




STAFF REPORT COVER SHEET

June 12, 2024

ATTACHMENT 01

Address:	514-516 Mill St NE	Case Number:	PF-1343970-CUP
Public Meeting Date:	7/17/2024	Applicant:	Renee Pippin, Pitchers Edge LLC
Board/Commission:	Board of Zoning Appeals	Property Owner(s):	500 Mill Street LLC
Existing Zoning:	M, Mill District	Existing Land Use:	Commercial
Brief Summary of Request:	<p>Request for approval of conditional use permit for specialized instruction, at 514 and 516 Mill St NE, in the Mill District. Application filed by Renee Pippin, of Pitcher's Edge LLC, business owner.</p> 		
Site Improvements:	No changes are proposed to the existing single-story building or parking lot.		
Size of Property:	65,732 square feet (1.51 acres)		
Public Notice Requirements:	<ul style="list-style-type: none">• Advertisement for two successive weeks in a newspaper having paid general circulation in the Town, announcing upcoming public hearing at the Board of Zoning Appeals meeting. A public ad is scheduled for July 5 and July 12, 2024.• Staff posted a sign on the property on June 3, 2024, notifying residents of upcoming Planning Commission and Board of Zoning Appeals meetings.• A letter was sent to Fairfax County Department of Planning & Development on June 4, 2024 notifying them of the proposed CUP application and Planning Commission and Board of Zoning Appeals meetings.• Postcards were sent out to surrounding property owners with information about the proposed request for the CUP and the Planning Commission and Board of Zoning Appeals meetings.		
Official Submission Date for Approval:	On June 3, 2024, the application was deemed by staff to be complete.		
Deadline for Action:	The Board of Zoning Appeals (BZA) should take action by September 1, 2024, 90 days after the application was deemed complete. The Planning Commission will have its June meetings in advance of this date. That date is directory rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.		

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Brief Analysis	
<p>PROPERTY HISTORY</p> <p>The subject business is located in the building located at 510-520 Mill Street NE on a parcel approximately 1.51 acres in size. The metal/steel frame building, built in 1965, does not meet current building setbacks; however, it is considered legally non-conforming.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The Future Land Use Map in the Comprehensive Plan shows this property as “Industrial”. The plan describes industrial uses in this area as “light industrial uses and other manufacturing activities that are not appropriate or feasible for the Town’s main commercial corridors, Church Street Commercial Corridor and Maple Avenue Commercial Corridor, as well as auxiliary commercial activities, such as restaurants, fitness centers, and retail, where they can be accommodated. Industrial development in these areas is limited to those administrative, research, and manufacturing activities that can be carried out without a detrimental impact on surrounding areas.”</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposed use of specialized instruction is permitted with a conditional use permit per Section 18-304.</p>	
Attachments:	<p>01 – Staff Report</p> <p>02 - Application and Authorization</p> <p>03 – Applicant Narrative</p> <p>04 – Proposed Floor Plan</p> <p>05 – Information and photos from Business Website</p> <p>06 – 520 Mill Street NE – Site plan with topographic survey</p> <p>07 – Certificate of Occupancy – 516 Mill St NE</p> <p>08 – Parking Tabulation Chart</p> <p>09 – Relevant Regulations</p> <p>10 – Planning Commission Memo</p> <p>11 – Notification Affidavit</p>
Author:	Kelly O’Brien, AICP, CZA, Deputy Director

I. EXISTING CONDITIONS:

The subject property comprises a 24,648-square-foot building and parking lot at 510-520 Mill Street NE. The building is a one-story metal/steel frame structure built in 1965. It does not meet current building setbacks but is considered legally nonconforming. Commercial and light industrial properties are nearby, and the Washington and Old Dominion (W&OD) Trail runs along the rear of the property. The property is zoned M Mill District (Figure 2) and identified as Industrial Use on the Future Land Use Map (Figure 3).



Figure 1 – Existing conditions photo of building from parking lot. Source: Staff photo.

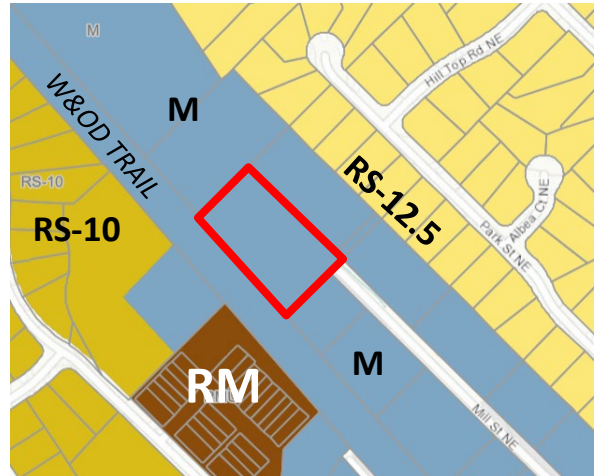
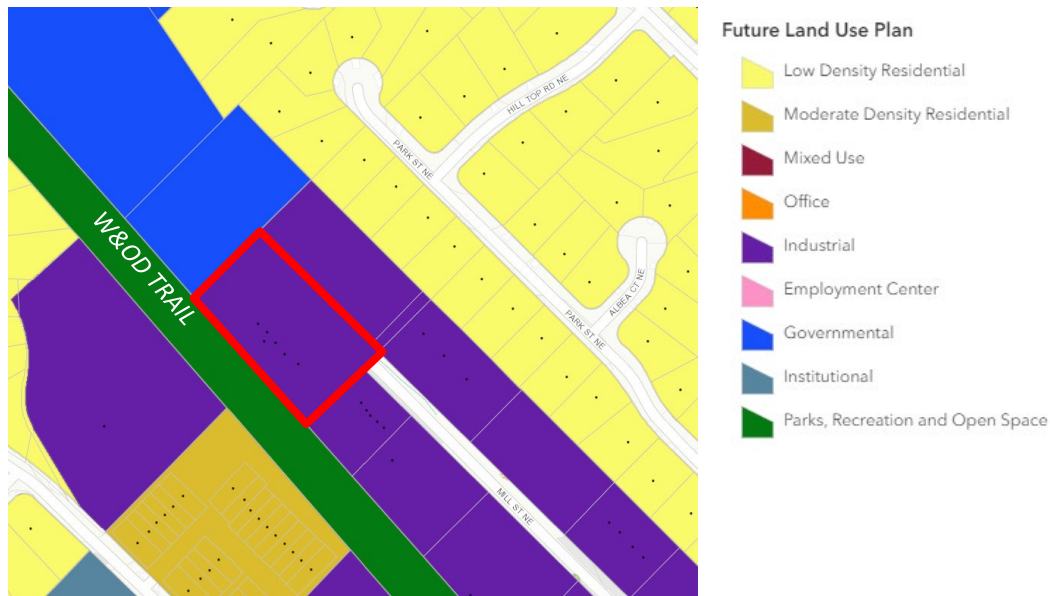


Figure 2 – Zoning Map with highlighted site location. Source: Town of Vienna GIS



*Figure 3 – Future Land Use Map with highlighted site location.
Source: Town of Vienna 2015 Comprehensive Plan*

II. PROPOSED USE:

The applicant has operated their baseball training business at 516 Mill Street NE since December 2013 (See Attachment 06). The certificate of occupancy lists the use as “Baseball Training”; however, that was not a listed use in the zoning ordinance. The parking tabulation chart for the site used the “Tennis Club” use regulations of 2 spaces per court plus 1 space per employee on maximum shift for this business. Baseball Training and Tennis Club are not listed uses in the current code, as such, the business is considered an existing nonconforming use.

The applicant has requested to expand into the adjoining tenant space at 514 Mill Street NE. Expanding into a larger space, from 3,600 square feet to 7,200 square feet, is an expansion of the nonconforming use and requires the business to meet current regulations. The zoning code update, effective January 1, 2024, includes “Specialized Instruction, ” defined as “a facility primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. This use does not include a childcare center, home daycare facility, or health and exercise facility.”

The applicant has provided a narrative (Attachment 03) outlining the hours of operation and services offered. Attachment 05 contains the business’s website information, including photos of the current interior space. According to the applicant, the website indicates the ability to book sessions for up to 4 students, but in reality, such sessions have not occurred for over a year. The standard appointments involve one student with one coach in each lane, resulting in a maximum of two students being present in the building at any given time. The applicant has emphasized that the purpose of expanding the space is not to accommodate more students at once but rather to create a safer environment for both staff and clients by allowing for more space. Attachment 04 shows the proposed floor plan utilizing 514 and 516 Mill Street NE. No change is proposed to the use of the parking lot, including frequency and duration.

III. STAFF ANALYSIS

The business has been operating in the Town for more than 10 years. The staff has not found any records of complaints or issues with this business. The use is permitted with the approval of a conditional use permit and is consistent with the Future Land Use map in the Comprehensive Plan. Specialized Instruction has four use standards listed in Section 18-345 (see Attachment 09 Relevant Regulations), which the applicant complies with. They do not propose camps or large groups of children with frequent drop-offs and pick-ups. Their clients can utilize the existing parking spaces without interrupting traffic flow for tenants or customers.

IV. REQUIRED COMMISSION/BOARD APPROVALS:

Review of the application (as established at §18-824 of the Vienna Town Code) requires initial consideration and recommendation by the Planning Commission and a subsequent public

hearing with sworn testimony before the Board of Zoning Appeals, where the application will be acted upon.

§18-824.6.E. states that the Planning Commission shall make a recommendation on the application based on Conditions for Approval outlined in §18- 824.3, and applicable Use Standards outlined in Article 3 (see Attachment 07).

§18- 824.3: The Board of Zoning Appeals may issue a use permit for any of the uses indicated within Article 3, with a “C” (conditional) on the Use Table, provided the use for which the permit is sought:

Conditions for Approval:

- A. Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- B. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
- C. Will be in accordance with the purposes of the Town’s comprehensive plan; and
- D. Meets use-specific standards outlined in Article 3 of this chapter.

The Town of Vienna Code of Ordinances §18-824.4 states “The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application, within ninety (90) days of the application being deemed complete. This time period is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.”

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission heard the request for a Conditional Use Permit for a specialized instruction at 514 & 516 Mill St NE at its regular meeting on June 12, 2024. The Planning Commission voted 7-0 to recommend approval to the Board of Zoning Appeals. A memo from the Planning Commission chair, including proposed conditions, is included with this application (see Attachment 10).