




# STAFF REPORT COVER SHEET

December 15, 2021

<b>Addresses:</b>	315 Maple Avenue East	<b>Case Number:</b>	592221
<b>Public Meeting Date:</b>	12/15/2021	<b>Applicant:</b>	Michelle Rosati of Holland and Knight on behalf of Chase Bank
<b>Board/Commission:</b>	Board of Zoning Appeals	<b>Owners:</b>	GRI Maple Avenue, LLC
<b>Existing Zoning:</b>	C-2, General Commercial	<b>Existing Land Use:</b>	Commercial
<b>Deadline for Action:</b>	10/28/2021 (90 days after submission date of 7/30/2021) – Applicant waived 90 day requirement for decision by BZA		
<b>Brief Summary of Request:</b>	Request for a conditional use permit for a drive-through facility for one drive-through ATM		
<b>Site Improvements:</b>	Improvements include demolishing existing pad-site building (formerly Outback Steakhouse) and construct new 1-story commercial building with drive-through ATM facility and associated landscaping and hardscaping around building and ATM facility		
<b>Size of Property:</b>	10.43 acres (454,165 sq ft)		
<b>Public Notice Requirements:</b>	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	To be published in Washington Times on December 1, 2021 and December 8, 2021. BZA meeting scheduled for December 15, 2021.	
	Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing	8 certified postcards were sent on December 3, 2021 to adjacent, abutting and immediately across the street property owners/agents/ occupants and subject property owners notifying them of the Planning Commission meeting as a courtesy and of the Board of Zoning Appeals hearing.	

	Posting of the property at least ten days prior to the public hearing	One sign was posted on the subject property on December 3, 2021 with date of Board of Zoning Appeals hearing.
<b>Brief Analysis</b>		
<p><b>PROPERTY HISTORY</b>  The subject property is 10.43 acres located on the southern side of Maple Avenue East. There is an existing one-story building in the area of the Maple Avenue Shopping Center where the new building for Chase Bank is proposed. The existing building, which last was occupied by Outback Steakhouse, will be demolished.</p> <p><b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b>  The proposed use is consistent with the Future Land Use Plan in the Town's Comprehensive Plan 2015 Update.</p> <p><b>COMPATIBILITY WITH THE ZONING ORDINANCE</b>  The proposed use is compatible with the Zoning Ordinance with the approval of a conditional use permit, per <a href="#">§ 18-88.F</a> and <a href="#">§ 18-210.II</a> of the Town Code.</p>		
<b>Attachments:</b>	Application and Authorization Form <input checked="" type="checkbox"/> Narrative and Statement of Support <input checked="" type="checkbox"/> Conditional Use Permit Site Plan <input checked="" type="checkbox"/> Traffic Impact Analysis <input checked="" type="checkbox"/> Exterior Elevations <input checked="" type="checkbox"/>	
<b>Author:</b>	Michael D'Orazio, AICP	

ITEM NO. 1:

Request for a conditional use permit for a drive-through facility for Chase Bank on property located at 315 Maple Avenue East, in the C-2 General Commercial zone. Application filed by Michelle Rosati of Holland and Knight on behalf of Chase Bank.

## Introductory Comments & Background:

The Subject Property is located on the south side of Maple Avenue East and is part of the Maple Avenue Shopping Center. In terms of grading, the property is fairly flat. A single-story, 6,400 square foot brick commercial building is currently located at the site of the proposed bank. The commercial building was last occupied by Outback Steakhouse and is proposed to be demolished as part of this project.



Figure 1: Aerial of Maple Avenue Shopping Center with the proposed location of the bank site outlined in red.

The property is zoned C-2 General Commercial and is surrounded by shopping centers, freestanding commercial buildings, and multi-family and single-family residential homes to the south, along Locust Street SE.



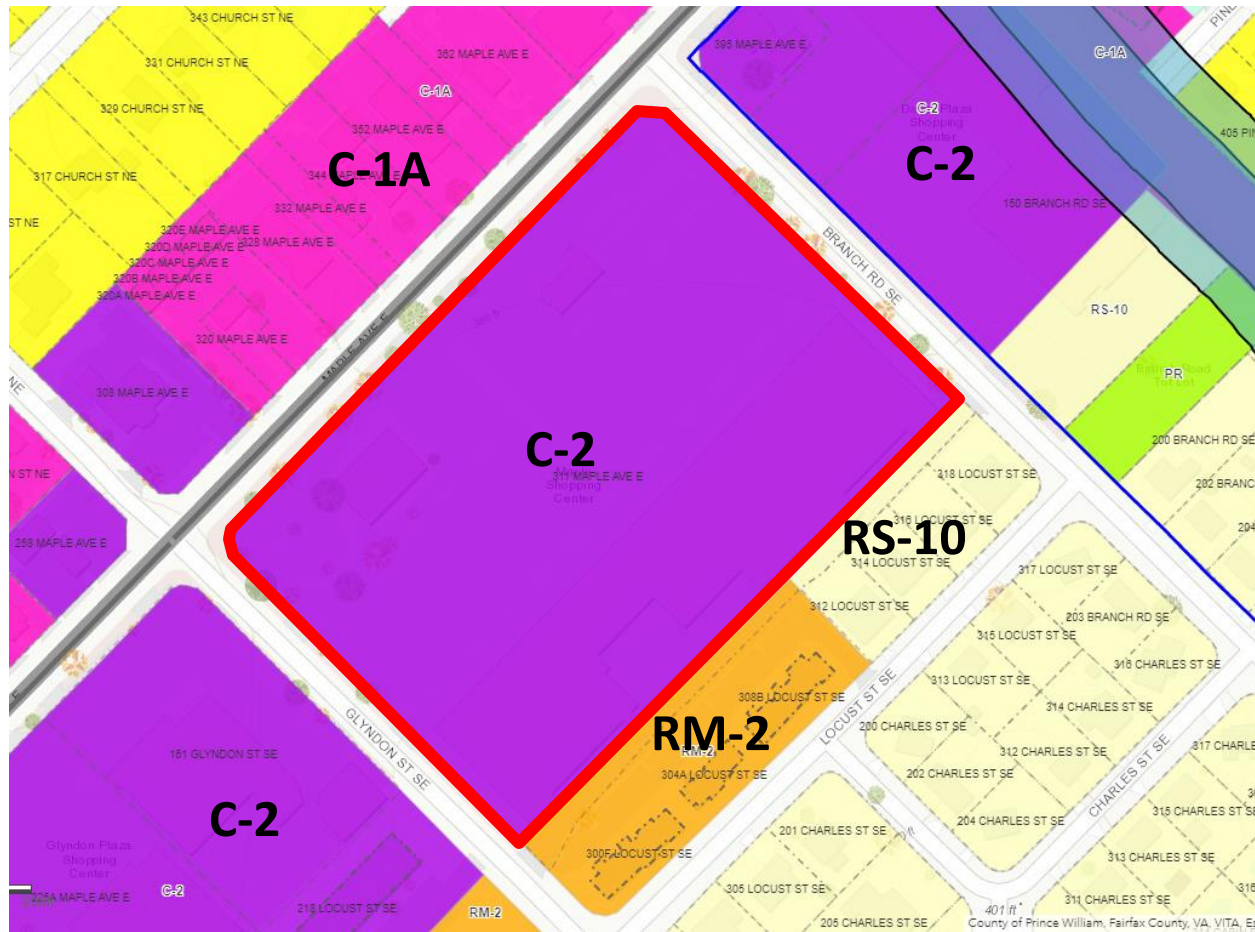


Figure 2: Zoning map showing subject property with red border and zoning of surrounding properties.

### ***Current Proposal:***

The Applicant proposes to demolish the existing 6,400 square foot building on the property and build a new 3,300 square foot commercial bank, as well as one drive-through ATM facility. Staff notes that the applicant originally proposed two ATM facilities but has since revised the application. The proposed bank building will be located closer to Maple Avenue East with no parking spaces or aisles proposed between the right of way and the building. The proposed ATM drive-through facility and drive lane will be located perpendicular to Maple Avenue, with the actual ATM approximately 117 feet from the public sidewalk. Originally the applicant proposed to place the ATM facilities parallel to Maple Avenue and 15 feet away from the public sidewalk.

The applicant also proposes an extensive amount of landscaping around the bank and along Maple Avenue, from the corner of Glyndon Street SE to the Maple Avenue vehicular entrance to the proposed bank. Landscaping is also proposed along Glyndon Street SE and next to the drive-through lane.

As required by Section 18-210.II, the applicant prepared a traffic analysis of the bank use with drive-through facility. The study has been updated since the Planning Commission meeting. The Traffic Impact Analysis concludes that the proposed financial institution “would have a negligible impact on the surrounding transportation network.”

The drive-through ATM will operate 24-hours a day and the bank building will be open from 9:00 am to 5:00 pm on weekdays and 9:00 am to 1:00 pm on Saturdays.

***Required Commission/Board approvals:***

The Board of Zoning Appeals is tasked with considering requests for conditional use permits per [§ 18-211](#), [18-89.F](#) and [18-210.II](#).

***Relevant Regulations:***

**Town Code**

Sec. 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.

Sec. 18-210. - Use permits required.

A use permit is required for any of the following uses (see regulations for zone in which the use is proposed to be located):

II. Drive-through facility, with the following submittal requirements and evaluation criteria:

1. Application submittal requirements:

- A. A written statement describing the proposed use and providing all information pertinent to the review of the application. Such information would include, but not be limited to: the type of product or service to be offered; the proposed hours of operation and employee staffing; plans for the control of litter and the disposal and recycling of waste material; effects on air quality at the site and in adjacent areas; and estimates of sound levels that would be generated by the proposed use at site boundary lines.
  - B. A traffic analysis providing information that would include, but not be limited to: estimates of the number of vehicle trips and the amount of vehicular stacking that would occur daily and during a.m./p.m. peak hours; trip generation by use type; estimated internal and external traffic flows; parking and vehicular stacking spaces that would be provided on-site; and data on existing traffic conditions and the traffic-handling capacity of roads fronted by the proposed use. In addition, the analysis would discuss sight distances at points of ingress and egress, pedestrian and bicycle traffic, and any other site-specific traffic factors or public safety issues associated with the application.
2. Applications for drive-through facilities will be evaluated on the basis of the following criteria, with emphasis given to potential adverse effects on adjoining or nearby properties:
- A. Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.
  - B. Appropriateness of proposed hours of operation.
  - C. Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.
  - D. Pedestrian circulation and safety.
  - E. Adequacy of screening of vehicle use and parking areas.
  - F. Noise impact associated with, but not limited to, exterior speakers and motor vehicles.
  - G. Compliance with federal, commonwealth and local pollution standards.
  - H. Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.
3. Drive-through facilities adjacent to residentially-zoned properties shall meet the following applicable criteria:
- A. A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.
  - B. No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than 35 feet from any residentially-zoned property.

## **Virginia State Code**

§ 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.

### ***Staff Analysis:***

Town Code Section 18-210.II.2 states that drive-through facilities will be evaluated on the basis of the following criteria:

- A. Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.

*The applicant is proposing to set the ATM facility back approximately 117 feet from the public right-of-way. The applicant also proposes an extensive amount of landscaping along Maple Avenue.*

- B. Appropriateness of proposed hours of operation.

*The applicant is proposing to have the drive-through ATM open 24 hours a day and to operate the bank between the hours of 9:00 am - 5:00 pm Monday through Friday, 9:00 am and 1:00 pm Saturday, and closed on Sundays.*

- C. Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.

*The applicant is proposing the drive-through lane away from the building, closer to existing vehicular entrance/exit along Glyndon Street SE. The location allows for stacking throughout the site.*

- D. Pedestrian circulation and safety.

*The applicant is proposing drive-through facilities that are located far away from any pedestrian sidewalks and crossings.*

- E. Adequacy of screening of vehicle use and parking areas.

*The applicant is proposing landscaping along Maple Avenue, Glyndon Street, and along the drive-through lane.*

- F. Noise impact associated with, but not limited to, exterior speakers and motor vehicles.

*The applicant indicates that noise associated with the ATM facilities will be minimal.*

- G. Compliance with federal, commonwealth and local pollution standards.

*There are no known federal, commonwealth, or local pollution standards for drive-through facilities.*

- H. Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.

*No other known factors.*

Town Code Sec. 18-210.II.3 states that any drive-through facilities adjacent to residentially-zoned properties:

- A. A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.

*The drive-through ATM facility is located approximately 450 feet from the RM-2 zoned condos along Locust Street SE.*

- B. No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than 35 feet from any residentially-zoned property.

*The drive-through ATM facilities are located approximately 450 feet from the RM-2 zoned condos along Locust Street SE.*

***Planning Commission Recommendation:***

At their August 25, 2021 regular meeting, the Planning Commission heard the request for the conditional use permit for the drive-through ATM facility. The majority of the Planning Commission felt that the location of the ATM facility was inappropriate due to its proximity to Maple Avenue and they recommended that the facility be relocated to somewhere better screened and away from Maple Avenue and the pedestrian streetscape. The applicant stated the proposed location is desired to promote better vehicular circulation in the Maple Avenue Shopping Center parking lot. The Planning Commission voted 1-5 (1 aye and 5 nays) to recommend approval of the conditional use permit. The Planning Commission Chair's memo is included with the application packet.

In response to the concerns from the Planning Commission, the applicant requested a deferral at the scheduled Board of Zoning Appeals meeting on September 14, 2021. Since that time the applicant has revised the location of the ATM facility, decreased the ATM facilities from two to one, created an entrance to the proposed bank from Maple Avenue, and added more landscaping in front of the building and along Maple Avenue. The applicant has provided an updated CUP narrative, which goes into more detail on the changes, as well an updated site plan and traffic study.