




STAFF REPORT COVER SHEET

January 27, 2020

Addresses:	374-380 Maple Avenue West	Case Number:	PF-57-19-MAC
Public Meeting Date:	1/27/2020	Applicant:	Sunrise Development, Inc
Board/Commission:	Town Council	Owners:	Red Investment, LLC and MJW Maple Avenue, LLC
Existing Zoning:	MAC	Existing Land Use:	Office
Brief Summary of Applicant Request:	<p>Request for amendments to proffered conditions and modification of requirement for a 0.85-acre parcel, lot 147, located at 374 to 380 Maple Avenue West, in the MAC - Maple Avenue Commercial zone. Applicant proposes a mixed-use building (with restaurant/café space on the ground floor and assisted living facility).</p> 		
Site Improvements:	<p>Redevelopment of existing site to include approximately 950 square feet of ground floor restaurant/cafe space and 85 assisted living units and common areas. Improvements also include at-grade structured parking and one level of underground parking.</p>		
Size of Property:	36,842 sf/0.85 acres		
Public Notice Requirements:	Advertisement for two successive weeks of public hearing in a newspaper having paid general circulation in the Town	Published in Sun Gazette on January 9, 2020 and January 16, 2020	
	Posting of the property at least ten days prior to the public hearing	Three signs posted along Maple Avenue West, Wade Hampton Drive Southwest, and Glen Avenue Southwest on January 3, 2020	
	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	<p>On January 10, 2020, 72 certified letters were sent to adjacent, abutting and immediately across the street property owners/agents/occupants, subject property owners, applicant and agents.</p> <p>Written notice sent to Fairfax County Executive on January 10, 2020.</p>	

Brief Analysis	
<p>PROPERTY HISTORY</p> <p>The subject property currently consists of a 3-story, 23,620 square foot office building and associated parking lot. The Rosti Building, the formal name of the office building, was built in 1970. The property was rezoned from C-1 Local Commercial and RS-16 Single-Family Detached Residential to MAC Maple Avenue Commercial zoning district on June 17, 2019.</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, as conveyed in Article 13.1 MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code, with the exception of one modification of requirement being requested from Section 18-132 for a loading space width of 15 feet total in place of the 15 feet per 50 feet of building width required. The applicant is requesting a conditional use permit for assisted living in accordance with Section 18-95.5 and Article 21 Conditional Use Permits of the Town Code.</p>	
Attachments:	<p>Applications and Affidavit <input checked="" type="checkbox"/> Conceptual and Existing Conditions Plans <input checked="" type="checkbox"/></p> <p>Architectural Renderings and Elevations <input checked="" type="checkbox"/> Statement of Support <input checked="" type="checkbox"/></p> <p>MAC Zone Incentives Sheet <input checked="" type="checkbox"/> Transportation Memo <input checked="" type="checkbox"/> Proposed Amended Proffers <input checked="" type="checkbox"/></p> <p>Comparison of Approved Proffers and Proposed Proffers <input checked="" type="checkbox"/></p> <p>Planning Commission Recommendation <input checked="" type="checkbox"/> Board of Architectural Review Recommendation <input checked="" type="checkbox"/></p> <p>Board of Zoning Appeals Order <input checked="" type="checkbox"/> Public Notification Affidavit <input checked="" type="checkbox"/></p> <p>Previously Approved Concept Plan <input checked="" type="checkbox"/> Previously Approved Architectural Renderings <input checked="" type="checkbox"/></p>
Author:	Kelly O'Brien, AICP, Principal Planner

ITEMS NO. 1 & 2:

Consideration of a request for proposed amendments to proffered conditions, including a change of use and revised architecture for an assisted living facility in place of the approved mixed-use building with multifamily residential, located at 374 to 380 Maple Avenue West, in the MAC Maple Avenue Commercial zoning district. Application filed by Sara Mariska, Attorney/Agent, on behalf of Sunrise Development, Inc.

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Consideration of a request for related site plan modification of requirement from [Section 18-132](#) for a loading space width of 15 feet total in place of the 15 feet per 50 feet of building width required under the zoning ordinance. Application filed by Sara Mariska, Attorney/Agent, on behalf of Sunrise Development, Inc.

Introductory Comments & Background:

Existing Conditions

The subject site includes one parcel, located at 374-380 Maple Avenue West. The parcel is zoned MAC Maple Avenue Commercial. Maple Avenue West, Wade Hampton Drive Southwest, and Glen Avenue Southwest border the site, respectively on the northern, western, and southern sides. Two condominium office buildings border the property on the eastern side.

There is one existing building on the subject site. The building, a 3-story office building, was built in 1970 and contains 23,620 square feet of office space. Seventy associated off-street parking spaces are also located on-site. A conditional use permit was granted in 1969 to permit a portion of the off-street parking to be located in the rear part of the parcel zoned RS-16 Single-Family Detached Residential.

The property was rezoned from C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts to MAC Maple Avenue Commercial zoning district on June 17, 2019. Town Council voted to approve the rezoning application for a mixed-use building with approximately 7,500 square feet of ground floor retail and 37 multifamily residential condominium units at 374-380 Maple Avenue West.

On August 19, 2019, Town Council voted to accept amendments to proffered conditions for the property. The applicant proffered to provide 36 feet of roadway within the existing Wade Hampton Drive SW right-of-way, as opposed to 32 feet of roadway originally proposed. Those amendments did not affect conditions of use or density and therefore the governing body had the right to waive the requirement for a public hearing for amended proffers per [Virginia State Code § 15.2-2302](#).

Current Proposal:

The applicant is proposing amendments to the approved proffered conditions including changes to the proposed use, concept plan and architectural plans. The proposal includes approximately 950 square feet of ground floor restaurant space, 85 assisted living units, and common areas for the assisted living use. Improvements also include at-grade structured parking and one level of underground parking. The applicant is also requesting a modification of requirement for the required width of the loading space, from a required 45-foot wide space to a 15-foot wide space and a conditional use permit for the proposed assisted living use.

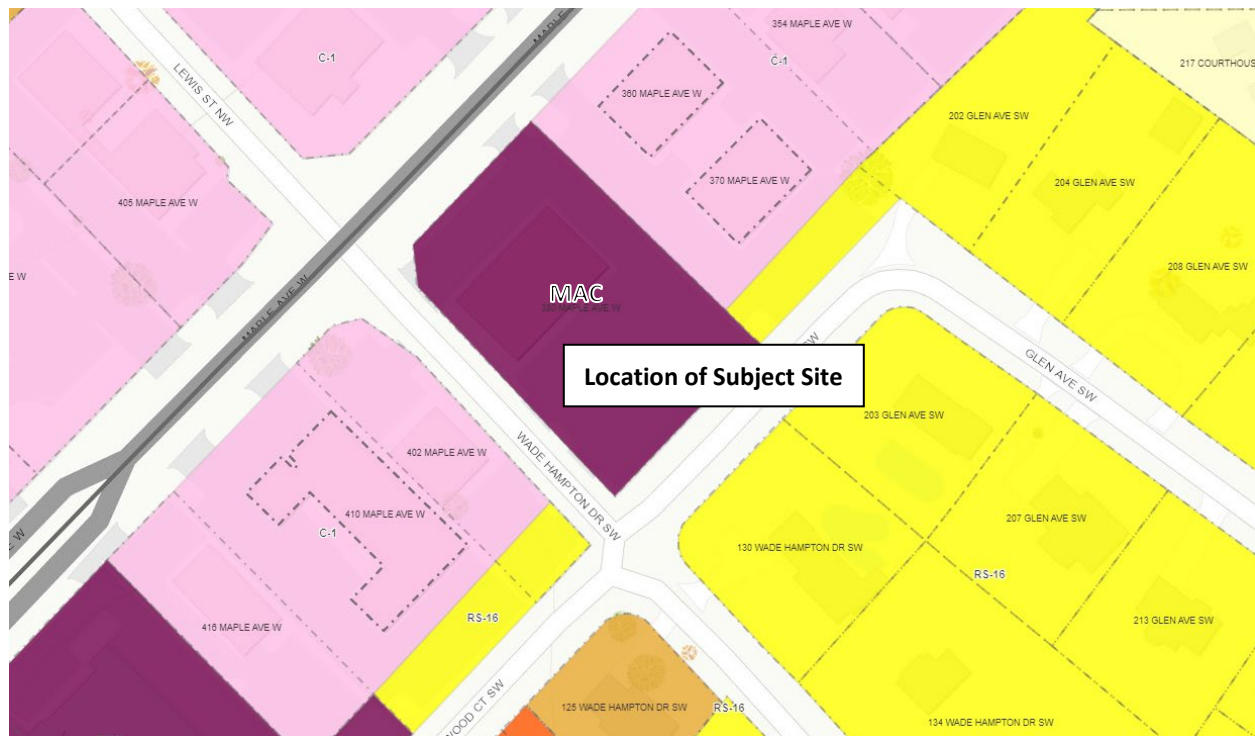


Figure 1 - Town of Vienna Zoning Map

Standards

Permitted Use

Restaurant

The applicant is proposing a 950 square foot restaurant/cafe space on the ground floor at the corner of Maple Avenue West and Wade Hampton Drive Southwest. It is unknown at this time if the restaurant space will be operated by the applicant, Sunrise Assisted Living, or a separate tenant. The restaurant space is accessed through an entry door on Maple Avenue West as well as internal connections in the building through the common areas labeled grand foyer and living room, both part of the assisted living use. Outdoor seating is proposed near the Maple Avenue West entrance under cover by the proposed building and separated from the sidewalk by building columns. Parking for the restaurant space is accessed from Maple Avenue West and Wade Hampton Drive Southwest.

Conditional Use

Assisted Living Facility

The applicant proposes an assisted living facility with up to 85 units. Assisted living facilities require a conditional use permit in the MAC Maple Avenue Commercial Zone per Town Code [Section 18-95.5](#) and must meet the conditions of Town Code [Section 18-209](#). The Board of Zoning Appeals approved the conditional use permit on December 18, 2019 contingent on Town Council approving the proposed proffer amendment. The Board of Zoning Appeals also approved the applicant's request for an extension from 6 months to 24 months for construction to commence after approval of the conditional use permit.

The proposal depicts the 85 proposed units to include single bed units, double bed units and units that can be adapted to either single or double bed for a total of up to 120 beds. The units are located on the second, third, and fourth floors. The applicant has stated that a secure floor for memory care needs is proposed. The assisted living facility is accessed from the lobby area fronting Maple Avenue West.

The applicant proposes multiple amenities in the building for the residents of the assisted living facility. These amenities include an internal courtyard on the second level that is open above, tiered uncovered terrace areas located on the second and third floors, shared dining rooms, private dining area, parlor, activity rooms, shared living room, entertainment room, and a salon.

Area requirements and height limit

In terms of area requirements, the applicant meets all required setbacks. The applicant is proposing several incentive features to be able to increase the maximum impervious surface allowed by 10%.

Table 1 below compares the area and height requirements for the previously approved concept plan included in the August 19, 2019 amended proffers and the concept plan as proposed for the new proffer amendment proposal.

Table 1 - MAC Area and Height Requirements			
	Required	Previously Approved	Proposed
Setback from Maple Avenue	Minimum 20' from face of curb	20.0' (First floor retail space set back 24' to 26' from face of curb)	20.0' (First floor setback varies up to 23' from face of curb, with café setback 36' with outdoor dining in front)
Setback from Side Street (Wade Hampton Drive SW)	Minimum 15' from face of curb	15' to 19.6'	15.0'
Setback from Side Street (Glen Avenue SW)	Minimum 15' from face of curb	25.5' to 28.3'	26.6'

Setback from Commercial Development	Minimum 8' from property line	8'	8.2'
Building Height (to the roof)	Maximum 54' from average front grade	48'	50'11"
Number of Stories	Four	Four	Four
Building Height of Architectural Features (above roof)	Maximum 62.1' from average front grade	54' (to parapet)	56' (54' to parapet + 2' tower element)
Impervious surface	Maximum 80% of entire site	89.12%*	86.07%*

**Request for 10% increase in the maximum impervious surface*

The applicant is using the following types of incentive features in the project:

- Construction of the principal structure to Earn the Design for Energy Star certification or similar program **(BB)**
- Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements **(AA)**
- Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation **(B)**

Encroachments into required yards

The applicant proposes several awnings along the façade facing Maple Avenue West and Wade Hampton Drive Southwest. All of the awnings are 3 feet deep; however, the angle of the building on the site make the encroachment into the front yard setback varied. Per Town Code [Section 18-95.8.B](#), awnings are allowed to encroach up to three feet. None of the proposed awnings encroach more than 3 feet into the required setbacks.

The applicant also proposes a stairway within the 15-foot front yard setback along Wade Hampton Drive Southwest. Per Town Code [Section 18-95.8.A](#), the stairway is able to encroach up to five feet into any required yard setback. The proposed stairway encroaches approximately 2.5 feet into the side yard.

Off-street parking and loading

Restaurant Parking

Per Town Code [Section 18-130](#), one parking space is required for every four seats proposed in a restaurant space. The concept plan shows a total of 20 seats proposed resulting in five parking spaces required for the use.

Assisted Living Facility Parking

The Town Code does not currently have an assigned off-street parking requirement for an assisted living use. The applicant has provided a parking analysis of similar facilities and national standards for this use. The applicant proposes to meet the parking requirements of Fairfax County for assisted living facilities, which requires “one (1) space per three (3) residents, plus one (1) additional space for each employee”.

The Transportation Assessment Memo included in the attachments with this staff report indicate that the Applicant proposes no more than 35 assisted living employees at any one time during peak shift. Based on Fairfax County’s parking calculations, the proposed assisted living facility use would require a total of 75 spaces. This corresponds to a parking ratio of 0.88 spaces per unit. The Institute of Transportation Engineers (ITE) *Parking Generation Manual*, 5th Edition shows a parking ratio of 0.53 spaces per unit for the 85th percentile peak parking ratio.

Total Parking Required

The proposed parking garage provides 80 spaces total; 15 spaces on the ground level and 65 below grade. Per Town Code [Section 18-95.10.A.2](#), spaces within a parking structure are credited at a rate of 1.25 times the number of spaces. Staff’s analysis of the parking provided (Table 2) shows that the applicant is meeting the parking requirements, based on Fairfax County standards, without the parking incentive.

Table 2 - Parking Calculations			
	Spaces Required	Spaces Provided	
		Without Incentive	With Incentive
Restaurant (20 seats)	5	5	6.25
Assisted Living (85 units)*	75*	75	93.75
TOTAL SPACES	80	80	100

* The Town of Vienna has no parking standard for this use. Based on Fairfax County parking standards.

Bicycle Parking

Per Town Code [Section 18-95.10.F.1](#), the applicant is required to provide one long-term bicycle parking space per 5,000 square feet of nonresidential floor area and one employee parking space per 25,000 square feet of nonresidential floor area. A total of 22 bicycle parking spaces are required for the 80,950 square feet of nonresidential floor area. The applicant is proposing 22 spaces on site; 8 surface spaces (4 spaces on Maple Avenue West and 4 spaces on Wade Hampton Drive Southwest) and 14 covered spaces in the garage.

Loading

The applicant proposes locating the loading area inside the parking garage. Ingress access is from Wade Hampton Drive Southwest, approximately 182 feet back from the corner of the building. The loading vehicles then exit the garage from the Maple Avenue West egress at the corner of the building. Per Town Code [Section 18-132](#), the applicant is required to provide a loading area that

is at least 15 feet tall, 25 feet deep, and a “width of at least 15 feet for every 50 feet or fraction thereof of building width” or 45 feet wide for the proposed 124 foot wide building. The applicant is proposing a loading space of 15 feet wide.

The applicant is requesting a modification for a 15-foot wide loading area. The applicant stated the purpose of the modification is as follows: “Given the small size of the proposed retail space, combined with the loading needs of the assisted living facility, a single 15 foot loading space will be sufficient to accommodate the loading needs of the proposed building, and is consistent with the loading space requirements in neighboring jurisdictions.”

Table 3 - Loading Requirements of Vienna and Neighboring Jurisdictions

Jurisdiction	Requirements
Town of Vienna	At least 25 feet in depth, width of at least 15 feet for every 50 feet or fraction thereof of building width
City of Fairfax	No less than 12 feet in width and 25 feet in length Designed and constructed to accommodate the largest vehicles likely to service the use on a frequent and regular basis,
City of Falls Church	At least 10 feet in width and 30 feet in length
Town of Herndon	At least 17 feet wide by 25 feet long (or deep)
Fairfax County	No less than 15 feet wide, 25 feet long and 15 feet high

The applicant has also provided a lay-by area for ambulances inside the parking garage, although it is not required by Town Code.

Mobility and circulation and landscaping

The transportation study for the previously approved development found significant impacts regarding queuing of vehicles turning onto Maple Avenue from Wade Hampton Drive Southwest. In order to mitigate the impact, the applicant proposed a right-only turn lane onto Maple Avenue from Wade Hampton Drive Southwest. The approved development also only had egress onto Wade Hampton Drive Southwest, which contributed to the queuing and need for the dedicated turn lane.

As shown in Figure 2 below, the applicant’s proposal allows for egress on Maple Avenue West and Wade Hampton Drive Southwest. The right turn only lane on Wade Hampton Drive Southwest is no longer proposed.

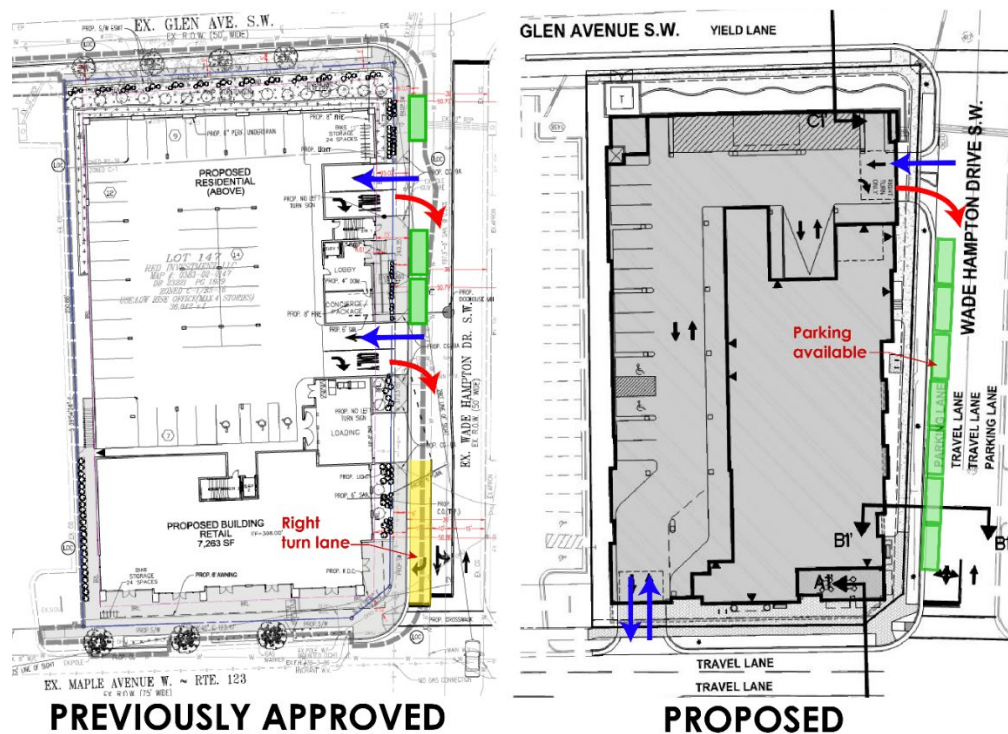


Figure 2 – Ingress/egress of previously approved and proposed development

The applicant proposes to continue the standard Maple Avenue streetscape in Zones 1 and 2 that have been implemented along Maple Avenue East and parts of Maple Avenue West. This includes the 6-foot landscape/planter strip and a 5-foot brick sidewalk. For Zone 3, the applicant proposes an extension of hardscape material, providing gathering spaces and outdoor dining areas.

Along the majority of Wade Hampton Drive Southwest, the applicant proposes extending the 5-foot sidewalk with a 6-foot wide landscaping strip. The applicant proposes planting street trees along Maple Avenue West, Glen Avenue Southwest and Wade Hampton Drive Southwest.

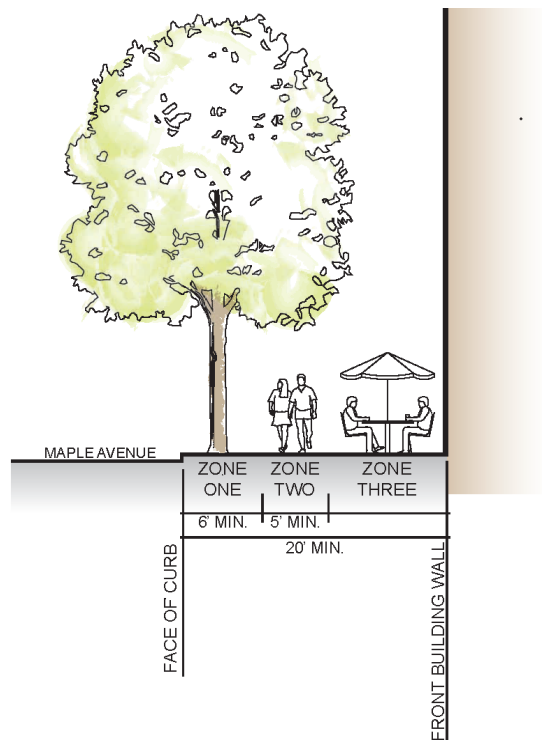


Figure 3 - Required streetscape along Maple Avenue

On-street Parking

(Staff notes that there are no on-street parking requirements but staff is providing this analysis to provide more information per comments and feedback provided/received during the previous public hearing process)

Currently there is no on-street parking along two of the streets surrounding the subject site, Maple Avenue West and Glen Avenue Southwest. There is on-street parking located on Wade Hampton Drive Southwest from Maple Avenue West to Glen Avenue Southwest, albeit not striped on-street parking spaces.

[Chapter 9](#) of the Town Code allows parking of motor vehicles on public streets with some restrictions, including on certain residential streets, as determined by Town Council. Town Code [Section 9-12.3.1](#) states that on-street parking shall be prohibited in the following instances:

1. Stopping, standing or parking is prohibited:
 - A. **In front of a public or private driveway.**
 - B. Within 15 feet, in either direction, of the entrance to a fire station or building housing rescue equipment or ambulances, provided such buildings are plainly designated.
 - C. Within 15 feet, in either direction, of a fire hydrant located on private or public property, or within a fire lane.
 - D. **Within 20 feet of the intersection of curblines, or if none, within 15 feet of the intersection of property lines at an intersection of streets.**

- E. On a sidewalk or crosswalk.
- E.2. On any street for a continuous period of 48 hours.
- F. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control device.**
- G. Alongside or opposite any street excavation or obstruction when standing or parking would obstruct traffic.
- H. On the roadway side of any vehicle stopped or parked at the edge of or curb of a street.
- I. Any place where official signs prohibit parking.
- J. Spaces reserved for handicapped persons.

Staff notes that the Town does not have a restriction on parking within so many feet of a driveway. Fairfax County, for example, has a restriction of parking within 10 feet of a driveway. There are also no specific standards for the size of on-street parallel parking spaces. However, typically, they are 22 feet long by 7 or 8 feet wide (the Town Code requires 8' by 22' dimensions for off-street parallel parking spaces).

Wade Hampton Drive Southwest has a street width of 36 feet (from curb to curb). On-street parking is able to currently fit on both sides with 7 feet on either side for on-street parking and 11-foot lanes going in either direction. In a best case scenario, using 22 feet for a standard length, approximately six motor vehicles can park on the south side of Wade Hampton Drive SW. Approximately five motor vehicles can park on the north side of Wade Hampton Drive SW.

During the public hearings for the previously approved development, several members of the public spoke about the need for on-street parking. The current proposal allows for on street parking rather than the dedicated turn lane because the proposed development is anticipated to generate significantly less trips than the previous proposal and allows for right hand turns onto Maple Avenue directly from the parking garage.

The proposed concept plans provided as part of the proposed amendment to proffered conditions would allow for 6 parking spaces on the north side of Wade Hampton Drive Southwest (Figure 5), an increase of one parking space over existing conditions (Figure 4) and an increase of 4 spaces over the previously approved concept plan (Figure 5). A total of 12 on-street parking spaces would be available on Wade Hampton Drive SW.

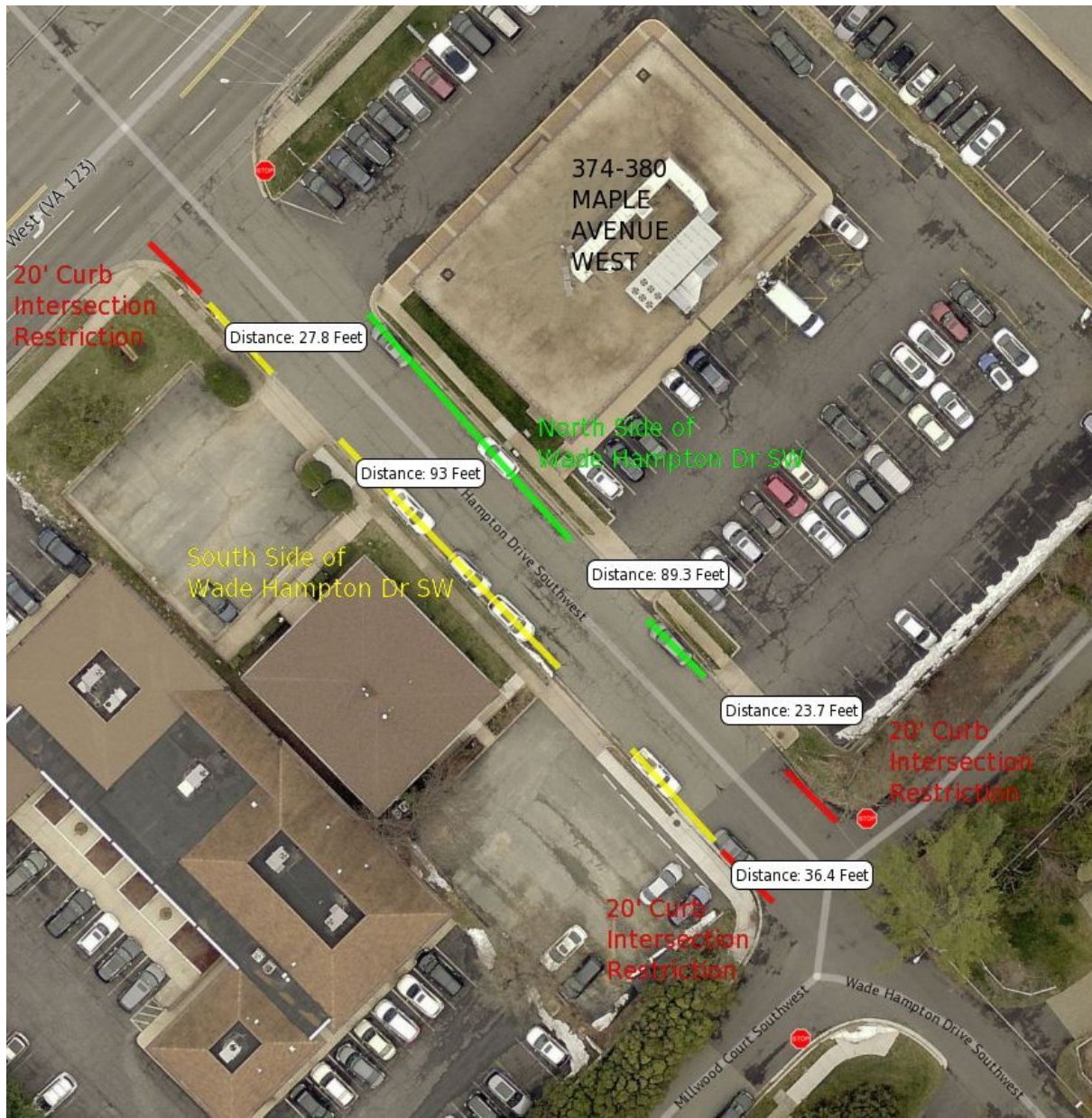


Figure 4 - Existing on-street parking on Wade Hampton Dr SW

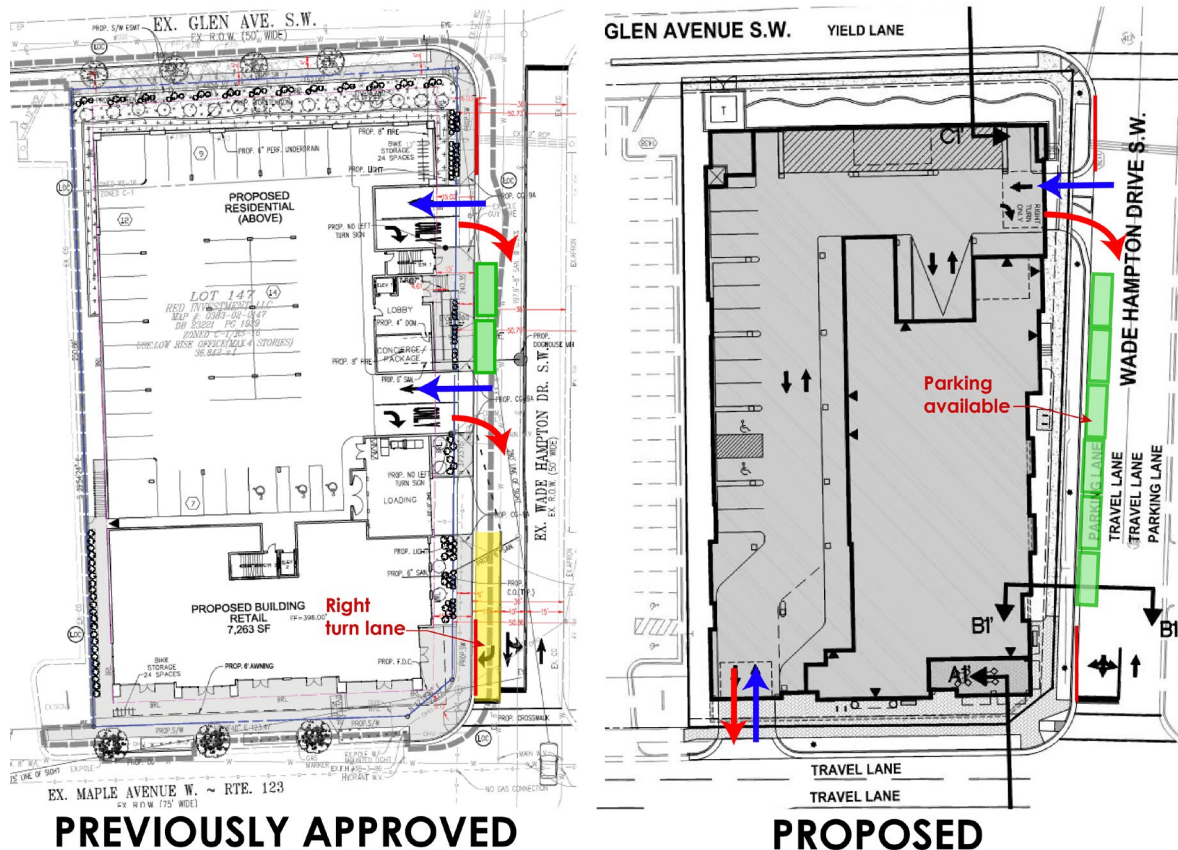


Figure 5 – Available on-street parking on north side of Wade Hampton Dr SW per approved concept plan (left) and proposed concept plan (right)

Open space set-asides

The applicant is proposing an expanded walkway area adjacent to the sidewalk along Maple Avenue, referred to in Town Code [Section 18-95.11.1](#) as Zone 3. The applicant also proposes an open-air courtyard area of approximately 1,600 square feet in the middle of the site above the parking structure. This courtyard area is enclosed on all sides and is programmed for residents and visitors to the building. Additionally, the applicant is proposing green space including raised planter beds in the rear of the site, facing Glen Avenue Southwest.

Table 3 – Open Space Set-aside Requirements

	Required	Previously Approved	Proposed
Open space provided (percentage)	15%	25.18%	25.9%
Open space provided (square footage)	5,526 sf	9,277 sf	9,550 sf

Site development standards

The previously approved plans provided five retail bays with primary entrances to the building located on Maple Avenue West and an entrance to the residential units/lobby area from Wade Hampton Drive Southwest.

The proposed amended concept plan shows primary pedestrian entrances to the assisted living, restaurant and parking garage along Maple Avenue West. Secondary entrances to the assisted living and parking garage are located along Wade Hampton Drive Southwest near the vehicle entrance to the parking garage.

The applicant is proposing several variations of the facade along the Maple Avenue by utilizing roofline changes coupled with facade material changes, offset surfaces, and window indentations. The portion of the building facing Glen Avenue Southwest is designed to be more consistent with the residential neighborhood to the south with a faux porch on the second floor. The parking structure, which also faces Glen Avenue Southwest, is screened from this side with raised landscaping beds.

Exterior lighting

The applicant is proposing limited lighting on the exterior of the building with the standard acorn style light poles in the right of way and 3 ½ foot tall bollard lighting in the Glen Avenue green space area. The bollards are low to the ground with a short distribution so they only illuminate what is in the immediate vicinity. This is meant to ensure the walkways are only illuminated and not the homes on the south side. The street poles along the Maple Avenue will be the double lamppost style and the ones along Wade Hampton Drive will be the single lamppost.

Neighborhood compatibility

The subject site is located across Glen Avenue Southwest from two single-family dwellings and therefore certain standards apply. Consistent with Town Code [Section 18-95.16.B.2](#), the portion of the building within 107 feet of the corner side yard setback line of the single-family dwelling directly across the street does not exceed 35 feet. The third floor is setback 15 feet and 6 inches from the facade of the first and second floor. The fourth floor is setback an additional 20 feet beyond the third floor facade as shown in Figure 6 below from the building section diagram of the architectural plans.

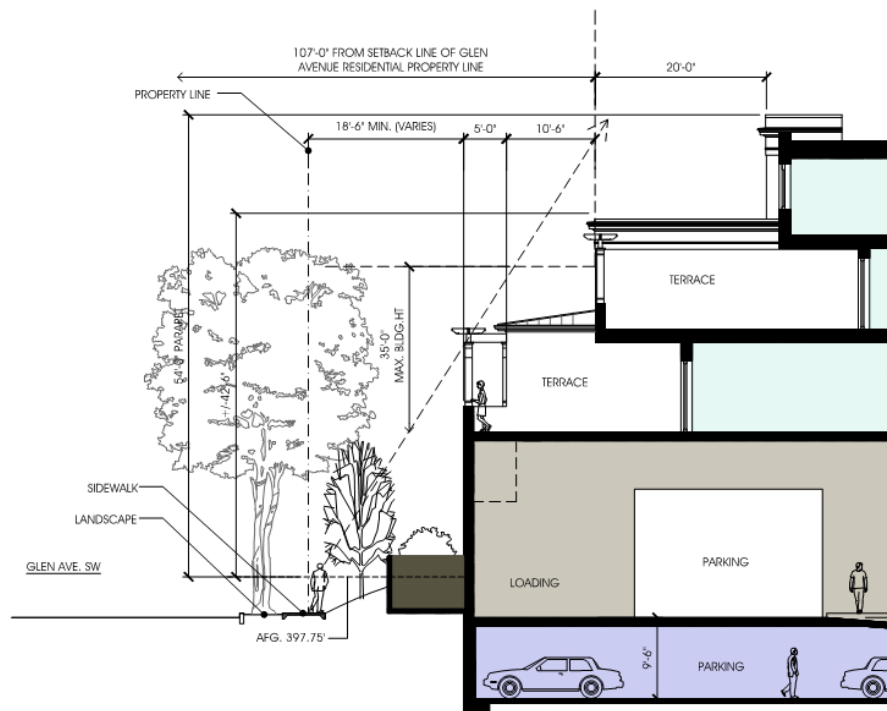


Figure 6 – Proposed building setbacks from residential properties

Multi-Modal Transportation Impact Analysis

Per Town Code [Section 18-95.3](#), the applicant is required to provide a multi-modal transportation impact analysis. The analysis is defined in [Article 2. – Definitions](#) as, “the study of development-related existing, and future conditions of travel demand and supply to include analysis of vehicular, pedestrian and bicycle traffic, transit, and parking in a defined study surrounding the proposed development site.” The applicant provided a Transportation Assessment memorandum prepared by Wells + Associates which summarizes the study prepared by Kimley-Horn and Associates for the previously approved plans in comparison with the new proposed uses. The memo concludes that the new development proposal will result in a decrease of traffic impacts on the area transportation network as compared to the previously approved concept plan.

The study also finds that the intersection does not warrant a traffic signal. However, the study did originally find significant impacts regarding queuing of vehicles turning onto Maple Avenue from Wade Hampton Drive Southwest and the applicant originally proposed a right only turn lane. The right only turn lane is no longer being proposed with on-street parking in its place.

As a way to help prevent users of the development from traveling through the local streets to the south of the development, the applicant is proposing a channelized island near the exit along Wade Hampton Drive Southwest. The channelizing island, along with proposed “right turn only” sign, will presumably force users of the development to turn right onto Wade Hampton Drive Southwest, towards Maple Avenue and away from the residential neighborhood.

Amendments to Proffered Conditions

The applicant is requesting to amend the proffered conditions of the approved rezoning for the property. The amendments include changes to the proposed uses of the property and concept plan including architectural design.

A document comparing the approved proffers to the proposed changes is included in the attachments with the staff report. Below is a summary of the proposed changes to the approved proffers:

- 1.1 – Revised to reflect proposed use and limit to no more than 85 assisted living units, no more than 120 residents.
- 1.2 – Deleted last line about architectural details added to rear wall of ground floor as it pertained to previous design.
- 1.3 - Deleted “No functional or decorative elements, which would otherwise be permitted, will exceed 54 feet.” Proposed tower feature is 56 feet.
- 1.5 – Replaced “Applicant will install solar panels on the roof of the structure” with “The structure shall be designed to earn the Design for Energy Star certification or similar program.”
- 1.6 – Revised to include language about the dimensions of proposed transformer and enclosure.
- 3 & 3.1 Public Art proffer added.
- 5. Transportation Demand Management (TDM)
 - Removed “residents” from proffers to reflect assistance for employees only.
 - Added proffer 5.3 establishing an annual budget of \$20,000 to be used toward transit incentives for employees.
- 6. Landscaping – Removed specific type of trees to be planted.
- 8. Miscellaneous – New section added pertaining to execution of proffers.

Required Commission/Board approvals:

[Virginia State Code § 15.2-2302](#) describes the process by which a landowner may apply to the governing body for amendments to or variations of proffered conditions.

B. There shall be no such amendment or variation of any conditions proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 until after a public hearing before the governing body advertised pursuant to the provisions of § 15.2-2204.

[Virginia State Code § 15.2-2204](#) describes the process for advertisement of rezoning applications, etc. and the requirements for review and recommendation by the Planning Commission for the amendments to the proffered conditions.

[Town Code Section 18-95.3. – Procedure for MAC Zone designation](#) describes the process by which existing properties may rezone to or apply for a rezoning amendment in the MAC Zone . Designations may only be approved as a rezoning in accordance with Article 24 of Chapter 18, Zoning. The application must be accompanied by an existing conditions plan and a concept plan prepared per the standards set forth in Town Code [Section 18-95.3](#). The application must also include building elevations, 3D renderings, and a multi-modal transportation impact analysis. After submittal and staff review, the Board of Architectural Review (BAR) reviews the proposal and makes a recommendation regarding its compliance with the requirements of Article 13.1. This recommendation will then accompany the application through the rezoning amendment process, per the requirements of Article 24.

Prior to submission of the application, Town Council held a work session on September 9, 2019 with the property owner to discuss alternative uses for the approved 380 Maple MAC rezoning project. The applicant participated in a work session with the Board of Architectural Review on November 8, 2019 and a work session with the Planning Commission on November 13, 2019. The application was submitted and deemed complete on November 21, 2019.

The Board of Architectural Review reviewed the item at its regular monthly meeting on December 19, 2019. The Board voted 4-0 to recommend approval to the Town Council in regards to compliance with Article 13.1 (see attached BAR recommendation).

The Planning Commission is required to review and make a recommendation to Town Council for all rezoning applications, per [Town Code Section 18-246. – Planning Commission notice and hearing](#). Per Town Code [Section 18-256](#), the Planning Commission is also required to make a recommendation to Town Council for any modifications of requirements. At the December 11, 2019 meeting, the Planning Commission recommended approval to Town Council of the requested amendment to proffered conditions and modification of requirement by a vote of 9-0 on each item. The Planning Commission Chair's recommendation memo is included in the attachments.

Per Town Code [Section 18-211](#), the Planning Commission is also required to make a recommendation to the Board of Zoning Appeals (BZA) for any applications for conditional use permits. The Planning Commission, at the December 11, 2019 meeting, recommended approval to the BZA of the requested conditional use permit on a vote of 9-0.

The Board of Zoning Appeals reviewed the request for the conditional use permit for assisted living use per Town Code [Section 18-209](#) at a public hearing on December 18, 2019. The Board approved the conditional use permit by a vote of 4-1, with conditions that the permit approval is contingent upon Town Council's approval of the amendments to proffered conditions and that the permit shall become null and void 24 months after issuance if construction or related operations has not commenced.

[Town Code Section 18-249.1 – Conditional zoning and proffers](#) describes the process by which Town Council may review and accept proffers to any amendment to the zoning map. The applicant has submitted signed proffers in conjunction with the proposed amendments to the proffered conditions which are included as attachments with this staff report.

If the amendments to proffered conditions is approved by the Town Council, the proposed development shall be subject to site plan approval per Town Code [Article 25](#).

Staff Analysis

Zoning Ordinance

Staff finds that the application meets requirements of [Article 13.1](#) and [Article 16](#) of Chapter 18 of the Town Code, with the exception of the requested modification of requirement from [Section 18-132](#) to allow a 15 foot wide loading space, a reduction of 30 feet from the required 45 foot wide loading space.

Conditional Use Permit

Staff finds that the application meets requirements of Town Code [Article 21 Section 18-209](#).

The proposed project will not adversely affect the health or safety of persons residing or working in the neighborhood, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood and is in accord with the purposes of the Town's master plan.

Comprehensive Plan

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.

Land Use

The following are the goals listed under the Land Use chapter (page 19):

- Maintain the balance of land uses;
- Encourage a vibrant Central Business District;
- Encourage housing for residents of all age groups;
- Protect and preserve the natural environment;
- Create a more walkable and bikeable Vienna;
- Ensure that Vienna retains its unique single-family residential character and quality of life.

The Sunrise Assisted Living facility will provide a housing type that is currently missing in Vienna. The mixed-use building also provides 950 square feet of restaurant space at the ground level with outdoor dining that does not currently exist in this area.

Transportation

The following are the goals listed under the Transportation chapter (page 59):

- Provide for efficient and reliable movement for all transportation modes;
- Manage the impact of regional and local traffic on residential neighborhoods;
- Maximize safety and dependability;

- Encourage people to walk and bicycle;
- Reduce congestion for environmental benefits;
- Manage the effects of regional development and travel trends.

According to the Transportation Assessment memo, the proposed project will lead to a minimal increase in the number of trips from existing conditions and a decrease from the previously approved plan. The trip generation comparison from the Proffer Amendment Transportation Assessment of the proposed assisted living use versus the existing office building shows a decrease of 11 trips during the AM peak hour and an increase of 1 trip during the PM peak hour. The applicant is also proposing a channelizing island that will prevent users exiting the building from turning left towards the nearby residential neighborhoods.

Community Facilities and Services

The following are goals listed under the Community Facilities and Services chapter (page 97):

- Provide residents with reliable and efficient services and infrastructure
- Ensure that all Town facilities are adequate for Town functions
- Maximize the functionality of Town facilities for residents
- Reduce the amount of waste produced by residents and businesses
- Ensure that residents feel protected and safe in the Town

As part of the goal to provide residents with reliable and efficient services and infrastructure the Comprehensive Plan states that, “new and existing public utilities should be placed underground during new development/redevelopment (page 109).” The applicant has included the previously approved proffer statement with a commitment to undergrounding the utility lines between the two utility poles located in front of the building along Maple Avenue West (reference proffer 7.1).