




STAFF REPORT COVER SHEET

May 15, 2019

Addresses:	100-112 Maple Ave E	Case Number:	PF-59-18-MAC
Public Meeting Date:	5/15/2019	Applicant:	Sunrise Development Inc.
Board/Commission:	Board of Zoning Appeals	Owners:	Kirschner Enterprises Inc,
Existing Zoning:	C-2, C-1A	Existing Land Use:	Office
Brief Summary of Applicant Request:	Request for a conditional use permit for assisted living as part of a rezoning to the Maple Avenue Commercial (MAC) zoning district. Applicant proposes a mixed-use building with retail space on the ground floor and senior assisted living facility above.		
Site Improvements:	Redevelopment of existing site to include approximately 5,700 square feet of commercial/retail space and 83 unit senior assisted living facility. Improvements also include at-grade structured parking and one level of underground parking.		
Size of Property:	32,130 sf/0.74 acres		
Public Notice Requirements:	Advertisement for two successive weeks of public hearing in a newspaper having paid general circulation in the Town	Published in Washington Times on May 1, 2019 and May 8, 2019	
	Posting of the property at least ten days prior to the public hearing	Two signs posted along Maple Avenue East and Center Street North on April 9, 2019	
Brief Analysis			
<p>PROPERTY HISTORY</p> <p>The subject property currently consists of two office buildings built in 1983 and associated parking lot. The two buildings include a 3,000 square foot 1-story building, 18 feet in height, and a 2-story building, 29 feet in height, with a 4,600 square foot building footprint per the applicant's existing conditions plan, for a total of 10,980 square feet of gross floor area per Fairfax County's Real Estate Assessment Records for the subject property.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>The Future Land Use Plan in the Comprehensive Plan 2015 Update shows the site as mixed-use. The mixed-use land category was added to the plan to reflect the vision for the existing commercial areas to redevelop as mixed-use projects. The Comprehensive Plan promotes a mix of housing types, which this proposal will help to further expand.</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposal is compatible with the Zoning Ordinance, through the rezoning process, as conveyed in Article 13.1 MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code, with the exception of four modifications of requirements being requested to Town Council. The site is eligible for the MAC zoning district and the applicant is voluntarily opting-in for the rezoning to the MAC zoning district. A conditional use permit is required for the assisted living use.</p>			
Attachments:	CUP Application <input checked="" type="checkbox"/> Existing Conditions, Conceptual Plans and Renderings <input checked="" type="checkbox"/> Statement of Support <input checked="" type="checkbox"/> Rezoning Affidavit <input checked="" type="checkbox"/> Planning Commission Recommendation <input checked="" type="checkbox"/>		

	Additional Resources: Statement of Purpose and Intent <input checked="" type="checkbox"/> MAC Incentives Checklist <input checked="" type="checkbox"/> Proffers <input checked="" type="checkbox"/> Traffic Impact Analysis <input checked="" type="checkbox"/> Parking Assessment <input checked="" type="checkbox"/> Parking Assessment & TIA Review <input checked="" type="checkbox"/> Public Engagement Summary <input checked="" type="checkbox"/> BAR Recommendation <input checked="" type="checkbox"/> Fiscal Impact Analysis <input checked="" type="checkbox"/> Zoning Determination Letter <input checked="" type="checkbox"/>
Author: Kelly O'Brien, AICP, Principal Planner	

ITEM NO. 2:

Request for approval of a conditional use permit to allow an assisted living facility for seniors per Section 18-95.5.J. Application filed by Sara Mariska of Womble Bond Dickinson on behalf of Sunrise Development Inc.

Introductory Comments & Background:

Existing Conditions

The subject site includes one parcel, located at 100-112 Maple Avenue East. The parcel is zoned C-2 General Commercial and C-1A Special Commercial. Maple Avenue East and Center Street North border the site, respectively on the southern and eastern sides. The Vienna Inn borders the property to the west and an office building and commercial building border the property on the northern side.

There are two existing buildings on the subject site. Both buildings were constructed in 1983. The building near Center Street is a 3,000 square feet, 1-story building, 18 feet in height, and the building near the Vienna Inn is a 2-story building, 29 feet in height, with a 4,600 square foot building footprint per the applicant's existing conditions plan, for a total of 10,980 square feet of gross floor area per Fairfax County's Real Estate Assessment Records for the subject property. Fifty-one associated off-street parking spaces are also located on-site.

Current Proposal:

The applicant is proposing a mixed-use building including 5,700 square feet of ground floor retail/commercial space and a senior assisted living facility, including 83 units and common space on the mezzanine, second, third, and fourth floors and associated structured parking. The redevelopment of the site requires a rezoning from C-2 General Commercial Zone and C-1A Special Commercial Zone to MAC Maple Avenue Commercial Zone. C-2 General Commercial zoning encompasses approximately 46 percent of the site. C-1A Special Commercial zoning encompasses roughly 54 percent of the site. Rezoning to the MAC zoning district is voluntary and the subject site is eligible for rezoning to the MAC.

The proposed senior assisted living facility requires a conditional use permit in the MAC Maple Avenue Commercial Zone per [Section 18-95.5](#) and must meet the conditions of [Section 18-209](#). The facility is proposed with 83 units including 40 single bed units, 23 double bed units and 20 units that can be adapted to either single or double bed. The units are located on the mezzanine, second, third, and fourth floors. The applicant has stated that the third floor of the building will be a secure floor for residents with dementia. The assisted living facility is accessed from the lobby area fronting the corner of Maple Avenue East and Center Street North.

The applicant proposes multiple amenities in the building for the residents of the assisted living facility. These amenities include tiered uncovered courtyard areas located on the second and third floors, shared dining room, private dining area, parlor, activity rooms, shared living room, entertainment room and a salon. The applicant has stated that the assisted living facility total floor area is divided into approximately 50-percent for resident rooms and 50-percent for amenity spaces and staff areas.

Relevant Zoning Ordinance Sections:

Sec. 18-95.5. - Conditional uses.

The following uses are permitted as conditional uses in the MAC Zone in accordance with the standards and requirements in article 21 of this chapter:

- F. Nursing, assisted or independent living facilities for seniors.

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.

Staff Comments:

The Planning Commission's recommendation to BZA for approval is contingent on the applicant receiving approval for the rezoning from Town Council. The BZA's granting of the conditional use permit should therefore include the statement that it is contingent upon Town Council's granting of the rezoning of the property to the MAC Maple Avenue Commercial District. This is important since the requested conditional use is part of the MAC regulations.

It is also important to note that in the Statement of Justification submitted on April 10, 2019 the applicant requested the BZA make an exception to the rule set out in Section 18-216 that the permit "shall become void six months after issuance if construction or operation related thereto has not commenced." Given the complexities of this project, it may well be that construction will not commence within the six months. The applicant is requesting that the timeframe be extended to thirty (30) months from date of issuance in the motion if the CUP request is granted.

The [Comprehensive Plan 2015 Update](#) includes Goals, Objectives, Implementation Strategies, and Indicators for each of its chapters. Goals are meant to be general and describe a desired future condition.

The Land Use chapter lists the following goals and objectives that pertain to the proposed development:

Maintain the balance of land uses

The proposal replaces 10,980 square feet of vacant commercial office space with 5,700 square feet of commercial/retail and 98,000 square feet of assisted living, which is a commercial use although it also serves as residences for the seniors in the facility.

Encourage a vibrant Central Business District

The redevelopment of the site will include a building with windows and entries at the sidewalk to activate the pedestrian area. The pocket plaza between the proposed building and the existing Vienna Inn provides space for outdoor dining that does not currently exist at the site or at the Vienna Inn next door.

Encourage housing for residents of all age groups

The Sunrise Assisted Living facility will provide a housing type that is currently missing in Vienna and will allow residents to age in place.

Protect and preserve the natural environment

The applicant is proposing stormwater management best management practices (BMPs) including a green roof and hydrodynamic separator. Permeable pavers are proposed in the pocket park, however, this area is also used as a utility easement for a proposed sewer line running below and as such, it is counted as impervious area.

Create a more walkable and bikeable Vienna

The redevelopment of this site will provide wider sidewalks for pedestrian traffic as well as bike racks along Maple Avenue and inside the parking garage.

Objective 3 – Maximize the effectiveness of transportation services within the Town.

The existing bus stop at the site is currently located on private property. The applicant is proposing to relocate the existing shelter closer to the road in the right of way as it should be located. The proposed relocation has been reviewed with Fairfax County Department of Transportation.

Required Board Approvals / Planning Commission Recommendations:

Review of the application (as established at § 18-209:216 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.

The Planning Commission considered this matter at its regular meetings of April 24, 2019 and May 8, 2019. Upon the conclusion of their analysis, the Planning Commission voted (4-3) to recommend approval of the request for senior assisted living use. A copy of the Chairman's report detailing the actions of the Commission are included as an attachment with this staff report.

Motion: McCullough

Second: Couchman

Carries: 4-3