


# STAFF REPORT COVER SHEET

May 28, 2025

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| <b>Address</b>  | 419-B Maple Avenue East  | <b>Case Number</b>   | PF-1713550-CUP                           |  |  |  |  |  |
| <b>Regular Meeting Date</b>   | 5/28/2025  | <b>Applicant</b>   | David Dilly, Future Innovators of Vienna |  |  |  |  |  |
| <b>Board/Commission</b>   | Planning Commission  | <b>Owner</b>   | MAPLE AVE INVESTORS LLC                  |  |  |  |  |  |
| <b>Existing Zoning</b>  | Avenue East Gateway District – AE  | <b>Existing Land Use</b>   | Commercial                               |  |  |  |  |  |
| <b>Brief Summary of Request</b>   | The applicant requests the Planning Commission to recommend approval for their Conditional Use Permit to allow Specialized Instruction at 419-B Maple Avenue E to the Board of Zoning Appeals.   |  |  |  |  |  |  |  |
| <b>Site Improvements</b>  | n/a  |  |  |  |  |  |  |  |
| <b>Size of Property</b>   | 8,983 sf (total shopping center size 22,800 gsf)   |  |  |  |  |  |  |  |
| <b>Public Notice Requirements:</b>  | <ul style="list-style-type: none"> <li>• Advertisement for two successive weeks in a newspaper having paid general circulation in the Town, announcing the upcoming public hearing at Board of Zoning Appeals meeting.</li> <li>• On May 21, 2025, certified letters were sent to the applicant and Fairfax County Department of Planning &amp; Development. On May 22, 2025, postcard notifications were mailed to the property owner of the subject site and to neighboring properties with dates of the Planning Commission meeting and Board of Zoning Appeals hearing.</li> <li>• Staff posted a sign on the property on May 21, 2025, notifying residents of the upcoming Planning Commission and Board of Zoning Appeals meetings.</li> </ul> |  |  |  |  |  |  |  |
| <b>Official Submission Date for Approval:</b>   | On May 20, 2025, the application was deemed by staff to be complete.   |  |  |  |  |  |  |  |
| <b>Deadline for Action:</b>   | The BZA should take action by August 18, 2025, 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.  |  |  |  |  |  |  |  |
| <b>Brief Analysis</b>   |  |  |  |  |  |  |  |  |
| <b>PROPERTY HISTORY</b>   |  |  |  |  |  |  |  |  |
| <p>The shopping center in which the proposed use is located was built in 1950 and is approximately 22,517 gross square feet. In 2020, after the relocation of the Posh! interior design and furniture store, suite 419 was divided into two spaces, with the space fronting Maple Avenue consisting of 6,000 square feet and the rear space with no entrance onto Maple Avenue consisting of 8,983 square feet; the latter space was given the address of 419-B Maple Avenue East while the former retained the 419 Maple Avenue East address. A Virginia ABC store opened at 419 Maple Avenue East in 2020 and in January 2023, iCode, the owner of which is also the applicant for this</p> |  |  |  |  |  |  |  |  |

Conditional Use Permit, opened at 419-A Maple Avenue East. The applicant wishes to use the space at 419-B Maple Avenue East to hold a summer camp that is associated with iCode.

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The location of the proposed Specialized Instruction facility is designated as Mixed Use on the Town's Comprehensive Plan Future Land Use map (page 38). Specialized Instruction is consistent with the Mixed Use designation per the implementation strategies of "Encouraged mixed-use development for sites zoned for commercial uses) and "Support locally owned businesses" for Land Use Objective 4 ("Maintain and strengthen the Central Business District within existing boundaries.") (p. 40). The application is also consistent with the Economic Development chapter's indicators "Decrease in number of vacancies and business closings," "Increase in total gross commercial land use tax and meals tax," and "Growth in business licenses, including home businesses" (p. 55).

**COMPATIBILITY WITH THE ZONING ORDINANCE**

Specialized Instruction is a Conditional Use in the Avenue East Gateway zoning district. As proposed, the application sufficiently conforms with most of the Town of Vienna's Zoning Ordinance requirements as a Conditional Use. While the proposal meets the parking requirements for employees outlined in Section 18-531 for Specialized Instruction, it does not meet the requirements for "all persons anticipated to be on-site" as the code states. However, as the children would be dropped off and picked up by their parents rather than drive themselves, on-site parking demand will primarily consist of short-term, staggered vehicle activity during arrival and dismissal periods. The applicant has also indicated plans to formalize a shared parking agreement with the adjacent Wendy's restaurant, which has surplus parking beyond its operational and regulatory needs.

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| Attachments: | 01 – Staff Report<br>02 – Application & Authorization Form<br>03 – Applicant Narrative<br>04 – Site Plan & Floor Plan<br>05 – Photos<br>06 – Parking Tabulation Chart<br>07 – Property Leasing Flyer<br>08 – Relevant Regulations<br>09 – Public Notification Affidavit |
| Author:      | Lyndsey Cloutre, Principal Planner  |

## I. EXISTING SITE CONDITIONS:

The subject site is in the shopping center at 419-427 Maple Avenue East and the proposed use would be operated within suite 419-B. This 8,983 square foot suite is in the rear of the shopping center, immediately behind the Virginia ABC store, and has no entrance facing Maple Avenue.

419-427 Maple Avenue East is designated as Mixed Use on the Town's Comprehensive Plan Future Land Use map. The Mixed Use land use is intended to promote redevelopment of existing commercial areas as mixed-use projects, to give property owners more options, and to encourage more active pedestrian-friendly streets. As shown in Figure 3, the site is bordered on all sides by land designated as Mixed Use on the Town's Comprehensive Plan Future Land Use map.



Figure 1: The rear of 419-B Maple Avenue East, facing northwest from Pine Street SE.



Figure 2: The side of 419-B Maple Avenue East, facing southwest from Berry Street SE.

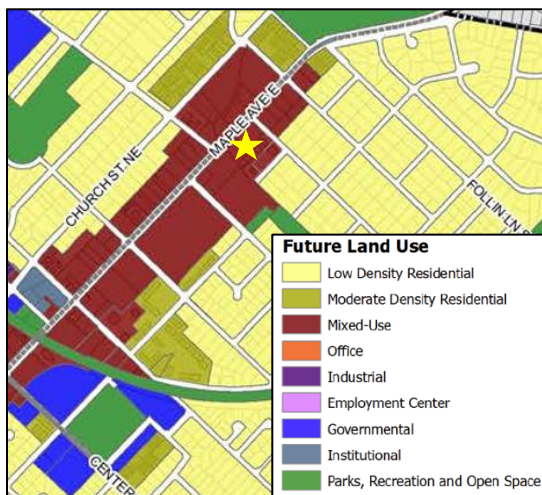


Figure3: Town of Vienna Future Land Use Map. The subject property is indicated by the yellow star.

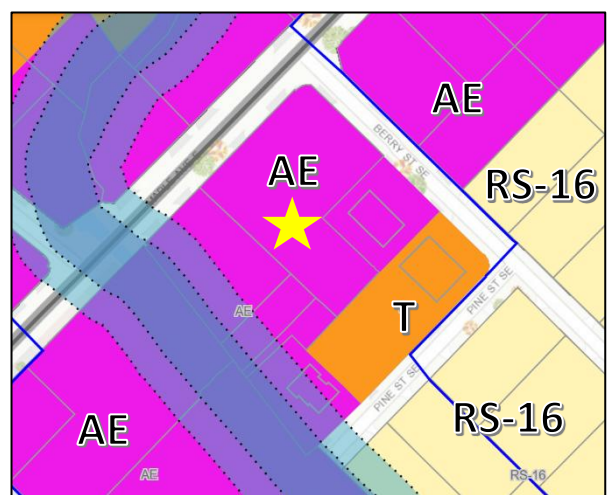


Figure 4: Town of Vienna Zoning Map. The subject property is indicated by the yellow star.

As shown in Figure 4, this site is zoned AE, Avenue East Gateway, on the Town of Vienna's Zoning Map. It is surrounded by the AE zone to its north, south, and west; and by the Transitional (T) zone to its east. The

standards of this zone are designed to promote a vibrant commercial and mixed-use area along Maple Avenue. Primary uses allowed include upper story residential; and various commercial, public, and institutional uses.

## **II. SITE HISTORY**

The shopping center at 419-427 Maple Avenue East was constructed in 1950 and is approximately 22,517 gross square feet. Suite 419 was divided into two spaces, 419 and 419-B, in 2020, with a Virginia ABC store moving into suite 419 later that year. The prior use located in the former suite 419 was a furniture and interior décor retailer, which departed in 2019. The applicant's current tenant space for iCode, 419-A, was approved for a certificate of occupancy in 2022 as the by-right use of "General business enterprise consisting of sales" in the C-1 zone. The "Specialized Instruction" use was not added to the zoning ordinance until the code update effective January 1, 2024.

## **III. PROPOSED USE**

The applicant proposes operating a summer camp at 419-B Maple Avenue East in which students operate drones. The camp would operate from 8 AM to 6 PM, with the majority of drop-offs anticipated to occur between 8:30 AM and 9:30 AM and the majority of pickups anticipated to occur between 3:30 PM and 6 PM. Campers would enter the site through the main iCode entrance at 419-A Maple Avenue East, then follow instructors through the iCode facilities and outside to the rear exit, where they would then enter through a corridor to access suite 419-B; a floor plan showing the path between the iCode entrance and suite 419-B is included in Attachment 04.

The summer camp is proposed to have a maximum of 24 students, with two instructors each leading a group of 12 students. Drone operation is to occur only inside suite 419-B; no outdoor instruction will occur. Accordingly, it is not expected that the noise of the drones, which is typically between 50 and 65 decibels at three feet, will be heard outside of the camp space or impact neighboring businesses. The camp's operations will not produce odors, and trash and litter are limited to lunches and snacks consumed during breaks. The applicant will dispose of all trash at the end of each day. No commercial loading or unloading will occur.

Specialized Instruction is defined by the Town of Vienna's Zoning Ordinance 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 day care facility, or health and exercise facility." under Section 18-902. It is allowed in the AE zoning district as a Conditional Use per Section 18-304, Principal Uses Table, of the Zoning Ordinance. Use standards are discussed below in staff analysis.

## **IV. STAFF ANALYSIS**

### **Town of Vienna 2015 Comprehensive Plan**

The Town of Vienna's Comprehensive Plan is used as a guide for future land use within the Town. Per the Comprehensive Plan's Future Land Use Map, the subject property's future land use designation is Mixed Use, which supports commercial uses, including a Specialized Instruction use. In addition, the following

Chapters within the Comprehensive Plan contain objectives and indicators relative to the Specialized Instruction as a Conditional Use:

#### Land Use

- Objective 4: Maintain and strengthen the Central Business District within existing boundaries. (p. 40)
  - Implementation strategy: Encourage mixed-use development for sites zoned for commercial uses (p. 40)
  - Implementation strategy: Support locally owned businesses (p. 40)

This proposal meets this objective and both cited implementation strategies. As a new business on Maple Avenue, the proposed use would contribute to the strength and success of Maple Avenue as a destination shopping district within the immediate region. Further, adding Specialized Instruction to the shopping center brings a mix of uses to the site, and the summer camp would be owned and operated by the same locally based owner of the iCode franchise at 419-A Maple Avenue East.

#### Economic Development

- Chapter indicators:
  - Decrease in number of vacancies and business closings (p. 55)
  - Increase in total gross commercial land use tax and meals tax (p. 55)
  - Growth in business licenses, including home businesses (p. 55)

This proposal meets these indicators as it decreases the number of commercial vacancies within the Town, increases the gross commercial land use tax due to the Town, and increases the number of business licenses issued with the Town.

#### Town of Vienna Zoning Ordinance

The Town of Vienna Zoning Ordinance provides regulations relating to both Conditional Use Permit applications and applications for Specialized Instruction:

**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 full code section outlining the process to obtain a Conditional Use Permit is included as Attachment 07.

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.**

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.



**Section 18-531 – Minimum Required Off-Street Parking for Vehicles.**

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.

Per the Parking Tabulation Chart (Attachment 06) provided by the applicant, the tenants at 419-427 Maple Avenue East have a total of 65 available parking spaces. Of those 65 spaces, 62 are already allocated to the existing businesses, leaving three spaces available. The three remaining spaces satisfy the minimum requirement of two spaces available per three employees on shift per Section 18-531 of the Zoning Ordinance. While this does not satisfy the requirements to accommodate all persons anticipated to be on-site at any one time under normal operating conditions, staff notes that all attendees of the proposed specialized instruction are minors who will be dropped off and picked up by adults, rather than parking on site.

The applicant's narrative (Attachment 03) outlines how drop-off and pick-up will be staggered during defined windows and coordinated to avoid conflict with peak parking demand from other businesses. Additionally, the applicant is pursuing a shared parking agreement with an adjacent business outside the immediate shopping center to supplement available parking, if needed. The Zoning Administrator has reviewed the parking analysis and determined that the requirements are being met based on the operational nature of the use and the availability of off-street spaces for temporary vehicle activity.

Although the applicant has indicated the immediate intent is to operate a summer camp, approval of a Conditional Use Permit may extend beyond a single season and does not need to be time limited. Staff recommend that the approval not be restricted solely to summer use. If any operational or compliance issues arise, the matter may be brought back before the Board of Zoning Appeals for further review. Absent such issues, the applicant may expand programming to meet community demand throughout the year, consistent with the approved use.

**STAFF CONCLUSION**

Staff believe that, as presented, the applicant's proposal for a Conditional Use Permit to operate a Specialized Instruction facility at 419-B Maple Avenue East will not have any adverse effects on the surrounding areas, either to the health and safety of individuals or to neighboring properties. Staff also believe the proposed use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Further, the proposed use aligns with the Town's Comprehensive Plan. Although the available on-site parking does not exactly conform to the minimum required off-street parking for vehicles for Specialized Instruction, given that there are sufficient parking spaces available for employees and participants do not need parking spaces, staff believe the use sufficiently conforms to the Zoning Ordinance's required standards for Specialized Instruction. However, as this is an application for a Conditional Use permit, the Planning Commission may consider recommending conditions to address specific concerns that could fall under the Conditions for Approval, as described in Section V, below.

Staff propose the following conditions of approval should the Planning Commission wish to include any in their recommendation to the Board of Zoning Appeals:

1. Operating hours limited to 8 a.m. – 6 p.m.
2. Maximum occupancy of 24 students at one time.
3. No outdoor drone operation permitted.

4. Shared parking agreement must be finalized and submitted to the Town before the issuance of a Certificate of Occupancy.

## **V. REQUIRED COMMISSION/BOARD APPROVALS**

Review of the application (as established under Section 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.

Section 18-824.6.D. states that the Planning Commission shall make a recommendation on the application based on the applicable Use Standards outlined in Article 3 and the Conditions for Approval outlined in Section 18- 824.3:

### 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 (Section §18-331 and 18-335 Outdoor Dining apply).

Subsequent to the Planning Commission’s recommendation, the Board of Zoning Appeals may issue a use permit for any of the uses indicated within Article 3 with a “C” (“Conditional”) in the Use Table, as outlined in Section 18-842.6.E. 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.

Per Section 18-824.4, 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.