

FAIRFAX COUNTY, VIRGINIA
2005 SOUTH COUNTY AREA PLANS REVIEW
NOMINATION TO AMEND THE COMPREHENSIVE PLAN

Staff Use Only
Date Received: _____
Date Accepted: _____
Planning District: _____
Special Area: _____

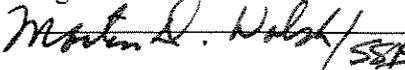
SECTION 1: NOMINATOR/AGENT INFORMATION

Name: Martin D. Walsh for American Properties of MD, LLC Daytime Phone: (703) 528-4700

Address: 2200 Clarendon Boulevard, 13th Floor; Arlington, VA 22201

Nominator E-mail Address: mwalsh@arl.thelandlawyers.com

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

 Martin D. Walsh

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):

See "Attachment 1"

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

Martin D. Walsh - Agent for American Properties of MD, LLC

SECTION 2: GENERAL INFORMATION

Check appropriate supervisor district: Braddock Lee Mason Mount Vernon Springfield

Total number of parcels nominated: 5

Total aggregate size of all nominated parcels (in acres and square feet): 727,921 sq. ft. 16.71acres

Is the nomination a Neighborhood Consolidation Proposal: Yes No

SECTION 3: SPECIFIC INFORMATION – Attach either the Specific Information Table found at the end of this application form or a separate 8 ½ 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 Section 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.

SECTION 4: CURRENT AND PROPOSED COMPREHENSIVE PLAN DESIGNATIONS

See Section IV, #4, of the Citizen's Guide for instructions.

Current Comprehensive Plan text for nominated property:

Use the Plan on the Web for your citation. It is the most up-to-date. Link: www.fairfaxcounty.gov/dpz/.

See Attachment #2

Current Plan Map Designation: Retail and Other

Proposed Comprehensive Plan Designation: Mixed-Use up to 1.5 FAR to include first floor retail.

Mixed Use	
If you are proposing Mixed Use, it must be expressed in terms of floor area ratio (FAR). The percentage and intensity/density of the different types of uses must be specific and must equal 100% of the total FAR proposed. The mix and percentage of uses provided by the nominator are what staff and the task force will review. Ranges are not acceptable.	
Categories	Percent of Total FAR
Office	up to 50%
Retail	up to 35%
Public Facility, Gov & Institutional	
Private Recreation/Open Space	
Industrial	
Residential*	up to 35%
TOTAL	100%
* If residential is a component, please provide the approximate number and type of dwelling unit as well as the approximate square footage per unit assumed (i.e., 300 mid-rise multifamily units at 800 square feet per unit).	

Residential Land Use Categories	
Categories expressed in dwelling units per acre (du/ac)	Number of Units
.1 - .2 du/ac (5-10 acre lots)	
.2 - .5 du/ac (2-5 acre lots)	
.5 - 1 du/ac (1 - 2 acre lots)	
1 - 2 du/ac	
2 - 3 du/ac	
3 - 4 du/ac	
4 - 5 du/ac	
5 - 8 du/ac	
8 - 12 du/ac	
12 - 16 du/ac	
16 - 20 du/ac	
20 + du/ac**	
** If you are proposing residential densities above 20 du/ac, you must specify a range such as 20-30 du/ac or 30 -40 du/ac.	

SECTION 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 8 1/2 x 11 inches. Maps in color will not be accepted.

See attachment #3

SECTION 6: JUSTIFICATION

Each nomination must conform with 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).

See attachment #4

- 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 July 1, 2005 and September 21, 2005 to:

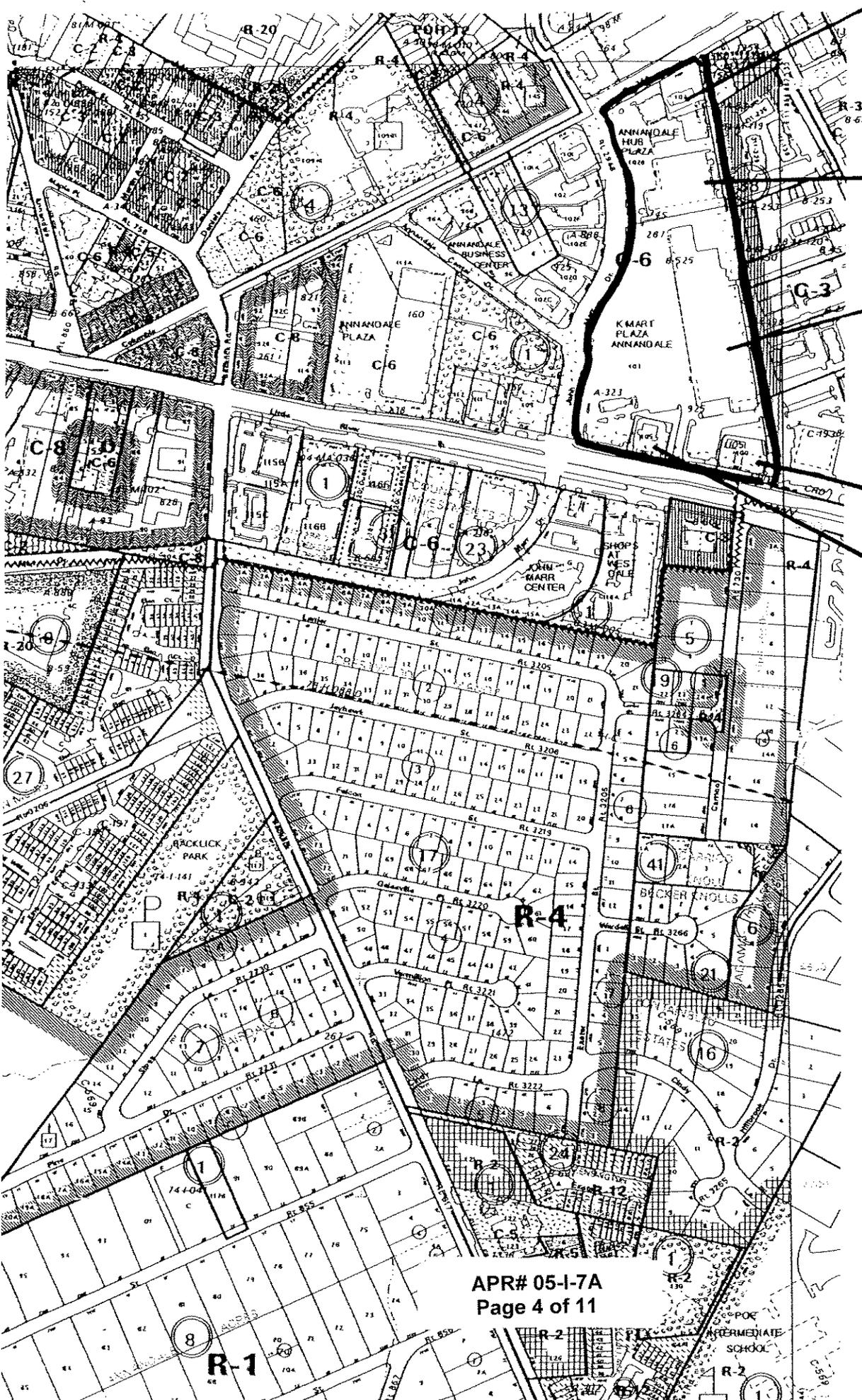
Fairfax County Planning Commission Office
 Government Center Building, Suite 330
 12000 Government Center Parkway
 Fairfax, Virginia 22035-5505

SPECIFIC INFORMATION TABLE

All subject property owners must be sent written notice of the nomination by certified mail unless their signature appears in Part 1 of this application. If you are required to notify more than one property owner, you must provide all the information requested below.

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.

Tax Map Number	Name of Property Owner	Street Address of Parcel	Mailing Address of Owner	Parcel Size in Acres	Signature of Owner or Certified Receipt Number
71-1 ((1)) 103	American Properties of MD, LLC c/o S.C. Brian King	4221 John Marr Drive Annandale, VA 22003	American Properties of MD, LLC 51 Monroe Street, Suite 205 Rockville, MD 20850	11.83	7000 1670 0001 8349
71-1 ((1)) 105	Chevy Chase Bank FSB	7030 Little River Turnpike Annandale, VA 22003	Leasing Department, 9 th Floor 7501 Wisconsin Avenue Bethesda, MD 20814	0.413	7177 7004 2510 0006 9899
71-1 ((1)) 100	Moliva Enterprises LLC	7016 Little River Turnpike Annandale, VA 22003	Property Tax Department PO Box 4369 Houston, TX 77210	0.477	3524 7004 2510 0006 9899 3494
71-1 ((1)) 102B	Curtis Properties, Inc.	7031 Columbia Pike Annandale, VA 22003	3701 St. Barnabas Road Suitland, MD 20746	3.46	7004 2510 0006 9899 3487
71-1 ((1)) 102A	Moin Anan Mahmoud	7029 Columbia Pike Annandale, VA 22003	7029 Columbia Pike Annandale, VA 22003	0.527	7004 2510 0006 9899 3517



ANNANDALE HUB PLAZA

Kmart Plaza

GENERAL NOTES

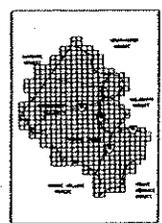
Shell Gas Station

Cherry Chase Bank

ZONING

Purposes and Coverage:
 The use or development of the property as proposed is subject to the existing applicable zoning and is not beyond the designated zoning district regulations by proposed conditions (1) or as shown (2). A complete explanation is provided on page 1 of the official zoning map.
 Zoning revised on 01/01/05 subsequent changes not reflected.

The information contained on this page is NOT to be construed or used as a "legal description". It is not a survey product and not to be used for the design, modification or construction of improvements to real property or the final plan determination. Fairfax County does not provide any guarantee of accuracy or completeness regarding the map information. Any errors or omissions should be reported to the Fairfax County Geographic Information Services Branch of the Department of Information Technology. In no event will Fairfax County be liable for any damages, including but not limited to loss of data, loss of profits, business interruption, loss of business information or any other proprietary data that might arise from the use of this map or information it contains.



ADMINISTRATIVE INDEX

59-4	60-3	60-4
70-2	71-1	71-2
70-4	71-3	71-4

SHEET INDEX

PROPERTY MAP ZONING
71-1

Sec. 4. Current and Proposed Comprehensive Plan Designations

Current Designation – Area I Comprehensive Plan, Annandale Planning District, Annandale Community Business Center, Sub-unit E-4

Sub-Unit E-4 includes nearly seventeen acres and is currently developed with retail, restaurant, automobile oriented, business service uses, and a freestanding fast-food restaurant. The area is also the location of the Annandale Hub and KMart Plazas. The Sub-unit is planned for community serving retail use up to .35 FAR. Any additional uses developed within this sub-unit should be oriented toward John Marr Drive. Redevelopment or revitalization efforts within this Sub-unit should provide for streetscape improvements, parking lot landscaping, pedestrian circulation and improvements to signage and facades. Shared parking and vehicular access for uses located on the same or adjacent sites are encouraged.

Mixed Use Option –As an option, retail/office mixed-use up to .50 FAR (height limit of 40 feet with ground-level retail) may be considered provided that, in addition to the streetscape treatment and landscaping described above, conditions of consolidation and shared parking and access for uses located on the same or adjacent site are met. Vehicular access should be limited to John Marr Drive.

Proposed Designation -

Sub-Unit E-4 includes nearly seventeen acres and is currently developed with retail, restaurant, automobile oriented, business service uses, and a freestanding fast-food restaurant. The area is also the location of the Annandale Hub and Kmart Plazas. The sub-unit is planned for community serving retail use and office up to 1.0 FAR. Any additional uses developed within this sub-unit should be oriented toward John Marr Drive. Redevelopment or revitalization efforts within this sub-unit should provide for streetscape improvements, parking lot landscaping, pedestrian circulation and improvements to signage and facades. Shared parking and vehicular access for uses located on the same or adjacent sites are encouraged.

Mixed Use Option –Retail/office/residential mixed-use up to 1.5 FAR (height limit of 120 feet with ground-level retail) may be considered, provided that the redevelopment or revitalization efforts within this sub-unit include streetscape improvements, parking lot landscaping, pedestrian circulation and improvements to signage and facades and provides that parcel consolidation of at least 200,000 square feet is achieved. Retail uses could include hotel and/or cinema. Shared parking and access for uses located on the same or adjacent sites are encouraged, vehicular access should be primarily to and from John Marr Drive, and any additional uses developed within this sub-unit should be primarily oriented toward John Marr Drive.

6. Justification

The Nomination Property (the "Property") consists of five (5) parcels, approximately 16.71 acres, located north of the Little River Turnpike (Route 236), south of Columbia Pike, and east of John Marr Drive. The Comprehensive Plan for Area I, Annandale Planning District, describes the Property as Sub-unit E-4 of the Annandale Community Business Center (CBC). The Property is also located in the Annandale Commercial Revitalization District (Annandale CRD).

The Property is currently underutilized and uncoordinated in its development. It consists of: two outdated retail centers, the KMart and Annandale Hub Plazas; a pad site occupied by a Wendy's Restaurant; a low-rise building housing a branch of Chevy Chase Bank; and two gasoline service stations. In effect, the Property is a substandard east gateway to the CBC that has few aesthetically attractive features, is inefficient in terms of transportation and traffic considerations, and lacks a unifying theme.

This Plan Nomination is a critical link in a revitalization effort initiated by the Nominator, who is the owner of the KMart Plaza retail center at 4221 John Marr Drive. The revitalization effort is phased as follows. First, the Nominator plans to renovate the existing KMart building by 2006. Concurrently, the owner is seeking a Special Exception to increase the FAR and the height limitation for the site and requesting a reduction in parking per the Annandale CRD provisions. Finally, the owner is making this nomination to facilitate parcel consolidation and redevelopment, which will be more appropriate to the area and will encourage revitalization consistent with the long-range goals for the CBC. Specifically, the nomination proposes the addition of office with an FAR of 1.0 or, as an option, a mixed use development including first floor retail, office and residential use with a FAR of 1.5, maximum height of seventy-five (75) feet, and a requirement for parcel consolidation.

The proposed amendment will better satisfy the objectives of the Comprehensive Plan for the Annandale CBC and the long-range goals of the Annandale CRD than the current recommendations for Sub-unit E-4. *See* Comprehensive Plan, Area I, pg. 16, "Concept For Future Development: A Vision for the Annandale CBC". For example:

- Objective one (1) encourages revitalization and redevelopment within the CBC to achieve a more attractive and efficient commercial area. The proposed amendment facilitates revitalization and redevelopment by providing additional FAR and increasing the height limitation as an incentive for parcel consolidation, additional retail, office and residential development, and building designs using rich architectural features and high-quality façade materials.
- Objective two (2) emphasizes retention and enhancement of community serving businesses. The proposed amendment provides for a mixed-use development at a density that will allow for employment and residential opportunities in close proximity to retail and service providers.
- Objective three (3) requires that a proposed development does not encroach on stable residential neighborhoods. There are no residential neighborhoods adjacent to the Property. As a result, the proposed amendment does not adversely affect residential neighborhoods.

The achievement of these objectives will result in a higher quality of life and a more vibrant community for residents of what has become an older neighborhood within Fairfax County. These desired results are addressed in the "Concept For Future Development" referenced above.

Additionally, this proposed amendment is more consistent with the Comprehensive Plan's Land Use Guidelines for the Annandale CBC. See Comprehensive Plan, Area I, pg. 19-20. Specifically:

- The first Guideline requires the inclusion of affordable housing in development proposals having a residential component. A FAR of 1.5, under the proposed mixed-use option, would allow development of a high-quality residential component in addition to the retail and office components. The proposed residential use would result in additional affordable housing units to address a County goal of providing high-quality housing to lower-income persons.
- The second Guideline states that that development proposals for increased intensity/density should consolidate adjoining parcels to increase efficiency and permit more unified development. The proposal provides incentives to encourage parcel consolidation and redevelopment by requiring a significant level of consolidation.
- The third Guideline encourages retention of community serving retail and service businesses and incorporation of those uses in the redevelopment plan. The proposal encourages retention of community serving businesses and includes refurbishing of the existing KMart store. The proposal will also enable the nominator to attract additional high quality, commercial and retail tenants, to better serve the community.
- The fourth Guideline encourages proposals such as this one by supporting flexible planning, which results in mixed-use that includes retail, office and residential.

In addition, the current Plan recommendations provide few incentives to take advantage of the mixed-use option noted in the Plan for Sub-unit E-4. Although that option requires parcel consolidation as a prerequisite to a mixed-use development, it does not provide adequate FAR, height limitations or consolidation requirements to act as a catalyst for redevelopment and revitalization of the area.

Summary

The proposed amendment will better achieve the goals and objectives of the Comprehensive Plan for the Property. The proposal provides the flexibility and incentives necessary to achieve a mixed-use development that will preserve community serving retail and service business, improve land use and transportation efficiency, and will result in aesthetically-pleasing development. The mixed-use development envisioned by the proposal would result in an attractive gateway to the Annandale CBC and will act as a catalyst for additional high quality redevelopment throughout the remainder of the Annandale CBC.



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

Susan Smith Blakely
(703) 528-4700, ext. 19
sblakely@arl.thelandlawyers.com

RECEIVED
OCT 14 2005
FAIRFAX COUNTY
PLANNING COMMISSION

October 13, 2005

Via Facsimile & U.S. Mail

Ms. Henri Stein-McCartney
Fairfax County Government
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

**Re: APR Nomination for American Properties of MD, LLC
Nomination Number: PC 2005-0010
Mason District**

Dear Ms. Stein-McCartney:

Walsh Colucci filed an APR nomination on behalf of American Properties of MD, LLC for property located in the Mason Magisterial District. That nomination has been accepted and has been assigned the APR number PC 2005-0010.

It has come to our attention that the nomination contains conflicting information regarding the requested height limitation. The correct information is found on Attachment #2 to the nomination in the "Mixed Use Option" proposed designation. The language in that section reads, "height limit of 120 feet". However, in the Justification found on Attachment #4, there is an incorrect reference to a "maximum height of seventy-five (75) feet".

We wish to clarify that the correct requested height limit for the Mixed Use Option is 120 feet, and we hope that this oversight has not inconvenienced staff in any way.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.


Susan Smith Blakely

cc: Michael Kim
Trey Burke

Martin D. Walsh
Abby Denham

J:\American Properties of MD\5428.2\APR letter 10-

**APR# 05-I-7A
Page 8 of 11**

PHONE 703 528 4704

HELANDLAWYERS.COM

COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ MANASSAS OFFICE 703 330 7400 ■ PRINCE WILLIAM OFFICE 703 680 4664

Page 2

The achievement of these objectives will result in a higher quality of life and a more vibrant community for residents of what has become an older neighborhood within Fairfax County. These desired results are addressed in the "Concept For Future Development" referenced above.

Additionally, this proposed amendment is more consistent with the Comprehensive Plan's Land Use Guidelines for the Annandale CBC. See Comprehensive Plan, Area I, pg. 19-20. Specifically:

- The first Guideline requires the inclusion of affordable housing in development proposals having a residential component. A FAR of 1.5, under the proposed mixed-use option, would allow development of a high-quality residential component in addition to the retail and office components. The proposed residential use would result in additional affordable housing units to address a County goal of providing high-quality housing to lower-income persons.
- The second Guideline states that that development proposals for increased intensity/density should consolidate adjoining parcels to increase efficiency and permit more unified development. The proposal provides incentives to encourage parcel consolidation and redevelopment by requiring a significant level of consolidation.
- The third Guideline encourages retention of community serving retail and service businesses and incorporation of those uses in the redevelopment plan. The proposal encourages retention of community serving businesses and includes refurbishing of the existing KMart store. The proposal will also enable the nominator to attract additional high quality, commercial and retail tenants, to better serve the community.
- The fourth Guideline encourages proposals such as this one by supporting flexible planning, which results in mixed-use that includes retail, office and residential.

In addition, the current Plan recommendations provide few incentives to take advantage of the mixed-use option noted in the Plan for Sub-unit E-4. Although that option requires parcel consolidation as a prerequisite to a mixed-use development, it does not provide adequate FAR, height limitations or consolidation requirements to act as a catalyst for redevelopment and revitalization of the area.

Summary

The proposed amendment will better achieve the goals and objectives of the Comprehensive Plan for the Property. The proposal provides the flexibility and incentives necessary to achieve a mixed-use development that will preserve community serving retail and service business, improve land use and transportation efficiency, and will result in aesthetically-pleasing development. The mixed-use development envisioned by the proposal would result in an attractive gateway to the Annandale CBC and will act as a catalyst for additional high quality redevelopment throughout the remainder of the Annandale CBC.

J:\American Properties of MD\plannomination statement of justification 8-8.doc

Quintero, Clara

From: Denham, Abby [adenham@arl.thelandlawyers.com]
Sent: Tuesday, November 08, 2005 5:55 PM
To: Quintero, Clara
Cc: Walsh, Martin D.
Subject: RE: 2005 APR Nomination - KMart Plaza etc

Clara-

In response to your request, the following identifies the percentage that should be attributed towards the office and retail uses under the proposed 1.0 FAR:

up to 60% for the office use
up to 50% for the retail use

I hope this information is sufficient. Please let me know if you need anything further.

Thank you,

Abby C. Denham
Associate
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
2200 Clarendon Blvd.
13th Floor
Arlington, Virginia 22201
703-528-4700 ext. 5462
fax 703-525-3197

From: Quintero, Clara [mailto:Clara.Quintero@fairfaxcounty.gov]
Sent: Tuesday, November 08, 2005 11:55 AM
To: Denham, Abby
Subject: FW: 2005 APR Nomination - KMart Plaza etc

Here it is.

-----Original Message-----

From: Quintero, Clara
Sent: Friday, October 28, 2005 4:25 PM
To: 'mwalsh@arl.thelandlawyers.com'
Subject: 2005 APR Nomination - KMart Plaza etc

Mr. Walsh,

The Department of Planning and Zoning has received your APR nomination for property located in Sub-Unit E-4 of the Annandale Community Business Center. Although you have indicated that one proposed Plan option is for community serving retail and office up to 1.0 FAR, there is no indication of the percentages that should be attributed to each use under this option.

Please let us know which percentage of the proposed 1.0 FAR to attribute to the retail and office uses.

Thank you,

APR# 05-I-7A
Page 10 of 11

12/1/2005

Clara

Clara Quintero Johnson
Fairfax County, Department of Planning and Zoning
Planning Division
703-324-1372
clara.quintero@fairfaxcounty.gov

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you very much.