

PLANNING COMMISSION  
December 11, 2024  
Regular Meeting Minutes

The Planning Commission met for a regular meeting at 7:30 PM on Wednesday December 11, 2024, at 7:30 pm, in the Vienna Town Hall Council Chambers. Commissioners present were Chairwoman Jessica Plowgian, Matthew Glassman, Stephen Kenney, Keith Aimone, David Miller, Deepa Chakrapani, and Douglas Noble. Staff members present were Director of the Department of Planning & Zoning, David Levy, Town Zoning Administrator, Andrea West, Town Engineer, John Sergent, and Clerk to the Commission, Jennifer Murphy.

Roll Call

All members present.

Communications from Citizens and/or Commissioners: None

Public Hearing:

Public Hearing and Discussion: Proposed Corrections and Edits to the Town of Vienna Zoning and Subdivision Ordinance (Chapter 18)

Andrea West, Zoning Administrator, provided a brief overview of proposed edits and corrections to Chapter 18 of the Town of Vienna Zoning Code. Chairwoman Plowgian reported that, to date, staff has received eight (8) emails regarding the Windover Heights Historic Overlay.

Chairwoman Plowgian opened the floor for public comment.

Carol Layer, 317 Windover Avenue NW, has resided in her home for 30 years. She asks that the Commission act in the interest of preserving the singular character of the Windover Heights Historic District by adopting recommended changes to the Town of Vienna Code exempting the district from curb/gutter/sidewalk requirements. This would be consistent with WHBR (Windover Heights Board of Review) recommendations, specifically 288 Windover Avenue NW. When it was reviewed the board heard from an overwhelming number of community members wanting to prevent the degradation of the neighborhood's unique character and support the exemption. Objectives around these public improvements are the same:

1. Curb/gutter/sidewalk will obliterate the historic nature of the neighborhood that the Town itself designated as historic because of the current state of the properties.
2. If the existing code prevails, it will ultimately result in the destruction of over 150 mature trees, some of which date back to the 19<sup>th</sup> century.
3. Curb/gutter/sidewalk installation will degrade the living experience for all homeowners on Windover Avenue, especially those whose homes were built on lots predating the current codes such as her own home. The house is already close to the street. Any sidewalk installation will bring pedestrian and vehicular traffic unacceptably close. In meetings and public hearings regarding the 288 Windover Avenue NW property, they were presented with numerous options and visual representations of applications of VDOT and Vienna code standards to Windover Avenue. All options were rejected being wholly incompatible with the historic district.

She asks the Commission to accept the recommended proposed code changes affecting the Windover Heights Historic District and allow it to remain exempt from curb/gutter/sidewalk installation requirements. Mrs. Layer thanked the Commission and was seated.

Frances Berkenbaugh, 346 Windover Avenue NW, lives next door to the property under consideration. She endorses everything said by the last speaker. Having lived in Vienna since 1995, specifically in Windover for the last eight years, she did not realize how beautiful the neighborhood was until she lived there. It would be ruined to install curb/gutter/sidewalk, stating that the entire idea of a Historic District is to be historic. She hoped they will be exempted. Mrs. Berkenbaugh thanked the Commission and was seated.

David Medwedeff, 309 Windover Avenue NW, has lived in his home for forty years. He supports the unanimous decision and recommendation of WHBR as stated in their February 12, 2024, memo. The Board was legally charged with protecting the historic character and status of the Windover Heights Historic District as defined by the Town in 1979. He asks that the Planning Commission, and eventually the Town Council, vote to support the decision and recommendation that reflects the majority of the Windover Heights community. Specifically, codifying an exemption from the town's curb/gutter/sidewalk standard for the entire historic district, with reasonable tree restoration from development, stormwater design that's appropriate with a historic district aesthetic, and retention of current roadways. The road, which was originally a farm road or path, is narrower than current standard roads. This is part of its character having trees on both sides keeping the historic character. It is the land that is historic as evidenced in the 1920's arial view that shows a similar road configuration. He further supports the recommendation from the WHBR for implementing lower speed limits within the historic district. Mr. Medwedeff thanked the Commission and was seated.

There being no additional speakers, Chairwomen Plowgian called for a motion to close the Public Hearing.

A motion to close the public hearing was put forward.

Motion: Noble

Second: Miller

Motion close: 7-0

Chairwoman Plowgian opened the floor for commissioner discussion. Further discussion followed regarding Windover Heights Historic District, which included:

- Further consideration is necessary for maintenance options for historic Cedar trees currently on private property,
- Finding language that allows resolution on current drainage issues,
- Maintaining curb/gutter/sidewalk along Lawyers despite Windover Heights designation,
- Staff is working with the chair of WHBR on a community process for best overall approach to solving multiple challenges,
- The memo to Council could include suggested language for exemptions.

In reference to edits and corrections to proposed Chapter 18, there were no questions regarding typographical corrections. Discussion focused on individual edits. Items with suggested changes by Commissioners included the following:

- A. 1. Section 18-213 Lot Coverage specifically outdoor living spaces.  
Goal is to keep these spaces as deck-like as possible. Change language to read similar to front porch, with no solid walls and maximum height of approximately 24 inches.
- B. 3. Section 18-237 Windover Heights Historic Overlay (WH-O)  
Include suggestions regarding exceptions, regarding maintenance of curb/gutter/sidewalk along Lawyers Rd.
- C. 11. Section 18-337 Outdoor Storage  
Intent of fencing is to screen; All fencing is subject to BAR review and approval.
- D. 13. Section 18-407 Swimming Pools and Outdoor Hot Tubs  
Location of neighbor's home impacts swimming pool site; Language offered would provide buffer from location of pool of 50 ft.; Recommend inclusion of swimming pool definition; Swimming pool water area plus 5 ft. surround not counted toward lot coverage; Impervious area is a separate consideration from lot coverage.
- E. 14. Section 18-410 Fences  
Garden fences added to assure uniformity; Recommend tabling edit in lieu of further discussion.
- F. 16. Section 18-531 Minimum Required Off-Street Parking for Vehicles  
Effort to link parking requirement with directive from building code; Adopted Fairfax County standard of one space per three people.
- G. Restored Texts  
Assure new language consistent with State Code.
- H. Add urgent care to medical office facilities.

There being no further comments from Commissioner's, Chairwoman Plowgian called for a motion.

Commissioner Miller moved to recommend approval to Town Council on proposed amendments to Chapter 18 of the Town Code as reflected in attachments 4-15. He further authorized the Chair to forward a memo to Town Council reflecting this recommendation along with the discussions herein.

Motion: Miller  
Second: Noble  
Roll Call Vote: 7-0

Regular Meeting:

Item No. 1

Consideration of the draft 2024 Annual Report for the Planning Commission

Chairwoman Plowgian asked that the number of recommendations provided to BZA (Board of Zoning Appeals) be included in the report and referenced typographical errors to be corrected. Further discussing formatting. Staff will strike absence information and advised that the report will continue with annual information switching over in September to a fiscal report to align with Town budget information. The report will be presented to Town Council at their January 13, 2025, work session.

Commissioner Chakrapani motioned to approve the Annual Report of the Planning Commission for transmittal to Town Council inclusive of the following:

- Typographical corrections,
- Providing the number of recommendations forward to BZA,
- Striking references to commissioner absences,
- And updating results from December's meeting agenda.

Motion: Chakrapani  
Second: Glassman  
Roll Call Vote: 7-0

#### Item No. 2

Election of Planning Commission Officers and Planning Commission member to WHBR (Windover Heights Board of Review).

A motion was made to nominate Vice Chair Mathew Glassman for the position of Chair of the Planning Commission for the term starting in January 2024 and to serve until replaced.

Motion: Plowgian  
Second: Miller  
Carried by roll call vote: 6-0-1  
Abstain: Glassman

A motion was made to nominate Commissioner Douglas Noble for the position of Vice Chair of the Planning Commission for the term starting in January 2024, serving until replaced.

Motion: Plowgian  
Second: Glassman  
Carried by roll call vote: 6-0-1  
Abstain: Noble

Director Levy advised that, although it has been standard practice to appoint members to the WHBR, the code indicates that Town Council appoints the Planning Commission member by recommendation from the Commission. Commissioner Kenney has been serving on the board since 2022. The Commission can select their recommendation, which will be forwarded to Town Council for appointment at their January 6, 2025, meeting.

A motion was made to recommend that Commissioner Stephen Kenny continue in the position of the Planning Commission member to Windover Heights Board of Review.

Motion: Miller  
Second: Noble  
Carried by roll call vote: 6-0-1  
Abstain: Kenney

#### New Business:

Discussion of whether the Planning Commission could meet with the BZA to get their review feedback. Director Levy will reach out to the Town Attorney to determine if a work session is possible as the BZA is a quasi-judicial body, appointed by the court.

#### Director's Report

Director Levy reported on the following:

- ALU (Accessory Living Unit) language was accepted by Town Council, going into effect December 30, 2024.
- Town Annex Building: staff is working with Department of Parks and Recreation on temporary use language to bring forward for conditional use permit request.
- Green Hedges has requested a work session with the Commission and BAR. Staff will update once materials have been submitted.
- 128 Nutley Street NW. The applicant is re-working the design for their rezoning request.
- DPZ will soon have two (2) new staff members, a Zoning Compliance officer and Planner.
- Town Finance Director, Marion Surface, will retire in December after twenty-five (25) with the Town. The Deputy Director of Finance, Stephen Barlow, has been selected to be the new Director.
- The Town is currently interviewing for a new Director for their Department of Economic Development. DPZ Deputy Director, Kelly O'Brien is the acting director in the interim.
- Parking Study follow-up is anticipated to go to Town Council in February.
- Staff is working with the consultants on bringing forward outdoor lighting.
- The BAR is continuing to work on outdoor dining design requirements.
- Staff anticipates resuming work on the Comprehensive Plan, which will be a core project for 2025.

#### Minutes:

Meeting minutes for the following accepted with corrections provided to the Clerk:

- July 10, 2024, Regular Meeting
- October 9, 2024, Regular Meeting
- October 29, 2024, Special Work Session

The meeting adjourned at 9:43 pm.