

9700 FAIRFAX BLVD LLC

STATEMENT OF JUSTIFICATION

Revised: September 10, 2019

Please accept the following as a Statement of Justification in support of the submitted rezoning, special use permit, and special exception application to allow the redevelopment of 9700 Fairfax Boulevard with an approximately 6,049 square foot grocery store and a fuel station. This Statement of Justification is submitted in conjunction with the General Development Plan/Special Use Permit Plat, prepared by Kimley-Horn dated May 3, 2019, as revised through September 10, 2019 (the "GDP/SUP Plat"), and other submitted supporting materials. The contents of this Statement of Justification address the approval considerations for rezonings, special use permits, and special exceptions, as set forth in Sections 6.4.9, 6.7.7, and 6.17.7 of the City of Fairfax Zoning Ordinance (the "Zoning Ordinance").

9700 Fairfax Blvd LLC (the "Applicant") is the contract purchaser of approximately 1.82 acres located in the City of Fairfax. The property consists of one (1) tax parcel identified among the City of Fairfax's tax assessment records as 48-3-09-056 (the "Subject Property"). The Subject Property is currently split-zoned CR (Commercial Retail) and IH (Industrial Heavy) and is developed with the Rodeway Inn, a 55-unit motel constructed in approximately 1953. According to the City's real estate assessment records, the existing motel buildings on the Subject Property consist of approximately 19,872 square feet.

PROPOSED DEVELOPMENT

The Applicant proposes to rezone the currently split-zoned Subject Property to the CR Commercial Retail District to permit its redevelopment with a Wawa grocery store and six (6) fuel stations, which will be a 24/7 use. The proposed development will provide a high-quality, active commercial use that will revitalize an underutilized parcel. As shown on the submitted GDP/SUP Plat, the Applicant proposes a commercial use that will be consistent with the recommendations of the Comprehensive Plan and will be compatible with the commercial character of the surrounding area. As illustrated on Sheet 4 of the GDP/SUP Plat, the proposed grocery store will consist of an approximately 6,049 square foot, one-story building oriented towards the rear of the Subject Property. The grocery store will offer a variety of items such as pre-packaged food and beverages, freshly brewed coffee, made-to-order sandwiches and other fresh food offerings. A maximum of twelve (12) to fourteen (14) employees will be present on-site at any given time, with fewer employees on-site during the overnight shift. Six (6) fuel pumping stations (for a total of twelve (12) pumps) will be located beneath a covered canopy structure oriented towards Fairfax Boulevard. Fuel deliveries for the proposed fuel station are anticipated to occur approximately once daily on average. To ensure that fuel deliveries occur only when needed, the Applicant proposes to employ a fuel monitoring system that monitors fuel inventory and automates fuel deliveries on an as-needed basis.

The Subject Property is particularly well-suited for the proposed uses given its location along the City's main commercial corridor. Access to the proposed Wawa will be provided via a

right-in right-out access on Fairfax Boulevard and a full movement access on Spring Street. An existing access in the southeast portion of the Subject Property proximate to the intersection of Fairfax Boulevard and Spring Street will be eliminated, thereby resulting in a safety improvement. The proposed entrance on Fairfax Boulevard will be limited to right-in right-out access only and controlled through the provision of traffic control signs on the Subject Property and in the existing median, as indicated on the GDP/SUP Plat. The full movement access in the northeast portion of the Subject Property on Spring Street will be controlled through the installation of a Stop sign.

Though the Zoning Ordinance does not require a loading space for commercial structures under 10,000 sq. ft., the Applicant proposes a fourteen (14) foot wide loading area along the western side of the proposed building. In addition, ample surface parking, consistent with Zoning Ordinance requirements, will be provided on-site. The Applicant proposes two (2) air pump stations on-site as well as an enclosed dumpster that will be located in the northwest corner of the Subject Property. Bicycle parking is provided in accordance with the Zoning Ordinance requirements. The Applicant has also identified a location for proposed future electric vehicle charging stations.

The proposed development is characterized by the installation of attractive architecture, the provision of significant landscaping, and a reduction of impervious surface. The proposed building and fuel canopy will be designed with traditional features and quality materials. Building materials may include, but are not limited to, brick, stone veneer, and dutch seam metal roofs, and other quality materials. The grocery store building will be a maximum height of thirty-three (33) feet. Quality landscaping is proposed, including street trees along the Fairfax Boulevard and Spring Street frontages, which will result in a significant improvement over the existing landscape conditions on the Subject Property today. The proposed landscaping will soften the streetscape and provide more vegetation on-site compatible to that of the bank adjacent to the Subject Property. In accordance with Section 4.5.7.C.1, all portions of the proposed development that maintains frontage along a public right-of-way will be screened with a continuous hedge of at least thirty (30) inches in height at the time of installation. In the end, the proposed development will result in increased open space and an overall decrease of impervious surface.

REZONING APPLICATION

The proposed rezoning fulfills each of the approved considerations set forth in Section 6.4.9 of the Zoning Ordinance:

The proposed uses are in substantial conformance with the Comprehensive Plan. The Future Land Use Map for the City of Fairfax indicates that the Subject Property is planned for CC Commercial Corridor, which supports commercial uses, including grocery stores and fuel stations. In addition, the surrounding land use designations are Commercial Corridor and Activity Center. In redeveloping the existing, underutilized parcel into a more active, community-serving use, the proposed redevelopment is consistent with the stated objectives of the Comprehensive Plan. The proposed rezoning will provide a benefit to the City by eliminating a split-zoned parcel and subjecting the Subject Property to a single, unified zoning classification. Given that the majority of the parcel is currently zoned to the CR District, the Subject Property is highly suitable for the proposed rezoning and development. Currently, the Subject Property is sufficiently served by

public transportation facilities, and the existing utility infrastructure is adequate for the proposed uses. Further, the proposed development is compatible with the surrounding area, as the Subject Property is entirely surrounded by existing commercial uses that include a bank, a car dealership, other auto services, a self-storage facility, and a landscape business. Finally, the proposed uses are consistent with the stated purpose of the CR District.

Accordingly, the proposed rezoning of the Subject Property fulfills the considerations of Section 6.4.9 of the Zoning Ordinance. The proposed development will further enhance the growth of commercial activities planned for the Fairfax Boulevard corridor by adding a community-serving use that is convenient for the City's residents.

In conjunction with the proposed rezoning, the Applicant requests approval of the following special use permit and special exception applications:

1. Pursuant to Section 3.3.1.B of the Zoning Ordinance, a special use permit is hereby requested to allow for a fuel station in a CR Commercial Retail District.

The proposed fuel station fulfills the approval considerations for a special use permit set forth in Section 6.7.7 of the Zoning Ordinance. The use of a fuel station is consistent with the Comprehensive Plan as a community-serving, commercial use that is supported by the Commercial Corridor land use designation. The use is compliant with all applicable Zoning requirements, related to setbacks, buffers, lighting, signage, parking, and other applicable requirements. In addition, the use of a fuel station will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use nor will it have a negative, adverse effect on public welfare, property and improvements in the neighborhood. As stated above, the surrounding area is entirely commercial in nature and includes other existing fuel stations. Thus, the addition of a fuel station and Wawa grocery store on the Subject Property will have a positive, beneficial impact on the surrounding neighborhood that fits within the fabric of the area, as it offers high quality fuel and food options for the City's residents, workers, and visitors.

2. A special exception is hereby requested to allow a modification of the requirement that all on-site utilities be installed underground as set forth in Section 4.11.D of the Zoning Ordinance.

As part of this redevelopment, all new utilities serving the proposed grocery store and fuel station will be located underground. The existing overhead utilities that currently serve the Rodeway Inn will be removed. This special exception is requested to allow the existing overhead utility lines along the Fairfax Boulevard and Spring Street frontages of the Subject Property to remain. Specifically, there is one (1) utility pole along Fairfax Boulevard that is on the Subject Property, and one (1) utility pole along Spring Street that is partially on the Subject Property. These poles carry above-ground electric and communications utilities that serve uses along Fairfax Boulevard and Spring Street. While the poles are located on or

partially on the Subject Property, they are proximate to the existing right of way and are subject to existing utility easements.

Undergrounding the existing overhead utilities along Fairfax Boulevard and Spring Street would result in significant impacts both on and off-site. As illustrated in the submitted Overhead Electric Underground Exhibit prepared by Kimley-Horn, while undergrounding these utilities would result in the removal of the two existing on-site poles, a total of four new poles would be required. The new poles would consist of two new “down” poles and two new “terminal” poles, for a net increase of two poles. In addition, three of the new poles would be located off-site on adjacent properties. These off-site poles would require coordination with and consent of the adjacent property owners, in addition to the utility companies. Finally, undergrounding the overhead utilities would also require the relocation of utilities that run across Fairfax Boulevard and Spring Street. For these reasons, the significant impacts associated with undergrounding the overhead utilities, which would result in an increase in the number of existing poles, do not outweigh the benefits, and would render the proposed development infeasible. Recognizing that the vision for Fairfax Boulevard ultimately includes the undergrounding of these utilities, the Applicant has included a proffer to grant, at no cost, the necessary easements, permissions and approvals at such time as the utilities are undergrounded by others. For these reasons, the requested special exception is appropriate.

3. A special exception is hereby requested to allow a modification of the 10’ side (interior) yard requirement along the northern property line as set forth in Section 3.6.2 of the Zoning Ordinance.

The requested special exception is limited to a portion of the northern property line adjacent to the existing industrial use to the north. While this portion of the property is to the rear of the proposed grocery store and fuel station, as a corner lot, the Zoning Ordinance defines this yard as a side (interior) yard. Accordingly, pursuant to Section 3.6.2, if a building is not built to a property line, a minimum 10’ side (interior) yard is required. As illustrated on the GDP/SUP Plat, a drive aisle will be located to the rear of the grocery store building to provide circulation for customer, delivery and emergency vehicles. Due to the required turning radius for delivery and emergency vehicles, the width of the drive aisle must extend into the required side (interior) yard. The Applicant has maximized the width of the landscape buffer that it can provide along this property line while maintaining adequate delivery and emergency vehicle circulation, but is constrained from shifting the proposed site improvements further south due to the minimum front and side (street) yard requirements of the CR zone. Given that the Applicant has minimized the extent of the modification to the extent possible, and that the yard at issue is located adjacent to an existing industrial use, the requested special exception is appropriate.

4. A special exception is hereby requested to allow a modification of the street tree requirements set forth in Section 4.5.6 of the Zoning Ordinance.

The Applicant is requesting a special exception to modify the requirement to plant canopy trees within 15 feet of the edge of pavement along Fairfax Boulevard and Spring Street. The Applicant is constrained by sight distance requirements and the presence of the existing overhead utilities to remain. As illustrated on the GDP/SUP Plat, the majority of the Fairfax Boulevard frontage is located within the required sight distance established by the Fairfax Boulevard access point. Street trees planted within the proposed 5' landscape buffer along this frontage would conflict with sight distance and, potentially, create a safety concern for vehicles exiting the site. Given the width of the 5' landscape buffer and 10' proposed sidewalk along Fairfax Boulevard, it is not possible to provide street trees within 15' feet of the edge of pavement. However, the Applicant has proposed a row of understory trees as close as possible to the back of the sidewalk, approximately 18' from the edge of pavement. These trees will achieve a mature height of approximately 20'. While the Zoning Ordinance requires 30' canopy trees along street frontages, pursuant to Dominion's tree planting and maintenance guidelines, it is not possible to plant trees greater than 20' in height within 15' of the overhead utilities along Fairfax Boulevard and Spring Street. The City of Fairfax Design Guidelines further indicate that understory trees are appropriate when planted along utility corridors. In an effort to meet the intent of the street tree requirements of Section 4.5.6, the Applicant has maximized the number of proposed trees along Fairfax Boulevard and Spring Street, and has located the trees as close as possible to the edge of pavement given the above constraints. In all other locations on-site where these constraints do not exist, the Applicant has proposed canopy trees. For the above reasons, and because the proposed landscaping will result in an overall aesthetic improvement when compared to the existing vegetation on site, the requested special exception is appropriate

The Applicant's proposal presents an opportunity to redevelop and activate an aging motel with a vibrant, high-quality community-serving use that advances the Comprehensive Plan's objectives of enhancing commercial activities along the Fairfax Boulevard commercial corridor. The proposed development will generate increased economic activity and contribute to the City's continued economic growth. The Applicant is eager to bring the first Wawa to the City and is committed to ensuring that the proposed development fits into the fabric of Fairfax.