




STAFF REPORT COVER SHEET

July 17, 2024

Address	450 Maple Avenue E Ste 302	Case Number	PF-1380963-BZA
Regular Meeting Date	7/17/2024	Applicant	Issam Mohamed
Board/Commission	Board of Zoning Appeals	Owner	P. Daniel Orlich
Existing Zoning	AE	Existing Land Use	Commercial
Brief Summary of Request	Application for a conditional use permit for Specialized Instruction for in-person office-based driving education.		
Site Improvements	n/a		
Size of Property	123,518 square feet / 2.8 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 Board of Zoning Appeals meeting. A public ad is scheduled to run on July 5, 2024 and July 12, 2024. A sign is required to be posted on property at least 10 days prior to the public hearing. Staff posted a sign on the property on June 3, 2024 notifying residents of the upcoming Board of Zoning Appeals meeting. A certified letter is required to be sent to the County Executive at least 10 days prior to the public hearing. Staff mailed a certified letter to the Fairfax County Executive on July 5, 2024. A certified letter is required to be sent to the owner at least 10 days prior to the public hearing. Staff sent a certified letter to the applicant on July 5, 2024. A courtesy letter was sent to surrounding property owners on July 7, 2024. 		
Official Submission Date for Approval:	On June 25, 2024, the application was deemed by staff to be complete.		
Deadline for Action:	The BZA should take action by September 23, 2024, which is 90 days after the application was deemed complete. That date is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.		
Brief Analysis			
PROPERTY HISTORY			
<p>The building in which the proposed use is located was built in 1975 and renovated in 2012. The applicant is leasing office space in the building and holds a Commercial Certificate of Occupancy for online virtual classroom instruction and general office activities. The applicant currently has minimal customer visits on-site and conducts all physical driving training and exams off-site.</p>			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN			
<p>The Future Land Use Plan in Chapter 3 of the Comprehensive Plan 2015 Update designates the property as Mixed Use. Specialized Instruction is consistent with the Mixed Use designation (P.38). Chapter 3, Land Use Objective 4</p>			

Implementation Strategy. “Support locally owned businesses” (p. 40) and Land Use Indicator “Increase in the number of MAC and Church Street Vision applications” (p. 43) support the proposed use. In addition, Chapter 4, Economic Development, measures “Growth in business licenses, including home businesses” and “Decrease the number of vacancies and business closings”(p. 55) as an indicator when determining whether identified economic goals, objectives, and implementation strategies for economic development are being met.

COMPATIBILITY WITH THE ZONING ORDINANCE

The Town of Vienna regulates Specialized Instruction as a Conditional in sections 18-824, 18-345 and 18-531 of the 2024 Zoning Ordinance. As proposed, the requested Specialized Instruction use complies with the Town of Vienna’s Zoning Ordinance requirements as a Conditional Use.

<p>Attachments:</p>	<p>01 – Staff Report 02 – Application & Authorization 03 – Applicant Narrative and Documents 04 – Floor Plan 05 – Applicant Photos 06 – Previous Approvals 07 – Relevant Regulations 08 – Planning Commission Recommendation Memorandum (to be attached once completed) 09 – Public Notification Affidavit</p>
<p>Author:</p>	<p>Maggie Costello, Principal Planner</p>

I. EXISTING SITE CONDITIONS:



Figure 1 – Building entrance to 3rd floor Suite 302
Source: Staff Photo

The space intended for the proposed in-person specialized instruction at 450 Maple Avenue East, Suite 302, is located within the Wolftrappe Shopping Center, in a 35,148-square-foot commercial building. Suite 302 is currently being leased by the applicant. The suite is accessible from the northeast side of the building and has approximately 652 square feet of interior space. Parking for the suite is included in the shared parking area dedicated to the Wolftrappe Shopping Center. The applicant was issued a Commercial Certificate of Occupancy on June 7, 2024 for online virtual classroom instruction and general office activities. The applicant currently has minimal customer visits on-site and conducts all physical driving training and exams off-site.

The building is located on a site designated as Mixed Use in the Town of Vienna Comprehensive Plan (Figure 2). The mixed-use land use is intended to promote redevelopment of existing commercial areas as mixed-use projects to give developers more options and to encourage more active pedestrian-friendly streets. To the south, east, and west, the site is surrounded by land also designated as Mixed Use in the Vienna Comprehensive Plan. The site is bordered to the north by land designated as future moderate density residential use.

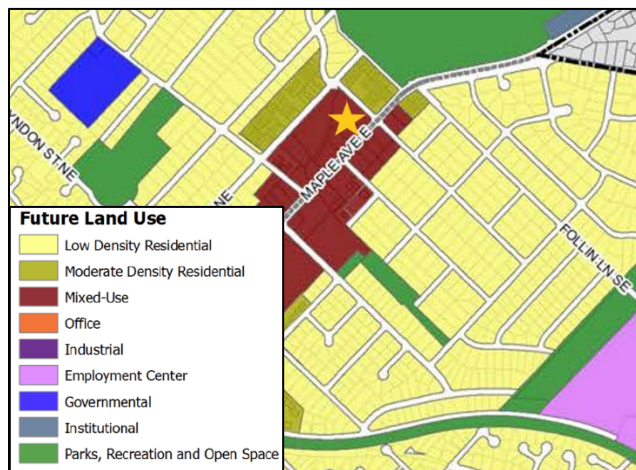


Figure 2 – Town of Vienna Future Land Use Map
Source: Town of Vienna 2015 Comprehensive Plan

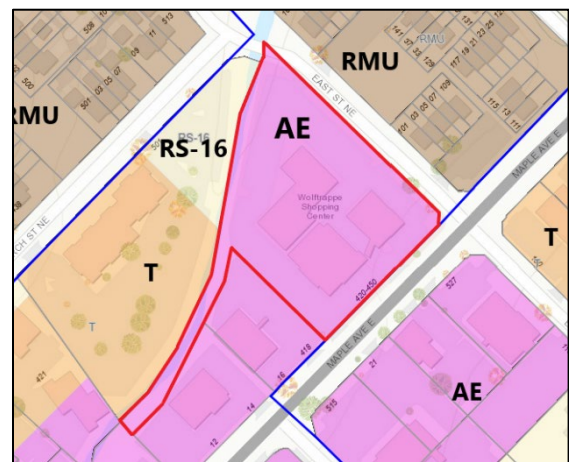


Figure 3 – Town of Vienna Zoning Map
Source: Town of Vienna GIS mapping

As shown in Figure 3, the lot is zoned AE, Avenue East Gateway District, on the Town of Vienna Zoning Map. The AE zone is one of the implementing zones within the Mixed-Use Land Use designation. This zone includes standards whose purpose is to promote a vibrant mix of commercial establishments and

residences. Primary uses allowed include upper story residential, and various commercial, public, and institutional uses.

Specialized instruction is allowed in the AE district as a conditional use, per Section 18-304, Principal Uses Table, of the Zoning Ordinance. The subject site is surrounded to the east and south by land also zoned AE. To the north of the site, land is zoned RMU, Residential Multi-Unit Zone. To the west, land is zoned RS-16, Residential Single-Unit Detached Zone, and T, Transitional Zone.

As seen in Figure 4, the subject site is within the Town's designated Resource Management Area, or RMA. RMAs are components of the Chesapeake Bay Preservation Area (not classified as a Resource Protection Area, or RPA). Land in this area may have floodplains, highly erodible soils and/or slopes in excess of 15%, highly permeable soils, or other lands identified by the Town to be protected for state water quality.



Figure 4 – Site location in red within Town's designated RMA outlined in blue.

Source: Town of Vienna Zoning

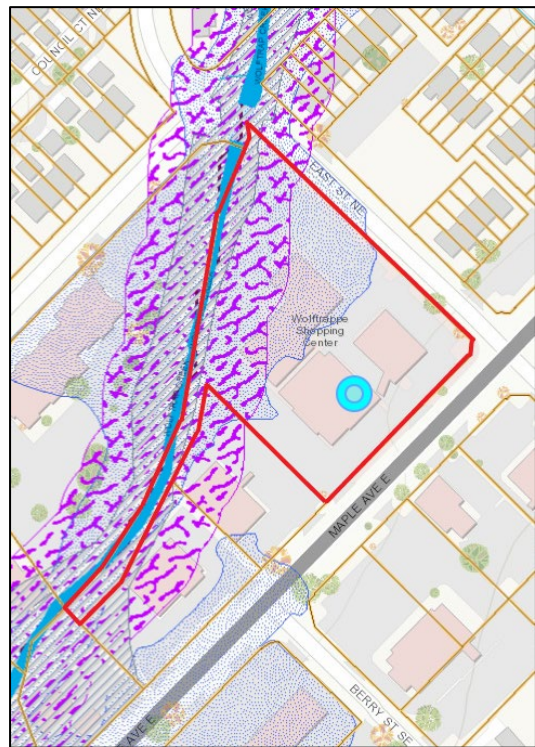


Figure 5 – Subject site in red and 100-foot stream buffer shown in Purple encompassing Wolftrap Creek Stream, within the Difficult Run Watershed.

A portion of the western area of the lot contains a significant area within the 100-foot stream buffer for Wolftrap Creek, which runs along the western boundary of the property (Figure 5). This stream buffer is used to estimate a floodplain when no other floodplain study has been conducted and is applied to stream segments with a drainage area of greater than 70 acres but less than 360 acres. The parcel is also located within the Difficult Run watershed.

II. SITE HISTORY

The structure located at 450 Maple Avenue was built in 1972 and is roughly 35,148 square feet. Another building, to the east of the subject building, totaling approximately 8,064 square feet was also added to the site in 1972. A third structure, totaling approximately 9,229 square feet, was added to the site around 1980, according to aerial imagery provided by Fairfax County. At the time the third building was constructed, an additional parking area was added on the western side of Wolftrap Creek, which includes a pedestrian bridge that provides access to both the commercial office building at 501 Church Street and the Wolftrappe Shopping Center.



Figure 6 – 1972 aerial image of site
Source: Fairfax County Aerials

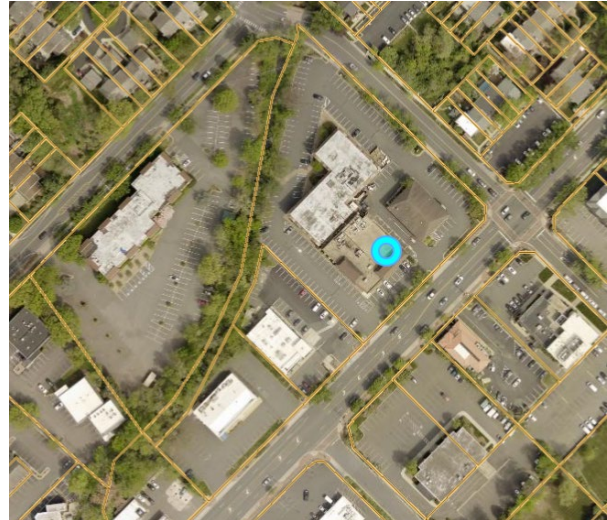


Figure 7 – 2023 aerial image of site
Source: Fairfax County Aerials

III. PROPOSED USE

The applicant is requesting the right to use Suite 302 at 450 Maple Avenue East for in-person driving education classes and examinations, between the hours of 8:00 a.m. and 8:00 p.m., seven days a week. The office areas on the designated site layout will be used for both online and in-person administrative and instructional purposes. In-person instruction will be appointment-based and limited to small groups of a maximum of 4 students at any given time. Actual driving tests will be conducted offsite. The applicant is proposing only one on-site instructor. Maximum capacity onsite is not estimated to exceed 5 persons, total, at any given time.

The applicant states in their narrative that trash and litter generated from class activities will not exceed that typical of an office setting and the offices will be cleaned on a daily basis. Noise is not expected to be an issue, as clients will be predominantly dropped off and will be in a classroom setting or conducting administrative activities within the office space for short periods of time.

The applicant states that they anticipate minimal parking needs. This conclusion is based on the need for 1 parking space for the instructor and the projection that the majority of in-person visits will be clients without driving licenses who are being dropped off. However, the applicant does expect visits for administrative-related visits to collect permits and complete paperwork. The applicant references in their

narrative that classes last a few hours and that any vehicles associated with a student would most likely be using the parking area only during the time of the instruction. The applicant estimates that up to 3 vehicles, in addition to the instructor's vehicle, would need parking accommodation on the site at any given time.

IV. STAFF ANALYSIS

Town of Vienna 2015 Comprehensive Plan

The Town of Vienna Comprehensive Plan is used as a guide for future land use within the Town. The following Chapters contain objectives and indicators relative to the proposed Specialized Instruction as a Conditional Use:

- *Chapter 3: Land Use. Objective 4 p. 40, Implementation Strategies.* "Support locally owned businesses."

By allowing the reasonable expansion of use of an existing locally owned small business, the Town is implementing Land Use Objective 4.

- *Chapter 3 : Land Use. Indicators p. 43.* "Increase in the number of MAC and Church Street Vision applications."

While the MAC zoning district has been dissolved, this Comprehensive Plan land use indicator supports the increase in applications for uses within the Maple Avenue commercial areas and identifies this as an indicator in determining if land use goals, objectives, and implementation strategies are being met.

- *Chapter 4: Economic Development. Indicators p. 55.* The following indicators are used to determine if identified economic goals, objectives, and implementation strategies for economic development are being met:
 - Decrease the number of vacancies and business closings.
 - Growth in business licenses, including home businesses.

The reasonable expansion of an existing business to allow for in-person instruction encourages not only growth in the business, but also retention of an existing business.

Town of Vienna Zoning Ordinance

The Town of Vienna Zoning Ordinance provides regulations based on the Town's Comprehensive Plan:

- *Section 18-824 Conditional Use Permit:* Regulations include submission requirements, process, and conditions for approval for all uses allowed through a Conditional Use Permit.

The applicant has provided the required materials, including a site plan, a narrative description of the current operation on site, along with photographs of the interior of the property.

- *Section 18-345 Specialized Instruction:* Regulations include the following:
 1. Specialized instruction classes or camps may operate only in non-residential facilities.
 2. Operators of specialized instruction classes or camps must ensure the safety of their students during their arrival and dismissal.
 3. Operators must use off-street spaces for student drop-off and pick-up.
 4. Drop-off and pick-up may not impede the flow of traffic within the parking area or in public right-of-way, or create an unsafe environment for pedestrians.

The applicant would be operating in a commercial building, within the AE commercial zone. Students will either arrive or be dropped off by licensed drivers parking in designated parking areas within the designated off-street shared parking area for all businesses located within the 420-450 Maple Avenue East block. This parking area is designed for pedestrian safety and meets the Town of Vienna regulations for parking lot aisle and space dimensions, as well as for safe interior circulation pattern for vehicles entering and leaving the site.

- *Section 18-531 Minimum Required Off-Street Parking for Vehicles for Specialized Instruction:* 2 spaces per each 3 employees on major shift, plus a sufficient number of spaces to accommodate all persons anticipated to be on-site at any one time under normal operating conditions.

The applicant currently operates under the minimum parking requirements for personal services. The minimum required parking for personal services is 1 space per 200 sq. ft. The space used by the applicant is approximately 652 square feet, which would require at least 3 spaces to be provided for the current use. With the additional in-person instruction, the applicant is proposing a total of one employee (himself) and a maximum of 4 students on-site at any one time. Parking requirements for this change in use is 2 spaces for each employee, plus spaces for all persons anticipated to be on-site. Given these statements of expectation, the applicant should provide a minimum of 5 on-site parking spaces for the proposed use.

The original site plan, which was approved in 1977, includes the building that houses Suite 302 and the parking area surrounding the building. This site plan also includes, on the west side of the property, a second parking area that provides parking for all three of the development's buildings (See Attachment 6). On the site plan, it states there are a total of 195 parking spaces required at the time it was approved and the plan provides a total of 210 parking spaces. There are currently 28 businesses with active business licenses in operation at 420-450 Maple Avenue East, and at least 7 vacant suites in the building. As the original site plan provided an overage of approximately 15 spaces, the likelihood of a shortage of parking for the applicant's estimated maximum of 5 vehicles at any given time is very low. In addition, staff is unaware of any past or current issues regarding availability of parking for any businesses at this site.

STAFF CONCLUSION

Staff believes that, as presented, the applicant's proposed change in use to include in-person specialized instruction at 450 Maple Ave E, Suite 302 will not have any adverse effects to businesses located within the 420-450 block, to the health and safety of individuals, nor to the neighboring properties. Staff also believes the proposed use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The proposed use aligns with the Town's Comprehensive Plan and meets the required standards for Specialized Instruction as required in the 2024 Town of Vienna Zoning Ordinance. In addition, performance under the existing Commercial Certificate of Occupancy Permit issued in June of 2024, allowing virtual driving class instruction and office use, has not led to adverse impacts of which staff is aware. However, as this is an application for a Conditional Use, the Board of Zoning Appeals may consider recommending conditions to address specific concerns which fall under the Conditions for Approval as described in section V. below.

V. PUBLIC COMMENTS

As of July 9, 2024, no comments have been received by the Town regarding this application.

VI. 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 (§18-345 Specialized Instruction applies).

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 continued compliance with the conditions imposed.

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.

VII. PLANNING COMMISSION RECOMMENDATION

The Planning Commission will be meeting to generate its recommendation on July 10, 2024. Subsequent to the meeting, the Planning Commission Chair will produce a memorandum reflecting the Commission's discussion. That memorandum will be provided as Attachment 8 to this staff report, along with any written comments from the public, forwarded to the Board of Zoning Appeals, and made available for public review.