

Replacement pages 1-3 via
1/6/2009 email

APR# 09-IV-29MV



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

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

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

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): 0.721 acres 31,405 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: Alternative Uses

c. CURRENT ZONING DESIGNATION: C-8 (Highway Commercial District)

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). Mixed-use up to 0.35 FAR with substantial parcel consolidation with an 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: 0.065 TOTAL Gross Square Feet: 2,041

Categories	Percent of Total FAR	Square feet
Office		
Retail	100%	2,041
Public Facility, Govt & Institutional		
Private Recreation/Open Space		
Industrial		
Residential*		
TOTAL	100%	2,041

*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 | |

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

MOUNT VERNON PLANNING DISTRICT
 RICHMOND HIGHWAY CORRIDOR AREA
 COMPREHENSIVE PLAN AMENDMENT
 LAND UNIT G

PROPERTY OWNER LIST

Tax Map Number	Street Address of Parcel	Property Owner	Property Owner Mailing Address	Acres	Postmarked Certified Mail Receipt Number
83-3 ((1)) 20	N/A	Kings Crossing Venture, LLC	C/O JBG Rosenfeld Retail 4445 Willard Ave., Suite 700 Chevy Chase, MD 20815	4.319	7008-1140-0003 - 2482-9313

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**RICHMOND HIGHWAY CORRIDOR AREA
 SUBURBAN NEIGHBORHOOD AREAS BETWEEN BEACON/GROVETON AND
 HYBLA VALLEY/GUM SPRINGS COMMUNITY BUSINESS CENTERS
 COMPREHENSIVE PLAN AMENDMENT**

PROPERTY OWNER LIST

Tax Map Number	Street Address of Parcel	Property Owner	Property Owner Mailing Address	Acres	Postmarked Certified Mail Receipt Number
92-4 ((1)) 79A	7230 Richmond Highway Alexandria, VA 22306	Third C E Prop Inc.	First City Bank Building P.O. Box 4349 Anaheim, CA 92803	0.721	7008-1140-0003 - 2482-9320

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**Richmond Highway Corridor Area
Suburban Neighborhood Areas Between Beacon/Groveton and
Hybla Valley/Gum Springs Community Business Centers
Comprehensive Plan Amendment**

Current Comprehensive Plan

2. This land unit is bounded on the east by Richmond Highway from south of Spring Street to Lockheed Boulevard and on the south by Lockheed Boulevard and on the west by Fordson Road., Meadow Woods Apartments and the Nazarene Church. With substantial parcel consolidation, it is planned for 8-12 dwelling units per acre with compatibility-scaled townhouse-style retail and/or office components to an intensity up to .35 FAR. Additionally, and as an option, housing for the elderly, or a mini-warehouse, at an intensity not to exceed .50 FAR, may be appropriate for the Tax Map 92-4((1))48 and 49A. A proposal for a mini-warehouse should provide sufficient architectural treatment, townhouse-style office buildings facing Fordson Road, and buffering and landscaping to create an unobtrusive facility.

The following conditions should be met in any development proposal:

- Disturbance to steep slopes and environmental features in this area is minimized;
- No access points are provided onto Richmond Highway;
- Effective screening and buffering is provided and maintained to the adjacent residential neighborhoods; and
- An efficient internal circulation pattern including pedestrian travelways is provided.

**Richmond Highway Corridor Area
Suburban Neighborhood Areas Between Beacon/Groveton and
Hybla Valley/Gum Springs Community Business Centers
Comprehensive Plan Amendment**

Proposed Comprehensive Plan

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The following conditions should be met in any development proposal:

- Disturbance to steep slopes and environmental features in this area is minimized;
- No access points are provided onto Richmond Highway;
- Effective screening and buffering is provided and maintained to the adjacent residential neighborhoods; and
- An efficient internal circulation pattern including pedestrian travelways is provided.

As an option for Tax Map 92-4 ((1)) 79A, and notwithstanding the overall recommendations for the Richmond Highway Corridor Area, a freestanding fast food restaurant with a drive-through use is appropriate, 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 circulation system with continued access to Fordson Road and the Route 1/Richmond Highway service road.

**RICHMOND HIGHWAY CORRIDOR AREA
COMPREHENSIVE PLAN AMENDMENT
STATEMENT OF JUSTIFICATION**

I. Introduction

Third C E Prop, Inc. is the owner of the property located at 7230 Richmond Highway, and identified on the Fairfax County Tax Map as 92-4 ((1)) 79A (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 Sonic, Cooley Godward Kronish LLP (the "Nominator") proposes to amend the Comprehensive Plan to provide an option for a drive-through fast food use on the Property in order to allow Sonic to replace a prior and now unoccupied drive-through fast food restaurant.

II. Current Comprehensive Plan Provisions

The Property is located within the Richmond Highway Corridor Area portion of the Fairfax County Comprehensive Plan. The Comprehensive Plan currently recommends, upon substantial parcel consolidation, residential use at 8 to 12 dwelling units per acre with compatible townhouse-style retail and/or office at an intensity up to 0.35 FAR. The current Plan guidance does not acknowledge that a drive-through fast food restaurant previously occupied the Property.

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 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-density residential development with a compatible office component, 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. The uses surrounding the Property include a Denny's restaurant, a 7-11 convenience store, two service stations, a dry cleaning establishment, and a TV repair establishment, and an apartment complex.

Although the County's planning objectives support substantial parcel consolidation and redevelopment, the existing uses in the vicinity of the Property, and the narrow configuration of the Property between Fordson Road and Richmond Highway, inhibit the potential to achieve such consolidation 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 a currently unoccupied site previously used for a drive-through fast food restaurant, 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, a 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 vehicular circulation system for the Property that provides well-planned access to Fordson Road and the Route 1/Richmond Highway service drive adjacent to 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 on 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.

Cerdeira, Lilian

From: Van Dam, Meghan
Sent: Friday, November 06, 2009 1:38 PM
To: Cerdeira, Lilian
Subject: FW: PC 2009-047
Attachments: PC 2009-047 Nomination Form.pdf

The attachment replaces pages 1-3 of nomination PC 2009-046. I am accepting this nomination now.

From: Winterhalter, Brian [mailto:bwinterhalter@cooley.com]
Sent: Wednesday, November 04, 2009 2:21 PM
To: Van Dam, Meghan
Subject: PC 2009-047

Dear Ms. Van Dam,

Per your request, attached please find a revised APR nomination form for South County APR nomination PC 2009-047. The revised nomination form identifies the proposed use as a Sonic restaurant of up to 2,041 square feet and up to a 0.065 FAR for the property identified on the Fairfax County Tax Map as 92-4 ((1)) 79A. The revised nomination form also references the current Comprehensive Plan Map recommendation of "Alternative Uses" for the property.

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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