

380 Maple Avenue West MAC Rezoning Public Hearing Follow-Up

General Information

Town Council held a public hearing April 29, 2019 related to a request from an applicant to rezone 374-380 Maple Avenue West from the C-1 Local Commercial and RS-16 Single-Family Detached Residential zones to the Maple Avenue Commercial (MAC) zone. Town Council continued the public hearing to its May 13, 2019 meeting.

In the interim period, staff was directed to address questions that came up at the April 29 public hearing. This document provides answers to these questions. Additionally, staff has provided a few points of clarification.

Staff also would like to provide information about the process for rezoning to the Maple Avenue Commercial (MAC) zone below:

Maple Avenue Commercial (MAC) Zone District Rezoning and Development Procedures

- Step 1 (Complete)
 - Town staff reviews MAC rezoning application for completeness. (*The application submitted on September 27, 2018 is deemed complete. Prior to submission, the applicant presents at several work sessions with the Town Council, Planning Commission, and Board of Architectural Review*).
- Step 2 (Complete)
 - Board of Architectural Review (BAR) reviews and makes recommendation to Town Council. (*BAR holds a work session with the applicant on December 14, 2018 and makes a recommendation at its regular January 17, 2019 meeting to Town Council regarding compliance with the MAC.*)
 - Planning Commission holds a public hearing and makes a recommendation to Town Council. (*Prior to the public hearing, Planning Commission holds a work session with the applicant February 13, 2019. The Planning Commission and Town Council hold a joint work session with the applicant March 4, 2019.*)

A public hearing with the Planning Commission is held March 27, 2019 and is continued to the April 10, 2019 Planning Commission meeting, where the Planning Commission votes 5-2 to recommend to Town Council to approve the rezoning.)

- Step 3 (In Progress)
 - Town Council holds a public hearing and votes to approve or deny the application. *(Town Council holds a public hearing April 29, 2019 and continues it to its May 13, 2019 meeting.)*
- Step 4
 - If approved by Town Council, applicant must submit site plan substantially conforming with rezoning application for staff review.
 - Staff reviews site plan and makes sure it conforms with rezoning application.
 - Board of Architectural Review reviews project for final design and materials.
- Step 5
 - Applicant submits building permit application.
 - After approval of building permits by Fairfax County, applicant is able to start construction.
- Step 6
 - After construction is completed and all county and Town inspections have been completed, a Certificate of Occupancy is issued.

Clarifications and Questions

- *Several comments were made about the need to close Wade Hampton Drive SW at Glen Avenue SW.*
 - The proper procedure for the Town's consideration of such a measure is for the community to prepare a petition and present it to the Transportation Safety Commission (TSC). TSC considers petitions and makes recommendations to Town Council. Petitions may be filed with the TSC Clerk. Contact information for the TSC can be found here: <https://www.viennava.gov/index.aspx?NID=417>.
- *Does the applicant's traffic impact analysis take into account future regional traffic and approved projects?*
 - Yes, pages 25-41 of the Traffic Impact Analysis (TIA) explain factors in the anticipated growth in traffic from the approved Flagship Carwash, 444 Maple, and Vienna Market (Marco Polo) projects. It also factors in regional growth with an assumed 1% growth over existing regional traffic. The TIA can be found here: <http://vienna-va.legistar.com/gateway.aspx?M=F&ID=333b4776-feab-4941-85fe-a5ecda3fed6c.pdf>
 - “Background traffic volumes represent future traffic that would travel through the area intersections without the proposed development. *Table 4* and *Table 5* show the annual average daily traffic data along Maple Avenue West and along Nutley Street Southwest, respectively. The data in these tables generally shows declining traffic volumes. Therefore, a 1 percent annual growth rate represents a conservative estimate of growth based on the historical traffic data.” (Page 25)
 - “In addition to regional growth, staff identified three nearby pipeline developments for consideration in this study:
 - Flagship Carwash [Tax Map 38-3((2))115 and 38-3((2))152A], located at 540 Maple Avenue]. The development includes a car wash and 5,001 GSF fast-food restaurant
 - Vienna Market/Maple Avenue Consolidation [Tax Map 38-4((4))2 & 4 and 38-4((2))15, 16 and 17], located at 245 Maple Avenue and 101, 107, 115 Pleasant Street.

The development includes up to 8,200 GSF of retail use and up to 44 townhouse style units.

- 444 Maple Avenue [Tax Map 38-3 ((2)) 139, 140 & 141]. The development includes up to 160 multifamily dwelling units and up to 20,000 GSF of retail.” (Page 25)
- “For the purposes of this study, and being consistent with the analyses performed as part of the 444 Maple Avenue traffic study, the trip generation for the Vienna Marketplace is based on the original proposed retail square footage. The approved retail square footage is slightly lower. This results in a conservative analysis of background trip generation (i.e. this study considers more trips and a slightly larger traffic impact than if the approved square footage were used.” (Page 25-26)
- *What are the impacts of the project to the Town’s infrastructure and schools?*
 - The Town conducted a water and sewer system study for the Maple Avenue corridor in 2015 and 2016. The study assumed a 30% increase in demand for future development from current demand.
 - The water system report showed that the increase of development along Maple Avenue had little effect on the water system. When fire flow scenarios were run, there was one location at Maple Avenue East and East Street that was deficient for both current and future demands. This has been resolved with construction of a water main interconnection at Follin Lane and Hine Street SE. The report can be found here:
<https://www.viennava.gov/DocumentCenter/View/4830>
 - Based on topography, properties along the Maple Avenue corridor connect to sewers that flow into three different sewer outfalls. These are the Nutley Street, Creek Crossing, and Northside outfalls. The sewer system report showed that the increase of development along Maple Avenue would increase the flow to the Northside outfall (called Mill Street sewer in the report) by approximately 8% for all flow scenarios. The Mill Street sanitary sewer surcharges (pipes are full and flowing under pressure) under existing wet weather conditions and the potential flow increase marginally increases flow. The Nutley Street and Creek Crossing sewer outfalls have no predicted surcharging.

Existing wet weather surcharge conditions along Mill Street are being addressed with current sewer program initiatives, which include investigating and removing infiltration and inflow sources, periodic sewer cleaning, replacement of paper chart flow recorders with digital recorders, and planning for future sewer improvements supported by development fees (drainage fixture unit charges). The new digital flow recorders show that actual flows are less than previously measured.

The address ranges of properties that sewer to Mill Street NE are:

- Even addressed side of Maple Avenue; 360 Maple Avenue West to Glyndon Street SE
- Odd addressed side of Maple Avenue; 435 Maple Avenue West to Glyndon Street SE

The 2016 report can be found here:

<https://www.viennava.gov/DocumentCenter/View/4831>

- As part of the application review, Fairfax County Public Schools completed a review of the proposed project. The review, which has been attached to the application reviewed by Planning Commission and Town Council, shows a projection of 24 students as a result of 40 low-rise multi-family housing units. The review can be found here: <http://vienna-va.legistar.com/gateway.aspx?M=F&ID=4d1053f5-6203-435f-913a-4e367ffb32.pdf>
 - “The high school is considered to have a moderate capacity deficit, the middle school is approaching a capacity deficit, and the elementary school is considered to have sufficient capacity for current programs and future growth with current membership. For projected membership, assuming no changes to programs and boundaries, the high school would be approaching a capacity deficit after renovation, the middle school would be considered to have a substantial capacity deficit, and the elementary school would continue to be considered to have sufficient capacity for current programs and future growth prior to consideration of any plan amendment or rezoning. This analysis is a snapshot in time (as of January 2019) for student membership and school capacity balances. With a zoning application that increases residential density, such as that proposed in this application, the enrollments at these schools will necessarily increase, which may negatively impact the instructional program to the detriment of the students involved. Any future development plans would need to be analyzed

along with this zoning plan to determine the future impact to capacity.” (Pages 2 to 3)

- The Director of Finance also completed a fiscal impact analysis of the proposed project. See immediately below:

	MAC Proposal	Current Use
Estimated Real Estate Taxes <i>Tax Rate: \$0.225 per \$100 Assessed Value</i>	\$88,310	\$7,810
Estimated Business License Fees <i>Tax Rate: Retail \$0.17 per \$100 Gross Receipts</i>	\$9,350	\$24,000
Estimated Meals Taxes <i>Tax Rate: 3% of meal purchase</i>	\$60,000	\$ -
TOTAL TAXES AND FEES	\$157,660	\$31,810
OUTFLOWS:		
Projected Increase In:		
- Public Safety	\$ -	
- Water/Sewer Capacity	\$ -	
- Trash Removal / Landfill	\$5,000	
TOTAL OUTFLOWS	\$5,000	
ESTIMATED MAC INCREASE/(DECREASE)	\$120,850 increase	

- *Is there a 100-day limit in the state code that requires Town Council to vote on a rezoning application within 100 days of the first public hearing held by the Planning Commission?*
 - This matter is under review by the Town Attorney.