



STAFF REPORT COVER SHEET

October 14, 2020

Addresses:	301 Center Street South	Case Number:	PF-51-20-CUP
Public Meeting Date:	10/14/2020	Applicant:	Town of Vienna
Board/Commission:	Planning Commission	Owners:	Town of Vienna
Application Date:	N/A	Existing Zoning:	RS-10
Deadline for Action:	N/A	Existing Land Use:	Governmental
Brief Summary of Request:	Recommendation to the Board of Zoning Appeals for a conditional use permit to permit temporary use of existing building for police department staff during construction of new police station. Review of plans for consistency with Comprehensive Plan (2232 Review).		
Site Improvements:	n/a		
Size of Property:	130,680 square feet/3.0 acres		
Public Notice Requirements:	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Planning Commission public hearing and Board of Zoning Appeals public hearing.	Advertisement of Planning Commission public hearing for "2232 review" was published in Washington Times on October 2, 2020 and October 7, 2020. Public hearing for Board of Zoning Appeals for CUP published in Washington Times on October 7, 2020 and October 14, 2020 for meeting on October 21, 2020.	
	Written notice at least 10 days before the public hearing to the chief administrative officer, or his designee, of such adjoining locality.	Written notice of CUP to Fairfax County executive and designee sent on October 6, 2020.	
	Posting of the property at least ten days prior to the public hearing.	Posting of signs in front of the 301 Center Street S and Vienna Town Hall on October 7, 2020 with dates of Planning Commission meeting and Board of Zoning Appeals public hearings.	
	Written notice at least 5 days before the public hearing to neighbors across the street from, adjacent, and abutting the site.	Letters notifying neighbors of CUP meeting and public hearing and 2232 review public hearing sent on October 7, 2020.	
Brief Analysis			
In order for the police department to temporarily utilize the 301 Center Street South site during the construction of the new police department, a "2232 review" and conditional use permit is required.			
Attachments:	Floor and Parking Plans <input checked="" type="checkbox"/> Narrative and Justification Statement <input checked="" type="checkbox"/>		
Reviewed By:	Michael D'Orazio, AICP, Deputy Director of Planning and Zoning		

**Planning & Zoning Staff Report to the Planning Commission
Meeting of October 14, 2020**

ITEM NO. 1:

Public hearing for review by the Planning Commission to find that the proposed public use of an existing building, located at 301 Center Street South in the RS-10 Single-Family Detached Residential zoning district, is substantially in accord with the Town of Vienna Comprehensive Plan, as required by Section 15.2-2232 of the Code of Virginia.

&

ITEM NO. 2:

Recommendation to the Board of Zoning Appeals for a conditional use permit to permit temporary public use of existing building, located at 301 Center Street South in the RS-10 Single-Family Detached Residential zoning district, for police department staff during construction of new police station.

Introductory Comments & Background:

The property located at 301 Center Street South, previously owned and operated by the Faith Baptist Church, was purchased by the Town in September 2020. The property was purchased for public uses. Per Section 15.2-2232 of the Code of Virginia, any public building or use shall be shown on the Comprehensive Plan. On October 5, 2020 the Town Council voted to amend the comprehensive plan to show the 301 Center Street South property as governmental on the Future Land Use Plan (page 38) and amended language in the Community Facilities and Services chapter (page 98).



Figure 1 – 301 Center Street South Context Map

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The property is zoned RS-10 single-family detached residential and is three acres in size. The property directly abuts the Bowman House and site of the existing and proposed police station. Several single-family detached houses also directly abut the property. Waters and Caffi Fields are located across Center Street South. The Future Land Use Plan designates the property as “governmental.”

Proposed Use

The Town intends to temporarily use the existing church building for police department staff during construction of the new police station. The proposed conditional use permit is for the use of the existing building by the police department. Per [Section 18-31](#), and by reference [Section 18-13](#), a conditional use permit is required for “public buildings and uses” in the RS-10 single-family detached residential zoning district.

The police department intends to utilize parts of the first and second floors of the existing building and have included attachments showing exactly where they will be locating their staff (see first and second floor plans). The police department has also included a parking plan showing where they intend to park their police vehicles and personal vehicles. They intend to use no more than 35 parking spaces for personal and police vehicles.

The police plan on operating out of the building 24 hours per day, seven days a week. They expect to have a maximum of 15 staff members working at any one time.

Consistency with Comprehensive Plan

The recently amended land use designation for 301 Center Street South is “governmental.” Figure 2 shows the Future Land Use Plan with the subject parcel outlined in a bright blue color.

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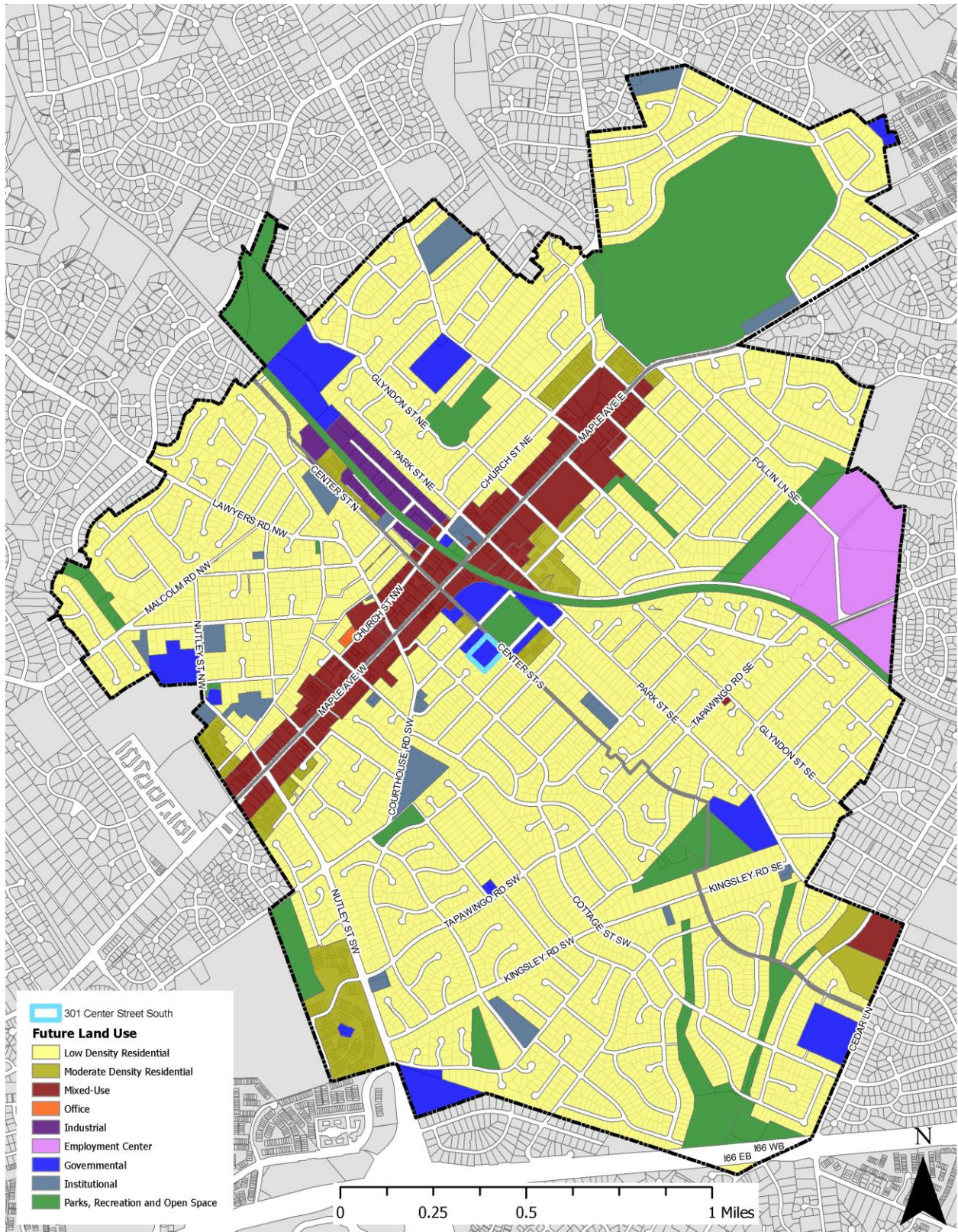


Figure 2 - Amended Future Land Use Plan with Highlighted Amended Parcel

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Community Facilities and Services Chapter Text

The subsection on 301 Center Street South on Page 98 of the Comprehensive Plan states the following:

301 Center Street South

In September 2020, the Town purchased 301 Center Street South, the site of the Faith Baptist Church at the time of purchase. In the short term, the Town intends to utilize a portion of the space for the temporary relocation of police department staff when the new police station is under construction. Other public entities may also be temporarily located at the building, pursuant to approval of a conditional use permit. The Town plans to conduct a feasibility study for long-term uses of the building and site.

Required Commission approvals and relevant regulations:

In order to utilize the former Faith Baptist Church building for a public use, a conditional use permit must be approved by the Board of Zoning Appeals, after receiving a recommendation from the Planning Commission. The Planning Commission must also complete a “2232 review” to make sure the public use proposed is consistent with the Comprehensive Plan. A “2232 review” refers to Section 15.2-2232 of the Code of Virginia.

Town Code

Section 18-209. - Use permit subject to certain conditions.

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will be in accord with the purposes of the Town's master plan.

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

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Virginia State Code

Section 15.2-2309. Powers and duties of boards of zoning appeals.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. 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 that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

Sections 15.2-2232.A and 15.2-2232.B

A...Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

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Staff Analysis

Staff finds that the proposed use is consistent with the Comprehensive Plan, which was recently updated to reflect the proposed use of the existing building at 301 Center Street South, a property the Town recently purchased.

Additionally, staff believes that the proposed use of the building will not adversely affect the surrounding neighborhood and that the duration and the use of the building by the police department will be only for the duration of construction of the new police station.

The use of the exiting building also allows public walk in requests from Monday through Friday and eliminates the need for one or two temporary trailers during construction of the new facility. The police department is cognizant of the location next to single-family residences and looks to maintain a limited public presence in the same general area of which it currently operates.