



Town of Vienna

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Meeting Minutes - Final Planning Commission

Wednesday, April 10, 2024

7:30 PM

Charles Robinson Jr. Town Hall, 127 Center
St. South

The Planning Commission met for a regular meeting at 7:30 PM on Wednesday, April 10, 2024, at 7:30 pm, in the Vienna Town Hall Council Chambers. Commissioners present were Chairwoman Jessica Plowgian, Matthew Glassman, Stephen Kenney, David Miller, Deepa Chakrapani, Keith Aimone, and Douglas Noble. Staff members present were Director of the Department of Planning & Zoning, David Levy, Deputy Director of Planning & Zoning, Kelly O'Brien, Town Principal Planner, Maggie Costello, Town Engineer, John Sergent, and Clerk to the Commission, Yaska Camacho.

Roll Call

All members are present.

Communication from Citizens and/or Commissioners

Commissioner Kenney will provide an update to the commission on Windover Heights Board of Review (WHBR) after the agenda items have been reviewed.

Public Hearings: None

Regular Business

1. [PC24-232](#) Request for recommendation for conditional use permit to the Board of Zoning Appeals for a Family Day Home care of up to twelve (12) children at 100 Battle Street SE, in the RS-10, Single-Family Residential zoning district. Application filed by Anastasia Abraham, owner.

Principle Planner, Maggie Costello presented staff's report, stating that the applicant is requesting a conditional use permit to operate a Family Day Home care for a maximum of twelve (12) children. Virginia State Code regulates the operation of childcare in residential homes while the Town regulates land use and its impacts. Ms. Costello presented photographic views of the site and interior graphic views of the areas within the home utilized for the purposes of the business. On and off-street parking areas were identified with the driveway facing Center Street S. parking up to three (3) vehicles and, for the driveway facing Battle Street SE, parking two stacked vehicles. Parking estimates are based upon the Town's parking regulations, availability of space to move safely in and out of each driveway, and avoiding encroachment into public sidewalks. Staff estimates a minimum of twelve (12) available parking spaces on and near the site.

Additionally, to comply with town and state code regulations, the applicant is requesting approval for one non-resident employee to assist with operations. The

applicant's proposed hours of operation will be from 8 am to 6 pm Monday – Friday with staggered arrival and departure times. Visible areas related to this use include the outdoor deck play area. The application meets all minimum requirements of the Town's Code. Family Day Home requirements can be viewed under Section 18-324 of the Vienna Town Code. The Planning Commission may make recommendations to the Board of Zoning Appeals (BZA), which will review and determine approval at their next meeting. The Zoning Ordinance has a 90-day required time period that BZA must review and hold a public hearing. That ends on June 12th. Concluding her presentation, Ms. Costello offered to answer any questions.

Commissioners asked for further clarification about the outside deck and gazebo area. Chairwoman Plowgian invited the applicant forward to present.

Anastasia Abraham, applicant residing at 100 Battle Street SE, stated that she supports the staff report information. Ms. Abraham noted access locations for the deck and gazebo. With respect to the pool, the applicant was asked if the fence is secured and what secondary protective measures are in place. Ms. Abraham responded that the fence is secured and screwed to the wall. She stated that an additional gate could be installed at the bottom of the stairs for secondary measures.

Further discussion followed with commissioners voicing concerns regarding noise, traffic safety, and privacy for when the children play outside. Commissioners supported installation of secondary protective measures from accessing the pool area. Ms. Abraham provided that the house and property had been inspected and approved by Fairfax County's Office for Children. In response to noise concerns, Ms. Abraham stated that she will be caring for up to twelve children ages 0 – 2 years old. Virginia State standard requires that, for safety purposes, children being cared for be separated by age, requiring three groups of four children. Ms. Abraham did not anticipate it being an issue.

Chairwoman Plowgian stated that prior to the meeting staff received two written comments from the public, which has been made part of the record. Ms. Abraham had fourteen letters of support to submit, commenting that there would have been more people in attendance but the meeting time conflicted with putting their children to bed.

Further discussion followed regarding the following:

- Configuration of the gazebo, which is not screened and has a roof.
- Ages of the children. State regulation requires one employee and two resident teachers.
- Commissioners voiced further support for additional fencing protective measures.
- The outdoor deck play area having no privacy and whether noise was a concern.

Chairwoman Plowgian invited members of the public to speak.

Ahmed Abraham, residing at 100 Battle Street SE, stated that he is the spouse of the applicant. Mr. Abraham had images of the gazebo, stating that it should address privacy concerns. Chairwoman Plowgian thanked Mr. Abraham and suggested that any additional photos be included in the application materials for the BZA public hearing.

Sarah Good, residing at 420 Center Street South supported the project. She asked, for morning drop offs, that they plan ahead to help facilitate drop offs during the school

year as there can be a lot of activity at that time. Concluding her comments, Ms. Good was seated.

Ms. Abraham responded that the majority of parents bringing their children will be walkers and not drivers. Further discussion regarding privacy, traffic, safety, and noise concerns followed. The applicant was also encouraged to consider planting landscape screening at the level of the deck, which would address noise. Concluding discussions, a motion was in order.

Commissioner Miller motioned that the request for recommendation for conditional use permit be made to the Board of Zoning Appeals for a Family Day Home care for up to eight (8) children at 100 Battle Street SE, in the RS-10, Single-Family Residential zoning district; tax map parcel 0384 27 0007, with the condition that care of up to eight (8) CHILDREN are for ages 0-2 years of age.

The applicant further agrees to the following:

1. Notice of staggard drop offs to customers;
2. Recommendation for noise mitigation along the deck next to the neighbor along Battle St SE;
3. Solution on pool safety as decided by other inspectors and/or the BZA.

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

Chairwoman Plowgian stated that her memorandum to BZA will include commissioner concerns and discussion about the pool.

"I move to recommend approval to the Board of Zoning Appeals for a conditional use permit for a Family Day Home care of up to twelve (12) children at 100 Battle Street SE, described as tax map parcel 0384 27 0007."

Or

"I move to recommend approval to the Board of Zoning Appeals for a conditional use permit for a Family Day Home care of up to twelve (12) children at 100 Battle Street SE, described as tax map parcel 0384 27 0007, with the following conditions:

(Planning Commissioners state conditions of approval individually)

- 1.
- 2.
3. "

Or

Other action deemed necessary by the Planning Commission.

2. [PC24-230](#)

Planning Commission Comments to Town Council on Parking Study Utilization and Recommendation Reports

The Commission reviewed and discussed the draft memorandum response to the Parking Study Utilization and Recommendation Report, identifying minor corrections. Staff advised that, once approved, the memo will be added to Town Council's online review materials. Concluding discussion, a motion was in order.

Commissioner Noble motioned to approve the memorandum as final subject to the amendments discussed at tonight's meeting.

Motion: Noble

Second: Aimone

Roll Call Vote: 7-0

Commissioners further discussed strengthening language related to whether areas of the town are over parked. Town Council will continue to determine procedures for post code create items. An update will be provided to the Commission once complete. Commissioner Chakrapani left at 9:20 pm.

3. [PC24-231](#) Comprehensive Plan Update: Community Engagement and Data Development

Deputy Director Kelly O'Brien presented written comments collected from the Comprehensive Plan Open House event and online survey responses. To date staff and designated commissioners have met with all town boards and commissions. Deputy Director O'Brien asked for a deadline for receiving board and commission draft comments. Further discussion followed determining June 1st as the target deadline for feedback. Chairwoman Plowgian asked staff to provide access to town survey results.

Discussing next steps, the Group 2 subcommittee will meet for work session prior to the regular meeting on May 8th. Chairwoman Plowgian asked that all commissioners come prepared with a list of any staff members that they would like to meet with for the Comprehensive Plan update.

New Business

Commissioner Kenney provided an update on WHBR and its review of a single lot teardown development at 288 Windover Avenue NW. The application review included possible required public improvements. He stated that the residents were adamant for no public improvements in the neighborhood. That opinion has not wavered in the last 15-20 years from prior neighborhood consideration. Due to the historical nature of the area and existing Cedar trees, many of which are situated on private property, the board recommended not to widen the road. They suggested approximately 10-15 ft. of dedication for ROW on either side of Windover Avenue NW with possible stabilization at the edge of road. Specifically, that ROW is meant to contain the original Cedar trees. He stated that if the intent is that the trees are important then there should be a mechanism in place so that staff or the Town are responsible for those trees. Provisions should be in place for a replacement program that allows setting money aside towards escrow rather than for sidewalk. Something that is specifically for Cedar tree canopy replacement.

Secondly, the Board recommended variation for storm water mitigation in lieu of sidewalks. There should be 2-3 ROW profile options: natural landscaping, riprap for stormwater management, none, or a VDOT standard for parts of the neighborhood like Lawyers Road NW. Commissioner Noble advised that had been included for consideration during a prior comprehensive plan review. Specifically, Pedestrian and Bicycle Priority Streets that address the Windover Heights District. There are recent design guidelines put together by other jurisdictions which can be utilized. Further discussion followed. Commissioner Kenney stated that the application ended up receiving approval from Town Council that included widening the ROW along the Windover Avenue NW side of the property. Short Street and Lovers Lane NW will remain as is. Director Levy advised that Windover Heights Historic District

had recently been brought up as part of a priority review discussion with Vienna Town Council, which determined it to be a high priority to be addressed.

Planning Director Comments

Director Levy reported on the following:

- Strategic Plan: Town Council is continuing discussions.*
- Upcoming applications: Staff is preparing a CUP review for a Family Day Home Care application. Additionally, staff is currently collecting data on all approved CUP's those conditions as part of the approvals.*

Approval of the Minutes: None

Meeting Adjournment

The meeting adjourned at 9:58 pm.

Respectfully submitted,

*Jennifer Murphy
Clerk to the Commission*

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.