



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 30, 2007

STAFF REPORT ADDENDUM
APPLICATION RZ 2007-MV-004
MOUNT VERNON DISTRICT

CRD

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
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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Waiver of the transitional screening and barrier requirements along the southern property boundary in favor of the streetscape 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 Attachment 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.



BACKGROUND

The applicant, Badco, LLC/DAKS Restaurant, requests approval of a rezoning of approximately 2.0 acres from the R-2 District to the C-6 District to construct and establish an eating establishment. The subject site is located within the Woodlawn Community Business Center in the Richmond Highway Corridor, and also 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 also requests the following 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.

On May 17, 2007, the Staff Report for RZ 2007-MV-004 was published. In this report, staff concluded that the proposal given the significant issues that remained outstanding with this application, the application was not in conformance with the Comprehensive Plan. The outstanding issues identified included:

- The Comprehensive Plan recommends the removal of large parking expanses from the Richmond Highway frontage and 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. However, the application proposes to locate the building at the rear of the site with a 102 space 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 along the property line to screen the proposed use from adjacent residential property. However staff believes that a greater width of screening is necessary given the location of the proposed building, loading area, dumpster, employee parking and the outdoor dining all in close proximity to existing residential use. Further, the proposed barrier should be internal to the transitional screening, as required by the Zoning Ordinance.
- The Comprehensive Plan recommends dividing parking lots into small sections using landscaped medians to avoid large expanses of parking areas. The previously published staff report stated that additional landscaped medians should be provided within the parking lot to meet the recommendations of the Comprehensive Plan. The design also does not provide 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 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.

Following the publication of the staff report, the applicant submitted a revised General Development Plan (GDP), dated May 18, 2007, included at the front of the staff report addendum. In addition, revised draft proffers have been provided and are dated May 21, 2007. This addendum discusses the changes.

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 May 18, 2007

The revised GDP incorporate the following changes:

Revising notes #7 and #16 on sheet 2 of the GDP to clarify that any changes to amount of parking provided and any enhancements to the parking overhang areas shown on the GDP shall be in substantial conformance with the GDP.

Revising note #9 to state that the applicant shall use the best efforts to retain and/or relocate existing mature vegetation on the property that is worthy of preserving and/or transplanting.

Revising the legend on sheet 2 of the GDP to include a symbol to identify proposed shrubs to be provided on the property.

The revisions identified are merely changes to the general notes and legend contained on sheet 2 of the GDP. There are no changes to the site design for the proposed eating establishment, therefore the issues related to site design, building location, screening and buffering, parking lot landscaping, signage, vehicular and pedestrian access and tree preservation remain outstanding.

The revised proffers incorporate the following changes:

Adding a proffer addressing the hours of operation for the proposed eating establishment, use of the patio, and trash removal and deliveries, which states that:

- a. The hours of operation for the eating establishment shall be limited to between the hours of 10:00 a.m. and 2:00 a.m. the following day.
- b. The playing of live music on the patio shall be limited to between the hours of 5:00 p.m. and 11:00 p.m.
- c. Trash removal and deliveries by outside vendors shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.

While the applicant has added the language above in response to staff's comments regarding the impacts the proposed use would have on the residential property to the north which abuts the subject site, staff believes that hours of operation until 2 a.m. on any day of the week is too late. The hours of operation should end at an earlier time on weekdays and Sundays. The hours for the playing of live music on the patio should also end earlier than 11:00 p.m. on weekdays and Sundays. Therefore staff's concerns with the impacts that the proposed use would have on the abutting residential property remain outstanding.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

The revisions to the GDP and proposed proffers submitted since the publication of the staff report do not adequately address the issues that have been raised regarding this application. There are no changes to the site design for the proposed eating establishment, therefore the issues related to site design, building location, parking lot landscaping, signage, vehicular and pedestrian access and tree preservation remain outstanding. In regard to the language added to the draft proffers concerning hours of operation, use of the outdoor patio, and trash removal and deliveries, staff believes that hours of operation until 2 a.m. on any day of the week could result in a negative impact on the adjacent residential community. The hours of operation should end at an earlier time on weekdays and Sundays. The hours for the playing of live music on the patio should also end earlier than 11:00 p.m. on weekdays and Sundays, therefore the screening and buffering raised by staff remain outstanding.

As discussed in the original staff report, 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 continues to propose 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 the 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.

Given the significant issues that remain outstanding with this application, staff finds that the application is still 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 Attachment 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.

ATTACHMENTS

1. Draft Proffers
2. Locator Map
3. Reduction of GDP

