

# TOWN OF VIENNA

## MEMORANDUM

TO: Planning Commission

FROM: Gregory M. Hembree, AICP, Director of Planning & Zoning and  
Zoning Administrator

DATE: March 27, 2014

SUBJECT: Staff Report for the Special Meeting of April 2, 2014



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GENERAL NOTE: Comments from Public Works Department Staff have been provided for each agenda item, as appropriate and in the form of a separate memorandum to the Planning Commission.

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### PUBLIC HEARINGS:

#### ITEM NO. 1:

Recommendation to the Mayor and Town Council on a **proposed ordinance** to amend:

- a. **Chapter 18, Zoning, Article 2, Definitions**, by adding new definitions in Section 18-4; and,
- b. **Chapter 18, Zoning**, by adding a new Article 13.1, MAC: Maple Avenue Commercial Zone Regulations including Statement of Purpose and Intent, Applicability Procedure for MAC zone designation, Permitted Uses, Conditional Uses, Accessory Uses, Area Regulations including Yard Encroachments, Height, Parking, Mobility and Circulation, Landscaping Standards, Open Space and Site Development Standards, Lighting, Neighborhood Compatibility, Name Plates and Signs, Incentives, Nonconformities, General and Supplemental Regulations.

*(Referred to the Planning Commission by the Vice-Mayor and Town Council on March 17, 2014; Planning Commission action is required no later July 6, 2014.)*

### *Introductory Comments / A Brief History of Planning Analyses in the Maple Avenue (East/West + VA Route 123) Corridor:*

“The purpose of the Maple Avenue Commercial (MAC) Zone is to encourage compact, pedestrian-oriented, mixed-use development and redevelopment along the Maple Avenue (East and West) corridor to reinforce Maple Avenue’s role as the Town’s main street. The zone is intended to ensure that development along the corridor promotes Vienna’s small-town character and does not compromise the character of residential neighborhoods abutting the corridor.”

The opening paragraph above was taken from the Statement of Purpose and Intent section of the new “MAC” zone regulations—a document that is the culmination of just over 12 years of

detailed examination as to what the future might look like within the approximately 8,100-foot-long commercially-zoned area that stretches from the southwest corporate limits to its intersection with East Street on the opposite end. This document builds upon past work that includes the November 1-3, 2001 Workshop that began the “creative thought process,” the subsequent Maple Avenue Vision Committee that met between 2002 and 2005, the Duncan report from 2006 and the two- and three-dimensional color photography from 2010 that helped define the initial matching orders of the 54-foot-high height limit and the 15-foot setback from the public street right-of-way that was decided at the November 15, 2011 work session of the Mayor and Town Council.

During the summer of 2012, the Mayor appointed 17 members of the community to the Maple Avenue Steering Committee for the purpose of working with the consulting firms (Lardner/Klein Landscape Architects + Clarion Associates LLC + Seth Harry & Associates, Inc.) selected by the Mayor and Town Council in June 2012. The Steering Committee began its work in late July 2012 and met on 8 separate occasions to review and refine the product that has been set before the Planning Commission at this initial public hearing. To ensure that the Steering Committee’s work continued to align with the overall direction from the Mayor and Town Council, work sessions were held with the two groups on April 22, 2013, November 11, 2013 and again on February 10, 2014. Moreover, a community forum was also held in the Town Council chambers on May 29, 2013 and a joint work session with members of the Board of Architectural Review and the Planning Commission was held in that same room on March 5, 2014.

***The Proposed Ordinance:***

Since the majority of the work on the new MAC zone has been performed by the consultant group named above and funneled through the main Town Staff contact of Deputy Planning & Zoning Director Matt Flis, I have sought their input on the various aspects of the new district. As a result, Mr. Flis is preparing a companion document denoting the “highlights” of the new district that accompanies this staff report.

***Required Board Approvals / Town Staff Recommendations:***


As noted in the agenda item description above, the Vice-Mayor and Town Council referred this document to the Planning Commission on March 17, 2014. In accord with the provisions of § 15.2-2285 of the Code of Virginia, the Commission has a total of 100 days (by July 6, 2014) after its first meeting that occurs subsequent to the Governing Body’s referral in which to formulate a recommendation on the proposed ordinance.

In accord with the provisions of §§ 15-2.2204 and 15.2-2205 of the Virginia Code, required notification has also been provided in the Town’s current publication – the Washington Times – and two yellow public hearing signs have been posted at either end of the corridor.

# TOWN OF VIENNA

## MEMORANDUM

TO: Planning Commission; Gregory M. Hembree, AICP, Director and Zoning Administrator, DPZ

FROM: Matthew J. Flis, AICP, LEED-AP Deputy Director, DPZ 

DATE: March 27, 2014

SUBJECT: Overview of Proposed Maple Avenue Commercial (MAC) Zone Regulations

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The purpose of the Maple Avenue Commercial (MAC) Zone is to encourage compact, pedestrian-oriented, mixed-use development and redevelopment along the Maple Avenue (East and West) corridor to reinforce Maple Avenue's role as the Town's main street. The zone is intended to ensure that development along the corridor promotes Vienna's small-town character and does not compromise the character of residential neighborhoods abutting the corridor.

The proposed ordinance establishes the Maple Avenue Commercial (MAC) zoning district. Any commercially-zoned property located along Maple Avenue East or West between East Street and the western Town boundary may choose to opt into the MAC district. The new district will be voluntary, meaning that current property owners can choose to remain under their current zoning with no changes. Other properties, however, may choose to take advantage of the new MAC zoning designation to create more pedestrian-friendly, mixed-use development, subject to certain requirements and approval by the Town Council. The zone is intended to ensure that redevelopment along the Maple Avenue corridor promotes Vienna's small town character and does not compromise the character of residential neighborhoods abutting the corridor. Further, the new zone allows the Town to be pro-active in shaping development along the corridor in the light of market changes, aging building stock and the impacts of surrounding areas in the County. The following will provide an overview of the proposed MAC zone regulations, as proposed through the addition of Article 13.1. Important areas of interest regarding the sections are noted as "Highlights". Particular questions for the Planning Commission are noted as "For Consideration". A copy of the proposed ordinance, the "Maple Avenue Commercial Zone", dated April 2, 2014, is attached for reference.

### **§18-95.1 Statement of Purpose and Intent**

This section explains the rationale for the zoning district and the kind of development that is expected through its implementation. It indicates the Town's desire for compact, mixed-use, pedestrian-oriented development along the Maple Avenue corridor. Further, development should be high-quality, human scale and provide uses that will serve both Town residents and visitors. The purpose and intent also expresses the Town's desire to maintain compatibility between redevelopment and the surrounding single-family neighborhoods.

### **§18-95.2 Applicability**

This section establishes the area along the corridor that may take advantage of the proposed MAC zone. The voluntary district is primarily available to the commercially-zoned properties along the Maple Avenue corridor between the western Town boundary and East Street. In those cases where properties are split-zoned, the entire lot is typically eligible. Please refer to Figure 18-95.2.1, Lands Eligible for MAC Zone Designation, for further details. This section further notes that inclusion in the MAC zone is fully voluntary, and that existing developments may continue under their existing zoning if so desired.

#### ***Highlights:***

- *The proposed MAC Zone is entirely voluntary. Existing properties can choose to operate under their existing zoning (C-1, C-2, or C-1A, for example) with no change.*

### **§18-95.3 Procedure for MAC Zone Designation**

This section describes the process by which existing properties may take advantage of the new MAC zone. Designations to the new district may only be approved as a rezoning in accordance with Article 24 of Chapter 18, Zoning. The rezoning application must be accompanied by a site plan prepared per the standards set forth in Article 25, and must include building elevations. The Board of Architectural Review (BAR) shall then review the proposal and make a recommendation regarding its compliance with the requirements of Article 13.1. This recommendation will then accompany the application through the rezoning process, per the requirements of Article 24. Following approval of a rezoning by the Town Council, the proposed development shall still be subject to site plan approval per Article 25.

#### ***Highlights:***

- *The BAR has been incorporated early in the rezoning process to provide an additional level of design review. The BAR will also still review and approve the final architecture at the end of the process, following site plan approval, and before building permit submittal.*

- *The Planning Commission is incorporated in both the rezoning process and the site plan approval process. Their recommendations will be submitted to the Town Council, which has final consideration.*

#### **§18-95.4 Permitted Uses**

This section describes uses that are allowed by-right under the proposed MAC Zone. These include commercial, office, service, retail and residential uses. Other, more high-impact uses may be permitted subject to a conditional use permit. Those are described in a subsequent section.

##### ***Highlights:***

- *Restaurants in the MAC Zone are not subject to the 125-person minimum seating capacity or the shopping center standard currently applied to restaurants in the existing commercial zones. It is hoped that this will promote additional dining opportunities at a variety of scales, including more small- and locally-owned businesses.*
- *Residential uses, such as condominiums and live-work units, are permitted. However, residential uses at the ground floor facing Maple Avenue are not allowed. This will help retain the sidewalk level of Maple Avenue as a commercial destination. Residential uses are permitted on upper levels.*

#### **§18-95.5 Conditional Uses**

This section describes those uses subject to a conditional use permit, in accordance with the standards and requirements found in Article 21. The proposed conditional uses typically have the potential for significant external impacts and are therefore subject to additional scrutiny.

##### ***Highlights:***

- *Drive-throughs are subject to a conditional use permit as they typically are not compatible with pedestrian-friendly, human-scale development. Additional review standards are provided, however, to mitigate their negative impacts while still allowing for their inclusion in new development, when appropriate.*
- *Outdoor dining is no longer subject to a conditional use permit, but is allowed by-right as an accessory use. See the following section for additional information.*

#### **§18-95.6 Accessory Uses**

This section describes permitted accessory uses, including outdoor dining, outdoor sales and display and electric vehicle charging stations.

##### ***Highlights:***

- *Outdoor dining is no longer subject to a conditional use permit, but is allowed by-right as an accessory use. It is hoped that this will promote more outdoor dining areas that contribute to an*

*active, pedestrian-friendly corridor that is a restaurant destination. Additional standards have been added to mitigate any possible impacts.*

***For Consideration:***

- *Are the proposed limits on hours of operation appropriate? For example, should a coffee shop be allowed to open earlier than 8am? What are the potential impacts?*

**§18-95.7 Area Requirements**

This section describes the standard bulk and dimensional requirements for the zone, including lot area, lot width, setbacks and impervious area.

***Highlights:***

- *There is no minimum lot area or lot width. This is intended to promote smaller infill development that will help promote the Town's small-scale, eclectic character. As such, not every rezoning will be of a significant scale. However, consolidation of properties is still recommended to encourage cross-access and consolidation of vehicular entrances/curb cuts.*
- *The front setback from Maple Avenue is 20 feet, as measured from the curb face to the front building wall. This is compared to the 15 feet originally proposed by the Wiley-Wilson massing studies, as measured from the property line. The proposed 20 feet also accommodates the existing streetscape installed along much of the corridor.*
- *The maximum impervious area is 80 percent in the proposed MAC zone. Currently, there is no maximum impervious area for commercially-zoned properties in the Town. This enhanced standard is intended to allow for more open and green space, while providing opportunities for storm water management.*

**§18-95.8 Encroachments into Required Yards**

This section describes the various types of encroachments permitted within the various setbacks. These can include encroachments for balconies, stairs, fire escapes, access ramps, bay windows and other features.

**§18-95.9 Height Limit**

This section describes maximum height permitted in the district. As set forth by the Town Council after much discussion, the maximum building height is the lesser of four stories or 54 feet. The total building height, including functional or decorative elements, such as roof feature, mechanical penthouses, elevator rooms and other shall not exceed 115% of the maximum building height or exceed ten percent the area of the building footprint. This is intended to allow for some variety in roof features.

***Highlights:***

- *The minimum height of the first story of the principal building is 15 feet. This is the industry standard to support functional, high-quality ground floor retail and commercial spaces. Anything less than this dimension can result in substandard spaces.*

**§18-95.10 Off-Street Parking and Loading Requirements**

This section describes the parking and loading requirements for the MAC zone. It also provides locational requirements and standards for bicycle parking and pedestrian access. Several alternatives are provided for meeting the parking requirements, subject to additional standards and approval by the Town Council. The parking alternatives are intended to provide additional flexibility for redevelopment, while at the same time addressing site-specific mobility needs and impacts to the Maple Avenue corridor.

***Highlights:***

- *The MAC zone does not change the minimum parking requirements (parking ratios) as set forth in Section 18-130.*
- *Alternative Parking Plans, including shared parking, off-site parking and deferred parking may be considered and are subject to review and approval.*
- *This section incorporates the option for creating a Transportation Demand Management Plan that is intended to reduce the demand for parking through alternative methods, such as carpooling, shuttles, teleworking and alternative work schedules.*
- *Parking structures are incentivized to promote centralized parking and a single vehicular trip to visit multiple destinations.*

**§18-95.11 Mobility and Circulation**

This section includes standards to foster increased pedestrian orientation. The front setback along Maple Avenue will include a six-foot area designated for street trees, plantings and street furniture such as benches and trash cans. A five-foot area will be provided immediately adjacent as a clear pedestrian walking zone. These two areas align with the existing Maple Avenue streetscape installations. Finally, a third area will be provided for outdoor dining, gathering, product display or as an extension of the clear sidewalk. In total the entire streetscape will be at least 20 feet wide. Please see Figure 18-95.11.1, Sidewalk Zones, for further information.

**§18-95.12 Landscaping Standards**

Currently, the landscaping standards for the C-1, C-2, and C-1A districts are scattered throughout the district and supplemental standards in the zoning ordinance. Landscaping is required over 25 percent of the front yard area and a five-foot landscaping strip is required when a parking lot abuts a street. However, the current regulations are not very precise regarding

material, planting standards or other configurations. This section provides clear perimeter and interior parking lot landscaping provisions, along with screening standards.

***Highlights:***

- *The MAC zone requires landscaping islands and trees for surface parking lots with more than 12 spaces in a row. There are currently not interior landscaping requirements for surface parking lots in C-1, C-2, or C-1A zoning districts.*

**§18-95.13 Open Space Set-Asides**

Section 18-173.1a of the current zoning ordinance requires ten percent of the land area occupied by a “commercial group development” to be set aside as open space to be occupied by green areas for the purpose of approving the character and appearance of the development. The proposed ordinance expands this requirement to all developments within the MAC zone. This section further describes the types of spaces that may be credited towards open space and those that do not count. Basic design standards are also provided.

**§18-95.14 Site Development Standards**

To encourage human-scale, pedestrian-oriented development, the MAC zone regulations include a variety of design-related provisions. The standards address fundamental design principles, such as building orientation, entry placement, building facades, glazing and transparency, materials, roof form, service areas and screening of equipment. Several figures are included to provide examples and further detail in graphic form.

***Highlights:***

- *Buildings should be oriented so the primary entrance faces Maple Avenue. Glazing requirements promote increased building transparency along the ground floor and at eye level. Canopies and overhangs should provide protection from the elements. The combination of these features is intended to promote a more walkable environment.*
- *The standards also require breaking up monolithic walls and adding visual interest to avoid the appearance of large building masses that have no relationship to the scale of a person. Building modulation and varying materials contribute to a visually interesting built environment.*

***For Consideration:***

- *§18-95.14.E.3.g recommends a building modulation of 30 feet. Is this dimension appropriate to provide variation in the building façade, and still be “buildable” from a construction perspective?*



### **§18-95.15 Exterior Lighting**

This section provides exterior lighting requirements that will provide for a safe, comfortable environment during non-daylight hours, while mitigating impacts to adjacent residential uses. Hours of operation, shielding, maximum height and illumination limits are all provided.

#### ***Highlights:***

- *The MAC zone regulations include maximum illumination levels at the lot line in footcandles. These do not currently exist for the C-1, C-2, or C-1A district.*

### **§18-95.16 Neighborhood Compatibility**

Maintaining compatible development is integral to the proposed MAC zone regulations. Neighborhood compatibility standards have been included to address edge areas where redevelopment borders single-family neighborhoods north and south of the Maple Avenue corridor. The standards ensure that development is compatible with the character of adjacent residential communities by addressing building mass, height, appearance, lighting, and signage, among others. The standards will apply to any new non-residential or mixed-use development.

#### ***Highlights:***

- *Parking structures adjacent to single-family detached development shall not exceed two stories within 50 feet of the closest dwelling wall, and the garage façade shall be configured to appear as a building wall.*
- *A six-foot masonry wall, a row of canopy trees and evergreen bushes, shall be located between any surface parking areas and single-family detached development.*
- *Buildings within 130 feet of the rear setback line of single-family detached development shall not exceed 35 feet in height.*
- *Multi-building developments shall locate highest intensity uses (office, retail, etc.) furthest from the single-family detached development. New residential uses should be located adjacent to existing residential uses.*

### **§18-95.19 Incentives**

This section establishes certain development incentives that are intended to promote certain kinds of features or public benefits which are consistent with the Town's vision for the Maple Avenue corridor. The incentives provide additional flexibility and are limited to modifications in lot coverage and parking, or the provision of mezzanines in commercial spaces. The incentives can only be achieved through the provision of the appropriate number of features described in Table 18-95.19.A. The acceptable features are described in Table 18-95.19.B, and include Green Building Certification, Water Conservation and Quality Protection and Site Configuration. After

two Work Sessions with the Town Council, these were deemed to best align with the Town's goals for redevelopment.

***Highlights:***

- *Incentives are voluntary. A development can decide whether to take advantage of the additional flexibility or not.*
- *Incentives for economic development were reviewed. After discussion with the Town Council, it was determined that the zoning ordinance is not the right tool or mechanism to address issues related to economic viability, business attraction and retention, or small and locally-owned businesses. Further consideration of financial or tax incentives would be necessary.*

***For Consideration:***

- *Should Green Building Certification (LEED or similar) be required for any development over a certain size (measured by building area in square feet) that wishes to utilize an incentive? This strategy would make green building certification a "gateway" requirement for incentives.*

**§18-95.20 Nonconforming Site Features**

This section establishes procedures for addressing certain lawful nonconforming site features that may be brought into compliance with the MAC regulations as part of a remodeling or expansion of an existing development. These include lack of/inadequate street trees, number or dimension of parking spaces, parking lot landscaping or sidewalk configuration.

**Article 2. Definition, §18-4 Definitions**

Several new definitions are proposed to be added to the zoning ordinance. There are intended to provide clarification to some of the new terminology that is included in the MAC zone regulations. All new definitions will be incorporated in existing Section 18-4, Definitions.