

# MEMORANDUM



**To:** Chairman Cunningham and Members of the  
Planning Commission

**From:** Supriya Chewle, AICP, Planner II

**Through:** Jason D. Sutphin, Community Development Division Chief  
Brooke Hardin, Director of Community Development and Planning

**Subject:** Public Hearing – Capstone Collegiate Communities, LLC

3807 University Drive, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382,  
10386, 10388, 10390, 10392, 10394, 10396, 10398 Democracy Lane  
Z-18-00114

## Meeting

**Date:** November 19, 2018

The attached documents are inclusive of all materials for the public hearing on the above-referenced items, and include the entire application for Planning Commission public hearing. This memorandum serves to provide explanation of these materials, actions required by the Planning Commission and additional actions to be considered by City Council.

The applicant requests a Comprehensive Plan Amendment and Zoning Map Amendment and a Planned Development Review subject to Sections 6.4 and 6.6 of the Zoning Ordinance. City Code requires that the Planning Commission review the proposed planned development at a public hearing and provide a recommendation to the City Council.

Sample motions are provided for Planning Commission action.





# CITY OF FAIRFAX

## Department of Community Development & Planning

Zoning Map Amendment (Z-18-00114)

### PLANNING COMMISSION PUBLIC HEARING DATE

November 19, 2018

### APPLICANT/ OWNER

Capstone Collegiate Communities, LLC.

### AGENT

Robert D. Brant  
Attorney/Agent

### PARCEL DATA

#### *Tax Map ID*

◇ 57-2-20-006A

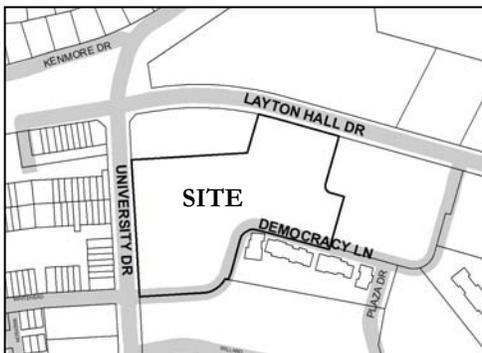
#### *Street Address*

◇ 3807 University Drive,  
10366, 10368, 10370, 10372, 10374, 1037  
10380, 10382, 10386, 10388, 10390, 1039  
10394, 10396, 10398 Democracy Lane

#### *Zoning District*

- ◇ CR – Commercial Retail
- ◇ Architectural Control Overlay District

#### Location Map



### APPLICATION SUMMARY

The applicant requests to rezone the subject site from CR – Commercial Retail and Architectural Control Overlay District to PD-R – Planned Development Residential and Old Town Fairfax Transitional Overlay District, and the applicant requests a Comprehensive Plan Amendment from Business-Commercial to Residential-High, to allow development of multi-family housing on 6.15 acres.

While the Planning Commission is not required to provide a recommendation to City Council regarding Special Exceptions, the Planning Commission should be aware that the applicant will be requesting the following Special Exception associated with this application:

To City Code Section 110-6.17.1(B)(3) to allow an adjustment to the forty eight (48) foot maximum building height within the Old Town Fairfax Transition Overlay District; (SE-18-0115)

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission provide a recommendation for approval of the Zoning Map Amendment and Comprehensive Plan Amendment subject to the conditions provided on Page 6 of this staff report.

**BACKGROUND INFORMATION**

The subject property is 6.15 acres located within the block bounded by University Drive, Layton Hall Drive, and Democracy Lane. The existing uses on the site include low-rise, one- and two- story office buildings and surface parking. There are two standalone buildings, and three sticks of office condominiums designed in a residential townhouse style. The surrounding uses include a medical office building to the north and Layton Hall garden apartments across Layton Hall Drive, additional townhouse-style office condominiums and Courthouse Plaza Shopping Center to the south, office uses and surface parking along Democracy Lane to the east, and the Olde Fairfax Mews townhouses to the west across University Drive.

Table 1 provides a summary of adjacent uses.

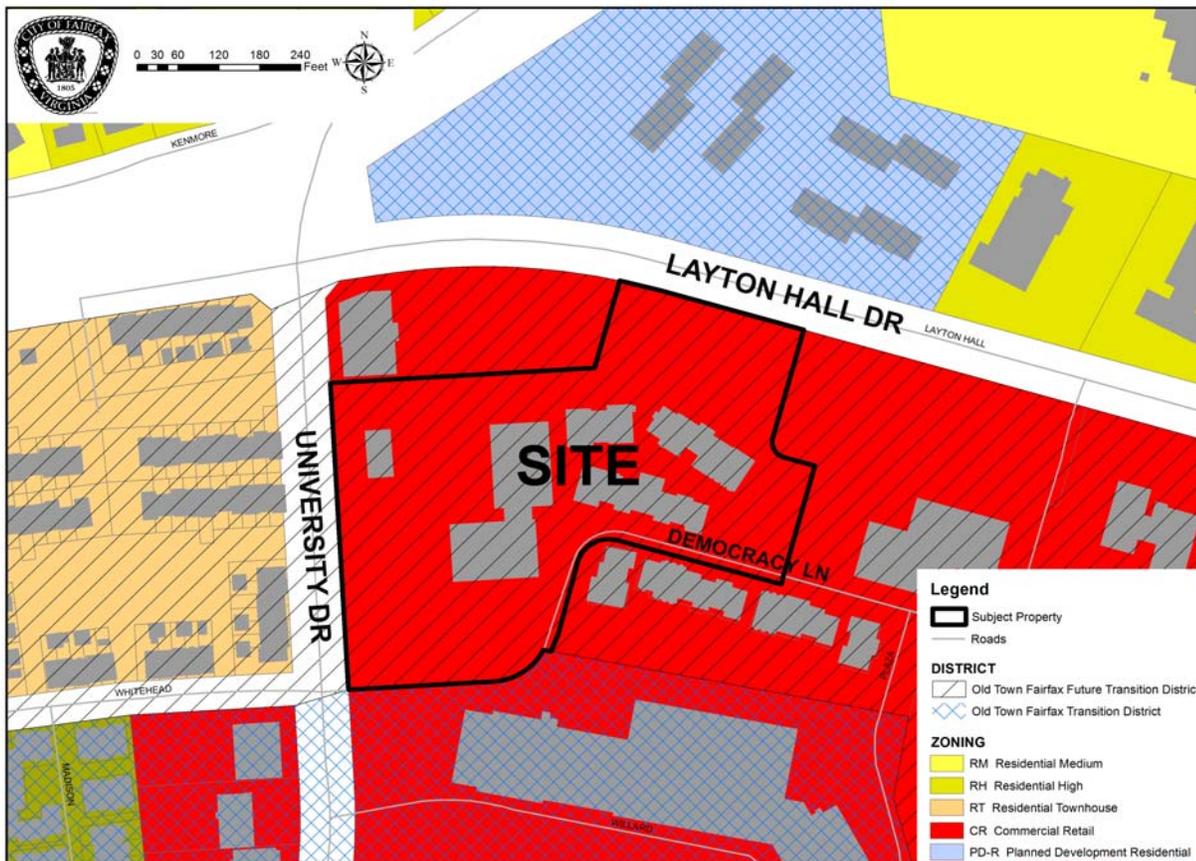


Figure 1: Existing Zoning

	Existing Zoning	Existing Land Use	Future Land Use
Site	CR Commercial Retail	Commercial - Office	Business – Commercial
North	CR Commercial Retail, PDR-Residential, TOD	Commercial – Office, Residential – High	Business – Commercial, Residential – High
South	CR Commercial Retail, TOD	Commercial - Retail	Business – Commercial
East	CR Commercial Retail	Commercial - Office	Business – Commercial
West	RT Residential Townhouse	Residential - Single Attached	Residential – Medium

Table 1: Adjacent Property Descriptions

The applicant, Capstone Collegiate Communities, L.L.C. proposes to replace the existing low-rise office buildings and all associated structures currently located on the site with four and five-story multifamily buildings. The applicant proposes to market the dwelling units to college students for off-campus housing, and the site would remain privately owned and managed. This use would be defined as residential multifamily, and it is staff’s understanding that the Fair Housing Act would prohibit the applicant from accepting only students as renters, thus this would be a market rental complex. The Narrative and Summary of Commitments has details regarding individual lease agreements, length of lease agreements and rent installments. In accordance with Zoning Ordinance requirements, no more than four (4) unrelated individuals will be permitted to occupy a single unit.

**Land Use**

The subject property is designated as Business Commercial on the Comprehensive Plan Future Land Use Map as indicated in Figure 2.

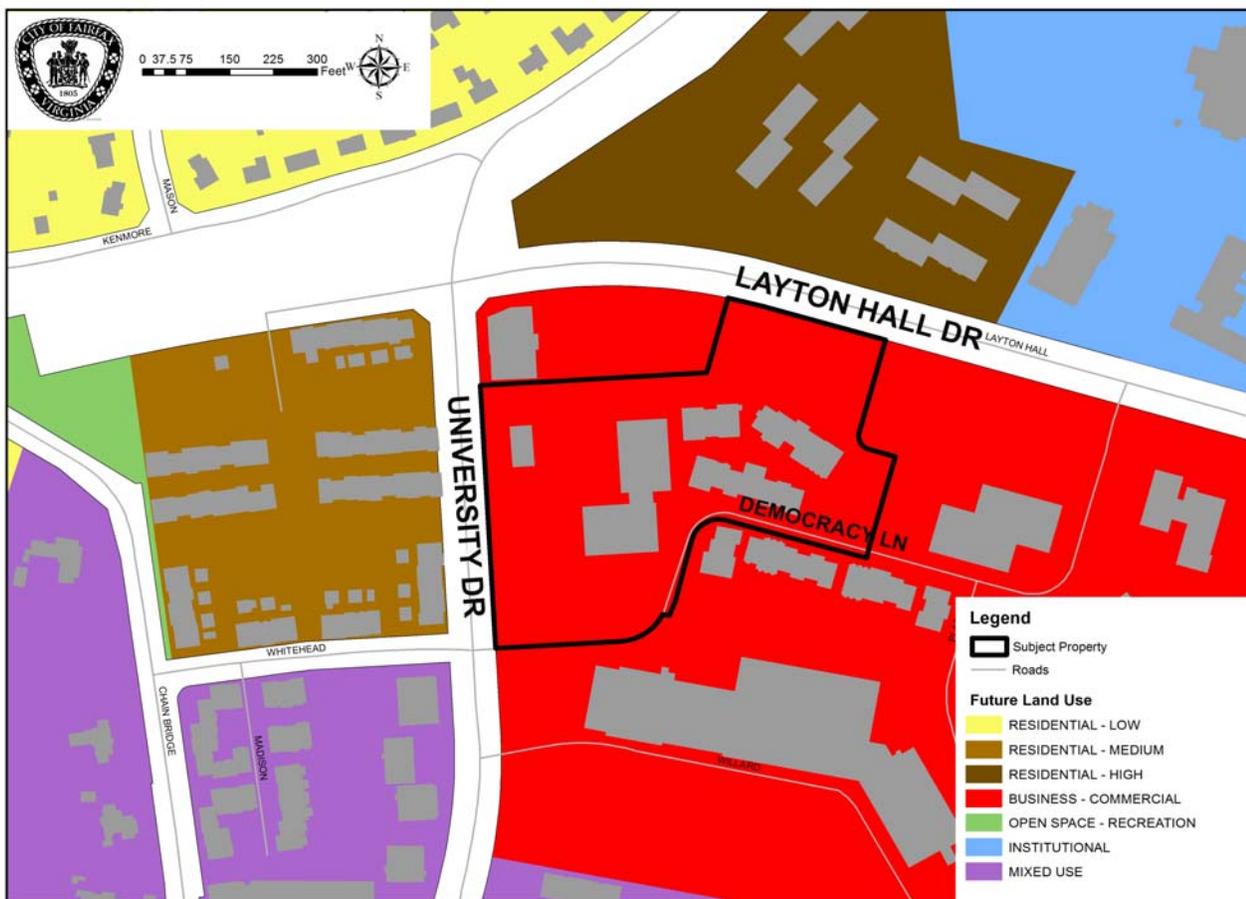


Figure 2: Future Land Use

The applicant is also requesting an amendment to the Comprehensive Plan Future Land Use Map from the existing Business-Commercial designation, which does not support housing, to Residential – High, which accommodates more than 12 dwelling units per acre. The applicant is proposing a density of approximately 45 dwelling units per acre.

The applicant is requesting a rezoning from the underlying zoning of CR Commercial Retail to PD-R Planned Development Residential. The Comprehensive Plan also envisions that the Old Town Fairfax

Transition Overlay District would be extended to Layton Hall Drive, which is an area that includes this site. The applicant proposes to also extend the Old Town Fairfax Transition Overlay District to this site through a rezoning action.

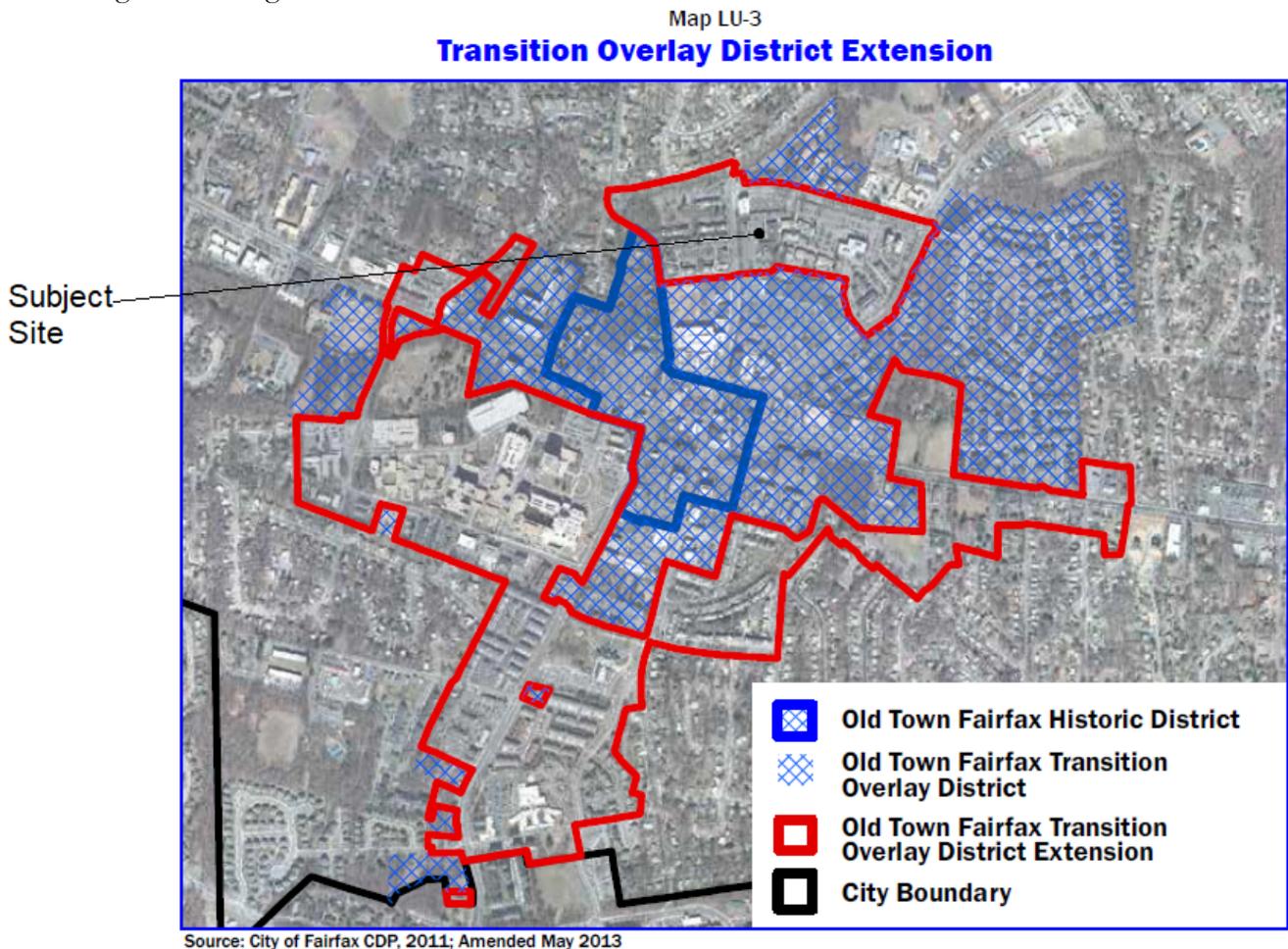


Figure 3: Map LU-3

### PROJECT HISTORY

- Planning Commission conducted a work session on December 18, 2017.
- City Council conducted a work session on December 19, 2017.
- Land Use Application was submitted on February 16, 2018.
- BAR conducted a work session on July 18, 2018.
- BAR held public hearing on November 7, 2018 and recommended approval with conditions.

### PROJECT PROPOSAL

The Applicant’s proposed development is a purpose built student housing community that will be designed to accommodate and marketed to undergraduate and graduate university students. As detailed on the submitted Master Development Plan (MDP), the Applicant’s proposal consists of two (2) connected multifamily residential buildings that will vary in height between four (4) and five (5) stories. Building height shall be predominantly four (4) stories along University Drive and along a majority of the shared property line with the adjacent office building to the north to provide a transition to the proximate townhouses in Olde Fairfax Mews and residential uses to the north. Building height would be limited to five (5) stories on all other areas of the Subject Property, with the highest point of the

building located on the eastern portion of the subject property to minimize impacts on proximate single family attached residential communities. Access would be provided from University Drive and Layton Hall Drive, along with interparcel access.

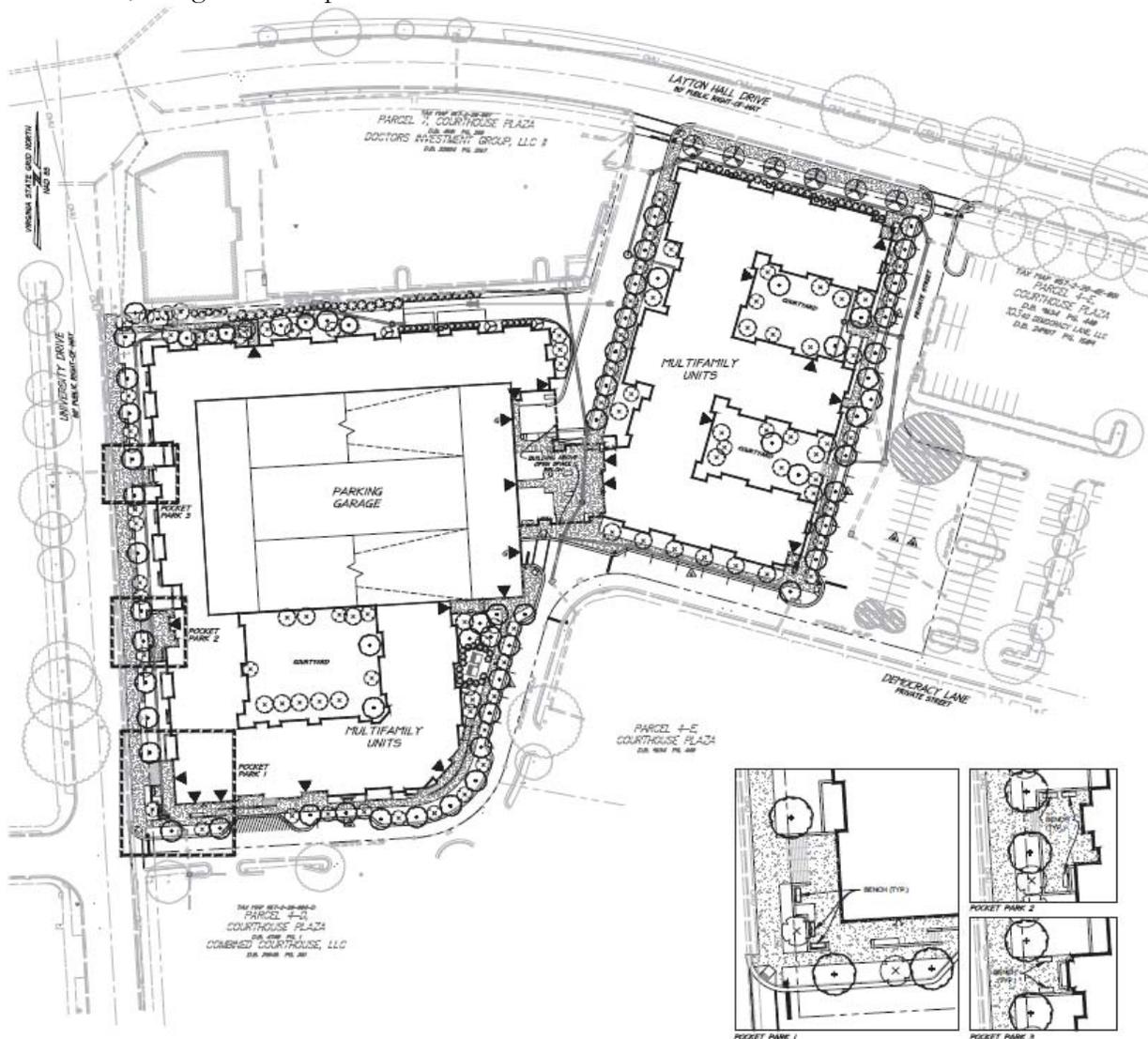


Figure 4: Master Development Plan

A total of up to 275 dwelling units are proposed, composed of a mix of studios, one bedroom, two bedroom, three bedroom and four bedroom units. Double occupancy bedrooms are considered as an option for some of the one bedroom and two bedroom units, provided that the maximum number of residents in the building does not exceed 825. Each unit would include one bathroom per bedroom, a common living area with complete kitchen facilities, and a washer/dryer. All units would be fully furnished by the Applicant. In accordance with its established business model, the Applicant would enter into a separate lease agreement by bedroom with each individual resident. In accordance with Zoning Ordinance requirements, no more than four (4) unrelated individuals would be permitted to occupy a single unit.

## **REQUESTS**

In order to fully execute the aforementioned improvements, the applicant requests a recommendation from the Planning Commission to the City Council on the following land use action:

- **Comprehensive Plan Amendment** to change the Future Land Use Map from Business-Commercial to Residential-High
- **Rezoning** from CR – Commercial Retail and Architectural Control Overlay District to PD-R – Planned Development Residential and Old Town Fairfax Transitional Overlay District

With a proposed Planned Development – Residential zoning district, this application is reviewed for compliance with the standards of Planned Developments as specified in Section 6.4 and 6.6 of the Zoning Ordinance.

The applicant also requests action from the City Council on the following land use requests, for which a recommendation from the Planning Commission is not required:

- **Special Exception** to City Code Section 110-3.7.3.C.2 to allow a modification of the forty eight (48) foot maximum building height within the Old Town Fairfax Transitional Overlay District.
- **Certificate of Appropriateness.**

## **RECOMMENDATION**

Staff recommends the Planning Commission provide a recommendation for approval of the request for a Comprehensive Plan Amendment to change the Future Land Use Map designation for the site from Business Commercial to Residential – High.

Staff recommends the Planning Commission provide a recommendation for approval to the City Council of the request for a Zoning Map Amendment (rezoning) with the following conditions:

1. The applicant shall provide the exact unit count and mix and amend all studies to reflect such.
2. All common areas within the units shall remain available to all occupants and shall not be used as sleeping areas.
3. Indicate on the MDP or Narrative and Summary of Commitments whether accessible units or universal design strategies will be provided.
4. The Special Exception Exhibit shall be a part of the Master Development Plan.

## **ANALYSIS**

Staff analysis of the compliance of this proposal with the Comprehensive Plan, Zoning Ordinance and other City goals and policy is provided in Attachment 1.

## **ATTACHMENTS**

1. Analysis
2. Summary of Zoning Districts
3. Planned Development Application
4. Narrative and Summary of Commitments

5. Master Development Plan
  - A. Plan Set
  - B. Special Exception Exhibit (Elevations and heights)
6. Traffic Impact Study (revised June 2018)
7. Fiscal Impact Analysis
8. Board of Architectural Review
  - A. Staff Report
  - B. Certificate of Appropriateness Recommendations
9. Notifications
  - A. Notices
  - B. Posting Photos
10. Comprehensive Plan Amendment
  - A. Resolution
  - B. Exhibit
11. Motions
  - A. List of Motions
  - B. Sample Motions



## ATTACHMENT 1 ANALYSIS

This attachment contains staff analysis on the submitted proposal for the redevelopment of the Capstone Collegiate Communities, LLC site. It is divided into three primary sections:

- A. Comprehensive Plan Amendment: Analysis of the applicants request for an amendment to the Comprehensive Plan Future Land Use Map.
- B. City Policy: Analysis of the conformance of the application with the Comprehensive Plan, general requirements of the Zoning Ordinance and other City goals and policy.
- C. Procedural Requirements and Review Criteria: Analysis of conformance of the plan with specific citations from the Zoning Ordinance.

### **PART A: COMPREHENSIVE PLAN AMENDMENT**

The subject property is designated as Business - Commercial on the Comprehensive Plan Future Land Use as indicated in Figure 1-1A. The applicant requests a Comprehensive Plan Amendment to change the designation of the site on the future land use map from Business - Commercial to Residential - High in order to allow the proposed development.

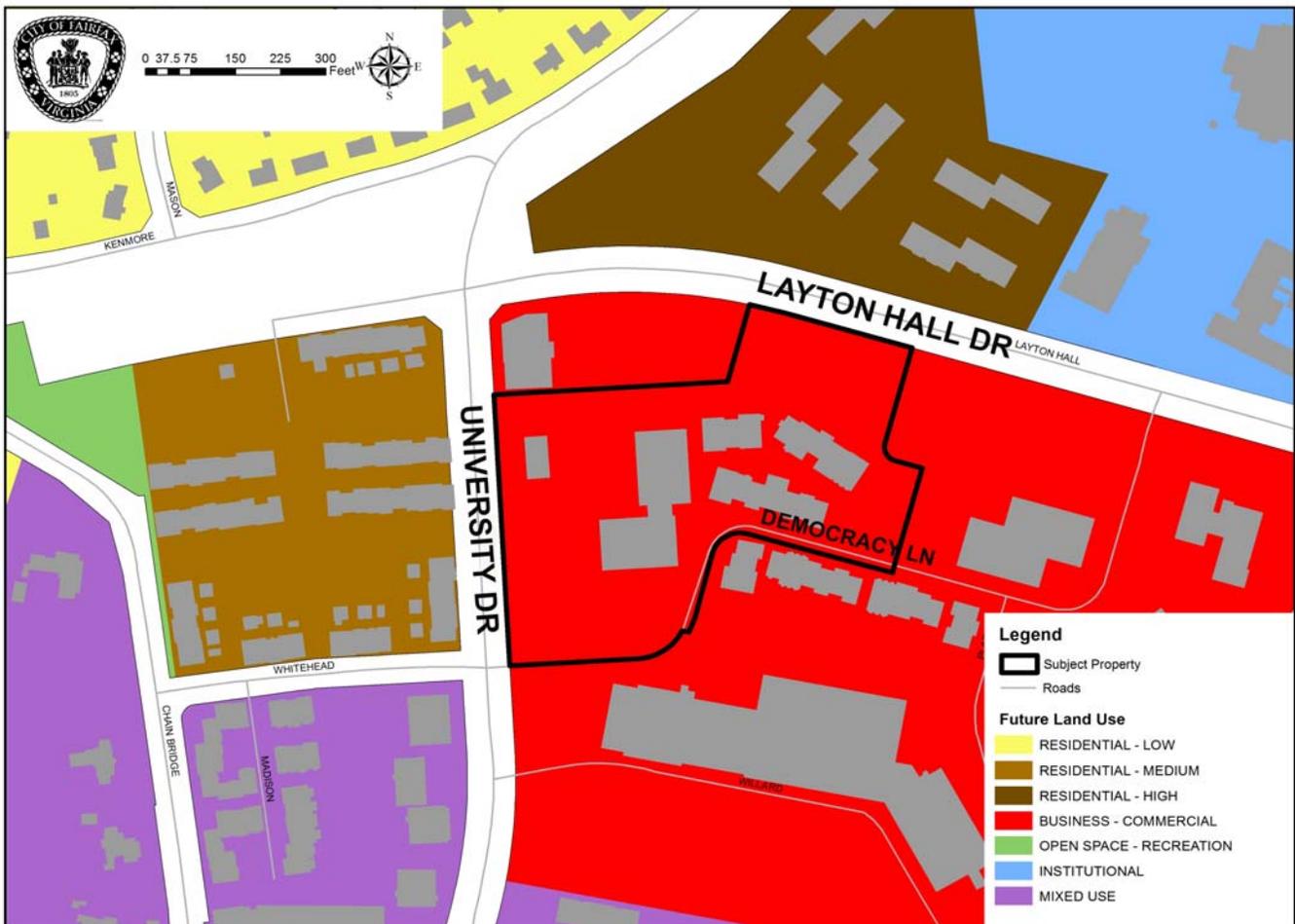


Figure 1-1A: Future Land Use

With a proposed zoning to the Old Town Fairfax Transition Overlay District(TOD) additional guidance on physical attributes of the development are provided in the City of Fairfax Design Guidelines and separate requirements are provided in the Zoning Ordinance. With a proposed zoning designation of PD-R, the application is subject to a Planned Development Review and the requirements for planned development in the Zoning Ordinance. Review criteria for planned developments are provided in this analysis. It should be noted that while the planned development districts typically allow greater flexibility than standard districts, this application is still subject to the requirements of the TOD.

This analysis is broken into the following categories:

1. Land Use
2. Setbacks
3. Height
4. Architecture and Landscaping
5. Parking
6. Vehicular Circulation
7. Pedestrian Circulation
8. Open Space
9. Tree Cover
10. Stormwater Management
11. Dry Utilities
12. Procedural Requirements and Review Criteria

Specific citations from the above referenced documents that are applicable to the subject proposal are included under each category.

### **Land Use:**

Guidance on appropriate land use for the site is provided through the existing site designation as “Business-Commercial” and the proposed “Residential-High” on the Comprehensive Plan Future Land Use Map, the site location within the TOD and the proposed PD-R zoning designation. The following description of “Residential-High” is provided from the Land Use Chapter of the Comprehensive Plan.

#### **Residential - High**

Generally supporting a residential density greater than 12 units per acre, this category is typically applied to apartment or condominium developments. Providence Park apartments, located between Chain Bridge Road and Providence Park, is an example of high density development. (Comprehensive Plan, page 161-162)

#### **Commercial**

Retail, office and hotel uses are appropriate in this category. The broad nature of this category allows for a mixture of nonresidential uses in addition to the typical single-use shopping center or office park developments commonly found along a commercial strip. (Comprehensive Plan, page 162)

Open space that provides uninterrupted pedestrian connections within the mixed use area and to adjacent areas, and can accommodate public gathering should be integrated within the project(s). Uses, or features of uses, that directly further a City goal or

objective, such as those identified in this or other chapters of this Plan, should be encouraged and provided reasonable flexibility to achieve that goal or objective. (Comprehensive Plan, page 164)

Following are descriptions of preferred development forms and uses within the TOD as provided in the Land Use Chapter of the Comprehensive Plan.

Old Town Fairfax is a very special combined neighborhood, business center and preservation area. In response to this special nature, the Land Use Plan designates most of the properties located in the historic downtown as Mixed Use to reflect not only the existing land use but also the preferred diversity in land uses. Properties comprising the Transition District are designated the various land uses indicated on the Future Land Use Map and elsewhere in this text. The designation of these areas in the Historic District and the Transition Overlay District allows the City to review each project with respect to its compatibility with the Historic Downtown and its contribution to the overall “old town” concept. Old Town Fairfax should contain a variety of land uses, including retail shops, restaurants, offices, residential uses, shared or public parking facilities, and open spaces. (Comprehensive Plan, page 165)

The preferred mix of uses would include restaurants, retail, and personal services on the ground floor of buildings that are intermixed along street frontages with residential or office uses above. (Comprehensive Plan, page 165)

The extension of the Transition Overlay District to include all of Farrcroft brought its northern boundary in line with the northern end of the Transition District along Chain Bridge Road. This action left the properties along Layton Hall Drive, Whitehead Street, Plaza Drive and Democracy Lane as missing links along an otherwise logical boundary of Old Town Fairfax. Properties along these streets are therefore recommended for future inclusion into the Transition Overlay District. Changes in grade between the office development in Courthouse Plaza, Old Lee Plaza, and Providence Hill and the sidewalk areas of University Drive, Layton Hall Drive and Old Lee Highway tend to separate this portion of the extension area from the primary streets. However, the borders of these properties are particularly important to the entrances to the Old Town Fairfax Historic District. (Comprehensive Plan, pages 168-169)

The comprehensive plan supports residential uses in the TOD subject to certain conditions as described below:

Residential development in the Transition Area is essential to the success of Old Town Fairfax and should be guided by the site-specific descriptions of the Land Use Plan. Upper floor-residences should be encouraged in the Historic Downtown, and additional residential units sited nearby to encourage evening and weekend activities to assure a viable setting for commercial uses. (Comprehensive Plan, page 167)

The applicant proposes to construct 2 attached buildings with a total of up to 275 dwelling units designed to accommodate undergraduate and graduate university students with no retail or commercial component.

Staff Analysis:

Staff believes the uses shown on the MDP are generally in conformance with the land use categories proposed through the Comprehensive Plan Amendment and preferred developments within the Old Town Fairfax Transition Overlay District. The proposed Comprehensive Plan amendment would accommodate a residential use component that is currently limited in the TOD.

**Scale**

Density: The Comprehensive Plan recommends a residential density greater than 12 Units per acre in the Residential-High category which is typically applied to apartment or condominium developments. For the purpose of comparison, the overall residential densities for all recently approved multifamily residential development applications as compared to the subject proposal are provided in Table 1-1. Note that this table includes developments within the TOD and outside the TOD, for which separate guidance on appropriate development is provided in the Comprehensive Plan.

Residential - High

Generally supporting a residential density greater than 12 units per acre, this category is typically applied to apartment or condominium developments. Providence Park apartments, located between Chain Bridge Road and Providence Park, is an example of high density development. (Comprehensive Plan, page 161-162)

Project	Site Area	Number of Units	Residential Density/Acre	Non-Residential Area	Comprehensive Plan Area Designation
Fairfax Circle Plaza	9.18 acres	400	43.57	88,000	Fairfax Boulevard Center
Novus Fairfax Gateway	8.32 acres	403	48.44	29,000	Fairfax Boulevard Center
Layton Hall	7.81 acres	360	46.09	0	Transition District

Table 1-1: Comparison with approved developments

The applicant is proposing up to 275 dwelling units on 6.15 acres, a density range up to 45 dwelling units per acre.

Staff Analysis:

Staff believes the proposed use is in keeping with the desire for a mix of complementary uses within the TOD. Staff further believes that the proposed residential density is in keeping with the general guidance for new development in the TOD from the Comprehensive Plan, is within the requirements of the PD-R district and is consistent with that of recent peer developments.

Height: The following citation from the City of Fairfax Design Guidelines provide guidance on appropriate building heights for new development within the TOD.

The maximum height of new buildings in the TOD can allow for a height of four stories. In some instances, four stories may be inappropriately tall. (TOD-3.7)

In addition to the guidance on building height within the TOD as provided in the City of Fairfax Design Guidelines, the Zoning Ordinance prescribes a maximum permitted height for any building within the TOD at 48 feet.

Pursuant to §6.17.1.B.3 of the Zoning Ordinance, the applicant is requesting one Special Exception from the provisions of §3.7.3 for the Transition Overlay District (TOD), to exceed the maximum 48-foot height limit. The height exhibit included in Attachment 5B shows a breakdown of the building based on where fire walls are located, into Buildings A, B, C, D.1, D.2, and E. The maximum height from average grade for each portion of the building is indicated and also included in the elevations of Attachment 5B. The maximum heights range from 47.7 feet to 64.0 feet, the tallest portion being at the entrance to the parking structure off of Layton Hall Drive, and the shortest being the exposed portion of the garage along Democracy Lane. The building would be primarily four stories facing toward University Drive (Buildings C and D.1), would be 55.5 feet tall on the northern half and 50.7 feet on the southern half. The building would be five stories along the eastern portion of Layton Hall Drive and would be approximately 56 feet in height (Building A). The maximum building height for this portion of the building is 61.1 feet, but this maximum comes from a portion of the façade around the corner facing the eastern private drive.

The building would be primarily four stories or 48 feet in height along the western portion of Layton Hall drive, most of which would be located at the top of the retaining wall of the neighboring medical office building. The maximum height for this portion of the building, 64 feet, is again derived from another part of the building over the breezeway. This entire elevation was originally proposed to be five stories, but staff recommended that the applicant redistribute the units from the top level to a less conspicuous location in the project, which they did, settling on the eastern half of the first Democracy Lane elevation and wrapping the corner to the parking structure (Building D.2). See the Special Exception exhibit- Attachment 5B to better understand the various height maximums for the different portions of the building.

The subject site is currently zoned Commercial-Retail and is not within the TOD, and the maximum permitted height in the district is 60’.

Staff Analysis:

*Staff believes that building heights of 4 and 5 stories are appropriate at the specific locations shown in the Master Development Plan with lower buildings contributing toward logical transitions to adjacent lower density neighborhoods.*

**Circulation**

**Vehicular Network:** Vehicular access is provided to the site through two access points from Layton Hall one of which is existing and one access point from Democracy Lane off of University Dr. Several pedestrian connections are provided along Layton Hall Dr. and University Dr.

A Traffic Impact Study (TIS) submitted by the applicant, as provided in Attachment 6 and summarized in Table 6-1, indicates the net vehicle trips to be generated by the proposed redevelopment. Upon completion and full occupancy (800 Beds) the site would generate, 128 AM peak hour and 246 PM peak hour net vehicle trips. The TIS does not account for other transit modes such as Cue bus, shuttle service, walk, bike share, bicycle, and Zip cars in this analysis that have been proposed for this development. The Applicant fully intends to utilize the existing public transit opportunities as well as pedestrian/bicycle opportunities available and will implement more

Transportation Demand Management (TDM) strategies as elaborated in the Narrative and Summary of Commitments.

A net increase of 2,056 trips per day as compared to the existing office use is forecasted. These trips are distributed with different peak periods from existing conditions. Table 6-1 from the study shows a decrease of 37 trips during the morning peak hour and an increase of 75 trips during the afternoon peak hour.

Table 6-1  
Capstone - Democracy Lane  
Site Trip Generation<sup>(1)</sup>

Scenario	Land Use Code	Setting/Location	Amount	Units	AM Peak Hour of the Adjacent			PM Peak Hour of the Adjacent			Weekday Average Daily Trips
					In	Out	Total	In	Out	Total	
<u>Observed Driveway Counts</u>	n/a				37	15	52	31	51	82	n/a
<u>Existing Development Trip Potential</u>											
General Office	710		82,800	GSF	145	20	165	29	142	171	1,137
<u>Proposed Development</u>											
Off-Campus Student Apartment	225	Over 1/2 mile from Campus	800	Beds	36	92	128	128	118	246	3,193

Note(s):  
(1) Trip generation based on the Institute of Transportation Engineers' Trip Generation, 10th Edition equations and/or rates.

Staff Analysis:

Staff believes the internal vehicular circulation network is generally in conformance with the Comprehensive Plan for development, and allows studied intersections to operate at levels of service that are generally consistent with existing conditions. The TIS does not account for other transit modes that have been proposed by the applicant. The Transportation and Transportation Demand Management section in the Narrative and Summary of Commitments explains the multiple modes that will be used by the residents of the proposed development.

Pedestrian Network: With internal streets designed with on street parking, landscaping and other pedestrian amenities, the overall vehicular network in the proposed plan generally accommodates pedestrians as well. In addition, internal open spaces and sidewalk along all the building facades provides good pedestrian network. Pursuant to Section 4.4.3.A a five feet width sidewalk is required along all frontages, since the property is also being rezoned into Old Town Fairfax TOD a 10 foot sidewalk is required along all frontages. Applicant has provided 10 feet sidewalks along University Dr. and Layton Hall Dr. and 6 feet sidewalk along Democracy Ln., public easement access shall be required for all sidewalks. The applicant meets the sidewalk requirements.

Staff Analysis:

Staff believes the pedestrian network provided in the submitted plan is appropriate.

Parking: Parking is provided through a combination of a parking structure, private on-street parallel spaces, and a shared surface lot. The applicant is proposing up to 275 units, composed of a mix of studios, one bedroom, two bedroom, three bedroom and four bedroom units. Double occupancy bedrooms are considered as an option for some of the one bedroom and two bedroom units, provided that the maximum number of residents in the building does not exceed 825. The Zoning Ordinance requires multifamily units to provide 1.5 spaces per one or less bedroom unit; 2 spaces per 2 or more bedroom unit.

Use Type	# of Units	# of Bedrooms	Parking Required
Studio	17	17	26
1BR/1BA	18	18	27
2BR/2BA	71	142	142
3BR/3BA	24	72	48
4BR/4BA	137	548	274
<b>Total</b>	<b>267**</b>	<b>797*</b>	<b>517</b>

\* Double occupancy bedrooms may be considered for the one-bedroom and two-bedroom provided that the total number of residents does not exceed 825.

\*\* Unit mix above is based on 267 units, however, the applicant reserved the right to adjust the unit mix and construct up to 275 units provided that the total number of residents does not exceed 825.

**Table 1-2: Proposed Parking Ratios**

Based on the above table, 517 parking spaces are required for the proposed use based on 267 units. Pursuant to Section 3.7.3.E The minimum required parking shall be reduced by 50% for all uses, provided that each dwelling unit shall have no less than 1.5 spaces, unless otherwise specified in Section 4.2.3.E. Based on the above section, the applicant would need to provide 401 parking spaces for 267 units. A total of 737 parking spaces are proposed, including 680 garage spaces and 57 on-street and surface spaces, which is in excess of Zoning Ordinance requirements.

Staff Analysis:

*Parking provided is in excess of the Zoning Ordinance requirement.*

**Architecture and Landscaping:**

As discussed, the building would be four and five stories, with the four story portions concentrated along University Drive and the western portion of the Layton Hall Drive. The façades are proposed to be broken up approximately every 20 to 40 feet using a combination of material changes, roofline variation, height differences, façade jogs, stoops, and foundation planting beds. The façade along University Drive has an appearance of three buildings. The building has two distinct architectural styles, which staff has referred to as “residential” and “commercial”. The residential style imitates the appearance of townhouses, with traditionally proportioned openings, materials such as lap siding, side-facing gable roofs, and dormers. The commercial style includes brick and flat panel, and flat rooflines. These two styles are grouped together per staff’s recommendation to the applicant so that residential style portions of the building are grouped more centrally along the façades, with the commercial style sections on the ends.

The MDP shows street trees along University Dr., Layton Hall Dr., and Democracy Ln. spaced at 50 feet intervals with two exceptions (a modification has been requested). There is also a 10 feet wide landscape strip provided along University Dr. and Layton Hall Dr. The applicant has applied for a modification to this requirement along Democracy Ln., due to site constraints as parallel parking spaces are provided along the street.

The applicant is also requesting a modification to Section 4.5.7.D.1 of the Zoning Ordinance pertaining to interior landscaping island in the surface parking lot. Due to a shared parking agreement with the adjoining property the applicant is unable to make changes to the surface parking lot. Further details are discussed under Parks and Open Space.

The applicant is also requesting a modification to Section 4.5.6.B.1, requirement to plant street trees within fifteen (15) feet from the back of curb along University Drive and Layton Hall Drive. The proposed street trees along University Drive are located approximately 19.5 from the back of curb. If the applicant were to plant the trees within 15’ from the back of the curb it would conflict with the

existing overhead utilities. Also City of Fairfax Public Facilities Manual suggests that a tree should be planted 2 feet from any concrete structure along a collector street. Along Layton Hall Drive street trees are planted further than 15 feet due to public easement location. The proposed streetscape continues to meet the intent of Section 4.5.6.B.

Prior to City Council hearing, the landscape plan shall be completed to include shrubs and groundcover throughout the site, and consistent with the provisions of the City of Fairfax Design Guidelines for landscaping in the TOD.

Staff Analysis:

*While the Planning Commission is not required to provide a recommendation on the Certificate of Appropriateness to City Council, the full staff report for the BAR meeting is provided in Attachment 8 for reference.*

**Stormwater Management:**

*The Stormwater drainage is addressed through onsite treatment. The proposal is in conformance with local regulations and demonstrates preliminary compliance with Virginia Stormwater Management Regulations. Final compliance must be demonstrated during the administrative site plan review period.*

**Dry Utilities:**

The Community Appearance chapter of the Comprehensive Plan recommends the placement of utilities underground, a major capital improvement, to provide greater visual clarity to the downtown, (Comprehensive Plan, page 98). The City has studied this section of University Dr. and concluded that undergrounding utilities just along the applicant's University Dr. frontage would result in more poles. A larger consolidated effort would be required to eliminate the overhead lines on University Dr. The applicant is committing to providing funding for such an effort.

Staff Analysis:

*Staff does not recommend that the applicant underground along their frontage for the reasons stated above. Staff supports the applicant's resolution to contribute 25% of estimated costs of undergrounding the existing overhead utilities along the University Drive frontage of the subject property up to a maximum of \$328,750.*

**Parks and Open Space:**

As a Planned Development, this application is required to meet the recreation and open space coverage requirement of the Planned Development as provided in Section 3.8.2.G of the Zoning Ordinance and stated below:

§3.8.2.G. Recreation and open space

The master development plan shall provide recreation and open space in accordance with the requirements of §3.8.7. At least 20 percent of each planned development site shall be designated as recreation and open space for use and enjoyment of the residents and occupants of the Planned Development.

An open space plan is provided in Sheet 7 of the MDP identifying those areas of the site considered by the applicant to qualify as recreation and open space per the requirements of the Zoning Ordinance. The plan shows 11.6% recreation and open space provided, per Section 3.8.7.B.3 minimum width for open space shall be 50 feet. The MDP submitted shows 11.6% recreation and

open space which is 50 feet or more and an additional 16.6% open space that is less than 50 feet in width. The applicant is asking for a modification to this requirement. In total 28.2% recreation and open space is provided.

Specific requirements for an area to qualify as recreation and open space are provided in Section 3.8.7 of the Zoning Ordinance. These requirements, along with staff analysis of the open space plan in the MDP are provided below.

#### §3.8.7. Recreation and Open Space

##### A. General

1. Recreation and open space is an integral part of planned developments (residential, commercial, industrial and mixed use).
2. Where recreation and open space is included in a planned development in addition to the individual lots, such lands must be in one or more parcels dedicated to or otherwise protected as permanent (active or passive) recreation and open space.
3. Any city-accepted parks, schools and other public land dedication made as part of a planned development will be counted towards complying with the requirements of §3.8.7.

The applicant does not propose to dedicate any open space to be owned and managed by the City, nor has the City indicated that such dedications would be desired. All open space is permanently protected through the adoption of a MDP.

##### B. Configuration and use

1. The location, size, character and shape of required recreation and open space in a planned development district must be appropriate for its intended use. Recreation and open space land must be useable for recreational purposes.

The MDP indicates that private recreation space, publicly accessible recreation space, cultural amenities and programmable gathering spaces would be included in the required recreation and open space areas. The location, size, character and shape of the applicable open spaces are appropriate for each of their intended uses.

2. No more than 50 percent of any area otherwise containing development challenges, such as the presence of the 100-year floodplain, open water, jurisdictional wetlands, a slope greater than or equal to 25 percent grade or geological hazards, may be considered to comply with the recreation and open space requirement.

The subject property does not have any constraints.

3. The minimum width for any required recreation and open space shall be 50 feet. The zoning administrator may grant exceptions for items such as trail easements and mid-block crossings, when their purpose meets the intent of §3.8.7.

The applicant as indicated on the MDP sheet 7 has tried to provide a width of at least 50 feet wherever possible.

4. At least 60 percent of the required recreation and open space shall be contiguous. For the purposes of §3.8.7, the term contiguous shall include any recreation and open space bisected by a local street, provided that:
  - (a) A pedestrian crosswalk or underpass is constructed to provide safe and adequate access to the recreation and open space from both sides of the street;
  - (b) The right-of-way area is not included in the minimum recreation and open space calculation;
  - (c) The recreation and open space shall adjoin any neighboring recreation and open spaces, protected lands, and non-protected natural lands that would be candidates for inclusion as part of future recreation and open spaces or protected lands;
  - (d) Adopted city plans shall be taken into consideration when evaluating land use and development applications;
  - (e) Where appropriate, the required recreation and open space shall be directly accessible to the largest practicable number of lots within the planned development. Non-adjoining lots shall be provided with safe, convenient access to the recreation and open space (i.e. mid-block connections in logical locations);
  - (f) Access to the recreation and open space shall be provided either by an abutting street or easement. Any such easement shall be at least 30 feet wide for its entire length;
  - (g) Trails may be developed in recreation and open space; and
  - (h) At least 20 percent of the recreation and open space shall be improved in accordance with the options set forth below. The shape, topography and subsoil shall be appropriate to the improvements proposed. (see Zoning Ordinance for specific options)

Open space area considered by staff to be contiguous per the requirements of the Zoning Ordinance are provided in Figure 1-5. This includes approximately 55 percent of the total open space area and is inclusive of trail areas/sidewalks where public access easements will be provided as clarified in the MDP Narrative.

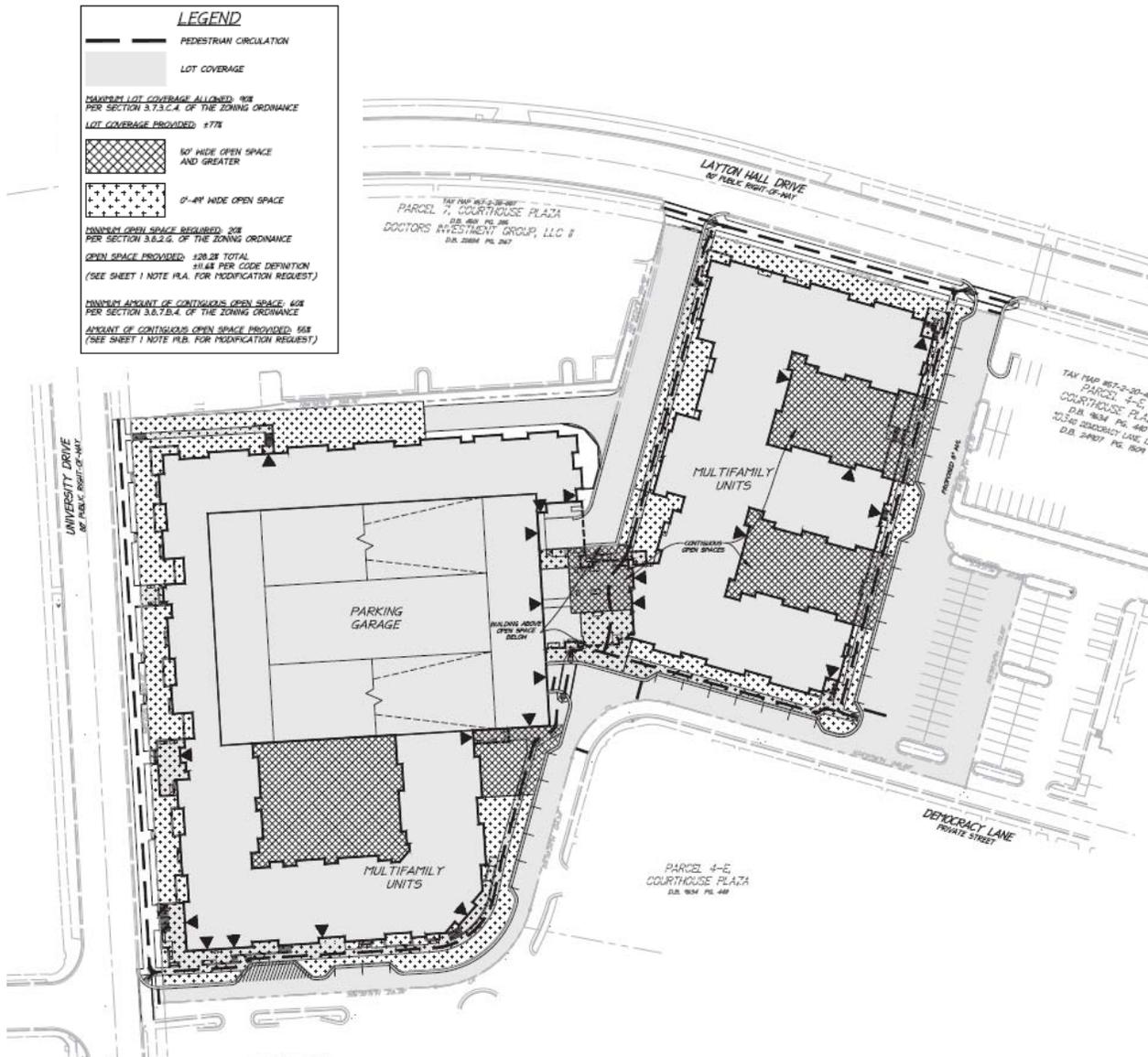


Figure 1-5: Open space areas considered to be contiguous

A summary of the staff calculation of open space is provided in Table 1-5.

Total Site Area	268,123 sf
20% Open Space Requirement (50" Wide)	53,624 sf
Rec. & Open Space Area Provided	31,102 sf
Percent Provided	11.6%
Continuous Area - required	32,174 sf
Continuous Area – provided	17,106 sf
Percentage of Contiguous area provided	55%

Table 1-5: Open Space Calculations

The submitted plan provides a mixture of publicly accessible open spaces, private open spaces and linear open spaces along accessways and rights of way.

Staff Analysis:

*Staff supports the general concept of a network of open spaces, including larger open space, linear open space and pocket parks, as included in the submitted plans. Staff believes the open space network as provided in the MDP is in conformance with the recreation and open space requirements for planned development in the Zoning Ordinance.*

**Tree Coverage:**

The proposed landscape plan results in an ultimate tree coverage of 13.6% where 20% is required in the Planned Development Residential district. The applicant is requesting a modification to Section 4.5.6.A. Tree Canopy requirement. The applicant also requests a modification to Section 4.5.6.B of the Zoning Ordinance which requires street trees along all streets, including private internal streets. Street trees, as indicated on the MDP are generally in conformance with the requirements of the Zoning Ordinance except two locations along Democracy Lane. This modification is requested for the areas adjacent to the proposed loading space and the parking garage entrance. The street trees along Layton Hall Dr. would be planted on the right-of-way due to a public easement on the subject site. These trees cannot be counted towards onsite tree coverage. Although, the Applicant shall provide trees to be planted in the general vicinity of the Subject Property with an aggregate canopy coverage equal to approximately 6.4% of the site area of the Subject Property. The applicant is committing to providing funding for such an effort in case location for the off-site trees has not been identified by the time of application for a Residential Use Permit.

Staff Analysis:

*Staff believes the submitted MDP is generally in conformance with the environmental strategies of the Comprehensive Plan. Staff supports the applicant's request for modifications to the Zoning Ordinance pertaining to street tree requirements and transitional yard requirements.*

**Fiscal Impact**

An estimate of fiscal impacts to the City based on revenue generated and expenses required to serve the proposed development is provided in Table 1-6.

	Potential Redevelopment LOW	Potential Redevelopment HIGH
<b><u>RESIDENTIAL REVENUES</u></b>		
Real Estate Tax	\$975,000	\$1,076,000
BPOL (Rental Tax)	\$44,000	\$49,000
Personal Property Tax	\$19,000	\$23,000
Retail Sales Tax (1%)	\$12,000	\$14,000
Restaurant Tax (1% + 4%)	\$14,000	\$18,000
<b>TOTAL</b>	<b>\$1,064,000</b>	<b>\$1,180,000</b>
<b><u>RESIDENTIAL EXPENSES</u></b>		
Education	\$0	\$0
Police/Fire	\$228,000	\$279,000
Misc. Gov't	\$356,000	\$435,000
<b>TOTAL</b>	<b>\$584,000</b>	<b>\$714,000</b>
<b><u>COMMERCIAL REVENUES</u></b>		
Real Estate Tax	\$0	\$0
BPOL (Rental Tax)	\$0	\$0
Retail Sales Tax (1%)	\$0	\$0
Restaurant Tax (4%)	\$0	\$0
<i>(Less 1/8 resident spending)</i>		
Retail/Restaurant BPOL/BPP	\$0	\$0
Office BPOL/BPP	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
<b><u>COMMERCIAL EXPENSES</u></b>		
Police/Fire	\$0	\$0
Misc. Gov't	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
<b>BALANCE</b>	<b>\$350,000</b>	<b>\$596,000</b>

Table 1-6: Fiscal Impact Summary

*Staff Analysis*

*The proposed development is anticipated to result in an annual increase in net revenue of \$350,000 to \$596,000 based on the City's standard fiscal impact analysis.*

## **PART C: PROCEDURAL REQUIREMENTS AND REVIEW CRITERIA**

Following is an analysis of citations from the Zoning Ordinance related to procedural requirements and review criteria derived from the proposed PD-R Planned Development Residential zoning designation, for which a Planned Development Review is required.

### §3.2. Districts Established/Purpose Statements

#### §3.2.3. Planned development districts

B. PD-R, Planned Development Residential The PD-R, Planned Development Residential District is intended to provide for planned residential communities containing a mix of housing types, including associated amenities, with appropriate boundary transitional yards (§4.5.5), and recreation and open space (§3.8.7). This district is intended for planned residential projects that require additional flexibility not available in the residential districts.

#### Staff Analysis

*The proposed development meets the purpose statement for Planned Development Residential districts by providing continuous, shared, usable open space and amenities given the context of the site within the Old Town Fairfax TOD. Deviations from standard zoning districts are required in order to allow for such improvements to occur. Specific discussion of boundary transitional yards and recreation and open space is provided below.*

### §3.8 Planned Development Districts

#### §3.8.1. General purposes

The planned development districts of this article are intended to allow the city, at the request of an applicant, to set aside rigid zoning rules in order to allow applicants to create special and unique developments by mixing and clustering, where appropriate, land uses and/or dwelling types and providing more usable recreation and open space in a master development plan proposed by the applicant and approved by the city council. Planned developments should create a more livable, affordable and sustainable community. Starting from the baseline, which is current zoning, applicants may be given increased development rights, such as increased density and height, as well as increased flexibility, in return for providing benefits that make the project “superior” and the community better in accordance with the goals and objectives of the city, including, but not limited to, those set forth in the comprehensive plan.

#### Staff Analysis

*The general standards for planned developments are utilized in this proposal to achieve lesser lot coverage with more Recreation and Open Space, and more Tree Canopy Coverage. The proposed planned development would also provide an architecturally superior development. The proposal also creates a more livable community by providing Recreation and Open Space elements along University Dr. in effort to make it an active street in support of the Comprehensive Plan and City of Fairfax Design Guidelines recommendations for the TOD.*

#### §3.8.2. General provisions

##### A. Review process

All planned developments shall be reviewed and approved in accordance with the procedures of §6.6. A planned development can only be applied for by an applicant; the city cannot and will not unilaterally rezone any property to a

planned development district without the submission of an application by an applicant, including the applicant's proposed master development plan. No proffers will be allowed in a planned development, as the master development plan and the applicable provisions of the zoning ordinance will control what may be created in an approved planned development.

B. Minimum requirements

1. In approving a rezoning for a planned development, the city council shall find the proposed district designation and master development plan comply with the general provisions for all planned development in §3.8.2 and the specific standards for the planned development listed in §3.8.3 through §3.8.6, below, respectively.
2. Planned development district rezonings may be approved only when the applicant demonstrates to the satisfaction of the city council that a proposed planned development project would result in a greater benefit to the city than would a development under general zoning district regulations.

Staff Analysis

*Discussion of the procedures of Section 6.6 and provisions of Section 3.8.3 pertaining to Planned Development Residential districts, is provided below. As required by the Zoning Ordinance, no proffers are submitted with this application. The applicant has submitted a Master Development Plan (MDP) inclusive of all necessary components, including a plan set and Narrative and Summary of Commitments. The applicant has provided discussion of how the proposed planned development project would result in greater benefit to the city than would development under general district regulations within the submitted MDP Narrative.*

C. Master development plan

The development proposed in the master development plan shall be in substantial conformance with the comprehensive plan. A master development plan shall be filed by the applicant and approved by the city council as part of the approval of each planned development rezoning. After a master development plan has been submitted by an applicant and approved by the city council, development of the property that is the subject of that plan shall be in substantial conformance with the approved master development plan. In the event the owner of a property that has been approved for a planned development wishes to make any changes to the master development plan for that property, said owner may request that the city council approve an amendment to the master development plan. In the event the owner of a property that has been approved for a planned development wishes to abandon that planned development, said owner may apply for a rezoning to the same or a different zoning district. At a minimum, such required plan shall set forth the following:

1. A narrative addressing the proposed development that includes, but is not limited to, the following:
  - (a) A statement of how the proposed development is in substantial conformance with the comprehensive plan;
  - (b) A description of how the proposed development provides greater benefits to the city than would a development carried out in accordance with general zoning district regulations;

- (c) An identification of site planning features designed to ensure compatibility between on-site residential and nonresidential uses, and with the surrounding neighborhood and land uses; and
  - (d) An explanation of the relationship of the proposed development to existing development in the area.
2. A plan depicting the proposed development that includes, but is not limited to, the following:
    - (a) An existing conditions plan, proposed layout plan with applicable dimensions, grading plan, conceptual utilities plan, tree survey, landscaping plan with tree coverage and impervious coverage, architectural elevations showing exterior building materials, site sections showing building heights, and recreation and open space plan;
    - (b) A tabulation of land uses by acreage, total number and square footage of dwelling units by housing type, residential density and/or square footage of nonresidential uses per acre, and recreation and open space acreage; and
    - (c) General zoning district uses and standards to be applicable within the planned development, including requests for modifications under §3.8.2.D, §3.8.2.E, and/or §3.8.2.F.
  3. Other relevant information as may be deemed necessary by the city council to demonstrate conformance with the goals and policies of the city, including the comprehensive plan.

Staff Analysis

*All of the above information has been provided by the applicant through one of the components of the submitted Master Development Plan, including the plan set and narrative.*

D. Specific use standards

At the request of an applicant requesting approval of a planned development, the specific use standards of §3.5 may be modified by city council in the approval of a master development plan. Any such modifications of the specific use standards of §3.5 requested by the applicant shall be clearly noted on the master development plan. Unless specifically modified by the city council as requested by an applicant in the approval of a master development plan, all specific use standards specified in §3.5 shall apply.

Staff Analysis

*The applicant does not propose any modifications from the use standards of Section 3.5 of the Zoning Ordinance.*

E. Site development standards

3. At the request of an applicant requesting approval of a planned development, the site development standards of Article 4 and the streets, pedestrian facilities, and lots and blocks design and improvement standards (See Subdivision Ordinance, Sections 2.2, 2.3 and 2.4) may be modified by the city council in the approval of a master development plan. Any such modifications requested by the applicant shall be clearly stated on the

master development plan. Unless specifically modified by the city council in the approval of a master development plan, all site development standards specified in Article 4 shall apply.

Staff Analysis

*The applicant proposes to modify the following site development standards of Article 4 of the Zoning Ordinance as part of this planned development review:*

1. *Section 4.5.6.A pertaining to Tree Canopy requirement.*
2. *Section 4.5.6.B pertaining to Street trees, width of landscape strip along Democracy Lane and the requirement to plant street trees within fifteen (15) feet from the back of curb.*
3. *Section 4.5.7.D.1 pertaining to parking lot interior island landscaping requirements.*

*The applicant proposes to modify the following recreation and open space requirements of Section 3.8 of the Zoning Ordinance by the alternative compliance provision:*

1. *Section 3.8.2.G pertaining to Recreation and Open Space requirement.*
2. *Section 3.8.7.B.4 pertaining to contiguous Open Space requirement.*

*Discussion of each of the above modification requests is provided in the appropriate sections of Part B of this analysis.*

F. Design guidelines and dimensional standards

1. Each planned development shall provide a comprehensive set of design guidelines as part of the master development plan that demonstrate the project will be in substantial conformance with the comprehensive plan. All dimensional standards shall be established in the master development plan when it is approved by the city council.
2. All master development plans shall include design guidelines and all modifications to the dimensional standards of §3.6 requested by the applicant. Once a master development plan is approved by the city council, all design guidelines and all modifications stated in the master development plan will be binding on the applicant.

Staff Analysis:

*Design guidelines and Dimensional standards are provided on Sheet 4A of the submitted MDP and in Attachment A Narrative and Summary of Commitments. Approval of the Planned Development by City Council would incorporate these standards which then become binding on the applicant. Design guidelines are accomplished through the application for a Certificate of Appropriateness and through the verbal description of site plan features provided in the MDP Narrative. Analysis of specific dimensional standards and design features are discussed in Part B of this Analysis.*

G. Recreation and open space

The master development plan shall provide recreation and open space in accordance with the requirements of §3.8.7. At least 20 percent of each planned development site shall be designated and provided as recreation and open space.

Staff Analysis:

*Discussion of the conformance of this application with the Recreation and Open Space requirements of Section 3.8.7 of the Zoning Ordinance are provided Part B of this Analysis.*

H. Phasing

If development is proposed to occur in phases, the master development plan shall include a phasing plan for the development, and if appropriate, shall include specific build-out dates. Guarantees shall be provided by the applicant in the master development plan that project improvements and amenities that are necessary and desirable for residents and occupants of the project or that are of benefit to the city, shall be constructed and provided as part of the first phase of the project, or, if this is not possible, specific deadlines as early in the project as may be feasible shall be provided by the applicant.

Staff Analysis

*In the MDP Narrative, the applicant states that the project is intended to be constructed in one continuous phase, subject to market conditions.*

§3.8.3. PD-R, Planned Development Residential District

The purpose of the district shall be consistent with the provisions set forth in §3.2.3.A and §3.8.1.

- A. Minimum Requirements: The PD-R district is permissible only on sites of at least two contiguous acres unless the city council waives this requirement in the approval of a master development plan.
- B. Permitted uses: All uses permitted or listed as special uses in the R districts may be permitted in a PD-R district (see §3.3.1), subject to approval by the city council when it approves a master development plan.
- C. Signs: Signs allowed in the PD-R district shall be the same as signs allowed in the general residential districts in accordance with §4.6.8.

Staff Analysis

*The site is greater than two contiguous acres as required. The use proposed in this application is permitted in the R district in Section 3.3.1 of the Zoning Ordinance and are thus permitted in the PD-R district. The applicant has not requested any modification from the sign requirements of the Zoning Ordinance.*

§6.6.8. Planned Development Review approval considerations

In determining whether to approve, approve with modifications or conditions, or disapprove a planned development, planning commission and city council shall consider the following:

- A. Substantial conformance with the comprehensive plan;

Staff Analysis:

*Staff believes the MDP is in substantial conformance with the Comprehensive Plan, subject to approval of an amendment to the Comprehensive Plan Future Land Use Map as requested by the applicant. Discussion of this amendment and general conformance of the proposal with the Comprehensive Plan are discussed in Parts A and B of this Analysis.*

- B. Any greater benefits the proposed planned development provides to the city than would a development carried out in accordance with the general zoning district regulations;

Staff Analysis:

*The proposed development provides greater benefits to the city than would a development carried out in accordance with the current zoning districts such as less lot coverage, more Recreation and Open Space, and more Tree Canopy Coverage. The proposed planned development would provide an architecturally superior development. Community benefits have been listed in Attachment 4.*

	<b>Commercial Retail (TOD)</b>	<b>PD-R (TOD)</b>
Lot Coverage	90%	77%
Recreation Open Space	10%	20%
Tree Canopy	10%	20%

- C. Suitability of the subject property for the development and uses permitted by the general zoning district regulations versus the proposed district;

Staff Analysis:

*The site is currently zoned Commercial-Retail and uses to the east and south are retail or office. The general zoning district would allow multifamily development through the approval of a Special Use; however, the provisions of the Planned Development District provide for enhancements to the proposal.*

- D. Adequacy of existing or proposed public facilities such as public transportation facilities, public safety facilities, public school facilities, and public parks;

Staff Analysis:

*Due to the impacts the residents could cause on the transportation system, the Applicant shall prior to the issuance of the first Residential Use Permit provide the City with a contribution in the amount of thirty thousand dollars (\$30,000.00) to be utilized for the installation of two (2) standard City bus shelters at the new bus stops. The applicant shall prior to the issuance of a Residential Use Permit provide the City with an easement and contribution in the amount of twenty thousand dollars (\$20,000.00) to be utilized for the installation of a bikeshare station at the determined location on University Drive. The applicant is committed to utilizing CUE as the prime mode of transport for the residents. In case a supplemental service is needed the applicant intends to provide a shuttle service. To reduce the vehicle trips and for public safety the applicant shall implement a Transportation Demand Management plan. As this development is market towards university students it is likely to have no impact on the schools. For public safety the applicant intends to have 2 off-duty police officers or other emergency services personnel who serve as resident "courtesy managers" within the community. A Maintenance of Traffic Plan ("MOT Plan") prepared by the Applicant shall be submitted to the City prior to commencement of each academic year.*

- E. Adequacy of existing and proposed public utility infrastructure;

Staff Analysis:

*This application has been reviewed by the appropriate departments within the City for impacts to public utility infrastructure. Any areas of concern have been addressed through plan modifications or are discussed in the appropriate section of this Analysis.*

- F. Consistency with the applicable requirements of this chapter, including the general provisions of §3.8.2;

Staff Analysis:

*The proposal is consistent with the applicable requirements of the Zoning Ordinance chapter of the City Code, including the General Provisions for Planned Development Districts. Further discussion of consistency of the plan with Section 3.8.2, pertaining to Planned Development requirements, is discussed above. Where code requirements are not met, the applicant has requested a Special Exception and/or modification. While the Planning Commission is not required to provide recommendations on Special Exceptions and modifications to City Council, the proposed Special Exception and list of modifications is provided in the Staff Report.*

- G. Compatibility of the proposed development with the adjacent community;

Staff Analysis:

*As discussed above, the proposed use is complimentary to other uses within the block. The proposed use is also consistent with existing uses to the east and west of the site, outside of the block.*

- H. Consistency with the stated purpose of the respective planned development district in §3.8.1 and the general purposes of §3.2.3;

Staff Analysis:

*Consistency with the stated purpose of the Planned Development Residential district and Planned Development districts in general is provided under the discussion of Section 3.2.3 and 3.8.1 above.*

- I. Compatibility of each component of the overall development with all other components of the proposed planned development;

Staff Analysis:

*Consistency with the stated purpose of the Planned Development Residential district and Planned Development districts in general is provided under the discussion of Section 3.2.3 and 3.8.1.*

- J. The quality of design intended for each component of the project and the ability of the overall master development plan to ensure a unified, cohesive environment at full build-out;

Staff Analysis:

*Staff believes adequate quality of design and unified cohesive environment are provided as further discussed in the attached Certificate of Appropriateness staff report.*

- K. Self-sufficiency requirements for each phase of the overall project of §3.8.2.H;

Staff Analysis:

*There are no phases proposed with this development.*

- L. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development;

Staff Analysis:

*There are no identified ecologically sensitive areas on the subject site.*

- M. The extent to which the residential component of the proposed planned development promotes the creation and preservation of affordable housing suitable for supporting the current and future needs of the city.

*Staff Analysis:*

*Although the proposal provides a range of units types and anticipated price points, staff recommends consideration be given to City goals and objectives pertaining to affordable housing as specified in the Comprehensive Plan.*





## SUMMARY OF ZONING DISTRICTS AND OVERLAYS

**GENERAL ZONING DISTRICTS:** Unless within a planned development district, each property in the City belongs to one of the following zoning districts, which spells out permitted uses and types of development for all parcels within each district, as summarized below:

**RL, RM & RH RESIDENTIAL DISTRICTS:** Permits single-family detached housing and select types of supportive, complementary uses that create quiet and comfortable neighborhoods. Development must be consistent with the character of a residential neighborhood and fit within certain parameters, including:

- **RL RESIDENTIAL LOW:** 20,000 minimum lot size and 40' front setback from the street;
- **RM RESIDENTIAL MEDIUM:** 7,500 minimum lot size and 25' front setback from the street;
- **RH RESIDENTIAL HIGH:** 6,000 minimum lot size and 20' front setback from the street.

**RT & RT-6 TOWNHOUSE DISTRICTS:** Provides townhouses in both districts, as well as duplexes, single-family attached, and single-family detached housing in the RT district.

- **RT-6:** Limited to 6 units per acre;
- **RT:** Limited to 12 units per acre.

**RMF MULTIFAMILY DISTRICT:** Provides for multifamily housing as well as townhouses, duplexes, single-family attached, and single-family detached housing. Buildings may be no taller than 3 stories and 35' or 4 stories and 45' (where not adjacent to a single-family detached district) with a density limited to 20 units per acre. Permitted uses also include nursing homes, assisted living facilities, congregate living facilities and select directly related, complementary uses.

**CL COMMERCIAL LIMITED DISTRICT:** Provides for limited, low intensity office development as a transitional use between residential and commercial areas with buildings limited to 3 stories and 35' in height that may not exceed 17,500 sq. ft. in floor area.

**CO COMMERCIAL OFFICE DISTRICT:** Provides for offices for business, governmental and professional uses, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

**CR COMMERCIAL RETAIL DISTRICT:** Provides for office and general business and retail establishments, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

**CU COMMERCIAL URBAN DISTRICT:** Provides an urban, mixed use development option for appropriate parts of the downtown area and sites in the general vicinity of the three key Fairfax Boulevard intersections: Main Street, Chain Bridge Road, and Old Lee Highway, or as may be more precisely specified by a current or future adopted plan. Buildings may be up to 5 stories and 60'.

**CG COMMERCIAL GENERAL DISTRICT:** Provides areas for office, general retail, automobile-related uses, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

**IL INDUSTRIAL LIGHT DISTRICT:** Provides areas for light industrial uses. Buildings may be up to 3 stories and 35'.

**IH INDUSTRIAL HEAVY DISTRICT:** Provides areas for general industrial uses. Building may be up to 6 stories and 60'.

**PLANNED DEVELOPMENT DISTRICTS AND ZONING OVERLAYS:** Some properties are included in planned development districts and/or are governed by regulations that exceed that of the underlying general zoning district through overlays and other development standards. These are summarized below:

**PD-R, PD-M, PD-C & PD-I PLANNED DEVELOPMENT DISTRICTS:** Provides for coordinated developments and communities with appropriate boundary transitional yards and recreation and open space. The districts provide additional flexibility not available in general zoning districts and allows for innovations and special features in site development that make the community better.

- **PD-R PLANNED DEVELOPMENT RESIDENTIAL:** Allows for permitted/special uses in the R districts;
- **PD-M PLANNED DEVELOPMENT MIXED USE:** Allows for permitted/special uses in the R and C districts;
- **PD-C PLANNED DEVELOPMENT COMMERCIAL:** Allows for permitted/special uses in the C districts;
- **PD-I PLANNED DEVELOPMENT INDUSTRIAL:** Allows for permitted/special uses in the CG, IL, and IH districts.

**HISTORIC OVERLAY DISTRICTS:** Provide additional protection to areas of historic interest in the City in order to ensure that development or building modifications do not alter or diminish the historic quality of the district:

- **OLD TOWN FAIRFAX HISTORIC DISTRICT:** Encourages a compatible mixture of residential, retail and office uses within the district.
- **FAIRFAX PUBLIC SCHOOL HISTORIC DISTRICT:** Includes the property containing the Fairfax Museum & Visitor Center; the district controls uses and structures built on the property.
- **BLenheim HISTORIC DISTRICT:** Includes the property at Historic Blenheim; the district preserves Blenheim mansion and controls uses and structures built on the property.
- **JOHN C. WOOD HOUSE HISTORIC DISTRICT:** Includes the former residence of John C. Wood, the first Mayor of the City of Fairfax; the district prohibits certain uses and structures on the property.

**OLD TOWN FAIRFAX TRANSITION OVERLAY DISTRICT:** Established to encourage a compatible mixture of residential, retail and office uses in areas close to the Old Town Fairfax Historic District. New development must complement the scale, siting and design of the Historic District.

**ARCHITECTURAL CONTROL OVERLAY DISTRICT:** Includes all land in the city which is located outside of an historic district and zoned and used for anything other than a single-family detached residence. This district seeks to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the city, to make the city more attractive for the development of business and industry, and to protect land values.

**RESOURCE PROTECTION AREA (RPA):** Includes land within 100 feet of water bodies that have perennial flow, as well as other natural features such as wetlands and intermittent streams. The RPA seeks to protect these waters from significant degradation due to land disturbances.

**RESOURCE MANAGEMENT AREA (RMA):** Includes all land in the City that is not part of an RPA. Land disturbances in the RMA can have cause water quality degradation and diminish the functionality of RPA lands. Together, the RMA and RPA form the Chesapeake Bay Preservation Area, which encompasses all of the City.

**100-YEAR FLOODPLAIN:** Includes land subject to inundation by the “100-year flood” as on FEMA flood maps (a flood that has a 1% chance of occurring each year).

Application No. 2-18-00114

CITY OF FAIRFAX  
PLANNED DEVELOPMENT APPLICATION

RECEIVED

FEB 16 2018

I/We Capstone Collegiate Communities, LLC by Lynne J. Strobel, Attorney-in-Fact/Agent **Community Dev & Planning**  
(Name of applicant) (Authorized agent's name and relationship to applicant)

corporation ~~general partnership / limited partnership / sole proprietorship/individual~~ (circle one) which is the

property owner / contract purchaser ~~lessee~~ (circle one)

of Lots 57-2 ((20)) 6A, Block \_\_\_\_\_, Section \_\_\_\_\_ of the

Courthouse Plaza Subdivision containing Approx. 268,123 (Sq. Ft.) on the premises known as 10366 through 10398 Democracy Lane requests that the property currently zoned CR be

rezoned to PD-R and Old Town\*. This property is recorded in the land records of Fairfax County in the name of Courthouse Plaza One, LLC in Deed Book 8930, Page 1586.

(Name and address of subject property)

\*Fairfax Transition Overlay District

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3.C Application Requirements, which states:

1. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter.
2. The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the city or other parties to show that the standards or criteria have not been met.
3. Each application is unique and, therefore, more or less information may be required according to the needs of the particular case. Information needs tend to vary substantially from application to application and to change over time as result of code amendments and review procedure changes. Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted."

Lynne J. Strobel  
(Signature of applicant or authorized agent)

Attorney-in-Fact/Agent  
(Title or relationship)

Address Walsh Colucci Lubeley & Walsh, PC 2200 Clarendon Blvd. Suite 1300, Arlington, VA 22201 Phone (703) 528-4700

Email lstrobel@thelandlawyers.com

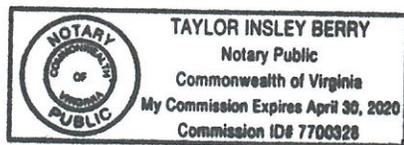
STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 30 day of April, 2020, do hereby certify that this day personally appeared before me in the State aforesaid Lynne J. Strobel Attorney-in-Fact/Agent  
(Name) (Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the 16 day of February, 2018, and acknowledged the same before me.

GIVEN under my hand and seal this 16 day of February, 2018.

Taylor Insley Berry # 7700328  
Notary Public Registration #



EQUITABLE OWNERSHIP DISCLOSURE STATEMENT

I. GENERAL DISCLOSURE REQUIREMENTS

In accordance with § 6.2.3.B of the Zoning Ordinance, any application for a change in zoning shall include as part of the application a statement on a form provided by the zoning administrator providing complete disclosure of the legal and equitable ownership in any real estate to be affected by the requested change in zoning.

In the case of corporate ownership of real estate, the disclosure shall include the names of stockholders, officers and directors and in any case the names and addresses of all the real parties in interest; provided, however, that the requirement of listing the names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. Such disclosure shall be sworn to under oath before a notary public or other official before whom oaths may be taken.

II. IDENTIFICATION OF REAL PROPERTY AFFECTED

<u>Map Number</u>	<u>Parcel Number</u>	<u>Street Address</u>	<u>Current Owner of Record</u>
57-2 ((20)) 6A	10366 through 10398	Democracy Lane	Couthouse Plaza One, L.L.C.

III. DESCRIPTION OF CHANGE IN ZONING REQUESTED

Completely describe the action being requested, attach narrative if desired.  
Proposed rezoning from CR to the PD-R and Old Town Fairfax Transitional Overlay Districts, with a concurrent Comprehensive Plan amendment, to allow the development of 268 multifamily dwelling units.

IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

The following individuals have legal and equitable ownership in the real estate to be affected by the requested change in zoning. (Include name, address and telephone number)  
Courthouse Plaza One, L.L.C. 7811 Montrose Road, #200, Potomac, MD 20854 (703) 389-2156

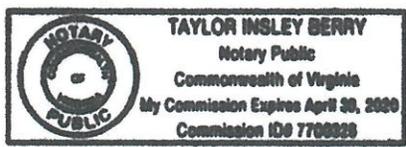
THE DISCLOSURE MADE ON THIS FORM IS IN ACCORDANCE WITH § 110-5 (D) OF THE CODE OF THE CITY OF FAIRFAX MUST BE SWORN UNDER OATH BEFORE A NOTARY PUBLIC OR OTHER OFFICER BEFORE WHOM OATHS MAY BE TAKEN. ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURE NOTARIZED. ATTACH A SEPARATE SHEET IF NECESSARY.

I hereby swear to the best of my knowledge that the information provided in this statement is true and complete.

[Signature]  
Robert D. Brant, Attorney-in-Fact/Agent  
Signature

Subscribed and sworn before me this 16 day of February, 2018.  
My commission expires: April 30, 2020

[Signature] # 7700328  
Notary Public Registration #



**AFFIDAVIT  
CITY OF FAIRFAX**

I, Capstone Collegiate Communities, LLC, by Robert D. Brant, attorney-in-fact do hereby make oath or affirmation that  
(name of applicant or agent)

I am an applicant in Application Number \_\_\_\_\_ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

See Attachment A

Name	Address	Relationship
_____	_____	_____
_____	_____	_____

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

See Attachment B

Corporation Name: \_\_\_\_\_

Name	Address	Relationship
_____	_____	_____
_____	_____	_____

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

N/A

Partnership Name: \_\_\_\_\_

Name	Address	Relationship
_____	_____	_____
_____	_____	_____

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Capstone Collegiate Communities, LLC by Robert D. Brant

WITNESS the following signature:

*[Handwritten Signature]*

Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 6 day of February, 2018, in the State of Virginia, County of Arlington

My commission expires: 11/30/2019

*[Handwritten Signature]*

Notary Public/

Registration #

KIMBERLY K. FOLLIN  
Registration # 283945  
Notary Public  
COMMONWEALTH OF VIRGINIA

## ATTACHMENT A

Capstone Collegiate Communities, LLC 431 Office Park Drive Birmingham, AL 35223 Agents: Amanda L. Wallis Angela Rawie	Applicant/Contract Purchaser
Courthouse Plaza One, L.L.C. 7811 Montrose Road, #200 Potomac, MD 20854 Agent: Grace Gorlitz	Title Owner of Tax Map 57-2 ((20)) 6A
Christopher Consultants, Ltd. 9900 Main Street, Suite 400 Fairfax, Virginia 22031 Agents: Giovanni (John) B. Rinaldi William R. Zink	Engineer/Agent
Niles Bolton Associates, Inc. 300 N. Lee Street, Suite 502 Alexandria, Virginia 22314 Agent: Mohamed Mohsen	Architect/Agent
M.J. Wells & Associates, Inc. 1420 Spring Hill Road, Suite 610 Tysons, VA 22102 Agent: William F. Johnson	Transportation Consultant/Agent
ECS Mid-Atlantic, LLC 14026 Thunderbolt Place, Suite 100 Chantilly, Virginia 20151 Agent: John T. Odorisio	Geotechnical Consultant/Agent
Robert Charles Lesser & Co., LLC 7200 Wisconsin Avenue, Suite 1110 Bethesda, MD 20816 Agent: Leonard Bogorad	Economic Consultant/Agent
Iron Ox Real Estate, LLC 4084 University Drive Fairfax, VA 22030 Agent: Robert B. Rust	Broker/Agent
Walsh, Colucci, Lubeley & Walsh, P.C. 2200 Clarendon Boulevard, Suite 1300 Arlington, Virginia 22201 Agents: Martin D. Walsh M. Catharine Puskar Robert D. Brant Elizabeth D. Baker	Attorneys/Planners/Agent for Applicant Lynne J. Strobel Sara V. Mariska Nicholas V. Cumings Steven M. Mikulic

**ATTACHMENT B****Capstone Collegiate Communities, LLC**

Members: Robert L. Howland, Benjamin Walker, John E. Vawter

**Courthouse Plaza One, L.L.C.**

Members: Grace Gorlitz, Paula Gorlitz, Estate of Gail W. Gorlitz

**Christopher Consultants, Ltd.**

Shareholders: Louis Canonico (nmi), William R. Zink, William R. Goldsmith, Jr., Michael S. Kitchen, Jeffrey S. Smith, Ruth R. Fields, Kevin M. Washington, Brent E. Evans, Christopher C. Filmore, Giovanni (John) B. Rinaldi

**Niles Bolton Associates, Inc.**

Sole Member: G. Niles Bolton

**M. J. Wells & Associates, Inc.**

M. J. Wells & Associates, Inc. is an Employee Stock Ownership Plan (ESOP). All employees are eligible Plan participants; however, no one employee owns 10% or more of any class of stock.

**ECS Mid-Atlantic, LLC**

Engineering Consulting Services, Ltd., Managing Member

**Engineering Consulting Services, Ltd.**

Henry L. Lucas

Engineering Consulting Services Ltd. Employee Stock Ownership Plan. All employees are eligible plan participants in accordance with the plan documents and eligibility requirements and there are in excess of hundreds of members in this pension fund, none of whom own 10% or more of any class of stock except for Henry Lucas.

**Robert Charles Lesser & Co., LLC**

Members: Gadi Kaufmann, Charles Hewlett, Adam Ducker, Todd LaRue, Gregg Logan, Robert Gardner, Taylor Mammen

**Iron Ox Real Estate, LLC**

Managing Member: Robert B. Rust

**Walsh, Colucci, Lubeley & Walsh, P.C.**

Shareholders:

Wendy A. Alexander	Jay du Von	Sara V. Mariska	Kathleen H. Smith
David J. Bomgardner	William A. Fogarty	Charles E. McWilliams	Lynne J. Strobel
E. Andrew Burcher	John H. Foote	J. Randall Minchew	Garth M. Wainman
Thomas J. Colucci	H. Mark Goetzman	Andrew A. Painter	Nan E. Walsh
Michael J. Coughlin	Bryan H. Guidash	M. Catharine Puskar	
Peter M. Dolan, Jr.	Michael J. Kalish	John E. Rinaldi	
	Michael R. Kieffer		



RECEIVED

FEB 16 2018

Community Dev & Planning

City of Fairfax - Community Development and Planning  
10455 Armstrong Street #207A Fairfax, VA 22030  
Phone: 703-385-7820

Application #: SE-18-00115  
Receipt #: 2235

**LAND USE APPLICATION**

- NON REFUNDABLE FEE -

Special Use  Special Exception  Variance  Amendment  Renewal

**1. PROPERTY LOCATION INFORMATION**

Property Address 10366 through 10398 Democracy Lane Tax Map # 57-2 ((20)) 6A

Project Name Capstone Collegiate Communities Project Description See attached Statement of Justification.

The Applicant is requesting special exceptions to allow: (1) a modification of the maximum building height in the Old Town Fairfax Transition Overlay (TO) District; (2) a modification of the mandatory build-to line requirement in the TO District; and (3) a modification of the minimum tree canopy requirement in the Planned Development Residential District.

**2.  APPLICANT or  AUTHORIZED AGENT INFORMATION (check as appropriate)**

Applicant Name Capstone Collegiate Communities, LLC (circle one): Corporation / Gen Partnership / Ltd Partnership / Sole Proprietorship / Individual

Applicant Address Lynne J. Strobel, Attorney-In-Fact/Agent Walsh Colucci Lubeley & Walsh, PC 2200 Clarendon Blvd., Suite 1300, Arlington, VA 22201

Phone (o) (703) 528-4700 (c) \_\_\_\_\_ Email lstrobel@thelandlawyers.com

Applicant or Authorized Agent Signature Lynne J. Strobel By: Robert D. Brant

Relationship to project (circle one): Property owner / Contract purchaser / Lessee Agent

**3. APPLICANT CERTIFICATION STATEMENT** Section 110-6.2.3

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3 which states that an application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter; that the burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant; that each application is unique and, therefore, more or less information may be required according to the needs of the particular case; that staff has the flexibility to specify submission requirements for each application and to waive requirements as appropriate; and that the applicant shall rely on the review official as to whether more or less information should be submitted.

Applicant or Authorized Agent Signature (REQUIRED) Lynne J. Strobel Date 2/16/18

**4. ENGINEER, ARCHITECT, SURVEYOR or LANDSCAPE ARCHITECT (Same as Applicant )**

Licensed Professional's Name John Rinaldi, Christopher Consultants

Licensed Professional's Address 9900 Main Street, Fourth Floor, Fairfax, Virginia 22031

Phone (o) (703) 273-6820 (c) \_\_\_\_\_ Email johnrinaldi@ccl-eng.com

**\*\*\*OFFICE USE ONLY\*\*\***

Current status of business license and fees  
Treasurer: Capstone Collegiate does not exist in our system. One tenant BWR Investments

Commissioner of Revenue: Capstone Collegiate Communities must meet the filing requirements prior to beginning business.

Leah Kightley 2-22-18

rev. 01132017

is in arrears for Personal Property  
Rebecca McLaughlin 2-26-18

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Capstone Collegiate Communities, LLC by Robert D. Brant

WITNESS the following signature:

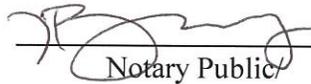


Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 10 day of February, 2018, in the State of Virginia, County of Arlington

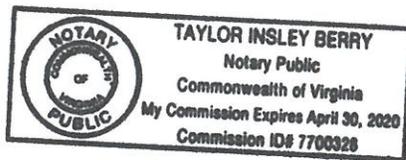
My commission expires: April 30, 2020



Notary Public

# 7700328

Registration #



RECEIVED

FEB 16 2018

SPECIAL LIMITED POWER OF ATTORNEY

Community Dev & Planning

Know All Men By These Presents:

Courthouse Plaza One, L.L.C. does hereby make, constitute and appoint Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, Robert D. Brant, Nicholas V. Cumings, Steven M. Mikulic and Elizabeth D. Baker, (Telephone 703-528-4700) of 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201, to act as the agents in connection with the filing and processing of zoning map amendments, comprehensive plan amendments, special exceptions, variances and special use permits, BAR applications, and any related applications, associated with the property identified as 054-2-20-006-A.

COURTHOUSE PLAZA ONE, L.L.C.

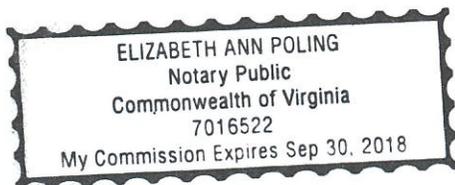
Grace K Gorlitz  
By: GRACE K GORLITZ  
Its: managing member

STATE OF VIRGINIA :  
COUNTY OF FAIRFAX : to-wit

The foregoing instrument was acknowledged before this 7th day of February, 2018 by Grace K. Gorlitz, Managing Member of Courthouse Plaza One, L.L.C.

Elizabeth Ann Poling  
Notary Public

My Commission Expires: Sep 30, 2018  
Registration #: 7016522



RECEIVED

FEB 16 2018

Community Dev & Planning

SPECIAL LIMITED POWER OF ATTORNEY

Know All Men By These Presents:

Capstone Collegiate Communities, LLC does hereby make, constitute and appoint Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, Robert D. Brant, Nicholas V. Cumings, Steven M. Mikulic and Elizabeth D. Baker, (Telephone 703-528-4700) of 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201, to act as the agents in connection with the filing and processing of zoning map amendments, comprehensive plan amendments, special exceptions, variances and special use permits, BAR applications, and any related applications, associated with the property identified as 054-2-20-006-A.

CAPSTONE COLLEGIATE COMMUNITIES, LLC

*[Handwritten signature of John E. Vawter]*

By: JOHN E. VAWTER  
Its: MEMBER

STATE OF Alabama :  
COUNTY OF Jefferson : to-wit

The foregoing instrument was acknowledged before this 19 day of February, 2018 by John Vawter, Member of Capstone Collegiate Communities, LLC.

*[Handwritten signature of Melanie Suzanne Robinson]*  
Notary Public

My Commission Expires: 07/25/2020  
Registration #: \_\_\_\_\_



## Fiscal Impact Estimate - Capstone Proposal SUMMARY

	Potential Redevelopment LOW	Potential Redevelopment HIGH
<b><u>RESIDENTIAL REVENUES</u></b>		
Real Estate Tax	\$975,000	\$1,076,000
BPOL (Rental Tax)	\$44,000	\$49,000
Personal Property Tax	\$19,000	\$23,000
Retail Sales Tax (1%)	\$12,000	\$14,000
Restaurant Tax (1% + 4%)	\$14,000	\$18,000
<b>TOTAL</b>	<b>\$1,064,000</b>	<b>\$1,180,000</b>
<b><u>RESIDENTIAL EXPENSES</u></b>		
Education	\$0	\$0
Police/Fire	\$228,000	\$279,000
Misc. Gov't	\$356,000	\$435,000
<b>TOTAL</b>	<b>\$584,000</b>	<b>\$714,000</b>
<b><u>COMMERCIAL REVENUES</u></b>		
Real Estate Tax	\$0	\$0
BPOL (Rental Tax)	\$0	\$0
Retail Sales Tax (1%)	\$0	\$0
Restaurant Tax (4%)	\$0	\$0
<i>(Less 1/8 resident spending)</i>		
Retail/Restaurant BPOL/BPP	\$0	\$0
Office BPOL/BPP	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
<b><u>COMMERCIAL EXPENSES</u></b>		
Police/Fire	\$0	\$0
Misc. Gov't	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
<b>BALANCE</b>	<b>\$350,000</b>	<b>\$596,000</b>

Fiscal Impact Estimate - Capstone Proposal Real Estate

**REAL ESTATE RELATED REVENUES (RESIDENTIAL)**

**Real Estate Tax**

Proposed Development	# of Units	Value/Unit LOW	Value/Unit HIGH	Total Value LOW	Total Value HIGH	Tax Rate	Tax Receipts LOW	Tax Receipts HIGH
Capstone Proposal	250	\$368,000	\$406,000	\$92,000,000	\$101,500,000	\$1.060	\$975,200	\$1,075,900
<b>TOTAL (rounded)</b>	<b>250</b>			<b>\$92,000,000</b>	<b>\$101,500,000</b>	<b>\$1.060</b>	<b>\$975,000</b>	<b>\$1,076,000</b>

**Business Privilege Tax (on Apartment Rental Income)**

Proposed Development	# of Units	Per Unit Mo. Rent LOW	Per Unit Mo. Rent HIGH	Total Ann. Rent LOW	Total Ann. Rent HIGH	Tax Rate	Tax Receipts LOW	Tax Receipts HIGH
Capstone Proposal	250	\$2,954	\$3,264	\$8,860,650	\$9,793,350	0.5%	\$44,303	\$48,967
<b>TOTAL (rounded)</b>	<b>250</b>			<b>\$8,860,650</b>	<b>\$9,793,350</b>	<b>0.5%</b>	<b>\$44,000</b>	<b>\$49,000</b>

Fiscal Impact Estimate - Capstone Proposal Personal Property and Retail Tax Revenues

**VEHICLE & RETAIL/RESTAURANT EXPENDITURE REVENUES (RESIDENTIAL)**

**Vehicle Property Tax & License Fee**

Development	Per Capita	New Units	Revenue
Capstone Proposal	\$84	250	\$21,000
<b>TOTAL (rounded)</b>		250	<b>\$21,000</b>

*\$84 per unit estimated by City of Fairfax Commissioner of the Revenue.*

**Retail/Restaurant Taxes**

Development	Est. of Avg. Household Income	% income on Retail	Per Cap Retail Expenditures	% spent in City	\$ spent in City	Total Retail Expenditures	Tax Rate	Tax Receipts
Capstone Proposal	\$75,000	20%	\$15,000	35%	\$5,250	\$1,312,500	1%	\$13,000
<b>TOTAL (rounded)</b>						<b>\$1,312,500</b>		<b>\$13,000</b>

Development	CDP Est. of Avg. HH Income	% income on Restaurants	Per Cap Rest. Expenditures	% spent in City	\$ spent in City	Total Retail Expenditures	Tax Rate	Tax Receipts
Capstone Proposal	\$75,000	5%	\$3,750	35%	\$1,313	\$328,125	5%	\$16,000
<b>TOTAL (rounded)</b>						<b>\$328,125</b>		<b>\$16,000</b>

## Fiscal Impact Estimate - Capstone Proposal Residential Development Expense Estimates

**ESTIMATED EXPENSES (RESIDENTIAL)****City Government Expenses**

City Cost Center	FY 18 Net Cost to City	% Applic. to Residential	FY 18 Residential Expenditures	Per Capita for 9,000 Units	For 250 Units
General Government	\$13,184,938	30%	\$3,955,481.40	\$439	\$109,874
Police	\$11,427,922	40%	\$4,571,169	\$508	\$126,977
Fire	\$11,376,481	40%	\$4,550,592	\$506	\$126,405
Public Works (n/incl refuse)	\$4,093,231	30%	\$1,227,969	\$136	\$34,110
Social Services	\$5,564,184	80%	\$4,451,347	\$495	\$123,649
Culture and Recreation	\$4,733,095	90%	\$4,259,786	\$473	\$118,327
Planning and Development	\$2,204,657	15%	\$330,699	\$37	\$9,186
Education	\$45,358,560	100%			\$0
<b>TOTAL</b>	<b>\$97,943,068</b>				<b>\$648,529</b>

*Education worksheet*

Unit Type	HU's	Yield Ratio	Students	Cost per	Cost
Apartment, all units	250	0.146	37		
Apartment, 2+ br. units ONLY	118	0.274	32		
Multifamily, all units FCPS	250	0.100	25		
<b>ESTIMATED # OF STUDENTS</b>			<b>0</b>	<b>\$14,838</b>	<b>\$0</b>



Agenda Item: 6  
BAR Meeting: 11/7/2018

## Board of Architectural Review

**DATE:** November 7, 2018  
**TO:** Board of Architectural Review Chair and Members  
**THROUGH:** Jason Sutphin, Community Development Division Chief  
**FROM:** Tommy Scibilia, BAR Liaison  
**SUBJECT:** **Capstone**

**ATTACHMENTS:** 1. Relevant regulations  
2. Meeting Minutes Excerpt, July 18, 2018  
3. Landscape Plans  
4. Renderings and Elevations

### **Nature of Request**

- 1. Case Number: BAR-18-00720
- 2. Address: 3807 University Drive, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 Democracy Lane
- 3. Request: Multifamily development
- 4. Applicant: Capstone Collegiate Communities, LLC
- 5. Applicant's Representative: Robert Brant
- 6. Status of Representative: Agent
- 7. Current Zoning: CR Commercial Retail
- 8. Proposed Zoning: PD-R Planned Development Residential, Old Town Fairfax Transition Overlay District

## **BACKGROUND**

The subject property is 6.15 acres located within the block bounded by University Drive, Layton Hall Drive, and Democracy Lane. The existing uses on the site include low-rise, one- and two- story office buildings and surface parking. There are two standalone buildings, and three sticks of office condominiums designed in a residential townhouse style. The surrounding uses include a medical office building to the north and Layton Hall garden apartments across Layton Hall Drive, additional townhouse-style office condominiums and Courthouse Plaza Shopping Center to the south, office uses

and surface parking along Democracy Lane to the east, and the Olde Fairfax Mews townhouses to the west across University Drive.

In a concurrent land use case, the applicant is requesting a Comprehensive Plan Future Land Use Map amendment as well as a Rezoning request from CR Commercial Retail to PD-R Planned Development Residential and the Old Town Fairfax Transition Overlay District (TOD). The applicant is requesting one Special Exception from the Zoning Ordinance standards of the TOD on which the BAR must make a recommendation to City Council in addition to the recommendation on the Major Certificate of Appropriateness. See more information on the Special Exception request in the Proposal and Analysis sections below.

The BAR held a work session with the applicant on July 18, 2018. Comments and questions by the BAR included:

- The landscaping looks good overall. The open space shown at the top of the retaining wall of the medical office building parking lot (north elevation) could be a good opportunity for tree plantings to help reduce the scale of this façade.
- The elevations visible from Layton Hall Drive need to employ more masonry into their design.
- The height of the building would not be an issue if properly screened. See example at 10201 Fairfax Boulevard, a five story office building at the top of a hill that is well screened with mature landscaping.
- Safety concern about the number of steps along University Drive for the anticipated young adult residents.
- The bridging of the two halves of the building with a plaza (central breezeway) is a good design element.
- A method of adding articulation could be introducing more brick colors to create a less repetitive material rhythm along University Drive.
- Look at Old Town Plaza, south on University from the site, as a design precedent. During the design review process, the building was broken up visually by creating two deep cuts in the building wall to make one large building appear to be three buildings.
- The City has generally in the past received negative feedback on large buildings in the City, however these projects can end up becoming very popular, e.g. Providence Square condominiums on Main Street, also located in the Transition Overlay District.
- This project would be a good precedent for redevelopment in this part of the City.
- Concern about privacy for first floor residents on the University Drive side of the building, with the inner sidewalk and seating areas proposed so close to the building face. Is the inner sidewalk necessary?

See Attachment 2 for an excerpt of the meeting minutes from the work session for more detail.

Since the work session, staff met internally with the applicant to review interim architectural submissions. Staff made a variety of recommendations to make the proposal more in line with the City of Fairfax Design Guidelines, and more appropriate for the TOD. Comments included:

- The elevation of the building along Layton Hall Drive at the top of the medical office building property retaining wall is very tall. Consider redistributing the units on the fifth floor to elsewhere in the development (see further explanation in the Proposal section of the report).
- Group together sections of building that have a residential style (imitate the appearance of townhouses, traditionally proportioned openings, materials such as lap siding, gable roofs, dormers) and those that have a commercial style (brick and panel, flat rooflines) rather than alternating them along a single façade (see further explanation in the Proposal section of the report).
- Eliminate or widen residential style sections of the building that are overly narrow and create an awkward proportion that is not reflective of an actual townhouse.
- Add articulation or ornamentation to the eastern legs of the building.
- Some metal canopies are suspended two stories above the pedestrian realm. Make sure canopies are not higher up than the first story.
- Do not use bright white for any of the building elements, as this color will readily show weathering and residue buildup.

The applicant further revised the design following this round of staff comments and submitted for final consideration by the BAR.

## **PROPOSAL**

The BAR will be reviewing the proposal for a recommendation to City Council on the Major Certificate of Appropriateness and the Special Exception discussed below. The Major Certificate of Appropriateness covers the portions of the site that would be visible from the right-of-way. Democracy Lane and the two proposed private streets are not public rights-of-way, although as part of the concurrent land use case, the applicant is proposing public access easements on these roads and associated sidewalks. Anything in the proposal that would be visible exclusively from these roads and not from University Drive or Layton Hall Drive should not be considered when reviewing the project for a recommendation to City Council.

The applicant and contract purchaser of the site, Capstone Collegiate Communities, LLC, proposes to replace the existing low-rise office buildings and all associated structures currently located on the 6.15-acre site with a four- and five-story multifamily building with up to 275 units, marketed primarily to college students for off-campus housing, but also available for rent by non-students. The development would include approximately 11,000 square feet of resident amenity space, and between 708 and 783 parking spaces, most of which would be located in a five-story parking structure, and the rest of which

would be on-street parking on the private streets and surface parking in an existing surface lot at the eastern edge of the site.

*Site and Special Exception:*

The building would have two main sections connected by a covered breezeway on the ground floor. The western portion, with frontage on University Drive and Democracy Lane, would be rectangular in form with residences surrounding the parking structure and an internal courtyard. The eastern portion, with frontage on Layton Hall Drive and Democracy Lane, would be shaped like an "E", with three legs that create two courtyard spaces. Access to the site would be located off of University Drive at Democracy Lane, and off of Layton Hall Drive from two proposed private streets, one that is an extension of the driveway into the medical office building parking lot that would provide access to the garage, and one new road proposed along the eastern edge of the property that would connect Layton Hall Drive to Democracy Lane. Democracy Lane would provide interparcel access to the neighboring properties. Sidewalks would run around the majority of the building perimeter. At the July 18 BAR work session, two parallel sidewalks were proposed along University Drive, one along the road and one closer to the building that contained stairs and seating areas. The sidewalk closer to the building has been eliminated from the design in response to privacy and safety concerns raised at the work session (see list above in Background). The main entrance to the building and the amenity space would be located at the corner of University Drive and Democracy Lane. Secondary entrances would be located throughout the building. A covered central breezeway at the bend in Democracy Lane would provide entrances and a covered outdoor space connecting the two halves of the building on the ground floor. It would also provide pedestrian access from Democracy to the private road from Layton Hall Drive that services the garage entrance.

Pursuant to §6.17.1.B.3 of the Zoning Ordinance, the applicant is requesting one Special Exception from the provisions of §3.7.3 for the Transition Overlay District (TOD), to exceed the maximum 48-foot height limit. The height exhibit included in Attachment 4 shows a breakdown of the building based on where fire walls are located, into Buildings A, B, C, D.1, D.2, and E. The maximum height from average grade for each portion of the building is indicated and also included in the elevations of Attachment 4. The maximum heights range from 47.7 feet to 64.0 feet, the tallest portion being at the entrance to the parking structure off of Layton Hall Drive, and the shortest being the exposed portion of the garage along Democracy Lane. The building would be primarily four stories facing toward University Drive (Buildings C and D.1) and would be 55.5 feet tall on the northern half and 50.7 feet on the southern half. The building would be five stories along the eastern portion of Layton Hall Drive and would be approximately 56 feet in height (Building A). The maximum building height for this portion of the building is 61.1 feet, but this maximum comes from a portion of the façade around the corner facing the eastern private drive. The building would be primarily four stories or 48 feet in height along the western portion of Layton Hall drive, most of which would be located at the top of the retaining wall of the neighboring medical office building. The maximum height for this portion of the building, 64 feet, is again derived from another part of the building over the breezeway. This entire elevation was originally proposed to be five stories, but staff recommended that the applicant redistribute the units

from the top level to a less conspicuous location in the project, which they did, settling on the eastern half of the first Democracy Lane elevation and wrapping the corner to the parking structure (Building D.2). See Attachment 1 for the provisions of the Zoning Ordinance dealing with building height and how it is measured. See the height exhibit and elevations of Attachment 4 to better understand the various height maximums for the different portions of the building.

*Architecture:*

As discussed, the building would be four and five stories, with the four story portions concentrated along University Drive and the western portion of the Layton Hall Drive. The façades are proposed to be broken up approximately every 20 to 40 feet using a combination of material changes, roofline variation, height differences, façade jogs, stoops, and foundation planting beds. The façade along University Drive contains two approximately 12-foot-deep recesses to visually break the building into three distinct pieces, so that when viewed at an angle, it appears as three buildings. See the renderings in Attachment 4. Other architectural features include projecting window bays, soldier coursing, decorative piers, Juliet balconies with black metal railings, metal canopies, and storefront windows at the amenity space and leasing office. The building has two distinct architectural styles, which staff has referred to as “residential” and “commercial”. The residential style imitates the appearance of townhouses, with traditionally proportioned openings, materials such as lap siding, side-facing gable roofs, and dormers. The commercial style includes brick and flat panel, and flat rooflines with 30- and 42-inch parapets and simple decorative cornices. These two styles are grouped together per staff’s recommendation to the applicant (see list above in Background) so that residential style portions of the building are grouped more centrally along the façades, with the commercial style sections on the ends.

Materials include red brick and white washed brick, fiber cement panel in “Worldly Gray” (beige) and “Cityscape” (gray), beige and gray fiber cement lap siding, black architectural shingles for the residential style roofs, and white metal suspended canopies above entrances to the building. Brick is the primary material for the first floor of the building. Some building sections are entirely brick on all levels, and others are brick up through the first few floors with fiber cement elements on the upper levels.

*Landscaping:*

Alternating category II and IV deciduous trees are proposed along the inside of the sidewalk along University Drive, between the road and the sidewalk on Democracy Lane, and along one side of the private streets connecting Layton Hall Drive to Democracy Lane and to the parking structure. Category IV trees are proposed in the right-of-way on Layton Hall Drive to continue the regularly spaced pattern of street trees along this street. Category II, III, and IV deciduous trees are proposed within the two courtyards of the eastern portion of the building. A combination of deciduous trees and evergreen shrubs are proposed to be clustered beside Democracy Lane against the building around the corner from the amenity space to screen the proposed transformer in this area, as well as at the building’s northwest corner. A hedge of evergreen shrubs is proposed along the property edge shared with the medical office building property to the north. Foundation plantings are shown along the base of the Layton Hall Drive elevations. Raised brick planters tied into the building façade would be located at the

bases of the building, most of which would be used to provide visual relief and contribute to the pedestrian scale along University Drive. Tree species include red maple, ginkgo, white oak, willow oak, American linden, American elm, river birch, honeylocust, black gum, paperbark maple, American hornbeam, eastern redbud, flowering dogwood, Sweetbay magnolia, eastern hophornbeam, flowering cherry, and crabapple. In the illustrative concept sketches of the open spaces (Attachment 3, sheets 5-7), various shrubs and ground plantings are shown in the courtyards and in the planters along the bases of the building, however this level of detail has not yet been applied to the overall technical landscape plan (sheets 16-17). Shrub species are not directly called out in the landscape plan, but the conceptual landscape notes sheet (sheet 18) lists a variety of species for deciduous and evergreen shrubs including pepperbush, dogwoods, hollies, laurels, and junipers.

*Hardscape:*

The perimeter sidewalks would be scored concrete. The sidewalks along University Drive and Layton Hall Drive would be located within the right-of-way and are not within BAR purview. Red brick pavers are proposed in certain locations, such as at the corner plaza outside the resident amenity space at the corner of University Drive and Democracy Lane, in two small gathering spaces in front of the building along University Drive, and within the central breezeway. See examples of the proposed pavers in Attachment 3, sheet 8.

*Lighting:*

The City standard acorn light would be used along University Drive, Layton Hall Drive, Democracy Lane, and the two private drives from Layton Hall drive. The lights proposed along University Drive and Layton Hall Drive would be located within the right-of-way and are not within BAR purview. A decorative black gooseneck pole fixture is proposed in the two eastern courtyards, although these spaces would not be within view of the right-of-way and should not be discussed in detail for this review. Decorative black cylindrical wall sconces are proposed at areas of pedestrian interest, including the various entrances to the building, along the entirety of the University Drive façade, and within the central breezeway. Landscape accent well and up-lights in a black finish would be located in the open spaces including the two eastern courtyards and central courtyard (not visible from the right-of-way), and the central breezeway. These would be directed upward toward tree canopies. See details on the proposed fixtures and a plans showing where these fixtures are proposed in Attachment 3 sheets 11-15. Note that the exhibit on sheet 11 does not show the extent of wall sconces on the University Drive façade.

*Amenities:*

Benches and trash receptacles, both of which would have a matching black finish (Attachment 3, sheet 9) would be located on inset areas of the perimeter sidewalks and at the various gathering spaces including the two seating areas along University Drive and the amenity area at the corner of University Drive and Democracy Lane. Other amenities include the central breezeway which would have at-grade and raised planters, built in seating around support piers, and a large wall-mounted lighted sculpture, the final design of which has not been selected and which would not be visible from the public right-of-

way. The north and south courtyards would have a variety of furniture and features for residents, but would not be visible from the right-of-way as evidenced in the rendering in the Layton Hall Drive rendering in Attachment 4, and so they are not within BAR purview. Bike parking would be located inside the garage and the amenity areas and would therefore also not be visible from the right-of-way.

*Appurtenances:*

The applicant has included the location of two transformers on the landscape plans, located in the landscaped area around the corner from the amenity space on Democracy Lane which would not be visible from the public right-of-way. HVAC units would be roof-mounted toward the inside of the building closest to the parking structure and would not be visible from the right-of-way, due to their placement, the height of the building, and the gable roofs and flat roof parapets. Trash collection would take place within the parking structure.

*Signage:*

Signage is shown illustratively on the elevations as a ground-mounted monument sign at the corner of University Drive and Democracy Lane, which is integrated into the retaining walls and planting bed walls at this location. Specifics on the signage material and mounting method have not been provided at this time.

## ANALYSIS

***City of Fairfax Design Guidelines:***

The land use request would place this development into the Old Town Fairfax Transition Overlay District (TOD), and so the following excerpts from the Design Guidelines pertaining to the TOD are relevant to this application.

*Transition Overlay District Overview, TOD-1*

*Transition Overlay District Goals, TOD-1.1*

- 1. Build on the existing character of the neighboring HOD without copying it when designing new buildings in the TOD.*
- 2. Maintain and strengthen the TOD street "wall" at properties adjacent to the HOD, and strengthen the street edge with buildings and landscape throughout the district.*
- 3. Respect the boundary between the commercial areas and surrounding neighborhoods.*
- 4. Undertake changes that will improve pedestrian routes between the TOD and surrounding neighborhoods.*

*5. Continue the emphasis on attractive and well maintained landscaping within the TOD.*

*6. Respect the existing physical street patterns and lot orientation of the HOD when redeveloping sections of the TOD.*

Staff believes that the proposal is generally in conformance with these goals for the TOD. The building is much larger than what is found in the Old Town Fairfax Historic Overlay District (HOD), however the proposal's scale is comparable to Old Town Plaza south of the subject property on University and immediately outside of the HOD boundary. Its built form is focused on engaging the street and pedestrian realm while the articulation in the building design helps to visually reduce the scale, and while the materials relate to both a contemporary aesthetic and a more traditional aesthetic that is respectful of the nearby HOD. Staff believes the landscaping along Layton Hall Drive could be enhanced to strengthen the street edge in this location (see discussion below in the landscape section).

#### *New Construction, TOD-3*

##### *Building Types, TOD-3.3*

*5. Residential: Depending on the zoning designation of the site or of an application for rezoning, there is an opportunity to construct townhouses or mixed-use apartment or condominium buildings on some sites in the TOD. These designs should take their cues from similar townhouse forms or from other more recent, larger mixed-use buildings that are located closer to the street and have scale-reducing techniques employed in their design to reduce the appearance of their larger size.*

The proposal, although larger in scale than the townhouses across University Drive, incorporates scale-reducing techniques and architectural features that relate to the proportion, form, and materiality of the Olde Fairfax Mews.

##### *Building Siting, Form, Size & Footprint, Height & Width, and Scale, TOD-3.4-3.7*

*Consider using outdoor seating, plazas, and open space to create small setback variations.*

*Draw design cues from forms found in the neighboring HOD.*

*Institutional and multi-lot buildings by their nature will have large footprints. Therefore, the massing of these large-scale structures should be reduced so they will not overpower the traditional scale of the neighboring HOD. Techniques could include varying the surface planes of the building, stepping back the building as the structure increases in height, and breaking up the roofline with different elements to create smaller compositions.*

*The maximum height of new buildings in the TOD can allow for a height of four stories. In some instances, four stories may be inappropriately tall.*

*Many commercial buildings in the neighboring downtown area average 30 feet in width. If new buildings are wider than this size, their primary facades should be divided into bays to reflect the predominant width of the existing buildings. Buildings that front on two or more sides should use this bay division technique on all appropriate facades. These bays also should have varied planes within the overall façade.*

*Reinforce the human scale of new design in the TOD by including different materials or colors, or elements such as entrance and window trim, cornices, string and belt courses to separate floor levels, pilaster-like elements to separate bays, and other decorative features.*

The proposal incorporates a variety of plazas, setbacks, material and color variation, and decorative architectural features that reduce the scale of the building. The height of the building is taller than what is typical for the TOD and what the Zoning Ordinance allows by-right, but there are other precedents in the TOD which are taller. Old Town Plaza commercial development just south of the subject property was approved for a maximum height of 48 feet when previously the Zoning Ordinance allowed for 43 feet in the TOD. The most visible portions of the Capstone proposal along University Drive and Layton Hall Drive would be limited to four stories, which staff finds to be consistent with the intent of the four story 48-foot height maximum for the TOD in the Zoning Ordinance.

#### *Roof Form & Materials, TOD-3.8*

*Neighborhood transitional buildings should use roof forms that relate to the nearby residential forms instead of the flat or sloping commercial form.*

*Multi-lot buildings or large-scaled buildings should have a varied roof line to break up the mass of the design using gable and/or hipped forms or different height of sloped bays.*

*For new construction in the TOD use traditional roofing materials such as metal or slate, artificial slate, or architectural shingles that may resemble slate.*

*If using composition asphalt shingles, do not use light colors. Consider using darker textured type shingles that resemble slate or wood shingles.*

*If roof-mounted mechanical or other equipment is used, it should be screened from public view on all sides. The design of the screen or mechanical penthouse should relate to the overall building form and design; avoid a roof box appearance. The screening material should be consistent with the textures, materials, and colors of the building. Another method is to place the equipment in a*

*nonvisible location behind a parapet wall or to setback the equipment enough from the edge of the roof so that it cannot be seen from public-right-of-way below.*

Staff believes that the proposal uses an appropriate combination of traditional residential roof forms and commercial style flat rooflines, both of which have many precedents in the TOD and relate to roof forms in the HOD, to add variation and help break up the building visually. Staff believes that the roof material and color are consistent with these guidelines, as is the placement of roof-mounted appurtenances.

*Window Types & Patterns, and Entry Features, TOD-3.9-3.10*

*The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should be somewhat compatible with more traditionally designed facades. Most existing buildings in Fairfax's HOD have a higher proportion of wall area than void area except at storefront level. New buildings in the TOD may have a larger proportion of window voids than examples in the HOD.*

*Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the TOD as opposed to designing openings that are flush with the rest of the wall.*

*Many entrances of Fairfax's historic buildings have special features such as transoms, sidelights, and articulated elements framing the openings. Consideration should be given to incorporating similar elements in new buildings in the TOD.*

*Darkly tinted glass is not an appropriate material for windows in new buildings within the TOD.*

*When designing new storefronts in the TOD, continue with the concept of display windows, but the design may have more glass and a wider range of materials than the traditional storefronts of the HOD.*

*Many of Fairfax's historic houses have some type of porch or portico. There is much variety in the size, location, and type; and this variety relates to the different residential architectural styles. Since this feature is such a prominent part of the residential areas of the HOD, strong consideration should be given to including a porch in the design of any new residence in the TOD.*

The proposal contains windows with more traditional proportions for the majority of the building, while the southwest corner of the building where the leasing office and amenity space is proposed has larger fenestration and a more contemporary transparent ground floor that intentionally draws attention to this active corner of the project. The project has a several simple stoops at building entrances as well as the more intricate plaza, breezeway, and courtyards that act as more formal entrances.

*Building Foundations, TOD-3.11*

*Consider distinguishing the foundation from the rest of the structure by using different materials, patterns, or textures.*

*Brick or stone veneer may be used over a block or concrete foundation if the applied veneer appears as a masonry foundation.*

The building uses brick veneer for all of the building foundations and for the raised planters that are tied into the building façades as well.

*Materials, Textures & Colors, TOD-3.11*

*The selection of materials and textures for a new building in the TOD should be compatible with, and complement, the neighboring historic buildings. Brick, stone, and wood siding or cementitious siding are the most appropriate materials for new buildings. Most new brick buildings currently use a brick facing over a frame instead of a solid brick wall.*

*Large scale multi-lot buildings whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings may vary materials, shades, and textures.*

*While synthetic sidings are not historic cladding or trim materials, their use in new construction is becoming more common and is appropriate in the TOD. Cementitious siding and composite elements for trim may, depending on the style selected, have a similar appearance to authentic wood trim and siding, and may be appropriate for the TOD. Avoid the use of aluminum and vinyl siding in the TOD.*

*The selection and placement of colors for a new building in the TOD should reflect traditional shades and placement locations. Brighter colors are more appropriate as accents on signs and awnings. Placement of color is another important factor in defining a building's appearance.*

Staff believes that the proposed materials are consistent with these guidelines.

*Architectural Details & Decorative Features, TOD-3.12*

*Cornices are a common element on most of Fairfax's historic buildings from past eras. Their inclusion in some form in new construction will help relate the new design to existing structures. In commercial buildings, there may be some sort of cornice above the storefront as well.*

*Other details may highlight window and entrance surrounds, or divide building levels with different textured or colored masonry, to name just several of many possibilities. These and other decorative elements also may help to create a human scale to the exterior design.*

The proposal includes simple cornices at the commercial style flat rooflines and has elements such as soldier coursing, sills and lintels, decorative piers, window bays, Juliet balconies, and material variation that add quality to the design of the building and help it relate aesthetically to the architecture of the HOD.

*Building-Mounted Lighting, TOD-3.13*

*Lighting for new structures in the TOD should be designed to be an integral part of the overall design by relating to the style, material, and/or color of the building.*

*Fixtures should utilize an incandescent, LED, fluorescent, metal halide, or color corrected high-pressure sodium lighting sources.*

*Fixtures should be the full cutoff variety to limit the impact of lighting on neighboring properties and on the night sky.*

*A combination of free-standing and wall-mounted fixtures is recommended to yield varied levels of lighting and to meet the intent of the zoning regulations.*

*Building-mounted accent lighting should be shielded and directed toward the building.*

Staff finds the proposal to be generally consistent with these guidelines, however staff believes that wall sconces should be incorporated into the Layton Hall elevation of the western portion of the building. The absence of lighting here could create an unsafe condition, and the building could benefit from accent lighting along this façade. Staff believes that the sconces would not produce inappropriate light spill onto the medical office property. Staff also recommends that all light fixtures should have LED light sources and emit light with a soft white color temperature.

*Signs, TOD-5*

*Number & Size, TOD-5.4*

*The number of signs used should be limited to encourage compatibility with the building and to discourage visual clutter.*

*Design & Execution, TOD-5.4*

*Signs should be designed by a graphic or environmental designer or a sign company, and be executed by sign professionals. All signs should be compatible with and relate to the design elements of the building including proportions, scale, materials, color, and details. No single lettering style is preferred and changes to text is not subject to architectural review.*

*Shape, TOD-5.4*

*Shape of signs for commercial buildings can conform to the area where the sign is to be located.*

*Materials, TOD-5.4*

*Use traditional sign materials such as wood, glass, gold leaf, raised individual metal, or painted wood letters on wood, metal, or glass. More recent changes have created lettering and signs made of composite, acrylic and vinyl materials that may be appropriate as well. Wall signs should not be painted directly on the surface of the wall. Window signs should be painted or have flat decal letters and should not be three-dimensional.*

*Color, TOD-5.5*

*Use colors that complement the materials and color scheme of the building, including accent and trim colors. A limit of three colors is recommended for signs, although more colors may be appropriate in exceptional and tastefully executed designs.*

*Illumination, TOD-5.5*

*Signs can be indirectly lit with a shielded light source directed toward the building or internally illuminated. Internally illuminated signs should not be overly bright. Halo lighting is a type of lighting where a hidden light source behind the individual letters creates a lit glow around the letters; and this application should have a dimming capability. Halo lighting may be considered on a case-by-case basis by planning staff and the BAR in the TOD.*

Staff believes that the conceptual sign design on the elevations and renderings of Attachment 4 appears to be generally consistent with these guidelines, however the applicant does not have a final proposal in for review. At the time of permanent sign review, the applicant would be required to receive a Minor Certificate of Appropriateness for the sign as well, bearing in mind the above provisions of the Design Guidelines for signs in the TOD.

*Painting, TOD-6*

*Color & Placement, TOD-6.2*

*For most buildings, the numbers of colors should be limited to three: a wall or field color, a trim color, and an accent color for doors, sign backgrounds, and any shutters.*

*Treat similar building elements to achieve a unified, rather than overly busy and disjointed, appearance.*

*Paint unpainted aluminum-frame storm windows and doors to match surrounding trim.*

*Avoid bright and obtrusive colors.*

The proposal uses a neutral palette of natural red brick, grays, beiges, and off-whites which staff finds appropriate and in conformance with these guidelines.

#### *Awnings, TOD-7*

##### *Materials, Color, and Canopies & Marquees, TOD-7.2-7.3*

*Some contemporary designs executed in metal or a combination of metal, glass or fabrics can be successfully used on newer buildings.*

*Coordinate colors with the overall building color scheme.*

*Canopies and marquees may be appropriate on non-historic or new commercial buildings depending on their use. They should fit within the overall architectural design and not obscure important elements such as transoms or decorative glass.*

Staff believes that the proposed canopies are consistent with these guidelines

#### *Private Site Design & Elements, TOD-8*

##### *Parking and Paving, TOD-8.2*

*Hide or screen parking from view of the public right-of-way or public site by locating it within the building mass.*

*Off-street parking lots should be designed, located, and buffered in order to minimize their negative visual impacts on surrounding areas.*

*Above grade elements of parking garage or lot such as fences, walls, gates, lighting, signage, bollards, and chains should not detract from the architectural character of the surrounding buildings.*

*Use paving materials that are respectful of surrounding traditional building and paving materials, patterns and unit size.*

Staff believes that the parking structure, which is surrounded on all sides with residential uses and not visible from the right-of-way, is consistent with these guidelines. Staff believes that the use of scored concrete is acceptable in the TOD in combination with the use of brick pavers in areas of pedestrian interest, which are consistent with the paving materials found in the HOD and parts of the TOD.

*Landscaping and Fences & Walls, TOD-8.3-8.4*

*Use landscape edges such as a row of street trees or, where trees cannot be installed due to utility or other restrictions, use a shrub layer or herbaceous planting to create a unifying edge or seam between adjacent developments and their face on the public right-of-way.*

*Enhance the site's appearance by incorporating a layered landscape with a variety of plant materials. Consider color, texture, height, and mass of plant selections in a planting composition.*

*Create well-defined outdoor spaces, delineate pathways and entries, and create a sense of continuity from one site to another.*

*Use plant materials to soften large buildings, hard edges, and paved surfaces.*

*Screening/buffering should be used to create attractive views from streets and to minimize noise and visual impacts.*

*Fences, walls, and gates should be appropriate in materials, design, and scale to the period and character of adjacent structures.*

*Masonry, wood, and metal are traditional building materials for fences and walls.*

Staff believes that the landscaping proposed is generally consistent with these guidelines. The perimeter of the site and its pedestrian paths are well defined by street trees, while shrubs and raised planters are used at the foundation of the building throughout the site. The raised planters are proposed to be brick to match the façade materials, which is an appropriate treatment. Staff recommends that the applicant prepare a full detailed landscape plan that includes shrubs and groundcover prior to a City Council hearing, bearing in mind the above provisions of the Design Guidelines for signs in the TOD. Staff also believes that there is a good opportunity to create a more layered landscape arrangement along Layton Hall Drive, and recommends that where practicable, understory trees and additional shrubs and groundcover be planted between

the property line and the depicted foundation plantings. There is an easement located in this area and so certain plantings may not be advised.

*Lighting, TOD-8.4*

*Select light posts and fixtures that are sympathetic to the design and materials of the building and its neighbors.*

*As a way to enhance design coherency on a private site in the TOD, ensure that new exterior lighting elements- posts, fixtures, landscape, and other accent lights- share at least one common element, color, material, form, or style, creating a coherent suite or assemblage of exterior lighting elements.*

*Use exterior lighting to enliven and accentuate landscape and outdoor site features such as handrails, steps, and bollards.*

*When possible, consider the use of LED lights for outdoor lighting of all types. Choose LED lighting with the lowest emission of blue light possible. Shield all lighting to minimize glare and its effect on wildlife. Dim when possible; or shut-off completely when not needed.*

*Lighting should illuminate parking lots and pathways to provide safe vehicular and pedestrian circulation and to minimize pedestrian /vehicular conflicts. Incorporate lighting in pavement, railings, and steps to illuminate the pedestrian way and walking surfaces.*

Staff finds the proposal to be generally consistent with these guidelines, however staff believes that wall sconces should be incorporated into the Layton Hall elevation of the western portion of the building. The absence of lighting here could create an unsafe condition, and the building could benefit from accent lighting along this façade. Staff believes that the sconces would not produce inappropriate light spill onto the medical office property. Staff also recommends that all light fixtures should have LED light sources and emit light with a soft white color temperature.

*Furnishings, TOD-8.5*

*Site furnishings should be made of metal, wood, or concrete. Plastic or other synthetic materials are not acceptable.*

*All furnishings within a single private site or project area should form a coherent suite or family of furnishings with a consistent color, material, style, or form.*

*Benches and trashcans should be located where useful along pedestrian pathways and at building entries, gathering areas, and plazas.*

*Bike racks should be placed near building entries and included in parking lots, garages, and structures.*

*The use of café seating and movable furnishings is highly encouraged in gathering spaces and plazas.*

*Arbors and planters should be made from natural wood, metal, fiberglass, or concrete; and should be of a consistent vocabulary in color, material, and form to complement a suite of furnishings such as benches, tables and chairs, and trashcans.*

Staff believes that the proposed furnishings for the site are consistent with these guidelines.

*Appurtenances, TOD-8.6*

*Examples of architectural interventions that are appropriate for screening appurtenances include masonry walls, fences with gates, landscape, or wood screens.*

The roof-mounted appurtenances would be screened from view due to their height, setback and roofline/parapet screening, and although the transformers would be located on a portion of the site not visible from the right-of-way, the proposed landscaping here would screen them sufficiently from view on Democracy Lane.

*Gathering Spaces, TOD-8.7*

*Incorporate a variety of small public spaces, ranging in size from 100 to 2,000 square feet in size, to provide opportunities for informal interactions and public outdoor access.*

*At a minimum, a gathering space should accommodate six seated individuals and allow for a variety of seating options such as benches, seat walls, tables/chairs, or directly on lawn areas. Other amenities in these spaces may include outdoor dining, game tables, public art, or water features.*

*Orient buildings to form gathering spaces rather than isolating them in forgotten, unattractive portions of the site. Use trees, walls, topography, and other site features to define gathering spaces and to lend a human scale to the area. Shade is an important component and could be provided by a shade structure, trees, or overhang from an adjacent building.*

Staff believes that the gathering spaces proposed are generally consistent with these guidelines. Consideration should be given to installation of public art in these various areas (see further discussion below).

*Private Roads, TOD-8.8*

*Provide for a pedestrian scaled and shaded environment by planting street trees on both sides of private streets.*

*Use materials that are stable, attractive, and reflect the adjacent building vocabulary and streetscape materials.*

*Use sturdy benches, trashcans, and pedestrian amenities with materials, styles, and quality that is traditional in style.*

*Site furnishings provide the opportunity to 'brand' a development through the use of color, materials, and style of furnishings. All furnishings within a single project or site should be of a suite, with a consistent vocabulary in color, material, and form between various elements such as trash cans, benches, tables, chairs, bollards, etc. Site furnishings materials should be of natural wood, metal, or concrete. Plastic or other synthetic materials are not acceptable.*

Staff believes that the design of the private streets, which include Democracy Lane and the two private drives off of Layton Hall Drive, are consistent with these guidelines, bearing in mind that only half of Democracy Lane is located on the subject property and subject to review. Street trees are proposed along all pedestrian walkways on these streets, the asphalt material proposed is consistent with the existing street materials of University Drive and Layton Hall Drive, and the proposed site furniture is of high quality materials and a unique design that contributes to the branding of the development.

*Public Art, TOD-8.9*

*Public art installations should not damage or obscure important architectural features of a building.*

*Wall murals to be painted directly on unpainted brick or other masonry walls will be reviewed on a case-by-case basis.*

The applicant should consider the installation of public art to enhance the development and its pedestrian interest. Public art could be installed in areas visible from the right-of-way, including the seating areas along the University Drive and the plaza outside of the leasing office and amenity space at the corner of University Drive and Democracy Lane. If visible from a public place, these installations would need a Minor Certificate of Appropriateness for size and placement, and review by the Commission on the Arts for content. Due to the various wall planes, abundance of windows, and the presence of architectural features such as Juliet balconies and window bays, staff does not believe a mural would enhance the development.

***Comprehensive Plan:***

The following excerpts from the 2012 Comprehensive Plan are relevant to this application.

*Community Appearance strategy CA-1.4: Reduce the visual dominance of the automobile by emphasizing pedestrian accessibility and significant landscaping.*

The proposal contains many pedestrian amenities and has contained the majority of its parking in a structured garage that is completely hidden from view in the public right-of-way. The sidewalk network makes the site walkable and the various entrances are enhanced by gathering areas and stoops with furniture and decorative lighting that help make the spaces on all sides of the building welcoming. Staff believes that the conceptual landscaping proposed would create an attractive pedestrian realm, however there is room for improvement along Layton Hall Drive (see discussion above in the landscape section).

*Community Appearance objective CA-3: Encourage exemplary site and building design, construction, and maintenance (105).*

Staff finds the proposed architecture to be of high quality, using stable and attractive materials and decorative features that enhance the look of the building. Staff believes the standard of design used in this proposal will serve as a strong precedent for future development in the TOD and citywide.

## **RECOMMENDATIONS**

***Major Certificate of Appropriateness:***

Staff finds the design proposal to be in conformance with the relevant provisions of the Design Guidelines and the Comprehensive Plan, and therefore recommends that the BAR recommend to City Council approval of the Major Certificate of Appropriateness with the following conditions:

1. Prior to City Council hearing, the landscape plan shall be completed to include shrubs and groundcover throughout the site, and consistent with the provisions of the City of Fairfax Design Guidelines for landscaping in the TOD.
2. Understory trees and additional shrubs and groundcover shall be planted between the property line along Layton Hall Drive and the depicted foundation plantings where practicable.
3. Additional wall sconces shall be installed across the northern elevation of the western portion of the building.
4. All light fixtures shall have an LED lighting source and emit light with a soft white color temperature.
5. All exterior vents, pipes, downspouts, and similar features shall be painted to match the surrounding wall surface.

6. Consideration should be given to installation of public art in the seating areas along the University Drive and the plaza outside of the leasing office and amenity space at the corner of University Drive and Democracy Lane, to be reviewed by staff for a Minor Certificate of Appropriateness for size and placement, and by the Commission on the Arts for content.
7. The applicant shall secure a Minor Certificate of Appropriateness for signage on the subject property visible from the public right-of-way which is consistent with the provisions of the City of Fairfax Design Guidelines for signs in the TOD.
8. The proposed construction, materials, and landscaping shall be in general conformance with the review materials received by staff and modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, the Building Official, or Zoning as necessary.

***Special Exception:***

Staff finds the request of the applicant, pursuant to City Code Section 110-6.17.1.B.3, for a Special Exception from the provisions of City Code Section 110-3.7.3.C.2 to exceed the maximum allowable height of 48 feet in the Old Town Fairfax Transition Overlay District to be appropriate, and recommends that the BAR recommend to City Council approval of the request.

## RELEVANT REGULATIONS

- Attachment 1-

### §1.5.11. Height

#### A. Buildings and structures

##### 1. Measurement

Height is the vertical distance from grade plane, as defined in §9.3.1, to the highest point of the roof line of a flat roof, to the deck line of mansard roof, and to the mean height level (midpoint) between eaves and highest ridge point for gable, hip or gambrel roof; as specified in the Virginia Uniform Statewide Building Code (USBC).

##### 2. Exceptions

(c) Parapet walls may extend above the maximum height specified in the respective district by up to five feet.

### §3.7.3. Old Town Fairfax Transition Overlay District

#### A. Applicability

1. No structure or improvement in the Old Town Fairfax Transition Overlay District, including signs and significant landscape features associated with such structure or improvement, located on land within the district shall be erected, reconstructed, substantially altered or restored until the plans for architectural features, and landscaping have been approved in accordance with the provisions of this article and §6.5.

2. The provisions of §3.7.3 shall not apply to regular maintenance of a structure, improvement or site; however, changes to the exterior color of a structure, or substantial portion thereof, shall be deemed an alteration and not regular maintenance. Further, the provisions of this district shall not apply to single-family detached residences after such residences have been initially erected.

#### C. Dimensional standards

##### 2. Height, maximum: 48 feet

Decorative architectural elements not used for human habitation, such as towers and spires, may extend an additional eight feet above the maximum height specified above.

### §3.8.2. General provisions (Planned Development Districts)

#### F. Design guidelines and dimensional standards

1. Each planned development shall provide a comprehensive set of design guidelines that demonstrate the project will be consistent with the comprehensive plan. All dimensional standards shall be established by the city council at the time of approval.

2. Each applicant will be required to propose a master development plan to include design guidelines and all changes relative to the applicable, current general district. The city council can modify that plan in the review process; only city council can approve a planned development rezoning.

§5.4.5. Powers and duties

B. Final decisions

The board of architectural review shall be responsible for final decisions regarding the following:

1. Certificates of appropriateness, major (§6.5)

§6.5.1. Applicability

Certificates of appropriateness shall be reviewed in accordance with the provisions of §6.5.

A. A certificate of appropriateness shall be required:

1. To any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in a historic overlay district (§3.7.2), the Old Town Fairfax Transition Overlay District (§3.7.3), or in the Architectural Control Overlay District (§3.7.4). For purposes of §6.5, “material change in appearance” shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition or relocation that affects the appearance of a building, structure or site;
2. To install, relocate or modify any sign not expressly exempt in a historic overlay district or in the Old Town Fairfax Transition Overlay District.

§6.5.3. Certificate of appropriateness types

A. Major certificates of appropriateness

1. Approval authority

(a) General

Except as specified in §6.5.3.B.2(b), below, the board of architectural review shall have authority to approve major certificates of appropriateness.

(b) Alternative (in conjunction with other reviews)

Alternatively, and in conjunction with special use reviews, planned development reviews, special exceptions or map amendments (rezoning), the city council may approve major certificates of appropriateness.

§6.5.6. Action by decision-making body

A. General (involving other review by city council)

After receiving the director’s report on proposed certificates of appropriateness, which do not involve other reviews described below, the board of architectural review (BAR) shall review the proposed certificates of appropriateness in accordance with the approval criteria of §6.5.7. The BAR may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the BAR may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

B. Other reviews

1. Prior to taking action on special use reviews, planned development reviews, and map amendments (rezoning), the city council shall refer proposed certificates of appropriateness to the BAR for review in accordance with the approval criteria of §6.5.7.
2. In conjunction with special use reviews, planned development reviews, special exceptions and map amendments (rezoning), the city council may review the proposed certificate of appropriateness in accordance with the approval criteria of §6.5.7. The city council may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the city council may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

§6.5.7. Approval criteria

A. General

1. Certificate of appropriateness applications shall be reviewed for consistency with the applicable provisions of this chapter, any adopted design guidelines, and the community appearance plan.
2. Approved certificates of appropriateness shall exhibit a combination of architectural elements including design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line and height conform to accepted architectural principles and exhibit external characteristics of demonstrated architectural and aesthetic durability.

§6.5.9. Action following approval

- A. Approval of any certificate of appropriateness shall be evidenced by issuance of a certificate of appropriateness, including any conditions, signed by the director or the chairman of the board of architectural review. The director shall keep a record of decisions rendered.
- B. The applicant shall be issued the original of the certificate, and a copy shall be maintained on file in the director's office.

§6.5.10. Period of validity

A certificate of appropriateness shall become null and void if no significant improvement or alteration is made in accordance with the approved application within 18 months from the date of approval. On written request from an applicant, the director may grant a single extension for a period of up to six months if, based upon submissions from the applicant, the director finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

§6.5.11. Time lapse between similar applications

- A. The director will not accept, hear or consider substantially the same application for a proposed certificate of appropriateness within a period of 12 months from the date a similar application was denied, except as provided in §6.5.11.B, below.

B. Upon disapproval of an application, the director and/or board of architectural review may make recommendations pertaining to design, texture, material, color, line, mass, dimensions or lighting. The director and/or board of architectural review may again consider a disapproved application if within 90 days of the decision to disapprove the applicant has amended his application in substantial accordance with such recommendations.

§6.5.12. Transfer of certificates of appropriateness

Approved certificates of appropriateness, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

§6.5.13. Appeals

A. Appeals to city council

Final decisions on certificates of appropriateness made may be appealed to city council within 30 days of the decision in accordance with §6.22.

B. Appeals to court

Final decisions of the city council on certificates of appropriateness may be appealed within 30 days of the decision in accordance with §6.23.

§6.17.1. Applicability

B. Special exceptions may be approved modifying:

3. All standards applicable to overlay districts (§3.7);

§6.17.5. Action by zoning administrator (Special Exceptions)

B. Applications on historic district and the transition overlay district properties will be submitted to the board of architectural review for recommendation prior to action by the decision-making body.

§9.3.1. General terms

**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

**ROOF LINE:** The top edge of the roof, which forms the top line of the building silhouette, which includes the parapet, but not including equipment structures.



**Project:** Capstone  
**Address:** 3807 University Drive, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, and 10398 Democracy Lane  
**Case Number:** BAR-18-00746  
**Applicant:** Capstone Collegiate Communities, LLC

### MAJOR CERTIFICATE OF APPROPRIATENESS

Pursuant to Chapter 110 of the Code of the City of Fairfax, the proposed multifamily housing development is approved as of November 7, 2018, with the following conditions:

1. Prior to City Council hearing, the landscape plan shall be completed to include shrubs and groundcover throughout the site, and consistent with the provisions of the City of Fairfax Design Guidelines for landscaping in the TOD.
2. Understory trees and additional shrubs and groundcover shall be planted between the property line along Layton Hall Drive and the depicted foundation plantings where practicable.
3. Additional wall sconces shall be installed across the northern elevation of the western portion of the building.
4. All light fixtures shall have an LED lighting source and emit light with a soft white color temperature.
5. All exterior vents, pipes, downspouts, and similar features shall be painted to match the surrounding wall surface.
6. Consideration should be given to installation of public art in the seating areas along the University Drive and the plaza outside of the leasing office and amenity space at the corner of University Drive and Democracy Lane, to be reviewed by staff for a Minor Certificate of Appropriateness for size and placement, and by the Commission on the Arts for content.
7. The applicant shall secure a Minor Certificate of Appropriateness for signage on the subject property visible from the public right-of-way which is consistent with the provisions of the City of Fairfax Design Guidelines for signs in the TOD.
8. The exposed corridor wall at the garage of Building C, which is set back from University Drive, shall be clad in brick.
9. Metal elements, i.e. railings and balconies, shall be black.
10. The proposed construction, materials, and landscaping shall be in general conformance with the review materials received by staff and modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, the Building Official, or Zoning as necessary.

Please note:

- A. The applicant shall not deviate from the approved design. Any subsequent changes to the proposed design, including changes to architectural details, color, materials and signage, must receive approval from the BAR or City staff prior to construction. Any deviation without City approval shall be subject to the penalties provided by the Code of the City of Fairfax.

- B. The applicant is responsible for incorporating this approved design with its conditions into the plans submitted to the City of Fairfax and for ***obtaining all required permits prior to construction or installation.***
- C. This Certificate shall become null and void if no significant improvement or alteration is made in accordance with the approved application within eighteen (18) months from the date of approval.

\_\_\_\_\_

Mayor

\_\_\_\_\_

Date

\_\_\_\_\_

Director of Community Development and Planning

\_\_\_\_\_

Date



**City of Fairfax**

**COPY**

10455 Armstrong Street  
Fairfax, Virginia 22030-3630

November 9, 2018

Re: Public Hearing/Z-18-00114/3807 University Drive/10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 Democracy Lane

Dear Property Owner:

Current City real estate records indicate that you are the owner of land near or adjacent to the property which is the subject of the above-referenced application. Pursuant to City Code Section 110-6.2.5.B.2, **you are hereby notified the Planning Commission of the City of Fairfax, Virginia will hold a public hearing on Monday, November 19, 2018 at 7:00 p.m. in City Hall Annex, Room 100, 10455 Armstrong Street, to consider the following:**

**Z-18-00114**

Request from Capstone Collegiate Communities, LLC., applicant, by Robert D. Brant, Attorney-in-fact, for consideration of a Zoning Map Amendment (Rezoning) from CR – Commercial Retail and Architectural Control Overlay District to PD-R – Planned Development Residential and Old Town Fairfax Transitional Overlay District, pursuant to City Code Section 110-6.4, and City Code Section 110-6.6, and a Comprehensive Plan Amendment from Business-Commercial to Residential-High to allow development of multi-family housing on the premises known as 3807 University Drive, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 Democracy Lane and more particularly described as Tax Map Parcel 57-2-20-006A.

All interested parties are invited to attend the public hearing and express their views. Staff reports will be available five (5) days prior to the meeting date in the Office of Community Development & Planning, Annex Room 207, City Hall, 10455 Armstrong Street, and on the City of Fairfax webpage at [www.fairfaxva.gov](http://www.fairfaxva.gov). The City will make reasonable accommodations for the disabled upon request received at least five days prior to the meeting; please call 703-385-7930, (TTY 711) for assistance.

Sincerely,

Supriya Chewle  
Planner II



## City of Fairfax

10455 Armstrong Street  
Fairfax, Virginia 22030-3630

November 9, 2018

VIA EMAIL TO: [dpzmail@fairfaxcounty.gov](mailto:dpzmail@fairfaxcounty.gov)

Marianne Gardner  
Planning Division  
Fairfax County Dept. of Planning and Zoning  
12055 Government Center Pkwy, Suite 730  
Fairfax, Virginia 22035

Re: Public Hearing/Z-18-00114/3807 University Drive/10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 Democracy Lane

Pursuant to Section 15.2-2204 (amended) of the Code of Virginia, enclosed is the legal notification for the above-referenced application. For additional information, please call the Department of Community Development and Planning at 703-385-7820.

Sincerely,

A handwritten signature in blue ink, appearing to read "Supriya Chewle", with a long horizontal flourish extending to the right.

Supriya Chewle  
Planner II

Enclosure

NOTICE OF PUBLIC HEARING  
CITY OF FAIRFAX, VIRGINIA

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**Z-18-00114**

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Tina Gillian, Clerk

November 2, 2018  
November 9, 2018

**Gillian, Tina**

---

**From:** Gillian, Tina  
**Sent:** Friday, November 09, 2018 8:43 AM  
**To:** 'dpzmail@fairfaxcounty.gov'  
**Subject:** Public Hearing Notice/Z-18-00114/3807 University Drive & 10366,68,70,72,74,78,80,82,86,88,90,92,94,96,98 Democracy Lane  
**Attachments:** PC\_3807 University Dr\_Multi Democracy Ln.pdf

Please find attached the legal notification for the application referenced above.

Thank you,



**Tina Gillian**  
*Administrative Assistant IV*  
*Executive Director, Fairfax Renaissance Housing Corporation*  
Community Development and Planning

**City of Fairfax**  
10455 Armstrong Street • Fairfax, VA 22030-3630

703.385.2494 O

**TTY:711**

[www.fairfaxva.gov](http://www.fairfaxva.gov)



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You are hereby advised that, pursuant to the Virginia Freedom of Information Act, written correspondence (including, but not limited to, letters, e-mails and faxes) from and to the City of Fairfax and its officials and employees, and others acting on its behalf, may be subject to disclosure as being a public record. This includes the e-mail address(es) and other contact and identifying information for parties involved in the correspondence.

**Gillian, Tina**

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**From:** DPZ Mail for PD <DPZMail@fairfaxcounty.gov>  
**Sent:** Friday, November 09, 2018 8:43 AM  
**To:** Gillian, Tina  
**Subject:** Automated Acknowledgement

Thank you for contacting the Department of Planning and Zoning. This email is an automatic confirmation that your request has been received.

We strive to answer all emails within 24 hours. Responses may take longer due to holidays and weekends. If you need more immediate assistance, please check our contact list at <http://www.fairfaxcounty.gov/dpz/contactdpz.htm> for phone numbers by subject matter.

If you do not find what you are looking for on the Planning and Zoning contact page, you may want to try the Department of Public Works and Environmental Services contact page at [http://www.fairfaxcounty.gov/dpwes/navbar/contact\\_us.htm](http://www.fairfaxcounty.gov/dpwes/navbar/contact_us.htm).

Department of Planning and Zoning  
County of Fairfax

*Sent via certified mail unless otherwise denoted*

ATTACHMENT - 9A

Courthouse Plaza One LLC  
c/o Willco  
7811 Montrose Rd. Suite 200  
Potomac, MD 20854

Donald Mensch (TRS)  
Margaret Mensch (TRS)  
3892 University Drive  
Fairfax, VA 22030

MARIANNE GARDNER  
PLANNING DIVISION  
FAIRFAX CO. DEPT. OF PLANNING AND ZONING  
12055 GOVERNMENT CENTER PKWY, SUITE 730  
FAIRFAX VIRGINIA 22035 **VIA EMAIL**

Doctors Investment Group LLC II  
3801 University Drive  
Fairfax, VA 22030-2503

Mark Kotila  
Catherine Kotila  
3894 University Drive  
Fairfax, VA 22030

MR. GARY PERRYMAN  
11008 WESTMORE DRIVE  
FAIRFAX, VA 22030 **VIA EMAIL**

Seventeenth-Carr Layton Hall LP  
3020 Hamaker Ct. #301  
Fairfax, VA 22031

Michael Welch  
3896 University Drive  
Fairfax, VA 22030

Nick Caine **VIA EMAIL**  
Director of Market Research  
McWilliams/Ballard  
1029 North Royal Street, Suite 301  
Alexandria, VA 22314

Jingren Du  
Tien Ngoc Luc  
10401 Layton Hall Drive  
Fairfax, VA 22030

LR & MM Enterprises LLC  
3441 Preservation Drive  
Fairfax, VA 22031

W&J Enterprises LLC  
13673 Union Village Circle  
Clifton, VA 20124

Old (Olde) Fairfax Mews  
Community Council Inc.  
P.O. Box 9  
Fairfax, VA 22038

Combined Courthouse LLC  
c/o Combined Properties Inc.  
1025 Thomas Jefferson St. NW STE 700 E  
Washington, DC 20007

Joseph Walker  
12022 Lisa Marie Court  
Fairfax, VA 22033-4645

Jeff Waye  
3846 University Drive  
Fairfax, VA 22030

10340 Democracy Lane LLC  
c/o R.L. Travelers & Associates  
P.O. Box 686  
Springfield, VA 22150

The Business Investment Group LLC  
4069 Chain Bridge Road – Top FL  
Fairfax, VA 22030

Gloria Delrahim  
3884 University Drive  
Fairfax, VA 22030

10395 Democracy Lane LLC  
4007 Stonewall Ave  
Fairfax, VA 22032

Paramount Investments LLC  
P.O. Box 862  
Fairfax, VA 22038

Mary Dube  
Nicholas Dube  
3886 University Drive  
Fairfax, VA 22030

Kyung Koo  
Benjamin Koo  
9203 Burnetta Drive  
Annandale, VA 22003

Fogarty Office Group  
3801 Forest Grove Drive  
Fairfax, VA 22003

Ryan Keith  
Anna Smolak  
3888 University Drive  
Fairfax, VA 22030

Keith Hunter  
Miriam Hunter  
10389 Democracy Lane  
Fairfax, VA 22030

Jagtiani Rei Ltd Partn.  
13673 Union Village Circle  
Clifton, VA 20124-2359

Nancy Vander Voort (TRS)  
Vander Voort Family TR  
3890 University Drive  
Fairfax, VA 22030

Metropolitan Comm Church of No VA  
10383 Democracy Lane  
Fairfax, VA 22030

Michael Phu  
Stephanie Phu  
8912 Peoria Court  
Springfield, VA 22153-1650

RC-GP  
5429 Backlick Road  
Springfield, VA 22151

Richard Bolger  
Susan Bolger  
10347 Democracy Lane  
Fairfax, VA 22030

Farrcroft Homeowners Association  
Mr. Todd Hardiman  
10082 Daniels Run Way  
Fairfax, VA 22030

Jobs Discovery Inc.  
10343 Democracy Lane #A  
Fairfax, VA 22030

3900 University Association LC  
3975 University Drive #320  
Fairfax, VA 22030

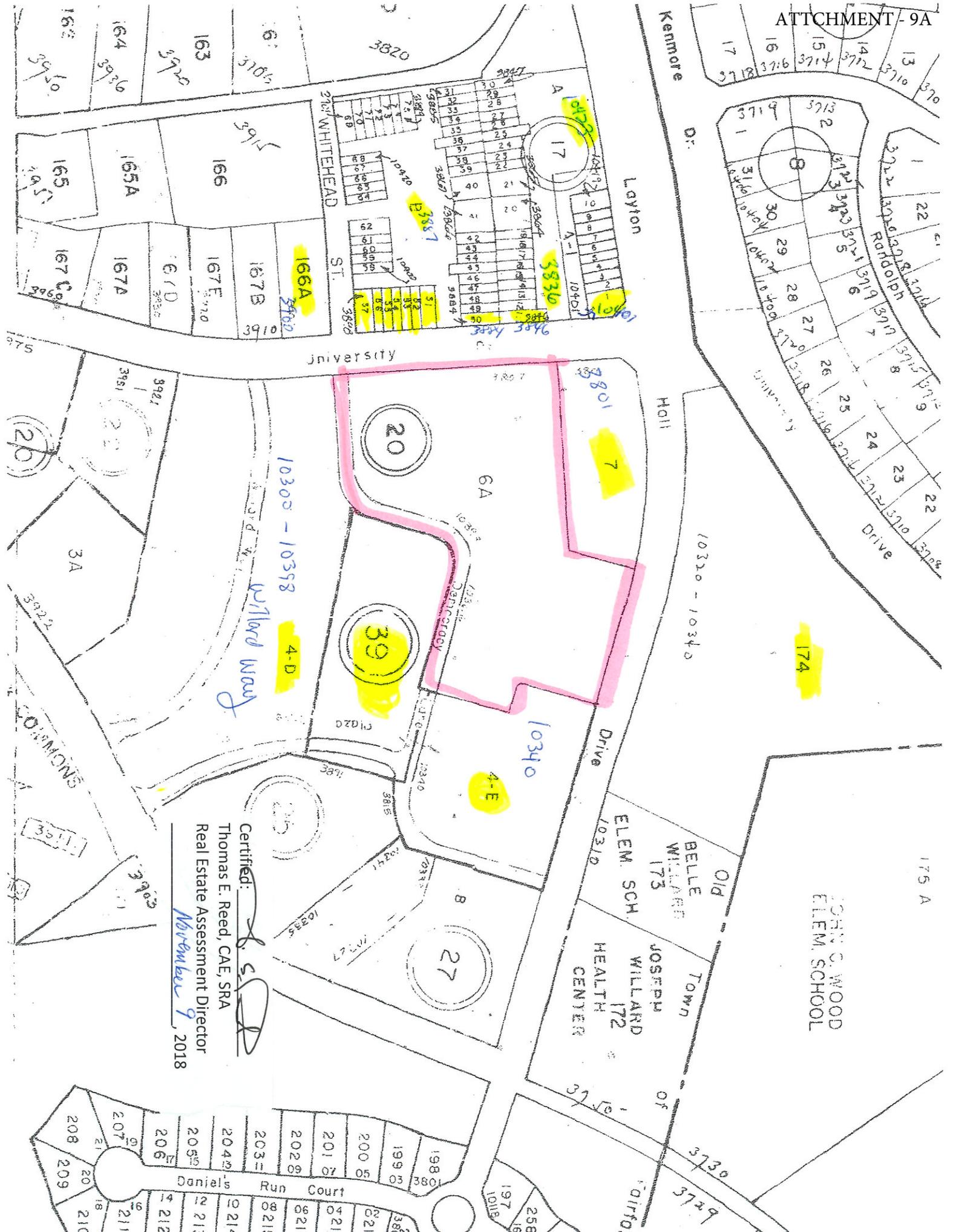
Providence Square Condominium  
Ms. Amanda Hatton, Prop. Mgr.  
Providence Square Condo Office  
10328 Sager Avenue  
Fairfax, VA 22030

Jobs Discovery Inc.  
10345 Democracy Lane  
Fairfax, VA 22030

Madison Mews Homeowners Assoc.  
Ms. Vicki Balint  
3915 Chain Bridge Road  
Fairfax, VA 22030

Olde Fairfax Mews Community Council Inc.  
Dr. Sandra Chase  
10418 Whitehead Street  
Fairfax, VA 22030

Windy Hill Owners Association  
Mr. Mark Machen  
3571 Sharpes Meadow Lane  
Fairfax, VA 22030



Certified: *[Signature]*  
 Thomas E. Reed, CAE, SRA  
 Real Estate Assessment Director  
 November 9, 2018

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**Gillian, Tina**

---

**From:** Gillian, Tina  
**Sent:** Friday, November 09, 2018 9:09 AM  
**To:** 'ncaine@mcwilliamsballard.com'; Perryman, Gary; Balint, Vivki; Hardiman, Tood; Property Manager Providence Square Condominium; Chase, Sandra; Machen, Mark  
**Subject:** Public Hearing/Z-18-00114/3807 University Drive & 10366,68,70,72,74,78,80,82,86,88,90,92,94,96,98 Democracy Lane  
**Attachments:** PC\_3807 University Dr\_Multi Democracy Lane.pdf

Please find attached a copy of the notification of a public hearing to be held on November 19, 2018 for the application referenced above.

Thank you,



**Tina Gillian**  
*Administrative Assistant IV*  
*Executive Director, Fairfax Renaissance Housing Corporation*  
Community Development and Planning

**City of Fairfax**  
10455 Armstrong Street • Fairfax, VA 22030-3630

703.385.2494 ○

**TTY:711**

[www.fairfaxva.gov](http://www.fairfaxva.gov)



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**El-Hage, Alexis**

---

**From:** El-Hage, Alexis  
**Sent:** Wednesday, February 21, 2018 2:05 PM  
**To:** Marianne Gardner (dpzmail@fairfaxcounty.gov); Nick Caine (ncaine@mcwilliamsballard.com); Perryman, Gary; Machen, Mark; Chase, Sandra; ~~Krebs, Fred~~; Property Manager Providence Square Condominium; Hardiman, Tood  
**Cc:** #\_City Clerk; Chewle, Supriya  
**Subject:** New Land Use Case  
**Attachments:** Capstone - Statement of Justification & Location Map.pdf

RE: Capstone (3807 University Dr)

To whom it may concern,

A new land use case application has been submitted. Please find attached the statement of justification with location map.

Please contact Supriya Chewle with any questions.

Thanks



**Alexis El-Hage**  
Zoning Technician  
Community Development and Planning

**City of Fairfax**  
10455 Armstrong Street • Fairfax, VA 22030-3630

703.293.7129 O

TTY:711

[www.fairfaxva.gov](http://www.fairfaxva.gov)



*Fred Krebs is now  
Vicki Balint for  
Madison News Homeowners  
Assoc.*

https://www.fairfaxva.gov/residents/civic-associations

Civic Associations | City of F...

File Edit View Favorites Tools Help

McAfee

**Lyndhurst Condominium Association** [See website](#)  
Mr. Gurdeep Sohi  
13406 Point Pleasant Drive  
Chantilly, VA 20151  
703-503-9666  
[gurdeepss@gmail.com](mailto:gurdeepss@gmail.com)

**Madison Mews Homeowners Association**  
Ms. Vicki Balint  
3915 Chain Bridge Road  
Fairfax, VA 22030  
602-320-8060  
[vickibalint@mac.com](mailto:vickibalint@mac.com)

**Main Street Green Condominium Association** [See website](#)  
Mr. Jimmy Melendez, Property Manager  
10570 Main Street  
Fairfax, VA 22030  
(703) 591-6520  
[manager@mainstreetcondo.org](mailto:manager@mainstreetcondo.org)

**Maple Trace Homeowners Association**  
Mr. Kevin Weir  
P.O. Box 3266  
Fairfax, VA 22038  
[kevinweir@aol.com](mailto:kevinweir@aol.com)

**Mason Oaks Homeowner Association**  
Dr. Matt Rice  
4272 Mason Oaks Court

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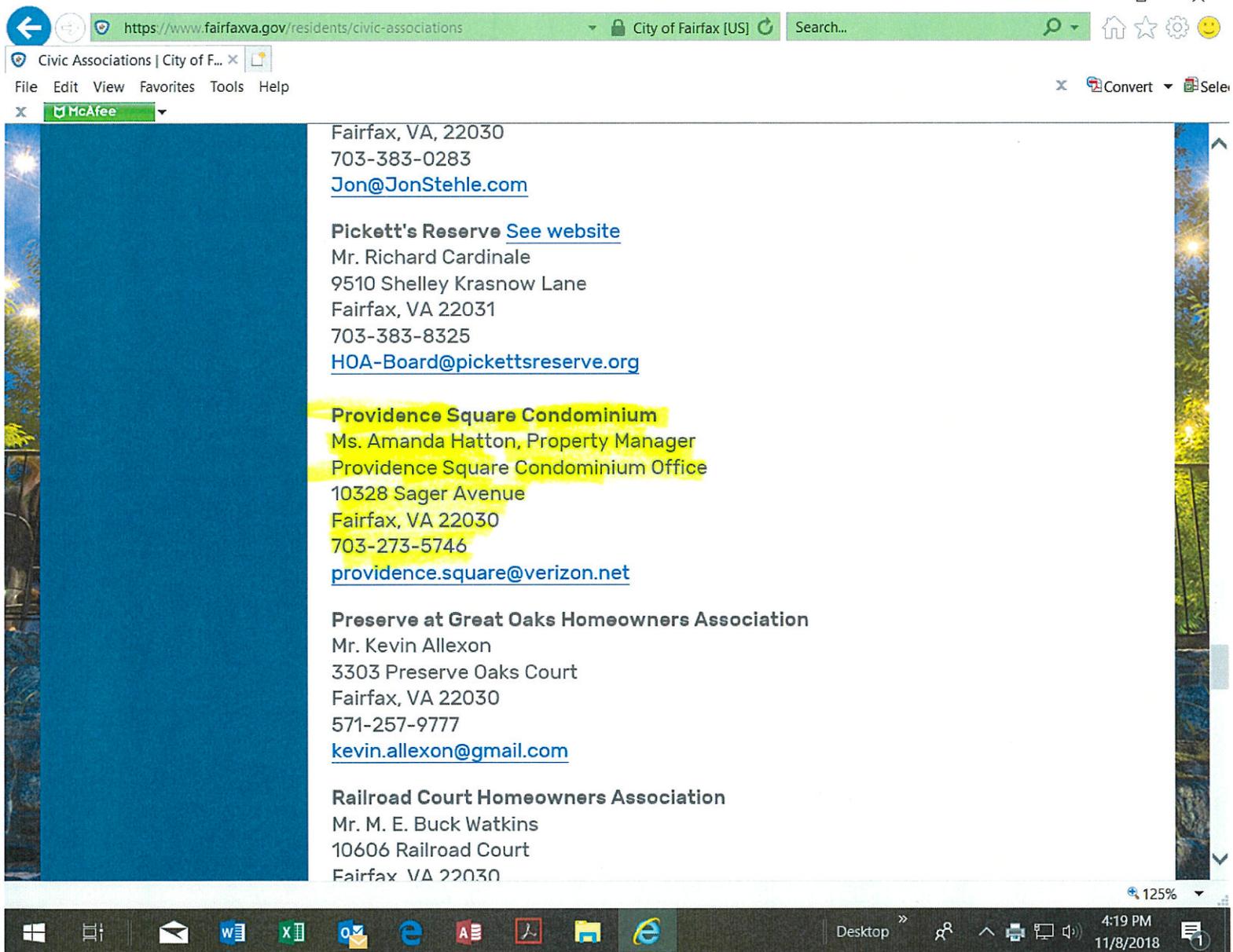
703-352-1341  
[vwood4@verizon.net](mailto:vwood4@verizon.net)

**Fairview Citizens Association**  
Mr. Giuseppe Carabelli  
3724 Tedrich Boulevard  
Fairfax, VA 22031  
571-224-2730  
[italy2world@gmail.com](mailto:italy2world@gmail.com)

**Farrcroft Homeowners' Association** [See website](#)  
Mr. Todd Hardiman  
10082 Daniels Run Way  
Fairfax, VA 22030  
703-591-4666  
[thfarrcroft@cox.net](mailto:thfarrcroft@cox.net)

**Foxcroft Colony Condominium** [See website](#)  
Mr. Bruce Long  
9483-A Fairfax Boulevard  
Fairfax, VA 22031  
703-691-4060  
[foxcroftcolony@verizon.net](mailto:foxcroftcolony@verizon.net)

**Great Oaks Homeowners Association** [See website](#)  
Mr. Iain Williamson  
9935 Great Oaks Way  
Fairfax, VA 22030  
703-362-2926  
[iainldwilliamson@hotmail.com](mailto:iainldwilliamson@hotmail.com)



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Civic Associations | City of F...

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Fairfax, VA, 22030  
703-383-0283  
[Jon@JonStehle.com](mailto:Jon@JonStehle.com)

**Pickett's Reserve** [See website](#)  
Mr. Richard Cardinale  
9510 Shelley Krasnow Lane  
Fairfax, VA 22031  
703-383-8325  
[HOA-Board@pickettsreserve.org](mailto:HOA-Board@pickettsreserve.org)

**Providence Square Condominium**  
Ms. Amanda Hatton, Property Manager  
Providence Square Condominium Office  
10328 Sager Avenue  
Fairfax, VA 22030  
703-273-5746  
[providence.square@verizon.net](mailto:providence.square@verizon.net)

**Preserve at Great Oaks Homeowners Association**  
Mr. Kevin Allexon  
3303 Preserve Oaks Court  
Fairfax, VA 22030  
571-257-9777  
[kevin.allexon@gmail.com](mailto:kevin.allexon@gmail.com)

**Railroad Court Homeowners Association**  
Mr. M. E. Buck Watkins  
10606 Railroad Court  
Fairfax VA 22030

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703-789-0509  
[mosbywoodscommunityassociation@gmail.com](mailto:mosbywoodscommunityassociation@gmail.com)

**Mosby Woods Condominium Association**  
Mr. R. Jerome Brown  
10173 Mosby Woods Drive  
Fairfax, VA 22030  
571-251-9179  
[brwnjer@yahoo.com](mailto:brwnjer@yahoo.com)

**Old Lee Hills Civic Association**  
Mr. Jim Gillespie  
3604 Colony Road  
Fairfax, VA 22030  
703-352-4857  
[jamesmgillespie@verizon.net](mailto:jamesmgillespie@verizon.net)

**Olde Fairfax Mews Community Council, Inc.**  
Dr. Sandra M. Chase  
10418 Whitehead Street  
Fairfax, VA 22030  
703-273-5250  
[smchase1@verizon.net](mailto:smchase1@verizon.net)

**Oxford Row Civic Association**  
Mr. Jon Stehle  
11110 Snughaven Lane  
Fairfax, VA, 22030  
703-383-0283  
[Jon@JonStehle.com](mailto:Jon@JonStehle.com)

703-273-6454  
[the\\_links@verizon.net](mailto:the_links@verizon.net)

**Westmore Association**  
Mr. Bob Paskow  
10919 Oakwood Drive  
Fairfax, VA 22030  
301-922-8772  
[Paskow@gmail.com](mailto:Paskow@gmail.com)

**Windy Hill Owners Association**  
Mr. Mark Machen  
3571 Sharpes Meadow Lane  
Fairfax, VA 22030  
703-385-8927  
[machen5@verizon.net](mailto:machen5@verizon.net)

**Wren's Courtyard**  
Mr. Tom Abbey  
10203 Wrens Court  
Fairfax, VA 22032  
703-352-1234  
[Abbeytom@yahoo.com](mailto:Abbeytom@yahoo.com)





Figure 1: Sign posted at the intersection of University Dr. and Democracy Lane.



Figure 2: Sign posted along Layton Hall Dr.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF FAIRFAX, VIRGINIA TO CHANGE THE FUTURE LAND USE MAP FROM BUSINESS COMMERCIAL TO RESIDENTIAL - HIGH AS DEPICTED ON THE ATTACHED EXHIBIT FOR THE PROPERTY IDENTIFIED AS CITY OF FAIRFAX TAX MAP PARCEL 57-2-20-006A.

WHEREAS, Capstone Collegiate Communities, LLC, has requested an amendment to change the designation of the City of Fairfax Comprehensive Plan Future Land Use Map for City of Fairfax tax map parcels 57-2-20-006A from their current designation as Business Commercial to the proposed designation for said parcel as Residential – High; and

WHEREAS, the Planning Commission has carefully considered the proposed amendment, as well as testimony and other evidence received at the public hearing, including the staff report; and

WHEREAS, the Planning Commission has determined that the proposed amendment is proper, in accordance with the applicable provisions of law, and should be approved;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby recommend that the City of Fairfax Comprehensive Plan Future Land Use Map be amended from the current designation for tax map parcel 57-2-20-006A as Business Commercial to the proposed designation for said parcel as Residential – High as depicted on the attached exhibit.

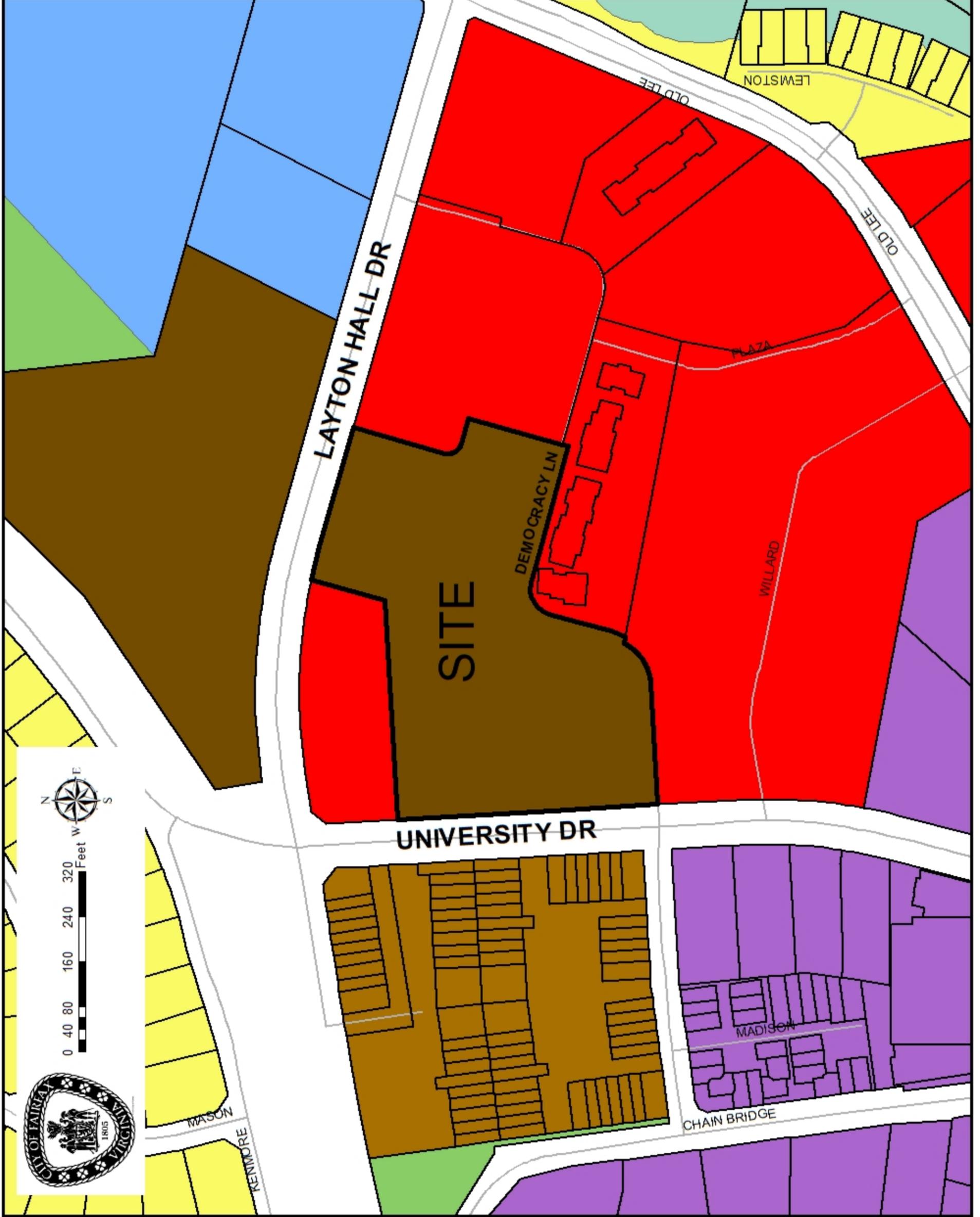
This resolution shall be effective as provided by law.

Planning Commission hearing: November 19, 2018

Adopted: \_\_\_\_\_



COMPREHENSIVE PLAN  
AMENDMENT  
EXHIBIT





**11. MOTIONS:**

**ATTACHMENTS: [If the Planning Commission agrees with the staff recommendation, then Motions A and C are appropriate]**

- A. Motion to recommend approval of the Comprehensive Plan Amendment.
- B. Motion to recommend denial of the Comprehensive Plan Amendment.
- C. Motion to recommend approval of the Zoning Map Amendment (rezoning) subject to revisions to the Master Development Plan.
- D. Motion to recommend approval of the Zoning Map Amendment (rezoning).
- E. Motion to recommend denial of the Zoning Map Amendment (rezoning).



Planning Commission Sample Motion

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MOTION - A

COMPREHENSIVE PLAN AMENDMENT

APPROVAL

I MOVE THAT THE PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION RECOMMENDING AMENDMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF FAIRFAX, VIRGINIA TO CLASSIFY AS RESIDENTIAL - HIGH ON THE FUTURE LAND USE MAP THE PROPERTY IDENTIFIED AS CITY OF FAIRFAX TAX MAP PARCEL 57-2-20-006A.

**MOTION - B**

**COMPREHENSIVE PLAN AMENDMENT**

**DENIAL**

I MOVE THAT THE PLANNING COMMISSION DISAPPROVE THE ATTACHED RESOLUTION RECOMMENDING AMENDMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF FAIRFAX, VIRGINIA TO CLASSIFY AS RESIDENTIAL - HIGH ON THE FUTURE LAND USE MAP THE PROPERTY IDENTIFIED AS CITY OF FAIRFAX TAX MAP PARCEL 57-2-20-006A.

**MOTION - C**

**Rezoning Z-18-00014**

**APPROVAL WITH REVISIONS  
(Recommended by Staff)**

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-18-00014, WHICH HAS BEEN FILED FOR THE LAND KNOWN AS 3807 UNIVERSITY DRIVE, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-2-20-006A, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING APPLICATION Z-18-00014 TO REZONE THE SUBJECT PROPERTY FROM CR – COMMERCIAL RETAIL AND ARCHITECTURAL CONTROL OVERLAY DISTRICT TO PD-R – PLANNED DEVELOPMENT RESIDENTIAL AND OLD TOWN FAIRFAX TRANSITIONAL OVERLAY DISTRICT TO ALLOW DEVELOPMENT OF THE SUBJECT PROPERTY IN COMPLIANCE WITH THE MASTER DEVELOPMENT PLAN AND NARRATIVE AND SUMMARY OF COMMITMENTS, WHICH HAS BEEN PREPARED AND SUBMITTED BY THE APPLICANT, IF THE MASTER DEVELOPMENT PLAN IS SUFFICIENTLY AND SATISFACTORILY REVISED AS FOLLOWS:

1. The applicant shall provide the exact unit count and mix and amend all studies to reflect such.
2. All common areas within the units shall remain available to all occupants and shall not be used as sleeping areas.
3. Indicate on the MDP or Narrative and Summary of Commitments whether accessible units or universal design strategies will be provided.
4. The Special Exception Exhibit shall be a part of the Master Development Plan.

**MOTION - D**

**Rezoning Z-18-00014**

**APPROVAL**

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-18-00014, WHICH HAS BEEN FILED FOR THE LAND KNOWN AS 3807 UNIVERSITY DRIVE, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-2-20-006A, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING APPLICATION Z-18-00014 TO REZONE THE SUBJECT PROPERTY FROM CR – COMMERCIAL RETAIL AND ARCHITECTURAL CONTROL OVERLAY DISTRICT TO PD-R – PLANNED DEVELOPMENT RESIDENTIAL AND OLD TOWN FAIRFAX TRANSITIONAL OVERLAY DISTRICT TO ALLOW DEVELOPMENT OF THE SUBJECT PROPERTY IN COMPLIANCE WITH THE MASTER DEVELOPMENT PLAN AND NARRATIVE AND SUMMARY OF COMMITMENTS, WHICH HAS BEEN PREPARED AND SUBMITTED BY THE APPLICANT.

**MOTION - E**

**Rezoning Z-18-00014**

**DENIAL**

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-18-00014, WHICH HAS BEEN FILED FOR THE LAND KNOWN AS 3807 UNIVERSITY DRIVE, 10366, 10368, 10370, 10372, 10374, 10378, 10380, 10382, 10386, 10388, 10390, 10392, 10394, 10396, 10398 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-2-20-006A, I MOVE THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF REZONING APPLICATION Z-18-00014 TO REZONE THE SUBJECT PROPERTY FROM CR – COMMERCIAL RETAIL AND ARCHITECTURAL CONTROL OVERLAY DISTRICT TO PD-R – PLANNED DEVELOPMENT RESIDENTIAL AND OLD TOWN FAIRFAX TRANSITIONAL OVERLAY DISTRICT FOR THE FOLLOWING REASONS:

(Planning Commission may choose one or more grounds from the following sample reasons or may craft additional reasons supporting denial)

- The applicant's proposal, as set forth in the Master Development Plan, is not in conformance with the Comprehensive Plan and other adopted City goals and policies;
- The applicant's proposal, as set forth in the Master Development Plan, will adversely impact the safety and movement of vehicular traffic upon adjacent streets;
- The density of the applicant's proposal, as set forth the Master Development Plan, is incompatible with and will adversely impact adjacent properties and the surrounding neighborhood;
- The applicant's proposal, as set forth in the Master Development Plan, will adversely impact the health, safety and welfare of residents living in the vicinity of the subject property.