

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

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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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