



# County of Fairfax, Virginia

July 1, 2016

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Department of Planning & Zoning

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Zoning Evaluation Division

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Kimberly A. Bassarab  
Assistant Director

John W. Cooper  
Clerk to the Commission

Robert D. Brant  
Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Blvd, Ste. 1300  
Arlington, VA 22201

**Re: SE 2015-MV-035 – Starbucks Coffee Company  
Mount Vernon District**

Dear Mr. Brant:

At its June 30, 2016 meeting, the Planning Commission voted 7-0-1 (Commissioner Hart abstained from the vote. Commissioners Hurley, Lawrence, Murphy and Strandlie were absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced application to the Board of Supervisors. A copy of the verbatim transcript is attached.

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

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

  
John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel Storck, Supervisor, Mount Vernon District  
Earl Flanagan, Planning Commissioner, Mount Vernon District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Kelly Posusney, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
June 30, 2016 date file

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



Planning Commission Meeting  
June 30, 2016  
Verbatim Excerpt

SE 2015-MV-035 – STARBUCKS COFFEE COMPANY

After Close of the Public Hearing

Commissioner Flanagan: With that then, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF THE SUPERVISORS APPROVAL OF SE 2015-MV-035, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED JUNE 13, 2016, AS MODIFIED BY TESTIMONY THIS EVENING.

Commissioners Sargeant and Hedetniemi: Second.

Chairman de la Fe: Seconded by Commissioners Sargeant and Hedetniemi. Any discussion?

Commissioner Hart: Mr. Chairman.

Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: Thank you. I'm not going to be able to support the motion in for voting tonight. I think this not an unreasonable use for this site given the context that doesn't seem to be in an opposition to it. But it also is not in harmony with the adopted Comprehensive Plan text given the language strongly discouraging fast food uses. I don't see this is a continuation of the existing use, in fact, I think it's apparent from the staff report that the – the – the Checkers was characterized as an eating establishment, for some reason, that may raise other questions. But this is a new approval of a new fast food introducing that you sent to an area where the Plan text asks for something else. I think, also, the conclusion that it's not an intensification is not necessarily correct given the expansion of the hours to 5 a.m. from the earlier development conditions began the hours for the Checkers, as I understand it, at 10 a.m. And that increases the time every day of the activity, especially in the morning. I think they probably should have had a Plan amendment and I think there are other parts of the County where, if we had a Plan text like this, a Plan amendment would obviously have been requested. I think more importantly for – for what we're doing – every time we rationalize disregarding Plan text when it's convenient it diminishes the value of the Plan text when we really need it. Therefore, I won't be able to support this particularly – particular application tonight. Thank you.

Chairman de la Fe: Okay.

Commissioner Flanagan: Mr. Chairman.

Chairman de la Fe: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes. I just wanted to comment upon that. Of course, we recently had a – another special exception before us where we – we were in somewhat disagreement about what the Comprehensive Plan required us to take into consideration. And we have been a little unfaithful in that regard, I must agree. But in this particular case, I think the – the fact that this use was already established and we've given permission to several other gas stations, you know, in disregarding that is, you know, may not have – may not have wanted to do that, but I think we

exhibited our own judgement, as Commissioner Migliaccio reminded us the other evening on another application. So, I – and the – the Mount Vernon Council addition to the Southeast Fairfax Development Corporation – this has been vetted through the Mount Vernon Council’s Land Use Committee as well. And they were very much in favor of the – the change in the hours. And they are the ones who are going to have to live with the hours because they are the residents around this area that will be either enjoying or not enjoying the change in the hours. I’m always amazed when I drive by there that there is so many people interested in having...

Chairman de la Fe: We are on verbatim.

Commissioner Flanagan: ...Starbucks on their way to work every morning. So – so it’s really quite a – a unique application – land use application in that regard.

Chairman de la Fe: Ok. All those in favor of the motion, as expressed by Commissioner Flanagan, please signify by saying aye.

Commissioners: Aye.

Chairman de la Fe: Opposed?

Commissioner Hart: Abstained.

Chairman de la Fe: Abstained. Ok. The motion carries with Mr. Hart abstaining. Thank you very much.

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(The motion carried by a vote of 7-0-1. Commissioner Hart abstained from the vote. Commissioners Hurley, Lawrence, Murphy and Strandlie were absent from the meeting.)

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## PROPOSED DEVELOPMENT CONDITIONS

## SE 2015-MV-035

June 30, 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 Plans, 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. Within twelve (12) months of the approval of this application, the Applicant shall either: (1) obtain and record a sight distance easement from the owner of 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; or (2) obtain a waiver from Virginia Department of Transportation (VDOT) for the Richmond Highway northerly sight line.
7. If the Applicant is unable to obtain a sight distance easement or waiver in accordance with Development Condition 6, the Applicant may construct site modifications to address sight distance at the service drive. These modifications include shifting the location of the service drive entrance further to the south,

subject to the approval of VDOT, closing the service drive entrance, or making other such modifications and/or improvements that may be necessary to address sight distance at the service drive entrance. If the service drive is closed or relocated, the area shall be landscaped consistent with that shown on the Special Exception Plat. Further, the modifications shall be subject to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

8. Landscaping shall be provided as illustrated on the Landscape Plan, Sheet C-3.00 of the Special Exception Plat within 12 months of the approval of this application.
9. 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 of the approval of this application. The ingress/egress easement shall also include the entrance from the service drive.
10. 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 of the approval of this application.
11. Bicycle racks shall be properly installed within 12 months of the approval of this application 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.
12. 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.
13. 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.
14. The reduced driveway entrance and sidewalk extension shown on Sheet C-2.00 of the approved Special Exception Plat shall be constructed within 12 months of the approval of this application.

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.



# County of Fairfax, Virginia

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May 27, 2016

**2016 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Secretary  
*At-Large*

**Timothy J. Sargeant**  
Parliamentarian  
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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

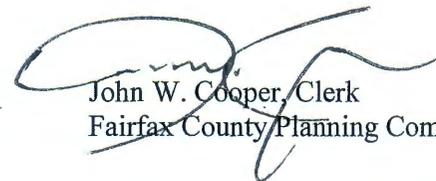
Lynne Strobel, Esquire  
Walsh, Colucci, Lubeley & Walsh  
2200 Clarendon Boulevard, Suite 1300  
Arlington, VA 22201

**Re: SE 2015-MV-035 – STARBUCKS COFFEE COMPANY  
Mount Vernon District**

Dear Ms. Strobel:

At its May 26, 2016 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were not present for the vote.) to **DEFER THE PUBLIC HEARING** on the above referenced application to a date certain of June 30, 2016. A copy of the verbatim transcript is attached.

Sincerely,

  
John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District  
Earl L. Flanagan, Planning Commissioner, Mount Vernon District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Kelly Posusney, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
May 26, 2016 date file

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

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



Planning Commission Meeting  
May 26, 2016  
Verbatim Excerpt

SE 2015-MV-035 – STARBUCKS COFFEE COMPANY

During Commissioner Matters

Commissioner Flanagan: Also have an announcement, Mr. Chairman.

Vice Chairmen de la Fe: Yes?

Commissioner Flanagan: And that is, that I will be deferring the public hearing scheduled for this evening as well. Later, when we get to it.

Vice Chairman de la Fe: Well, could we do it now? Could we?

Commissioner Flanagan: Yes.

Vice Chairman de la Fe: He could make that announcement now, we could do that.

Commissioner Flanagan: Okay.

Vice Chairman de la Fe: And that means that we will have no public hearings tonight.

Commissioner Flanagan: Yeah. The, in this particular case, the applicant has requested this deferral because the staff report has in it a condition that they would like to have settled before we make a Planning Commission decision and they need a decision from VDOT. And, so consequently, we're going to take thirty days and in order for them to accomplish that. So, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2015-MV-035, TO A DATE CERTAIN OF JUNE 30, 2016, AND THAT THE BOARD OF SUPERVISORS DEFER THIS MATTER FROM THEIR JUNE 7, 2016, MEETING TO A DATE AFTER THE PLANNING COMMISSION TAKES ACTION.

Commissioners Hedetniemi and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Sargeant. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Murphy were absent from the meeting.)

TMW