

**BOARD OF ZONING APPEALS  
PUBLIC HEARING  
MINUTES  
April 18, 2018**

The Board of Zoning Appeals (BZA) held one advertised public hearing in the Council Room of the Vienna Town Hall, located at 127 Center Street, South, Vienna, Virginia, on April 18, 2018, beginning at 8:00 PM with Michael Gadell presiding as Chair. The following members were present: Bill Daly, Robert Dowler, Robert Petersen, and George Creed, Absent: Donald Chumley and Gregory Haight. Also attending and representing staff were Frank Simeck, CZA, Senior Zoning Inspector and Sharmaine Abaied, Board Clerk.

**Item No. 1**

Recommendation to the Board of Zoning Appeals for approval of a conditional use permit for a drive-through facility and a conditional use permit for outdoor seating. Application filed by Scott Sanfilippo of Curry Architects, agent for Starbucks Coffee Company.

Ms. Claudia Humphrey, from Curry Architects, was sworn in to give her testimony.

Ms. Humphrey stated the application was for a conditional use permit for Starbucks to operate with a drive-through at the current location of the Taco Bell at 362 Maple Ave East. Ms. Humphrey said the scope of the application was to make site improvements that are appropriate for Starbucks brand standard in efficiencies associated with a drive-through, but also to enhance landscaping, and provide outdoor seating as an extension of the interior café.

Mr. Creed asked about how Starbucks was planning to operate. Ms. Humphrey stated the plans for operation would be similar to their other drive-through facilities. She continued stating that the traffic analysis for 362 Maple Ave East was based on one of their highest volume grossing stores within the same market. Ms. Humphrey stated that she would need to defer to the real estate manager for Starbucks in terms of percentages or numbers associated with sales. Mr. Creed stated his concern for vehicles in regards to stacking. Mr. Creed then asked how many vehicles they anticipate on site, and how fast they planned to move them. Ms. Humphrey said that based on the numbers collected in the traffic impact and the thorough study performed by Kimley-Horn there would be an approximate 17 second ordering process, which was an average of the simple and more complicated orders. She continued stating the total service time from order, to pick-up, to vehicle departure was more consistent with two minutes. Ms. Humphrey followed up stating the analysis was based on a very high drive-through output store with an order point placed in a different location than what they had proposed. Starbucks has been evaluating the efficiency of the drive-through over the last several years, they have begun to position the order point further away from the pick-up window to allow an appropriate amount of time from the time the order was placed, prepared, ready, and handed out the window. The store observed had an order point located at the fifth car in the stack; their proposal was for the sixth car in the stack. Ms. Humphrey stated that during the evaluation of the other project site there had only been a handful of instances observed during a peak rush where the cue went beyond the five-car stack. She continued stating the site gave a long cue inherently by Taco Bell. They would be able to outfit twelve cars before they would begin to spill into any parking or obstruct any traffic on site. Mr. Creed had an additional question regarding closure of either of the other two current Starbucks locations, as the new location would be the third Starbucks in Vienna. Ms. Humphrey stated they could not currently comment on that question. Mr. Creed stated a comment would be relative in thinking about the cars that would be crossing the yellow lines and in turn lanes. Ms. Humphrey stated

that in terms of traffic there was an obvious concern with the direction of morning traffic towards Tysons Corner, which is the opposing side of direct access to the site. Ms. Humphrey then pointed out that slightly further down Maple Avenue there was a Peet's Coffee with a similar demographic, similar set of peak hours, and is located on the same side of Maple Avenue as the new Starbucks, experiencing the relationship and impact of what the traffic would be.

Mr. Dowler asked if Peet's had a drive-through. Ms. Humphrey stated they are operating with a drive-through, but was not aware of the specifics. There was continued discussion regarding a CUP for Peet's drive-through. Mr. Simeck stated that if they continued using it as a drive-through they would be permitted the continued use. KFC had the drive-through, then Caribou, and currently Peet's. Mr. Dowler asked that with over 600 cars expected daily did they expect the traffic to be coming from Tysons. Mr. Dowler also asked about the volume of customers expected to make a left turn onto Maple, or if they expected most customers to make a right turn. Ms. Humphrey stated the expectation was that most vehicles would be traveling to work, commuting to Tysons from Vienna, or from Vienna to Tysons. She continued stating that Kimely-Horn could speak more on the data and statistics that they had collected for the report.

Mr. Andy Smith, from Kimley-Horn, was sworn in to give his testimony.

Mr. Smith stated the analysis they performed was on the A.M. peak hours (rush hour) due to the expectation that the P.M. hours would be similar to that of the Taco Bell. He continued stating that the trip generation for a Taco Bell store of that size as well as a Starbucks of that size was about the same in the P.M. peak hour, which that analysis was not required by Town of Vienna staff. Mr. Smith stated the A.M. peak hour traffic trends in the eastbound direction have two types of trips: destination trips, and pass-by trips. Mr. Dowler asked if the second trip would require a left hand turn and Mr. Smith stated that was correct. Mr. Smith said that part of their analysis was looking into the amount of delay due to a left turn into the site, a left turn out of the site, and the expected amount of cueing that would happen based on left turns into the site. Mr. Dowler asked what they had found based on that analysis. Mr. Smith stated that, on page seventeen of the analysis, in the eastbound direction in the morning the left turns into the site are expected to wait for an average of 9.4 seconds, which is not a lot of delay for someone waiting to turn into the site. The reason for that was, there was a two way left turn lane that becomes a left turn only lane as the lane gets closer to the office entrance on the Northside of Maple and Branch Rd on the south. Mr. Smith continued stating it may seem difficult to make the left turn in the morning, but there is more traffic in the eastbound direction going along with that left turn than that of the traffic coming in the other direction. The traffic analysis counts showed far fewer vehicles coming in the westbound direction in the A.M. peak hours. Mr. Smith stated the 95% cue length for eastbound left into the site was only five feet long, which the way the equations worked out with the software, that is common practice for use in traffic studies. Mr. Dowler commented that the slow moving bumper to bumper traffic heading in that direction and even a ten second delay will make the eastbound commute even more onerous. Mr. Smith stated that the two way left turn lane acts as a variable length left turn lane so if there was a larger cue then one or two vehicles that could extend would do so in the turn lane. The traffic light will also help meter traffic stopping westbound traffic for a time while the Branch Rd approach has a green or if the southbound direction has a green for the office building entrance allowing drivers to make the left turn into the proposed Starbucks site. Mr. Dowler asked how many of the 600 daily cars they expected from the eastbound direction. Mr. Smith said, based on the analysis, the destination trips will be half over the course of the day from the east and west bound directions over the course of a day. Mr. Dowler asked if it was broken down by daily trips. Mr. Smith said it was not broken down by daily trips, but they do have it for the A.M. peak hour

which was the analysis performed.

Mr. Daly asked Mr. Smith if on page 16 of the report, numeral II is the left-hand turn lane he was referring to and Mr. Smith stated that was correct. Mr. Daly continued asking if the words Maple Ave E followed by an arrow indicate that those traveling westbound on Maple Avenue can get in the lane to turn left. Mr. Smith stated that was correct and that it was the end of the two-way left turn lane. Mr. Daly stated that between the arrow and numeral II there isn't a dotted line, but a solid line indicating it's not a two-way left turn lane. Mr. Daly continued saying a person in the two travel lanes heading into Tysons would likely not go into what appears to be an oncoming left hand turn lane for another street instead waiting, potentially blocking through traffic, for other cars that are cued up at the numeral II that are trying to make the left into Starbucks. Mr. Daly's conclusion was that unless the lines are changed by the Town of Vienna there will not be any more than two to three cars that can be lined up to make the left in the morning without starting to block the through traffic. Mr. Smith said that if that was the case it would be more likely that it was a through vehicle blocking traffic and not a left turning vehicle. The cueing analysis states that 95% of the time the cue for that turn lane will be less than one vehicle based on the analysis by Kimley-Horn. Mr. Daly asked if that was even during the peak morning period and Mr. Smith stated that was correct. Mr. Smith continued saying that the left-turn cue should never spill back into the through lanes on a regular basis. Mr. Daly asked that if there were customers waiting to make the left hand turn while on their way to Tysons in the morning would they have the right of way over those trying to turn left out of Starbucks, Mr. Smith stated that was correct. Mr. Daly then asked when that occurs was there a concern about traffic backing up in the property itself. Mr. Smith stated that the analysis takes into account that the left turns into Starbucks have the right of way and page 17 of the analysis shows an average delay of eleven seconds. The analysis was taking into account lefts and rights out of the drive-through. Mr. Daly asked if they expected the amount of traffic to be similar to what Peet's has and if Peet's has a sign that said right hand turn only coming out of the site. Mr. Smith stated he couldn't speak to the amount of traffic for Peet's, but if they were doing a traffic study on Peet's they would use the same ITE trip generation rates based on square footage. He continued stating their analysis was based on comparing the existing Taco Bell to the proposed Starbucks. Mr. Gadell commented that there was no restriction at Peet's for left or right turns.

Mr. Creed asked what the time relationship was of the 320 trips that would be headed in the northbound section in the morning, as it appears that there would be more than two cars in the stacking. Mr. Smith stated the amount of trips making left and right turns into the site was based on the destination and pass by trips. From that analysis on page twelve there was an expectation of twenty two left turns into the site as destination trips and twenty two destination trips making a right turn into the site. Mr. Creed asked what period of time that would occur. Mr. Smith stated it would be over the peak hour of commuter traffic in the A.M. Mr. Smith stated the pass by traffic was not based on a 50/50 split and that it was based on the amount of traffic that is already on Maple Avenue. 70% of traffic is heading east bound in the morning and 30% is heading west bound. The distribution of the pass by trips is based on the 70/30 split. Mr. Smith continued stating that on page thirteen that twenty-nine additional pass by trips making the eastbound left turn movement were expected during the peak hour in the morning and only twelve pass by trips were expected to make the right turn in. Mr. Creed asked if it was two a minute and Mr. Smith that, in total, it would be fifty one trips which would be a little less than one per minute. Mr. Smith also said that with keeping traffic signal cycles along Maple Avenue in mind that there would be two trips making a left turn for every time there was a green light on Maple Avenue.

Mr. Dowler asked if there wasn't a drive through lane would they know how that would affect the traffic going in and out of Starbucks. Mr. Smith stated that the trip generation rates in general based on the land use of a coffee or donut shop with or without a drive-through lane has a slightly lower trip generation rate. That would mean slightly fewer vehicles expected and less business for Starbucks. Mr. Dowler asked if there would be a substantial amount of reduced customers if there wasn't a drive-through. Mr. Smith stated there was a slight difference in trip generation. He continued saying that the difference between having a Starbucks there and the existing traffic conditions is minimal. The additional difference in delay with the additional Starbucks traffic at the intersection with Branch Rd is less than one second on average for vehicles traveling through that intersection. Mr. Smith stated that they were only seeing fractions of a difference.

Mr. Creed asked if the left hand turn was prohibited would that have an impact on Starbucks operation. Mr. Smith stated it would have an impact on the operation. The pass by trips in the morning would have to find another way, meaning U turns. This could have detrimental effect on an intersection where a driver could turn left.

Mr. Dowler asked if the report was based on counts they observed in town at that location. Mr. Smith said it was built based on existing traffic counts performed on February 6, 2018. The counts at Branch Road and Maple Avenue were counted for the Starbucks project. The actual expected trip generation for a Taco Bell versus a Starbucks was based on the established Institute Transportation Engineers rates.

Mr. Creed asked what impact the closing of the current northbound Starbucks would have on the proposed Starbucks with additional left hand turns. Mr. Smith stated the assumptions for the amount of trips generated are independent of other Starbucks stores. The ITE rates were established with a stand-alone Taco Bell and a stand-alone Starbucks assuming all Starbucks traffic would head to the proposed Starbucks when in reality some would be headed to the other Starbucks further to the west. Mr. Smith continued stating the analysis of the expected trips to generate is a worst-case scenario if there were no other Starbucks and everyone wanted to go to a Starbucks. There could be less trips to the proposed Starbucks due to the number of other Starbucks in the area.

Mr. Gadell asked if anyone else wished to speak.

Mary Beth Stewart was sworn in to give her testimony.

Ms. Stewart stated she believed there was no need for another coffee shop in Vienna and would like Taco Bell to stay. She continued stating her family's history with Taco Bell and their desire to keep it in Vienna.

Mr. Gadell thanked Ms. Stewart for her testimony.

Mr. Gadell asked if someone could speak on behalf of Starbucks for the outdoor seating.

Adam Updike was sworn in to give his testimony.

Ms. Humphrey stated the total of indoor and outdoor seating would be a seating count less than what Taco Bell has currently. She continued stating they evaluated the parking and based on required parking count for seats they are within the required amount even with removing two parking spots to create the outdoor space. The creation of the outdoor seating is a way to extend a place of community

beyond the interior space. Ms. Humphrey stated the interior layout limits what they can provide inside the space. She also said that the better weather in Northern Virginia allows them greater opportunity to utilize outdoor seating.

Mr. Dowler asked if they would install bollards as a source of protection regarding cars that could create a hazard. Ms. Humphrey stated that the posts for the rail are actually bollard conditions and the rails in between will be secured to the bollards and the concrete pad they are sitting on.

Mr. Creed asked if they had finalized their number for interior and exterior seating. Ms. Humphrey stated they had not finalized the interior number yet. They were looking at, in terms of space planning, a maximum of forty to forty-five seats total interior and exterior. Mr. Creed then asked if the maximum seat requirement would have an impact. Ms. Humphrey said no because they had a large margin between what would be exceeding the parking count available and their available space. Mr. Creed asked if the order time to pick up time was eleven seconds or was there a time lapse from ordering at one window and picking up at the other. Mr. Updike stated it would be a question for the traffic engineers. Mr. Smith stated their observation from another, larger, store in the region had a service time of a little over two minutes on average. The limiting factor was the ordering window, averaging six seconds to a minute. The interaction between waiting for a drink and where a person has ordered very rarely did the two cues actually meet. Mr. Creed asked if the twelfth car back would have a twenty minute wait. Mr. Smith stated that the two minutes overlaps with the next persons two minutes. The two minutes overlap meaning there would be two minutes from the time a person placed their order, and picked up their drink.

Mr. Updike added that they selected the Herndon site as a stress test because it was the busiest drive-through they have in Fairfax County. The space between the pick-up window and order board is five cars in Herndon and it would be six cars at the proposed Vienna site giving an additional car length, 30-second window time, and allowing cars to cycle through faster. Mr. Daly asked if the minor change that was made from the current Taco Bell situation to Starbucks was moving back to the rear of the property the place to order. Ms. Humphrey stated they moved the order point forward in the cue. The current order point for Taco Bell would be the eighth car of Starbucks cue stack. The operation team of Starbucks determined optimal order board placement is currently the sixth car. Mr. Daly asked if, with the modification, it would be less likely to have a line backing up in to the parking area, Ms. Humphrey stated yes.

Mr. Petersen asked how granular they were when preparing their estimates and determining the amount of time between the ordering point and the pick-up point. Mr. Petersen followed up asking if something showed the number of vehicle occupants who would pay with a smart watch in lieu of cash, or a credit card. Ms. Humphrey stated the observation of the numbers from the other store were a hybrid of digital payments, cash payments, credit card payments, etc. that would be similar and consistent of how the proposed location would operate. It was not so granular that it showed the percentages of each type, but the mix would be comparable. Mr. Smith stated that regarding observations a poll was taken every five minutes of how many cars were in the cue, how many were waiting to place an order, and how many were waiting to receive an order. Mr. Petersen asked, when calculating estimates, if the number of customers seated outdoors varied month by month throughout the year or were they using an annual average. Ms. Humphrey asked if his question was based on the conclusion of what would be an appropriate amount of outdoor seating by customers or having outdoor seating in general. Mr. Petersen stated he did not want to go into appropriate amount of seats for outdoor use, but that he was curious as to whether there was something specific to Vienna or was

it national averages used to calculate outdoor seating. Mr. Updike stated the building size and zoning was the way to make the application work financially. Due to the zoning perspective, the building footprint could not be augmented. They decided to work with existing conditions rather than trying to make the building bigger. To make determinations they looked at the MAC, and had a work session with the Board of Architectural Review to determine what works for Vienna. After meeting with the BAR they came to a determination that converting the two parking spaces would not only be good for the store, but also the town after looking at the MAC plan which desires to make Vienna more walkable. Mr. Updike continued stating they did not believe the patio would have patrons four to six months out of the year, which offsets the interior seating. Starbucks wants to be a good neighbor while continuing their presence in Vienna. Ms. Humphrey stated that they originally were hesitant to include outdoor seating, as it would mean omitting the two parking spaces. After they reviewed how well they were within the compliance of the parking count required it seemed like the best way to put product brand forward.

Mr. Gadell asked if there was a motion to close the public meeting

Mr. Daly made a motion to close the public meeting

Mr. Creed seconded the motion

Motion:	Daly
Second:	Creed
Passed:	5-0
Absent:	Chumley, Haight

**BOARD OF ZONING APPEALS  
REGULAR MEETING  
MINUTES  
April 18, 2018**

The Board of Zoning Appeals (BZA) met in regular session to review one advertised public hearing in the Council Room of the Vienna Town Hall, located at 127 Center Street, South, Vienna, Virginia, on April 18, 2018, beginning at 8:00 PM with Michael Gadell presiding as Chair. The following members were present: Bill Daly, Robert Dowler, Robert Petersen, and George Creed, Absent: Donald Chumley and Gregory Haight. Also attending and representing staff were Frank Simeck, CZA, Senior Zoning Inspector and Sharmaine Abaied, Board Clerk.

**Item No. 1**

Recommendation to the Board of Zoning Appeals for approval of a conditional use permit for a drive-through facility and a conditional use permit for outdoor seating. Application filed by Scott Sanfilippo of Curry Architects, agent for Starbucks Coffee Company.

Mr. Dowler stated he would like to make a motion for the drive-through service and a separate motion for the outdoor seating. Mr. Dowler made a motion that the application filed by Starbucks for a Conditional Use Permit for a drive-through service lane for property located at 362 Maple Avenue East be granted with the following condition: that it be provided in accordance with the plans submitted with the application.

Mr. Gadell asked for a second

Mr. Daly seconded the motion.

Mr. Gadell asked for further discussion.

Mr. Dowler stated that the fact there is already an operating drive-through lane for Taco Bell is makes it substantially in favor of the application and the physical changes do not affect anything. He did state his concern about the left hand turn effect on Maple Avenue traffic although he didn't feel there would be any significant difference if there was no drive-through lane at all as customers would still make left turns. They are competitive with other business in the community so Mr. Dowler felt it should be granted.

Mr. Gadell stated he supported the motion and that he had drove by the proposed location several times and stopped by one of the other Vienna Starbucks. He had asked the employees what they thought about the drive-through and their response was that Starbucks is out for world domination and they were all for it. Mr. Gadell spoke on the patrons at the various Starbucks and the left turn traffic problem, but that it wouldn't be more of a problem than what Vienna already has.

Mr. Creed asked Mr. Simeck if the town, in a worst-case scenario, could require further restricting later on left hand turns. Mr. Simeck stated they could condition their motion regarding that, but up and down the street there does not appear to be an issue with left hand turns out those facilities. Mr. Creed asked if it was up to Planning and Zoning, the Vienna Police, or the Department of Public Works. Mr. Simeck stated that if there were a lot of complaints it could be addressed.

Mr. Daly stated that customer of the United Bank office building have to make a right hand turn according to the sign. Mr. Daly asked when the town requires a business put up such a sign and when they do not. Mr. Simeck stated it would be decided when going before the board for a conditional use permit and if the traffic counts or turn movements support or do not support a left hand turn. With the current application, the traffic counts support the left hand turn. Mr. Creed stated those were stipulations with prior Planning Commissions and prior Board of Zoning appeals. Mr. Daly stated that the Planning Commission recommended that approval without that condition. Mr. Creed stated the Board of Zoning Appeals could adopt that condition if the board wanted. Mr. Daly stated they could ask them to adopt it now, but that he did not prefer that, as he would rather rely on the traffic counts. The alternative could be limiting the time for the conditional use permit to allow the board time to revisit the issue if the town believes there are safety issues being created by people trying to make a left hand turn onto Maple Avenue after getting their coffee. Mr. Daly then said that if they do not put a condition on the CUP and the town realizes there is a problem what would then town do and could they require a right hand turn only lane in the future for that Starbucks. Mr. Simeck stated that the town could approach Starbucks if there were multiple accidents or the board could make a condition for the motion as to be a number of vehicular accidents.

Mr. Creed proposed an amendment that the conditional use permit be restricted to one-year and be revisited at that time.

Mr. Dowler stated he was not in favor of the amendment. If things deteriorate to the extent of a substantial problem, an application can be filed to revoke the conditional use permit and it could be

treated at that time by the board. Mr. Dowler did not feel it was helpful to anticipate problems that do not currently exist and put a limitation on something that may or may not happen.

Mr. Petersen stated he agreed with Mr. Dowler and would not support the suggested amendment.

Mr. Daly stated he agreed with Mr. Dowler as well and the town would be able to require the installation of a right hand turn only sign if deemed appropriate for safety concerns. Also, the conditional use permit order allows the town to revoke the conditional use permit. Rather than putting a condition on it now and having to hear it in a year, pass the motion and expect that the material received was accurate in its analysis.

Motion: Dowler  
Second: Daly  
Passed: 5-0  
Absent: Chumley, Haight

Mr. Dowler made a motion that the application filed by Starbucks for a Conditional Use Permit for outdoor seating on property located at 362 Maple Avenue East be granted subject to the following conditions: it be limited to twenty outdoor seats, it occur during Starbucks regular business hours, and it be built in accordance with the plans submitted with the application.

Mr. Creed seconded the motion

Mr. Gadell asked for discussion.

Mr. Dowler stated it was consistent with outdoor seating that was approved for other businesses. It was important that it had the railing and bollards to protect the customers. The plans shows a pleasant atmosphere for their customers. Mr. Dowler also stated it was important to include the number of seats so everyone would know the extent of the number of people who would be in the outdoor seating.

Mr. Creed stated he agreed with the comments of Mr. Dowler

Motion: Dowler  
Second: Creed  
Passed: 5-0  
Absent: Chumley, Haight

### **Approval of the Minutes:**

Mr. Petersen made a motion to approve the minutes and commented that the minutes were well done, read smoothly, and submitted a few minor typographical errors.

Mr. Dowler seconded the motion

Motion: Petersen  
Second: Dowler

Passed: 5-0  
Absent: Chumley, Haight

Mr. Creed made a motion to adjourn the meeting.

Mr. Dowler seconded the motion

Motion: Creed  
Second: Dowler  
Passed: 5-0  
Absent: Chumley, Haight

### **Adjournment**

The meeting was adjourned at 9:04.

Respectfully submitted,  
Sharmaine Abaied  
Board Clerk