



STAFF REPORT COVER SHEET

September 16, 2020

Addresses:	260 Cedar Lane SE	Case Number:	PF-37-20-CUP
Public Meeting Date:	9/16/2020	Applicant:	Kathy Pao
Board/Commission:	Planning Commission	Owners:	GRI Cedar Park LLC
Existing Zoning:	C-1, Local Commercial	Existing Land Use:	Commercial
Deadline for Action:	November 10, 2020		
Brief Summary of Request:	Conditional use permit for a drive-through facility		
Site Improvements:	Improvements include renovation of former BB&T bank with drive-in teller to coffee shop with drive-through window.		
Size of Property:	7.21 acres		
Public Notice Requirements:	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	To be published in Washington Times on September 2, 2020 and September 9, 2020. BZA meeting scheduled for September 16, 2020.	
	Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing	13 certified postcards were sent on August 21, 2020 to adjacent, abutting and immediately across the street property owners/agents/ occupants and subject property owners notifying them of the Planning Commission meeting as a courtesy and of the Board of Zoning Appeals hearing.	
	Posting of the property at least ten days prior to the public hearing	Two signs were posted on the subject property on August 17, 2020 with dates of Planning Commission meeting and Board of Zoning Appeals hearing.	

Brief Analysis	
<p>PROPERTY HISTORY</p> <p>The subject property is 80,673-square-foot, Cedar Park Shopping Center. The shopping center has been undergoing a facelift for the main building and reconfiguration of the parking lot. A revised site plan was approved for the Cedar Park Shopping Center in July 2019. The Board of Architectural Review approved the façade changes in December 2018 and revised landscaping and trash enclosure in July 2019. The subject outlot building was previously used as a bank drive-through beginning prior to the requirement for a conditional use permit for drive-through windows.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The proposed use is consistent with the Future Land Use Plan in the Town’s Comprehensive Plan 2015 Update.</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposed use is compatible with the Zoning Ordinance with the approval of a conditional use permit, per § 18-73.1.B and § 18-210.II of the Town Code.</p>	
Attachments:	Application <input checked="" type="checkbox"/> CUP Narrative <input checked="" type="checkbox"/> Conditional Use Permit Plan <input checked="" type="checkbox"/> Interior Floor Plan <input checked="" type="checkbox"/> Traffic Impact Analysis <input checked="" type="checkbox"/> Existing Conditions Photos <input checked="" type="checkbox"/> BAR Approved Façade Renovations <input checked="" type="checkbox"/> Cedar Park Shopping Center Tenant List and Locations Map <input checked="" type="checkbox"/> Cedar Park Shopping Center Approved Site Plan <input checked="" type="checkbox"/>
Author:	Kelly O’Brien, AICP / Co-Author: Frank Simeck, CZA

ITEM NO. 2:

Request for a conditional use permit for a drive-through facility, on property located at 260 Cedar Lane SE, in the C-1, Local Commercial zoning district. Application filed by Kathy Pao, owner of Simply Social Coffee.

Introductory Comments & Background:

The Cedar Park Shopping Center has recently undergone façade and site renovations intended to upgrade customers' experiences both from the street and parking area; address accessibility issues; improve visibility for the center's tenants; and offer better signage to enhance curb appeal. The 80,673-square-foot shopping center is located on the Town's east border with Fairfax County, at the intersection of Cedar Lane SE and Park Street SE.



Figure 1: Aerial of existing building, looking north at rear of building where drive-through window use is proposed.

The property is zoned C-1 Local Commercial. It is surrounded by Vienna Park Apartments to the south and west; commercial properties to the north; Thoreau Middle School to the north-east; and a church and single family homes to the east. The subject outlot building was previously used as a bank drive-through beginning prior to the requirement for a conditional use permit for drive-through windows.

The shopping center is currently accessed from Cedar Lane SE through two driveways; however, the existing driveways are proposed to be consolidated into one entrance further away from the subject building.

Current Proposal:

The applicant is proposing improvements to the building façade including the installation of an emergency door per Fire Marshal requirement and modifications to the existing drive-through window.

The drive-through facility is proposed to remain largely as it exists today. No speaker system is proposed and the existing window is proposed to be used for ordering as well as serving of orders. The proposed drive-through has a capacity of fifteen (15) vehicles, which includes ten (10) vehicle queuing positions for the ordering/pick-up window and five (5) vehicle queuing positions in the parking lot aisle.

As required by Section 18-210.II, the applicant prepared a traffic analysis of the coffee shop with drive-through facility. The Traffic Impact Analysis concludes that the on-site circulation and area roadway network will accommodate the proposed development.

“[A]ssuming an arrival rate of 22 vehicles per hour and service rate of 25 vehicles per hour, the probability that the queue is greater than 10 vehicles is 21%. Therefore, the anticipated vehicle demand will be accommodated over 79% of the time during the AM peak hour of arrivals. In the event longer queues are formed, stacking space to accommodate vehicles is available in the driving aisle before any spillback occurs onto Cedar Lane. It is assumed that the patrons to the site are expected to park and walk-in to the store rather than join the queue under such a scenario. No queuing issues at the drive-through lane are anticipated during the PM peak hour. Directional arrows and signage will help mitigate any confusion and further help orderly on-site circulation in a safe and efficient manner for vehicles as well as pedestrians.”

The Traffic Impact Analysis proposes the peak hour for the drive-through facility will be from 8:05 AM to 9:05 AM.

Required Commission/Board approvals:

The Board of Zoning Appeals is tasked with considering approval of conditional use permits per [§ 18-211](#), [18-81.E](#) and [18-210.II](#).

Relevant Regulations:

Town Code

Sec. 18-209. - Use permit subject to certain conditions.

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will be in accord with the purposes of the Town's master plan.

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

Sec. 18-210. - Use permits required.

A use permit is required for any of the following uses (see regulations for zone in which the use is proposed to be located):

II. Drive-through facility, with the following submittal requirements and evaluation criteria:

1. Application submittal requirements:
 - A. A written statement describing the proposed use and providing all information pertinent to the review of the application. Such information would include, but not be limited to: the type of product or service to be offered; the proposed hours of operation and employee staffing; plans for the control of litter and the disposal and recycling of waste material; effects on air quality at the site and in adjacent areas; and estimates of sound levels that would be generated by the proposed use at site boundary lines.
 - B. A traffic analysis providing information that would include, but not be limited to: estimates of the number of vehicle trips and the amount of vehicular stacking that would occur daily and during a.m./p.m. peak hours; trip generation by use type; estimated internal and external traffic flows; parking and vehicular stacking spaces that would be provided on-site; and data on existing traffic conditions and the traffic-handling capacity of roads fronted by the proposed use. In addition, the analysis would discuss sight distances at points of ingress and egress, pedestrian and bicycle traffic, and any other site-specific traffic factors or public safety issues associated with the application.
2. Applications for drive-through facilities will be evaluated on the basis of the following criteria, with emphasis given to potential adverse effects on adjoining or nearby properties:
 - A. Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.
 - B. Appropriateness of proposed hours of operation.

- C. Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.
 - D. Pedestrian circulation and safety.
 - E. Adequacy of screening of vehicle use and parking areas.
 - F. Noise impact associated with, but not limited to, exterior speakers and motor vehicles.
 - G. Compliance with federal, commonwealth and local pollution standards.
 - H. Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.
3. Drive-through facilities adjacent to residentially-zoned properties shall meet the following applicable criteria:
- A. A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.
 - B. No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than 35 feet from any residentially-zoned property.

Virginia State Code

§ 15.2-2309. Powers and duties of boards of zoning appeals.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

Staff Analysis:

The proposal is consistent with the Future Land Use map in the Town's Comprehensive Plan.

Town Code Section 18-210.II.2 states that drive-through facilities will be evaluated on the basis of the following criteria:

- A. Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.

The applicant is proposing to use the existing drive-through window that was used previously for the bank.

- B. Appropriateness of proposed hours of operation.

The applicant is proposing to operate the drive through window 6 AM to 7PM weekdays and weekends. The coffee shop is proposed to be open 6 AM to 9PM seven days a week.

- C. Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.

The applicant is proposing a wayfinding sign and striping on the pavement to direct customers.

- D. Pedestrian circulation and safety.

The proposed drive-through does not affect the pedestrian circulation and safety of the site as it is utilizing existing parking drive aisles and the parking spaces are adjacent to the building with a sidewalk.

- E. Adequacy of screening of vehicle use and parking areas.

There are a few trees existing on site to screen the drive-through from the adjacent residential property. No additional screening is proposed.

- F. Noise impact associated with, but not limited to, exterior speakers and motor vehicles.

The ordering and pick up will occur at the window. No outdoor speakers are proposed.

- G. Compliance with federal, commonwealth and local pollution standards.

There are no known federal, commonwealth, or local pollution standards for drive-through facilities.

- H. Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.

No other known factors.

Town Code Sec. 18-210.II.3 states that any drive-through facilities adjacent to residentially-zoned properties:

- A. A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.

The applicant is proposing to operate the drive through window 6 AM to 7PM weekdays and weekends.

- B. No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than 35 feet from any residentially-zoned property.

The proposed drive-thru is located 26 feet from residentially zoned property and is not proposing to use a speaker.

Planning Commission CUP Recommendation:

The Planning Commission considered this matter at its regular meeting on August 26, 2020. Upon the conclusion of their analysis, Commissioner Couchman made a motion that recommendation for approval be provided to the Board of Zoning Appeals for a conditional use permit for a drive-through facility on property located at 260 Cedar Lane SE, in the C-1, Local Commercial zone.

Motion: Couchman

Second: Patariu

Roll call vote: 9-0