



**APPLICATION ACCEPTED:** April 8, 2014  
**PLANNING COMMISSION DECISION:** February 11, 2015  
**BOARD OF SUPERVISORS:** February 17, 2015  
October 6, 2015 @ 3:30 p.m.

## County of Fairfax, Virginia

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September 22, 2015

**STAFF REPORT ADDENDUM #2**

**RZ 2014-MA-011 / SE 2014-MA-013**

**MASON DISTRICT**

# CRD

**APPLICANT:** Spectrum Development, LLC

**EXISTING ZONING:** C-2, R-3, CRD, HC, SC

**PROPOSED ZONING** C-6, CRD, HC, SC

**PARCEL(S):** 61-2 ((17)) (D) 1, 3, 4 and 5;  
61-2 ((18)) 1, 2, 3, 4 and 5

**ACREAGE:** 2.72 acres

**FAR:** 0.22

**OPEN SPACE:** 17.7%

**PLAN MAP:** Office, Residential @ 2-3 du/ac.

**SE CATEGORY:** Category 5: drive through pharmacy and fast food restaurant(s)  
Category 6: Waivers and Modifications in a CRD

**PROPOSAL:** Rezone from C-2 and R-3 to C-6 to allow for the development of an in-line retail shopping center plus a free-standing pharmacy and retail pad site with a total of 25,905 sf. of gross floor area;

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Carmen Bishop, AICP

Special Exception approval to permit a drive-through pharmacy and fast food restaurant uses in the shopping center;

CRD waivers and modifications to allow a parking reduction of 20.0% (27 spaces)

**STAFF RECOMMENDATIONS:**

Staff recommends denial of RZ 2014-MA-011, as proposed. If it is the Board's intent to approve RZ 2014-MA-011, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends denial of SE 2014-MA-013, as proposed. If it is the Board's intent to approve SE 2014-MA-013, staff recommends that such approval be subject to the development conditions contained in Appendix 2.

**Waivers and Modifications Requested:**

20 percent parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces instead of 135 (reduction of 27 spaces or 20 percent)

Waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10-foot setback to Leesburg Pike and seven-foot setback to Washington Drive, where 40 feet is required.

Waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of right-of-way along Charles Street where 200 feet is required.

Modification of the trail requirements along Leesburg Pike to permit an eight-foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards in the Comprehensive Plan.

Modification of the transitional screening and barrier requirements along all or portions of the east, south and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE Plat.

Waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE Plat.

Modification of the loading space requirements to permit one loading area where three spaces are required.

Deviation from the tree preservation target of the Public Facilities Manual, in favor of the landscaping as shown on the GDP/SE Plat.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval 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 the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception

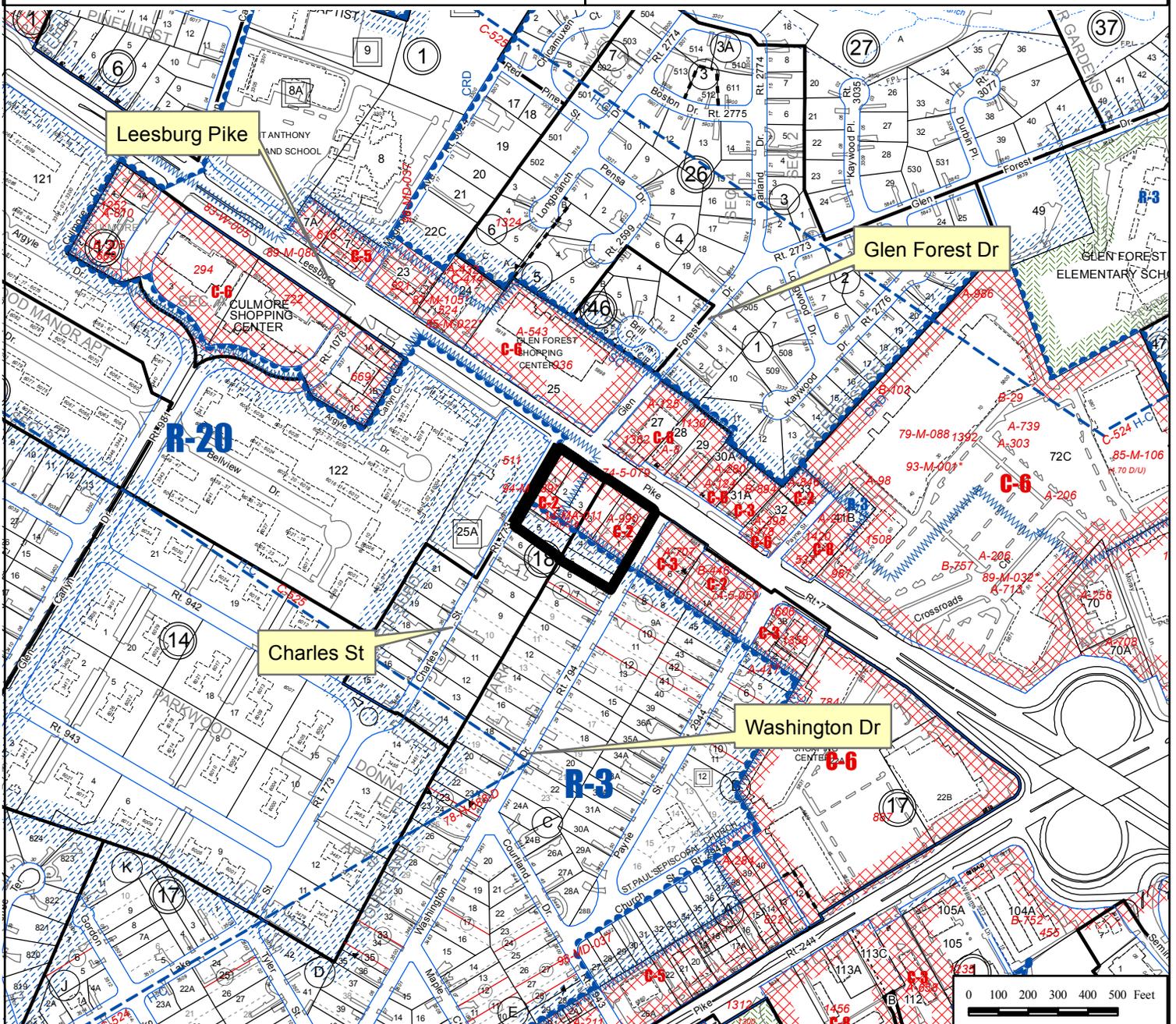
SE 2014-MA-013

Applicant: SPECTRUM DEVELOPMENT, LLC  
Accepted: 04/08/2014  
Proposed: DRIVE-THROUGH PHARMACY AND FAST FOOD RESTAURANT(S)  
Area: 2.72 AC OF LAND; DISTRICT - MASON  
Zoning Dist Sect: 04-060404-0604  
Art 9 Group and Use: 5-36 5-11  
Located: 5885 LEESBURG PIKE, 3408 & 3410 WASHINGTON DRIVE AND 3425 & 3401 CHARLES STREET FALLS CHURCH, VA 22041  
Zoning: C-6  
Plan Area: 1,  
Overlay Dist: CRD SC HC  
Map Ref Num: 061-2- /17/D /0001 /17/D /0003 /17/D /0004 /17/D /0005 /18/ /0001 /18/ /0002 /18/ /0003 /18/ /0004 /18/ /0005

# Rezoning Application

RZ 2014-MA-011

Applicant: SPECTRUM DEVELOPMENT, LLC  
Accepted: 04/08/2014  
Proposed: RETAIL, DRIVE-THROUGH PHARMACY AND FAST FOOD  
Area: 2.72 AC OF LAND; DISTRICT - MASON  
Zoning Dist Sect: SOUTH SIDE OF LEESBURG PIKE BETWEEN CHARLES STREET AND WASHINGTON DRIVE  
Zoning: FROM C-2 TO C-6  
Overlay Dist: CRD SC HC  
Map Ref Num: 061-2- /17/D /0001 /17/D /0003 /17/D /0004 /17/D /0005 /18/ /0001 /18/ /0002 /18/ /0003 /18/ /0004 /18/ /0005









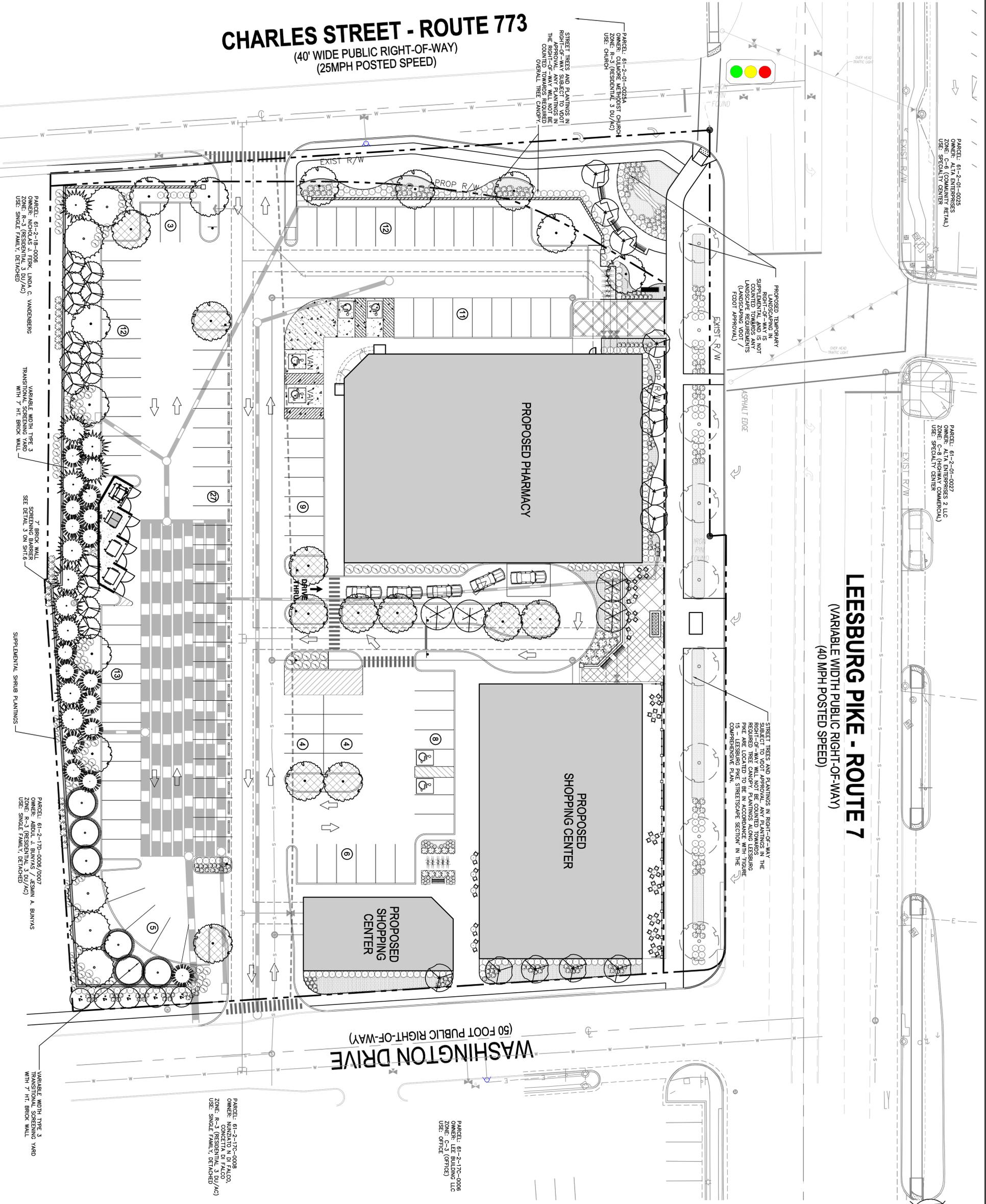
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# CHARLES STREET - ROUTE 773

(40' WIDE PUBLIC RIGHT-OF-WAY)  
(25MPH POSTED SPEED)

# LEESBURG PIKE - ROUTE 7

(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)  
(40 MPH POSTED SPEED)



PARCEL: 61-2-18-0008  
OWNER: NINA L. AS  
ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
USE: SINGLE FAMILY, DETACHED

PARCEL: 61-2-18-0008  
OWNER: NINA L. AS, LINDA C. VANDERBERG  
ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
USE: SINGLE FAMILY, DETACHED

PARCEL: 61-2-18-0008  
OWNER: NINA L. AS, LINDA C. VANDERBERG  
ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
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ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
USE: SINGLE FAMILY, DETACHED

PARCEL: 61-2-18-0008  
OWNER: NINA L. AS, LINDA C. VANDERBERG  
ZONE: R-3 (RESIDENTIAL 3 DU/AC)  
USE: SINGLE FAMILY, DETACHED

	- CATEGORY I DECIDUOUS TREE
	- CATEGORY II DECIDUOUS TREE
	- CATEGORY III DECIDUOUS TREE
	- CATEGORY IV DECIDUOUS TREE
	- CATEGORY I EVERGREEN TREE
	- CATEGORY II EVERGREEN TREE
	- CATEGORY III EVERGREEN TREE
	- CATEGORY IV EVERGREEN TREE
	- SHRUBS
	- ORNAMENTAL GRASSES / PERENNIALS
	- BIO-RETENTION PLANTINGS
	- INTERIOR PARKING LOT TREE
	- STREET TREE

\*PLANTINGS WITHIN THE RIGHT-OF-WAY ARE SUBJECT TO VOTER APPROVAL AND WILL NOT BE COUNTED TOWARDS ANY LANDSCAPING REQUIREMENTS\*

**CONCEPTUAL LANDSCAPE PLAN**  
**THE SHOPS AT BAILEY'S CROSSROADS**

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA  
LANDSCAPE ARCHITECT  
Adam J. Steiner  
Lic. No. 1237

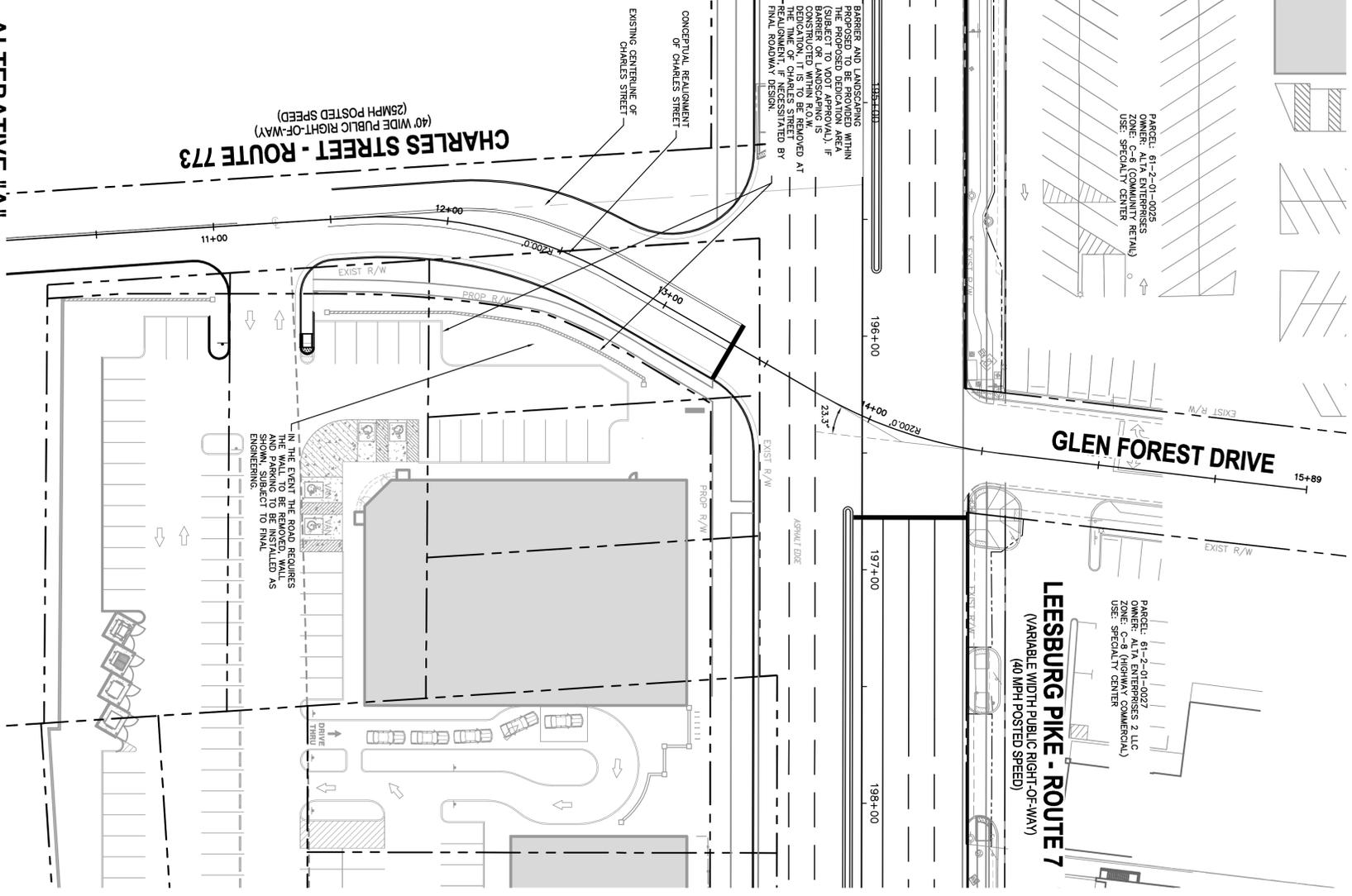
KHA PROJECT #110374001	1	ADDRESSED COUNTY COMMENTS	07/03/2014
DATE 09/08/2015	2	ADDRESSED COUNTY COMMENTS	09/11/2014
DESIGNED BY KHA	3	ADDRESSED COUNTY COMMENTS	11/14/2014
DRAWN BY JUNJ	4	ADDRESSED COUNTY COMMENTS	12/17/2014
CHECKED BY AJS	5	ADDRESSED COUNTY COMMENTS	12/31/2014
	6	ADDRESSED COUNTY COMMENTS	01/12/2015
	7	ADDRESSED COUNTY COMMENTS	01/20/2015
	8	ADDRESSED COUNTY COMMENTS	01/29/2015
	9	DRIVE - THRU REVISION	05/28/2015
	10	ADDRESSED COUNTY COMMENTS	06/03/2015
	11	ADDRESSED COUNTY COMMENTS	09/08/2015

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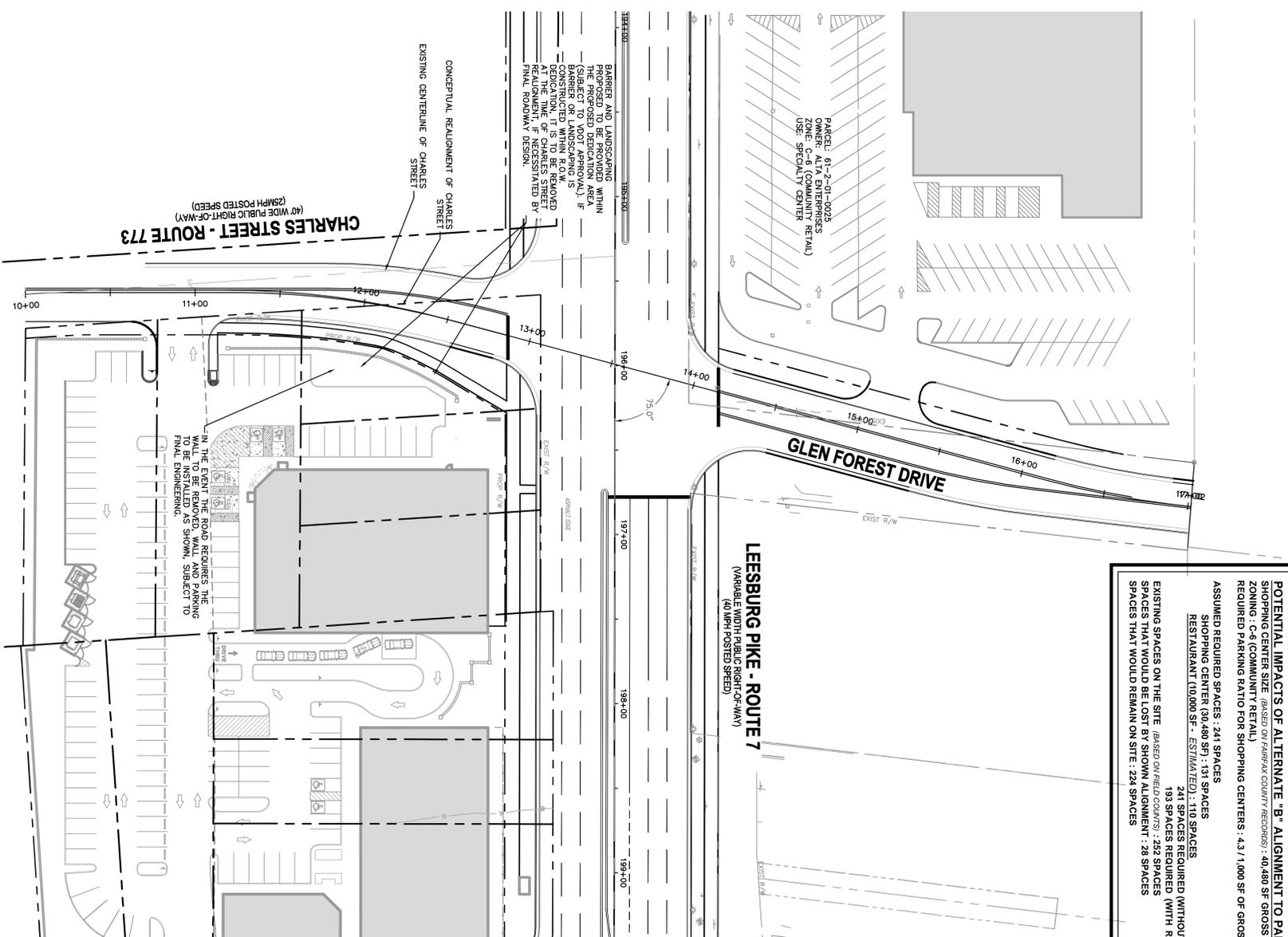


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**ALTERNATIVE "A" -**  
CONCEPTUAL REALIGNMENT OF CHARLES STREET WITH GLEN FOREST DRIVE -  
ASSUMES ALL RIGHT-OF-WAY FOR ALIGNMENT TO BE PROVIDED ALONG CHARLES STREET

NOTE: THIS PLAN IS INTENDED ONLY TO SHOW THAT THE PROPOSED ROW DEDICATION IS ADEQUATE FOR THE FUTURE REALIGNMENT OF CHARLES STREET WITH GLEN FOREST DRIVE AS PER VDOT PLAN #0007-29-117. NO REALIGNMENT OF CHARLES STREET IS PROPOSED WITH THIS PLAN.



**ALTERNATE "B" :**  
CONCEPTUAL REALIGNMENT OF CHARLES STREET WITH GLEN FOREST DRIVE -  
ASSUMES RIGHT-OF-WAY FOR ALIGNMENT TO BE PROVIDED ALONG BOTH GLEN FOREST DRIVE AND CHARLES STREET

NOTE: THIS PLAN IS INTENDED ONLY TO SHOW A POTENTIAL SOLUTION FOR THE REALIGNMENT OF CHARLES STREET AND GLEN FOREST DRIVE. NO REALIGNMENT OF CHARLES STREET OR GLEN FOREST DRIVE IS PROPOSED WITH THIS PLAN. PARKING CALCULATIONS FOR PARCEL 61-2-01-0025 ARE PRELIMINARY, BASED ON ZONING ORDINANCE REQUIREMENTS, AND FOR GENERAL INFORMATION PURPOSES ONLY.



**POTENTIAL IMPACTS OF ALTERNATE "B" ALIGNMENT TO PARKING ON PARCEL 61-2-01-0025:**

SHOPPING CENTER SIZE (BASED ON FAIRFAX COUNTY RECORDS): 40,480 SF GROSS FLOOR AREA  
ZONING: C-6 (COMMUNITY RETAIL)  
REQUIRED PARKING RATIO FOR SHOPPING CENTERS: 4.3 / 1,000 SF OF GROSS FLOOR AREA

ASSUMED REQUIRED SPACES: 241 SPACES  
SHOPPING CENTER (30,480 SF): 131 SPACES  
RESTAURANT (10,000 SF - ESTIMATED): 110 SPACES

EXISTING SPACES ON THE SITE (BASED ON FIELD COUNTS): 193 SPACES REQUIRED (WITH REVITALIZATION DISTRICT REDUCTION)  
SPACES THAT WOULD BE LOST BY SHOWN ALIGNMENT: 28 SPACES  
SPACES THAT WOULD REMAIN ON SITE: 241 SPACES

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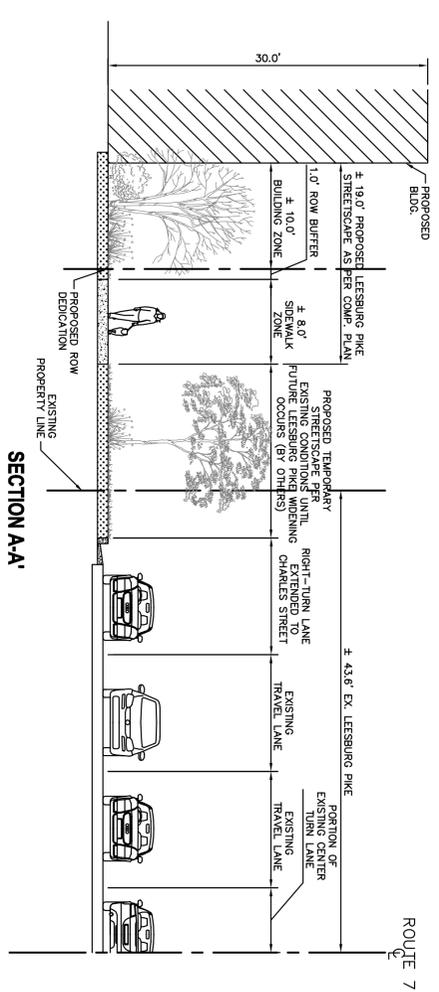


**CHARLES STREET CONCEPTUAL ALIGNMENTS  
THE SHOPS AT BAILEY'S CROSSROADS**

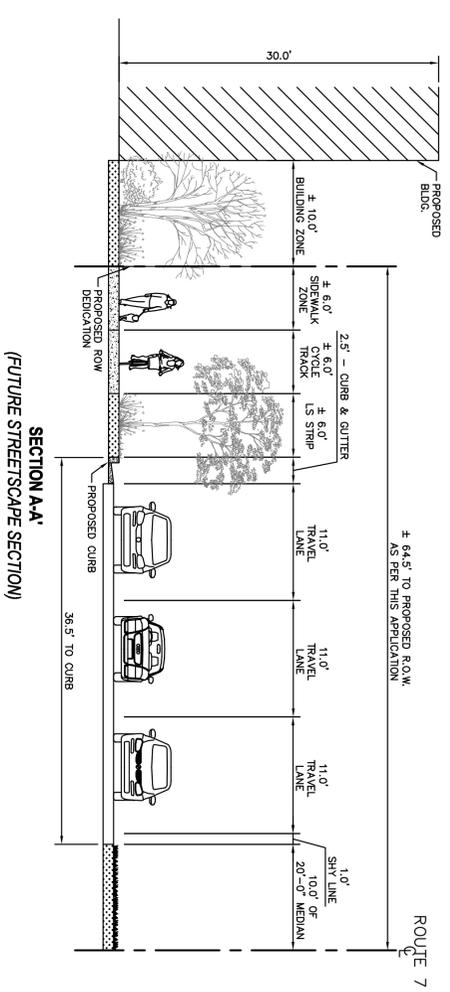
MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SHEET NUMBER  
**5 OF 10**

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1 LEESBURG PIKE - PROPOSED CONDITION AFTER THE SHOPS AT BAILEY'S CROSSROADS' DEVELOPMENT  
 SCALE: 1/8" = 1'-0"



2 LEESBURG PIKE - FUTURE ROAD WIDENING CONDITIONS (BY OTHERS) (FUTURE STREETSCAPE SECTION)  
 SCALE: 1/8" = 1'-0" NOTE: LEESBURG STREETSCAPE FUTURE SECTION IS CONCEPTUAL AND INTENDED TO DEMONSTRATE THAT RIGHT-OF-WAY DEDICATED IS SUFFICIENT TO INCLUDE A CYCLE TRACK. A CYCLE TRACK IS NOT PROPOSED WITH THIS PLAN.



3 BENCH  
 N.T.S.



4 TABLES & CHAIRS  
 N.T.S.



5 TRASH RECEPTACLE  
 N.T.S.



6 BIKE RACK  
 N.T.S.



7 LIGHTING  
 N.T.S.



8 PLANTERS  
 N.T.S.

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KHA PROJECT #110374001  
 DATE 09/08/2015  
 SCALE  
 DESIGNED BY KHA  
 DRAWN BY JUNJ  
 CHECKED BY GED

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LEESBURG PIKE STREETSECTIONS & SITE FURNISHINGS  
 THE SHOPS AT BAILEY'S CROSSROADS  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SHEET NUMBER  
 5A OF 10

NOTE: SITE FURNISHINGS, LIGHTING, AND WALLS SHOWN ON THIS SHEET ARE CONCEPTUAL AND ARE INTENDED TO REFLECT THE GENERAL THEME AND CHARACTER OF THE PROPOSED DEVELOPMENT. THE QUALITY OF DESIGN REPRESENTED HEREON, SITE FURNISHINGS TO BE CONSISTENT WITH EXISTING FURNISHINGS USED IN BAILEY'S CROSSROADS STREETSCAPES.

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BUILDING ELEVATIONS - LEESBURG PIKE



BUILDING ELEVATIONS - CHARLES STREET



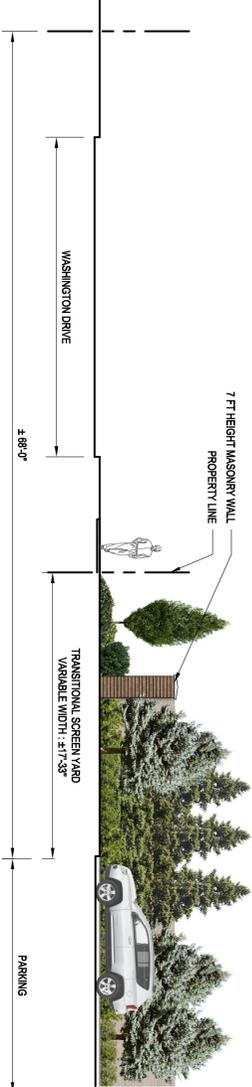
BUILDING ELEVATIONS - WASHINGTON DRIVE

NOTE: THE ELEVATIONS ON THIS SHEET ARE PRELIMINARY IN NATURE AND ARE PROVIDED TO AID IN THE UNDERSTANDING OF THE PROPOSED DEVELOPMENT. CHANGES TO THE ELEVATIONS ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN.

**GTIM**

**GT MARCHITECTS**

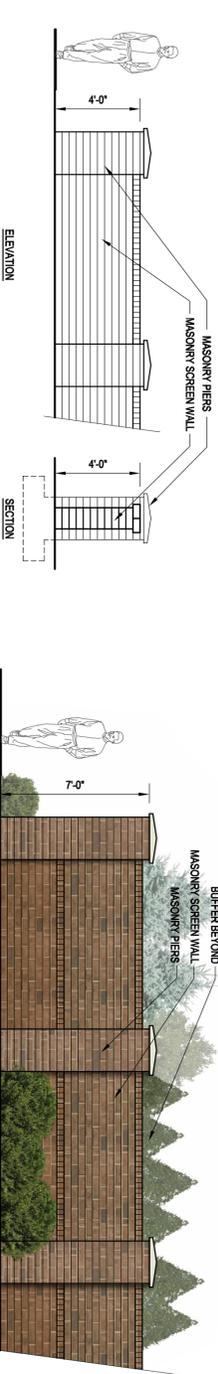
7735 OLD GEORGETOWN ROAD, SUITE 700, BETHESDA, MD 20814 - TEL: (240) 333-2000 - FAX: (240) 333-2001



1 TRANSITIONAL SCREEN YARD BUFFER SECTION  
SCALE: 1/8"=1'-0"



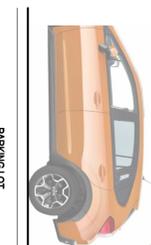
5 TRANSITIONAL SCREEN YARD WALL : PERSPECTIVE  
GT MARCHITECTS



2 TYPE "D" BARRIER (MODIFIED)  
SCALE: 1/4"=1'-0"



4 TRANSITIONAL SCREEN YARD WALL : SECTION  
SCALE: 1/4"=1'-0"



3 TRANSITIONAL SCREEN YARD WALL : ELEVATION  
SCALE: 1/4"=1'-0"

3 TRANSITIONAL SCREEN YARD WALL : ELEVATION  
SCALE: 1/4"=1'-0"

4 TRANSITIONAL SCREEN YARD WALL : SECTION  
SCALE: 1/4"=1'-0"

NOTE: WALLS SHOWN ON THIS SHEET ARE CONCEPTUAL AND ARE INTENDED TO REFLECT THE GENERAL THEME AND CHARACTER OF THE PROPOSED DEVELOPMENT. FINAL PRODUCT SELECTION MAY VARY AT THE TIME OF SITE PLAN, BUT WILL BE CONSISTENT WITH THE QUALITY OF DESIGN REPRESENTED HEREON.



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KHA PROJECT #110374001  
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SCALE  
DESIGNED BY KHA  
DRAWN BY JUNJ  
CHECKED BY GED

ARCHITECTURAL DETAILS  
THE SHOPS AT BAILEY'S CROSSROADS

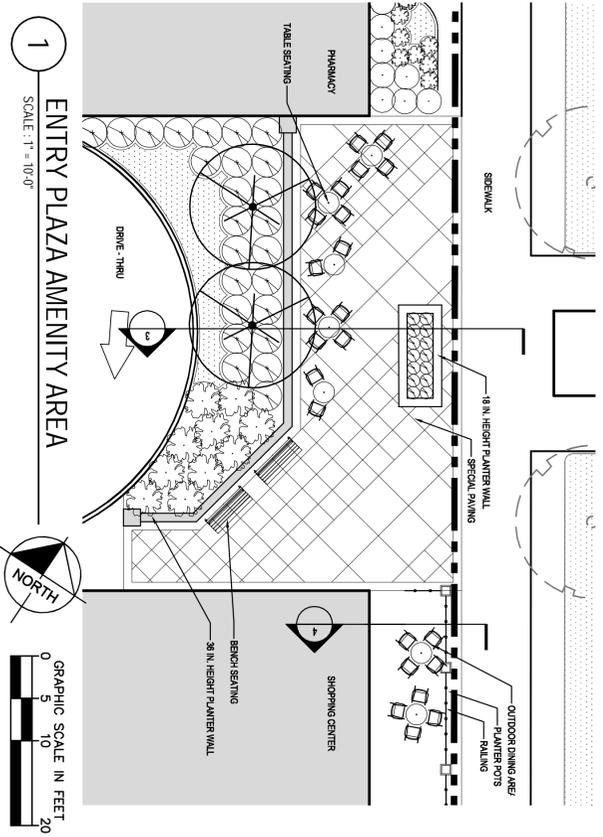
MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SHEET NUMBER  
6 OF 10

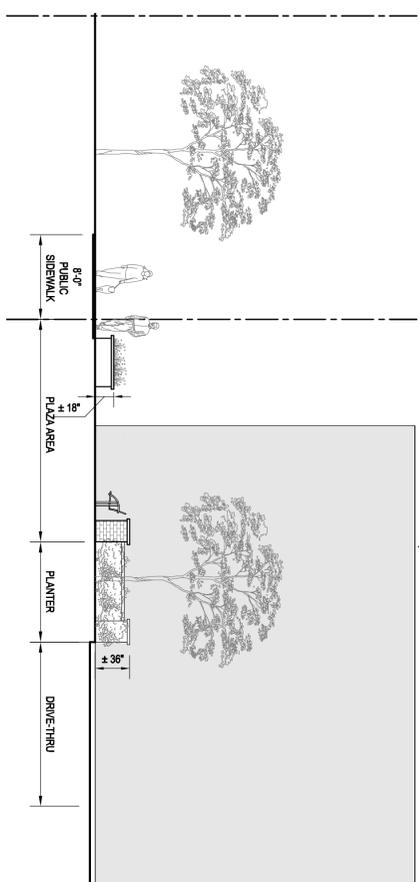
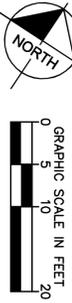
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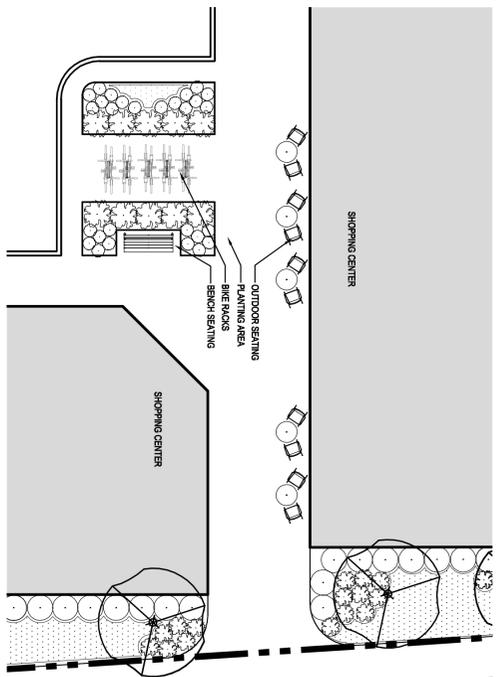
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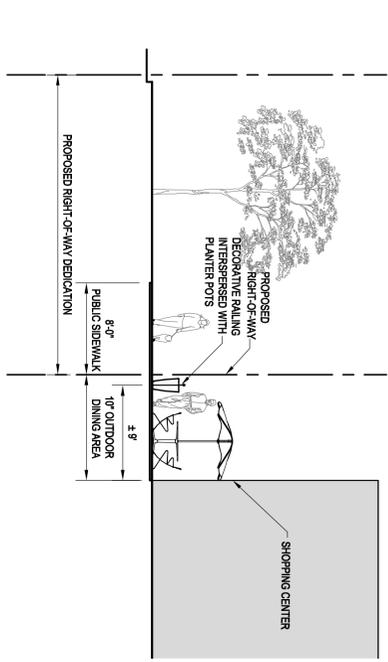
1 ENTRY PLAZA AMENITY AREA  
SCALE: 1" = 10'-0"



3 ENTRY PLAZA : SECTION  
SCALE: 1/8" = 1'-0"



2 SIDE PLAZA AMENITY AREA  
SCALE: 1" = 10'-0"



4 OUTDOOR DINING AREA : SECTION  
SCALE: 1/8" = 1'-0"

NOTE : IMAGES SHOWN ON THIS SHEET ARE CONCEPTUAL AND ARE INTENDED TO REFLECT THE GENERAL THEME AND CHARACTER OF THE PROPOSED DEVELOPMENT. FINAL PRODUCT SELECTION MAY VARY AT THE TIME OF SITE PLAN, BUT WILL BE CONSISTENT WITH THE QUALITY OF DESIGN REPRESENTED HEREON.



5 PERSPECTIVE : ENTRY PLAZA AMENITY AREA  
SCALE : NTS



6 PERSPECTIVE : SIDE PLAZA AMENITY AREA  
SCALE : NTS



7 PERSPECTIVE : LEESBURG PIKE & CHARLES STREET INTERSECTION  
SCALE : NTS

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KHA PROJECT #110374001  
DATE 09/08/2015  
SCALE  
DESIGNED BY KHA  
DRAWN BY JUNJ  
CHECKED BY GED

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LANDSCAPE AMENITY AREAS & PERSPECTIVES  
THE SHOPS AT BAILEY'S CROSSROADS

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

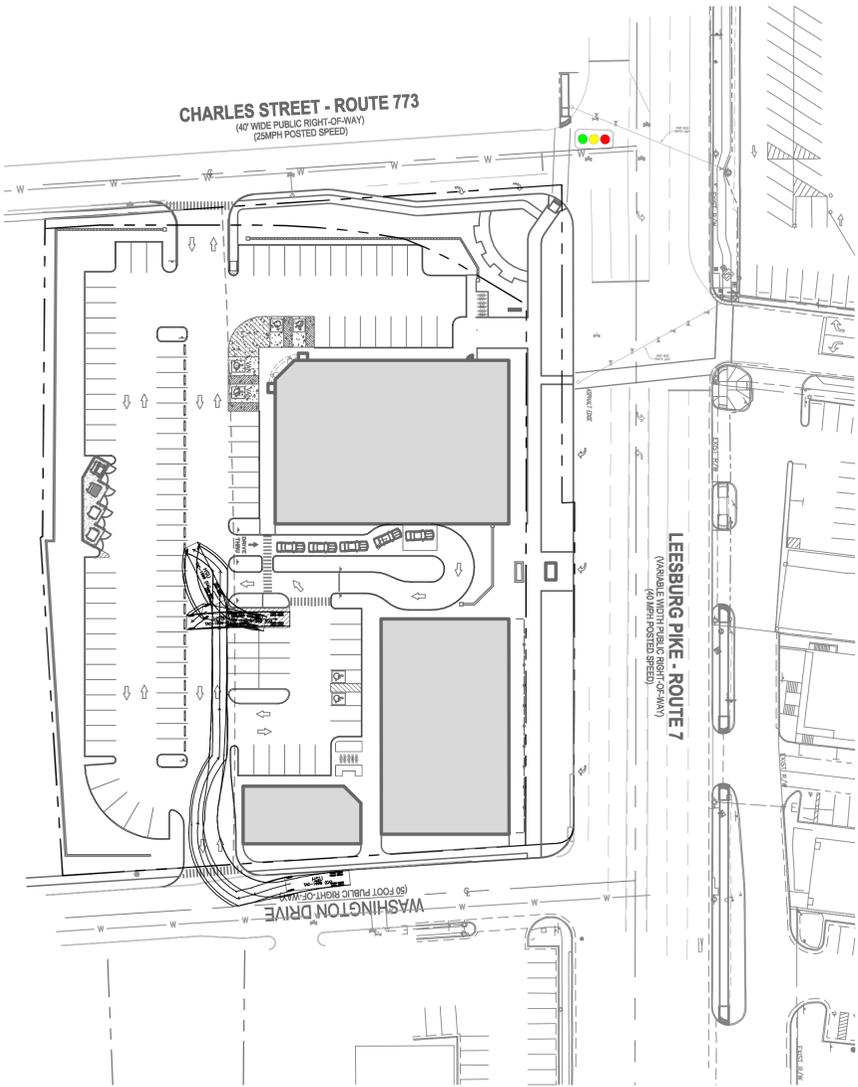
GT MARCHITECTS

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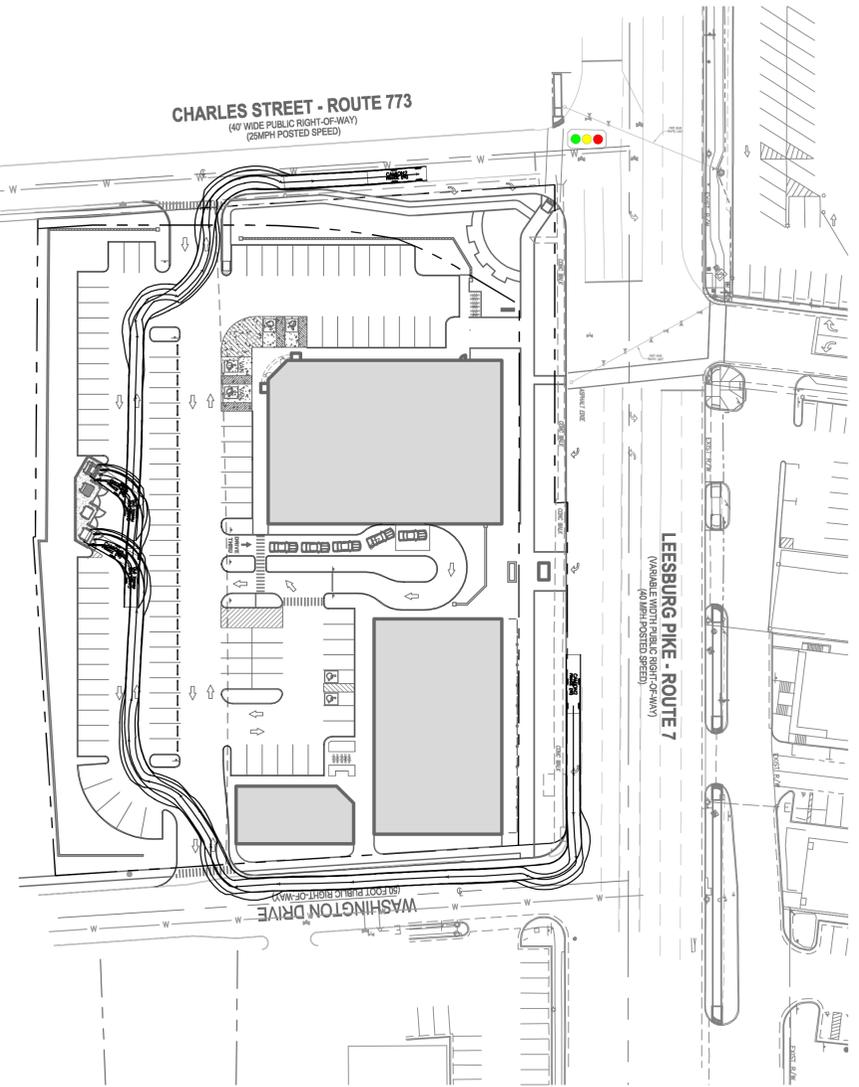
GT MARCHITECTS

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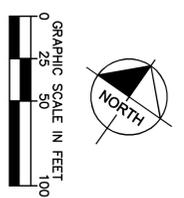
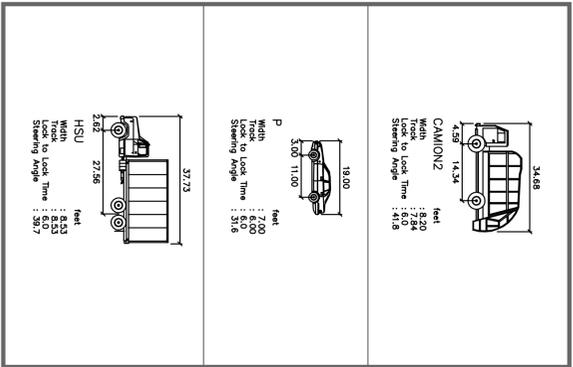
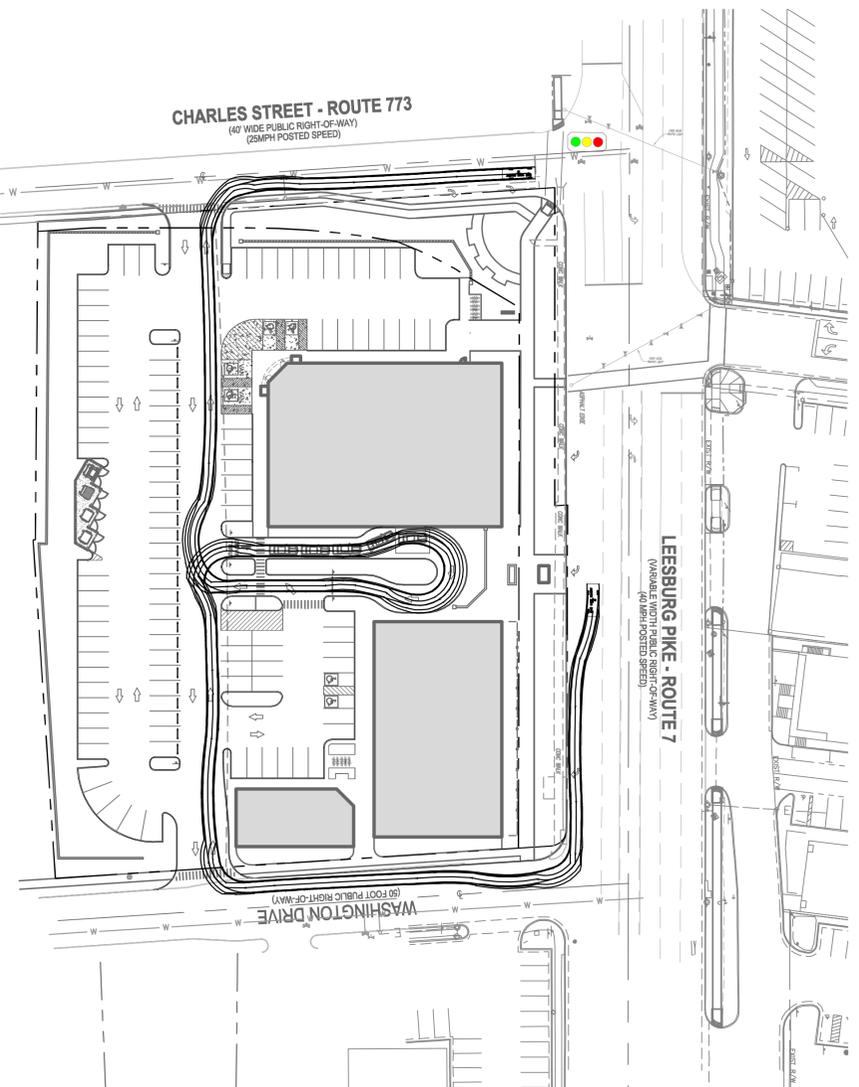
3  
T = 50'-0"  
HSU DELIVERY TRUCK



1  
T = 50'-0"  
GARBAGE TRUCK



2  
T = 50'-0"  
CAR



KHA PROJECT #110374001	1	ADDRESSED COUNTY COMMENTS	07/03/2014
DATE 09/08/2015	2	ADDRESSED COUNTY COMMENTS	09/11/2014
DESIGNED BY KHA	3	ADDRESSED COUNTY COMMENTS	11/14/2014
DRAWN BY JNJ	4	ADDRESSED COUNTY COMMENTS	12/17/2014
CHECKED BY GED	5	ADDRESSED COUNTY COMMENTS	12/31/2014
	6	ADDRESSED COUNTY COMMENTS	01/12/2015
	7	ADDRESSED COUNTY COMMENTS	01/20/2015
	8	ADDRESSED COUNTY COMMENTS	01/29/2015
	9	DRIVE - THRU REVISION	05/28/2015
	10	ADDRESSED COUNTY COMMENTS	06/03/2015
	11	ADDRESSED COUNTY COMMENTS	09/08/2015





## **DESCRIPTION OF THE APPLICATION**

The applicant requests a rezoning of the subject property from C-2 and R-3 (with CRD, HC, and SC overlays) to C-6 (with CRD, HC, and SC overlays) in order to allow the development of a retail shopping center with a free-standing drive-through pharmacy totaling 25,905 square feet of gross floor area. The applicant also requests Special Exception approval for the drive-through component of the pharmacy and for fast food restaurant uses in the shopping center. After receiving a negative recommendation from staff and hearing concerns from the Board of Supervisors, Planning Commission and neighbors during the Board and Planning Commission public hearings, the applicant has revised the General Development Plan/SE Plat and proffers. The following represents the second addendum to the original staff report and summarizes prior concerns, reviews the new plan, proffers, and development conditions and restates the Staff recommendation.

A reduced copy of the revised General Development Plan/Special Exception Plat (GDP/SE Plat) is included at the front of this report. The applicant's proposed proffers and staff's proposed development conditions are included in Attachments 1 and 2, respectively.

## **BACKGROUND**

On January 7, 2015, the staff report for RZ 2014-MA-013 and SE 2014-MA-011 was published and recommended denial of the applications. This recommendation was based on a finding of inconsistency with the Comprehensive Plan for the design and layout of new buildings in the Baileys Crossroads Community Business Center. By situating the drive-through loop prominently at the intersection of Charles Street and Leesburg Pike, the report concluded that it both detracted from the visual character at a gateway corner to Bailey's Crossroads and prevented the applicant from providing the necessary right-of-way to accommodate a safe realignment of Charles Street with Glen Forest Drive. In staff's opinion, these issues, coupled with concerns about the architectural design and the orientation of the pharmacy, outweighed the positive elements of the proposal.

On January 14, 2015, the Planning Commission held a public hearing to consider the applications. Staff explained that while the applicant had attempted to conform to the guidelines in the Plan, situating the drive-through loop at the intersection of Charles Street and Leesburg Pike and orienting the buildings to the rear (parking lot) were both at odds with the future vision for Baileys Crossroads. In addition, staff recommended improvements to the architectural design of the pharmacy and asked for greater emphasis on making that building more compatible with the rest of the shopping center.

During the course of the public hearing neighbors testified with concerns about the proposed layout, potential increases in traffic, noise, trash, and other quality of life concerns. Many members of the Commission shared these concerns and recommended revisions to the plan and proffers. The Planning Commission deferred decision of the application to February 11, 2015 and recommended that the applicant incorporate changes based on the testimony at the hearing.

On February 9, 2015, an addendum to the staff report was published that commended

the applicant for making significant improvements, but continued to recommend denial of the application due to inconsistency of the layout with the Comprehensive Plan and the inadequate right-of-way along Charles Street.

On February 11, 2015, the Planning Commission deferred the decision only to February 12, 2015. On that date, the Planning Commission reviewed proposed revisions to the plans and proffers and unanimously recommended approval of the applications.

On February 17, 2015, the Board of Supervisors deferred the public hearing until March 3, 2015. On that date, a public hearing was held where staff continued to recommend denial and neighbors presented concerns regarding the layout, entrance location, hours of operation, screening and other potential impacts to the adjoining community. The decision was deferred until March 24, 2015, at which time the decision was indefinitely deferred in order to allow the applicant time to revise the design.

Since that time, the applicant has continued to work with staff, Supervisor Gross' office, and the community. The applicant has made a number of revisions to the GDP/SE Plat and proffers which are reviewed below.

## **ANALYSIS**

### **Description of the revised GDP/SE Plat**

The GDP/SE Plat titled "The Shops at Bailey's Crossroads," was prepared by Kimley Horn and consists of twelve sheets dated as revised through September 8, 2015.

The revised GDP/SE Plat incorporates a series of positive revisions. The changes, as compared to the plan dated January 29, 2015 and reviewed in the first Addendum, are listed below:

- The drive-through has been relocated from the Charles Street side of the pharmacy to the center of the site between the pharmacy and a retail building. Site circulation of the drive-through has been improved by removing conflicting movements. In addition, the drive-through is now in a less prominent location which minimizes its impact on the desired visual character of Baileys Crossroads.
- The central plaza area has been increased and re-designed to provide additional seating.
- The monument sign has been relocated from the central plaza to the Charles Street side of the pharmacy as suggested by staff. The previous location would have intruded upon the central plaza space.
- The pharmacy entrance has been shifted from the southeast corner to the southwest corner. This location will be more visible from eastbound Leesburg Pike. In addition, a widened special paving area has been provided on the Charles Street side of the pharmacy to draw attention to that side as the entrance.

- The loading space has been relocated from next to the central plaza to a central location in the parking lot. This both improves the attractiveness of the plaza, and provides a more functional location for the shared loading space.
- The dumpsters have been shifted away from adjoining dwellings to a central location along the rear.
- Section 2 on Sheet 5A has been revised to show the cycle track between the sidewalk and landscape strip as recommended by staff.
- The total number of trees has been increased from 82 to 84.
- Parking has been increased from 108 (the minimum required with approval of a parking reduction) to 114 spaces. No parking spaces are shown within the proposed right-of-way (ROW) along Charles Street; however, portions of the barrier and peripheral parking lot landscaping are shown within the ROW, subject to the granting of a license. Sheet 5 illustrates how the parking and barrier would be reconfigured to maintain the required 108 spaces, should the roadway be realigned. A proffer commitment provides for on-site peripheral parking lot landscaping, subject to review by the Urban Forest Management Division in such an instance.
- With the relocation of the pharmacy entrance, the Charles Street elevation has been revised with more articulation.
- Benches have been provided in the interim landscaped area at the corner of Charles Street and Leesburg Pike.

### Revised Proffers (Attachment 1)

The applicant has submitted revised proffers in conjunction with the revised GDP/SE Plat. The revisions, as compared to the proffers dated February 5, 2015 and included in the first Addendum, are summarized below:

<b>Proffer Number</b>	<b>Description of Revision</b>
6	The proffer specifies additional prohibited signs.
7	The applicant's use of the Charles Street right-of-way if a license is granted has been clarified. The proffer also requires the applicant to modify the parking and barrier and provide additional on-site peripheral parking lot landscaping, subject to approval by the Urban Forest Management Division, should the license not be granted, expire or be revoked.
8	Editorial changes have been made regarding the Leesburg Pike turn lane extension.
13A	The proffer now includes that plants and shrubs, in addition to trees, will be replaced if diseased or dead.
13B	An easement will be provided to the adjoining property owners to the south for the use and landscaping of the area on the south side of the barrier wall. The applicant will provide plantings, and will replace diseased or dead plantings within the first year, provided they are maintained by the property owners.

15	The plazas and bus shelter have been added to the locations where trash cans will be provided and for trash removal and general cleaning. The proffer also states that dumpster lids shall remain closed.
16	The proffer has been revised to remove the vague term “objectionable odors.”
18	The proffer has been expanded to indicate that the applicant will consider placing a bike share facility at the site.
19	The proffer has been revised to include additional holidays when outdoor construction will be prohibited, with bi-lingual posting (Spanish and English).
21	The term for the applicant’s community liaison has been extended to one year after opening.
22A	The proffer has been modified to indicate that on-site deliveries shall not occur earlier than 6:00 a.m., in accordance with Sect. 108-4-1(f) of the Noise Ordinance.
22B	This proffer has been deleted. The placing of cones to discourage parking next to the pharmacy prior to scheduled deliveries is no longer required since a shared loading space has been identified on the plan.
25	Prohibitions have been added for propane tank exchanges and outdoor vending machines, except for an ATM machine that is part of a financial institution tenant.
26	The proffer now indicates that the applicant will pay the contractor through an escrow agent for work (fencing, landscaping and driveway improvements) to be done at the Di Falco property (3407 Washington Drive, Tax Map 61-2 ((17)) (C) 8), rather than providing the payment as a reimbursement.
27	Editorial revisions have been incorporated regarding the bus shelter.
29	The proffer lists the following prohibited uses: alternative lending institutions, non-therapeutic massage parlors, sale or display of pornographic material, fireworks sales, gun shop sales and repair, pawnbroker, and tattoo parlors.
32	The proffer now indicates that the music for the patio seating area will be non-live and “between 11 p.m.” The time at which the music will cease should be clarified.
33	This proffer has been added to specify hours of operation. The pharmacy drive-through will be closed from 12:00 a.m. – 6:00 a.m., and other businesses (except for the pharmacy) will be closed from either 12:00 a.m. – 6:00 a.m. or 11:00 p.m. to 5:00 a.m. The maximum hours of operation for businesses other than the pharmacy should be clarified.

Staff believes that the changes as outlined above represent significant progress, and the plan, as now proposed, provides a more functional layout with a more inviting pedestrian experience. Nevertheless, a number of issues remain outstanding.

### Charles Street Right-of-Way (Attachment 3)

As discussed in the Staff Report and the first Addendum, the proposed right-of-way dedication along Charles Street does not provide for a safe realignment of Charles Street with Glen Forest Drive, as recommended by the Comprehensive Plan. As before, the proposed dedication area would result in a 67-degree angled approach, where the maximum recommended would be 75 to 80 degrees.

The Fairfax County Department of Transportation (FCDOT) also recommended in their review that standard curb ramps be provided at the corner of Washington Drive and Leesburg Pike, at the County's walkway project along the Leesburg Pike frontage and at the site entrances. In addition, the break in the drive-through exit lane to allow vehicles from the parking lot to exit through the drive-through lane should be closed to prevent conflicts with vehicles and pedestrians. The Virginia Department of Transportation noted in their review that Proffer 10 should be revised to provide for the minor widening that will be needed in order to create the additional northbound turn lane.

### Building Orientation (Attachment 4)

As discussed in the Staff Report and the first Addendum, the pharmacy orientation toward the parking lot is at odds with the recommendation in the Comprehensive Plan to provide primary pedestrian entrances that are visible and accessible from Leesburg Pike. Although the applicant has shifted the pharmacy entrance and it will be more visible from the Charles Street/eastbound side of the site, the layout with the only entrance at the rear of the building does not fully address this key design guideline. Also, it should be noted that although the applicant has provided architectural improvements and outdoor seating subject to tenant requirements, no building entrances are provided from Leesburg Pike to the proposed shopping center building. Staff has proposed a condition requiring further review of the streetscape and building zone prior to site plan approval, and requiring that a minimum of 50 percent of the businesses in this shopping center building provide entrances from Leesburg Pike.

### Plaza and Streetscape

The proposed streetscape along Leesburg Pike includes street trees within the right-of-way dedication area, an 8-foot wide sidewalk with interlocking pavers and a 10-foot wide building zone that consists of an outdoor seating area, landscaping and the expanded central plaza. The Office of Community Revitalization (OCR) has provided recommendations for the applicant to clarify the streetscape elements, design and dimensions (Attachment 5). Two recommendations relate to the street trees along Leesburg Pike. As noted on the GDP/SE Plat, the location of the trees within the right-of-way is subject to approval by the Virginia Department of Transportation. It is recommended that the applicant document attempts to gain such approval, and if not granted, provide alternative landscaping. Furthermore, the trees should be planted where it is envisioned they can remain with the ultimate build-out of Leesburg Pike including the cycle track. Conditions have been proposed to address these concerns. The OCR also reiterated recommendations for all utilities to be installed underground, and that the use

of interlocking pavers be extended along the sidewalks of Charles Street and Washington Drive.

The applicant has expanded the central plaza, which now includes special paving, benches, tables with seating, and a planter with an 18-inch high wall. The plaza will be separated from the drive-through by landscaping consisting of ornamental grasses or perennials, shrubs and two Category III deciduous trees bordered by a 36-inch screening wall. Preliminary investigations by the FCDOT indicate that the existing bus shelter near the corner of Washington Drive may be relocated to the central plaza area of the site, and the applicant has reflected this on the plan as requested by staff. The expanded plaza area represents a key amenity to the site and the Leesburg Pike streetscape. However, as noted in the review by OCR and the Fairfax County Park Authority (FCPA, Attachment 6), a design issue that bears further review is the location and design of the planter. The ultimate location of the bus shelter and cycle track may not allow sufficient space for the planter in the location as shown on the GDP/SE Plat. Therefore, staff has proposed a condition for the design of the central plaza to be subject to further review to address this issue prior to site plan approval.

The revised GDP/SE Plat places a portion of the landscaping and barrier within the right-of-way dedication area along Charles Street. As recommended by the Urban Forest Management Division (UFMD, Attachment 7), peripheral parking lot landscaping should be provided on-site, outside of the proposed right-of-way to ensure that landscaping will remain. To address this concern, the applicant has included a proffer to provide the landscaping, subject to review by the UFMD, should the license to install the proposed landscaping and other elements within the right-of-way not be granted, expire or be revoked. As recommended by the UFMD, the landscape island located next to the Washington Drive entrance should be modified such that the tree proposed to be provided there is not within four feet of the curb, a restrictive root barrier.

## **CONCLUSION AND RECOMMENDATIONS**

### **Conclusion**

Staff believes the applicant should be commended for making significant improvements to the layout and proffer commitments. However, despite these changes, staff is unable to reverse our recommendation for denial, based primarily on the need to provide for a safe realignment of Charles Street and to provide building entrances that are visible and accessible from Leesburg Pike, in accordance with the site-specific guidelines of the Comprehensive Plan.

### **Recommendations**

Staff recommends denial of RZ 2014-MA-011, as proposed. If it is the Board's intent to approve RZ 2014-MA-011, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends denial of SE 2014-MA-013, as proposed. If it is the Board's intent to approve SE 2014-MA-013, staff recommends that such approval be subject to the development conditions contained in Attachment 2.

**Waivers and Modifications Requested:**

If it is the Board's intent to approve RZ 2014-MA-011 and SE 2014-MA-013, it should be subject to approval of the following waivers and modifications:

20 percent parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces instead of 135 (reduction of 27 spaces or 20 percent)

Waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10-foot setback to Leesburg Pike and seven-foot setback to Washington Drive, where 40 feet is required.

Waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of right-of-way along Charles Street where 200 feet is required.

Modification of the trail requirements along Leesburg Pike to permit an eight-foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards in the Comprehensive Plan.

Modification of the transitional screening and barrier requirements along all or portions of the east, south and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE Plat.

Waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE Plat.

Modification of the loading space requirements to permit one loading area where three spaces are required.

Direction to the Director of the Department of Public Works and Environmental Services (DPWES) to permit a deviation from the tree preservation target of the Public Facilities Manual, in favor of the landscaping as shown on the GDP/SE Plat.

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

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

The approval of this rezoning 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.

### **ATTACHMENTS**

1. Revised Proffers – dated September 8, 2015
2. Revised Development Conditions – dated September 22, 2015
3. Fairfax County Department of Transportation Analysis and Virginia Department of Transportation Analysis
4. Environment and Development Review Branch Analysis
5. Office of Community Revitalization Analysis
6. Fairfax County Park Authority Analysis
7. Urban Forest Management Division Analysis

**PROFFERS**  
**SPECTRUM DEVELOPMENT, LLC**  
**RZ 2014-MA-011**

**9.8.15**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property Owners and Applicant in this Rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Map as Tax Map Reference Nos. 61-2 ((18)) 0001, 0002, 0003, 0004, 0005, and 61-2 ((17)) (D) 0001, 0003, 0004, 0005 (hereinafter referred to as the “Property”) will be in accordance with the following conditions if, and only if, said rezoning request for the C-6, CRD, H-C and S-C Districts for the Property is granted by the Board of Supervisors of Fairfax County, Virginia (the “Board”). In the event said application request is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners and the Applicant (the “Applicant”), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board, in accordance with applicable County and State statutory procedures.

**GENERAL**

1. Substantial Conformance. Development of the Property shall be in substantial conformance with the Generalized Development Plan and Special Exception Plat entitled “The Shops at Baileys Crossroads” (the “GDP”), prepared by Kimley-Horn and Associates, Inc., and last dated 9/8/2015.

2. Minor Modifications. In addition to that described above, pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP and these proffers may be permitted as determined by the Zoning Administrator.

3. Maximum Intensity. The Applicant reserves the right to construct a lesser amount of Gross Floor Area (“GFA”) from that shown on the GDP provided that the buildings and Property remain in substantial conformance with that shown on the GDP as determined by the Zoning Administrator.

4. Architecture.

A. The final architectural design shall be in substantial conformance with the general type, quality and proportion of materials depicted in the elevations, and sections shown on the GDP. The materials on the building façade shall include, without limitation, brick, azek, EIFS and/or Hardie-board siding and shall be graffiti resistant.

B. Rooftop Equipment. Rooftop mechanical equipment will be shielded from view from the nearby public roads using parapet walls and designed not to exceed roof coverage limitations of the Zoning Ordinance. Other screening measures may be used such as including the facilities as part of the architecture of the buildings, utilizing compatible colors.

5. Unifying Elements. All street furniture, including garbage cans, benches and lamp posts, shall be consistent, both in terms of materials and design, throughout the development.

6. Signage.

A. All signage shall comply with Article 12 of the Zoning Ordinance. Pole signs, inflatable signs, pennants, flashing signs, ground waver signs, sail banner signs, promotional searchlights and signs powered by mechanical means shall not be permitted on the Property. All directional and way finding signage shall be consistent, both in terms of materials and design, throughout the development. No signs on the building fronting Washington Drive shall be mounted on the South façade. Any building mounted signs which face south shall not be

internally lit with translucent panels. The monument sign shall be limited in height to six (6) feet. Notwithstanding any exhibit to the contrary, the monument sign shall be placed in the plaza area as shown on Sheet 3 of the GDP. There shall not be any lit signs in storefront windows. No temporary A-frame type signs or live individuals holding signs shall be used at the Property.

B. A metal plaque shall be installed and displayed in the vicinity of the Leesburg Pike frontage of the Property and be visible to pedestrians walking along Leesburg Pike. The plaque shall have a summary of a significant historic happening in the Baileys Crossroads area. The language on the plaque shall be shared with the Supervisor's office and Baileys Crossroads Revitalization Corporation for their comment prior to installation.

7. Charles Street Right of Way. The area shown on the GDP which is labeled "Proposed Right of Way Dedication" shall be dedicated, in fee simple, as public Right Of Way to Fairfax County Board of Supervisors at no cost upon site plan approval of the project. The Applicant shall request a license, or the County shall grant a license, that allows the Applicant to construct landscaping and other streetscape improvements in the Right of Way as shown on Sheet 4 of the GDP, and the Applicant shall install and maintain the improvements. In the triangular area that is being dedicated for the realignment of Charles Street and being maintained by the Applicant under a license, additional landscaping consisting of low ground barriers, supplemental ground cover, attractive paving, such as pavers or an equivalent material, and/or street furniture shall be installed to protect vegetation and landscaping in that area from damage from pedestrian traffic as shown on Sheet 4 of the GDP. In the event a license is not granted, expires or is subsequently revoked, the Applicant shall modify the parking and barrier as shown on Sheet 4 of the GDP. In addition, the Applicant shall provide on-site peripheral landscaping

along Charles Street in accordance with a plan to be approved by the DPWES, Urban Forest Management Division.

8. Leesburg Pike Right of Way and Turn Lane Extension. The area shown on the GDP which is labelled “Proposed Right of Way Dedication” shall be dedicated, in fee simple, to Fairfax County Board of Supervisors at no cost upon site plan approval of the Project. If approved by the Virginia Department of Highways and Transportation (“VDOT”) and the Fairfax County Department of Transportation (“DOT” the Applicant shall extend the existing right turn lane across the frontage of the site from Charles Street to Washington Drive, which will serve as a right-turn lane to Washington Drive. Curb and Gutter shall be installed along the entire Leesburg Pike frontage. Said improvements shall be completed prior to issuance of the first non-RUP. Pavers or other equivalent material shall be used in the Leesburg Pike sidewalk as shown on the GDP subject to VDOT approval.

The Applicant shall enter into a maintenance agreement with VDOT for the maintenance or replacement, in-kind, by the Applicant, of streetscape elements, installed by the Applicant, that are located in the public right-of-way, excluding vegetation removed by the County and/or VDOT. Sidewalks for the development shall connect to the County’s walkway project on Leesburg Pike.

9. Charles Street Improvements. A northbound right turn lane shall be provided along Charles Street at Leesburg Pike in accordance with VDOT requirements.

10. Washington Drive Improvements. The existing pavement on Washington Drive at Leesburg Pike shall be restriped to allow an additional northbound right turn lane, in accordance with VDOT requirements.

11. Green Building Practices. Prior to the issuance of a building permit for each of the three buildings (individually a “Building”), the Applicant will post a “green building escrow,” in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amounts as set forth below. The escrow will be divided among the three buildings as follows:

- Pharmacy \$80,000.00
- Retail building fronting Route 7 \$25,000.00
- Retail building fronting Washington Drive \$10,000.00

This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, for each building, under the most current version of the U.S. Green Building Council’s (“USGBC”) Leadership in Energy and Environmental Design – New Construction (“LEED®-NC”) rating system or other LEED® rating system determined, by the USGBC, to be applicable to the Building. The provision to the Environment and Development Review Branch of DPZ of documentation of the USGBC preliminary review of the design oriented credits that along with the anticipated construction credits will be sufficient to support the attainment of LEED® certified, or documentation from the USGBC that the Building has attained LEED® certification will be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED® certification within two years of issuance of the final non-RUP for each of the Buildings, the escrow for the non-complying building or buildings will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides to the Environment and Development Review Branch of DPZ, within two years of issuance of the final non-RUP for each of the buildings, documentation demonstrating that LEED® certified status for any Building has not been attained but that the Building has been determined by the USGBC to fall within three points of attainment of LEED® certified status, 50% of the escrow will be released to the Applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant fails to provide, within two years of issuance of the final non-RUP for any building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED® certified status or demonstrating that the Building has fallen short of certification by three points or less, after sufficient written notice to the Applicant, the entirety of the escrow for the Building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED® certified application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

The Applicant will include, as part of the site plan submission for each Building, a statement certifying that a LEED®-accredited professional who is also a professional engineer or licensed architect is a member of the design team, and that the LEED®-accredited professional is working

with the team to incorporate sustainable design elements and innovative technologies into the Building with a goal of having the Building attain LEED® certified status.

The Applicant will include, as part of the site plan submission and building plan submission for the Building, a list of specific LEED® credits that the Applicant intends to pursue.

Prior to site plan approval for the Building, the Applicant will designate the Chief of the Environment and Development Review Branch of DPZ as a team member in the USGBC's LEED® online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED® credits and will not be provided within the authority to modify any documentation or paperwork.

12. Stormwater Management.

A. Stormwater Management ("SWM") Facilities. Subject to review and approval by the Department of Public Works and Environmental Services (DPWES), stormwater management and Best Management Practices (BMP) measures for the Property shall be provided through the use of an underground stormwater detention facility and a bioretention area, as shown on the GDP. Other innovative BMP measures such as, but not limited to biofiltration swales or pervious pavers may be substituted as determined by the Applicant and approved by DPWES. Any innovative BMP measures shall be maintained by the Applicant, in accordance with the procedures as determined by DPWES.

13. Landscaping.

A. Landscaping and Landscaped Open Space. The site plan submitted for the development shall include a landscape plan consistent with that on Sheet 4 of the GDP. The Applicant shall maintain the proposed landscaping as shown on the GDP and any diseased or

dead plants, shrubs or trees shall be replanted at the next spring or fall planting season. All new deciduous trees provided as shown on such landscape plan, shall be a minimum of 2 to 2.5 inches in caliper at the time of planting. All new evergreen trees used in peripheral screening and landscaping areas and public spaces shall be a minimum of six feet (6') in height at the time of planting. Such landscape plan shall be provided in substantial conformance with the landscaping concepts shown on the GDP as determined and approved by the Urban Forest Management Division ("UFMD").

B. Additional Landscaping/Easement Area. The Applicant shall grant an appurtenant easement benefiting the present and future owners of the adjoining parcels shown on the Fairfax County Tax Map as Tax Map Reference Nos. 61-2 ((18)) 0006 and 61-2 ((17)) (D) 0006. The easement area shall consist of all of the Applicant's lands lying on the south side of the barrier screening wall in the transitional screening buffer as shown on sheet 4 of the GDP ('Easement Area'). The Applicant shall install plantings in the Easement Area as shown on sheet 4 of the GDP. The Grantees shall have the exclusive use of the Easement Area and the Grantees shall maintain the Easement Area in good repair and condition, all at their sole discretion and cost. Provided the grantees maintain the plantings, the Applicant will during the first year after installation of the landscaping replant diseased or dead plants at the next spring or fall planting season.

C. Landscape Pre-Inspection Meeting. Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of the County Urban Forest Management Division (UFMD). Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved

plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material. Field location of planting material, when required by the approved plan, shall be reviewed at the pre-installation meeting. The Landscape Contractor shall stake proposed individual planting locations in consultation with the Contractor/Developer prior to the pre-installation meeting, for review by UFMD staff. Stakes shall be adjusted, as needed, during the course of the meeting as determined by UFMD staff based on discussion with the Contractor/Developer and the Landscape Contractor.

D. American Holly Tree Replacement. The contractor/developer shall install a minimum of six (6) new *Ilex opaca* (American Holly), or other similar species approved by the Urban Forester, at 10-foot size as part of the overall plantings in the transitional screening buffer adjacent to the southern property line to replace the removal of existing American Holly trees. The final location and cultivar selection shall be subject to the approval of the UFMD.

E. Native Species Landscaping. All landscaping provided shall be native or regionally adapted to the middle Atlantic region to the extent feasible and non-invasive as determined by the Mid-Atlantic Exotic Pest Plant Council Plant List or Virginia DCR. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the GDP.

14. Location of Utilities. Along all existing and proposed public rights-of-way, utility lines shall be generally located so as not to interfere with the landscaping concepts shown on the GDP. The Applicant reserves the right to make minor modifications to relocate such landscaping to reasonably accommodate utilities lines and Virginia Department of

Transportation (VDOT) sight distances provided such relocated landscaping shall retain a generally equivalent number of plantings and continues to reflect the concepts illustrated on the GDP and shall conform to the tree canopy calculations specified in the Fairfax County Public Facilities Manual (PFM). Any tree or shrub determined to impact utilities lines and sight distance shall be replaced with an appropriate size or relocated elsewhere on the site with equal size and quality, as determined by UFMD. For all other areas of the Property, in the event that, during the process of site plan review any landscaping shown on the GDP cannot be installed in order to locate utility lines, as determined by DPWES, then an area of additional landscaping consistent of equivalent flora generally consistent with that displaced shall be substituted at an alternate location on the Property, subject to approval by UFMD. The Applicant shall not place utility vaults under sidewalk and bicycle facilities designated for dedication for public use.

#### **MISCELLANEOUS PROFFERS**

15. Trash.

A. All outdoor trash receptacles shall conform to the standards set forth in the Public Facilities Manual for the screening of such receptacles. The Applicant shall: (a) provide appropriately sized trash cans in the general vicinity of any outdoor seating and patio area, both plazas and the bus shelter; (b) provide for the removal of trash twice a week from these areas, if any; and (c) generally clean and clear any outdoor seating and patio area, the plazas and bus shelter of trash daily. The Applicant shall arrange for any site clean-up by mechanical equipment to occur no earlier than 7 a.m. and no later than 9 p.m. Trash removal by emptying the dumpsters shall take place twice a week and shall occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday. Trash pickup shall occur more often if necessary.

B. A screening wall shall be installed to screen any dumpsters placed on the Property which shall be constructed of masonry materials that match those used on the buildings. Dumpster enclosure doors and dumpster lids shall remain closed except during the times that trash is being deposited or removed.

16. Food Odor. The Applicant shall not allow the discharge of air contaminants generated by the restaurants, if any, or their solid waste. For any restaurant located on the Property, the Applicant shall employ, but not be limited to, the following control measures:

A. All putrescible material as defined by the Fairfax County Code Section 109-1-1-2 shall be stored in sealed containers and shall be disposed in a container(s) reserved exclusively for use by the restaurant(s). Such putrescible material shall not be shredded or unsealed.

B. All putrescible materials shall be removed from the subject property by a commercial refuse hauler as needed, Monday through Saturday. These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions promulgated by the County.

17. Parking Enforcement.

A. The Applicant shall prohibit parking of vehicles by people not visiting the shopping center and shall provide signage in both English and Spanish to alert the public of the restricted parking in accordance with applicable law, such bi-lingual posting to be subject to approval by DPWES during site plan review. The Applicant shall maintain a contract with a towing service and have parked vehicles which are in violation towed from the Property at the violator's expense.

18. Bicycles. The Applicant shall provide bicycle racks as shown on the GDP. The total number of bike parking/storage spaces and design of the bike racks shall be consistent with

the Fairfax County Policy and Guidelines for Bicycle Parking, as determined at site plan review. Applicant agrees that should the County implement a "Bike Share" program; the Applicant will work with the County and consider placing a bike share facility within a public access easement at an appropriate location on the site.

19. Outdoor Construction. Outdoor construction of the improvements on the Property shown on the GDP shall take place only during the hours from 7:00 a.m. to 9:00 p.m. Monday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturday. There shall be no outdoor construction activity taking place on Sunday. There will be no outdoor construction on New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving, Yom Kippur, Eid Al-Fitr, Eid Al-Adha and Christmas Day. The permitted hours of construction shall be posted on-site in both English and Spanish, such bilingual posting to be subject to approval by DPWES during site plan review. . There shall be no parking of construction vehicles on Charles Street or Washington Drive.

20. Construction Vehicles. During initial construction, and any subsequent major construction activity, all construction vehicles and construction material vehicles shall utilize ingress and egress to the site via Route 7. No construction vehicles shall utilize Washington Drive or Charles Street south of the entrance to the Property for ingress and egress to the site. This direction to the contractors and sub-contractors shall be set forth in the contracts. Deliveries of construction materials shall only occur between 6:00 a.m. through 6:00 p.m., seven (7) days a week.

21. Community Liaison. The Applicant agrees to identify a person(s) who will serve as liaison to the community throughout the duration of construction. This individual shall be available at the construction site during the hours of construction, including weekends, if

applicable, upon receiving reasonable notice to be on-site. The name and telephone number of the individual(s) shall be posted at the entrance of the project. For one year after the Shopping Center opens for business, Peter Batten, or his designee will serve as liaison to the community available to address community concerns upon receiving reasonable notice.

22. Deliveries.

A. The Applicant shall direct the tenants to require that all deliveries utilize ingress and egress to the site via Route 7. No delivery vehicles shall utilize Washington Drive or Charles Street south of the entrance to the Property for ingress and egress to the site. On-site deliveries by class 7 or class 8 heavy duty trucks with GVWR greater than 26,000 lbs. shall only occur between 6:00 a.m. through 9:00 a.m., seven (7) days a week. All other deliveries shall only occur between 6:00 a.m. and 9:00 p.m., seven (7) days a week. Trucks making deliveries shall not park on Washington Drive while loading or off loading supplies. Trucks that are parked or standing to make deliveries shall not remain idling. Trucks in excess of 18 feet in length shall use the site loading area and shall not block entrances and/or exits to the Property. Trucks less than 19 feet in length shall use the site loading area or park in a manner that does not block parked vehicles. These directions to the tenants shall be via rules and regulations incorporated into the shopping center leases governing the operation of the shopping center.

23. Lights. Full cutoff lighting shall be utilized and light fixtures shall be used that do not let light spill into the residential neighborhood southeast of the property.

24. Barrier Wall. The materials to be used in the rear screening barrier shall be brick as shown in the GDP. Piping or weep holes shall be placed at the bottom of the wall and shall remain unobstructed to allow water to pass through.

25. Donation Boxes. No donation boxes, propane tank exchanges, or outdoor vending machines for clothing, books, etc. or outdoor vending machines for other products shall be allowed on the property. This shall not preclude a building mounted ATM machine that is make available as part of the business of a financial institution tenant.

26. Off-Site Landscaping and Paving. The Applicant will reimburse the owner of the property with a street address of 3407 Washington Drive, Falls Church, Virginia, 22041 (the “DiFalco Property”) for certain landscaping and driveway improvements to the DeFalco Property. These improvements will include extending the wood fence on their northern boundary and installing screening landscaping or wood fence in the front of the DiFalco Property and installing a vehicle turn around space to the driveway (“Work”). The Applicant shall pay up to Ten Thousand Dollars (\$10,000.00) for the cost of implementing the above described improvements. Prior to commencing construction of the Project, the Applicant shall deposit Ten Thousand Dollars (\$10,000.00) with an escrow agent. The escrow agent shall pay the contractor performing the Work within fifteen days of delivery of invoice(s) for completed Work. Completion of said described improvements shall be no later than December 31, 2017, or this obligation shall lapse. Delivery to the County of copies of the paid invoices and checks issued for the payment of the above described work shall be deemed to be sufficient to demonstrate compliance with this proffer.

27. Bus Shelter. Prior to site plan approval, the Applicant shall coordinate with FCDOT and the Washington Metropolitan Area Transit Authority (WMATA) for removal of the existing bus stop and shelter prior to the start of construction. The Applicant shall at its option either a) remove the bus shelter as directed by FCDOT or b) pay the County \$5,000.00 to remove the existing bus stop and shelter in coordination with and with approval by FCDOT. The Applicant

shall be responsible for constructing the standard bus shelter pad on Leesburg Pike frontage. The design, construction and the location of the bus shelter pad shall be coordinated with and approved by FCDDOT prior to site plan approval.

28. Single Beers. The pharmacy or any other retail sales establishment that holds a Virginia ABC license which permits the sale of beer for off-premises consumption shall not sell single cans or bottles of beer.

29. Prohibited Uses. The following uses shall not be allowed on the Application property:

A. Alternative Lending Institution. For purposes of this proffer, alternative lending institutions are defined as businesses that primarily are engaged in the practice of extending vehicle title loans and/or payday loans to the public, but excluding conventional banks that extend such loans as part of a portfolio of other consumer services. Such alternative lending institutions shall not be deemed a financial institution for purposes of zoning.

B. Non-Therapeutic Massage Parlor.

C. Facility for the Sale or Display of Pornographic Material.

D. Fireworks Sales. For purposes of this proffer, the indoor seasonal sale of sparklers and other small celebration items shall not be prohibited when it is incidental to the main business.

E. Gun Shop Sales and Repair.

F. Pawnbroker as defined in Chapter 33, Article 2 of the Fairfax County Code.

G. Tattoo Parlor.

30. Pharmacy Facades. The façade along the Leesburg Pike frontage and along the east façade of the pharmacy building shall include display windows with exhibits depicting historic themes that are determined by the pharmacy to comply with copyright requirements. The exhibits shall be shared with the Supervisor’s office and the Baileys Crossroads/Seven Corners Revitalization Corporation for their comment prior to installation. Advertising shall not be placed in any windows along either the Leesburg Pike or eastern frontages of the pharmacy building.

31. Additional Right-of-Way. The Applicant shall dedicate additional right-of-way upon demand by the County in the vicinity of the bus stop as shown on the GDP as needed for implementation of a bike lane cycle track project along Leesburg Pike.

32. Speakers. No outdoor speakers of any kind shall be installed on the Property excepting a building mounted intercom for use at the drive through window and non-live music for the patio seating area on Leesburg Pike between 11:00 pm .

33. Hours of Operation.

A. The pharmacy drive thru shall be closed from 12:00 am until 6:00 am, seven days a week.

B. Retailer and service businesses other than the pharmacy shall be closed for business from either 12:00 am until 6:00 am or 11:00 pm until 5:00 am, seven days a week

34. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to “Applicant” in these proffers shall include and be binding upon the Applicant’s successor(s) in interest and/or developer(s) of any portion of the Property.

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

[SIGNATURES TO APPEAR ON THE FOLLOWING PAGES]

Applicant:

Spectrum Development, LLC

By: \_\_\_\_\_

Name: Richard P. Buskell

Title: Managing Member

Owner:

Paul W. Byers

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Kim S. Byers

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

Christopher Tran

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Christina Tran

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

Culmore Properties, LLC

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

My Leesburg Pike, LLC

---

By: Richard P. Buskell, Managing Member of  
Spectrum Development, LLC,  
as Power of Attorney

Owner:

GEICO

---

By: Terence Perkins  
Assistant Vice President

**DEVELOPMENT CONDITIONS****SE 2014-MA-013****September 22, 2015**

If it is the intent of the Board of Supervisors to approve SE 2014-MA-013, located at Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5 and 61-2 ((18)) 1, 2, 3, 4 and 5 for a special exception to permit a drive through pharmacy and fast food restaurants within a shopping center pursuant to Sect. 4-604 and 9-505 of the Fairfax County Zoning Ordinance, Staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved General Development Plan and Special Exception Plat (GDP/SE Plat) titled "The Shops at Bailey's Crossroads" prepared by Kimley Horn and Associates, Inc., dated as revised through September 8, 2015, consisting of 12 sheets, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. An information sign shall be posted in the vicinity of the stacking area for the drive through pharmacy stating the limitations on the use of the window service and/or drive-through lane. Such sign shall not exceed two (2) square feet in area.
6. No Special Exception Amendment or Proffered Condition Amendment shall be required in the event that the bus shelter shown on the General Development Plan/SE Plat in the proposed right of way along Leesburg is moved to another location along the property's Leesburg Pike frontage. Any such relocation shall be undertaken in coordination with and subject to approval from FCDOT and shall not reduce the area of the outdoor seating area.

7. Prior to site plan approval, the final design of the Leesburg Pike building zones, central plaza area and streetscape shall be subject to review and approval by the Department of Planning and Zoning. For the shopping center building, the Applicant shall provide details demonstrating uniform design elements consistent with the Fairfax County Comprehensive Plan, outdoor seating, and that a minimum of 50 percent of the businesses shall provide building entrances from Leesburg Pike. For the central plaza, the review shall address modifications that may be necessitated by the ultimate location of the bus shelter to include, but not be limited to, the relocation, redesign and/or removal of the planter. The modifications that are the result of this condition shall not require a Special Exception Amendment or Proffered Condition Amendment, provided they are in substantial conformance with the GDP/SE Plat, proffers and conditions.
8. The Applicant shall diligently pursue approval from the Virginia Department of Transportation (VDOT) for the street trees to be located within the Leesburg Pike right-of-way as depicted on the GDP/SE Plat. Prior to site plan approval, the Applicant shall submit documentation of such approval from VDOT, or should approval not be granted, of the attempts made to secure approval. If approval for street trees is not granted, the Applicant shall provide alternative landscaping to consist of shrubs and ornamental grasses/perennials in a manner consistent with the shopping center landscaping.
9. Subject to VDOT approval, the street trees along Leesburg Pike shall be installed within a landscape amenity panel in their final location in order to accommodate the future widening of Leesburg Pike, including a cycle track. The mid-block trees shall be located on both sides of the central plaza to frame the plaza and bus shelter, if relocated, while maintaining adequate sight distance.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The

request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



# County of Fairfax, Virginia

## MEMORANDUM

DATE: September 10, 2015

TO: Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

FROM: Michael A. Davis, Acting Chief  
Site Analysis Section, DOT 

SUBJECT: Transportation Impact

REFERENCE: Addendum; RZ 2014-MA-011/SE 2014-MA-013;  
Spectrum Development, LLC  
Tax Map: 061-2 ((18)) 0001, 0002, 0003, 0004, and 0005;  
061-2 ((17)) (D) 0001, 0003, 0004, and 0005

This department has reviewed the rezoning plat and draft proffers dated September 8, 2015. Throughout the review of this application, we have been working with the applicant to address our main concerns but have not reached a resolution on several key issues. We have concerns about the approval of the application without resolution of these issues.

### 1. A severe angled intersection at Charles Street and Leesburg Pike

The applicant's proposed right-of-way dedication undermines the guidance and recommendation provided in the Fairfax County Comprehensive Plan (Plan), presents a clear safety concern for the traveling public, and places additional financial burden on the public.

The Plan states "...[I]t is intended that the improvement align Charles Street with Glen Forest Drive. The realignment should preclude a severe angled intersection...Any development of these parcels should provide an engineered alignment to Virginia Department of Transportation [VDOT] standards and acceptable to Fairfax County Department of Transportation [FCDOT]. Right-of-way for the engineered alignment should be dedicated to realign Charles Street and possible funding provided toward the construction of this improvement." This recommendation is discussed on page 100 of Baileys Crossroads Community Business Center section of the Plan.

The right-of-way dedication area proposed by the applicant is inadequate and would result in a severely angled realignment of Charles Street with Glen Forest Drive as it approaches Leesburg Pike. The Federal Highway Administration (FHWA) has a policy that states intersecting roadways should have a minimal angle of 75 degrees. The angle of approach that the applicant has provided is 67 degrees. A 67-degree angled approach on Charles Street to Leesburg Pike does not meet VDOT standards and is unacceptable to FCDOT. Moreover, Leesburg Pike is part of the national highway system. Therefore, any engineered design of approaching side streets to Leesburg Pike should be carefully reviewed and analyzed for operation and safety impacts.

Staff has stated our preference that the applicant provide enough dedicated area to achieve an angle of approach to Leesburg Pike as close to 90 degrees as possible. An angled

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intersection of 75-80 degrees would be considered, per FHWA guidance. However, the applicant continues to provide right-of-way that accommodates only a 67-degree angled intersection for our review. Based on their preliminary engineering of the intersection, the following safety concerns were identified in our previous memorandum and are reiterated here:

- A severely angled intersection reduces driver visibility of oncoming pedestrians, bicyclists, and vehicles. The potential safety impact is compounded due to heavy vehicular volumes on Leesburg Pike on both weekdays and weekend days.
- The intersection angle may cause drivers to deviate from their intended path when crossing Leesburg Pike, moving into oncoming traffic or the curb line, creating a safety and operational concern.
- The design creates a longer intersection crossing distance for pedestrians and bicyclists. The applicant's traffic count shows at least 100 pedestrians crossing Leesburg Pike during Thursday and Saturday peak hours in December 2014. We can only assume that the pedestrian counts are much higher during the warmer seasons and will continue to grow as Bailey's Crossroads CBC area urbanizes and redevelops.

The applicant's proposal forces an impact to an off-site property in order to correct the angle. This will require the County to acquire a portion of a shopping center across Leesburg Pike from the applicant's property to achieve a better angled intersection. The applicant's proposal disregards the Comprehensive Plan's clear guidance that the improvement is to align Charles Street *with* Glen Forest Drive. Staff estimates that it will cost approximately \$5.5 million in public funds to acquire the off-site land to realign Charles Street with Glen Forest Drive. The applicant has not offered to provide funding toward the construction of this improvement even as they have shifted the impact to an off-site property owner and the County.

Staff also would prefer to see the proposed retaining wall moved outside of the ROW dedication area near the corner of Leesburg Pike and Charles Street.

## 2. Generalized Development Plan (GDP) comments

A few issues remain unresolved with the GDP. The following modifications should be considered:

- The applicant has redesigned the pharmacy drive-through. However, there is a break in the drive-through lane to allow parking lot vehicles to also use the drive-through lane as an exit (see Photo 6 in attachment). This design presents several conflicts with drive-through vehicles, parking lot vehicle maneuvers, and pedestrians. Staff strongly suggests closing the break in the drive-through lane so vehicular parking maneuvers would not interfere with the drive-through lane traffic and pedestrian movement to/from the plaza.
- The applicant shows the standard curb ramp on its Charles Street and Leesburg Pike corner but does not show the standard curb ramp design in the following locations:
  - The connection to the County's walkway project on its Leesburg Pike frontage.
  - At the corner of Washington Drive and Leesburg Pike. The sidewalk location to the curb ramp crossing Washington Drive should be clarified.

Ms. Barbara Berlin, Director  
September 10, 2015  
Page 3 of 3

- At both Charles Street and Washington Drive entrances.
- Note 12 in Sheet 1 should not include parking in the dedicated area.

MAD/AY  
cc: Carmen Bishop



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive  
Fairfax, VA 22030

CHARLES A. KILPATRICK, P.E.  
COMMISSIONER

September 21, 2015

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Kevin Nelson  
Virginia Department of Transportation – Land Development Section

**Subject:** RZ 2014-MA-011 & SE 2014-MA-013 Spectrum Development  
Tax Map # 61-2((18))0001-0005 & ((17D))0001, 0003-0005

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan and proffers received on September 9, 2015. The following comment is offered:

1. In Proffer 10 there will be some minor widening required to meet the required width to add an additional exiting lane. There is inadequate existing pavement to restripe an additional lane on this street.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver  
fairfaxrezoning2014-MA-011rz7SpectrumDev9-21-15BB



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 24, 2015

**TO:** Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division, DPZ

**FROM:** Denise M. James, Chief *DM James*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis Addendum:  
RZ 2014-MA-011 /SE 2014-MA-013  
Spectrum Development, LLC (The Shops at Baileys Crossroads)

This memorandum, prepared by Bernard Suchicital, is based on the subject Rezoning (RZ), and Special Exception (SE) applications dated April 16, 2014, as revised through August 3, 2015, and the latest proffers dated August 3, 2015. The extent to which the revised submission has addressed previously identified issues and raises new issues is discussed below.

### BACKGROUND

The Comprehensive Plan Land Use Analysis dated January 5, 2015 concluded that the proposed free-standing, drive-through pharmacy and two retail buildings totaling 25,905 square feet at an overall floor area ratio of .22 were in general conformance with the Comprehensive Plan's recommendations on land use and intensity. However, the proposal did not fully conform to the intent of design recommendations of the Comprehensive Plan. The subject property is in a gateway location to the Bailey's Crossroads Commercial Business Center (CBC) and is the first new construction in this segment of the corridor. As such, the design of this site will establish the tone for the type and quality of development in the CBC. In staff's opinion, the previously proposed siting of the drive through in a prominent location near Charles Street and Leesburg Pike detracted from a pedestrian oriented environment and did not facilitate the planned realignment of Charles Street with Glen Forest Drive and Leesburg Pike, as recommended by the Comprehensive Plan. Furthermore, the pharmacy faced rearwards with the entrance to the store oriented to the parking lot, instead of the street. Staff recommended that the proposed pharmacy façade along Leesburg Pike be improved to be more inviting to pedestrians and to be more integrated with the proposed shopping

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Planning Division  
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Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
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center. The analysis also noted that proposed monument sign near Charles Street and Leesburg Pike is redundant with nearby building-mounted signage. While the analysis indicated that the proposed streetscaping was generally consistent with the streetscape design guidelines, it was recognized that the width of landscaping would be contingent upon the final road improvements to Leesburg Pike. Finally, the land use analysis noted the desirability to increase the transitional screening adjacent to residential uses along the rear of the property and along Washington Drive.

## **DISCUSSION**

This review is based on the revised plans submitted to staff on August 3, 2015. The applicant has made revisions to the central plaza along Leesburg Pike, relocated the pharmacy drive-through to the center of the shopping center, relocated and consolidated four dumpsters to one central location along the back of the property, and provided additional landscaping and streetscaping details. Although the applicant has made these improvements, the following issues remain outstanding.

### **Charles Street right-of-way dedication:**

- The applicant continues to show an older right-of-way dedication easement that does not accommodate the Plan for realignment of Charles Street with Glen Forest Drive at Leesburg Pike when State funding becomes available. Furthermore, the applicant has not significantly improved the landscaping plans for Charles Street and its intersection with Leesburg Pike. The development plan must illustrate how the landscaping and street trees will be provided with the future Charles Street realignment.

### **Leesburg Pike Streetscaping:**

- The applicant has made additional improvements to the streetscaping plan along Leesburg Pike. However, staff remains concerned that the interim plan as shown could preclude elements of the ultimate streetscaping plan. To address this issue, staff requested that the street trees along Leesburg Pike be planted as close to the location of the ultimate street curb to Leesburg Pike as possible. It was further noted that the applicant should accommodate, or not otherwise preclude, the full ultimate design for the cycle track and pedestrian walkway upfront with the interim design. The recommended placement of the street trees would provide additional room to accommodate both the pedestrian walkway and the cycle track immediately. The revised plans also illustrate an existing bus shelter at the corner of Washington Drive and Leesburg Pike. In order to provide a more pleasing experience for diners of the outdoor cafes (the “building zone”) the bus shelter should be relocated closer to the central plaza.

### **Pharmacy Drive-through:**

- The applicant has worked progressively with staff to attain a redevelopment proposal that strives to meet the goals of the Comprehensive Plan. The project site is situated at the western end of the CBC and serves as a gateway towards the eventual Town Center of

Baileys Crossroads. As proposed, the Shops at Baileys Crossroads is comprised of three retail buildings that are situated along Leesburg Pike and Washington Drive, one of which would be a stand-alone pharmacy with a drive-through component, and parking to the rear of the property. The drive-through element of the pharmacy was initially proposed to be sited at the prominent corner of Charles Street and Leesburg Pike. The drive-through has since been relocated towards the center of the site, in between two of the retail buildings. Although the Plan was recently amended to support a drive-through pharmacy, staff feels that the proposed location is still not optimal. The relocation of the drive-through as shown better facilitates the planned realignment of Charles Street with Glen Forest Drive and Leesburg Pike. However, in staff's opinion, its presence remains central to the deficiencies in the overall site design, further complicating the accommodation of the above-mentioned streetscaping of Charles Street. The proposed right-of-way dedication strip intended for the future realignment of Charles Street has received more landscaping treatment, but only in the interim design.

#### Primary Pedestrian Entrances

Staff has strongly urged the applicant to provide an entrance on the Leesburg Pike building frontage. The revised proposal continues to depict the only building entrance to the pharmacy building from the rear and no building entrances are depicted for the other two retail buildings. It is noted that the proposal now includes significant architectural revisions to the pharmacy elevations and renderings. The elevations are improved to show a more articulated building façade with a greater variety of colors and materials on all sides. Faux windows and awnings have also been added. The windows fronting on Leesburg Pike will feature images of historic themes relevant to the Baileys Crossroads area. The architectural revisions have improved the building and have partly addressed concerns about compatibility both with the rest of the development and the guidelines for the Baileys CBC in the Comprehensive Plan. However, the proposal does not fully address the Plan guidance to locate primary pedestrian building entrances that are visible and accessible from Leesburg Pike and this key design issue remains outstanding

#### Monument Sign:

- The applicant continues to propose a retail monument sign near the Charles Street and Leesburg Pike intersection. Staff believes that this is a redundant feature given that the retail buildings located along the street's edge will feature building-mounted signage which will be clearly visible to passers-by and traffic.

#### Transitional Screening:

- Transitional screening has not been significantly improved with the revised plans. The applicant is encouraged to increase the transitional screening adjacent to residential uses along the rear of the property and along Washington Drive.

## **CONCLUSION**

The proposal is in general conformance with the basic Comprehensive Plan's recommendations on land use and intensity. However, without additional improvements, the proposal does not fully conform to the design recommendations of the Plan.

DMJ:BSS



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

**DATE:** September 14, 2015

**TO:** Barbara Berlin, Director,  
Zoning Evaluation Division  
Department of Planning and Zoning (DPZ)

**FROM:** *Barbara Byron*  
Barbara Byron, Director  
Office of Community Revitalization (OCR)

**SUBJECT: OCR Staffing Comments**  
The Shops at Bailey's Crossroads  
RZ 2014-MA-011/SE 2014-MA-013

The Office of Community Revitalization (OCR) has reviewed the above referenced Rezoning/Special Exception (RZ/SE) application including the Plan date stamped as "Received by the Department of Planning and Zoning on September 8, 2015".

From OCR's perspective, the development of this underutilized site would contribute to the revitalization of the area. The OCR recognizes that several changes have been made to the proposal in response to staff concerns; however, the OCR continues to encourage the applicant to address the issues outlined below to achieve the long-term recommendations of the Comprehensive Plan.

**Leesburg Pike Streetscape.** GDP (Sheet 3), Landscape Plan (Sheet 4) and Leesburg Pike Street Sections (Sheet 5A) should be revised to reflect streetscape dimensions along Leesburg Pike, as discussed below.

- Given the need for a flexible reconfiguration of streetscape elements along Leesburg Pike if/when the road is expanded in the future, OCR suggests the following for the sidewalk and trees/planting strip:
  - o Construct a 6'-wide sidewalk consisting of concrete interlocking pavers with a 2'-wide paver banding along Leesburg Pike (8' total). This proposed configuration should be designed to facilitate flexibility along the roadway to accommodate a future lane expansion and the installation of a bike lane, while avoiding the removal of the 6'-wide portion of the sidewalk in the future.
  - o Update the Street Sections (Sheet 5A) #1 Leesburg Pike Proposed Condition After Shops Development section to reflect all dimensions for the interim streetscape layout. These dimensions should include the building zone, sidewalk, interim landscape strip (for a future bike lane), (tree) landscape strip, and interim landscape strip (for future road

**Office of Community Revitalization**  
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Fairfax, VA 22035  
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widening) (see Leesburg Pike Streetscape Dimensions Table below for the dimensions and see Streetscape & Plaza Concept Attachment for the configuration).

- o Notes on the GDP (Sheet 3), Landscape Plan (Sheet 4), and labeling on the Street Sections (Sheet 5A) #1 Leesburg Pike Proposed Condition After Shops Development section, should indicate that the street trees will be planted in the ultimate planting location during the interim so that the trees do not have to be removed if/when the ultimate streetscape layout is implemented.
  - The Landscape Plan (Sheet 4) should note that trees will be spaced widely enough apart to frame the entry plaza and bus shelter at the mid-block location under interim and ultimate built conditions.
  - On the Landscape Plan (Sheet 4), pedestrian-style lights should be shown to be located in places along the streetscape that do not conflict with street trees at their projected maturity.
- The Street Sections (Sheet 5A) should also show a close-up plan view of the Leesburg Pike Streetscape with the mid-block bus shelter and the main entry plaza area if the bike lane is installed in the future under the ultimate-future road widening conditions. This layout should demonstrate how pedestrians and bicyclists will be able to navigate around the bus shelter and interact with the plaza in the building zone area under the more constrained streetscape conditions. A previous August 3, 2015, submission provided this view under #3 Leesburg Pike Alternative (with cycle track) Plan; the image should be reinserted and updated with the mid-block bus location (see Photo 1).
- While the Street Sections (Sheet 5A) reflect the two streetscape layouts (interim and ultimate – future road widening conditions) along Leesburg Pike from a section view, the sheet should also show the two layouts from the plan view given the complex nature of the site as it transitions from interim to ultimate (see Streetscape & Plaza Concept Attachment for an example of the two plan views).

<b>Leesburg Pike Streetscape Dimensions Table</b>	
Interim Streetscape Layout	Ultimate Streetscape Layout
<ul style="list-style-type: none"> <li>• Curb</li> <li>• 9' interim landscape strip</li> <li>• 6' (tree) landscape strip</li> <li>• 4' interim landscape strip</li> <li>• 8' sidewalk (6' concrete interlocking pavers + 2' removable paver banding) – note: the sidewalk includes the 1' ROW buffer adjacent to building zone</li> <li>• 10' building zone</li> </ul>	<ul style="list-style-type: none"> <li>• Curb</li> <li>• 6' (tree) landscape strip</li> <li>• 6' bike lane</li> <li>• 6' sidewalk – note: the sidewalk includes the 1' ROW buffer adjacent to building zone</li> <li>• 10' building zone</li> </ul>

**Charles Street Streetscape.** The Charles Street Conceptual Alignments (Sheet 5) should be revised to reflect landscaping on the portion of the site converted from parking to landscape area following construction of the Charles Street alignment (see photo 2, photo 3 in Streetscape & Plaza Concept attachment). The portion of the site converted from parking to landscape area after construction of the road should be planted in a manner that is consistent with the rest of the shopping center landscaping. A note on Sheet 5 could also accomplish this.

**Charles Street and Washington Drive Sidewalks.** (GDP Sheet 3). All existing sidewalks along the project's Washington Drive and Charles Street frontage should be replaced with sidewalks constructed of interlocking pavers like those currently proposed along Leesburg Pike and a portion of Washington Drive.

**VDOT approval of Leesburg Pike & Charles Street Streetscape Plantings and Trees in ROW.** Prior to the submission of a site plan, approval should be pursued from VDOT to permit the street trees and plantings proposed in the right-of-way along Leesburg Pike and Charles Street. Should VDOT not grant such approval, documentation of attempts should be provided to DPWES at the time of site plan submission and, in lieu of those plantings, the applicant should provide alternative landscaping in the same designated areas consisting of shrubs and ornamental grasses/perennials planted in an aesthetically-enhancing manner that is consistent with the rest of the shopping center landscaping.

**Entry Plaza.** The applicant has made several positive changes to the main entry plaza (GDP Sheet 3; Landscape Plan Sheet 4; Sheet 7) in response to staff concerns; the OCR recommends further adjustments to maximize its space, improve circulation, and enhance its appeal as a gathering place for customers and the public. To accomplish this, OCR suggests the following:

- **Planter Wall.** Either remove the large 18"-tall planter wall proposed along the edge of the sidewalk and entry plaza or relocate it by moving it deeper into the plaza. Also, consider incorporating a seat wall into the structure. A third alternative is to substitute the planter wall with a moveable planter box to achieve flexibility along the plaza edge in the interim condition. The current planter wall location interferes with pedestrian circulation from the public ROW into the plaza, and will impede movement along the streetscape and into the plaza if/when Leesburg Pike transitions from its interim layout to ultimate layout. If the planter wall remains in its current location it would block pedestrian circulation when users are diverted around the future bike lane and bus shelter (see Streetscape & Plaza Concept Attachment illustrating the how a planter wall along the plaza edge would generate a circulation conflict under the ultimate built streetscape).
- **Planter Landscaping Area.** Consider reducing the size of the planter landscaping area buffering the CVS drive through in order to maximize the plaza space for seating and circulation. Incorporate a seat wall into the structure (see Streetscape & Plaza Concept Attachment).
  - o If the planter landscaping area is reduced, consideration should be given to relocating one, or both of the Category III deciduous trees proposed in the main entry plaza to another part of the site and replacing the tree(s) with a variety of shrubs, grasses and flowers for screening given the reduced space. Consideration should also be given to installing shade sails over the plaza for cover and visual interest (see Streetscape & Plaza Concept Attachment for an example of the plaza layout with a reduced planter landscaping area and use of shade sails; also see Photo 4).
  - o To offset the tree removal from the main entry plaza, one or more additional trees should be installed in front of CVS, or along Washington Drive in front of the small shopping center building (subject to size, location and VDOT sight line considerations), or in another suitable location (see photo 5, photo 6 in Streetscape & Plaza Concept attachment for alternative location ideas).

**Outdoor Seating on Leesburg Pike.** (GDP Sheet 3). The applicant should commit to providing the seating and dining area along Leesburg Pike, including fencing around this seating area, as it will serve

to activate the street frontage, enhance the pedestrian experience, and contribute to an urban character. This area should be reserved as an outdoor seating and dining area for shopping center tenant(s); if the area is not required for outdoor seating and dining by the ultimate building tenant(s), it should be utilized as a general outdoor seating, dining and gathering amenity space for shopping center visitors and the public, accessible from Leesburg Pike through fencing with gate entry points.

- Consideration should be given to installing special pavers for this outdoor seating area (Landscape Plan Sheet 4), and to adding this area to the Landscape Amenity Areas & Perspectives (Sheet 7) to provide greater design detail. The special pavers should be similar to or complimentary to the pavers in the main entry plaza, to help define the space.

**Historic Marker.** (GDP Sheet 3; Landscape Plan Sheet 4). The probable location of the existing Bailey's Crossroads historic marker should be shown on the GDP and Landscape Plan, discussed in Proffer 6B Signage.

**Pedestrian-Style Street Lighting.** (Sheet 5A). Details should be provided of the pedestrian-style light fixture in terms of style, type, intensity and general location.

- Sheet 5A does not provide sufficient detail regarding the lighting proposed. It is unclear in which contexts the lights shown would be used (e.g., in the parking lot? Mounted to a building? Along the roadway?). Sheet 5A lighting examples should be labeled with their intended uses/locations, and a full-length picture of the pedestrian-style street lighting proposed should be provided.

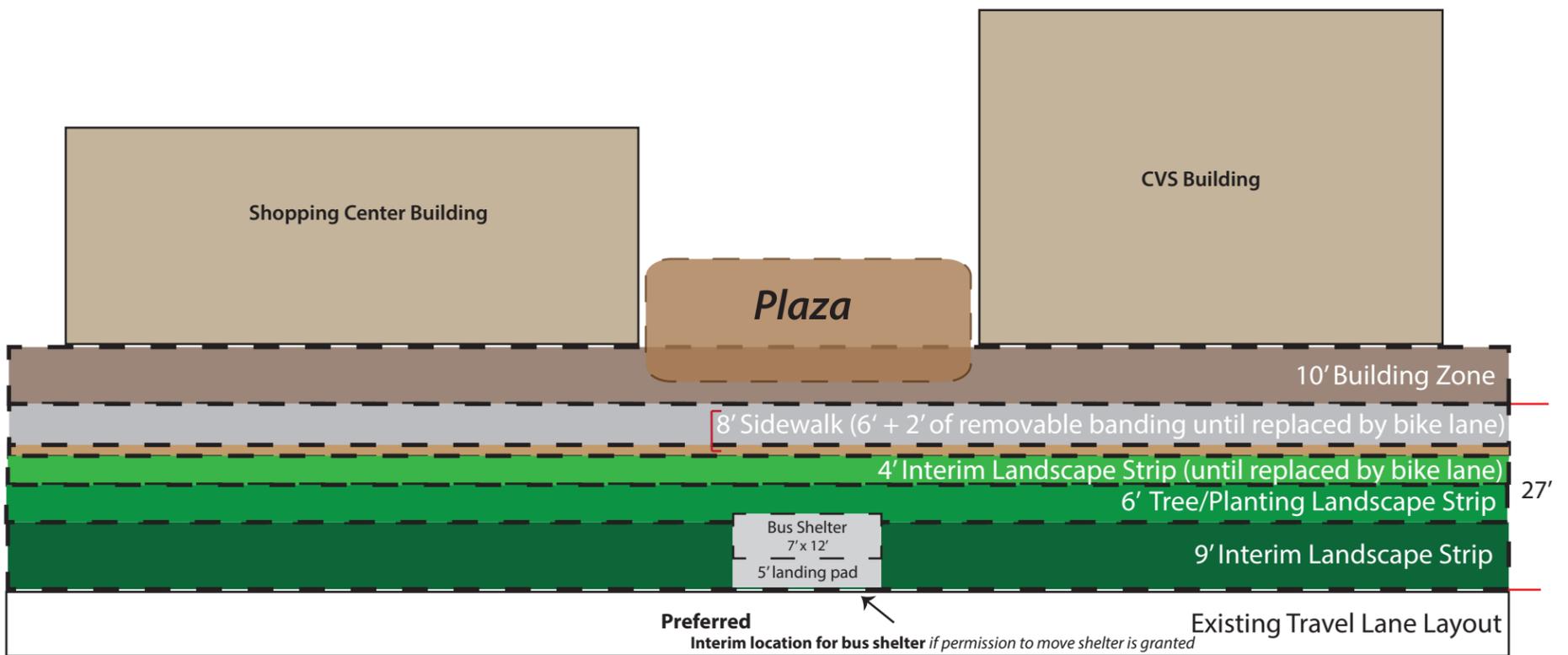
**Underground Utilities.** (GDP Sheet 3). All utilities should be installed underground and coordinated with future roadway improvements, landscaping, and sidewalks along the applicant's property. If approval for undergrounding cannot be obtained from the affected utilities, the applicant should contribute the cost of the undergrounding of the utilities, as determined by Fairfax County staff, to Fairfax County for future undergrounding of utilities in the Bailey's Crossroads CRD. Utility undergrounding in Bailey's Crossroads is called for within the Comprehensive Plan for the area as well as the Baileys Crossroads Streetscape Revitalization Plan. Utility undergrounding should contribute to the visual aesthetics of the shopping center, as well as the greater area, thereby encouraging further revitalization in Bailey's Crossroads. In the event the applicant in consultation with Fairfax County staff and VDOT determine that the utility undergrounding along Charles Street should wait until the street's future realignment, then the work may take place at a later date but the applicant should contribute the cost of the undergrounding of utilities, as determined by Fairfax County, to Fairfax County for future undergrounding of utilities within the Bailey's Crossroads CRD.

Attachments: Streetscape & Plaza Concept dated September 11, 2015

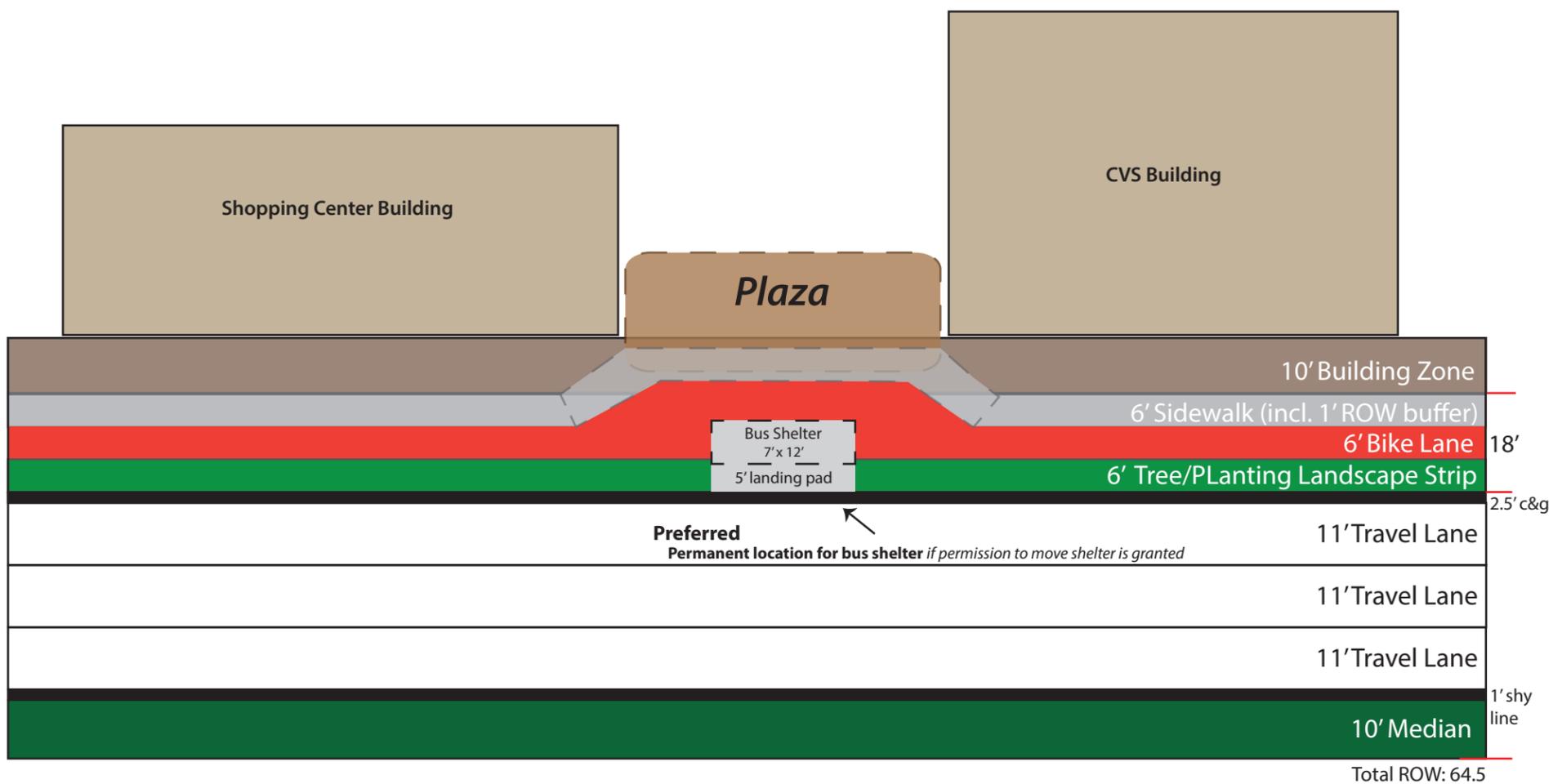
cc: Carmen Bishop, Staff Coordinator, DPZ  
OCR File

# The Shops at Bailey's Crossroads - Streetscape & Plaza Concept

## Interim Built Streetscape with Mid-Block Bus Shelter Option \*Not to scale



## Ultimate Built Streetscape (Future Road Widening Conditions - By Others) with Mid-Block Bus Shelter Option \*Not to scale

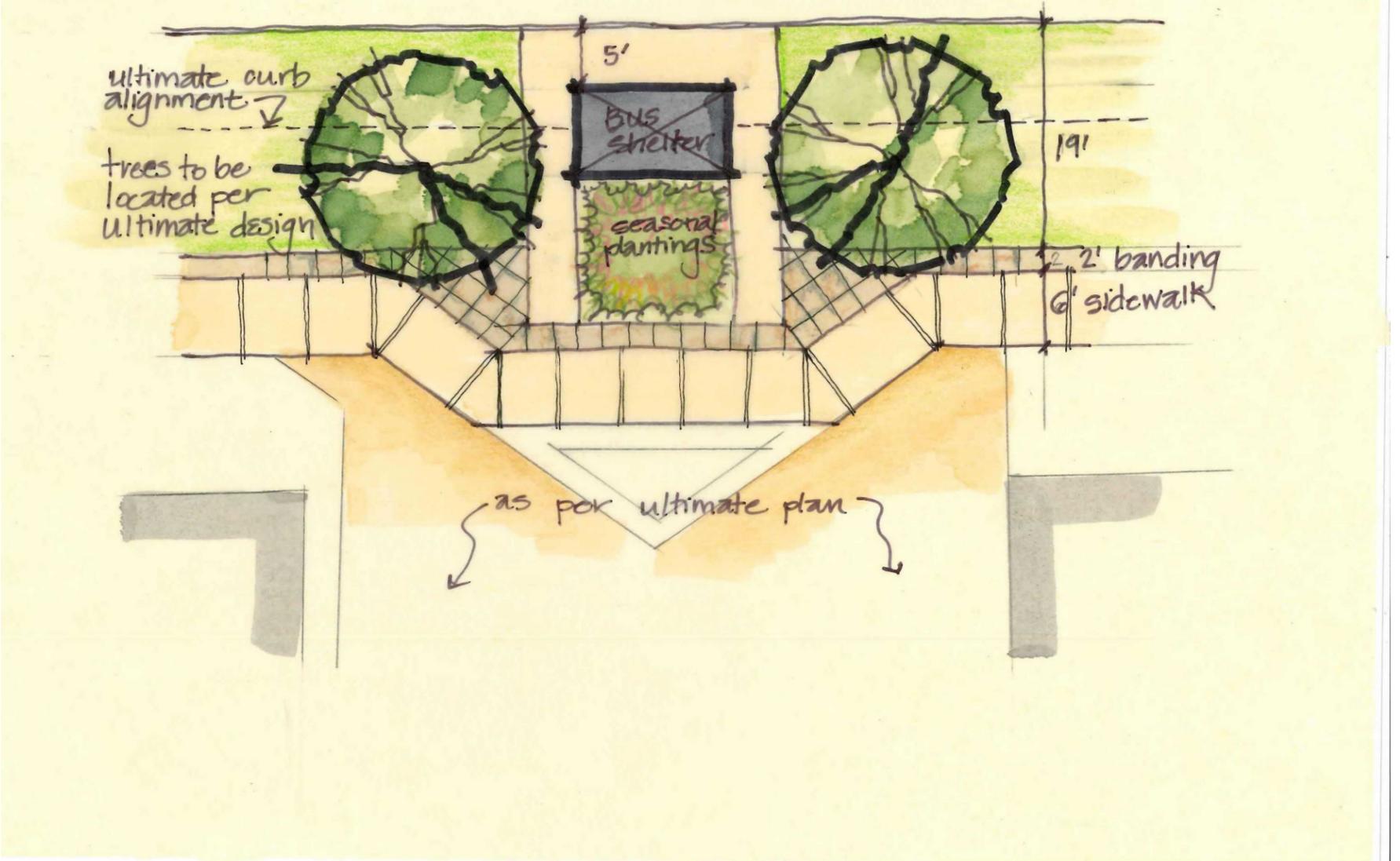


Leesburg Pike Streetscape Dimensions Table	
Interim Streetscape Layout	Ultimate Streetscape Layout
<ul style="list-style-type: none"> <li>• Curb</li> <li>• 9' interim landscape strip</li> <li>• 6' (tree) landscape strip</li> <li>• 4' interim landscape strip</li> <li>• 8' sidewalk (6' concrete interlocking pavers + 2' removable paver banding) – note: the sidewalk includes the 1' ROW buffer adjacent to building zone</li> <li>• 10' building zone</li> </ul>	<ul style="list-style-type: none"> <li>• Curb</li> <li>• 6' (tree) landscape strip</li> <li>• 6' bike lane</li> <li>• 6' sidewalk – note: the sidewalk includes the 1' ROW buffer adjacent to building zone</li> <li>• 10' building zone</li> </ul>

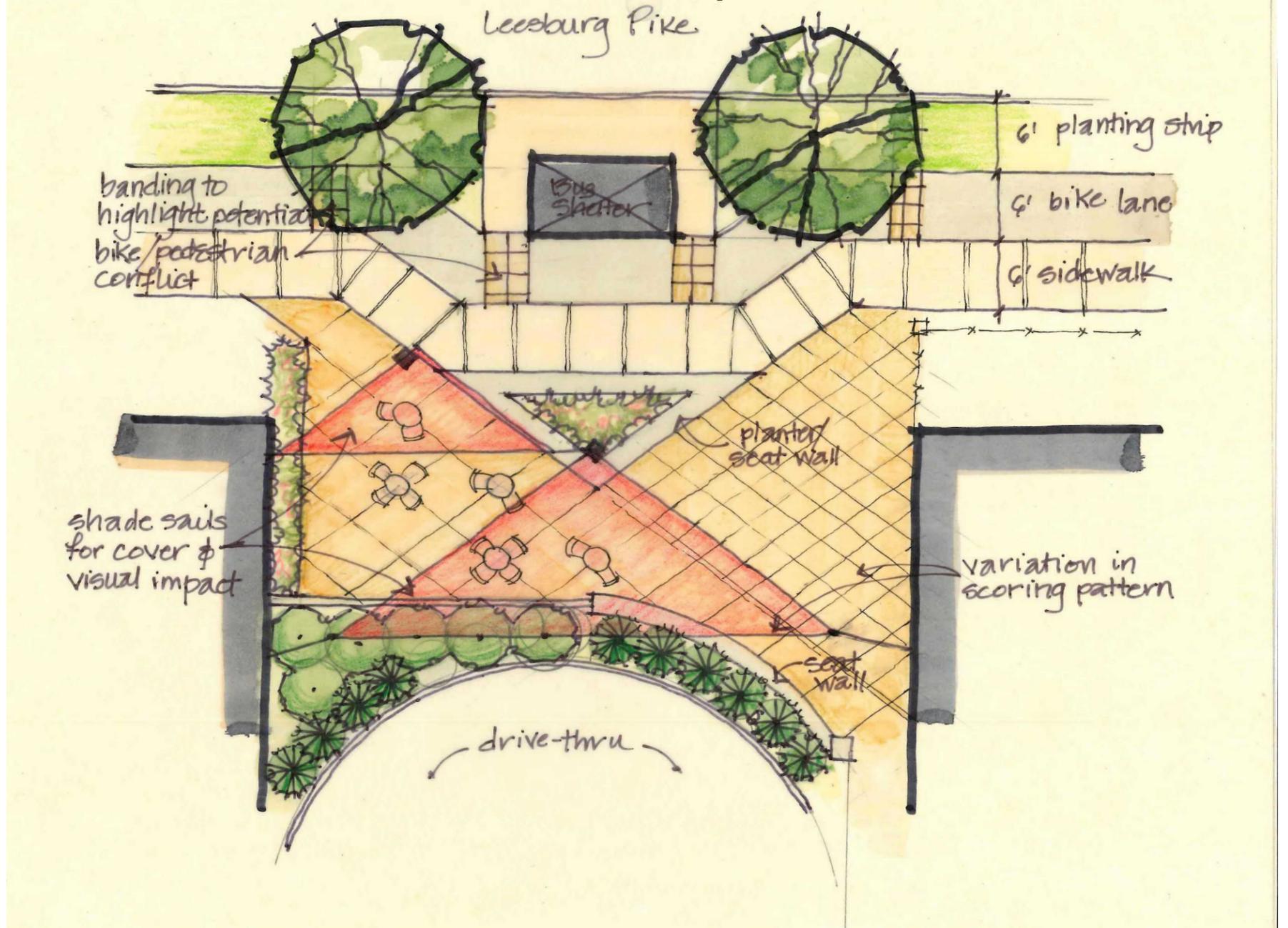
Concept By Fairfax County  
September 11, 2015

# The Shops at Bailey's Crossroads - Streetscape & Plaza Concept

## Interim Built Streetscape: Preferred Mid-Block Bus Shelter Concept



## Ultimate Built Streetscape: Preferred Mid-Block Bus Shelter & Plaza Concept



# The Shops at Bailey's Crossroads - Streetscape & Plaza Concept



Example images of adjacent sidewalk and bike lane materials (above); Example images of shade sails for plaza (below)



# The Shops at Bailey's Crossroads - Site Comments

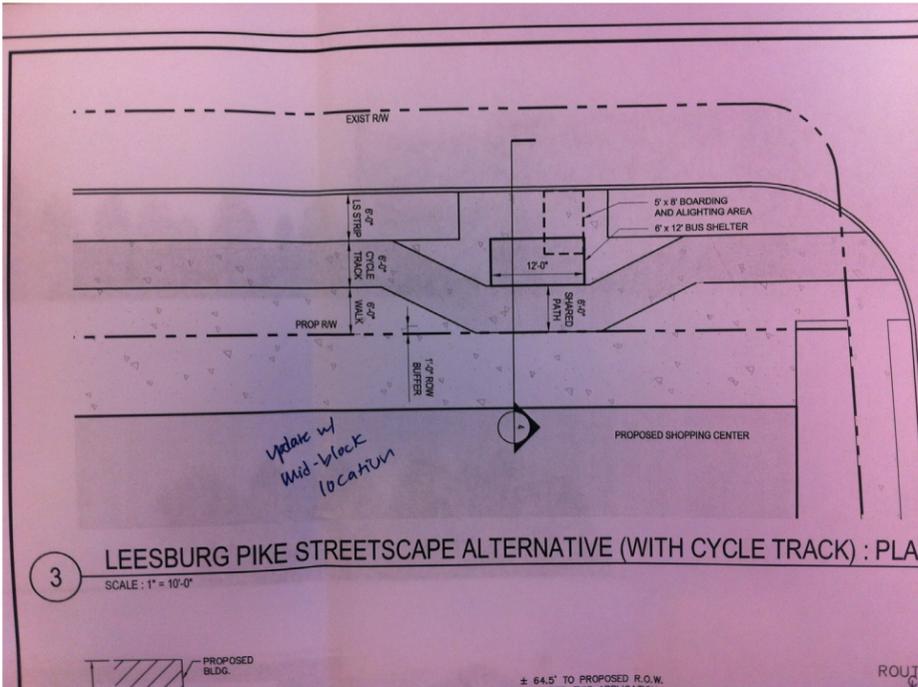


Photo 1 - Update Image

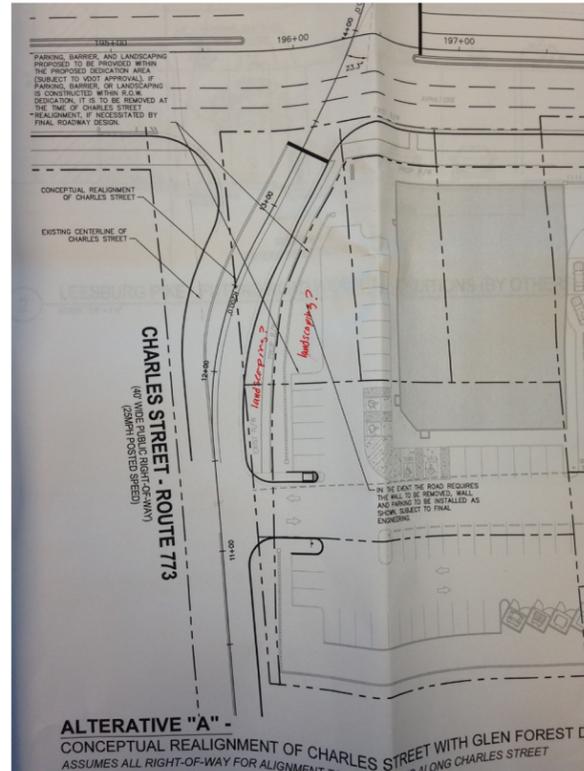


Photo 2 - Landscaping

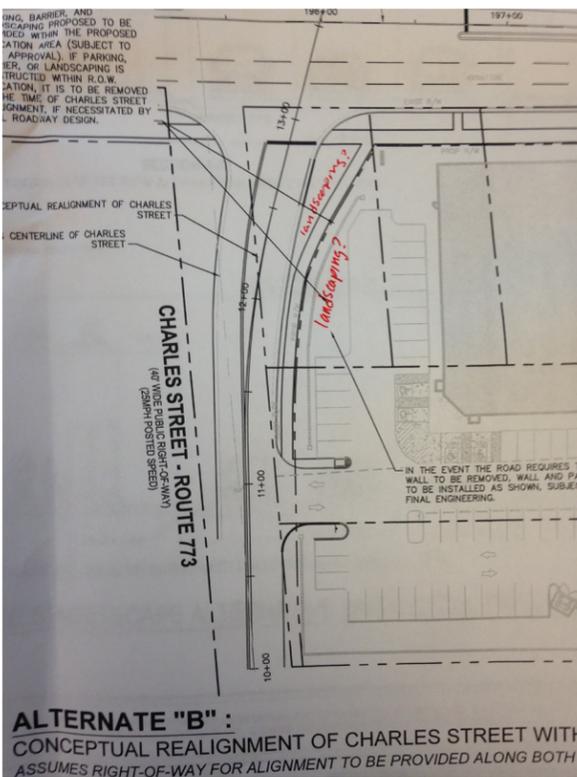


Photo 3 - Landscaping

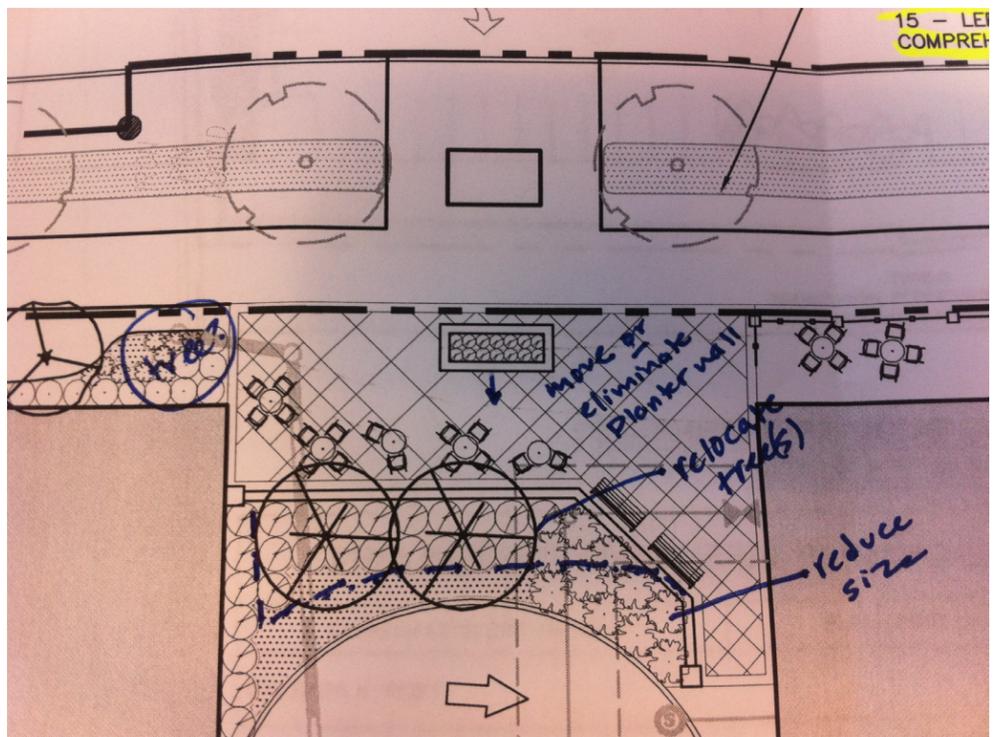


Photo 4 - Plaza

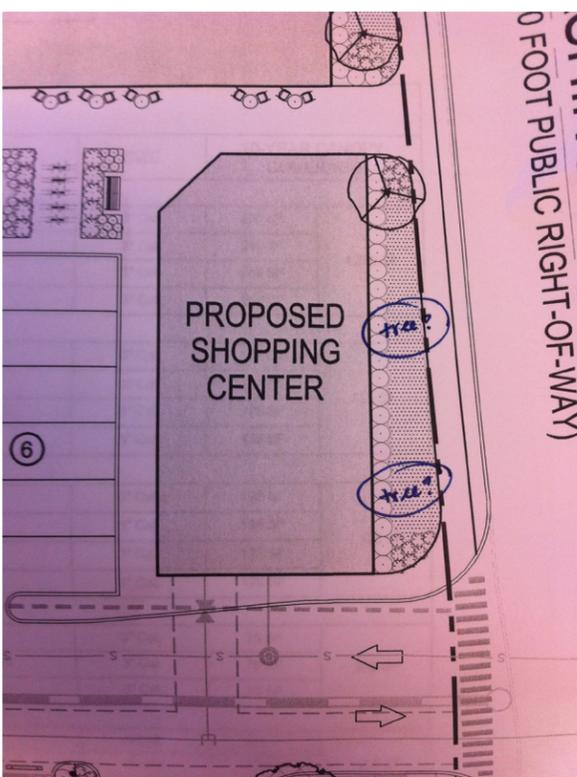


Photo 5 - Tree Alternative

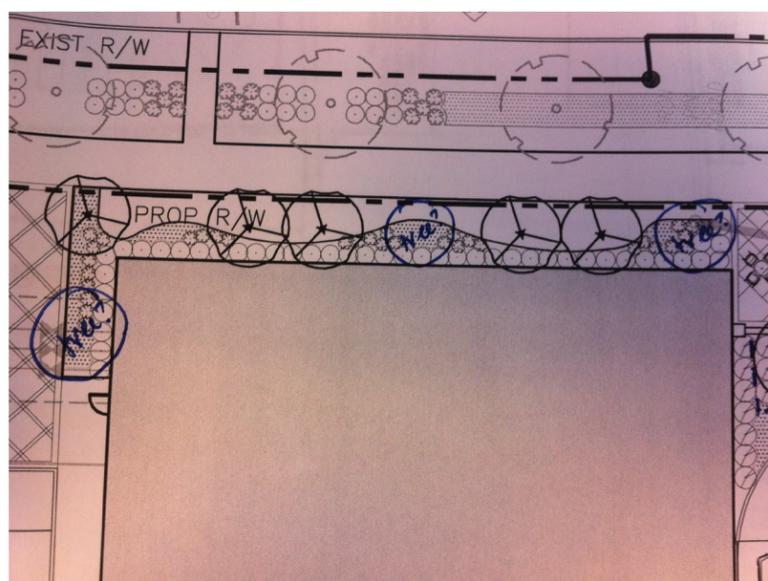


Photo 6 - Tree Alternative



# FAIRFAX COUNTY PARK AUTHORITY

## M E M O R A N D U M

**TO:** Barbara Berlin, AICP, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, AICP, Manager  
Park Planning Branch, PDD *SS*

**DATE:** September 14, 2015

**SUBJECT:** RZ 2014-MA-011 / SE 2014-MA-013, Shops at Baileys Crossroads REVISED  
Tax Map Number(s): 61-2 ((18)) 1-5; 61-2 ((17B)) 1, 3-5

### BACKGROUND

This memo replaces comments previously provided by the Park Authority in a memo dated August 19, 2015. The Park Authority staff has reviewed the proposed Development Plan as revised through August 3, 2015, for the above referenced application. The Development Plan reflects the construction of 25,905 square feet of commercial development on a 2.72-acre parcel to be rezoned from the C-2 and R-3 zoning districts to the C-6 with proffers. The property contains an office building and two residential buildings which will all be demolished.

### COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Parks and Recreation element of the Policy Plan includes an Urban Parks Framework that provides an urban parkland standard and detailed guidance on urban park development.

District-wide recommendations for the Bailey's Planning District in the Area I Plan state that it is "essential to create additional park and recreation opportunities when redevelopment occurs. Redevelopment and commercial revitalization will offer the opportunity to provide urban park amenities and to encourage pedestrian-oriented activities in the commercial areas." In addition, area-wide recommendations for the Bailey's Crossroads CBC further describe the importance of providing urban parkland in commercial redevelopments for the benefits of workers and patrons, and nearby residents alike. (Area I, Bailey's Planning District, District- and Area-wide Recommendations, Parks and Recreation, pp. 14, 46-50).

Finally, text from the Bailey's District chapter of the Great Parks, Great Communities Park Comprehensive Plan echoes recommendations in the Countywide Comprehensive Plan. Specific District chapter recommendations include encouraging rezoning applicants in commercial revitalization areas to provide onsite urban parkland to serve new workers, nearby residents, and future growth.

## **ANALYSIS AND RECOMMENDATIONS**

### **Onsite Facilities:**

The Applicant had included the design of a pocket park between the two commercial buildings to reflect Comprehensive Plan guidance. Due to the proximity of the proposed bus shelter, it could be anticipated that some people might utilize seating in the pocket park while waiting for public transportation. Provision of some sort of covering as protection from the weather should be considered.

Proffers reflect the applicant's willingness to provide space for the bus shelter, both in its interim and ultimate locations, as well as to provide additional right-of-way for the implementation of the bike lane/cycle track along Leesburg Pike, which the Park Authority supports. The GDP, however, reflects the location of the bus shelter in the interim location. Upon relocating the bus shelter to its ultimate location, the spacing between the shelter and the proposed planter in the plaza would not be sufficient to allow for the 6' sidewalk and a 6' cycle track which has been contemplated. At this time, though, it is not possible to predict the final design of the Leesburg Pike transportation improvements or the proposed bike lane with any certainty. Should the Board of Supervisors decide to approve the rezoning request, the plan could be conditioned that the applicant explore the issue in greater detail at time of site plan and, should site construction commence prior to resolution of the bike lane location, be required to modify the plaza design in the future to accommodate transportation design criteria.

## **SUMMARY OF RECOMMENDATIONS**

This section summarizes the recommendations included in the preceding analysis section.

- A development condition should be imposed upon approval of the plan to address coordination of the future bus shelter with the design of the pocket park.

Please note the Park Authority would like to review and comment on proffers and/or development conditions related to park and recreation issues. We request that draft and final proffers and/or development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Gayle Hooper  
DPZ Coordinator: Carmen Bishop

Copy: Cindy Walsh, Director, Resource Management Division  
Carmen Bishop, DPZ Coordinator  
Andrea L. Dorlester, Planner IV, Park Planning Branch  
Chron File  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 11, 2015

**TO:** Carmen Bishop, Planner II  
Zoning Evaluation Division, DPZ

**FROM:** Nicholas Drunasky, Urban Forester II MSD  
Forest Conservation Branch, UFMD

**SUBJECT:** Shops at Baileys Crossroads, RZ 2014-MA-011

This review is based upon the Special Exception RZ 2014-MA-011/SE 2014-MA-013 application. The application is stamped as "Received Department of Planning & Zoning August 3, 2015." A site visit was conducted on May 6, 2014 as part of the review for this application.

Approximately half of the site consists of a vacant lot with grass and areas where fill has been spread. About a quarter of the lot contains a one story building and parking lot. The remaining quarter of the site contains two houses and yards. Some of the vegetation present on the two residential lots is in good condition and favorable to preservation.

1. **Comment:** With this submission, the applicant has changed the design and is now providing the peripheral parking lot landscaping/ "streetscape" as per the Baileys Crossroads Community Business Center within the proposed right-of-way along Charles Street (which has up until now been provided onsite outside of the right-of-way). In addition, the applicant is now trying to modify the peripheral parking lot landscape requirement to allow a variable width parking setback in place of the required 10 foot wide planting area to be provided entirely within the right-of-way, subject to VDOT approval. However, if VDOT determines at the site plan stage that they will not allow landscaping within their right-of-way or if it is taken for road expansion at a later date, there will be no streetscape/peripheral parking lot landscaping along Charles Street or Leesburg Pike. UFMD does not support providing peripheral parking lot landscaping and the Comprehensive Plan "streetscape" requirements within the proposed right-of-way for Charles Street or Leesburg Pike, but given the site constraints does not see what other options may be available.

**Recommendation:** The landscape modification (number 9) should be removed from the application. If possible, additional landscape areas should be provided onsite outside of the proposed right-of-way to provide some onsite landscaping that will ensure that some landscaping is provided along both Charles Street and Leesburg Pike.

2. **Comment:** With this submission, it appears that two interior parking lot trees have been removed (next to the pharmacy drive-thru and in the area where the dumpsters were

Department of Public Works and Environmental Services

Urban Forest Management Division

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[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



June 8, 2015

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relocated). In addition the island located next to the ingress/egress for Washington Drive has been shrunk in width and the tree provided there is located within four feet of a restrictive root barrier (back of curb), which will likely cause future infrastructure conflicts. Some of this appears to have been done in an effort to increase parking spaces.

**Recommendation:** The applicant should add the two interior parking lot trees back that have been removed with this submission as noted above, along with increasing the width of the island provided next to the ingress/egress for Washington Drive so the tree within that island can be provided at least four feet from the backside of the curbs.

3. **Comment:** It appears that two category II deciduous trees were removed from the northern corner of the site along Leesburg Pike with this submission, but it is unclear why this has been done.

**Recommendation:** The two category II deciduous trees shown with the previous submission in the northern corner of the site should be added back to provide a higher quality landscape along the frontage of Leesburg Pike.

If you have any further questions, please feel free to contact me at 703-324-1770.



NJD/

UFMDID #: 190482

cc: DPZ File

