

Popeyes SUP and SE  
SU-21-00197  
SE-21-00198  
10869 Fairfax Boulevard  
Statement of Justification  
September 9, 2021  
Revised December 20, 2021  
Revised April 1, 2022

## **Background**

Fairfax City's commercial corridor of Route 50/Fairfax Boulevard is experiencing a rebirth, albeit in phases, as it moves from a largely automotive, motel and retail corridor to a commercial corridor supported by key nodes of mixed-use development, or Activity Centers, at each of the main north-south intersections of Main Street, Chain Bridge Road and Pickett Road. Focusing the mixed-use development in the Activity Centers allows the smaller parcels along the boulevard to retain their commercial import to the City and serve those who live, work and drive through the City. However, many of those smaller commercial parcels were developed more than a generation ago and are prime for redevelopment; attention must be focused on them to retain that land for commercial uses.

One such parcel is 10869 Fairfax Boulevard, last home to Angelico Pizza before it vacated in 2019 (the "Property"). With frontage along Fairfax Boulevard, including two means of ingress/egress, the Property is a prime location for another restaurant, and one could re-tenant the building today. With its Commercial Retail zoning designation, the 45-year-old building can be used as a restaurant, convenience store or general retail use, all without legislative oversight. Rather, Tahoor Foods (the "Applicant"), which purchased the Property in September of last year, is seeking a wholesale renovation of the Property with a plan to replace the building with a Popeyes drive-through restaurant.

## **Property Details**

Located at 10869 Fairfax Boulevard, the nearly half-acre site is further identified as Tax Parcel 57 1 14 033. The existing building was originally constructed in 1965 and has housed a variety of restaurants since then. Located between Sona bank, with its drive-through, and Burger King, also with a drive through, the Property is appropriately situated for a drive through use. A low-level office building sits to the rear of the Property, with access from Walnut Street, not Fairfax Boulevard, and additional commercial uses are located directly across Fairfax Boulevard, making this portion of the boulevard a retail stronghold. The Property, like its adjacent neighbors, is zoned Commercial Retail ("CR").

## **Zoning Request**

Within the City, all drive through restaurants require a Special Use Permit. As such, the Applicant is submitting this SUP to allow a single-lane drive through Popeyes with direct access from Fairfax Boulevard. With the redevelopment of the Property, the Applicant will consolidate the two entrances into one, such that the points of access with Fairfax Boulevard will be halved. Additionally, the Applicant will install street trees along the boulevard as well as perimeter plantings, bringing the Property into compliance with the landscape standards of the Zoning Ordinance.

The Applicant has worked hard to meet all Zoning Ordinance provisions, but with the limited size of the parcel needs relief from the 10-foot side yard for a portion along the eastern property boundary, adjacent to the drive-through bank. For less than half of that property boundary, the side yard would be reduced to 5 feet 2 inches, all as shown on Sheet C-4, the remaining part of the boundary would meet the 10-foot side yard depth. As such, the Applicant is requesting a special exception to the Zoning Ordinance Section 3.6.2 to eliminate the 10-foot required setback along the eastern property line. For circulation, the Applicant has created a one-way traffic pattern around the building with a designated drive through lane and designated pass through lane.

The Applicant also seeks two special exceptions for landscape islands. The first is for relief from the interior parking lot landscaping requirements of Zoning Ordinance Section 4.5.7.A.D.1 to eliminate the one landscaped island required for every ten parking spaces. This site has 11 parking spaces with landscape islands on both ends, but there is no room to provide an interior island. Importantly, there is significant landscaping proposed along the western boundary, immediately in front of these parking spaces. The second landscape island special exception is requested to allow the terminal islands required per Zoning Ordinance Section 4.5.7.A.D.2 to be narrower than the required eight feet and to allow the northern terminal island to be less than 200 square feet. Both terminal islands support a medium canopy tree, as required per the Ordinance.

In regards to the hours of operation, the fast food use will be open from 10 a.m. until midnight with the lobby and drive thru sharing those hours.

### **Comprehensive Plan**

The Applicant's proposal fits squarely within the City of Fairfax 2035 Comprehensive Plan (the "Plan") as it proposes a commercial use within an area designated Commercial Corridor. As noted in the Land Use section of the Plan, "there has been less commercial growth in recent years as the commercial real estate market has changed and new development in surrounding areas of Fairfax County has added competition to the local market". This, coupled with the deleterious effects of COVID-19, have left retailers struggling, putting even more pressure on finding ways to retain existing tenants and encourage new commercial redevelopment.

Fairfax Boulevard adjacent to the Property is considered a Commercial Main street type in the Plan. The Applicant is dedicating 10 feet of right of way along its entire frontage for the eventual widening of Fairfax Boulevard and will build a 10-foot wide sidewalk to strengthen the pedestrian connection. To improve the vehicular experience, the Applicant will consolidate the two entrances into one central entrance/exit thus increasing the distance between curb cuts to both the east and west. The Applicant's proposal will breathe new life into the Property with a project that is consistent with the Commercial Corridor place type.

### **Transportation**

In addition to eliminating one of the curb cuts, the redevelopment of the Property will also provide for future interparcel access to both adjacent parcels, meeting a City's goal of creating parallel access routes. A traffic impact statement has also been prepared and shows that the new trips (91 a.m. peak-hour, 74 p.m. peak-hour and 1,071 total weekday daily) can be accommodated by the existing road network and no additional transportation improvements are needed. The TIS is submitted under separate cover.

## **Architectural Intent**

The Property is within the City's Architectural Control Overlay District (the "ACOD"), a largely commercial area that reflects contemporary design aesthetics and is a place for franchise architecture. The reality of market forces plays a role in the design of buildings within the ACOD, so the guidelines speak more to quality of materials, building placement and site elements, all which the Applicant has paid close attention to as it designed the site. In conformance with the ACOD Goals listed in ACOD-1.B, the Applicant's project successfully strengthens the street edge with the addition of evenly spaced landscaping and dedicated right of way, maintains a human scale with a one-story building, upgrades the site by replacing a 45-year-old building and locates all parking to the side and rear of the building. Architectural elevations are attached as Exhibit A.

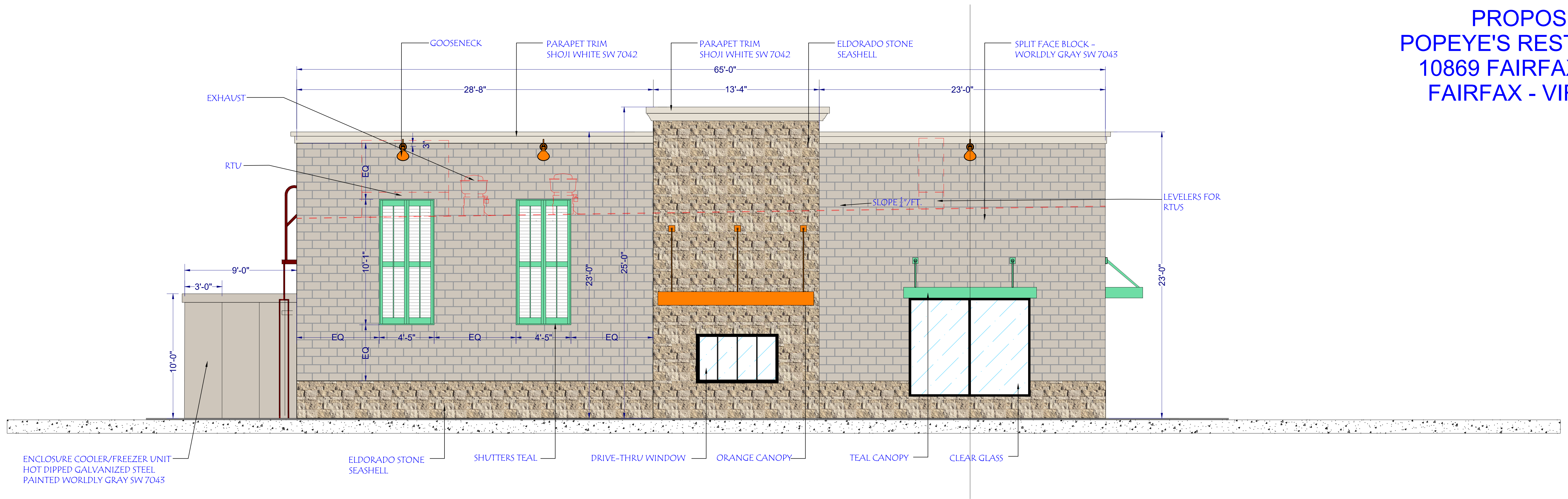
Per ACOD-3.D the building is sited with its entrance facing Fairfax Boulevard, visible to those driving by the site and easily accessible to those walking along the boulevard or parking at the Property. The form of the building takes its cues from the adjacent Burger King and bank, with a simple rectangular shape, as called for in ACOD-3.E. The shape and setback of the building keep it in scale with the parcel and adjacent buildings and its relatively small size at 2,275 square feet alleviate the need to divide it into separate architectural bays. A flat roof is proposed, consistent with ACOD-3.H that identifies flat roofs as a common roof form for smaller commercial projects.

The building combines three dominant materials, all of neutral colors, to create an articulated, yet not overdone façade. Clear glass windows and doors fill three-fifths of the ground-level front-facade and canopies adorn all the doors and windows. Shutters, with accent lighting above, articulate the side facades, as do large brick panels, all part of the new Popeye's prototype. Additionally, the rooftop mechanical equipment is all screened by parapets.

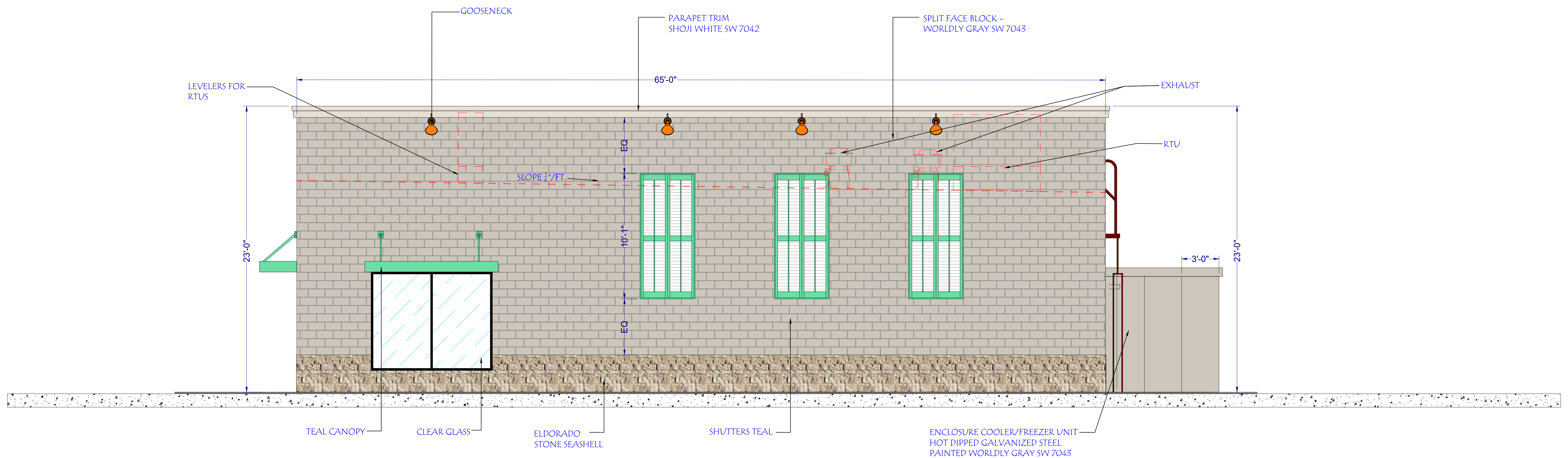
## **Summary**

Tahoora Foods looks forward to expanding the Popeyes offerings with the City's first drive through restaurant. The Property is conveniently accessible to those traveling the Fairfax Boulevard corridor and the use achieves the Comprehensive Plan goals of maintaining that corridor for commercial activity. The 2,275-square-foot restaurant will offer indoor dining, in addition to the drive-through convenience factor.

PROPOSED  
POPEYE'S RESTAURANT  
10869 FAIRFAX BLVD.  
FAIRFAX - VIRGINIA

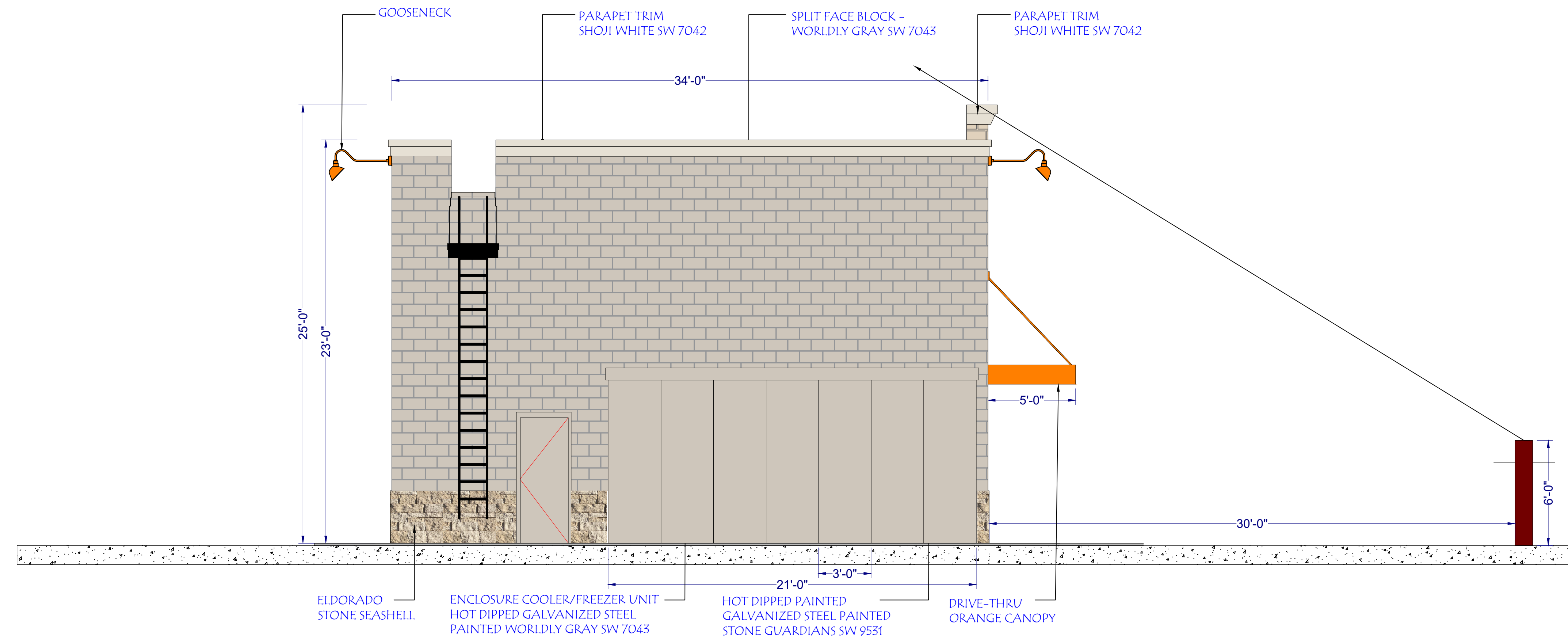


**EAST ELEVATION**  
SCALE 1/4" - 1'-0"

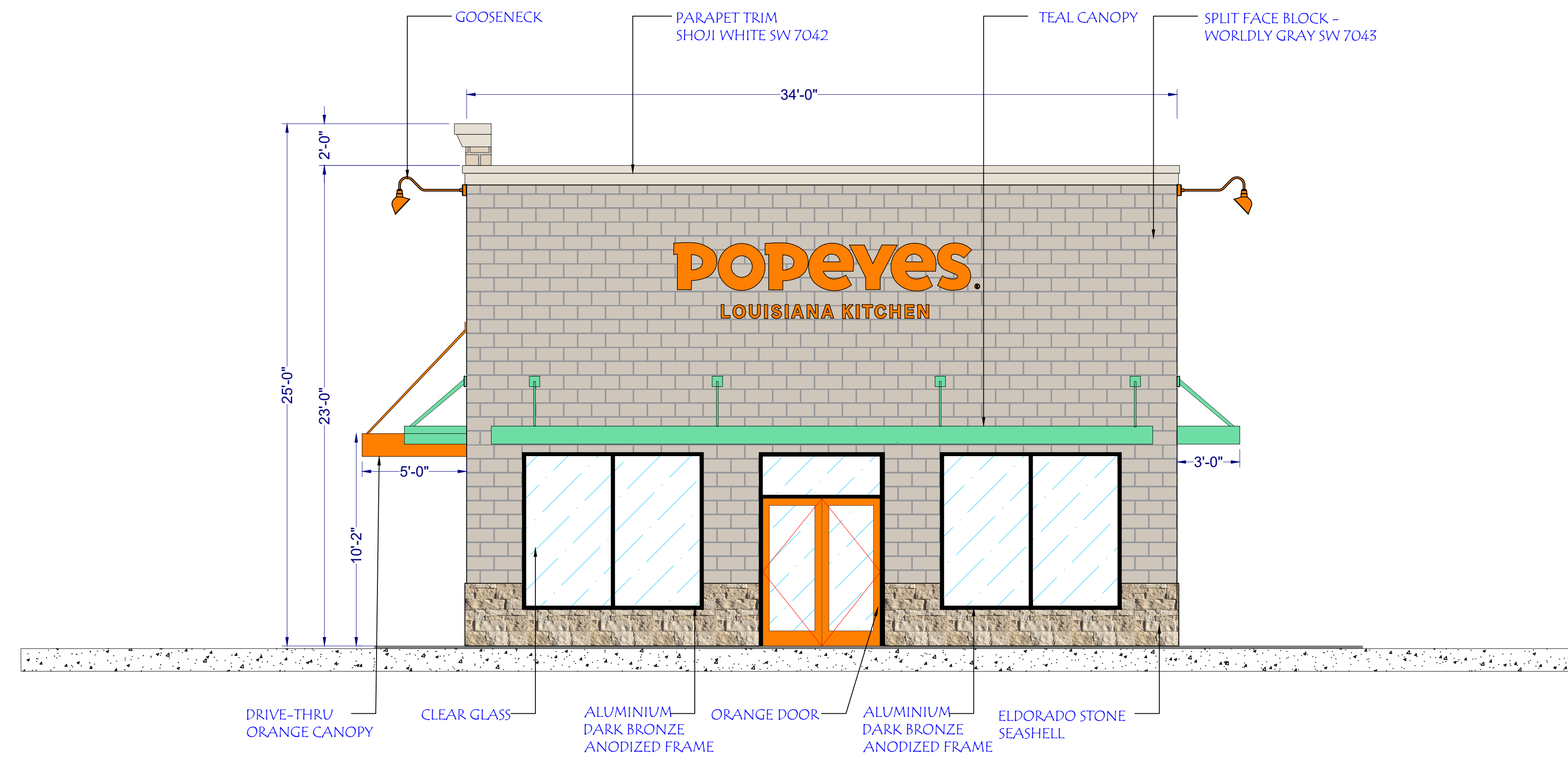


**WEST ELEVATION**  
SCALE 1/4" - 1'-0"

PROPOSED  
POPEYE'S RESTAURANT  
10869 FAIRFAX BLVD.  
FAIRFAX - VIRGINIA



**SOUTH ELEVATION**  
SCALE 1/4" - 1'-0"



**NORTH ELEVATION**  
SCALE 1/4" - 1'-0"