

Date of Meeting: January 26, 2009

**BOARD OF SUPERVISORS  
TRANSPORTATION AND LAND USE COMMITTEE  
ACTION ITEM**

**Item #07**

**SUBJECT: Potential Amendment to the Zoning Ordinance/ Management of Locations of Retail Sales Establishments**

**STAFF CONTACT:**

Terrance Wharton, Director, Acting Zoning Administrator  
Marilee Seigfried, Deputy Zoning Administrator

**RECOMMENDATIONS:**

**Staff: Based on the minimal impacts that may be realized as outlined in the report, staff recommends not taking action at this time.**

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**BACKGROUND:**

At the November 18, 2008 Board of Supervisors meeting, Supervisor Miller presented information describing how Fairfax County, Prince William County and Montgomery County regulate large retail establishments, commonly referred to as “big-box establishments”, through the respective county zoning ordinances (Attachment 1). Supervisor Miller recommended amending the County’s Zoning Ordinance to require a Special Exception for large retail establishments that exceed 75,000 square feet and further consider implementing additional standards related to design and impact mitigation as may be deemed prudent. The Board of Supervisors voted 8-1 to direct staff to create options for amending the Loudoun County Zoning Ordinance to establish a Special Exception requirement for large retail establishments in excess of 75,000 square feet or some other square footage recommended by staff. The Board further directed staff to present options for these Zoning Ordinance Amendments at the first possible meeting of the Board’s Transportation and Land Use Committee (Attachment 2).

Comprehensive Plan policies generally limit the development of large-scale retail uses within the County to areas within a Destination Retail Area and Overlay or designated for Hybrid Retail Center uses, as shown on the Planned Land Use maps (Attachments 3 and 4). Further, the County’s Revised General Plan identifies three major retail corridors where large-scale retail uses are envisioned: Route 28, Route 7, and Route 50. Destination Retail Centers, as described in the Countywide Retail Policy Plan, are automobile-oriented, require a regional market, and typically serve 5,000 to 30,000 households. Destination Retail offers a variety of shopping options, including: shopping centers, malls, freestanding large superstores and big-box retail uses.

Major retail uses have developed in the Route 28 and Route 7 corridors and include: Dulles Town Center, Dulles Town Crossing and Dulles 28 Center, Potomac Run Plaza, Costco and Regal Plaza/Park City Center. These projects are within the Route 28 Tax District and would not be affected by this amendment unless they rezone into the Revised 1993 Zoning Ordinance.

Along the Route 50 Corridor, large-scale retail uses are envisioned within both the Destination

Retail Center Overlay and, to a limited degree, within the Hybrid Retail Center area, as shown on Attachment 4. Hybrid Retail Centers generally consist of between 250,000 and 450,000 square feet and provide for convenience and routine shopping needs, including comparative and specialty goods that can also be found in Destination Retail Centers. Two retail centers were recently approved north of Route 50 and west of Loudoun County Parkway: Dulles Landing and Arcola Center. Dulles Landing is comprised of approximately 800,000 square feet. Two individual tenants exceeding 75,000 square feet each are depicted on the concept development plan, including the 203,000 square foot Wal-Mart currently under site plan review. The other approved center, Arcola Center, is comprised of approximately 660,000 square feet. Within this development, site plans are approved for a 185,000 square foot Target and a 139,000 square foot Lowes. These proffered concept development plans would not be affected by this proposed amendment. Also, a 387,000 square foot expansion of South Riding Market Square is currently under review for additional retail uses.

Three smaller retail centers are located south of Route 50: East Gate Two, Avonlea Plaza, and Stone Ridge North Retail Center. East Gate Two was approved for approximately 203,000 square feet of retail and office uses, the proffered Design Guidelines include elements such as building compatibility, design, massing and screening. Avonlea Plaza was approved for approximately 300,000 square feet of retail uses: the proffered concept development plan shows potential large retail. Stone Ridge North Retail Center was approved for approximately 300,000 square feet, site plans have been approved for approximately 143,000 square feet and approximately 76,000 square feet have been constructed.

The County's existing large retail establishments are currently located within the PD-CH (Planned Development-Commercial Highway), PD-SC (Planned Development-Shopping Center), PD-CC-SC (Planned Development-Commercial Center-Small Regional Center), and PD-CC-RC (Planned Development-Commercial Center-Regional Center) zoning districts. Properties zoned PD-CH and PD-SC are located in the Route 28 Tax District, which, as stated above, will not be affected by this proposed amendment. Properties zoned PD-CC-SC and PD-CC-RC are either subject to proffered concept plans or other proffered documents; they also will not be affected by this proposed amendment. Any changes to these proffers require Board approval. Attachment 5 illustrates where these zoning districts are located. Attachment 6 provides an overview of other zoning districts that allow retail uses.

#### **ISSUES:**

1. The proposed amendments would apply only to properties administered under the current zoning ordinance. The amendments will not apply to property within the Route 28 Tax District unless they elect to rezone into the current zoning ordinance.
2. The proposed amendments would not apply to proffered shopping centers that anticipated large retail establishments on their concept plans. This issue was also recognized by Fairfax staff when evaluating the proposal for a special exception requirement for retail stores 80,000 square feet or larger.
3. In most cases a property will be required to rezone to a commercial zoning district, in which the Board will have the opportunity to negotiate the terms of development in order to mitigate impacts.

**FISCAL IMPACT:** There are no direct fiscal impacts associated with this amendment; however, limited staffing resources may require that staff be diverted from other Board priorities.

**ALTERNATIVES:**

The Board of Supervisors requested that options be created to establish a possible special exception requirement for large retail establishments. The committee can give consideration to the following options regarding possible amendments:

1. Do not initiate any amendments at this time.
2. Direct staff to review previous approvals to determine how the impact of large retail uses, referenced in the November 18, 2008 Board initiated item with regard to; traffic impact, design elements, parking facilities, impervious surfaces, and compatibility to surroundings was addressed.
3. Consider amendments limited to specific districts that would be applicable should previously approved projects pursue future rezonings that may occur to allow for adjustments due to market/economic conditions or other changing circumstances. In this option, the committee could recommend that staff be directed to prepare a Resolution of Intent to Amend the Zoning Ordinance to require large retail establishments to obtain special exception approval.

**DRAFT MOTION(S):**

1. I move that the Transportation and Land Use Committee take no action at this time.
2. I move that the Transportation and Land Use Committee direct staff to prepare a Resolution of Intent to amend the Zoning Ordinance to require large retail establishments to obtain special exception approval.

Or

3. I move an alternate motion.

**ATTACHMENTS:**

- Attachment 1: Item 8, November 18, 2008 Board of Supervisors Meeting
- Attachment 2: Summary matrix of Fairfax County, Prince William County and Montgomery County retail requirements
- Attachment 3: CPAM 1996-0001 Countywide Retail Policy Plan Map
- Attachment 4: CPAM 2005-0007 Arcola Area/ Route 50 Comprehensive Plan Map
- Attachment 5: Map: Zoning Districts allowing Destination Retail Centers
- Attachment 6: Zoning Districts Allowing Retail Establishments