



**APPLICATION ACCEPTED:** December 28, 2015  
**PLANNING COMMISSION:** May 26, 2016  
**BOARD OF SUPERVISORS:** June 7, 2016 @ 3:00pm

## County of Fairfax, Virginia

---

# CRD

May 10, 2016

STAFF REPORT

SE 2015-MV-035



**MOUNT VERNON DISTRICT**

**APPLICANT:** Starbucks Coffee Company

**ZONING:** Community Retail Commercial District (C-6)  
Highway Corridor Overlay District (HC)  
Commercial Revitalization District (CRD)

**LOCATION:** 7511 Richmond Highway

**PARCEL:** 93-3 ((2)) (1) 8A

**ACREAGE:** 36,590 square feet

**FAR:** 0.06

**PLAN MAP:** Retail

**SE CATEGORY:** Category 5, Use 11– Fast Food Restaurants  
(Section 9-505)  
Category 6 – Fast Food Restaurants in a  
Highway Corridor Overlay District  
(Section 9-611)

**PROPOSAL:** To permit a fast food restaurant with a drive-thru in a Highway Corridor Overlay District.

---

Kelly Posusney, AICP

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of SE 2015-MV-035, subject to development conditions consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in imposing any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\kposus\Rezoning & Special Exceptions\SE 2015-MV-035 (Starbucks)\02 Staff Report



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception

SE 2015-MV-035

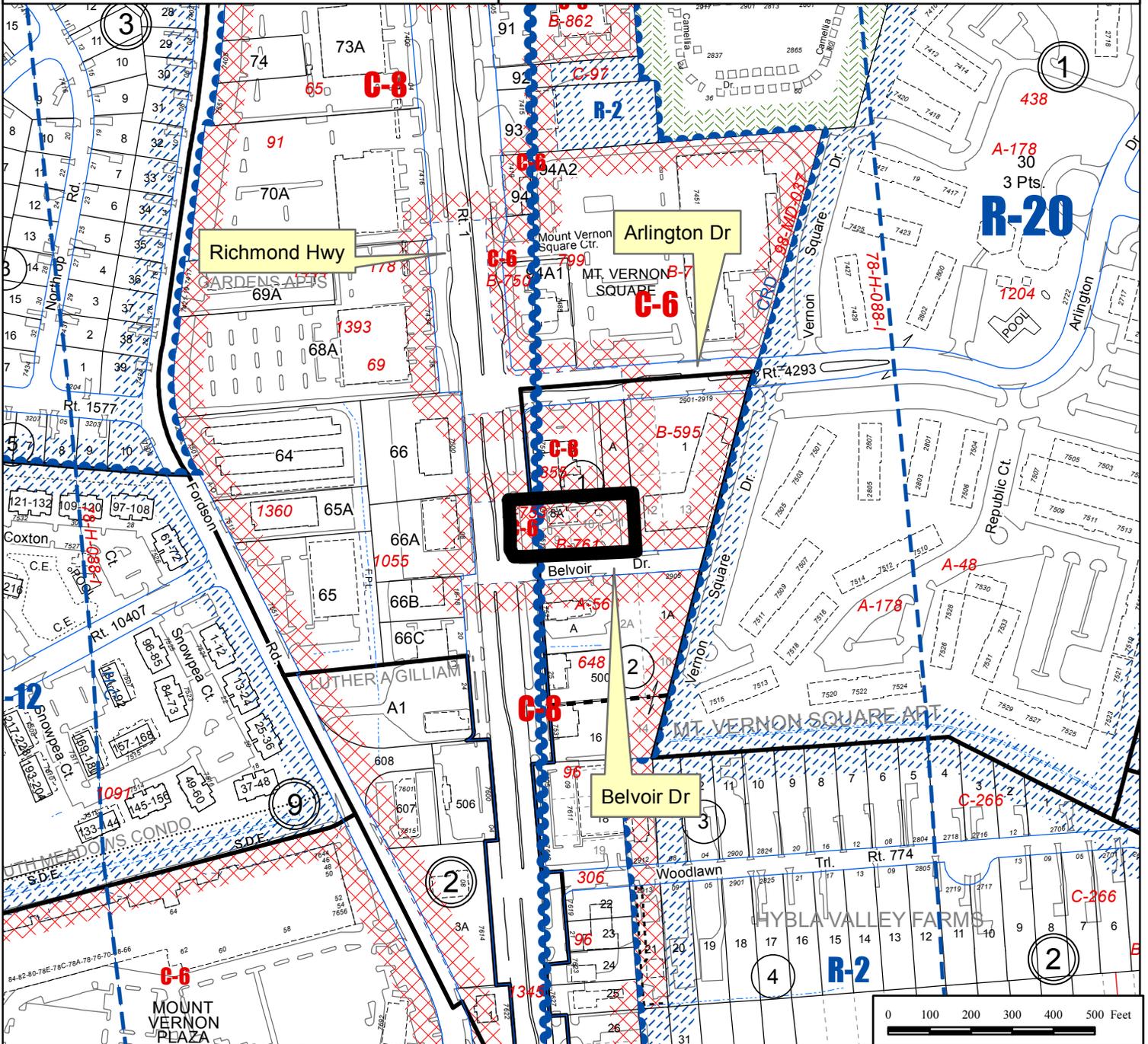


Applicant: STARBUCKS COFFEE COMPANY  
Accepted: 12/28/2015  
Proposed: TO ALLOW FAST FOOD RESTAURANT WITH DRIVE THROUGH IN A HIGHWAY CORRIDOR OVERLAY DISTRICT

Area: 36590 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 07-0607 09-0611  
Located: 7511 RICHMOND HIGHWAY, ALEXANDRIA VA 22306

Zoning: C- 6  
Plan Area: 4,  
Overlay Dist: CRD HC  
Map Ref Num: 093-3- /02/01/0008A



# STARBUCKS

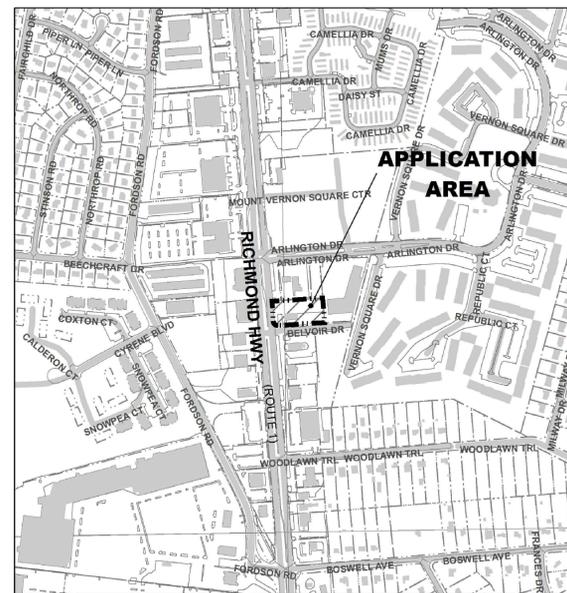
AT

## HYBLA VALLEY ROUTE 1

MOUNT VERNON SUPERVISOR DISTRICT, FAIRFAX COUNTY, VIRGINIA

### SPECIAL EXCEPTION PLAT

SE 2015-MV-0005



SCALE: 1" = 500'



### SHEET INDEX

| NO.    | DESCRIPTION                            |
|--------|--|
| C-1.00 | COVER SHEET                            |
| C-2.00 | SPECIAL EXCEPTION, NOTES & TABULATIONS |
| C-3.00 | LANDSCAPE PLAN                         |
| C-4.00 | INTERSECTION SIGHT DISTANCE EXHIBIT    |

OWNER / APPLICANT:  
**Starbucks**  
 2401 UTAH AVE. S  
 SEATTLE, WA 98134  
 P: 202.297.2760

ATTORNEY:  
**Walsh Colluci Lubeley & Walsh PC**  
 2200 CLARENDON BLVD  
 SUITE 1300  
 ARLINGTON, VA 22201  
 P: 703.528.7400

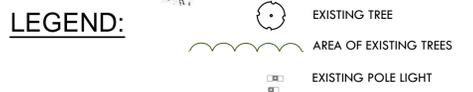
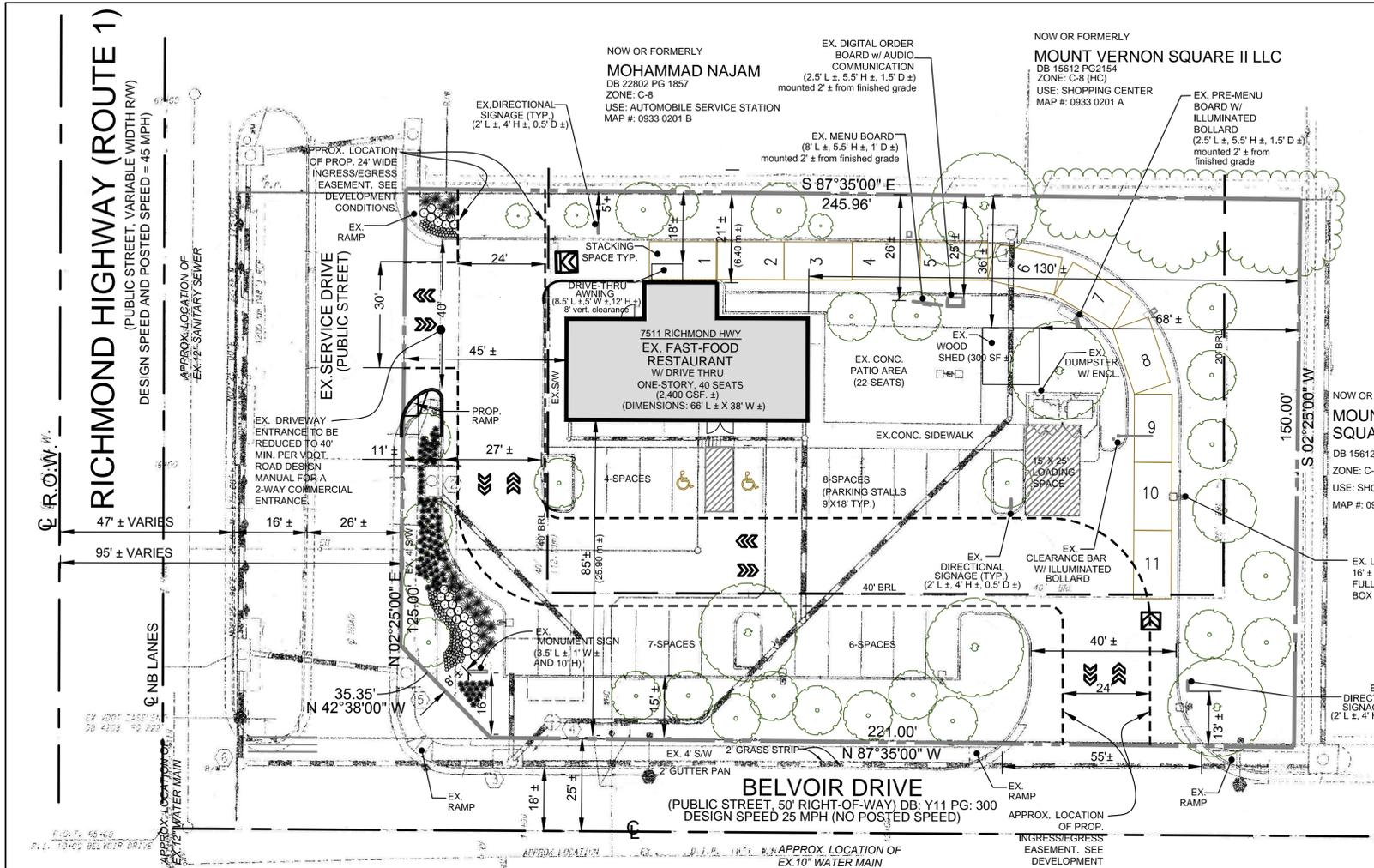
ARCHITECT:  
**Heath Design Group**  
 516 N. CHARLES STREET, SUITE 500  
 BALTIMORE, MD 21201  
 P: 410.752.2700

CIVIL ENGINEER:  
**Pennoni Associates Inc.**  
 13880 DULLES CORNER LN., SUITE 100  
 HERNDON, VA 20171  
 P: 703.449.6700



REVISION: 08-14-2015  
 12-10-2015  
 03-06-2016  
 04-20-2016

V:\PROJECTS\HEATH\HDEG1502-STARBUCKS-HYBLA VALLEY\DESIGN\_SHEETS\C1-00-CV.DWG PLOTTED: 4/20/2016 11:17:00 AM BY: JONATHAN BOND No. J01379 LANDSCAPE ARCHITECT



**SITE TABULATIONS:**

|   |   |
|---|---|
| EXISTING ZONING:  | C-6, HIGHWAY CORRIDOR (HC)                |
| PROPOSED USE:   | FREE-STANDING FAST FOOD RESTAURANT IN CRD |
| LAND AREA SUBJECT TO THE SPECIAL EXCEPTION  | 0.84 AC.± (36,590 S.F.±)                  |
| EX. GROSS FLOOR AREA (GFA)  | 2,400 GSF ±                               |
| MAXIMUM BUILDING HEIGHT ALLOWED:  | 40 FEET                                   |
| EX. BUILDING HEIGHT:  | 20 +/- FEET                               |
| PARKING REQUIRED<br>(1 SPACES PER 2 SEATS WITH A 20% REDUCTION): 25 TOTAL SPACES (SEE GENERAL NOTE #15) |   |
| 62 TOTAL SEATS  |   |
| 40-INDOOR SEATS   |   |
| 22-OUTDOOR SEATS  |   |
| PARKING PROVIDED:   | 25 TOTAL SPACES                           |
| DRIVE-IN WINDOW LANES PROPOSED:   | 1 LANE                                    |
| STACKING SPACES REQUIRED (1 LANE):  | 11 SPACES                                 |
| STACKING SPACES PROVIDED:   | 11 SPACES                                 |
| OPEN SPACE REQUIRED (15%):  | 0.12 AC. (5,489 SF±)                      |
| OPEN SPACE PROVIDED (30% +/-):  | 0.25 AC.± (11,000 SF±)                    |

**SPECIAL EXCEPTION PLAT**  
Scale 1"=20'



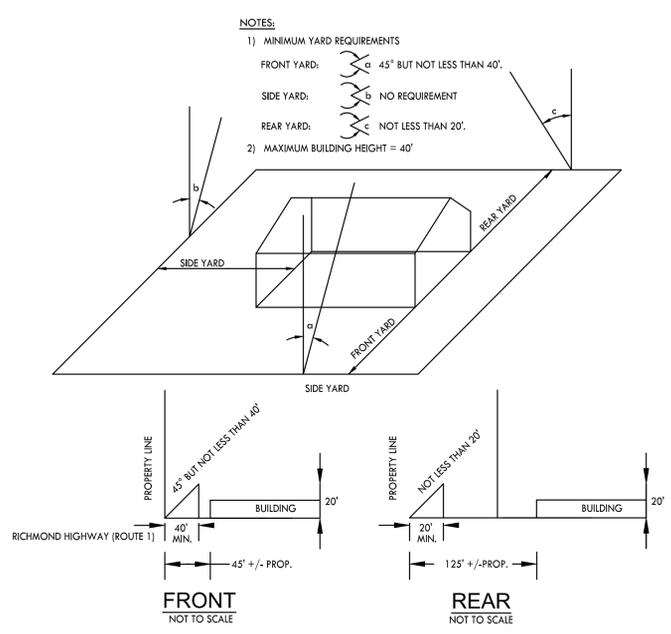
**Z.O. SECTION 9-011, SE SUBMISSION REQ.**

- APPLICATION TO BE SUBMITTED UNDER SEPARATE COVER.
- TWENTY-THREE (23) COPIES OF A FULL SIZE PLAT (24" X 36") AT A SCALE OF NOT LESS THAN 1" = 50' AND A REDUCTION OF THE PLAN (8.5" X 11") SHALL BE PROVIDED UPON REQUEST AT THE TIME OF APPLICATION ACCEPTANCE THAT INCLUDES THE FOLLOWING INFORMATION:
  - THE BOUNDARY OF THE PROPERTY WITH BEARINGS AND DISTANCES HAS BEEN SHOWN ON SHEET C-2.00. SEE GENERAL NOTE#3.
  - THE SITE TABULATIONS FOR THE SPECIAL EXCEPTION PLAT ARE BASED ON A LAND ARE OF 0.8399 +/- ACRES. SEE SHEET C-2.00 FOR COMPLETE LIST OF SITE TABULATIONS.
  - SCALE AND NORTH ARROW AS SHOWN
  - THE PROPOSED FAST FOOD RESTAURANT WITH DRIVE THROUGH LANE IS PROPOSED WITH A MAXIMUM GSA OF 2,100 GSF. OVERALL DIMENSIONS ARE SHOWN ON SHEET C-2.00. THE MAXIMUM PROPOSED HEIGHT IS 20 +/- FEET. SIGNAGE AS SHOWN ON THE PLAN.
  - MINIMUM YARD REQUIREMENTS AND A GRAPHIC DEPICTION OF THE BULK PLAN ARE AS SHOWN ON SHEET C-2.00. DISTANCES FROM EXISTING STRUCTURES AND LOT LINES ARE AS SHOWN ON SHEET C-2.00. SEE GENERAL NOTE #13.
  - SEE SHEETS C-2.00 FOR PUBLIC STREETS. NO PUBLIC ROAD IMPROVEMENTS ARE PROPOSED WITH THIS PLAN.
  - INGRESS AND EGRESS ARE AS SHOWN ON SHEET C-2.00.
  - PARKING TABULATIONS ARE AS SHOWN ON SHEET C-2.00. DISTANCES OF PARKING FROM THE PROPERTY LINES ARE AS SHOWN ON SHEET C-2.00.
  - THE PROPERTY IS CURRENTLY SERVED BY PUBLIC WATER AND SEWER AS PROVIDED BY FAIRFAX WATER AND FAIRFAX COUNTY WASTE WATER COLLECTION RESPECTIVELY. SEE GENERAL NOTE #27.
  - STORMWATER MANAGEMENT SUBMISSION REQUIREMENTS HAVE BEEN WAIVED FOR THIS APPLICATION. NO LAND DISTURBING ACTIVITY PROPOSED WITH THIS APPLICATION. SEE GENERAL NOTE #8.
  - A STATEMENT SETTING FORTH THE MAXIMUM GROSS FLOOR AREA AND FAR HAS BEEN WAIVED FOR THIS APPLICATION. SEE SHEET C-2.00 FOR SITE TABULATIONS.
  - THE REQUIREMENT TO SHOW EXISTING TOPOGRAPHY HAS BEEN WAIVED FOR THIS APPLICATION.
  - NO LAND DISTURBING ACTIVITY IS PROPOSED WITH THIS APPLICATION AND CONSEQUENTLY THERE ARE NO LIMITS OF DISTURBANCE. AN EXISTING VEGETATION MAP (EVM) IS NOT REQUIRED FOR LAND DISTURBING ACTIVITIES LESS THAN 2,500 SF. APPROXIMATE LOCATIONS OF EXISTING VEGETATION ARE SHOWN ON SHEET C-2.00. LANDSCAPE TABULATIONS DEMONSTRATING COMPLIANCE WITH ARTICLE 13 ARE SHOWN ON SHEET C-3.00. SEE GENERAL NOTE #9
  - THERE ARE NO FLOODPLAINS, RPA OR EQC ON THE PROPERTY. SEE GENERAL NOTE#12.
  - ANY ADDITIONAL SITE FEATURES AND/OR AMENITIES, IF PROVIDED, ARE SHOWN ON SHEET C-2.00. SEE GENERAL NOTE #18.
  - SEE GENERAL NOTE #9
  - THERE ARE NO REQUIRED TRAILS PER THE COMPREHENSIVE TRAIL PLAN THAT ARE TO BE PROVIDED ON THE PROPERTY.
  - SEE GENERAL NOTE #19.
  - SEAL AND SIGNATURE PROVIDED ON EACH SHEET OF THE PLAT AS REQUIRED.
- FAIRFAX COUNTY OFFICIAL ZONING MAP AT A SCALE OF 1"= 500' TO BE PROVIDED UNDER SEPARATE COVER.
- ALL PHOTO DOCUMENTATION OF THE PROPERTY TO BE PROVIDED UNDER SEPARATE COVER.
- NOT APPLICABLE FOR COMMERCIAL DEVELOPMENT.
- AFFIDAVIT TO BE PROVIDED UNDER SEPARATE COVER
- A WRITTEN STATEMENT OF JUSTIFICATION TO BE PROVIDED UNDER SEPARATE COVER.
- OWNERSHIP AND INTEREST TO BE PROVIDED UNDER SEPARATE COVER.
- NOT APPLICABLE; NO LAND DISTURBING ACTIVITY PROPOSED WITH THIS APPLICATION.
- APPLICATION FEE TO BE INCLUDED UNDER SEPARATE COVER.

**GENERAL NOTES:**

- THIS SPECIAL EXCEPTION PLAT ACCOMPANIES AN APPLICATION TO PERMIT A FREE-STANDING FAST-FOOD RESTAURANT WITH A DRIVE THROUGH TO BE LOCATED ON A 0.8399 +/- AC. PARCEL. THIS AREA IS THE SUBJECT OF THIS SPECIAL EXCEPTION PLAT AND SHALL BE IDENTIFIED AS (THE PROPERTY).
- THE PROPERTY IS LOCATED AT 7511 RICHMOND HIGHWAY IN THE NORTHEAST CORNER OF THE INTERSECTION BETWEEN RICHMOND HIGHWAY (ROUTE 1) AND BELVOIR DRIVE. THE PROPERTY IS WITHIN THE HYBLA VALLEY FARMS SUBDIVISION AND IS IDENTIFIED IN FAIRFAX COUNTY TAX RECORDS AS TAX MAP 93-3 (021) 011 PARCEL 8A.
- THE PROPERTY DELINEATED ON THIS PLAT IS IN THE NAME OF EHRICH BENARD TR, ENRICH VERA TR AS RECORDED IN DEED BOOK 11070 AT PAGE 0340 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA. THE AREA SUBJECT TO THE SPECIAL EXCEPTION PLAT, AS SHOWN HERON, IS BASED UPON DEED/PLATS OF RECORD AND DOES NOT PURPORT TO REPRESENT A FIELD RUN BOUNDARY SURVEY BY PENNONI ASSOCIATES, INC. AT THIS TIME.
- THE PROPERTY IS CURRENTLY ZONED TO THE C-6 (HIGHWAY CORRIDOR), COMMUNITY RETAIL COMMERCIAL DISTRICT AND IS LOCATED IN THE MOUNT VERNON MAGISTERIAL DISTRICT.
- THE PROPERTY IS IN THE (MVS) GROVETON COMMUNITY PLANNING SECTOR OF THE MOUNT VERNON PLANNING DISTRICT (AREA IV) OF THE COMPREHENSIVE PLAN AND IS IDENTIFIED FOR USE AS RETAIL/COMMERCIAL (WITHIN A COMMERCIAL REVITALIZATION DISTRICT). THE PROPOSED USE FOR THE PROPERTY IS CONSISTENT WITH THAT RECOMMENDATION.
- THE PROPERTY WAS ORIGINALLY APPROVED PURSUANT TO PLAN #6799-SP-02-2 AS PREPARED BY THE PLAN SOURCE (TPS) AND APPROVED ON 08-17-1998. THIS INFORMATION OF RECORD WAS UTILIZED TO DEPICT THE EXISTING CONDITIONS FOR THE APPLICATION PROPERTY.
- THE REQUIREMENT TO SHOW EXISTING TOPOGRAPHY WITH A MAXIMUM CONTOUR INTERVAL OF TWO (2) FEET AND A STATEMENT INDICATING WHETHER IT IS AIR SURVEY OR FIELD RUN HAS BEEN WAIVED FOR THIS APPLICATION.
- STORMWATER MANAGEMENT (SWM) AND BEST MANAGEMENT PRACTICES (BMP) SUBMISSION REQUIREMENTS HAVE BEEN WAIVED FOR THIS APPLICATION. THERE ARE NO SITE DISTURBING ACTIVITIES OVER 2,500 SF PROPOSED WITH THIS SPECIAL EXCEPTION.
- LANDSCAPING AND TREE COVER WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 13 OF THE ZONING ORDINANCE. EXISTING LANDSCAPING IS AS SHOWN ON SHEET C-3.00 OF THE PLAN.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR GREATER WITHIN THE PROPERTY.
- THE 2,100 +/- SF STRUCTURE, SHED, 25 PARKING SPACES, DRIVE ISLES AND DUMPSTER ON THE PROPERTY SHOWN ON THE PLAN ARE ALL EXISTING AND ARE TO BE RETAINED IN THE CURRENT CONFIGURATION. ACCORDING TO COUNTY RECORDS, THE EXISTING BUILDING WAS CONSTRUCTED IN 1999. ALL SIGNAGE INSTALLED WITH THE OPENING OF THE STARBUCKS IN 2014.
- THERE IS NO FLOODPLAIN WITHIN THE PROPERTY AS DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION, UNITED STATES GEOLOGICAL SURVEY, OR FAIRFAX COUNTY GIS MAPPING. THERE ARE NO RESOURCE PROTECTION AREAS (RPA) OR ENVIRONMENTAL QUALITY CORRIDOR (EQC) WITHIN THE PROPERTY.
- THE MINIMUM YARD REQUIREMENTS SET FORTH IN THE C-6 DISTRICT REGULATIONS OF THE ZONING ORDINANCE ARE AS FOLLOWS:
  - FRONT YARD: CONTROLLED BY A 45 DEGREE ANGLE OF BULK PLAN, BUT NOT LESS THAN 40-FEET
  - SIDE YARD: NO REQUIREMENT
  - REAR YARD: NOT LESS THAN 20-FEET
- TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED DEVELOPMENT OF THE PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS, AND ADOPTED STANDARDS EXCEPT AS FOLLOWS:
  - THE APPLICANT HEREBY REQUEST A WAIVER OF Z.O. SECTION 11-203 REQUIRING A STANDARD TYPE 'D' LOADING SPACE FOR A FAST FOOD RESTAURANT.
  - THE APPLICANT HEREBY REQUEST WITH THIS SPECIAL EXCEPTION APPLICATION A WAIVER OF PFM SECTION 17-201 PAR. 4 REQUIRING THE CONSTRUCTION OF WIDENING, LANDSCAPING OR OTHER IMPROVEMENTS ALONG THE PROPERTY'S RICHMOND HIGHWAY ROUTE 1 FRONTAGE AS INDICATED IN THE ADOPTED COMPREHENSIVE PLAN AS A RESULT OF THE FOLLOWING JUSTIFICATION: (A) ADEQUATE THROUGH CAPACITY ALONG THE EXISTING RICHMOND HIGHWAY, (B) ADEQUATE VEHICULAR AND PEDESTRIAN LINKAGES/CONNECTIONS TO THE SITE, AND (C), NO SCHEDULE OR TIMING FOR THE FUTURE IMPROVEMENTS.
- THE REQUIRED NUMBER OF PARKING SPACES FOR A FAST FOOD ESTABLISHMENT IS 1-SPACE PER 2 SEATS WITH A 20% REDUCTION PER (A7-409, PAR. 3A).
- A STATEMENT THAT CONFIRMS THE OWNERSHIP OF THIS PROPERTY AND THE NATURE OF THE DEVELOPER'S INTEREST IN SAME IS PROVIDED IN AN AFFIDAVIT TO BE SUBMITTED UNDER SEPARATE COVER.
- THE TOTAL GROSS FLOOR AREA AND THE BUILDING HEIGHT PRESENTED IN THE TABULATIONS ARE TO BE CONSIDERED A MAXIMUM.
- ADDITIONAL SITE FEATURES SUCH AS PLANTERS, TRASH/RECYCLING RECEPTALS AND SITE FURNITURE NOT REPRESENTED HEREIN MAY BE PROVIDED.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES LOCATED ON THE PROPERTY.
- TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED USE REPRESENTED HEREIN WILL NOT GENERATE, UTILIZE, STORE, TREAT AND/OR DISPOSE OF ANY HAZARDOUS OR TOXIC SUBSTANCES A SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 116.4, 302.4, AND 355; ANY HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA, DEPARTMENT OF WASTE MANAGEMENT (VR 672-10.1) VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR ANY PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS, PART 280. ANY SUCH SUBSTANCES THAT MAY BE UTILIZED, STORED AND/OR DISPOSED OF IN CONJUNCTION WITH THE USES WILL BE IN ACCORDANCE WITH SAID REGULATIONS.
- THE PROPERTY IS CURRENTLY DEVELOPED AND AS A RESULT THERE ARE NO AREAS THAT HAVE SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION ON THE PROPERTY.
- THERE ARE NO COMMUNITY OF PUBLIC FACILITIES BEING PROPOSED IN CONJUNCTION WITH THE DEVELOPMENT OF THE PROPERTY.
- THE PROPERTY IS CURRENTLY DEVELOPED AND AS A RESULT ARCHITECTURAL SKETCHES, ELEVATIONS, AND/OR ILLUSTRATIVE IMAGES OF THE BUILDING SHALL NOT APPLY. SEE PHOTOGRAPHS OF THE APPLICATION PROPERTY UNDER SEPARATE COVER.
- SITE SIGNAGE SHALL BE PROVIDED TO THAT AS SHOWN EXISTING ON THE PLAN AND SUMMARIZED IN THE SIGN MATRIX ON SHEET C-3.00.
- THE SITE LIGHTING IS EXISTING AND WILL BE PROVIDED TO THAT AS SHOWN ON THE PLAN. 16' ± POLES WITH A FULLY SHIELDED SHOE BOX STYLE LUMINARIES.
- NO EXTERNAL LOUDSPEAKERS ARE PROPOSED FOR THE PROPERTY. AN EXISTING CALL BOX AT THE MENU BOARD IS BEING USED AT THE DRIVE THRU FOR TAKING ORDERS.
- THE PROPERTY IS CURRENTLY SERVED BY PUBLIC WATER AND SEWER AS PROVIDED BY FAIRFAX WATER AND FAIRFAX COUNTY WASTE WATER COLLECTION RESPECTIVELY.
- RIGHT-OF-WAY DEDICATION ALONG THE PROPERTY'S RICHMOND HIGHWAY (ROUTE 1) AND BELVOIR DRIVE FRONTAGE WAS PREVIOUSLY DEDICATED AS RECORDED IN DB 10560 AND PG 1679.
- THE EXISTING INGRESS/EGRESS ACCESS EASEMENT RECORDED IN DB 10560 PG 1679 SHALL BE VACATED AND A NEW 24' WIDE EASEMENT BE DEDICATED AS GENERALLY DEPICTED ON THE PLAN. SEE DEVELOPMENT CONDITIONS.

**BULK PLANE PROFILES**



**OWNER/APPLICANT:** STARBUCKS COFFEE  
2401 UTAH AVE. S SEATTLE, WA 98134 P: 202.297.2760

**ARCHITECT:** H  
516 N. CHARLES ST. SUITE 500 BALTIMORE, MD 21201 P:410.752.2700

**CIVIL ENGINEER:** Pennoni  
13880 DULLES CORNER LN. SUITE 100 HERNDON, VA 20171 P:703.449.6700

**PROFESSIONAL SEAL:**  
COMMONWEALTH OF VIRGINIA  
CONRATH D. BOND  
No 001379  
4/20/2016  
LANDSCAPE ARCHITECT

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

**SPECIAL EXCEPTION**

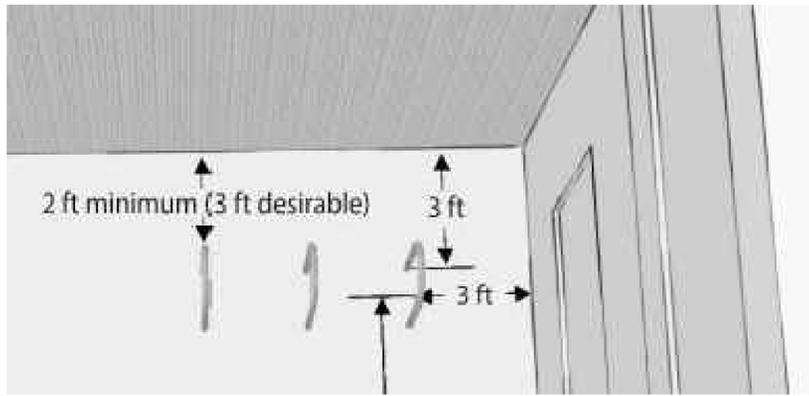
**STARBUCKS AT HYBLA VALLEY ROUTE 1**

MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

**SPECIAL EXCEPTION, NOTES & TABULATIONS**

|                         |          |            |            |             |
|-------------------------|----------|------------|------------|-------------|
| ISSUED FOR:             | REV.     | DATE       | BY         | PROJECT NO. |
| 2ND SUBMISSION COMMENTS | 1        | 08/14/2015 | JDB        | HDEG1502    |
| 3RD SUBMISSION COMMENTS | 2        | 12/10/2015 | JDB        |             |
| PRE-STAFFING SUBMISSION | 3        | 03/01/2016 | JDB        |             |
| FINAL SUBMISSION        | 3        | 04/20/2016 | JDB        |             |
| SCALE                   | AS SHOWN | DATE       | 2015-03-04 |             |
| DRAWN BY                | JDB      | APPROVED   |            |             |
| DRAWING NO.             | C-2.00   |            |            |             |





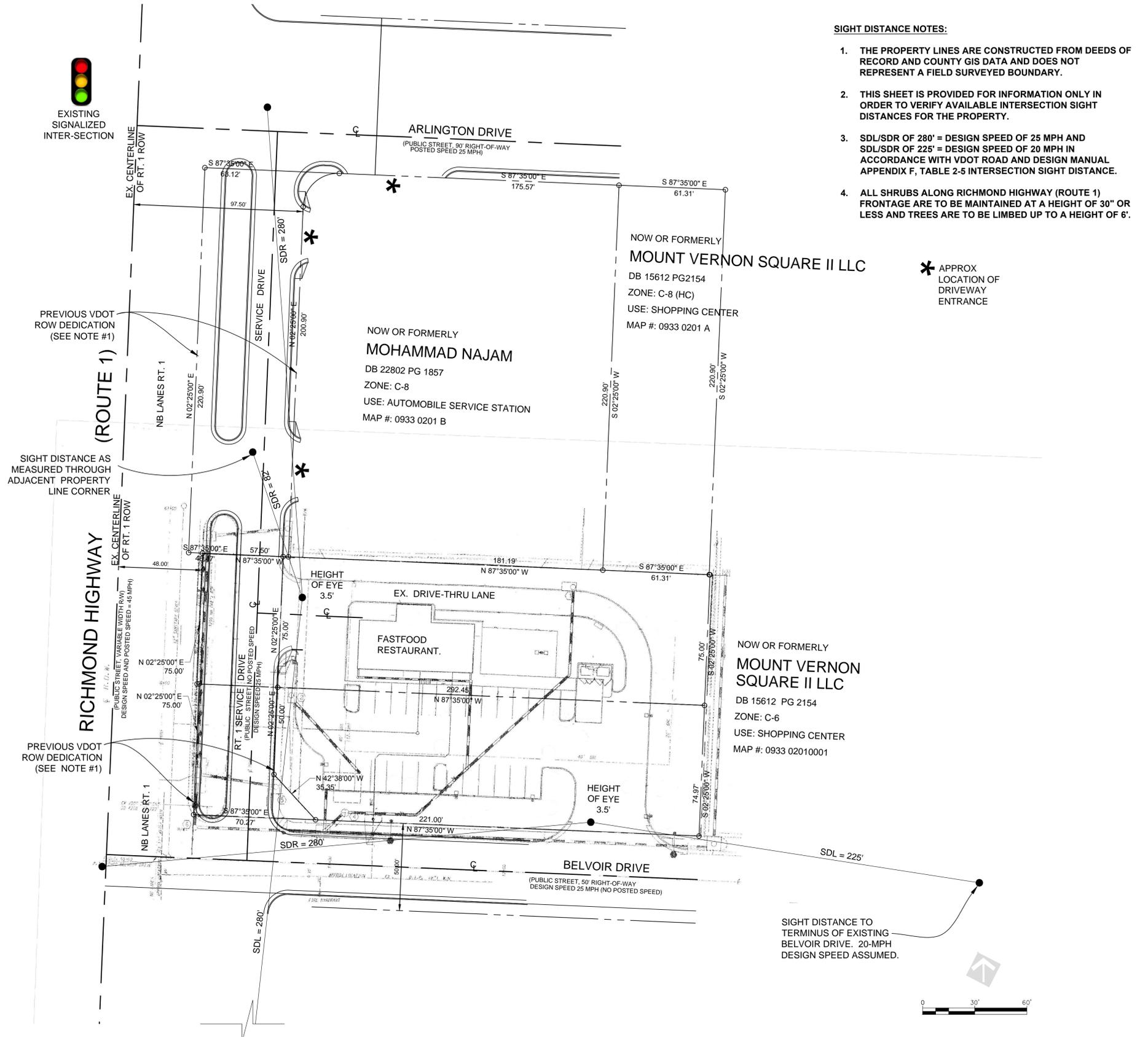
### BIKE RACK SPACING DETAIL

#### General Design Notes:

- Minimum spacing between racks = 3 ft
- Minimum distance between rows of racks = 10 ft (measured from centerline of rack)
- Minimum distance from rack to wall (rack is perpendicular to wall) = 2 ft
- Minimum distance from rack to wall (rack is parallel to wall) = 3 ft
- Minimum distance from rack to wall (diagonal installation) = 2 ft

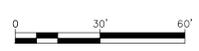
#### BIKE RACK NOTES:

1. BIKE RACKS SHALL BE PROVIDED IN ACCORDANCE WITH THE FAIRFAX COUNTY BICYCLE PARKING GUIDELINES FOR LOCATION, SPACING, QUANTITY AND GENERAL SPECIFICATIONS.



- #### SIGHT DISTANCE NOTES:
1. THE PROPERTY LINES ARE CONSTRUCTED FROM DEEDS OF RECORD AND COUNTY GIS DATA AND DOES NOT REPRESENT A FIELD SURVEYED BOUNDARY.
  2. THIS SHEET IS PROVIDED FOR INFORMATION ONLY IN ORDER TO VERIFY AVAILABLE INTERSECTION SIGHT DISTANCES FOR THE PROPERTY.
  3. SDR/SDR OF 280' = DESIGN SPEED OF 25 MPH AND SDR/SDR OF 225' = DESIGN SPEED OF 20 MPH IN ACCORDANCE WITH VDOT ROAD AND DESIGN MANUAL APPENDIX F, TABLE 2-5 INTERSECTION SIGHT DISTANCE.
  4. ALL SHRUBS ALONG RICHMOND HIGHWAY (ROUTE 1) FRONTAGE ARE TO BE MAINTAINED AT A HEIGHT OF 30" OR LESS AND TREES ARE TO BE LIMBED UP TO A HEIGHT OF 6'.

\* APPROX LOCATION OF DRIVEWAY ENTRANCE



OWNER/APPLICANT: ARCHITECT: CIVIL ENGINEER:

2401 UTAH AVE. S SEATTLE, WA 98134 P: 202.297.2760

516 N. CHARLES ST. SUITE 500 BALTIMORE, MD 21201 P: 410.752.2700

13880 DULLES CORNER LN. SUITE 100 HERNDON, VA 20171 P: 703.449.6700

PROFESSIONAL SEAL:

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

SPECIAL EXCEPTION

STARBUCKS AT HYBLA VALLEY ROUTE 1

MOUNT VERNON MAGISTERIAL DISTRICT FAIRFAX COUNTY, VIRGINIA

INTERSECTION SIGHT DISTANCE EXHIBIT

| ISSUED FOR:             | REV. | DATE       | BY  |
|-------------------------|------|------------|-----|
| 2ND SUBMISSION COMMENTS | 1    | 08/14/2015 | JDB |
| 3RD SUBMISSION COMMENTS | 2    | 12/10/2015 | JDB |
| PRE-STAFFING SUBMISSION | 3    | 03/01/2016 | JDB |
| FINAL SUBMISSION        | 3    | 04/20/2016 | JDB |

|                         |
|-------------------------|
| PROJECT NO.<br>HDEG1502 |
| SCALE<br>1" = 30'       |
| DATE<br>2015-03-04      |
| DRAWN BY<br>JDB         |
| APPROVED                |
| DRAWING NO.<br>C-4.00   |

## DESCRIPTION OF THE APPLICATION

The applicant, Starbucks Coffee Company, requests special exception (SE) approval to permit a fast food establishment with drive-thru on the subject property located at 7511 Richmond Highway in Alexandria. The subject property contains 36,590 square feet and is zoned C-6, HC and CRD. Fast food restaurants with an automobile-oriented use are permitted with special exception approval in C-6 Districts. The hours of operation are currently 5:00am to 11:00pm daily, however the applicant may wish to be open 24 hours, seven days a week in the future. The seating capacity of Starbucks will be 62 patrons, and there will be a maximum of six employees at any one time.



Figure 1: Subject Property and Surrounding Area

A reduced copy of the submitted SE Plat is included at the front of this report. Copies of the proposed development conditions, the applicant's statement of justification and the affidavit are included in Appendices 1, 2 and 3, respectively.

## LOCATION AND CHARACTER

As depicted in Figure 1, the subject property is located on the eastern side of Richmond Highway, north of its intersection with Belvoir Drive. The subject property is an existing pad site with a Starbucks and is zoned C-6. The adjacent property to the north, Liberty Gas Service Station, is zoned C-8. Mount Vernon Square, a retail center, is located to the east of the subject property and is zoned C-6. Further east, beyond the retail center, is the Mount Vernon Square Apartments, which are zoned R-20. The development to

the south is a KFC fast food restaurant zoned C-8. West of Richmond Highway is the Mill's Direct Floor Covering store that is zoned C-8.

## **BACKGROUND**

Starbucks is currently operating at 7511 Richmond Highway. The subject site was previously a Checkers with a drive-thru. On April 27, 1998, the Board of Supervisors approved SE 97-V-054 to allow an automobile-oriented use, specifically a drive-thru window at a by-right eating establishment, for Checkers. Copies of the approved development conditions and plat are included in Appendix 4. Prior to Checkers, the pad site was the Café Bardolino restaurant and a Pizza Hut restaurant, which was constructed in March of 1973.

Checkers was classified as an eating establishment, whereas Starbucks is classified as a fast food restaurant, thus requiring a new SE application rather than an amendment. A SE application was filed on January 9, 2015 and a Non-Residential Use Permit (Non-RUP) was issued on January 23, 2015. Upon issuance of the Non-RUP, Starbucks was allowed to open and in a timely manner was directed to diligently pursue approval of the SE.

On December 14, 2015, a Notice of Violation (NOV) was issued, since Starbucks had not diligently pursued the SE application and was operating outside of the hours allowed under the current special exception, SE 97-V-054. A copy of the NOV is included as Appendix 5. Starbucks was also directed to diligently pursue the acceptance and approval of a new special exception for a fast food restaurant with a drive-thru to address the change of use and hours of operation. The SE application was accepted on December 28, 2015. To remedy the NOV, a special exception for a fast food restaurant is required.

## **COMPREHENSIVE PLAN PROVISIONS**

|                           |                                |
|---------------------------|--------------------------------|
| <b>Plan Area:</b>         | Area IV                        |
| <b>Planning District:</b> | Mount Vernon Planning District |
| <b>Planning Sector:</b>   | Richmond Highway Corridor Area |
| <b>Plan Map:</b>          | Retail                         |

Page 57 of the 2013 Edition of the Area IV Plan, Richmond Highway Corridor, Hybla Valley/Gum Springs Community Business Center, as amended through October 20, 2015 under the hearing "Sub-unit B3," provides guidance for the subject property, as follows:

*"Sub-unit B-3 is located along the east side of Richmond Highway south of*

*Arlington Drive. This area is planned for retail use up to .50 FAR with a maximum building height of 50 feet. Substantial consolidation of lots and access points is encouraged.”*

Page 27 of the 2013 Edition of the Area IV Plan, Richmond Highway Corridor, Planning Objectives for the Richmond Highway Corridor, Land Use as amended through October 20, 2015, additionally states:

*Strongly discourage fast food, car washes and pawn shops as they are not consistent with quality revitalization.*

**SPECIAL EXCEPTION PLAT DESCRIPTION**

The Special Exception Plat entitled “Starbucks at Hybla Valley Route 1,” submitted by Pennoni Associates, Inc. consisting of four sheets dated August 14, 2015, revised through April 20, 2016, is reviewed below. A reduced copy of the SE Plat is located at the front of the staff report.

**Site Layout**

As shown in Figure 2, development of the site consists of a 2,400 square foot Starbucks restaurant with a height of 20 feet. The northern side of the building houses the drive-thru window. Adequate stacking space for 11 vehicles is delineated on the Special Exception Plat. An existing dumpster with enclosure is located on the eastern portion of the site, near the drive-thru aisle.

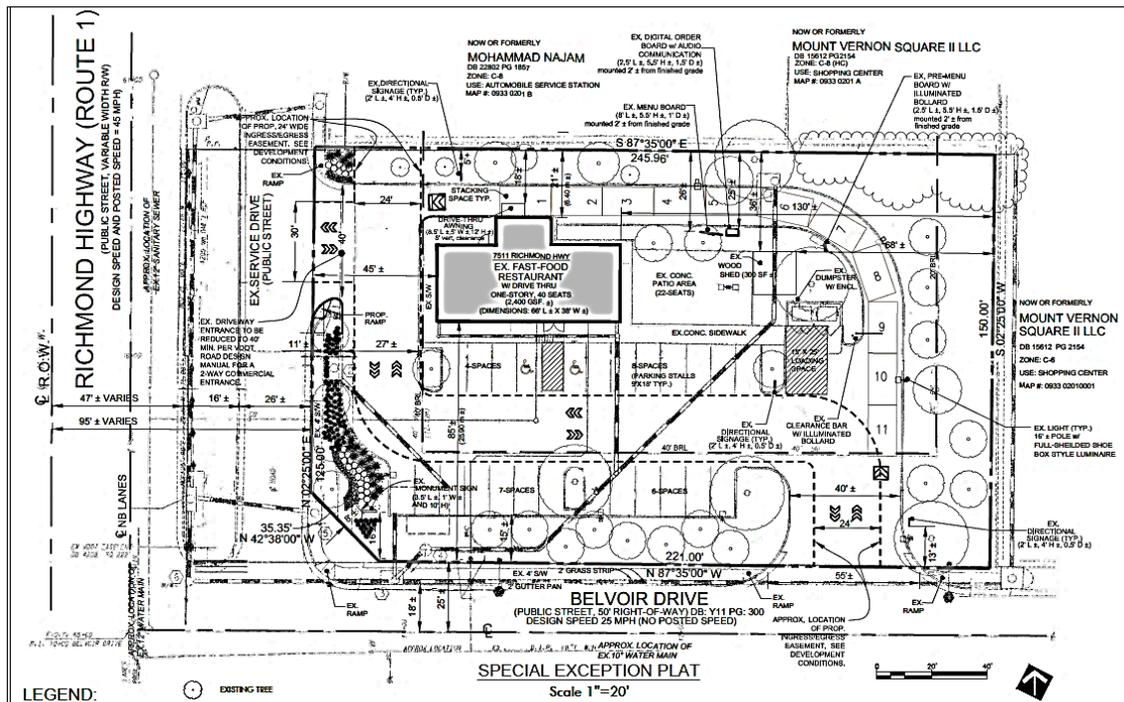


Figure 2: Site Layout, Source: SE Plat, Sheet C-2.00

Access to the site is provided off of the Richmond Highway service drive and Belvoir Drive, both public roadways. Belvoir Drive dead-ends after the subject site. A total of 25 parking spaces is provided for both employee and customer parking. A loading space is also provided on-site adjacent to the enclosed dumpster pad.

The café will serve coffee and espresso beverages, blended beverages, pre-packaged food items, and warmed pastries. The seating capacity of Starbucks will be 62 patrons. The applicant is proposing 40 seats inside the restaurant and 22 seats on the patio. The number of employees will not exceed six at any one time.

### **Landscaping and Open Space**

The Landscape Plan (Sheet C-3) shows the existing trees and proposed landscaping. Along the Richmond Highway frontage, the applicant proposes to remove the dead and dying vegetation and replant the area with evergreen shrubs and ornamental grasses. The trees along the perimeter of the property will remain untouched.

Transitional screening and barriers are not required for this development. Approximately 30 percent or 11,000 square feet of open space is provided, which exceeds the 15 percent or 5,489 square foot requirement.

## **ANALYSIS**

### **Land Use Analysis**

The land use planning objectives for the Richmond Highway Corridor encourages “*safe, harmonious, barrier-free networks of appropriately-sized pedestrian connections*”. In order to facilitate a more pedestrian friendly environment, the applicant is proposing to reduce the existing 50 foot curb cut at the Richmond Highway service drive entrance to the commercial standard of forty feet. The sidewalk would be extended, resulting in a safer environment for pedestrians to cross a shorter driveway width. New plantings are proposed mainly along the Richmond Highway frontage in order create a more aesthetically pleasing streetscape when viewed from the highway corridor.

The hours of operation are currently 5:00am to 11:00pm daily, however, the applicant may wish to be open 24 hours, seven days a week in the future. The site is located along the Richmond Highway Corridor and is surrounded by commercial development. Staff does not believe there would be adverse impacts on surrounding properties if Starbucks was to be open 24 hours. Therefore, staff did not recommend a development condition limiting the hours of operation.

Staff maintains that the proposed Starbucks is not an intensification of the previous use, which was a Checkers restaurant. Therefore, the approval of this application would not change its status with respect to the Comprehensive Plan. If there was an intensification from the previous use, such as an increase in building size or significantly more seats, the project could not be found to be in conformance with the Richmond Highway Corridor



An outstanding transportation issue remains with regard to sight distance in the northerly direction for the entrance to the site off of the Richmond Highway service drive. VDOT Road Design Standards require a sight distance of 280 feet. The applicant's measurement depicts a distance of 280 feet with a portion of the sight distance line located outside of the right-of-way. The portion that is outside of the right-of-way will require a sight distance easement from the adjacent property owner, located at Tax Map 93-3 ((2)) (1) B. The easement is required in order to maintain a clear sight distance of 280 feet in perpetuity. A development condition is included that requires the applicant to obtain a sight distance easement or a waiver of the requirement from VDOT.

## **ZONING ORDINANCE PROVISIONS (See Appendix 7)**

### **General Special Exception Standards (Sect. 9-006)**

All special exception uses shall satisfy the following general standards:

General Standards 1 and 2 requires that the proposed use at the specified location “*be in harmony with the adopted Comprehensive Plan*” and “*with the general purpose and intent of the applicable zoning district regulations*”. Staff finds that since the proposed fast food restaurant with drive-thru is not an intensification of the previous use, the proposal will be in harmony with the Comprehensive Plan and the purpose and intent of the C-6 District, which supports retail and commercial development. Staff believes that the drive-thru fast food restaurant will not negatively affect the existing surrounding uses in the area.

General Standard 3 states that the proposed use shall “*be harmonious with and not adversely affect the use or development of neighboring properties*”. This standard also requires that “*the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof*”. The proposed reuse of the former eating establishment and drive-thru as a fast food restaurant with a drive-thru is not anticipated to create adverse impacts on the surrounding properties. This commercial development is consistent with the types of neighboring uses, and it will utilize the former Checkers structure and drive-thru. This application is also consistent with the Policy Plan Green Energy Policy, which encourages adaptive reuse. Staff believes that the proposed plan, subject to the included development conditions, would meet this standard.

General Standard 4 requires “*that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or anticipated traffic*”. In order to facilitate a more pedestrian friendly environment, the applicant is proposing to reduce the existing 50 foot curb cut at the Richmond Highway service drive entrance to the commercial standard of 40 feet. The sidewalk would be extended, resulting in a safer environment for pedestrians to cross a shorter driveway width. Therefore, staff has

concluded that the proposed plan meets this standard.

General Standard 5 stipulates that *“the Board shall require landscaping and screening in accordance with the provisions of Article 13”*. Along the Richmond Highway frontage, the applicant proposes to remove the dead and dying vegetation and replant the area with evergreen shrubs and ornamental grasses. A development condition regarding the implementation of the landscape plan has been included.

General Standard 6 stipulates that *“open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located”*. In this proposal, there are no new changes or modifications requested that would impact existing open space.

General Standard 7 states that *“adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11”*. The site currently contains 25 parking spaces for both employee and customer parking, which satisfies the requirement. Eleven stacking spaces for the drive-thru are adequately accommodated for in the existing drive-thru aisle. A loading space is also provided on-site adjacent to the enclosed dumpster pad. All utilities are currently in place and modifications are not proposed.

General Standard 8 specifies that *“signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance”*. The applicant has obtained permits for the signage found on site.

### **Standards for All Category 5 Uses (Sect. 9-503)**

This application is also subject to the three additional standards for all Category 5 special exception uses, which require conformance with the lot size and bulk regulations of the Zoning Ordinance, the performance standards specified in the applicable zoning district, and Article 17 of the Zoning Ordinance, which concerns site plans. With the imposition of the proposed development conditions, staff believes that these standards would be met.

| <b>TABLE 1 – BULK STANDARDS FOR C-6 ZONING</b> |  |   |
|--|--|---|
| <b>Standard</b>                                | <b>Required</b>  | <b>Provided</b>   |
| Lot Size                                       | 40,000 square feet minimum   | 36,590 square feet <sup>1</sup>                                 |
| Lot Width                                      | 200 foot minimum   | Richmond Hwy.: ≈285 feet<br>Belvoir Dr.: ≈153 feet <sup>1</sup> |
| Building Height                                | 40 feet maximum  | 20 feet   |
| Front Yard                                     | Controlled by a 45° angle of bulk plane, but not less than 40 feet | Richmond Hwy.: ≈45 feet<br>Belvoir Dr.: ≈85 feet                |
| Rear Yard                                      | 20 foot minimum  | ≈130 feet   |
| Side Yard                                      | None required  | N/A   |
| Floor Area Ratio                               | 0.40 maximum   | 0.06  |
| Landscaped Open Space                          | 15% of the gross area  | 30%   |

<sup>1</sup> Section 2-405 of the Zoning Ordinance permits lots that were recorded prior to the effective date of the Zoning Ordinance that met the requirements of the Zoning Ordinance in effect at the time of recordation to be used for any use permitted in the zoning district in which located even though the lot does not meet the minimum district size requirements of the district.

**Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts (Sect. 9-505)**

Fast food restaurants, when permitted by special exception, must also satisfy the following additional standards:

Standard A stipulates that “*such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated*”. Modifications to the exterior of the existing structure and building façade have already been permitted by Fairfax County. There are no additional modifications proposed. Staff believes this standard has been met.

Standard B states that the use “*shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties*”. The vehicular and pedestrian circulation will remain relatively the same as the previous use. A minor reduction of the curb cut at the Richmond Highway service drive and an extension of the sidewalk is proposed. This minor change of the existing condition will create a more pedestrian friendly environment. As such, staff believes the standard has been met.

Standard C specifies that *“the site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation”*, and that *“parking and stacking spaces shall be located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site”*. Circulation patterns, parking and stacking are clearly delineated on the Special Exception Plat. The location of the drive-thru window creates minimal vehicular conflict. Staff asserts that the proposal meets this standard.

Standard D states that *“the lot must be of sufficient area and width to accommodate the use and that any such use will not adversely affect any nearby existing or planned residential areas as a result of the hours of operation, noise generation, parking, glare or other operational factors”*. There are no proposed changes to the building footprint and ample stacking and parking spaces are present. Additionally, the Mount Vernon Square Shopping Center creates a buffer between this property and the nearby residential areas. Staff believes that there will be no adverse effects on existing or planned residential areas and that this standard has been met.

Standard E applies to drive-through pharmacies; therefore, this standard is not applicable to this application.

### **Highway Corridor Overlay District - Use Limitations (Section 7-608)**

The purpose of the Highway Corridor Overlay District (HC) in Sect. 7-600 of the Zoning Ordinance, is in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses. Par. 1 of Sect. 7-608, includes three use limitations and Par. 3 of Sect. 7-608 provides limitations specific to the C-5 or C-6 District (the subject property is zoned C-6).

Par. 1A of Sect. 7-608 states that the use *“shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties”*. The vehicular and pedestrian circulation will remain relatively the same as the previous use. A minor change proposed is the reduction of the curb cut at the Richmond Highway service drive and an extension of the sidewalk. This minor change of the existing condition will create a more pedestrian friendly environment. With the implementation of the development conditions, staff believes the limitation has been addressed.

Par. 1B of Sect. 7-608 stipulates that *“such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. The following means of achieving this would be considered favorably: access via a public street not intended to carry through traffic, access via the internal circulation of a shopping center containing at least six other commercial uses, or access via a service drive”*. Access to the site is provided off of the Richmond Highway service drive and Belvoir Drive. Staff asserts that this limitation has been met.

Par. 3A of Sect. 7-608 applies to service stations and service station/mini-marts; therefore, this limitation is not applicable to this application.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusion**

The proposed reuse of the former Checkers eating establishment with drive-thru as a fast food Starbucks restaurant with a drive-thru will be consistent with the surrounding uses, and it will not adversely impact the site or neighboring properties. Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1.

### **Staff Recommendation**

Staff recommends approval of SE 2015-MV-035, subject to the approval of the proposed development conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. SE 97-V-054 Development Conditions & Plat
5. December 14, 2015 Notice of Violation
6. Transportation Memorandums
7. Zoning Ordinance Provisions
8. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS****SE 2015-MV-035****May 10, 2016**

If it is the intent of the Board of Supervisors to approve SE 2015-MV-035, located at 7511 Richmond Highway, Tax Map 93-3 ((2)) (1) 8A, for use as a fast food restaurant with a drive-thru in a Highway Corridor Overlay District pursuant to Sections 4-604, 7-607, 9-505 and 9-611 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose, structure and/or use indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plan, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Starbucks at Hybla Valley Route 1, Mount Vernon Magisterial District, Fairfax County, Virginia, Special Exception Plat prepared by Pennoni Associates, Inc., which is dated March 4, 2015 and revised through April 20, 2016 and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. Restaurant seating, including outdoor seating, shall be limited to a maximum of 62 seats.
6. A sight distance easement shall be obtained and recorded, within six months, from the adjacent property located at Tap Map 93-3 ((2)) (1) B, in order to maintain clear sight distance to the north for drivers exiting onto the service drive. Any waiver from Virginia Department of Transportation (VDOT) shall be obtained and recorded for the Richmond Highway northerly sight line within six months.
7. Landscaping shall be provided as illustrated on the Landscape Plan, Sheet C-3.00 of the Special Exception Plat within 12 months.

8. The existing ingress/egress access easement, as described in DB 10560 PG 1679, shall be vacated and a new 24-foot wide easement between Tax Map 93-3 ((2)) (1) B through the internal travel aisle to the site entry on Belvoir Drive shall be dedicated within 12 months. The ingress/egress easement shall also include the entrance from the service drive.
9. The applicant shall escrow funds for the future construction of the 24-foot wide interparcel access to the property to the north, Tax Map 93-3 ((2)) (1) B, within 12 months.
10. Bicycle racks shall be properly installed within 12 months per the Fairfax County Bicycle Parking Guidelines, subject to the review and approval of Fairfax County Department of Transportation (FCDOT). Bicycle racks shall be inverted U-style racks or an alternative style as approved by FCDOT.
11. If Richmond Highway is reconstructed and the service drive is removed, the access point from this parcel (Tax Map 93-3 ((2)) (1) 8A) to Richmond Highway may be eliminated.
12. The applicant shall maintain the sidewalk and proposed landscaping that is located outside of the VDOT right-of-way and within the sidewalk easement along the service drive frontage.
13. The reduced driveway entrance and sidewalk extension shall be constructed within 12 months.

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.

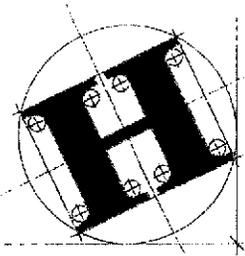
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures,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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 12 months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the fast food restaurant with a drive-thru. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

JAN 09 2015

Zoning Evaluation Division

Appendix 2



**Heath Design Group**  
ARCHITECTURE AND INTERIORS

January 8, 2015

Fairfax County Department of Planning and Zoning  
Deborah Lesko Pemberton  
12055 Government Center Parkway  
Suite 801  
Fairfax, Virginia 22035

Re: Starbucks Coffee Company  
7511 Richmond Highway  
Alexandria, VA 22306  
Tax Map #0933 02010008A  
Zoning District C-6

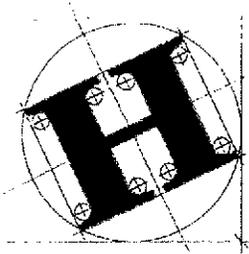
Dear Ms. Pemberton:

On behalf of the tenant listed above, we offer the following statement of justification for special exception application:

The existing pad site, located at the above-mentioned address, is a former eating establishment with drive-thru. The special exception is requested in conformance with Article 4, Section 705 of the zoning regulations of Fairfax County with reference to a fast food establishment with drive-thru. It is our understanding that the existing approved special exception for the property (reference # SE-97-V-054) did not include terms for a fast-food establishment, only eating establishment. Our application will amend this terminology.

The café's proposed hours of operation are 5am to 11pm, 7 days a week, and will serve coffee & espresso beverages, blended beverages, pre-packaged food items, and warmed pastries. The seating capacity for the café is 40 seats with an outdoor seating area similar to the previous tenant occupancy with a capacity of 28. The number of employees will be 6 persons at maximum during peak hours of operation. There is no impact on traffic as the result of this change of use and proposed operation within the immediate market area served along the Richmond Highway development area.

The proposed alteration includes reuse of the existing drive-thru aisle and queue area, as well as window opening. There is no proposed modification to existing stormwater management or site access. A limited disturbance to the existing drive-thru queue will be required to accommodate an altered turning radius as shown on the provided site plan. There will be no modifications to the existing structure, however the finishes of the existing facade(s) are proposed to be altered to accommodate the new trade name and branding of Starbucks Coffee Company. These exterior modifications include amending the approved signage of the current special exception. The signage package attached includes clouded and highlighted designations for the signage components that are understood to not be permissible "by right" for this site. These include standard menu board installations used by Starbucks



**Heath Design Group**  
ARCHITECTURE AND INTERIORS

for drive-thru facilities, as well as standard trade dress in the form of a Starbucks "Wordmark" and Drive-Thru chevron directional sign mounted to the existing building face.

The proposed use conforms to the intent of the zoning regulations and terms required for special exception approval within the C-6 zoning district. The package hereafter includes proposed site plan alterations with parking calculations for the property address listed above.

A traffic impact study has not been generated, as this application does not include or require a change of use for the property, only a change of trade name and tenant occupation.

If you have any additional questions or comments, please contact me at 410-752-2700.

Sincerely,

Brian D. Laug, AIA  
HEATH DESIGN GROUP

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: May 2, 2016  
 (enter date affidavit is notarized)

133210b

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2015-MV-035  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

| <b>NAME</b><br>(enter first name, middle initial, and last name)                                   | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|---|--|
| Starbucks Coffee Company<br>(also known as Starbucks, Starbucks Corporation, and Starbucks Coffee) | 2401 Utah Avenue South<br>Seattle, Washington 98134                 | Applicant/Lessee of Tax Map<br>93-3 ((2)) (1) 8A                                       |
| Agents: James P. Terry<br>James A. Scott   |   |  |

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**

133210b

DATE: May 2, 2016

(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-035

(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

| <b>NAME</b><br>(enter first name, middle initial, and last name)  | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above)   |
|---|---|--|
| Bernard Ehrlich Revocable Trust dated May 4, 1999 f/b/o Bernard Ehrlich, Vera Ehrlich, Sharon S. Akman, Judith M. Shoen and Daniel E. Ehrlich<br>\ Bernard Ehrlich and Vera Ehrlich, trustees<br>\ Vera Ehrlich Revocable Trust dated May 4, 1999 f/b/o Vera Ehrlich, Bernard Ehrlich, Sharon S. Akman, Judith M. Shoen and Daniel E. Ehrlich<br>\ Bernard Ehrlich and Vera Ehrlich, trustees | 913 Clintwood Drive<br>Silver Spring, MD 20902                      | Title Owners/Lessors of Tax<br>Map 93-3 ((2)) (1) 8A   |
| Walsh, Colucci, Lubeley & Walsh, P.C.<br>Agents: Martin D. Walsh<br>Lynne J. Strobel<br>M. Catharine Puskar<br>Sara V. Mariska<br>G. Evan Pritchard<br>Andrew A. Painter<br>Matthew J. Allman<br>\ Jeffrey R. Sunderland<br>Robert D. Brant<br>Elizabeth D. Baker<br>Inda E. Stagg<br>Amy E. Friedlander  | 2200 Clarendon Boulevard, Suite 1300<br>Arlington, VA 22201         | Attorneys/Agents for Applicant<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney*/Agent<br>Attorney/Agent<br>Planner/Agent<br>Planner/Agent<br>Planner/Agent |

\\*Admitted in New York and California. Admission to Virginia Bar pending.

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

**Special Exception Attachment to Par. 1(a)**

133210 b

DATE: May 2, 2016  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

| <b>NAME</b><br>(enter first name, middle initial, and last name)                  | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|---|--|
| Streetsense Retail Advisors LLC<br>Agent: Angela M. Trospen                       | 3 Bethesda Metro Center #140<br>Bethesda, MD 20814                  | Real Estate Broker for Applicant/Lessee  |
| Heath Design Group, Inc.<br>Agents: Brian D. Laug<br>Claudia M. Humphrey (former) | 516 North Charles Street<br>Suite 500<br>Baltimore, MD 21201        | Agent for Applicant/Lessee   |
| Capital Realty Advisors, LLC<br>Agent: Geoffrey G. Lindsay                        | 2032 Virginia Avenue<br>McLean, VA 22101                            | Agent for Title Owner/Lessor   |
| Pennoni Associates, Inc.<br>Agents: Jonathan D. Bondi<br>Douglas R. Kennedy       | 14532 Lee Road<br>Chantilly, Virginia 20151                         | Transportation Engineers/Agent   |

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

## SPECIAL EXCEPTION AFFIDAVIT

DATE: May 2, 2016  
(enter date affidavit is notarized)

133210b

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

## CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name and number, street, city, state, and zip code)  
Starbucks Coffee Company (also known as Starbucks, Starbucks Corporation, and Starbucks Coffee)  
2401 Utah Avenue South  
Seattle, Washington 98134

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: May 2, 2016  
(enter date affidavit is notarized)

1332106

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Heath Design Group, Inc  
516 North Charles Street, Suite 500  
Baltimore, MD 21201

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Michael J. McGowan  
Brian D. Laug  
James V. Carran

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Streetsense Retail Advisors LLC  
3 Bethesda Metro Center #140  
Bethesda, MD 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Streetsense LLC

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: May 2, 2016  
(enter date affidavit is notarized)

1332106

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Streetsense LLC  
3 Bethesda Metro Center #140  
Bethesda, MD 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

The Heiserman Group LLC  
Streetsense Companies

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

The Heiserman Group LLC  
3 Bethesda Metro Center #140  
Bethesda, MD 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Herbert A. Heiserman

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

## Special Exception Attachment to Par. 1(b)

DATE: May 2, 2016  
(enter date affidavit is notarized)

1332106

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Streetsense Companies  
3 Bethesda Metro Center #140  
Bethesda, MD 20814**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)Marc S. Ratner  
Guy (nmi) Silverman**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, VA 22201**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

|                     |                    |                     |                  |
|---------------------|--------------------|---------------------|------------------|
| Wendy A. Alexander  | Jay du Von         | J. Randall Minchew  | Lynne J. Strobel |
| David J. Bomgardner | William A. Fogarty | Andrew A. Painter   | Garth M. Wainman |
| E. Andrew Burcher   | John H. Foote      | G. Evan Pritchard   | Nan E. Walsh     |
| Thomas J. Colucci   | H. Mark Goetzman   | M. Catharine Puskar |                  |
| Michael J. Coughlin | Bryan H. Guidash   | John E. Rinaldi     |                  |
| Peter M. Dolan, Jr. | Michael J. Kalish  | Kathleen H. Smith   |                  |

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

1332106

DATE: May 2, 2016  
(enter date affidavit is notarized)

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Capital Realty Advisors LLC  
2032 Virginia Avenue  
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Geoffrey G Lindsay

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Pennoni Associates, Inc.  
14532 Lee Road  
Chantilly, Virginia 20151

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Celestino R. Pennoni

Pennoni Associates, Inc. (PAI) Employee Stock Option Plan (ESOP). All employees are eligible plan participants; however, no one employee owns 10% more of any class of stock.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 2, 2016  
(enter date affidavit is notarized)

1332106

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

None

(check if applicable)  The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 2, 2016  
(enter date affidavit is notarized)

133210b

for Application No. (s): SE 2015-MV-035  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 2, 2016
(enter date affidavit is notarized)

133210b

for Application No. (s): SE 2015-MV-035
(county-assigned application number(s), to be entered by County Staff)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above. EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

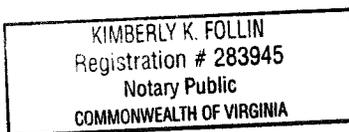
(check one) [ ] Applicant [x] Applicant's Authorized Agent
Lynne J. Strobel

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 2 day of May 2016, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2019





# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TDD: 703-324-3903

May 19, 1998

Toni L. McMahon  
c/o Compliance Consultants  
Post Office Box 2124  
Merrifield, Virginia 22116

RE: Special Exception  
Number SE 97-V-054

Dear Ms. McMahon:

At a regular meeting of the Board of Supervisors held on April 27, 1998, the Board approved Special Exception Number SE 97-V-054 in the name of Mar-Check III, Incorporated, located at Tax Map 93-3 ((2)) (1) 8 and 9, to allow an automobile-oriented use (drive-through window at a by-right restaurant) pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Environmental Management (DEM). Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Exception Plat entitled **Eating Establishment with Automobile Oriented Use at Hybla Valley** and prepared by The Plan Source which is dated September 16, 1997, and revised through January 20, 1998, and these conditions.

4. There shall be no more than twelve (12) employees on site at any one time.
5. Restaurant seating, including outdoor seating, shall be limited to a maximum of fifty-six (56) seats.
6. Landscaping shall be provided as illustrated on Sheet 3 of the Special Exception Plat, as determined appropriate by the Urban Forester, DEM.

The drip-line of all trees designated to be saved, except for those areas which extend over proposed asphalt pavement, shall be marked on the ground with thirty-six (36) inch high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction.

7. All elevations of the restaurant shall have the same architectural facade treatments in term of color, building material and architectural style. The color of the facade tile shall be salmon/tan, with teal accents. Variations of this color scheme shall require the approval of the Supervisor, Mount Vernon District.
8. The style of signs installed on the application site shall be similar to those shown on Sheet 4 of the Special Exception Plat. However, regardless of the number, placement and size of signs shown on Sheets 1, 3 and 4 of the Special Exception Plat, all signs shall be in conformance with Article 12 of the Fairfax County Zoning Ordinance.
9. All right-of-way and ancillary easements shown on the Special Exception Plat shall be conveyed in fee simple to the Board of Supervisors at the time of site plan review or within sixty (60) days upon demand of DEM, whichever first occurs.
10. The public access easement as shown on the Special Exception Plat shall be provided prior to site plan approval.
11. To assist in the future undergrounding of utilities along Richmond Highway, at the time of final site plan approval, the applicant shall provide a fifteen (15) foot wide easement for the placement of utilities underground across the Richmond Highway frontage of the site.

SE 97-V-054  
May 19, 1998

3.

12. The canopy of any umbrella used in conjunction with the outdoor seating area shall consist of cloth. No ridged plastic canopies shall be permitted.
13. Hours of operation shall be limited to 10:00 a.m. until midnight, Sunday through Thursday; and 10:00 a.m. until 2:00 a.m., Friday through Saturday.

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 himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

SE 97-V-054  
May 19, 1998

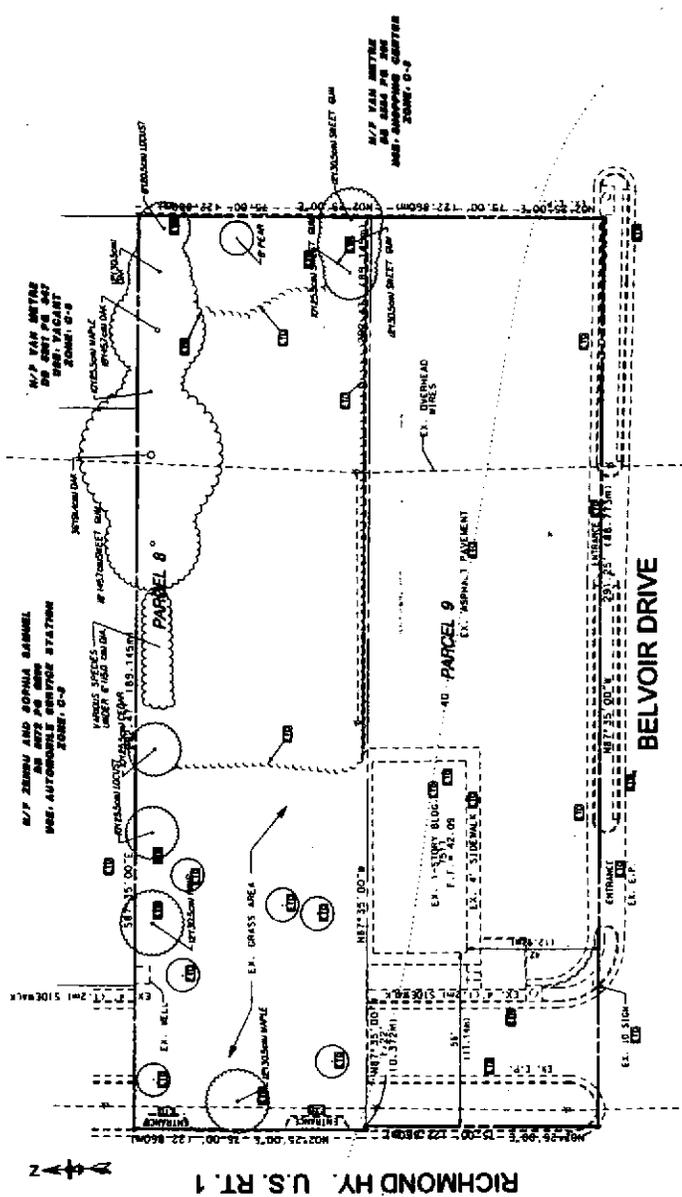
4.

cc: John M. Yeatman, Director, Real Estate Div., Dept. of Tax Administration  
Michael Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, OCP  
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Dorothy Purvis, Permits Department, VDOT  
Land Acqu. & Planning Div., Park Authority

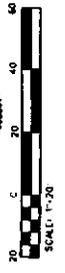
**RECEIVED**  
OFFICE OF COMPREHENSIVE PLANNING  
**MAY 22 1998**

ZONING EVALUATION DIVISION





[Symbol] - EXISTING TO BE DEMOLISHED  
 [Symbol] - EXISTING TO REMAIN



**EATING ESTABLISHMENT WITH AUTOMOBILE ORIENTED USE AT HYBLA VALLEY**

**EXISTING CONDITIONS PLAN**

731 AND 737 RICHMOND HIGHWAY  
 HYBLA VALLEY DISTRICT  
 FAUQUENHART COUNTY, VIRGINIA

**The Plan SOURCES**

8886-C Bailey Road  
 Mechanicsville, VA 23103-3011  
 Tel: (703) 230-0864  
 Fax: (703) 230-0864  
 E-Mail: plan@cs.com

Checked By: [ ]  
 Date: [ ]  
 Prepared By: [ ]  
 Checked By: [ ]  
 Date: [ ]  
 Prepared By: [ ]  
 Checked By: [ ]  
 Date: [ ]

| Checked By:     | DATE: | By: | Check By: |
|-----------------|-------|-----|-----------|
| QUALITY CONTROL |       |     |           |
| Resubmits       |       |     |           |

| QUANTITY | SIZE                   | ID: YR CANOPY                   |
|----------|------------------------|---------------------------------|
| 9        | 2 1/2" (6.75") CALIBER | 1800 SF (167.15m <sup>2</sup> ) |
| 17       | 2 1/2" (6.75") CALIBER | 2550 SF (236.90m <sup>2</sup> ) |
| 5        | 7" (17.8cm) CALIBER    | 750 SF (69.65m <sup>2</sup> )   |

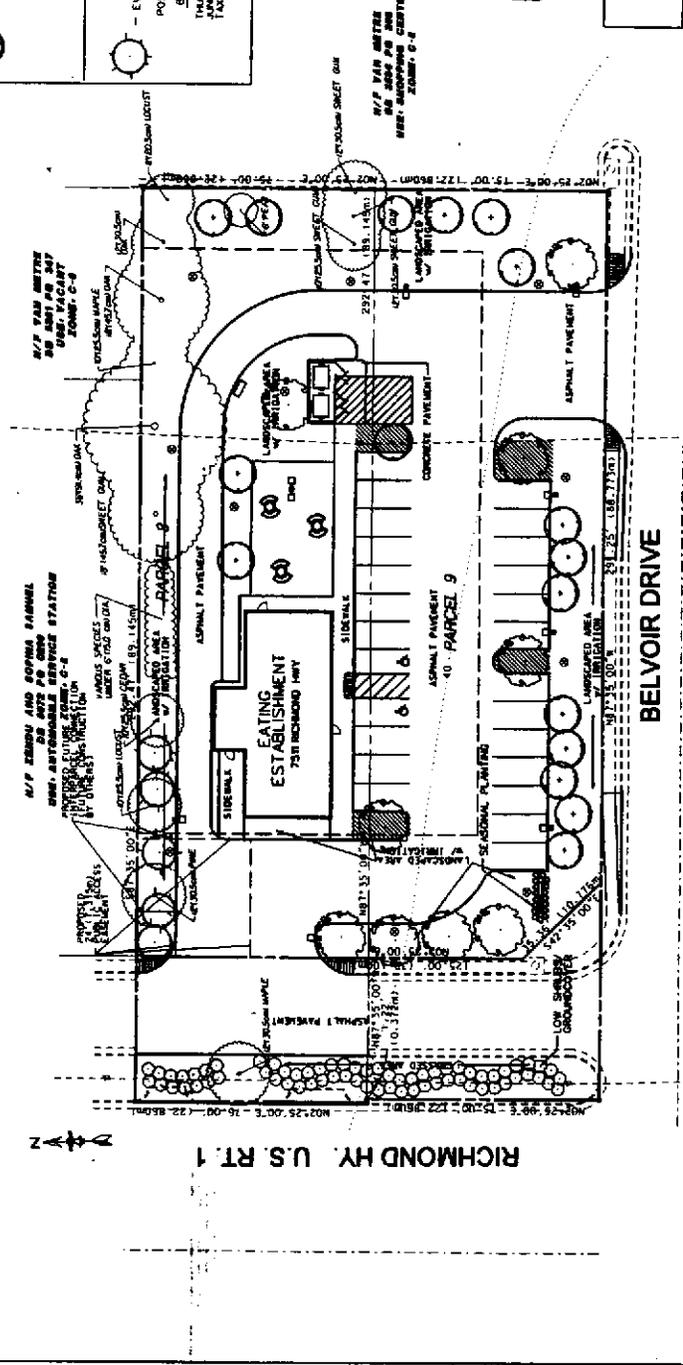
**SHADE TREE**  
 POSSIBLE SPECIES TO BE PLANTED  
 BOTANICAL NAME: ACER RUBRUM, ZELKOVA SERIATA  
 COMMON NAME: RED MAPLE, ZELKOVA

**ORNAMENTAL TREE**  
 POSSIBLE SPECIES TO BE PLANTED  
 BOTANICAL NAME: BOUS SULTAN, PRUNUS YEDDONGSA, QUERCUS ALBA  
 COMMON NAME: BOUSFORD PEAR, WHITE OAK

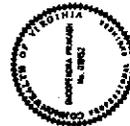
**EVERGREEN TREE**  
 POSSIBLE SPECIES TO BE PLANTED  
 BOTANICAL NAME: TAXUS CANADENSIS, LARIX LARicina  
 COMMON NAME: AMERICAN ARBORVITAE, PYRAMIDAL JAPANESE YEW

**INTERIOR PARKING LOT LANDSCAPE REQUIREMENTS**  
 REQUIRED LANDSCAPING = 8%  
 UNIT TO INCLUDE LANDSCAPING WITHIN 6' OF BUILDING  
 PERIMETER PARKING LOT LANDSCAPE REQUIREMENTS  
 AT LEAST ONE TREE EVERY 40'  
 INTERIOR PARKING LANDSCAPING PROVIDED  
 PARKING AREA = 836 m<sup>2</sup>  
 PERCENT LANDSCAPE = 8%  
 PERIMETER PARKING LANDSCAPING PROVIDED  
 TREE REQUIREMENT PROVIDED ALONG PERIMETER

**TOTAL SITE AREA = 44,436 SF (4128.24m<sup>2</sup>)**  
**10-YR CANOPY = 4,800 SF (445.34m<sup>2</sup>)**  
**(PROPOSED TREES ONLY)**  
**ESTIMATED EXISTING COVERAGE = 2,758 SF (256.23m<sup>2</sup>)**  
**TOTAL PERCENT COVERAGE = 17%**  
**REQUIRED COVERAGE = 10%**



PROPOSED LANDSCAPING OF PROPOSED LANDSCAPING SPACES OR SEASONS TO BE DETERMINED BY CONSULTATION WITH THE LANDSCAPING DESIGNER. ALL LANDSCAPING SHALL BE FULLY SPECIFIED.



**EATING ESTABLISHMENT WITH AUTOMOBILE ORIENTED USE AT HYBLA VALLEY**

**LANDSCAPE PLAN**

311 AND 1511 RICHMOND HIGHWAY  
 401 VINTAGE DISTRICT  
 ARLING COUNTY, VIRGINIA

Checked By: [Signature] Date: 10/12/2010  
 Drawn By: [Signature] Date: 10/12/2010  
 Project: [Signature] Date: 10/12/2010

**The Plan Source**  
 Landscape Architecture  
 1000 S. 10th Street  
 Arlington, VA 22204  
 Tel: (703) 530-0800  
 Fax: (703) 530-0800  
 Email: info@theplan.com

| DATE       | BY | DESCRIPTION        |
|------------|----|--------------------|
| 10/12/2010 | DM | ISSUED FOR PERMITS |
| 10/12/2010 | DM | ISSUED FOR PERMITS |
| 10/12/2010 | DM | ISSUED FOR PERMITS |







# County of Fairfax, Virginia

**COPY**

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

## NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: December 14, 2015

METHOD OF SERVICE: CERTIFIED MAIL # 70151730000127421490

LEGAL NOTICE ISSUED TO: Corporation Service Company, Registered Agent for  
Starbucks Corporation

ADDRESS: Bank of America Center, 16<sup>th</sup> Floor  
1111 East Main Street  
Richmond, VA 23219

LOCATION OF VIOLATION: 7511 Richmond Highway  
Alexandria, VA 22306-0000

TAX MAP REF: 0933 02010008A

ZONING DISTRICT: C- 6

CASE #: 201507579 SR #: 123109

ISSUING INVESTIGATOR: David Domin, (703)324-1562

### POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

| § 18-903(1): | Zoning Violation | First Offense    | Each Subsequent Offense |
|--------------|------------------|------------------|-------------------------|
|              | §02.304.1SE      | \$ 200.00        | \$ 500.00               |
|              | <b>TOTAL:</b>    | <b>\$ 200.00</b> | <b>\$ 500.00</b>        |

Dear Responsible Party:

On April 27, 1998, following a public hearing, the Fairfax County Board of Supervisors (BOS) approved, Special Exception SE 97-V-054, in the name of Mar-Check III, to allow an automobile-

**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 Fax 703-653-9459 TTY 711  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

oriented use (drive-through window at a by-right eating establishment) pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

(A copy of SE 97-V-054 is included)

Thirteen separate developmental conditions were approved as part of the Special Exception. Developmental Condition number 13 required that;

Hours of operation shall be limited to 10:00 a.m. until midnight, Sunday through Thursday; and 10:00 a.m. until 2:00 a.m. Friday through Saturday.

An inspection of the above referenced property on December 03, 2015 revealed the following violation of the Fairfax County Zoning Ordinance:

Violation: SPECIAL EXCEPTION

Inspection yielded that the current business (Starbucks) being operated at this location is operating outside of the hours allowed under the current Special Exception SE 97-V-054. Starbucks is currently operating Monday-Thursday from 4:30 a.m. until 10 p.m.; Friday from 4:30 a.m. until 11 p.m.; Saturday from 5 a.m. until 11 p.m.; and Sunday from 6 a.m. until 10 p.m. In order to come into compliance, Starbucks must operate only within the hours specified under the current Special Exception SE 97-V-054. The property owner must also diligently pursue the submission and approval of a new Special Exception for a Fast Food restaurant with a drive-through for their hours of operation.

Additionally, responsible party and (Starbucks), is in violation of Par. 1 of Sect. 2-304 of the Fairfax County Zoning Ordinance which states:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Responsible party and (Starbucks), is hereby, directed to clear this violation within thirty (30) days of the date of this notice. Compliance must be accomplished by the following:

- Comply with the approved Development Conditions for SE 97-V-054 pertaining to hours of operation. (See attachments for hours of operation)

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035  
Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1562. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

David Domin  
Code Compliance Investigator  
(703) 324-1562  
David.Domin@fairfaxcounty.gov



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** March 11, 2016

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, Department of Planning & Zoning

**FROM:** Michael A. Davis, Acting Chief   
Site Analysis Section, Department of Transportation

**FILE:** SE 2015-MV-035

**SUBJECT:** SE 2015-MV-035 Starbucks Coffee Company  
7511 Richmond Hwy, Alexandria VA 22306  
Tax Map: 93-3 ((02)) (01) 008A

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application and Special Exception (SE) plat. These comments are based on the application material, dated March 4, 2015, and revised through March 1, 2016.

- The service drive on the site frontage intersects Belvoir Drive adjacent to its intersection with Route 1 (Richmond Highway). This design for a two-way service drive has presented operational and safety issues for vehicular traffic in Fairfax County. In recent years, we have sought closure or modification of these service drive intersections to better control traffic. In reviewing the subject application, this action was considered. While we are not recommending closure associated with the current proposal, should future applications on the subject site be filed, we may recommend a closure or modification of the service drive connection to Belvoir Drive.
- The existing ingress/egress access easement, as described in DB 10560 PG 1679, does not provide full public access into and across the site, and should be vacated. The applicant should, in conjunction with vacation, dedicate a new 24-foot wide easement between this site and Tax Map 93-3 ((02)) (01) B, (2016 Tax Map) through the internal travel aisle to the site entry on Belvoir Drive. An ingress/egress easement should also be established at the entrance from the service drive.
- The applicant should escrow funds prior to site plan approval for future construction of the 24-foot wide interparcel access to the property to the north, Tax Map 93-3 ((02)) (01) B. When the Richmond Highway improvements commence, the interparcel access shall be necessary.
- The applicant should commit to close the direct entrance to Route 1 if Richmond Highway is reconstructed to remove the service drive.

(over)

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877-5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)



Barbara Berlin, Director

March 11, 2016

Page 2 of 2

- The applicant should depict sight distance measurements at each entrance to meet VDOT standards. The applicant should maintain clear sight distance and acquire sight distance easements from adjacent property owners if warranted.
- The applicant should maintain the sidewalk and proposed landscaping that is located outside of VDOT ROW and within the sidewalk easement along the service drive frontage.
- Applicant should provide bicycle racks installed as per the Fairfax County Bicycle Parking Guidelines. The existing bicycle racks do not meet the minimum spacing and installation requirements. The bicycle racks should be depicted and include a detail for review.

cc: Kelly Posusney, DPZ

MAD/RP



**DEPARTMENT OF TRANSPORTATION**

4975 Alliance Drive  
Fairfax, VA 22030

**Charlie Kilpatrick**  
COMMISSIONER

April 29, 2016

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Noreen H. Maloney  
Virginia Department of Transportation – Land Development Section

**Subject:** SE 2015-MV-005; Starbucks

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comments.

- The applicant should dedicate right of way along Route 1 in accordance with the Comprehensive Plan.
- Sight distance should be verified at each entrance. The sight lines should be free and clear of objects and plantings.
- An easement is needed when the line of sight escapes the right of way.

## **Zoning Ordinance Provisions**

### **9-006 General Standards (Special Exceptions)**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### **9-503 Standards for all Category 5 Uses (Special Exceptions)**

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

### **9-611 Provisions for Approving Drive-In Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District**

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, fast food restaurant, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

## **7-608 Use Limitations (Highway Corridor Overlay District)**

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

1. In any Highway Corridor Overlay District:
  - A. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
  - B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:
    - 1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or
    - 2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or
    - 3) Access to the site is provided by a functional service drive, which provides controlled access to the site.
2. ....
3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:
  - A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and no wrecked, inoperative or abandoned vehicles may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, there shall be no more than two (2) such vehicles on site at any one time.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dba:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

**Abbreviations Commonly Used in Staff Reports**

|         |   |         |  |
|---------|---|---------|--|
| A&F     | Agricultural & Forestal District                      | PDH     | Planned Development Housing                    |
| ADU     | Affordable Dwelling Unit                              | PFM     | Public Facilities Manual                       |
| ARB     | Architectural Review Board                            | PRC     | Planned Residential Community                  |
| BMP     | Best Management Practices                             | RC      | Residential-Conservation                       |
| BOS     | Board of Supervisors                                  | RE      | Residential Estate                             |
| BZA     | Board of Zoning Appeals                               | RMA     | Resource Management Area                       |
| COG     | Council of Governments                                | RPA     | Resource Protection Area                       |
| CBC     | Community Business Center                             | RUP     | Residential Use Permit                         |
| CDP     | Conceptual Development Plan                           | RZ      | Rezoning                                       |
| CRD     | Commercial Revitalization District                    | SE      | Special Exception                              |
| DOT     | Department of Transportation                          | SEA     | Special Exception Amendment                    |
| DP      | Development Plan                                      | SP      | Special Permit                                 |
| DPWES   | Department of Public Works and Environmental Services | TDM     | Transportation Demand Management               |
| DPZ     | Department of Planning and Zoning                     | TMA     | Transportation Management Association          |
| DU/AC   | Dwelling Units Per Acre                               | TSA     | Transit Station Area                           |
| EQC     | Environmental Quality Corridor                        | TSM     | Transportation System Management               |
| FAR     | Floor Area Ratio                                      | UP & DD | Utilities Planning and Design Division, DPWES  |
| FDP     | Final Development Plan                                | VC      | Variance                                       |
| GDP     | Generalized Development Plan                          | VDOT    | Virginia Dept. of Transportation               |
| GFA     | Gross Floor Area                                      | VPD     | Vehicles Per Day                               |
| HC      | Highway Corridor Overlay District                     | VPH     | Vehicles per Hour                              |
| HCD     | Housing and Community Development                     | WMATA   | Washington Metropolitan Area Transit Authority |
| LOS     | Level of Service                                      | WS      | Water Supply Protection Overlay District       |
| Non-RUP | Non-Residential Use Permit                            | ZAD     | Zoning Administration Division, DPZ            |
| OSDS    | Office of Site Development Services, DPWES            | ZED     | Zoning Evaluation Division, DPZ                |
| PCA     | Proffered Condition Amendment                         | ZPRB    | Zoning Permit Review Branch                    |
| PD      | Planning Division                                     |         |  |
| PDC     | Planned Development Commercial                        |         |  |