

## **FAIRFAX REGENCY LLC**

### **STATEMENT OF JUSTIFICATION**

**Revised July 3, 2017**

Fairfax Regency LLC (the “Applicant”) is the owner of the Fairfax Shopping Center consisting of approximately 6.20 acres located between Fairfax Boulevard and Eaton Place and identified as tax parcels 57-2 ((2)) 028, -029, -030, and -031 (the “Property”). The Property is zoned to the CR Commercial Retail District and located within the Architectural Control Overlay District. Approximately 51% of the Property is currently located within a floodplain and the Resource Protection Area (RPA) located in the southeastern corner of the Property. Constructed in 1951, Fairfax Shopping Center consists of approximately 77,000 square feet of retail space with approximately 5,000 SF lost in a fire, configured in a manner that is no longer conducive to today’s retail tenants from a parking and layout standpoint.

The Applicant is proposing a redevelopment of the Property to raze the existing shopping center and replace it with a new 48,200 square foot retail project. The new project would include a 30,000 square foot Whole Foods 365 grocery store building plus three smaller buildings that will provide 18,200 square feet of additional retail and restaurant space. Ornamental and deciduous trees and attractive landscaping will be added throughout the Property, resulting in a dramatic improvement over existing conditions. Outdoor amenity areas will be incorporated into the project. In addition, the Whole Foods 365 proposes to incorporate an outdoor seating and dining area adjacent to the grocery store. Connectivity will be enhanced to create a welcoming and inviting experience for pedestrians. The new parking field creates better quality parking than the current design to ensure a better customer experience. New landscaping will be implemented to break up the parking field. This is a major improvement from the existing conditions.

Whole Foods 365 is a new, smaller store format concept introduced by Whole Foods in 2015 intended to offer the same high quality organic foods as Whole Foods stores but at lower prices. The lower prices are achieved through a smaller footprint of approximately 30,000 square feet as compared to an average Whole Foods store of approximately 43,000 square feet as well as innovative energy-saving product cases and displays. These features create an experience for the shopper that is very similar in style, quality, and price to Trader Joe’s. The Applicant is excited to have Whole Foods 365 be part of its proposal as it will provide vitality for the Property as well as serve as an important catalyst for redevelopment of the surrounding area.

The development would also accommodate two important public projects that are intended to improve circulation and stormwater conditions on the Property and surrounding area. First, the Property is designed to accommodate a stormwater culvert to be constructed across its southern portion as part of the Northfax project. This culvert will significantly reduce the flood plain area on and around the Property but also precludes the placement of trees and buildings around within the culvert easement area. In the near term, the project will require demolition of 8,089 square feet of existing retail space.

The second major public project potentially impacting the Property is the proposed extension of University Drive from Fairfax Boulevard north to Eaton Place. The Applicant’s proposed development layout will accommodate this future extension into the development as part of a future action by the City, assuming a 60-foot right-of-way width in a fashion that will improve access and circulation through and around the Property for both vehicles and pedestrians.

The Applicant's proposal is detailed on the enclosed special exception plan prepared by Johnson Bernat Associates, Inc. (JBA). As shown on the plan, the redevelopment proposed will be compatible with surrounding development and enhance the appearance of the Property. Landscaping will be provided along the entire frontages of Fairfax Boulevard and Eaton Place. Although the new stormwater culvert will preclude the planting of trees adjacent to Fairfax Boulevard, trees will be planted throughout the site in the parking areas, along the Property's western and eastern boundaries, on either side of University Drive, and along Eaton Place. Access to the Property will be provided via four entrances along Fairfax Boulevard. The proposed layout will also allow for the future expansion of University Drive further north to fully connect Fairfax Boulevard and Eaton Place. New sidewalks will be constructed along Fairfax Boulevard.

The Applicant will design and construct the retail buildings with quality materials to meet The City's Community Appearance Plan recommendations. The retail buildings are shown on the enclosed elevations that are being submitted to the Board of Architectural Review.

As shown on the City's Comprehensive Plan Future Land Use Map, the Property and adjoining parcels to the west are planned for mixed use development. However, the Comprehensive Plan acknowledges that flexibility in land use is needed and must be tailored to specific site conditions. Furthermore, the Comprehensive Plan recognizes that the types of uses and phases of a project must be responsive to market conditions. Although no residential use is proposed on the Property at this time, the proposed layout could easily incorporate such use as part of a future phase through consolidation of the Property with neighboring properties, conversion of surface parking to buildings with structured parking, or expansion of the proposed buildings. The proposed redevelopment is therefore in harmony with the goals and objectives of the Comprehensive Plan.

Given site specific constraints and the on-site parking needs of the Whole Foods 365 and other tenants a number of special exceptions to the City's by-right zoning regulations for the CR District are requested:

1. Pursuant to §6.17 of the City of Fairfax Zoning Ordinance, a special exception to allow a sidewalk that does not meet the minimum width required by §4.4.4.A.1. The existing topography of the site makes it impossible to construct a five-foot sidewalk in this location without adjusting travel lane width on Eaton Place. A four-foot sidewalk between the two existing pedestrian crossings on Eaton Place is proposed between the back of curb and the existing retaining wall.
2. Pursuant to §6.17 of the City of Fairfax Zoning Ordinance, a special exception to allow property street frontages without a ten foot wide landscape strip or street trees as required by §4.5.6.B. This modification is necessary because no trees may be planted in the area to be encumbered by the stormwater culvert. While still providing a sizeable landscape buffer, due to the easement requirements, large trees may not be planted within the easement area along Fairfax Boulevard. The existing retaining wall along Eaton Place restricts the planting of street trees, yet we are still setback from the curb line ten feet.
3. Pursuant to §6.17 of the City of Fairfax Zoning Ordinance, a special exception to modify the minimum width of parking islands from eight feet to six feet as required by §4.5.7.D.1. This modification is necessary to reduce the minimum width of the islands to six feet and increase the number of parking spaces between interior islands to 11 or 12 in order to provide the surface parking area needed to properly service the grocery store and other retail uses on the Property. A tree cell (Silva Cell) or other suitable measures will be proposed to ensure the survival of the trees. Additionally, to reduce the width of the median island

required by §4.5.7.D.3 in the Whole Foods 365 primary parking field to six feet from the required eight feet.

4. Pursuant to §6.17 of the City of Fairfax Zoning Ordinance, a special exception to provide no parking lot perimeter landscape areas where required by §4.5.7.C.1. The existing retaining wall along Eaton Place will effectively screen the parking area along Eaton Place.
5. Pursuant to §6.17 of the City of Fairfax Zoning Ordinance, a special exception to reduce the minimum front yard width from twenty feet to fifteen feet as required by §3.6.2. A reduction of five feet to fifteen feet will allow the proposed median island listed above in number 3 above.

Since the Property is partially located within a floodplain, the Applicant may request a Special Use Permit to allow revision to the proposed redevelopment pursuant to §4.15.7.C.2(b). It is understood that the project cannot obtain site plan approval until the final LOMAR is received from FEMA, and at that time a Special Use Permit for any requirements associated with the new floodplain boundary will be addressed.

Finally, the specifics of the proposal require determination by the City Council on several items that are not considered land use actions:

1. Support for a Waiver to be authorized by the Director of Public Works to allow a sidewalk without a minimum three foot wide buffer along a collector street as required by the Public Facilities Manual. No separate action is required for this request. Support of the resolution to approve the special exception requests indicates support for this Waiver. Denial of this resolution indicates non-support for the Waiver.
2. Appeal to a determination by the Zoning Administrator that a variance or modification cannot be granted to allow a sidewalk width that does not meet the minimum requirements as required by §2.3.3.A of the Subdivision Ordinance.
3. Issuance of a Certificate of Appropriateness based on the recommendations of the Board of Architectural Review.

The Applicant's proposal is an opportunity to redevelop an aging shopping center in accordance with the recommendations of the Comprehensive Plan. The proposed new center and grocery store will be a welcome addition to the City and help achieve the vision for Northfax and Fairfax Boulevard.