




# STAFF REPORT COVER SHEET

August 8, 2018

|  |  |  |   |
|--|--|--|---|
| <b>Addresses:</b>  | 133 Maple Avenue East, Units 100/100A  | <b>Case Number:</b>  | PF-40-18-SM                             |
| <b>Public Meeting Date:</b>  | 8/8/2018   | <b>Applicant:</b>  | Adam Lubar of Speakeasy Restaurants LLC |
| <b>Board/Commission:</b>   | Planning Commission  | <b>Owners:</b>   | United Facilities LLC                   |
| <b>Existing Zoning:</b>  | C-2 and RM-2   | <b>Existing Land Use:</b>  | Commercial                              |
| <b>Brief Summary of Request:</b>   | Recommendation to Town Council for modification of requirements for required parking associated with restaurant use. Applicant currently has access to 36 parking spaces. Based on required parking standards, they need 75 parking spaces for their proposed restaurant.  |  |   |
| <b>Site Improvements:</b>  | Improvements include outdoor patio areas in the front of the building and at the back of the building.   |  |   |
| <b>Size of Property:</b>   | 59,472 square feet/1.37 acres  |  |   |
| <b>Public Notice Requirements:</b>   | <ul style="list-style-type: none"><li>- No requirements for Planning Commission meeting</li><li>- Adjoining and abutting property owners shall be sent certified letters not less than 5 days prior to Council's consideration of request</li></ul>  |  |   |
| <b>Staff Recommendation: Recommend Approval to Town Council for Modification of Requirements</b>   |  |  |   |
| <b>Brief Analysis</b>  |  |  |   |
| <b>PROPERTY HISTORY</b> <p>The subject properties currently consist of a 3-story, condominium office building, known as the Vienna Professional Center. The building was built in 1983 and consists of 8 separate units (including the basement).</p>  |  |  |   |
| <b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b> <p>One of the goals listed in the Comprehensive Plan (Page 19) is to encourage a vibrant Central Business District. Staff believes that a restaurant of this size with outdoor seating will help encourage a more vibrant Central Business District.</p>  |  |  |   |
| <b>COMPATIBILITY WITH THE ZONING ORDINANCE</b> <p>The proposed restaurant use is allowed. However, the number of parking spaces currently available does not meet the number required for the proposed number of seats and a modification of zoning requirements is required. Outdoor seating for the restaurant will also require a conditional use permit.</p> |  |  |   |
| <b>Attachments:</b>  | Application <input checked="" type="checkbox"/> Original Approved Site Plan <input checked="" type="checkbox"/> Updated Plan with Proposed Improvements <input checked="" type="checkbox"/> Applicant Letter of Request <input checked="" type="checkbox"/> Condo Board Letter <input checked="" type="checkbox"/> |  |   |
| Author: Michael D'Orazio, AICP, Deputy Director  |  |  |   |

ITEM NO. 1:

Recommendation by the Planning Commission to the Town Council on a request for a site plan modification of requirements related to required minimum number of parking spaces associated with restaurant use, located at 133 Maple Avenue East, in the C-2 General Commercial and RM-2 Multifamily, Low Density zoning districts. Application filed by Adam Lubar of Speakeasy Restaurants LLC.

***Introductory Comments & Background:***

The subject site includes a three-story condominium office building, known as the Vienna Professional Center. The tan brick building, built in 1983, consists of 19,900 square feet of net floor area and includes seven (7) separate units, excluding the basement. The building fronts Maple Avenue East and is located near the center of the Central Business District.

The office building site is primarily zoned C-2 General Commercial. A small portion of the parking lot, located at the southern end of the site, is zoned RM-2 Multifamily, Low Density. A conditional use permit was granted in 1982 for the parking area within the RM-2 zoning district.

The building is surrounded by a mix of uses, including civic, commercial, and parks and recreational land uses. The Vienna Elementary School abuts the site on the southern side, the Patrick Henry Library abuts the site on the western side, and the Washington and Old Dominion Railroad Regional Park abuts the site on the eastern side. Commercial buildings are located across Maple Avenue.

Cardinal Bank previously occupied subject units 100 and 100A until they vacated the building approximately one year ago. The tenant space has remained vacant since then.

***Current Proposal:***

The applicant is proposing a restaurant for the first floor of the office building, which includes approximately 6,700 square feet. The proposed restaurant includes indoor seating and outdoor patio space in the front of the building and at the rear of the building. The indoor space accommodates 197 seats. The outdoor seating areas, including the patio near the front of the building and the rear patio located in the location of the existing bank teller drive-thru canopy, accommodate 103 seats. The applicant proposes a total of 300 seats.

***Request for Modification of Requirements:***

Per [Section 18-130](#) of the Town Code, restaurant uses require a minimum of one (1) off-street parking space per four (4) seats. Per Code, 300 seats requires a minimum of 75 off-street parking spaces. Currently, the applicant has access to 36 parking spaces, since the existing tenant space

(as well as the whole building) is parked at one (1) off-street parking space per 200 square feet of office space. The site currently has a total of 103 parking spaces.

Staff notes that there is no shared parking provision in the Code (with the exception of the MAC ordinance) that allows a reduction of parking based on differing peak parking periods for different land uses. Other jurisdictions in the region allow for some form of shared parking.

Generally, land uses, such as office and restaurant uses, have different peak periods of business. Offices are generally busier during regular work hours (from 9 am to 5 pm) on weekdays. Restaurants are busier after 5 pm on weekdays and are busier overall on weekends. Visitors of the offices may also visit the restaurant and park once for both uses.

Due to the inability to meet the minimum required number of parking spaces, the applicant is requesting a modification of requirement for parking. The applicant has provided a justification letter and listed the following reasons for why they believe a modification of the parking standard for the proposed 300-seat restaurant is justified:

- There are 103 parking spaces on site spots;
- 90% of restaurant business will be done while all other building tenant's businesses are closed;
- All other suites are zoned for office use only and their use can never be changed to retail/commercial;
- The condo board supports the proposed use and preliminary parking plan;
- Due to the building central location in town and proximity to the WO&D Trail it is expected many customers will walk or bike to the restaurant. Bike racks will be installed to accommodate these customers.

The applicant provided sales information for William Jeffrey's Tavern, another restaurant owned by Speakeasy LLC. William Jeffrey's Tavern is approximately the same size as the proposed restaurant (6,500 square feet). The sales information covers three separate weeks (excluding Saturdays and Sundays). Approximately two-thirds of customers visit the restaurant after 5 pm (reference Table 1).

| Table 1: Number of Guests by Hour – Weekdays – William Jeffrey’s Tavern |                  |        |        |       |            |      |
|---|------------------|--------|--------|-------|------------|------|
|   | Number of Guests |        |        |       |            |      |
|   | Week 1           | Week 2 | Week 3 | Total | Percentage |      |
| 10 am to 11 am  | 67               | 28     | 0      | 95    | 2%         | 9%   |
| 11 am to 12 pm  | 119              | 88     | 54     | 261   | 6%         |      |
| 12 pm to 1 pm   | 94               | 123    | 71     | 288   | 7%         | 12%  |
| 1 pm to 2 pm  | 53               | 81     | 53     | 187   | 5%         |      |
| 2 pm to 3 pm  | 48               | 48     | 52     | 148   | 4%         | 13%  |
| 3 pm to 4 pm  | 62               | 78     | 30     | 170   | 4%         |      |
| 4 pm to 5 pm  | 59               | 84     | 70     | 213   | 5%         |      |
| 5 pm to 6 pm  | 146              | 193    | 125    | 464   | 11%        | 59%  |
| 6 pm to 7 pm  | 224              | 212    | 161    | 597   | 15%        |      |
| 7 pm to 8 pm  | 150              | 199    | 220    | 569   | 14%        |      |
| 8 pm to 9 pm  | 141              | 132    | 143    | 416   | 10%        |      |
| 9 pm to 10 pm   | 158              | 105    | 77     | 340   | 8%         | 8%   |
| 10 pm to 11 pm  | 49               | 49     | 36     | 134   | 3%         |      |
| 11 pm to 12 am  | 32               | 40     | 24     | 96    | 2%         |      |
| 12 am to 1 am   | 20               | 32     | 20     | 72    | 2%         |      |
| 1 am to 2 am  | 10               | 7      | 8      | 25    | 1%         |      |
|   |                  |        |        |       |            |      |
| <b>Total</b>  | 1432             | 1499   | 1144   | 4075  |            | 100% |

Source: Speakeasy Restaurant LLC

For reference, the applicant has also provided business hours of other units within the office building (reference Table 2). The majority of the businesses have hours of operation that end by 5 pm during the weekday. None of the business currently have hours during the weekend.

| Table 2: 133 Maple Ave E Businesses and Hours of Operation |                            |                                 |
|--|----------------------------|---------------------------------|
| Unit #   | Business Name              | Hours of Operation              |
| 100/100A   | Speakeasy Rest.            | M-Su 11-2 AM                    |
| 200  | T. Trang DDS               | M-Th 7:30-4                     |
| 202  | Vacant                     | N/A                             |
| 204  | Capital Esthetics          | M 7-3 Tu-W 9-5 Th 8:30-6 F 7-3  |
| 205  | Izadi & Anoushfard Dentist | M 9-5 Tu 9-2 We Cl Th 9-2 F 9-2 |
| 300/302  | Orthopedic Sports Medicine | M-F 10-4                        |
| 306  | Amerprise                  | M-F 9-6                         |

Source: Speakeasy Restaurant LLC

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

Per [Section 18-256](#), the Planning Commission is required to make a recommendation to the Town Council on any requests for modifications. Section 18-256 states, "Where an applicant for a building permit subject to the requirements of this article can demonstrate to the council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter, the council, after receiving the recommendation of the planning commission, or not less than 30 days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this chapter and the health, safety and morals of the Town will not be thereby impaired."

Staff notes that the applicant will also be required at some point to apply for a conditional use permit for consumption of meals that occurs outdoors.

***Staff Recommendations:***

Staff recommends that the Planning Commission recommend approval to the Town Council for the request of modification of requirements for minimum number of off-street parking spaces. The applicant is proposing a use that has differing peak periods from office uses located in the building. This is evidenced by the hours of operation for the offices located on the second and third floors versus estimated peak hours of operation for the restaurant use. The Institute of Transportation Engineers (ITE) Parking Generation, 4<sup>th</sup> Edition also supports the notion that the peak periods for restaurants and office buildings differ (reference Table 3).

Furthermore, since the proposed location is an office building, no other uses, besides professional and office uses, may occupy the second and third floor. Section 18-72.B.5 states, "Office buildings, with the exception of the ground floor, shall be occupied solely for professional use or the administrative activities accessory to other than professional uses." Additionally, the Board of Directors for the Vienna Professional Center Condominium fully supports the request and the proposed business (reference letter from the Board of Directors).

**Table 3: ITE Office Building and Restaurant Parking Peak Periods**

| Based on Vehicles per<br>1,000 sq. ft. GFA | Weekday Suburban Office<br>Building |                          | Weekday at a Restaurant with<br>Bar or Lounge (High-Turnover) |                          |
|--|-------------------------------------|--------------------------|---|--------------------------|
| Hour beginning                             | Percent of<br>Peak Period           | Number of<br>Data Points | Percent of<br>Peak Period                                     | Number of<br>Data Points |
| 12:00-4:00 am                              | -                                   | 0                        | -   | 0                        |
| 5:00 am                                    | -                                   | 0                        | -   | 0                        |
| 6:00 am                                    | -                                   | 0                        | -   | 0                        |
| 7:00 am                                    | 59                                  | 1                        | -   | 0                        |
| 8:00 am                                    | 79                                  | 10                       | -   | 0                        |
| 9:00 am                                    | 95                                  | 12                       | 5   | 1                        |
| 10:00 am                                   | 100                                 | 12                       | 7   | 1                        |
| 11:00 am                                   | 98                                  | 12                       | 16  | 1                        |
| 12:00 pm                                   | 90                                  | 12                       | 49  | 1                        |
| 1:00 pm                                    | 77                                  | 7                        | 39  | 1                        |
| 2:00 pm                                    | 84                                  | 7                        | 27  | 1                        |
| 3:00 pm                                    | 81                                  | 6                        | 19  | 1                        |
| 4:00 pm                                    | 72                                  | 6                        | 22  | 1                        |
| 5:00 pm                                    | 46                                  | 6                        | 60  | 5                        |
| 6:00 pm                                    | 25                                  | 1                        | 94  | 5                        |
| 7:00 pm                                    | -                                   | 0                        | 100   | 5                        |
| 8:00 pm                                    | -                                   | 0                        | 81  | 5                        |
| 9:00 pm                                    | -                                   | 0                        | 84  | 1                        |
| 10:00 pm                                   | -                                   | 0                        | -   | 0                        |
| 11:00 pm                                   | -                                   | 0                        | -   | 0                        |

Source: ITE Parking Generation, 4th Edition