

PLANNING COMMISSION
July 10, 2024
Regular Meeting Minutes

The Planning Commission met for a regular meeting at 7:51 PM on Wednesday July 10, 2024, in the Vienna Town Hall Council Chambers. Commissioners present were Chairwoman Jessica Plowgian, Matthew Glassman (Via Zoom), Stephen Kenney, David Miller, Keith Aimone, Deepa Chakrapani, and Douglas Noble (Via Zoom). Staff members present were Director of the Department of Planning & Zoning, David Levy, Deputy Director of Planning & Zoning, Kelly O'Brien, Principal Planner, Maggie Costello, Town Engineer, John Sergent, and Clerk to the Commission, Jennifer Murphy.

Roll Call

All members are present with Commissioners Noble and Glassman participating via Zoom.

Communications from Citizens and/or Commissioners: None

Public Hearing: None

Regular Business:

Item No. 1

Request for recommendation for conditional use permit to the Board of Zoning Appeals for specialized instruction, at 450 Maple Ave E, Suite 302, in the Avenue East (AE) zoning district.

Principal Planner, Maggie Costello provided staff's report, stating that the application for conditional use permit is for in-person driving education scheduled to occur seven days a week between the hours of 8:00 a.m. and 8:00 p.m. The office will be used for both online and in-person administration and instructional purposes. In-person instruction will be appointment based and limited to small groups having a maximum of four (4) students at any given time. Actual driving tests will be conducted offsite with one on-site instructor. Maximum onsite capacity is not estimated to exceed five (5) people at any given time.

The proposed use aligns with the Town's Comprehensive Plan and meets required standards for Specialized Instruction as required within the 2024 updated Zoning Ordinance. In addition, the June 2024 issued Commercial Certificate of Occupancy allowing for virtual driving class instruction and office use, has not led to adverse impacts that staff is aware. The Planning Commission may suggest conditions as part of the use permit. The application is scheduled for public hearing review with the Board of Zoning Appeals (BZA) at their July 17, 2024, meeting.

Concluding staff's presentation, Chairwoman Plowgian invited the applicant to testify.

Abdul Mohamed, present representing the application for Coach Issam's Driving school, stated that the business will provide individual appointment instruction. Concluding discussion, a motion was in order.

Commissioner Kenney motioned that a recommendation be made for conditional use permit to the Board of Zoning Appeals for specialized instruction, at 450 Maple Ave E, Suite 302, in the Avenue East (AE) zoning district.

Motion: Kenney

Second: Miller

Carried by roll call vote: 5-0-2

Abstain: Commissioners Glassman & Noble

Following review of Item No. 1, Chairwoman Plowgian motioned that commissioners present allow Commissioners Glassman and Noble to participate and vote on the remaining agenda items per the approved electronic participation policy. Commissioner Miller seconding, the motion carried by roll call vote of 5-0-2 (abstaining: Glassman & Noble).

Item No. 2

Request for recommendation for Conditional Use Permit to the Board of Zoning Appeals for a family day home to accommodate a maximum of twelve (12) children at 305 Jade Court NW, in the RS-12.5, single-family residential zoning district.

Chairman Plowgian announced that any public comments received after the deadline can be viewed as attachment #10 on the online agenda.

Presenting the staff report, Ms. Costello stated that the property is roughly .25 acres and includes a 2,200 square-foot single-family detached home, a rear yard deck, and a fenced-in yard play area with equipment. Designated low density residential, the applicant currently has by-right approval under a home occupancy permit to care for up to four (4) children in the home. The applicant is requesting renewal of a family day home granted in 2021 to care for the maximum allowable of twelve (12) children. The original use was granted with the condition that it expire thirty-six months of issuance in August 2024. The applicant now requests renewal of that conditional use permit (CUP) to care for the maximum twelve (12) children. Staff has found no inconsistency between the proposed use and the Comprehensive Plan. The current driveway can accommodate up to three vehicles and estimates approximately seventeen (17) available parking spaces between the two properties at 304 & 305 Jade Court NW, and the public street. Proposed hours of operation will be from 8:00 am to 5:00 pm, Monday – Friday, with staggered drop-off and pick-up times. Additionally, there are no non-residential employees being proposed as part of the application. Ms. Costello advised that the 90-day directory review ends on July 28th. The application is currently scheduled for public hearing review with the Board of Zoning Appeal (BZA) on July 17, 2024, which falls within the 90-day requirement. Chairman Plowgian invited the applicant forward to testify.

Youssef Ibrahim of 304 Jade Ct NW and Zeinab Salem of 305 Jade Ct NW were present representing the application. Mr. Ibrahim stated that he resides with his father, Hesham Ibrahim, at 304 Jade Court NW. He is present with his mother Zeinab Ibrahim on behalf of the application. Mr. Ibrahim read a statement aloud on behalf of his mother, stating that Mrs. Ibrahim and his younger siblings reside at 305 Jade Ct NW. Although this application is for an increase for 305 Jade Court NW, they utilize both locations depending on available space. Concluding the applicant's testimony, Chairman Plowgian opened the floor for public comment.

Johnathan Russell, residing at 2704 Earls Ct. Vienna supported the application. He and his wife have had very positive experiences at this day care. He understands the concerns expressed about traffic but was skeptical with concerns expressed from neighbors residing on Nutley St. and Knoll St. NW. Many buses and

cars use Jade Ct. NW to turn around vehicles. He urged the Commission to weigh the benefits of this successful daycare, stating that he is thankful for such a conscientious daycare provider who takes care of his children as if they were their own.

Alexis Mallalieu, residing at 2601 East Meredith Dr. Vienna, VA supported the application. Her daughter has attended this daycare for close to two years, which has been an exceptional experience.

Lauren Urban, residing at 2707 Willard Dr. Vienna, Virginia, supported the application. Responding to traffic concerns, she stated that Mrs. Ibrahim is very strict with scheduling pickup and drop-off times. Each parent has a 15-minute window for this task and are asked to text if they will be late. They are reminded repeatedly to be on time. Mrs. Ibrahim is very conscious of the concerns expressed by her neighbors. The neighbor's children also play with the children that attend the daycare. The applicant takes wonderful care of her children. They are lucky to have this valuable resource in the community.

Matt Murray, residing at 905 Potterton Cir., SW, supporting the application agreed with previous comments. He has two children who attend the home daycare, at which they have received incredible care. With respect to traffic, drop offs are well staggered. Additionally, some of the children attending are siblings, which reduces the number of cars traveling in and out. All arrivals are staggered, amounting to 3-4 vehicles per hour for pickups and drop-offs. All of the drivers he has observed are safe drivers.

Elizabeth Murray, residing at 905 Potterton Cir., SW, supports the application. Her two children attend the homecare. As a town resident it is important to foster the right care being available in the community. She appreciated having the option of in-house care available. It would be an extreme burden to lose this type of care.

Liz DeFransisco, residing at 434 Knoll St., NW, spoke against the application. Although she does not live on the court, she considers it to be part of her community. Living directly across the street, her kids grew up playing on Jade Court. She has concerns about the number of cars going in and out of Jade Court. There are also school buses and drivers in training that use Jade Court for a turn around. The original use permit stated that residents were to park in either the garage or driveway. Parents were also meant to drop off their children in the driveway and not in the street. That is not always the case. These may be minor things, but they take away from the kids that rely on Jade Court to be a safe place to play. Those who voiced opposition have done so due to the son and the father.

Penny Oszak, residing at 221 Nutley St. NW spoke against the application. The town is traffic-ridden. Twelve (12) cars in and out of the court is fine, but traffic is also generated by Louise Archer Elementary School, Green Hedges school, and other the family day care locations. All of which have pick-ups and drop-offs. She is speaking due to concerns with traffic congestion. There are only seventeen (17) parking spots on Jade Court. There will be another application by this same family requesting to increase their daycare numbers to twelve (12).

Concluding public comments, Chairman Plowgian stated that there will be another application by the same family at a neighboring property that they anticipate for review. That application is currently on hold. Tonight's focus should be on the application that is before them for review. Further discussion followed.

Commissioner discussion included that the location has a well-established track record, whether to consider both locations, and their comfort level over the number of children between both locations.

Concluding discussions, a motion was in order.

Commissioner Aimone motioned that a recommendation be made for renewal of the Conditional Use Permit to the Board of Zoning Appeals for a family day home to accommodate a maximum of twelve (12) children at 305 Jade Court NW, in the RS-12.5, single-family residential zoning district.

Motion: Aimone

Second: Kenney

Carried by roll call vote: 5-2

Nays: Chakrapani & Miller

Item No. 3

Request for recommendation to the Board of Zoning Appeals for a conditional use permit to allow outdoor dining for over twelve (12) seats at 160 Maple Avenue West, in the AC, Avenue Center zoning district.

Commissioner Kenney announced that he would be recused from the application.

Providing the staff report, Ms. Costello stated that the property is located within the Avenue Central zoning district. The Seray Restaurant currently leases 2,740 square feet of space within the 50,464- square-foot commercial building area at 160 Maple Avenue West. The location of the proposed outdoor seating is in an extended area accessible from the parking lot, on the northwest (front) side of the building, directly accessible off Maple Avenue West. The proposed outdoor seating area is approximately 604 square feet in area.

Noise levels of this outdoor dining facility are anticipated to be much less than the noise levels emanating from the vehicles traveling along Maple Avenue, with seating facing away from, rather than towards neighboring residences. Outdoor seating will be used for individuals seated in groups of 2-6 people. Larger gatherings of people will be held indoors in the main restaurant area. Space will be used for seated patrons only. No outdoor entertainment is proposed.

The application, as proposed, for an outdoor seating area containing eighteen (18) seats, in addition to the proposed 83 indoor seating, at 160 Maple Avenue will not have any adverse effects on the surrounding areas, either to the health and safety of individuals or to the neighboring properties nor will it be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Concluding staff's report, Chairman Plowgian invited the applicant present to provide any comments to the Commission.

Humphrey Mar, Associate with Rounds VanDuzer Architects was present representing the application. Further discussion included current seating and hours of operation at the neighboring Taco Bamba restaurant and required parking space calculation. Staff advised that there is a town code required 4:1 ratio, requiring four (4) seats for each parking space.

There being no further discussion, a motion was in order.

Commissioner Miller motioned that recommendation be made to the Board of Zoning Appeals in support of the conditional use permit to allow outdoor dining with eighteen (18) seats at 160 Maple Avenue West, described as tax map parcel 0384-02-0076.

Motion: Miller

Second: Aimone

Carried by roll call vote: 6-0-1

Abstain: Kenney

Item No. 4

Selection of Planning Commission Member for the Tree Advocacy Committee.

Chairwoman Plowgian stated that Commissioner Noble has expressed interest in serving as a Member of the Tree Commission. There being no further discussion a motion was in order.

Commissioner Kenney motioned that the Planning Commission select Douglas Noble to serve as the Planning Commission member of the Tree Advocacy Committee for a term of two years and that the selected member report back to the Planning Commission on a regular basis regarding activities of the Tree Advocacy Committee.

Motion: Kenney

Second: Miller

Carried by roll call vote: 6-0-1

Abstain: Noble

New Business: None

Director's Report

Director Levy reported on the following:

- New ordinance language for the tree advocacy legislature will take effect on July 29th.
- There are currently no new application submittals for review. Staff is still waiting on resubmission of large projects such as the Library and Green Hedges school.
- Staff will continue to collect board and commission comprehensive plan comments. Additionally, staff will continue to assemble Code Create follow-up items to be brought before the Town Council who will disseminate them to the Planning Commission for recommendation.
- The Department of Planning & Zoning has hired on a second field compliance officer, Miranda Purcell who will start on July 29th.

Minutes: None

The meeting adjourned at 9:13 pm.

Respectfully submitted,

Jennifer Murphy

Clerk to the Commission