

Replacement pages 1-3
via 11/6/09 emails. (mvd)

APR# 09-IV-28MV



2009-2010 SOUTH COUNTY AREA PLANS REVIEW GUIDE

NOMINATION FORM

TYPE OR PRINT RESPONSES IN BLACK INK

Incomplete forms will not be accepted for review and will be returned to the nominator. Staff reserves the right to correct errors in street address, tax map number, acreage or current Plan designation. Be sure to attach required map and original certified mail receipts as proof of property owner notification.

PART 1. NOMINATOR/AGENT INFORMATION

Name: Mr. Brian Winterhalter Daytime Phone: 703-456-8168
Address: Cooley Godward Kronish LLP, One Freedom Square, Reston Town Center
11951 Freedom Drive, Reston, VA 20190-5656
Nominator E-mail Address: bwinterhalter@cooley.com

THIS BOX FOR STAFF USE ONLY
Date Received: _____
Date Accepted: _____
Planning District: _____
Special Area: _____

Signature of Nominator (NOTE: There can be only one nominator per nomination):

Signature of Owner(s) if applicable: (NOTE: Attach an additional sheet if necessary. Each owner of a nominated parcel must either sign the nomination or be sent a certified letter.) N/A

Anyone signing on behalf of a business entity must state the relationship to that organization below or on an attached page.

PART 2. GENERAL INFORMATION

Check appropriate supervisor district(s): Braddock Lee Mason Mount Vernon Springfield

Total number of parcels nominated: 1

Total aggregate size of all nominated parcels (in acres and square feet): 4.319 acres 188,129 square feet

Is the nomination a Neighborhood Consolidation Proposal? Yes No

Are you aware that proposals that generate more than 5,000 vehicle trips per day over the current adopted Comprehensive Plan will trigger additional VDOT review? (See pages 8-9 for more information.) Yes No

PART 3: PROPERTY INFORMATION – Attach either the Property Information Table found at the end of this application form or a separate 8½ x 11 page (landscape format) identifying all the nominated parcels utilizing the format as shown in the Table found at the end of this application.

All subject property owners must be sent written notice of the nomination by certified mail unless their signature(s) appears in Part 1 (above).

IMPORTANT NOTE: Any nomination submitted without originals or copies of all the postmarked certified mail receipt(s) and copies of each notification letter and map will not be accepted.

PART 4: CURRENT AND PROPOSED COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

See Section IV of the APR Guide for instructions.

a. CURRENT COMPREHENSIVE PLAN TEXT for nominated property: Use the Plan on the Web (www.fairfaxcounty.gov/dpz/) for your citation. It is the most current version: Please see attached.

b. CURRENT PLAN MAP RECOMMENDATION: Retail and other and Residential 3-4 DU/AC

c. CURRENT ZONING DESIGNATION: C-8 (Highway Commercial District) and R-4 (Residential)

d. PROPOSED COMPREHENSIVE PLAN RECOMMENDATION: (NOTE: The proposal you submit with your nomination is the proposal that is to be presented to the task force and will be the subject of their consideration and vote). Community-Service Retail Use up to 0.50 FAR, with a Mixed-Use Option up to 1.0 FAR and an additional option for a drive-through fast-food restaurant.

e. DESCRIBE what development under the new plan would look like. (What uses? Type of buildings? Building heights? Surface or structured parking? Typical unit size?) Fast-food restaurant with drive-through, drive-in, and outdoor seating.

f. NON-RESIDENTIAL: Check the appropriate use Office Retail Government/Institutional
 Industrial Open Space
 Mixed Use (specify uses in table)

g. TOTAL Floor Area Ratio (FAR) Proposed: 0.50* TOTAL Gross Square Feet: 2,000

Categories	Percent of Total FAR	Square feet
Office		
Retail - Sonic Restaurant	100%	2,000
Public Facility, Govt & Institutional		
Private Recreation/Open Space		
Industrial		
Residential*		
TOTAL	100%	2,000

*If residential is a component, provide the approximate number and size of each type of dwelling unit proposed in the chart below based on the approximate square footage.

h. RESIDENTIAL COMPONENT (Circle the appropriate density range proposed and complete the table to the right):

.1 - .2 du/ac (5-10 acre lots)	5 - 8 du/ac
.2 - .5 du/ac (2-5 acre lots)	8 - 12 du/ac
.5 - 1 du/ac (1 - 2 acre lots)	12 - 16 du/ac
1 - 2 du/ac	16 - 20 du/ac
2 - 3 du/ac	20+ (specify 10 unit density range)
3 - 4 du/ac	
4 - 5 du/ac	

*No proposed change to intensity; This nomination requests approval of an additional use.

Residential Unit Types			
Unit Type	Number of Units	Unit Size (sq ft)	Total Square Feet
Single Family Detached			
Townhouse			
Low-Rise Multifamily (1-4 stories)			
Mid-Rise Multifamily (5-8 stories)			
High-Rise Multifamily (9 + stories)			
TOTAL:			

PART 5: MAP OF SUBJECT PROPERTY

Attach a map clearly outlining in black ink the property of the proposed Plan amendment. The map must be no larger than 8½ x 11 inches and clearly legible. Maps in color will not be accepted.

PART 6: JUSTIFICATION

Each nomination must conform to the Policy Plan and must meet at least one of the following guidelines. Check the appropriate box and provide a written justification that explains why your nomination should be considered, based on the guidelines below (two-page limit).

- The proposal would better achieve the Plan objectives than what is currently in the adopted Plan.
- There are oversights or land use related inequities in the adopted Plan that affect the area of concern.

All completed nomination forms must be submitted between August 3, 2009 and September 16, 2009 to:



Fairfax County Planning Commission Office
Government Center Building
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035-5505

**Richmond Highway Corridor Area
Comprehensive Plan Amendment
Land Unit G**

Current Comprehensive Plan

The area along the east side of Richmond Highway south of Shields Avenue to Fairview Drive is planned for community-serving retail use up to .50 FAR.

Existing conditions present an opportunity for a well-designed, mixed-use project that will serve as the focal point and core area for the Penn Daw Community Business Center. As an option, Land Unit G is planned for a well integrated mix of retail, office, hotel and residential uses with an overall intensity of up to 1.0 FAR. Development proposals for a single integrated project or a project that allows for future coordination with other projects should meet the following conditions:

- Consolidation of Parcels 83-3((1))20, 23A, 24, 24A and 24B together with consolidation of additional lots in adjacent Sub-units E-1, E-2 and E-3 is encouraged. If full consolidation is not achieved, interparcel access to adjacent uses should be provided;
- The level of non-residential development should not exceed two-thirds of the total gross floor area for the entire mixed-use development. Appropriate first floor support retail and service uses designed to serve the development in this land unit should be encouraged;
- Non-residential uses should be located at the front of the property and oriented to Richmond Highway. Residential uses should be located toward the middle and rear of parcels 24A and 24B in order to take advantage of the visual and passive recreational amenity provided by the adjacent stream valley area. Residential density and building heights should be tapered from mid-rise or garden-style apartments to townhouses located nearest to the existing adjacent neighborhood;
- Building heights are tapered down toward the existing single-family area;
- Adequate measures to mitigate against undue environmental impact are provided. Steep slopes, streams and floodplains with their existing vegetation located on the property are preserved as a public park. Where past practices have degraded these slopes and streams, bioengineering approaches should be followed to restore them to more natural conditions and functions;
- Sufficient buffering and screening are provided to mitigate adverse impacts on adjacent residential areas;
- Adequate right-of-way is provided for road improvements;
- Pedestrian circulation and the use of mass transit is encouraged through site design, connection with proposed and existing pedestrian circulation systems in the area and other methods;

- Urban design elements, such as streetscaping, public art, pedestrian plazas, cultural/ recreation facilities, landscaped open space, landmarks or building designs which will denote this area as a focal point of the Penn Daw Community Business Center are provided. The urban design recommendations found at the end of this Plan, should be used as a guide; and
- Incorporation of residential use in office or retail buildings in an “above the shop” arrangement is encouraged.

As an option, if Sub-units E-1, E-2 and E-3 are substantially and logically consolidated with Land Unit G, a well-integrated mix of uses with an overall intensity at up to 1.0 FAR that includes at least two of the following uses: retail, office, hotel and residential. The conditions listed above should be fulfilled for the entire assemblage.

**Richmond Highway Corridor Area
Comprehensive Plan Amendment
Land Unit G**

Proposed Comprehensive Plan

The area along the east side of Richmond Highway south of Shields Avenue to Fairview Drive is planned for community-serving retail use up to .50 FAR.

Existing conditions present an opportunity for a well-designed, mixed-use project that will serve as the focal point and core area for the Penn Daw Community Business Center. As an option, Land Unit G is planned for a well integrated mix of retail, office, hotel and residential uses with an overall intensity of up to 1.0 FAR. Development proposals for a single integrated project or a project that allows for future coordination with other projects should meet the following conditions:

- Consolidation of Parcels 83-3((1))20, 23A, 24, 24A and 24B together with consolidation of additional lots in adjacent Sub-units E-1, E-2 and E-3 is encouraged. If full consolidation is not achieved, interparcel access to adjacent uses should be provided;
- The level of non-residential development should not exceed two-thirds of the total gross floor area for the entire mixed-use development. Appropriate first floor support retail and service uses designed to serve the development in this land unit should be encouraged;
- Non-residential uses should be located at the front of the property and oriented to Richmond Highway. Residential uses should be located toward the middle and rear of parcels 24A and 24B in order to take advantage of the visual and passive recreational amenity provided by the adjacent stream valley area. Residential density and building heights should be tapered from mid-rise or garden-style apartments to townhouses located nearest to the existing adjacent neighborhood;
- Building heights are tapered down toward the existing single-family area;
- Adequate measures to mitigate against undue environmental impact are provided. Steep slopes, streams and floodplains with their existing vegetation located on the property are preserved as a public park. Where past practices have degraded these slopes and streams, bioengineering approaches should be followed to restore them to more natural conditions and functions;
- Sufficient buffering and screening are provided to mitigate adverse impacts on adjacent residential areas;
- Adequate right-of-way is provided for road improvements;
- Pedestrian circulation and the use of mass transit is encouraged through site design, connection with proposed and existing pedestrian circulation systems in the area and other methods;

- Urban design elements, such as streetscaping, public art, pedestrian plazas, cultural/ recreation facilities, landscaped open space, landmarks or building designs which will denote this area as a focal point of the Penn Daw Community Business Center are provided. The urban design recommendations found at the end of this Plan, should be used as a guide; and
- Incorporation of residential use in office or retail buildings in an “above the shop” arrangement is encouraged.

As an option, if Sub-units E-1, E-2 and E-3 are substantially and logically consolidated with Land Unit G, a well-integrated mix of uses with an overall intensity at up to 1.0 FAR that includes at least two of the following uses: retail, office, hotel and residential. The conditions listed above should be fulfilled for the entire assemblage.

As an option for Tax Map 83-3 ((1)) 20, and notwithstanding the overall recommendations for the Richmond Highway Corridor Area, a freestanding fast food restaurant with a drive-through use is appropriate as part of a larger coordinated development, provided that if the drive-through use is to occur on this property, vehicular circulation should be enhanced to provide a carefully designed, efficient, and non-conflicting internal circulation system integrated into the overall development of the property.

RICHMOND HIGHWAY CORRIDOR AREA – LAND UNIT G
COMPREHENSIVE PLAN AMENDMENT
STATEMENT OF JUSTIFICATION

I. Introduction

Kings Crossing Venture LLC is the owner of property located at the northeastern quadrant of the intersection of Richmond Highway and Fairview Drive in Alexandria, and identified on the Fairfax County Tax Map as 83-3 ((1)) 20 (the “Property”). Sonic Corporation (“Sonic”) seeks to bring its unique drive-through, drive-in, and outdoor dining experience to Northern Virginia, and has identified the Property as a potential first location. On behalf of the Sonic, Cooley Godward Kronish LLP (the “Nominator”) proposes to amend the Comprehensive Plan to provide an option for a drive-through fast food use within the Property in order to allow Sonic to occupy one of two vacant pad sites at the existing shopping center.

II. Current Comprehensive Plan Provisions

The Property is located within Land Unit G of the Richmond Highway Corridor Area portion of the Fairfax County Comprehensive Plan. The Comprehensive Plan currently recommends community-serving retail use up to 0.50 FAR. The Plan also contains an option for a well-integrated, mixed-use retail, office, hotel, and residential development up to 1.0 FAR with parcel consolidation, measures to encourage the use of mass transit, and various transportation and site improvements. Another option provides for mixed-use development up to 1.0 FAR with substantial consolidation of parcels adjacent to and surrounding Land Unit G.

III. Proposed Comprehensive Plan Amendment

A. Sonic – America’s Drive-In

The use Sonic contemplates for the Property is not the typical fast-food drive-through restaurant because it would include Sonic’s signature Drive-in service, as well as a large patio seating area, to create an outdoor and family-friendly dining experience. A Sonic restaurant differentiates itself from other drive-throughs with its unique Drive-in concept, which integrates the building, parking, and site design to provide customers the option of placing an order using the standard drive-through or to park in one of the restaurant’s Drive-in spaces and order from the car. After ordering, the customers are served either in their cars or in the outdoor dining area by a Sonic Carhop who delivers the order. This concept is unique to the Sonic franchise and central to the atmosphere of Sonic restaurants, and distinguishes Sonic from the typical fast food service (where customers leave the restaurant as quickly as possible) by creating an outdoor, family-friendly experience that provides gathering opportunities and helps to activate the area like no other fast food restaurant.

Sonic’s meaningful involvement in the community is another way in which Sonic is much different, and more beneficial, than a typical fast food restaurant. Sonic takes a genuine interest in the community in order to be a good neighbor and make a positive impact. Sonic supports local Little Leagues, blood drives and highway trash pick up, and has established

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community giving programs geared toward advancing education and academic opportunity. These activities and investment in the community often result in Sonic restaurants becoming a gathering area and center of activity for residents, which provides significant benefits both for the Sonic restaurant's location and for the larger community.

B. Economically Beneficial Use Prior to Future Consolidation

The current Comprehensive Plan recommendations for the Property include options for higher-intensity mixed-use development, but do not acknowledge the existing character of the area or encourage the type of new investment that will ultimately lead to greater revitalization in the future. The Property and its surrounding area are representative of the patchwork of uses existing along Richmond Highway and demonstrate the need for additional investment. Two pad sites on the Property are currently occupied by a drive-through Wendy's and a Pizza Hut, with two additional two pad sites that are currently vacant. The parcel immediately to the north of the Property is being developed as a big-box retail center with a Wal-Mart and Chucky Cheese, and the parcels immediately west across Richmond Highway are occupied by fast food restaurants, a drive-through bank, and a large shopping center.

Although the County's planning objectives support substantial parcel consolidation and redevelopment, the new and existing uses within the Property inhibit the potential to achieve such consolidations and suggest that redevelopment of the area as contemplated in the Plan may not be achieved in the near-term. The proposed Comprehensive Plan Amendment recognizes that a Sonic restaurant would quickly and greatly improve an existing, vacant pad site, encourage greater activity on the Property, and would bring new investment that could help increase interest in substantial redevelopment in the area. By amending the Plan language to allow a fast-food restaurant with a drive-through use until a substantial parcel consolidation is viable, the proposed Comprehensive Plan Amendment would allow Sonic to improve the Property, create a gathering place for residents, and make the Property more economically beneficial for Fairfax County.

C. Transportation Network

The Nominator recognizes that without proper planning, an additional fast-food restaurant with a drive-through use may adversely affect transportation in the vicinity of the Property. To mitigate any potential adverse impacts, the Nominator has provided, as a condition in the proposed Plan language, that a drive-through use should provide a carefully designed, efficient, and non-conflicting internal vehicular circulation system integrated into the overall existing retail shopping center on the Property. Such circulation will ensure that the proposed Sonic restaurant would address potential traffic concerns and mitigate any adverse impacts.

III. Conclusion

The proposed Comprehensive Plan Amendment would provide the flexibility to establish an economically beneficial, family-friendly, and community-oriented use within the Property until substantial parcel consolidation and redevelopment is possible in this area. The Nominator, therefore, respectfully requests the support of the County staff, the Planning Commission, and approval by the Board of Supervisors

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Cerdeira, Lilian

From: Van Dam, Meghan
Sent: Friday, November 06, 2009 1:56 PM
To: Cerdeira, Lilian
Subject: FW: PC 2009-046
Attachments: PC 2009-046 Nomination Form.pdf

The attachment replaces pages 1-3 of the original nomination. I have asked the nominator a minor question, which will add a page to the email trail, so just print and use the attachment and wait for the additional response to print out the email itself. I will accept the nomination now in CPATS.

From: Winterhalter, Brian [mailto:bwinterhalter@cooley.com]
Sent: Wednesday, November 04, 2009 2:28 PM
To: Van Dam, Meghan
Subject: PC 2009-046

Dear Ms. Van Dam,

Per your request, attached please find a revised APR nomination form for South County APR nomination PC 2009-046. The revised nomination form identifies the proposed use as a Sonic restaurant of up to 2,000 square feet for the property identified on the Fairfax County Tax Map as 83-3 ((1)) 20. The property is subject to an approved site plan that includes four retail pad sites. The intent of the proposed nomination is to allow a drive-through Sonic restaurant to occupy one of the two currently vacant pad sites with the approval of a special exception by the Board of Supervisors. The nomination does not propose any change to the current Comprehensive Plan's recommended maximum intensity of a 0.50 FAR for the property overall.

The revised nomination form also references the current Comprehensive Plan Map recommendation of "Retail and Other" and "Residential 3-4 DU/AC" for the property. The proposed nomination, however, is intended to apply only to the commercially zoned and planned portion of the property and does not propose any Comprehensive Plan changes for the residentially zoned and planned portion of the property.

Lastly, the nomination proposes to amend the Comprehensive Plan guidance for Land Unit G of the Penn Daw Community Business Center. The property also is located within the MV3 Belle Haven Community Planning Sector, however, the nomination does not propose any changes to the MV3 recommendations.

Please contact me at 703-456-8168 if you have any questions or need additional information.

Best regards,
 Brian

Brian J. Winterhalter
 Cooley Godward Kronish LLP • One Freedom Square • Reston Town Center
 11951 Freedom Drive • Reston, VA 20190-5656
 Direct: (703) 456-8168 • Fax: (703) 456-8100 • Cell: (703) 867-0708
 Bio: www.cooley.com/bwinterhalter • Practice: www.cooley.com/realestate

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Van Dam, Meghan

From: Winterhalter, Brian [bwinterhalter@cooley.com]
Sent: Friday, November 06, 2009 4:17 PM
To: Van Dam, Meghan
Subject: RE: PC 2009-046

Meghan,

Yes, you are correct. The nomination does not propose any additional square footage from a Plan perspective, and the Sonic restaurant would use 2,000 square feet of the existing Plan maximum of approximately 94,000 square feet of community-serving retail use. Please let me know if you have any additional questions.

Thanks,
 Brian

From: Van Dam, Meghan [mailto:Meghan.VanDam@fairfaxcounty.gov]
Sent: Friday, November 06, 2009 1:52 PM
To: Winterhalter, Brian
Subject: RE: PC 2009-046

So what you are saying is that the total Plan maximum for the 4.3 acres of approximately 94,000 SF (up to 0.50 FAR) of community-serving retail use would not change. You are proposing that 2,000 square feet of the total potential would be used as a drive-through use, correct?

From: Winterhalter, Brian [mailto:bwinterhalter@cooley.com]
Sent: Wednesday, November 04, 2009 2:28 PM
To: Van Dam, Meghan
Subject: PC 2009-046

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Best regards,
 Brian

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