




STAFF REPORT COVER SHEET

May 8, 2019

Addresses:	133 Maple Avenue East, Units 100/100A	Case Number:	PF-18-19-SP/CUP
Public Meeting Date:	5/8/2019	Applicant:	Adam Lubar of Speakeasy Restaurants LLC
Board/Commission:	Planning Commission	Owners:	United Facilities LLC
Existing Zoning:	C-2 and RM-2	Existing Land Use:	Office
Brief Summary of Request:	Recommendation to Board of Zoning Appeals for two conditional use permits. One is for outdoor seating and one is for live entertainment.		
Site Improvements:	Improvements include outdoor patio areas in the front of the building and at the back of the building.		
Size of Property:	59,472 square feet/1.37 acres		
Public Notice Requirements:	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 June 5, 2019 and June 12, 2019. BZA meeting scheduled for June 19, 2019.	
Brief Analysis			
<p>PROPERTY HISTORY</p> <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> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <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> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposed restaurant use is allowed. The applicant received approval from Town Council for a parking modification on September 17, 2018. The proposal is compatible with the Zoning Ordinance with the approval of two conditional use permits, per Section 18-210.I for outdoor seating and per Section 18-210.S for live entertainment.</p>			
Attachments:	Application <input checked="" type="checkbox"/> CUP Statement <input checked="" type="checkbox"/> Site Plan with Proposed Improvements <input checked="" type="checkbox"/> Live Music Schedule & Description <input checked="" type="checkbox"/> Clerk's Certification Letter <input checked="" type="checkbox"/>		
Author: Kelly O'Brien, AICP, Principal Planner			

ITEM NO. 2:

Recommendation by the Planning Commission to the Board of Zoning Appeals for conditional use permits for outdoor dining and live entertainment for a 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 two years 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 applicant received a parking modification from Town Council on September 17, 2018 to permit a maximum of 300 seats. The applicant's current plans show 249 seats total for both indoor (159) and outdoor (90); 51 seats less than permitted.

Outdoor Seating

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 90 seats.

Back Bar Patio (Front of Building): 12 seats

Deck (Rear of Building): 78 seats (Chairs and Bench seating)

Live Entertainment

The applicant has submitted a “Live Music Schedule & Description” that details the type of entertainment and times proposed. The restaurant does not intend to become a music venue. The purpose of the live entertainment, as stated in the CUP application, is to “add to the overall ambience of the restaurant.” Locations for the acoustic performers are shown on the back deck near the proposed fire pit on the attached plans. Performances are proposed as weather permits. Dates and times proposed are as follows:

Preliminary Schedule

Thursday 6 PM-9 PM or 9 PM-12 AM (seasonal)

Friday 6 PM-9 PM or 9 PM-12 AM (seasonal)

Saturdays 2 PM-5 PM or 9 PM-12 AM (seasonal)

Required Commission/Board approvals:

The Planning Commission is tasked with making a recommendation to Board of Zoning Appeals for both conditional use permits per Section [18-210.I](#) for outdoor seating and per Section [18-210.S](#) for live entertainment.

Staff Analysis:

The restaurant use is permitted per Section [18-88.A](#) through reference to Section [18-72.A](#). Staff finds that the proposed outdoor seating in the front and rear of the building will help add vibrancy to the surrounding area. The live entertainment proposed will not create a nuisance based on the times proposed, type of entertainment and location of the business.

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.” There are no residences located near the location and the times proposed for the live entertainment are after the operating hours of the businesses in the building.