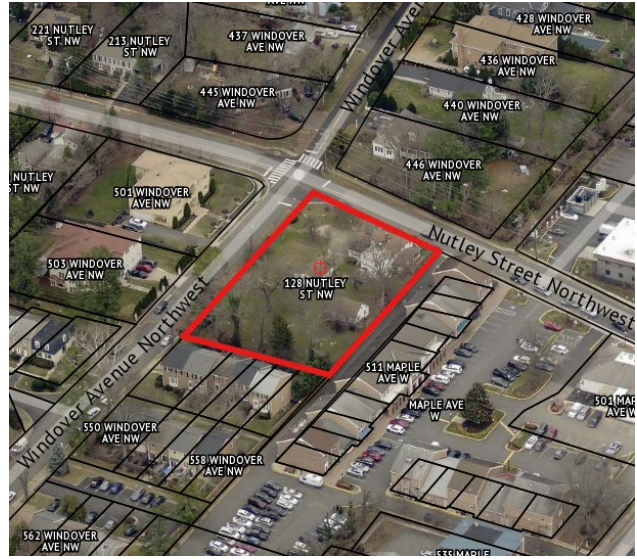




# STAFF REPORT COVER SHEET

April 23, 2025

<b>Addresses:</b>	128 Nutley Street NW (Parcel 0383 02 0104)	<b>Case Number:</b>	PF-1479248-RZ
<b>Public Meeting Date:</b>	4/23/2025	<b>Applicant:</b>	Sekas Homes Ltd.
<b>Board/Commission:</b>	Planning Commission	<b>Owners:</b>	Tyrone O. and June E. Holmes
<b>Existing Zoning:</b>	Residential - Single-Unit, 12,500 sq. ft. Zone (RS-12.5)	<b>Existing Land Use:</b>	Low Density Residential
<b>Brief Summary of Request:</b>	Applicant requests a rezoning of 128 Nutley Street NW, from the Residential - Single-Unit, 12,500 sq. ft. Zone (RS-12.5) to the Residential – Multi-Unit Zone (RMU) for a proposed nine-unit townhouse development. Applicant further requests that the Planning Commission forward a supportive recommendation on these requests to the Town Council.		
<b>Site Improvements:</b>	The applicant proposes to demolish the existing single-family detached residence and accessory buildings and then construct nine townhouse units.		
<b>Size of Property:</b>	29,553 square feet (0.68 acre)		
<b>Public Notice Requirements:</b>	<ul style="list-style-type: none"> <li>• Advertisement of public hearing published in Washington Times on April 9, 2025, and April 16, 2025.</li> <li>• Signs posted along Nutley Street NW and Windover Avenue NW in front of the property on April 11, 2025.</li> <li>• On April 11, 2025, 20 written notices were sent by registered mail to adjacent, abutting, and immediately across-the-street property owners/agents/occupants; and subject property owners/representatives.</li> <li>• Written notice was sent to the Director of Fairfax County's Department of Planning and Redevelopment on April 11, 2025.</li> </ul>		
<b>Brief Analysis</b>			
<b>PROPERTY DESCRIPTION</b> <p>The subject site, 128 Nutley Street NW, includes a 2,624-square-foot two-story house, a 572-square-foot detached garage, and a 500-square-foot shed on a 29,553-square-foot lot. The house was built in approximately 1900 with an addition constructed in 1976. The site is currently zoned Residential – Single-Unit, 12,500 sq. ft. (RS-12.5), which only allows for single-family detached residences as a principal use by right. The site is bounded by commercial uses within The Village Green shopping center to its east and townhouses to its south, both of which are on the same block. Proximate properties across both Nutley Street NW and Windover Avenue NW are single-family detached residences.</p>			

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The 2015 [Comprehensive Plan](#) shows the subject parcel as having a Future Land Use designation of Low Density Residential. The Low Density Residential category is used to designate areas within the Town that are intended for single-unit detached residences. While the proposed use is not envisioned by the Comprehensive Plan for this site, the narrative guidance in the Land Use Chapter supports the use of townhouses in transitional areas—defined as locations between commercial and single-family residential zones. The subject site lies adjacent to commercial uses to the east (Village Green Shopping Center) and existing RMU-zoned townhouses to the south, making it a potentially logical candidate for this type of transitional development. The Plan specifically notes that “townhouses and multi-family housing have historically been used in Town to buffer the commercial and single-family detached residential zones,” and recommends continuing this practice where appropriate.

**COMPATIBILITY WITH THE ZONING ORDINANCE**

While the proposed use is not currently compatible with the zoning designation of RS-12.5, the properties are permitted to be rezoned by Town Council per Article 8 of Chapter 18 of the Town Code, after receiving a recommendation from the Planning Commission. Per Section 18-835, Town Council may approve applications for rezoning, text amendments, and map amendments after receiving a recommendation from the Planning Commission.

Attachments:	01: Staff Report 02: Application and Rezoning Affidavit 03: Conceptual Layout Plan 04: Proffered Conditions 05: Support Letters for Proposed Redevelopment 06: Relevant Code Sections 07: Notification Affidavit 08: Revised Site Plan and Parking Received April 18, 2025
Author:	Lyndsey Clouatre, Principal Planner

### *Introductory Comments & Background*

The subject site, 128 Nutley Street NW, includes a 2,624-square-foot two-story house, a 572-square-foot detached garage, and a 500-square-foot shed on a 29,553-square-foot lot. The house was built in approximately 1900 with an addition constructed in 1976. The site is currently zoned Residential – Single-Unit, 12,500 sq. ft. (RS-12.5), which only allows for single-unit detached residences as a principal use by right. The site abuts commercial uses within the Village Green shopping center to its east and townhouses to its south, both of which are on the same block. The properties across both Nutley Street NW to the north and Windover Avenue NW to the west are single-family detached residences.



Figure 1 – Aerial image of site dated December 2023

Table 1 – Existing Use, Zoning and Future Land Use of subject site and surrounding properties

Location	Existing Land Use	Zoning	Future Land Use
Subject Site	Single-unit Detached Residential	Residential – Single-Unit, 12,500 sq. ft. (RS-12.5)	Low Density Residential
North of site	Single-unit Detached Residential	Residential – Single-Unit, 12,500 sq. ft. (RS-12.5)	Low Density Residential
South of site	Single-unit Attached Residential	Residential – Multi-Unit (RMU)	Moderate Density Residential
East of site	Commercial	Avenue West (AW)	Mixed-Use
West of site	Single-unit Detached Residential	Residential – Single-Unit, 12,500 sq. ft. (RS-12.5)	Low Density Residential

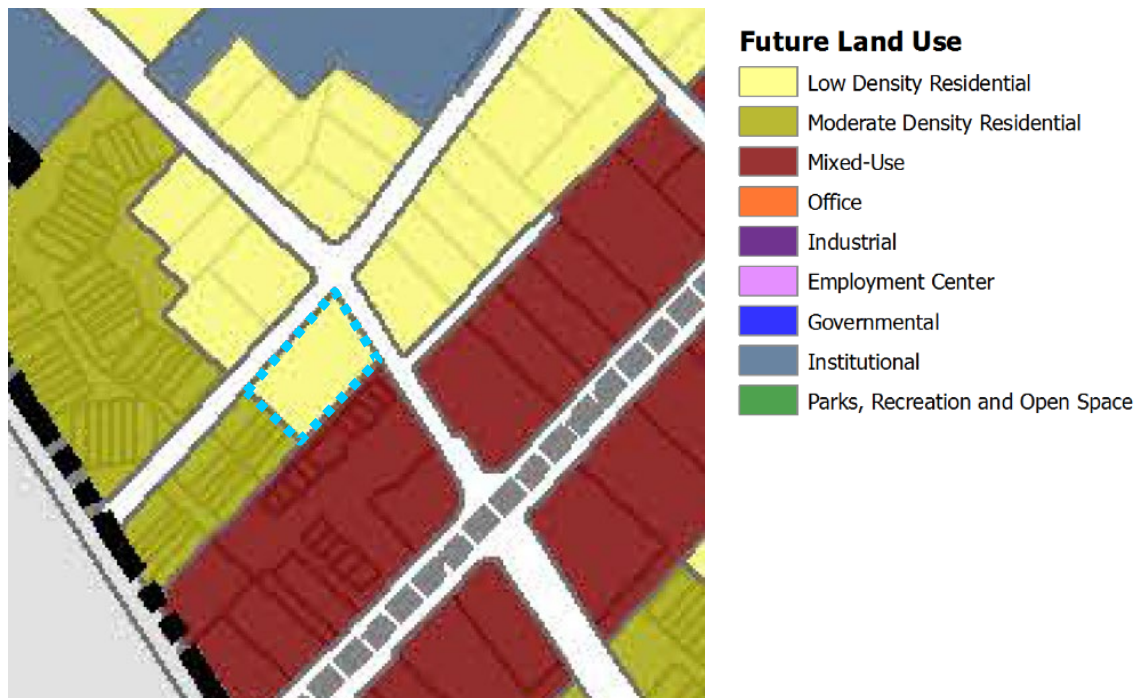


Figure 2 - Future land use plan (page 38 of the Town Comprehensive Plan) with subject parcels shown in blue dashed outline.

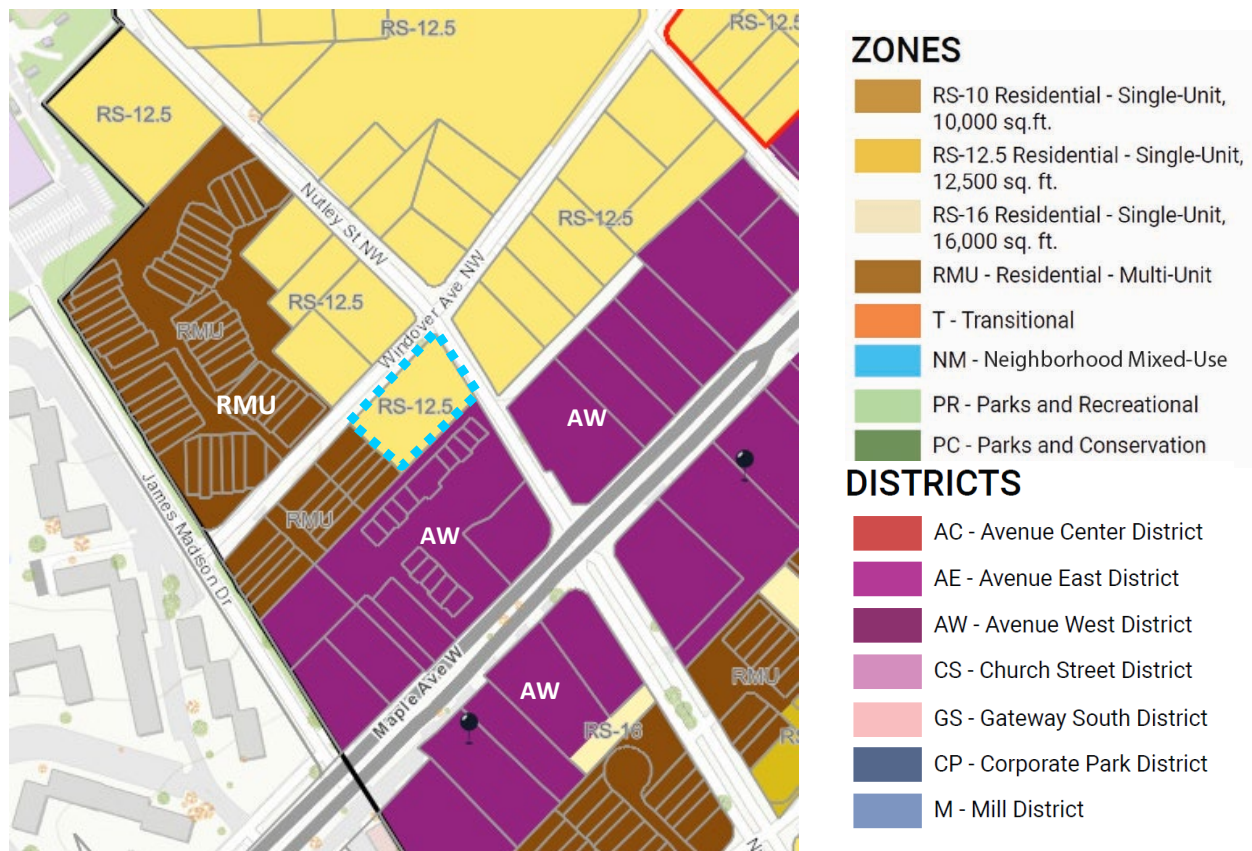


Figure 3 - Current Zoning Map with subject parcels shown in blue dashed outline.

### *Proposal History*

The applicant presented two concepts at a work session with the Planning Commission on July 10, 2024. Both concepts that were presented included 10 townhouse units. Both of those concepts included five townhouses that would front Nutley Street NW. In Concept 1, the other five townhouses would have fronted on Windover Avenue NW. In Concept 2, the other five townhouses ran parallel to the townhouses fronting Nutley Street NW, perpendicular to Windover Avenue NW.

Concept 1 would have required approval of a modification from the required rear-yard setback, while Concept 2 would not have required waivers or modifications from the required setback. Though no formal vote came from the Planning Commission work session, comments from Commissioners included the following:

- Expressed concern that introducing an RMU-zoned property will isolate the remaining four residential homes.
- Expressed concern that Windover Avenue NW and Nutley Street NW is a heavily trafficked intersection, and additional residential units could overburden the street, especially if there is no overflow parking.
- Noted that the Comprehensive Plan's Future Land Use map does not support the project but has language that may support townhouses in this location.
- Recommended limiting loss of buffer area as development moves to greater density.

- Suggested the applicant consider a design that does not leave four isolated, single-family residences across Windover Avenue NW to be purchased for additional townhouse development
- Recommended developing a layout with fewer units

### ***Current Proposal***

The applicant is requesting a zoning map change for the parcel at 128 Nutley Street NW from the Residential - Single-Unit, 12,500 sq. ft. Zone (RS-12.5) to the Residential – Multi-Unit Zone (RMU). If the proposed rezoning is approved, the developer plans to construct a nine-unit townhouse development, including a private alley and walkways.

The proposed height for the units is 34 feet with parapets extending the facades another 22 inches above the highest point of the roofs. Per Section 18-212 of the Town Code, parapet walls may exceed the maximum building height limit by up to nine (9) feet, provided they are part of the principal building and are not used to create additional floor area. The architectural elevations show the parapets as being decorative in nature and approximately 10 inches above the maximum building height of 35 feet, which is well within the permitted height allowance. Final approval of features that extend above the 35-foot height limit will be subject to review and recommendation by the Board of Architectural Review (BAR), with approval by Town Council, as outlined in Section 18-212.1.C.

The proposed development is accessed from a single ingress/egress point on Windover Avenue NW. That access point would lead to a private alley running along the south side of the property parallel to the rear property line, then turn north to run parallel to Windover Avenue NW about halfway through the parcel.

Each unit would have a two-car garage. Three additional visitor parking spaces, including one handicapped parking space, would be provided near the southeast corner of the site. This proposal for parking meets the Town's minimum off-street parking requirement of two spaces per townhouse unit and exceeds the requirement of one visitor space per five dwelling units.

The proposed development includes a 6-foot sidewalk and marked crosswalk improvements at the Windover/Nutley intersection, along with full right-of-way dedication along both frontages. A concept plan is included with this staff report on page 4 of Attachment 03, and elevations can be found on pages 6 and 7 of Attachment 03.

The application also includes proffered conditions for public improvements, including all necessary rights-of-way along Nutley Street NW and Windover Avenue NW to provide for 1) a 60 foot-wide right-of-way, 2) a six-foot-wide public sidewalk from the property entrance on Windover Avenue NW going northbound and then going eastbound on Nutley Street NW to the alley behind the Village Green shopping center, and 3) an ADA-compliant marked pedestrian crosswalk at the intersection of Windover Avenue NW and Nutley Street NW. The full list of proffered conditions can be found in Attachment 04.

### ***Role of the Planning Commission***

The Planning Commission is required to hold a public hearing and make a recommendation to the Town Council on the requested change to the zoning map. That recommendation should include a finding on whether the zoning change would be consistent with the Town of Vienna Comprehensive Plan.

### ***Staff Analysis***

#### **Rezoning**

[Section 18-835](#) of the Town Code outlines the factors the Town Council may consider when reviewing zoning map changes. These include whether and to what extent the proposal is consistent with the goals and policies of the comprehensive plan and other applicable Town-adopted plans and planning documents; whether it fulfills any other appropriate land use or zoning purposes or any other relevant purpose permitted by law; is not in conflict with any provision of the Town's Zoning and Subdivision Ordinance, the Town Code, and the Code of Virginia; and whether it serves the public necessity, convenience, general welfare, or good zoning practice.

The [Comprehensive Plan](#) designates subject parcel as "Low Density Residential" in its Future Land Use Plan (p. 38). Although the proposed rezoning and redevelopment would not be considered low density residential, the plan language found elsewhere encourages using transitional areas between residential and commercial areas for townhouses where appropriate and where established single-family residential neighborhoods will not be destabilized. Given the existence of a townhouse development immediately to the south of the subject property, a rezoning that allows further transitional uses between single-family detached residences and commercial uses could be deemed as appropriate, especially if it is deemed that the existing townhomes have not destabilized the single-family residential community.

#### **Comprehensive Plan**

Staff's assessment is that the Comprehensive Plan has provided a mixed message regarding the proposed rezoning from the Residential - Single-Unit, 12,500 sq. ft. Zone (RS-12.5) to the Residential - Multi-Unit Zone (RMU) to allow for the development of nine townhouses. Though the Future Land Use Map clearly identifies the site as Low Density Residential, there is a significant amount of language that would indicate that a site of this nature could be a candidate for rezoning. The supportive language from the Comprehensive Plan is highlighted below.

#### **Chapter 3: Land Use**

- The Town should assess the long-term prospects for affordable housing in Vienna, and options for meeting Commonwealth of Virginia mandates, if such action is determined to be necessary with regard to affordable housing under Section 15.2-2223 of the Code of Virginia. (p.22)
- There are several alternatives that could provide housing for households with a variety of income levels. They include focusing on multi-family housing in the Maple Avenue Commercial (MAC) zoning district, using transitional areas for townhouses, multi-family housing, and village housing, and incentivizing and encouraging the renovation of existing, older houses. Benefits of a more diverse housing stock include the following:
  - Increased neighborhood stability and increased housing market stability
  - Ability to age in place
  - Ability to attract a more diverse population (p. 22)

- Transitional areas in the Town, in between commercial and single-family detached residential zones, provide opportunities to provide house, such as townhouses, moderate-density multi-family buildings, and village housing...Townhouses and multi-family housing have historically been used in Town to buffer the commercial and single-family detached residential zones. The Town should continue this practice, when appropriate. (p. 23)
- Objective 1 - Maintain the overall balance among residential, commercial, and industrial areas.
  - Implementation Strategy: Where appropriate and necessary, and where established single-family residential neighborhoods will not be destabilized, consider townhouse or multi-family housing options to provide a transition between commercial and industrial properties and single-family neighborhoods. (p. 39)
- Objective 5 - Protect and enhance the Town's natural resources, including natural stormwater drainage patterns, air quality, and other unique environmental features.
  - Implementation strategy: Consider climate change and the environment in making land use decisions. (p. 41)
- Indicator: Increase in number of affordable units, including increases in the number of condominiums and townhouses. (p. 43)

#### Chapter 4: Economic Development

- Objective 2 - Incorporate diversified housing strategies:
  - Implementation Strategy: Include a wide array of housing types and focused density to be balanced with surrounding neighborhoods. (p. 52)

#### Chapter 5: Transportation

- For infill lots, where the adjacent lot has a sidewalk, developers must dedicate and build new sidewalk across their frontage. (p. 75)
- Objective 1 - Improve the pedestrian network throughout the Town by connecting and expanding the existing sidewalk networks. (p. 78)