfall narratives for the site. **Sheet 6** contains the site plan for Mt. Vernon Sundat, Inc. (for information only). **Sheet 7** contains the site plan for the property of Robert Dodd (for information only).

The following features are depicted on the GDP:

- *Site Layout:* The GDP depicts the proposed building set back approximately 222 feet from the Richmond Highway frontage of the property. A surface parking lot containing approximately 102 spaces is shown on the front portion of the property

between the proposed building and Richmond Highway. The surface parking lot is setback approximately 11.5 feet from the future right-of-way line along Richmond Highway. The total gross floor area (GFA) for the proposed building is approximately 11,817 square feet, and a maximum height of 25 feet is proposed. The pedestrian entrance to the building is located on the south side of the building, with pedestrian access provided via a proposed sidewalk along Woodlawn Court near the proposed dry pond and via walkways at the building entrances.

Sheet 1 of the GDP shows the building section and elevations of the south and east sides of the building. Although the elevations do not indicate the proposed materials, the statement of justification submitted with the application indicates the architecture will utilize a combination of masonry, stone, glass and other materials that work with the natural topography of the site.

- *Site Access:* Vehicular access to the site is provided via a connection to an existing service drive to the southwest for access to Richmond Highway and via two access points from Woodlawn Court. In addition, the applicant has depicted a point of possible future interparcel access to Woodlawn Center to be utilized if the existing service drive were to be eliminated.
- *Parking:* The GDP shows 102 surface parking spaces within the parking lot located between the proposed building and the Richmond Highway frontage of the property, and an additional parking lot containing 4 employee parking spaces and a single loading space behind (north) the proposed building.
- *Streetscape & Sidewalks:* The GDP/SE Plat shows streetscape improvements along the Richmond Highway and Woodlawn Court frontages of the site. A sidewalk has been proposed from Woodlawn Court to the entrance of the eating establishment. In addition, the applicant is proposing landscaped planting strips on site between the parking lot areas and the sidewalks, as well as in the right-of-way areas in between the sidewalk and the edges of pavement, consistent with the streetscape recommendations of the Comprehensive Plan.
- *Internal Landscaping:* Along the northern property boundary, the plat depicts a 35 foot wide transitional screening area between the proposed building and the property line. In addition, the GDP shows planting areas around the west south and east sides of the building consisting of a combination of deciduous, evergreen, and ornamental plantings. In addition to the plantings associated with the streetscape, the GDP shows interior parking lot landscaping consisting of ten (10) large deciduous trees.
- *Stormwater Management:* The GDP indicates that on-site best management practices (BMPs) will be provided in the form of an extended dry pond and an underground sand filter. The applicant also indicates that an on-site detention pond will meet the stormwater detention requirements for the subject site.

- *Signage:* Sheet 2 of the GDP shows a conceptual signage design which is ground-mounted, consisting of two face separated by 45 degrees. The applicant is proposing a maximum of ten (10) feet in height and a maximum of 8 feet wide, and will be located in the southeast corner of the site, and oriented for visibility along Richmond Highway.

Land Use Analysis (*Appendix 4*)

This application is requesting rezoning approval from the R-2 to the C-6 zoning district to establish an eating establishment on a 2 acre site located within Area IV in the Mount Vernon Planning District. More specifically, the site is located within the Woodlawn Community Business Center in the Richmond Highway Corridor. The site also is included within the Richmond Highway Commercial Revitalization and Highway Corridor Overlay Districts. It is planned for Retail and Other.

The subject property is planned for community-serving retail use up to .35 FAR, subject to site specific guidance. The Comprehensive Plan also encourages parcel consolidation to develop mixed-use projects including office and/or retail uses up to .50 FAR. Any development should provide substantial buffering and screening to adjacent residential and existing uses; consolidate access points and provide an efficient internal circulation system; and provide urban design elements, such as streetscaping, landscaped open space and landmarks or building designs which will denote the area as a focal point of the Woodlawn Community Business Center. While the intensity of this development is proposed at a 0.136 floor area ratio (FAR), which meets the Comprehensive Plan recommendation for a maximum 0.35 FAR for community-serving retail uses, the application raises several outstanding issues with respect to the Comprehensive Plan recommendations.

Issue: Site Design

One of the key elements of the transformation of Richmond Highway from an uncoordinated, aesthetically challenged, strip-commercial corridor to a well-designed urban corridor is to ensure the appropriate location of buildings fronting on Richmond Highway. The Comprehensive Plan's Urban Design Guidelines for the Richmond Highway Corridor recommends the orientation of commercial buildings toward the road with parking lots to the side and/or rear of the site to create an urban atmosphere and remove parking expanses from the Richmond Highway frontage. A significant portion of the building mass will be located underground. While the applicant notes that the building is proposed to be designed as an environmentally-friendly building utilizing LEED (Leadership in Energy and Environmental Design) criteria developed by the United States Green Building Council, no commitment to constructing the proposed building utilizing LEED criteria is included in the applicant's proffer statement. In addition, it is unclear given the natural topography of the site that a similarly designed building that achieves comparable environmental benefits could not be more appropriately located with all or a larger portion of the

parking lot located to the rear of the site, thus conforming to the intent of the Plan to transform Richmond Highway into a more urban corridor. Additional Plan language which recommends the location of buildings with respect to natural topography and other environmental and historic features was intended to protect environmentally sensitive areas and areas of historical importance. There is existing vegetation in the northern portion of the site worthy of preservation that will be removed with the proposed site design.

The Urban Design Guidelines for the Richmond Highway Corridor provide guidance to help foster new development and redevelopment that function well together and contribute to a positive image of the area as a desirable place to live, work, shop, or visit. These recommendations include:

- Dividing parking lots into smaller sections using landscaped medians to avoid large expanses of parking areas.

A surface parking lot containing approximately 102 spaces is shown on the front portion of the property between the proposed building and Richmond Highway, thus creating a large expanse of parking along Richmond Highway.

- Providing sidewalks or walkways for safe pedestrian access that connect to adjacent street sidewalks and/or trails.

The current design does not provide pedestrian connections from the proposed parking area to the proposed building. The site design could be improved with incorporation of a pedestrian corridor or sidewalk connection from Richmond Highway through the site to the proposed building entrance.

- Where feasible, orienting commercial buildings toward the road with parking lots to the side and rear to create an urban atmosphere. Where buildings are oriented to the road, no minimum front yard is required except as needed for the streetscape treatments described above.

The GDP depicts the proposed building set back approximately 222 feet from the Richmond Highway frontage of the property.

- Siting buildings to discourage large expanses of parking adjacent to and visible from roadways.

However, the applicant proposes to locate the building at the rear of the site with a surface parking lot adjacent to Richmond Highway.

The LEED Green Building Rating System, developed by the U.S. Green Building Council provides a series of standards for environmentally sustainable construction. LEED certification is obtained after submitting an application documenting compliance with the requirements of the rating system. Certification is granted solely by the Green Building Council responsible for issuing the LEED system used on the project.

The applicant has proposed that the determination for the location of the building is the intent to construct an energy efficient building by taking advantage of the opportunities for energy conservation that would result from a partially underground building.

However, following staff's evaluation of the LEEDS criteria and the potential technologies and strategies for meeting the goal of energy conservation, staff believes that a building could be provided that meets the building location recommendations of the Comprehensive Plan and have the opportunity to meet the criteria for LEED certification.

With the current proposal, these recommendations have not been satisfied, and remain outstanding.

Issue: Building Location

The proposed building will be underground, resulting in a massing unsuited for the vibrant urban environment envisioned in the Comprehensive Plan, particularly within Richmond Highway's commercial business districts. The Urban Design Guidelines for the Richmond Highway Corridor recommend that, where feasible, provide architectural design that is visually coherent, respects the surrounding neighborhood style, scale and character. A building with a more significant massing above ground and fronting on Richmond Highway would be consistent with the Plan's Urban Design recommendations.

The current proposal depicts the building to be constructed along the northern portion of the site approximately 35 feet south of the northern property line which abuts a property zoned R-2 and developed with a single-family detached dwelling. The loading area for the building and 4 employee parking spaces are shown to be located between the building and the property line abutting the R-2 zoned property. While the proposal does provide the minimum required transitional screening along that portion of the property, the application does not meet the required barrier requirement for the proposed use. Locating the building as recommended by the Comprehensive Plan, closer to Richmond Highway would reduce the impacts to the residential property to the north i.e.; noise, lighting and allow for the required transitional screening and barrier requirements to be provided. Additionally, the applicant should provide a proffer to limit the hours of operation to ensure that the outdoor dining areas will not have any adverse impacts, such as noise, on the adjacent residential property.

This issue remains outstanding.

Issue: Screening and Buffering

The previously submitted GDP depicted a 7 foot tall brick or architectural block wall along the northern boundary of the subject property and a transitional screening area

consisting of between 12 to 25 feet of evergreen and shade trees. Further, staff recommended that the northernmost access point on Woodlawn Court be eliminated, which would permit a fully landscaped 35 foot wide buffer along the northeast boundary of the subject property. This proposed access point, which would be used by commercial vehicles supplying the restaurant and restaurant employees, was only 12 feet from the neighboring residential property.

Resolution:

The applicant has revised the GDP and the plan now shows a 35 foot wide fully landscaped transitional screening yard along the entire northern property boundary with a 6 foot tall board-on-board fence to screen the proposed use from the adjacent residential property. The 35 foot wide fully landscaped transitional screening yard along the entire northern property boundary meets the minimum required transitional screening. However, staff believes additional screening may be necessary given the location of the proposed loading area, employee parking and the fact that the use proposes outdoor dining, all of which due to their proximity to the adjacent residential use pose unnecessary impacts. The impacts are exacerbated by the lack of a limitation on the hours of operation of the use. Additionally, staff believes that the barrier should be internal to the transitional screening, as required by the Zoning Ordinance. The barrier should be relocated accordingly. Therefore, this issue remains outstanding.

Issue: Access and Circulation

Access to the site is provided via a connection to an existing service drive to the west for access to Richmond Highway and via three access points from Woodlawn Court. In addition, the applicant has depicted a point of possible future interparcel access to the adjacent Woodlawn Center if the shopping center were to be redeveloped in the future and the existing service drive were to be eliminated. However, staff suggested that the northernmost access point to the employee parking and loading area from Woodlawn Court be eliminated in order to provide additional transitional screening to the adjacent residential use. In addition, staff noted that three access points on Woodlawn Court were unnecessary and contrary to Comprehensive Plan guidance to minimize points of ingress/egress.

Resolution:

One of the three access points from Woodlawn Court, which was immediately adjacent to the residential property, has been eliminated to minimize the access points along Woodlawn Court, further, the full transitional screening is shown to be provided along the northern boundary of the property. Therefore this issue has been resolved.

Issue: Parking Lot Landscaping

The Comprehensive Plan recommends dividing parking lots into small sections using landscaped medians to avoid large expanses of parking areas. In order to reduce the large amount of uninterrupted parking in the four center parking rows and increase the amount of interior parking lot landscaping, it is recommended that additional landscaped medians be provided.

This issue remains outstanding.

Issue: Signage

The location for a freestanding sign was depicted on the previously submitted GDP, at the corner of Richmond Highway and Woodlawn Court; however its design was not shown or described. Staff suggested that the sign should be ground mounted as is recommended by the Comprehensive Plan urban design guidelines and the design should be included in the development plans.

Additionally, Sect. 2-505 of the Ordinance addresses use limitation for corner lots and states that, for a lot having an interior angle of ninety (90) degrees or more at the street corner, all structures or plantings of such nature and dimensions to obstruct sight distance, shall be a minimum of 30 feet from the property lines extended, except for posts, columns, or a trunk of a tree, less than one (1) foot in cross section or diameter. Based on the future proposed right-of-way line for the subject site, the proposed sign may not be in conformance with Sect. 2-505.

This issue remains outstanding.

Resolution:

A conceptual signage design with a maximum width of 8 feet and maximum height of 10 feet, which is ground-mounted, is now depicted on the GDP. While the area for the proposed signage meets the maximum area allowed per Sect. 12-205 of the Zoning Ordinance, the proposed size for the signage on the site is not in conformance with the Urban Design Guidelines recommendation for signage reduce sign clutter especially along the Highway edge. The applicant should proffer to a monument sign or ground mounted sign on the subject site.

Based on the future proposed right-of-way line for the subject site, the proposed sign may not be in conformance with Sect. 2-505. The applicant should provide site distance information and include a proffer to ensure the location of the proposed sign will not create a safety hazard.

Issue: Streetscape:

The previously submitted GDP depicted streetscape improvements on Richmond Highway, but none on Woodlawn Court. Currently, an asphalt and dirt path in poor condition exists along the subject property's Richmond Highway frontage. The Richmond Highway streetscape met the streetscape guidelines described in the Richmond Highway Corridor Area's urban design recommendations and in the Transportation appendix of the Comprehensive Plan's Policy Plan. A 10 foot wide trail was shown along with an approximately 12 foot wide curb-edge landscape strip and a 14.5 foot wide screening area, including a 3 foot wide screening area within the right-of-way. The 12 foot wide landscape strip should include an attractive groundcover and additional plantings along with the large shade trees depicted on the development plan. In addition, the Comprehensive Plan recommends planting a hedge row within the parking lot landscape strip abutting Richmond Highway to screen vehicles from view. The development plan depicted landscaping that appeared to serve as a hedge row, however, the symbol shown on the plan was not reflected in the legend for the landscaping and needed to be added.

Along the Woodlawn Court frontage, the Comprehensive Plan recommends a 5 foot wide curb-edge landscape strip and a 5 foot wide sidewalk to be located off-site, and a 5 foot wide landscaped screening strip adjacent to the parking lot to be located on-site. Only an 11.5 foot wide landscaped strip was provided on-site. No landscaping or additional improvements for the area within the right-of-way along Woodlawn Court were depicted. Staff recommended that the proposed development should meet the streetscape guidelines for streets intersecting Richmond Highway.

Resolution:

The GDP now depicts a streetscape along Woodlawn Court that meets Comprehensive Plan recommendations. A 5 foot wide curb-edge landscape strip and a 5 foot wide sidewalk are located off-site and a 15 to 20 foot wide landscaped screening strip is provided on-site.

However, the streetscaping along Richmond Highway should provide large deciduous trees planted in both landscape strips. In addition, as previously mentioned, the landscaping that appears to be a hedge row as depicted within the parking lot landscaping strip abutting Richmond Highway is not reflected in the landscaping legend and should be added. Therefore, this issue has not been fully addressed.

Issue: Lighting

The urban design guidelines for the Richmond Highway Corridor Area in the Comprehensive Plan recommend that parking lot lighting minimize impact on adjacent neighborhoods, reduce glare, and light fixtures be placed so that they do not conflict with landscape treatments, especially trees.

Resolution:

The applicant has proposed a proffer stating that any outdoor lighting shall be full cutoff type and otherwise meet the performance standards of Part 9 of Article 14 of the Zoning Ordinance. Therefore this issue has been satisfied.

Transportation Analysis (*Appendix 5*)**Issue: Richmond Highway Right-of-way dedication**

Richmond Highway in the area of the subject property is recommended for improvement in the transportation element of the Comprehensive Plan. The Plan calls for seventy-seven (77) feet of right-of-way from the centerline of Richmond Highway to accommodate the improvements.

Resolution:

The GDP shows a seventy-seven (77) foot dedication from the centerline of Richmond Highway. In addition the proffers include provisions for this dedication.

Issue: Service Drive Waiver

The applicant proposes a connection to the existing service drive to the south for access to Richmond Highway in lieu of constructing a service drive along the entire site frontage and requests a waiver of the service drive requirement. The Fairfax County Department of Transportation would be supportive of this waiver request if a public access easement is provided across the site from the service drive to the two points of access from Woodlawn Court. Curb and gutter should also be constructed along the service drive access into the parking lot.

Resolution:

The applicant has proposed a proffer to record a public access easement over the parking lot and connection to the service drive west of the application property as shown on the GDP, therefore staff does not have an objection to a waiver of the service drive requirement.

Issue: Woodlawn Court Frontage Improvements

Frontage improvements should be provided along the Woodlawn Court frontage of the property with pavement set 30 feet from face of curb plus a sidewalk to VDOT standards.

Resolution:

The revised GDP submitted by the applicant now shows frontage improvements along Woodlawn Court with pavement 30 feet from face of curb and a proposed 5 foot wide sidewalk, meeting VDOT standards. Additionally, the applicant has

proposed a proffer stating that the applicant shall install a streetscape generally consisting of landscaping and a trail along the application property's Woodlawn Court frontage as shown on the GDP. Therefore this issue has been addressed.

Issue: Vehicular & Pedestrian Access

The applicant should provide vehicular and pedestrian interparcel access to the adjacent Woodlawn Center to the southwest now instead of in the future.

Resolution:

The GDP continues to show a "possible future interparcel access" to the adjacent Woodlawn Center. The stub interparcel connection should be constructed with the proposed development of the site. The proffers do not include a commitment to provide this connection. Therefore, this issue remains outstanding.

Issue: Sidewalk

The applicant should provide a sidewalk connection from Woodlawn Court to the restaurant entrance.

Resolution:

The GDP has been revised to show a sidewalk connection from Woodlawn Court to the restaurant entrance, therefore this issue has been addressed.

Environmental Analysis

Best Management Practices (BMPs)/Stormwater Management (SWM) *(Appendix 7)*

The application proposes that on-site best management practices (BMPs) will be provided in the form of an extended dry pond and an underground sand filter. The applicant also indicates that an on-site detention pond will meet the stormwater detention requirements for the subject site.

The GDP depicts five areas for possible Low Impact Development (LID) Measures, including four areas for possible porous paving and one area for a possible bioretention measure. The applicant should commit to provide at least two of the possible measures shown.

Issue: Low Impact Development (LID) Tree Preservation *(Appendix 8)*

Issues were raised by the Urban Forest Management Section of DPWES. These included the following:

- On the southern portion of the property near the left front side of the existing dwelling is an American holly that is in good condition and should be saved. The applicant should consider transplanting this existing plant to an open space area on the site.
- There is vegetation that should be preserved, in the area of the proposed

building. The applicant should consider adjusting and or redesigning the location of the proposed building to allow for the preservation of existing vegetation.

Resolution:

The current tree preservation proffer submitted by the applicant does not adequately address the issue raised by the Urban Forest Management Section concerning the American Holly that should be saved. Additionally, as previously discussed the applicant proposes to locate the building at the rear of the site, in the area identified by UFM to contain vegetation that should be saved. Therefore the issues raised by Urban Forest Management remain outstanding.

Issue: Cultural/ Heritage Resources (*Appendix 9 & 10*)

The Fairfax County Park Authority Cultural Resources Management Protection (CRMP) section conducted an archival review of the subject property. Based on that review, the Park Authority recommends a Phase I archeological survey be conducted on the subject property and if any archeological resources are found by the Phase I survey and determined to be significant then a Phase II assessment should be done. The Heritage Resources Assessment for the subject property determined that the property has a high possibility for potentially significant historical archeological resources associated with the history of the Mount Vernon District, and a Phase I archeological survey was recommended.

Resolution:

The applicant has proposed a proffer stating that prior to site plan approval, the applicant shall provide a copy of a Phase I Archeological Survey of the subject site to the Park Authority Resource Management Division within 30 days of the completion of the study, and that if potentially significant archeological resources are discovered, Phase II testing and Phase III data recovery will be performed by the applicant. Therefore this issue has been satisfied.

Issue: Countywide Trails Plan

The Countywide Trails Plan Map depicts a major paved trail (defined as asphalt or concrete, eight feet or more in width) and an onroad bike route on the north side of Richmond Highway adjacent to the application property. The Comprehensive Plan language in the Policy Plan's Transportation section recommends a minimum 9-foot-wide trail along Richmond Highway and no bike route, which supersedes the trail plan recommendation for this highway.

The application depicts a proposed 10-foot-wide major trail and no bike route, therefore there are no issues related to the Countywide Trails Plan with this application.

ZONING ORDINANCE PROVISIONS (Appendix 15)

Bulk Standards (C-6 Zoning, HCD, CRD)		
Standard	Required	Proposed
Lot Size	40,000 sq. ft.	2.0 acres
Lot Width	200'	200'
Building Height	50'	25'
Front Yard (Rt. 1)	20'	~223'
Front Yard (Woodlawn Court)	20'	47'
Side Yard	N/A	N/A
Rear Yard (North)	20'	35'
FAR	0.4	0.14
Open Space	15%	26%
Tree Cover	10%	28.4
Parking Spaces	355/4 (seats) 89 20/2 (counter seats) 10 <u>40/2 (employees) 20</u> Total 119 (.20) = 96*	106 spaces (9% reduction)
Loading Spaces	1 space	1 space
Transitional Screening		
North (R-2)	TS 2 – 35 ft.	35'
East (C-6)	N/A	N/A
South (PDH-5)	TS 2 – 35 ft.	None provided – waiver requested
South (C-8)	N/A	N/A
West (C-6)	N/A	N/A
Barrier		
North (R-2)	D, F, or E**	6' Board on Board fence <i>Modification requested</i>
East (C-6)	N/A	N/A
South (PDH-5)	D, F, or E**	None provided <i>Waiver requested</i>
South (C-8)	N/A	N/A
West (C-6)	N/A	N/A

*Par. 3A of Sect. A7-409 - Notwithstanding the provisions of Article 11, the minimum off-street parking requirements for all non-residential uses shall be reduced by twenty (20) percent.

** As may be required by the Director

Waivers/Modifications:Modification of barrier requirement along the northern property boundary:

The adjacent property to the north is zoned R-2 and is developed with a single family detached dwelling. Pursuant to Article 13 of the Zoning Ordinance, the required barrier type for the subject site Barrier D (42-48 inch chain link fence), Barrier E (6 foot wall, brick or architectural block faced on the side facing the existing use), or Barrier F (6 foot high solid wood or otherwise architecturally solid fence) located between the required transitional screening and the use or activity in connection with which they are required. The application proposes a 6 foot high board on board fence; however it is proposed to be located between the transitional screening and the adjacent property and not as stated in the Zoning Ordinance.

The proposed location of the barrier is due to the location of the proposed building. Therefore staff believes that orienting the building towards Richmond Highway, as recommended by the Comprehensive Plan would allow for sufficient area for the barrier to be located as required by the Zoning Ordinance, and staff is not supportive of the modification of the barrier requirement.

Waiver of the transitional screening and barrier requirements along the southern property boundary:

Pursuant to Article 13 of the Zoning Ordinance, Transitional screening 2 (35 foot wide unbroken landscaped strip) and Barrier D, E, or F are required along the southern property boundary. However, the southern property boundary abuts Richmond Highway and transitional screening and a barrier along the portion of the property would preclude the applicant from providing the streetscape measure identified in the Comprehensive Plan and would not be in conformance with the Urban Design Guidelines of the Plan. Therefore staff has no objections to the waiver of the transitional screening and barrier requirements along the southern property boundary in favor of the provision of streetscape in conformance with Comprehensive Plan recommendations.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

As discussed previously, one of the key elements of the transformation of Richmond Highway from an uncoordinated, aesthetically challenged, strip-commercial corridor to a well-designed urban corridor is to ensure the appropriate location of buildings fronting on Richmond Highway. The Comprehensive Plan recommends the location and orientation of commercial buildings close to the road with parking lots to the side and/or rear of the site to create an urban atmosphere and to reduce the view of parking expanses from the Richmond Highway frontage.

The applicant proposes a building located at the rear of the site with a large surface parking lot fronting on Richmond Highway. The result is a proposal more fitting for a suburban location and ill-suited for the vibrant and well-designed urban environment envisioned in the Comprehensive Plan. It is unclear given the natural topography of the site that a similarly designed building could not be more appropriately located and achieve comparable environmental benefits.

Additional Plan language recommends that building be located with respect to natural topography and other environmental and historic features to protect environmentally sensitive areas and areas of historical importance. The Urban Forest Management assessment of this application has identified that there is vegetation which should be preserved in the northern portion of the building. It would be more environmentally sound to make efforts to propose that vegetation rather than remove it to locate the building at the rear of the property with a large parking expanse along the Richmond Highway frontage.

While the applicant has made several changes to the proposed development to address many of the issues raised with this application, there are major concerns related to the site layout and building design that have not been addressed.

- The Comprehensive Plan recommends the orientation of commercial buildings toward the road with parking lots to the side and/or rear of the site to create an urban atmosphere and remove parking expanses from the Richmond Highway frontage. However, the applicant proposes to locate the building at the rear of the site with a surface parking lot adjacent to Richmond Highway.
- The GDP shows a 35 foot wide landscaped transitional screening yard along the entire northern property boundary with a 6 foot tall board-on-board fence to screen the proposed use from an adjacent residential property. Additional screening may be necessary given the location of the proposed loading area, dumpster, employee parking and the fact that the use proposes outdoor dining. All in close proximity to residential use. Further, the proposed barrier should be internal to the transitional screening, as required by the Zoning Ordinance.
- The current design also does not provide any pedestrian connections from the proposed parking area to the proposed building and does not provide any pedestrian corridor or sidewalk connection from Richmond Highway through the site to the proposed building entrance.
- The Comprehensive Plan recommends dividing parking lots into small sections using landscaped medians to avoid large expanses of parking areas. Additional landscaped medians should be provided within the parking lot to meet the recommendations of the Comprehensive Plan.

The purpose of the Urban Design Guidelines for the Richmond Highway Corridor are to revitalize the Richmond Highway Corridor from its current state as a primarily

uncoordinated, aesthetically challenged, strip-commercial suburban corridor to a well-designed urban corridor, to ensure the appropriate location of buildings fronting on Richmond Highway, and that the buildings reflect an architectural design appropriate for an urban setting. The result of the current proposal would be an underground building which provides no aesthetic benefit as the view from the Richmond Highway frontage of the property will be a large expanse of parking which is directly in conflict with the recommendations of the Comprehensive Plan for the Richmond Highway CRD.

Given the significant issues that remain outstanding with this application, staff finds that the application is not in conformance with the Comprehensive Plan.

Recommendations

Staff recommends denial of RZ 2007-MV-004. However, if it is the intent of the Board of Supervisors to approve RZ 2007-MV-004, staff recommends that the approval be made subject to the execution of proffers consistent with those contained in Appendix 1.

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

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. VDOT Analysis
7. Stormwater Management Analysis
8. Urban Forest Management Analysis
9. Fairfax County Park Authority Analysis

APPENDICES (Continued)

10. Heritage Resources Analysis
11. Fire and Rescue Analysis
12. Sanitary Sewer Analysis
13. Fairfax County Water Authority Analysis
14. U.S. Green Building LEED Certification Information
15. Zoning Ordinance Provisions
16. Glossary of Terms

DRAFT PROFFERS

RZ 2007-MV-004

May 7, 2007

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, BADCO, LLC d/b/a DAKS Restaurant (hereinafter referred to as the “Applicant”), for itself, its successors and assigns in RZ 2007-MV-004, filed for property identified as Tax Map reference 101-3 ((1)) 96 (hereinafter referred to as the “Application Property”) hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the C-6 District in conjunction with a Generalized Development Plan (GDP) for an eating establishment and other permitted uses. If accepted, these proffers shall replace and supersede any previous proffers approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”), development of the Application Property for use as an eating establishment shall be in substantial conformance with the GDP, entitled “DAKS Restaurant/Woodlawn Court” consisting of seven (7) sheets prepared by Dewberry and Davis, LLC, dated February 5, 2007, and revised through April 20, 2007.
- b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout at time of site plan submission based on building footprints, final engineering, and utility locations, provided that the changes are in substantial conformance with the GDP, and there is no substantial decrease to the amount of open space, setbacks, or distances to peripheral lot lines as dimensioned on the GDP.

2. CLEARING AND GRADING

The Applicant shall generally conform to the limits of clearing and grading as shown on the GDP, subject to minor modifications as may be required for the installation of fences, utilities and/or trails as determined necessary by the Department of Public Works and Environmental Services (DPWES). If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by DPWES.

3. TREE PRESERVATION/TRANSPLANTATION

- a. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to a pre-construction meeting that will be held between the Applicant's certified arborist or landscape architect and an Urban Forestry Management (UFM) representative. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with the UFM representative to determine where adjustments to the clearing limits can be made to permit areas of preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustments shall be implemented.
- b. The Applicant shall provide a transplanting plan as a part of the first and all subsequent submissions of the site plan for review and approval by the Forest Conservation Section. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans, such as a certified arborist or landscape architect. The plan shall address, among other things, the feasibility of transplanting the American holly located near the front of the existing dwelling located on the Application Property.

4. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

The Applicant shall implement stormwater management (SWM) and Best Management Practices (BMP) techniques to control the quantity and quality of stormwater runoff from the Application Property in accordance with the standards of the Fairfax County Public Facilities Manual (PFM) and in substantial conformance with those depicted on the GDP. The Applicant shall provide a SWM dry pond and an underground SWM facility as depicted in the general locations shown on the GDP and in accordance with the requirements of the Chesapeake Bay Preservation Ordinance, as determined by DPWES. The Applicant shall also utilize, if acceptable to DPWES, low impact development techniques including, but not limited to, bio-retention basins/filters, percolation trenches, vegetated swales and porous pavers, provided such techniques are in substantial conformance with the GDP. Alternative innovative techniques may also be used as determined by DPWES, provided said techniques are in substantial conformance with the GDP.

5. TRANSPORTATION

- a. Subject to Virginia Department of Transportation (VDOT) and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of seventy-seven (77) feet from the centerline along the Application Property's Richmond Highway frontage as shown on the GDP. Dedication shall be made at time of site plan approval, or upon demand of either Fairfax County or VDOT, whichever should first occur.
- b. Subject to VDOT and DPWES approval, the Applicant shall construct frontage improvements to Woodlawn Court measuring approximately thirteen (13) feet from the centerline to the face of curb as shown on the GDP. Said frontage improvements shall be constructed concurrently with the development of the Application Property.
- c. Prior to site plan approval, the Applicant shall record a public access easement over the parking lot and connection to the service west of the Application Property drive as shown

- d. on the GDP. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's office and recorded among the Fairfax County Land Records.
- e. The Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein and as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of site plan approval.

6. STREETScape

- a. The Applicant shall install a streetscape generally consisting of landscaping and a trail along the Application Property's Richmond Highway frontage within the right-of-way as shown on the GDP. The Applicant shall coordinate the installation of the proposed streetscape with VDOT.
- b. Prior to site plan approval, the Applicant shall enter into a license agreement with Fairfax County and/or VDOT, as may be necessary, to permit landscaping to be maintained in the area to be dedicated along the Application Property's Richmond Highway frontage, as specified in Proffer 5.a and as shown on the GDP.
- c. The Applicant shall install a streetscape generally consisting of landscaping and a trail along the Application Property's Woodlawn Court frontage as shown on the GDP. The Applicant shall coordinate the installation of the proposed streetscape with VDOT.
- d. Prior to site plan approval, the Applicant shall enter into a license agreement with Fairfax County and/or VDOT, as may be necessary, to permit landscaping to be maintained within the Woodlawn Court right-of-way as shown on the GDP.

7. ENERGY EFFICIENT DESIGN

The Applicant shall incorporate environmentally sustainable elements into its building program that include, but are not necessarily limited to, high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, low volatile organic compounds in paints, sealants and finish materials, construction waste management and storage and collection of recyclables.

8. LIGHTING

Any outdoor lighting shall be of full cutoff type and otherwise meet the performance standards of Part 9 of Article 14 of the Zoning Ordinance.

9. SIGNS

All signs located on the Application Property shall comply with the requirements of Article 12 of the Zoning Ordinance.

10. HERITAGE RESOURCES

Prior to site plan approval, the Applicant shall provide one (1) copy of a Phase I Archaeology Survey of the Application Property to the Park Authority Resource Management Division within thirty (30) days of the study or survey completion. If potentially significant archaeological resources are discovered, Phase II testing and Phase III data recovery shall be performed by the Applicant as may be recommended by the Park Authority Resource Management Division. Copies of subsequent studies shall also be forwarded to the Park Authority Resource Management Division within thirty (30) days of the study or survey completion.

11. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

12. MISCELLANEOUS

These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

Title Owner of Tax Map 101-3 ((1)) 96

ESTATE OF VIOLA F. GRUBBS

By: John B. Grubbs

Its: Administrator/Conservator

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

Applicant/Contract Purchaser of Tax Map 101-3 ((1)) 96

BADCO, LLC D/B/A DAKS RESTAURANT

By: Barry H. Clark, Jr.
Its: Manager

[SIGNATURES END]