



County of Fairfax, Virginia

July 17, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
At-Large

Ellen J. "Nell" Hurley
Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
Providence District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Sheri L. Akin, Esquire
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

**Re: PCA 83-S-029-02/DPA-C-546-24/PRC-C-546-03 – CHICK-FIL-A, INC.
Braddock District**

Dear Ms. Akin:

At its July 15, 2015 meeting, the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced applications to the Board of Supervisors. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,



John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: John Cook, Supervisor, Braddock District
Ellen Hurley, Planning Commissioner, Braddock District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
Joe Gorney, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
July 15, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



Planning Commission Meeting
July 15, 2015
Verbatim Excerpt

PCA 83-S-029-02/DPA-C-546-24/PRC-C-546-03 – CHICK-FIL-A, INC.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hurley.

Commissioner Hurley: This application is strongly supported –

Chairman Murphy: Before we do that, do they have to come up and reaffirm the development conditions?

Commissioner Hurley: Yes, that's – that's going to – isn't that on verbatim?

Chairman Murphy: Yes, please.

Commissioner Hurley: Okay, I have that as part of my verbatim.

Chairman Murphy: Oh, okay. Go ahead. I'm sorry.

Commissioner Hurley: Okay. Okay, first this application is strongly supported by most of the community, which looks forward to this particular franchise appearing in our area. I'd like to thank the applicant as well as the staff's Joe Gorney and Supervisor John Cook's land use coordinator, Rosemary Ryan, for making this a long but smooth process; and specifically thank Vicki Hall from – who chaired the land use committee, as well as her compatriots Sonny Caputo and Kevin Filby. And then, with that, if the applicant could come and, I would ask you to reconfirm the development conditions that you are – that they are acceptable to you.

Sheri L. Akin, Applicant's Agent, Walsh, McGuireWoods, LLP: The – the development conditions proposed by staff is agreeable to Chick-Fil-A.

Commissioner Hurley: Okay, thank you very much. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING: 1. APPROVAL OF PRC C-546-03.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there any discussion? All those in favor of the motion to approve PRC C-546-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Second, APPROVAL OF PCA 83-S-029-02, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors to approve PCA 83-S-029-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Third, APPROVAL OF DPA C-546-24, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 30TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of that motion? All those in favor of the motion to approve DPA C-546-24, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And lastly, THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE THE FOLLOWING:

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE BURKE CENTER PARKWAY FRONTAGE, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, TO ALLOW A REDUCTION OF THE WIDTH FROM 50 TO 33 FEET, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED; and lastly
- MODIFICATION OF THE BARRIER REQUIREMENT, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE BARRIERS AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of that motion? All those in favor of the motion , say aye.

Planning Commission Meeting

July 15, 2015

PCA 83-S-029-02/DPA-C-546-24/PRC-C-546-03

Page 3

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(Each motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JN

PROPOSED DEVELOPMENT PLAN AMENDMENT CONDITIONS

DPA C-546-24

June 30, 2015

If it is the intent of the Board of Supervisors to approve Development Plan Amendment DPA C-546-24, on property located at Tax Map parcels 77-1 ((1)) 75A, 75B, 75C, and 75D, to permit the addition of a fast food restaurant with drive-through, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site.

1. This Development Plan Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Development Plan Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Development Plan Amendment approved with the application, as qualified by these development conditions. The conditions of the Development Plan Amendment shall only apply to the building, parking spaces, and other related facilities associated with the fast food restaurant and drive-through located on Lot 75D. Modifications to other uses or portions of the site which do not require a development plan amendment may be permitted as applicable without amending this Development Plan Amendment.
3. This Development Plan Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Development Plan Amendment shall be in substantial conformance with the approved Development Plan Amendment entitled "Development Plan Amendment (DPA), Proffer Condition Amendment (PCA), and Planned Residential Community Plan (PRC) for Chick-fil-A," prepared by Bohler Engineering, dated May 16, 2014, and revised through June 30, 2015, consisting of eleven (11) sheets, and these conditions. Minor modifications to the approved Development Plan Amendment may be permitted pursuant to Par. 8 of Sect. 16-203 of the Zoning Ordinance.
4. Landscaping shall be provided in substantial conformance with the concepts shown on Sheet 6 as determined and approved by the Urban Forest Management Division (UFMD). Any tree or shrub determined to impact existing utility easements or sight distances shall be replaced with an appropriately sized plant or relocated elsewhere on the site with a plant of equal size and quality, as determined by UFMD. Trash cans shall be placed to preclude conflicts with landscaping materials.
5. The building façade shall be generally consistent with the architectural elevations provided on the DPA, in terms of color, building materials, and style. Minor modifications to the color, building materials, and style may be permitted without a DPA when it is determined by the Zoning Administrator that such modifications are in

substantial conformance with the approved DPA and compatible with the primary retail structure.

6. The trash dumpster(s) shall be screened on all four sides. The screening enclosure(s) shall be consistent in terms of color and style with the restaurant building. Doors shall consist of materials which are opaque and fully screen the dumpster(s).

7. The fast food restaurant owner/operator shall be responsible for the daily removal of litter from Lot 75D.

8. All lighting, including security lighting, signage lighting, and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

9. All signage provided on the Property shall comply with Article 12 of the Zoning Ordinance.

10. Parking spaces shall meet the geometric design standards in the PFM, as determined by DPWES, prior to issuance of a Non-RUP.

11. Large-truck deliveries shall be scheduled to avoid morning, noontime, and evening peak hours of operation.

12. A copy of these development conditions shall be posted conspicuously in the restaurant.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Development Plan Amendment shall not be valid until this has been accomplished.