

**PLANNING COMMISSION**  
**DRAFT**  
**MINUTES**  
**March 27, 2019**

The Planning Commission met in regular session on Wednesday, March 27, 2019, at 8:00 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia. Michael Gelb, Chairman, presiding and the following members present: David Miller, Mary McCullough, Sarah Couchman, Steve Kenney, Andrew Meren, Sharon Baum, and Walter Basnight. Also, in attendance and representing Town staff were Cindy Petkac, Director of Planning & Zoning, Michael D’Orazio, Deputy Director, Michael Gallagher, Director of Public Works, and Jennifer Murphy, Clerk to the Commission. In addition, Dana Trone of Whitman, Requardt & Associates, LLP consultant for the Town is present.

**ROLL CALL:**

All members are present.

**COMMUNICATIONS FROM CITIZENS AND/OR COMMISSIONERS:**

Commissioner McCullough expressed concern that two options were provided as part of the public hearing for rezoning of 374 - 380 Maple Avenue West, MAC application. She stated that two options could put a strain on Planning Commission’s review and may affect town residents in providing adequate and complete comments on the application. Past applications have consisted of one plan. She asked if the Commission would consider postponing opening the public hearing to prohibit the *time clock* for review from beginning and whether the applicant would consider coming back with one application. One application would allow better consideration and input from town residents, making a better review process.

Reading from Town Code Public Hearing Notification Requirements, Ms. Petkac explained that because the application has already been published they must hold a public hearing no more than 21 days from date of publication. Additional discussion followed.

Commissioner Meren stated that since the commission is an advisory board they are tasked with provide a recommendation. He asked if they could provide recommendation on both options to Council. Chairman Gelb asked staff if the commission could also amend their recommendations as they see fit upon review of both options. Ms. Petkac answered yes. Additional discussion followed.

Chairman Gelb invited the applicant, Dennis Rice to respond to which option they prefer.

Dennis Rice, residing at Glyndon Road NE, stepped forward to speak. Mr. Rice explained that members of Vienna Town Council wanted to see both options put forth because they offered different options. If he had to select an option they would prefer Option 2. It meets all MAC

requirements with the exception of the canopy extension of 3 feet into the front setback. The impervious area is less than 8.5 percent as a result of MAC incentives. Additional discussion followed.

Chairman Gelb stated moving forward they will flip the order of the agenda reviewing the public hearing first. The applicant prefers to put forth both application options. If they find it to be too complicated then they will present Option 2. Chairman Gelb asked commissioners for comment or responses.

Commissioner Meren supports reviewing both options, stating that their role is to recommend. They are not making any final decisions; having two options would be helpful.

Commissioner Basnight noted that since this is the first public hearing they can hear both options. The applicant can provide additional information to Town Council.

Commissioner McCullough appreciated the commission's consideration and thanked the applicant, stating that she had been concerned for potential precedent on for future MAC rezoning applications.

There being no further discussion, Chairman Gelb stated that they would move forward with the public hearing.

**PUBLIC HEARING:**

Recommendation by the Planning Commission to the Town Council on a proposed rezoning for 380 Maple, a mixed-use building with ground floor retail and multi-family residential condominium units, located at 374 to 380 Maple Avenue West, in the C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts (Requested zoning is Maple Avenue Commercial (MAC)) AND Recommendation by the Planning Commission to the Town Council on related requests for modifications of requirements. Application filed Red Investment, LLC & MJW Maple, LLC on behalf of Red Investment LLC, owner.

Deputy Director of Planning & Zoning, Michael D'Orazio presented staff's report stating that the property is currently zoned C-1 (Local Commercial) with a small portion zoned RS-16 (Residential Single Family) along the back of the property. The 3-story office building was constructed in 1970 consisting of close to 24,000 square feet of office space having 70 off-street parking spaces and a 6 foot tall mason wall that boards Glen Avenue SW. The parking area, located at the rear, was permitted as part of a conditional use permit (CUP) for transitional parking. The masonry wall was required as part of the CUP. Mr. D'Orazio presented photos of the site with views from surrounding streets: Maple Avenue West, Wade Hampton Drive SW, Glen Avenue SW, as well as the commercial condos located next door.

Mr. D'Orazio stated that the applicant is proposing a mixed-use building with ground floor commercial retail space and multifamily condominiums on the second, third, and fourth floors. There is a total of 7,500 square feet of proposed retail commercial space along with 40 multifamily condominium units, which are a mix of 2-3 bedroom units.

As previously discussed the applicant is presenting two options. Option 1 includes a modification from requirement for an additional story of parking, which exceeds the 4-story limit of the MAC ordinance. This includes a 9 foot awning fronting Maple Avenue that exceeds the allowable 3 foot awning encroachment. It encroaches an additional 6 feet further than permitted.

Option 2 includes one modification from requirement for an awning encroachment along Maple Avenue, which encroaches an additional 3 feet beyond the allowable encroachment. This option does not have the additional parking story.

Mr. D'Orazio explained that, to compare both options, the buildings heights are slightly different. Option 1 has a 54 foot height limit with an additional 2-5 feet above for parapet. Option 2 has a 48 foot height proposed with a 6 foot parapet, measuring at 54 feet with the parapets. For modification from requirements, they have requested a fifth additional parking story for Option 1. Option 2 proposes 4-stories. Mr. D'Orazio presented a comparison chart for both options.

Chairman Gelb asked for clarification on the Maple Avenue setback. Mr. D'Orazio stated that page 6 of the staff report provides retail space information. Option 2 includes retail space on the ground floor setback 24-26 feet. The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors meet required setbacks. Chairman Gelb asked if creates more room on the sidewalk for pedestrian space. Mr. D'Orazio agreed, stating that there will be columns that meet the 20 foot setback.

Mr. D'Orazio explained that both options do not meet impervious surface requirements but utilize incentives as permitted under the MAC ordinance. He stated that with respect to off-street parking Option 1 provides a total of 153 parking spaces. He noted that there had been a miscalculation in the staff report. There are 153 parking spaces. Both options meet minimum required parking for off-street parking standards. Commercial retail space requires 7,500 square feet for 38 parking spaces. Multi-family units require 80 parking spaces making a total of 118 parking spaces.

Mr. D'Orazio stated that both options meet open space set asides. They are required to have 15 percent of the total site area. Option 1 includes 25.2 percent open space. Option 2 provides 24.5 percent open space. With respect to the TIA report (Traffic Impact Analysis) the applicant's consultant provided trip generation rates. The study looked at conservative numbers, reviewing 8,500 square feet retail commercial area with 42 units. The applicant proposes 7,500 square feet of retail with 40 units. Mr. D'Orazio noted Dana Trone, an engineer with Whitman, Requardt & Associates, LLP, and consultant for the Town is present. They reviewed the TIA report and can

answer any questions. The original TIA report had included significant queuing for traveling from Wade Hampton Drive and turning onto Maple Avenue. The applicant is proposing a right-turn lane. Additionally, to further control traffic traveling into residential neighborhoods located to the south of the site, the applicant is proposes channelizing islands that would prevent users from turning left when exiting the site.

Concluding staff's report Chairman Gelb asked for questions. Hearing none, Chairman Gelb formally opened the public hearing and invited the applicant forward to present.

Dennis Rice residing at 412 Glyndon St NE, representing the application, stepped forward to present. Mr. Rice stated that they are presenting two options to further address remaining concerns with the application. Mr. Rice presented 3D rendering elevations, stating that Option 1 provides 35 additional parking spaces and an additional parking level. The canopy extends into the setback. Impervious calculations will be offset with incentives. Additionally, the top of the roof measures at 54 feet with a maximum canopy that is 6 feet taller, which they are allowed 62.1 feet.

Moving on to Option 2, Mr. Rice presented 3D rendering elevations, stating that the top of the roof measures 48 feet. Including a 4 foot parapet the building measures less than 54 feet. This is permitted per MAC for maximum roof height. The entire parapet will not exceed 54 feet and provides a shortened building. This is in response to comments heard that the building is too tall. There are two garage access points for deliveries; one garage access specifically for recycling and trash. The corner has been stepped back along the rear of the building with every other unit stepped back resulting in each floor being 6 feet lower than shown on Option 1.

The serpentine wall is now shown as a straight wall. Option 2 also allows them to achieve 100 plus percent storm water management. The outer wall has been removed to open up the space it will not provide any noise reduction. In response to comments that the building is too dull, they have tried to brighten the design with revised building colors. The retail building has been pushed back allowing for a wider sidewalk and they have eliminated tree located at the corner to meet town site distance requirements. Additionally, they have reduced the number of units to 39 units with reduced parking.

Chairman Gelb clarified that Option 1 has a wall and Option 2 has no outer wall. He asked if they have heard enough comments to support a wall. Mr. Rice explained that their original intent had been to provide a walled area to allow residents to bring their dogs. It was never intended to be a formal dog park. Originally, it was a knee wall for storm water, which then turned into an iron rail, which then became a full iron rail fence. At which time Public Works staff asked that storm water detention be moved to the building. He stated that past discussions indicate that a wall would prohibit sound but he agreed with Commissioner Kenney's previous comments that a wall will not inhibit sound. He stated that they have also heard discussions that open space is preferred. Chairman Gelb asked if either option of a wall or open space could be provided. Mr. Rice answered yes.

Commissioner Kenney stated that noise concerns were in reference to the garage parking area. He asked if they would consider closing off the back wall. Mr. Rice answered that they have a rendering for a solid masonry wall and hardy plank to soften the look. Commissioner Kenney stated that it could be constructed out of masonry using sound absorption blocks facing the garage. Green growth or vines could still be provided as a backdrop. That would serve for noise abatement and limit view of headlight continuing to offer open space. He asked who would own the retail units. Mr. Rice answered his company. Commissioner Kenney asked if there will be a condo association. Mr. Rice answered yes. Commissioner Kenney asked who would own the retail space. Mr. Rice answered he and his business partner. Commissioner Kenney asked if they will own the retail level on down. Mr. Rice answered yes.

Commissioner Kenney stated that parking garages can either be enclosed or open. If open then they must be 50 percent open; perimeter area and 50 percent. It currently looks more than 50 percent. He stated that closing off the southern side would require adding ventilation. Mr. Rice responded that exhaust ventilation had been an original concern of the neighbors. Keeping it open allowed them to eliminate concerns for exhaust vents. Commissioner Kenney stated that they may still need them. If so, they can be added to the Tysons or eastern side of the structure.

Commissioner Meren asked if both options have a maximum retail space of 7,500 square feet. Mr. Rice answered yes. Commissioner Meren asked if there would be a maximum of 7 tenant spaces. Mr. Rice answered that there would be 5 retail spaces.

Commissioner McCullough asked regarding Option 2, whether they need to push back retail space to retain the 7,500 square feet wall. Mr. Rice explained that when they eliminated the upper ramp it allowed them to reconfigure their interior parking, creating more parking, which allowed them to push back the retail. This created 4-6 feet more sidewalk. Commissioner McCullough asked with respect to the green space and the wall, whether that remains the same amount of space without the wall. Mr. Rice answered that originally it had been 29 feet. It is now 27.8 feet. The wall does not change the dimension of the space. The back measures close to 30 feet. The wall is a fixed point on the property, which would not move. Commissioner McCullough asked to clarify which wall. Mr. Rice responded that the wall located by the sidewalk near Glen Avenue SW would remain the same. The building is moved back 2 feet. Changing the wall from a serpentine to a linear wall allowed them to recapture space. Commissioner McCullough stated as owners of the retail space whether they would also be members of the condominium. Mr. Rice answered yes. Commissioner McCullough asked if everything that applies to the building condominium would apply to the owners of the retail spaces. Mr. Rice answered yes, stating that any restrictions are tied to deed. Commissioner McCullough asked if restrictions would include deliveries. Mr. Rice answered yes, stating that would be tied to condominium documents themselves. Commissioner McCullough asked if the same regulations apply to the residential units. Mr. Rice answered that typically condominiums regulate that a time is reserved for delivery of large goods. Commercial space rules are essentially dictated by Town Code ordinances. They are tied directly with condominium documents.

Commissioner Baum asked where the main entrance to the building will be. Mr. Rice explained that there are two, with the retail accessed from Maple Avenue and the residential entrance accessed from Wade Hampton Drive SW. Commissioner Baum asked for the maximum sized delivery truck that can deliver to the building. Mr. Rice answered a 30 foot truck. Commissioner Baum asked if it will be indicated in the condominium documents that a delivery truck larger than 30 feet is prohibited from delivering to the building. Mr. Rice answered yes. Commissioner Baum asked for the truck's route when exiting the site and traveling back to US Route 66. Mr. Rice stated that drivers would need to obey signs posted allowing right turns onto Wade Hampton Drive SW and left turns onto Maple Avenue, if possible. They can turn right onto Maple Avenue and make a left on to Courthouse Road SW. Commissioner Baum asked if it would be feasible to make a left turn from the building onto Maple Avenue. Mr. Rice answered yes. Commissioner Baum wondered whether it would be possible during all hours of the day. Commissioner Basnight stated that business owners can request what sized trucks they want and when they want them delivered. He stated that delivery companies will deliver in the correct sized truck during the times necessary.

Commissioner McCullough noted that she recently witnessed a semi-tractor trailer delivering on Church Street and asked if the business can refuse a delivery. Commissioner Basnight answered yes, stating that the vendors can or they can chose to do business with someone else. It is up to town codes and the people serving the public. It is not up to persons delivering the product.

Commissioner McCullough asked if both options have the same number of bays. Mr. Rice answered yes.

Commissioner Meren asked staff for a context of parking in relation to other lots being developed. Mr. D'Orazio explained that the town follows town code parking standards of 1 parking space per 200 square feet of retail. Most properties in town are operating at a 1:200 ratio or less because some of the older buildings do not meet current standards. With respect to what type of use generates necessary parking, they have ITE parking generating rates, which indicate utilization rates for parking.

Chairman Gelb stated that undergrounding utilities are not required per the MAC but it is a part of the Town's Comprehensive Plan. He asked for an update on undergrounding utilities. Mr. Rice answered that they are currently in discussion with Dominion Power. Currently, he cannot answer any questions until they can provide underground volt areas and where other utilities will be located. His engineer is currently working on providing that information. They have been working with Dominion for approximately 4-5 months. Chairman Gelb asked if it is still their intention to underground. Mr. Rice answered that it is their intention to work with Dominion to determine the cost. They intend to make a decision. As there are currently issues with the gas line he is unable to answer.

Commissioner Meren asked if the site will be solar ready and whether both options include plans for installing solar panels on the roof. Mr. Rice answered that they are currently speaking with two different companies. Each option includes the same roof size, which creates 160,000 kilowatts per year. Commissioner Meren asked if it is still a goal. Mr. Rice answered that it is their goal to put solar on the building.

Commissioner McCullough asked if Option 1 measured 20-22 feet from curb to retail space. She stated that Option 2 indicates 24-26 feet. Mr. Rice answered yes. Commissioner McCullough asked for a breakdown of the buffer from the sidewalk to open space.

Tom Kylo, Principal architect with Kylo-Pattana Architects stated that the sidewalk will remain 5 feet and 6 feet for the landscape buffer. The gain will go towards the zone 3 area. Commissioner McCullough asked why they would not want the sidewalk to be wider. Mr. Rice answered that it will be the same, as it is defined with differing materials. McCullough noted that an area of concern for her is the outdoor seating area, which appears as though they are giving themselves an extra area for open space. Mr. Rice stated that per the code they can offset the 2 feet.

Chairman Gelb asked if the sidewalk would meet up on Glen Avenue SW. Director of Public Works, Mike Gallagher responded that the sidewalk will end at the property line on Glen Avenue SW. Chairman Gelb asked if it will end mid-block. Mr. Gallagher answered that it will end approximately 50 feet from turn. Additional discussion followed.

Commissioner McCullough asked when evaluating the TIA report whether they evaluate the current activity of the site. Andy Smith, Traffic Engineer with Kimley-Horn explained that they build the traffic study in parts looking at existing conditions, which involves collecting counts at the prescribed intersection. They then build background or future conditions without development. From that they include development and review increased traffic using annual growth rates considering future roadway network growth. They then look at takeaway trips attributed to the existing office building adding trips associated with the proposed development.

Commissioner Meren asked for a visual of the channel island for the record. Mr. Kylo explained that it was included in submittal materials within the civil engineering plan and can be found on sheet 3 of 13. It is shown within the property and not within Wade Hampton Drive SW right-of-way. Commissioner Meren asked if it would be located on private property. Mr. Smith answered yes, stating that it will be within the property and not within the Wade Hampton right of way.

Commissioner McCullough asked if there will be any public parking along Wade Hampton Drive SW once the building is constructed. Mr. Gallagher answered that there will not be parking between the entrances and Maple Avenue. There will be one or two spaces located between the residential entrance and Glen Avenue SW. Chairman Gelb clarified that there will

be parking on the opposite side even though the street is being narrowed. Mr. Gallagher answered yes. Chairman Gelb asked Public Works to review the space to limit safety issues. Mr. Rice noted that the street is very wide and would be reduced down to current town right-of-way regulations. It currently measures close to 40 feet wide at the intersection of Wade Hampton and Maple Avenue West. Parking will remain on the opposite side from their building.

There being no further questions, Chairman Gelb stated that they would begin hearing public comment. He disclosed for the record that he held a meeting with Rebecca and Alex Gallegos, neighbors who reside directly behind the proposed project. He asked that members of the public consider commenting on discussion items. They will be limited to 3 minutes and should restrict any applause.

John Pott, residing at 134 Wade Hampton Drive SW stepped forward to present. Providing a power point presentation, Mr. Pott stated that there is a growing unease by decision makers that there is something deeply flawed with the MAC. The MAC is currently suspended with staff advising that they cannot complete amendments for approval until October. At last Wednesday's joint council/commission work session, Councilman Majdi produced a different approach. Participants have voiced concern over the giant cube like structures that MAC is consistently producing. Developers are taking untoward advantage of MAC's weaknesses. He stated that the current project is a massive shoebox structure that is far too large for its lot size. It offers 40 percent more living space density over the controversial 444 Maple Avenue West application. Having only a 12 foot wide green space at the back of the building it offers negligible compatibility having a 50 foot wall of windows looming over nearby beautiful countryside homes. The garage structure is liable to be an eye-soar in addition traffic and delivery trucks will maneuver in a public street further stressing neighborhood infrastructure. He stated that it defies common sense to proceed further with a project conceived under, which exploits the weaknesses of a knowingly, deeply flawed, ordinance; whether it was filed before the introduction of the moratorium or not. Especially when it has limited civic merit. He stated that they should fix the underlying MAC problems before going one step further on an individual project.

Mr. Pott stated that the developer makes his money from risks having purchased the site in June 2013, nine months prior to any public hearing on MAC and 15 months before its enactment. Having to wait a year from now to present a better design under new MAC is a risk that a speculating businessman has to accept and expect. The applicant should have to come back for review under the new MAC for 30, nice condos designed with adequate green space that thoughtfully transition into the neighborhood and make a healthy profit. Mr. Pott's speaking time being up he read Sharon Pott's statement for the record, stating that she is traveling and could not attend. The letter asked the Commission to question the developer carefully on the effectiveness, maintenance, and sustainability of the green wall. Mr. Pott presented photographic examples of an ineffective green wall, stating that they have been unable to locate a good example in the area. They have been told by other architects that such



walls only do well in the northwest location of the country. They have concerns that their neighborhood is in danger of being landed with an eye soar and unshielded garage noise for at least 5 months of the year. It would be better to close the garage off. There being no further comment Mr. Pott was seated.

Chairman Gelb explained that they are bound by the laws of the Commonwealth of Virginia, which sets the schedule for review of an application. The application was filed while MAC zoning was still in operation. As such they are bound to consider the application per state regulation in the time table as set by the Commonwealth. They do not have the option to not review the application at their disposal.

Edna Trimm, residing at 608 Tazewell Rd NW stated that she is almost 77 years old. She moved to town six years ago to be near her grandchildren. She regularly crosses Maple Avenue by car to visit her grandchildren many times during the week. Traffic is the number one problem that she has encountered since moving to the area. The proposed application will make matters for traffic much worse for anyone needing to cross Maple Avenue, stating that the building is too large. She has not heard that the number of condominiums would be reduced or how traffic would be reduced. The traffic engineer had originally indicated seven cars would line up to get onto Maple Avenue. The second report indicated 6 cars. She stated that there will be a lot of traffic.

Ms. Trimm stated that they originally heard discussions on undergrounding utilities. There has been no further indication on efforts to cooperate and pay for undergrounding utilities. She predicted that they are waiting until construction begins and will utilize funds from other MAC projects to underground utilities. She has additional concern regarding trash collection and front end loading along Wade Hampton Road SW. There being no further comment, Ms. Trimm was seated.

Julie Spapperi-Morton, residing at 612 Center Street North is speaking in support of the project. It is the type of development that is needed in the community. She does not want to see another strip mall development. She would like to see more housing options for one floor living for those opting to downsize and remain in the area. This project is a good option and looks nice. It is the type of development that she would like to see in town. There being no further comment, Ms. Spapperi-Morton was seated.

Estelle Belisle, residing at 200 Ceret Court SW thanked the commission for their time, stating that the public hearings are important because the applicant did not meet with citizens to hear their views on the application before it was submitted. Although he has stated that he heard earlier concerns they were regarding the 444 Maple Avenue West, project.

Ms. Belisle stated that she will focus on three main issues. The first is the 6 foot masonry wall situated along Glen Avenue SW. They have told the applicant that they want the wall. The Board of Architectural Review (BAR) included it in their motion of recommendation to Town

Council. She was disappointed to see the wall removed from Option 2. Secondly, they want the glassed in space to be walled in for concern for light pollution. She worried that it would light up Wade Hampton Road, SW. Thirdly, she asked that they consider moving the east facing terrace to the back. It would serve to further break up the building façade facing single-family dwellings. To this the applicant has refused, claiming that the units must face east to gain natural light. Referencing June 12, 2017 Town Council work session minutes, she stated that the project's architect, Tom Kylo had stated that the units faced east in order to maximize the number of allowable condos. Her home also faces easterly but does not receive much light. It is difficult to accept that they wanted more light. She believed that they want more units, noting that the applicant has not given up much square footage in their changes. The apartments are simply larger. She is hopeful that concession can be made as was the case with 444 Maple Avenue West, making it a better building for everyone. There being no further comment Ms. Belisle was seated.

Valerie Wrobel, residing at 404 Johnson Street SW thanked the Commission for giving her time to speak. Her street is located about a block off of Glen Avenue SW so that the project would be situated within walking distance of her home. She feels that they are being presented with the same issue of an oversized structure with limited green space, limited parking, and the potential of infringing upon the neighborhood. Some aspects of the project are appealing but the overall size is challenging. She also is trying to understand why not all aspects of the use cannot be managed within the property itself. The concept of parking, trucks and garbage turn radius is inconceivable in terms of practicality of approach. There being no further comment, Ms. Wrobel was seated.

Kent Morton residing at 612 Center Street South is a 15 year resident of the Town. He has witnessed many changes, particularly in residential areas. He works in infrastructure development. He has followed the process of the application and being a resident of the town he feels the project is a good development. When looking for a single floor unit for his mother they ended up in Reston because he could not find a location in town. The development meets and exceeds town code regulations. The building looks good and serves a purpose. He looks forward to additional retail as well as additional parking. As it meets town code he looks forward to it being approved. There being no further comment Mr. Morton was seated.

Antoinette Potter, residing at 400 Roland Street SW disagreed with the applicant's comments on the loading dock, stating that it is unrealistic to think they can limit the loading dock to 30 foot trucks for large moving trucks and restaurant deliveries. It is not realistic to expect to dictate when a large distributor delivers to a business. This is evident on Church Street when businesses receive deliveries. To date, she has heard the developer reference a goal to work with solar and a goal to underground utilities. There are currently no concrete answers.

Ms. Potter stated that lastly, with respect to the design of the rear of building, that the building has a mix of so many differing styles she heard it referred to as a cartoon building. She agreed,

stating that she would appreciate a different look on the back of the building. There being no further comments, Ms. Potter was seated.

Stephen Potter, residing at 400 Roland Street SW asked that the commission reflect as to how the project compares to principals established under the Town's Comprehensive Plan. Page 2 of the staff report, Compatibility with the Comprehensive Plan, suggests that the proposal will help to further expand a mix of housing types. While it may be true he asked if it is the type of mix envisioned when preparing the plan. He asked where there is a mention of a public plaza, green roof, affordable housing choices, 4-story limits as the rule, bicycle paths or lanes, open space, Leed Certification. The Comprehensive Plan's conclusion reads; "*...that it is no longer reasonable to consider routes around Maple Avenue that will pass through established residential neighborhoods...*"

Mr. Potter stated that the original concept of a public plaza has morphed into a brick or cement gathering space tucked under an overhang; parts of which will require payment to enjoy. Green space intended for public enjoyment and ambiance is minimal and has been reduced to a private dog walking path in the rear of the building. Significant environmental measures like green roofs and Leed Certification have gone to the wayside replaced with lessor meaningful items like plug-ins for possible, future solar panels. Bike racks get incentives but there is no room for bike lanes along Maple Avenue. The building is still too close to the street.

Mr. Potter warned that they are encountering a slippery slope. It is a new twist proposing to use a public street for direct access loading and trash areas rather than via the developer's property. He feels that the Comprehensive Plan is slowly unraveling and asked that the commission ensure that MAC regulations remain compatible with the Comprehensive Plan's intent. Zoning regulation should be in sync with Comprehensive Plan. He asked that his comments be considered in their decision making. Do not let redevelopment become over development. There being no further comment, Mr. Potter was seated.

Francis Biros, residing at 200 Ceret Ct SW would like to comment on three issues; the uniqueness of Wade Hampton Drive and its abutting streets, safety concerns, and traffic challenges. First, it is important to recognize that Wade Hampton, unlike all other streets intersecting Maple Avenue along the MAC zone is not a thru street. It connects with Roland and Glen Avenue SW, via a sharp, blind 90 degree turns. There is another 90 degree turn beyond the subject property. There are two No Trucks signs, a Go Slow sign and a posted 15 mile an hour speed limit. These neighborhood streets are popular with pedestrians and school bus routes at least four times a day. Further, there are no sidewalks along residential portions of Wade Hampton or Glen Avenue SW. Secondly; these streets are favored routs for cut-through traffic from Nutley and Maple Avenue West. The likelihood of cut-through traffic will become more common increasing during and after construction of 444 Maple Avenue. This combined with the 380 development will result in a nightmare scenario for their residents. He feared it would create conditions threatening safety of anyone venturing out on to these streets. Thirdly, he feels the updated traffic study underestimates the impact development will have on traffic

flow on to Wade Hampton. Town Code servicing the proposed site will have to approach and exit the property via Maple Avenue having to maneuver into Wade Hampton right-of-way. It will be further exacerbated by increase traffic from residents, patrons of 40 condominiums and 5 businesses entering and existing parking garages and cut-through traffic.

Mr. Biros stated adding a northbound left lane onto Wade Hampton Drive SW may be helpful but currently turning right at that intersection is challenging. Turning left or crossing Maple is difficult if not hazardous. He feels that the four car queue outlined in the traffic study is highly optimistic. He asked for public safety reasons given the unique configuration of their streets for a decision made in conjunction with any potential approval of 380 Maple Avenue. He stated that they should close off Wade Hampton Drive SW at the intersection of Glen Avenue SW. It is the only way to alleviate the deleterious impact of two major MAC development and future projected projects. He requests a more realistic assessment be made of traffic congestion on Wade Hampton Drive SW. There being no further comment, Mr. Biros was seated.

Barbara McCloed, residing at 204 Glen Avenue SW hopes that the commission is considering what is in the best interest for them all. It is a town and not a city. She referenced language from the Post article that the Town is; *"a refuge nestled in the bustle of Tysons..."*. That is what they want to retain. They have been waiting a long time for streetscape to come to the west side of town. They do not want large corridors like City of Falls Church. Although they are happy to get rid of the motel and want an attractive walkable area they don't want tall, imposing buildings. It is the height of these projects that makes it so unappealing. She feels sorry for the neighbor immediately affected by the project and their loss of privacy in their back yard. She worries for the kids who ride past her house on their bikes, the families who walk, and the Madison students that travel that rout to school. She has concerns for the prospect of noise and lack of green space, stating that the answer is not a green wall as proposed in the project. She would like to see the portion of the building overlooking residential homes lowered, include the masonry wall for privacy, close off Glen Avenue or make it a No-Thru street. She liked the idea of removable bollards for emergency vehicles. She supports trees, grass, and enclosing the garage to eliminate noise and lights. She asked whether the proposal meets the Town's vision for what they want. She asked that they make the new MAC air-tight so that developers cannot find loopholes. Ms. Clod was seated.

Mike Ahrens, residing at 207 Glen Avenue SW provided a slide presentation, stating preference for Option 2 but with further reductions. He stated that the building is too high and asked that it be further reduced. They should burry the height of the floors around the building and enclose the garage along Glen Avenue to remediate noise concerns and plant evergreen trees. He understands a living wall to be very complicated and would prefer evergreen plants and trees planted. He stated that the discussed sidewalk along Glen Avenue SW is a sidewalk to nowhere. It will not solve safety or cut through traffic issues. They should extend the sidewalk or don't bother. For safety concerns he asked that they please close Wade Hampton Drive and to build a privacy and noise attenuating wall along Glen Avenue SW. He presented a photo of the street reiterating concerns for trucks turning around effecting safety and to please close Glen

Avenue. The developer has said that they do not need access. Signs can be posted with bollards and planter boxes installed in its place. With respect to the building's design he stated that they should not follow the rest of northern Virginia in their design and development. The project does not provide a pedestrian zone for the town. Mr. Ahrens was seated.

Alex Gallegos, residing at 130 Wade Hampton Drive SW thanked the town for their time in visiting their property. He appreciated their compassion, professionalism, and authenticity. He has learned a great deal in his 26 years of military service such as the importance of deliberate planning, to never make a significant decision out of haste, to ensure that your conscience and principals guide your decisions. He appreciates the commission's efforts in retaining their small town character ensuring that revitalization does not negatively impact those attributes which make the Town a great place to live, work, and play. It is their small town character that separates their wonderful town from overly developed, traffic congested, heavily populated neighboring cities.

Mr. Gallegos stated that compatibility is important given the project's close proximity to adjacent single-family neighborhoods unique to the development. This development will establish a precedent for all of the Town's single-family neighborhoods forever altering the landscape and character of their small town. It is important to get the decision right. They have been consistent in their comments for compatibility, safety, density, and nuisance. Density for development, proximity to adjacent neighborhoods, and complex series of short, narrow roads, 90 degree turns provide ample reason for taking a measured approach for consideration of traffic, safety, noise, light, smell, design, transitions, and request for variance, which solely intends to benefit the applicant and attract business proposed development. The project exceeds four stories, exceeds impervious surface area pushing the building back, further encroaching upon the privacy and vitality of adjacent neighborhoods.

Mr. Gallegos stated that the elimination of the brick wall provides little transition and the absence of architectural elements like gables and colors, compatible with the surrounding neighborhood. It takes away from and does not add to the rich history of the Town. He does not oppose revitalization but the development of a five story building comprised of three levels of residential and single level commercial space, under the guise of commercial revitalization, is a ruse. The rendering provided to Town Council is very telling of potential impacts upon their neighborhood and long-term impacts upon the character of the Town. He asked that they review the development threw their lens and to not make a decision out of haste. He asked the commission if they would want the project in their back yard. If no, then they should let their conscience guide their recommendation to Town Council. Mr. Gallegos was seated.

Rebecca Eggers, residing at 130 Wade Hampton Drive SW thanked the commission for the opportunity to speak. Her number one item of concern for her family is the size of building. Although she fully supports MAC development; the town has an obligation to ensure that development is not detrimental to or at the expense of surrounding neighborhoods. Referencing a photo of the proposed development in relation to her property, she stated that it clearly shows

the building towering over her house with little to block the view from the wall of windows. Even with upper level setbacks the wall of windows is not broken up. That is the main reason she is extremely opposed in approving modification for a fifth floor for parking. The additional level of parking has been suggested as a benefit to the neighborhood but it is not the only option. If overflow of cars is a concern then they should remove enough residential units from the plan to accommodate all cars in the garage and not disrupt the surrounding neighborhood.

Ms. Eggers stated that that they have also suggested turning the terrace to face Glen Avenue SW. to break up the wall of windows, decreasing the number of units oriented in their direction. With respect to Option 2, she noted that the entire rear is changed with the removal of gables creating a large blocky appearance. As mentioned earlier, setbacks do not do much to break up the size of the building. They would prefer the gables remain since they are in line with surrounding neighborhood rooftops. She requested that the proposed red material be changed, stating that there is no red anywhere in the community. Additionally, Option 2 provides more space along Maple Avenue but at the expense of the surrounding neighborhood. The entire building was moved closer to their house with the masonry wall simultaneously removed. The wall had been the only true barrier between the building and their house. She asked that the wall be restored as was recommended by the BAR.

She supports updating the building currently on site, and asked that they consider how the new building will affect the surrounding neighborhood. She asked the Commission to not allow variances to create an even larger building. Development should complement existing single family neighborhoods and not at the expense of them.

Commissioner Kenney asked Ms. Eggers if she supported enclosing the garage level at the rear of the lot. Ms. Eggers answered that if the developer enclosed the parking garage then she would fine without the masonry wall. Ms. Eggers was seated.

Christopher Hogan, residing at 226 Glen Avenue SW prefers Option 2 and supports enclosing the garage to limit noise issues. He hoped to see large evergreens planted and suggested that the town plant evergreens in town right-of-way across the street to assist with screening. An evergreen screen could potentially interfere with the green wall, which is another reason to enclose the garage. With respect to sidewalks, he thought it would be extremely expensive to install sidewalk along Glen Avenue SW due to extensive swales. In reference to the hundred day rule, Mr. Hogan stated that he reviewed Commonwealth statutes and found that the Town Council does not face a hundred day rule. Every other municipality that he has researched allows their council a full year for review. He asked to see the language that stipulates the hundred day restriction for reviewing a rezoning. Mr. Hogan was seated.

Chairman Gelb stated that they have been consistently advised by their Town Attorney of the hundred day rule.

Nancy Logan residing at 410 Millwood Court SW thanked the Commission for their work, stating that she looked up Planning Commission requirements, which is a qualified body that acts on measures effecting present and future movement of traffic, segregation of business districts and convenients, and safety of persons and property within the jurisdiction. She stated that they are in the Commission's hands. She appreciates all of the comments heard tonight, stating that they should be careful with applications for rezoning. They could allow for variances within zoning having a negative effect. The subject property has an RS-16 section of residential zone that is being rezoned to MAC. It could have negative implications. She questioned whether any RS-16 zone could be rezoned. With respect to the project there is a lot of street parking along Millwood Court SW. She asked if the developer is purchasing Wade Hampton Drive SW. it appears so because the developer is removing street parking. She supports a reduction in the size of the project as it would meet MAC guidelines and fit within the residential community.

Chairman Gelb asked Ms. Logan to clarify her position in not supporting additional parking but has concerns with parking increases along her street. Ms. Logan stated that there are currently 50 parking spaces on the lot that are empty but their staff will still park along Millwood Court. It is similar with the dental office staff. She stated adding another floor is not the answer. There is not enough parking in key areas of town where businesses are located. As a planning board they need to keep these issues in mind. These project affect each other and their community as a whole. Ms. Logan was seated.

David Patariu residing at 205 Niblick Drive SE wanted address the traffic study and a potential conflict of interest, stating that it prejudices the applicant and the residents of the Town. He stated that currently members of Kimley-Horn engineering firm are at the table with the applicant. He presented Exhibit A) 444 Maple Avenue multimodal transportation study provided by Kimley-Horn. Exhibit B) is the TIA (Transportation Impact Assessment) study for the 380 Maple Avenue West project also prepared by David Samba with Kimley-Horn. It was David Samba who prepared both studies. Exhibit C) is a press release issued by the Town announcing that Kimley-Horn will provide the MAC transportation study for the Maple Avenue Corridor.

Reading aloud for the record, Mr. Patariu stated; "...that they are taking a step back to take a careful look at transportation mobility needs of the Maple Avenue Corridor says Kimley-Horn project manager, David Samba...". Mr. Patariu presented the Code of Ethics for Professional Engineers, stating that Subpart IV reads; "...that engineers shall act for each employer or client as faithful agents or trustees. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence judgment or quality of services. Furthermore, engineers shall not disclose without consent confidential information concerning business affairs or technical processes of any present or former client or employer or public body on which they serve..." Exhibit D) is the code regulation for Virginia for Professional Engineers; "...VA Code §18VAC10-20-710. Conflicts of Interest, subsection A indicates that the regulant shall not except compensation, financial or otherwise, for more than one party for

*services, on or pertaining to the same project unless the circumstances are fully disclosed and agreed to in writing by all interested parties..."*

Mr. Patariu stated that to his knowledge there has not been a disclosure or discussion of a waiver. There has not been a discussion of how Kimley-Horn could represent the applicant in this context while representing the residents on the Maple Avenue Corridor Study. In light of his comments he is asking the Commission to deny the request. Mr. Patariu was seated.

Chairman Gelb asked for applicant response. Mr. Rice explained that when they first hired their engineering firm they met with David Samba who was not connected with the Town at the time. After they completed their study he was informed that the Town and his firm had entered into an agreement to which Mr. Samba could no longer participate on their project. They could have another engineer from the firm to provide assistance but Mr. Samba could no longer communicate with Mr. Rice or his partner. Andrew Smith, assigned to the traffic study, agreed with Mr. Rice's comments stating that he signed the updated traffic study. Chairman Gelb thanked them for their comments.

Nisha Patel, residing at 512 Nelson Drive NE stated that it is important to listen to the citizens as they have clearly spoken. She asked when the town drafted the Maple Avenue Corridor, MAC, zone what they had in mind. She asked if they anticipated sidewalks to nowhere, citizens speaking out against projects, decreased green space, who performs the traffic study, decreasing parking restrictions on public streets and parking widths, or building heights. She stated that the MAC appears to have started with great intentions. She would like to see it continue, stating that burying power lines and solar panels are great ideas. She would love to see a commitment to that.

Addressing the applicant, Ms. Patel asked that if they would be willing to decrease residential units. They may ultimately save money on decreased parking requirements, which is something to consider. If they are creating buildings that will create additional traffic along Maple Avenue, decreasing pedestrian walkability and bikers' ability to bicycle down the street she wondered who will want to come to town in twenty years. Currently, it is because it is a great small town. That should be preserved. She asked the Commission to consider why they have to choose between a wall or green space and why not both. She asked whether they can keep the MAC community zoning friendly. Ms. Patel was seated.

John Runyon residing at 315 Courthouse Rd SW stepped forward to speak. Mr. Runyon asked why new buildings should provide more congestion and a windfall for developers. This has not been the way of the town, which they have inherited and why they live there now. Mr. Runyon was seated.

Robert McCahill residing at 420 Center Street North stated that the presentation indicated pervious surfaces calculated at 87 percent. He asked for the incentives that would allow such a high allowance. Any incentives should be ironclad and doable. Reading aloud from the US



Geological Survey, he stated that increased runoff from impervious surfaces causes dangerous floods, severe erosion, damage to town stream channels and diminished recharge of ground water and degraded habitat for their fisheries. He noted that Town is beginning a stream restoration project at Piney Branch to remediate current issues. He suggested consideration for the allowance of pervious pavement. It is designed to allow percolation or infiltration of stormwater through the surface into the soil below where water is naturally filtered and pollutants are removed lessening the energy of stormwater traveling through streams, degrading their streams. Mr. McCahill was seated.

Laura Bligh residing at 226 Glen Avenue SW asked if it is correct that the TIA report projects 9 cars leaving the subject property on weekday mornings. She stated that seemed implausible and questioned the rest of their numbers. Transportation Engineer, Andrew Smith responded that when they project trips generated by a site it is important to understand that a 40 unit condo is not going to send 40 cars onto the street at the exact same time. They are spread out because people travel at different times, creating a spread. Their data is based upon industry standard data compiled from the number of trips generated by a certain land use types. He asked the WRA consultant to comment whether it is an industry standard generated by a certain land use type.

Dana Trone, PE with Whitman, Requardt & Associates, LLP, and engineering consultant for the Town agreed. She stated that trip generation rates were calculated for 42 dwelling units for one hour and not the entire morning period. Ms. Bligh disagreed, stating disbelief that there would be only 9 cars leaving during morning rush hour. Ms. Trone stated that the data is for one peak hour of travel during morning rush hour. The study analysis is for one hour, the hour anticipated to be the most heavily traveled hour. Ms. Bligh was Seated.

Julie Hays, residing at 304 Branch Road SE thanked the Commission and town staff for their time, stating that a 5 foot sidewalk seemed insufficient for Maple Avenue. A sidewalk is an unobstructed pathway for people walking and should not include where people would be sitting. It should be a minimum of 8-10 feet. She asked how large Zone 1 is measured from the curb to the sidewalk. Mr. Smith answered that the landscape strip is 6 feet. Ms. Hays asked that they increase sidewalk space to accommodate families and persons with disabilities enough space to travel. She also had not seen any power lines shown on the renderings. She asked that it be included or noted if they were buried. It should be accurately reflected on the rendering. With respect to colors and aesthetics, she noted that condominium will be there for a very long time, stating that it is important to get the colors right.

Ms. Hays stated support for any opportunities to extend curb and gutter closing any remaining gaps. Although it would increase costs it would be great to extend the sidewalks out and suggested that they could utilize grants for funding. She has further concern for the types of trees planted along Maple Avenue. She hoped to see large growth Maple and Elm trees that would provide a large canopy over Maple Avenue. It will help in creating the small town feel

that they hope to create. She asked that they also consider pet waste facilities and opening the back space up to the public. Ms. Hays was seated.

Joseph Daly, residing at 412 Roland Street SW expressed concern that the project will further congest traffic for their streets. He noted that a dog was killed a couple of years back by a car cutting through the neighborhood trying to beat the traffic light. Mr. Daly was seated.

Aldis Lusic, residing at 446 Windover Avenue NW does not often travel through their neighborhood unless serving on neighborhood watch. The neighborhood currently has a quiet character, which he sympathizes with their concerns. He does not consider Option 1 to be an option. He would appreciate it for the neighbors if the garage could be enclosed with significantly improved screening. Mr. Lusic was seated.

Nancy Asman, residing at 208 Courthouse Circle SW as traffic concerns, stating that the church near her home is planning to add a school. This will further increase traffic onto Courthouse Road SW, which she currently cannot cross her street. She has lived at her residence for 32 years and she cannot get across her street because of the tremendous increases in traffic. Ms. Asman was seated.

Chuck Anderson, residing at 125 Pleasant Street NW stated that as a former town Planning Commissioner he wanted to comment on the larger issues of the project. The Commission is bound to consider the application because it was submitted under current code regulation. That the regulation could have been established differently but Town Council decided to allow a two week period to enact the moratorium. Chairman Gelb responded that it was a legal requirement that the moratorium could not go into effect until ten days after Council voted on it.

Mr. Anderson stated that while they are bound to consider they are not bound to favorably recommend the application. It is not a by-right use and does not mean that it meets the intents and purposes of the code provision. When serving on the Commission they considered way in identifying a town center for a small town. What happens to the MAC will depend largely on what happens during the Town's election in May. If there is a change then they will be left with some orphan buildings, the Chick-fil-A, the 444 Maple Avenue project, and 380 Maple Avenue project. These projects are not located in the center of town and are all located at one end. It will change the character of the town significantly. From a long term planning standpoint this is very undesirable. It is for this reason alone that he would be hesitant to pass any 54, plus foot projects at this time.

Mr. Anderson stated that originally, during MAC considerations they considered increasing density. At the time they did not consider the potential for so much residential. They now have a zone that is primarily residential having no good residential building standards. As a result buildings can be situated 16 feet apart for residential use. High density buildings should not be that close. They need to look at residential aspects of MAC to ensure that they meet good

residential standards, stating that they are developing the tenements of tomorrow. He feared that these project will become future undesirable places to live. Mr. Anderson was seated.

There being no further public comment Chairman Gelb noted that the public hearing will remain open and called for a 5 minute break.

The meeting reconvened at 10:47 pm.

Commissioner Meren asked town staff for response to comments regarding pervious sidewalk material on Glen Avenue SW. Mr. Gallagher responded that staff can discuss it internally; stating that concrete is currently the industry standard material for right-of-way. It would mean using a material that is beyond town standards although they have used a rubber impervious material in short sections to reduce impacts to tree roots. Mr. Gallagher would have to review costs recalling it being significantly higher in cost, which is why they focus it in small areas. Commissioner Meren stated that it would be helpful to provide options. It may be something they want to consider looking into.

Commissioner Couchman stated that pervious paving is expensive and requires additional maintenance. Concrete is a much lower maintenance option. There are applications for pervious paving that would be reasonable but a sidewalk would not be the best solution for this material. Sediment gets into the cavities especially during the winter when trucks are putting salt and sand down.

Commissioner McCullough wanted to address public comments made regarding rezoning an RS-16, residentially zoned section of property and whether it could jeopardize other areas in town. She asked staff to respond and confirm that a property can be rezoned to MAC if it is contained within the boundary as shown in the image of Town Code §18-95.2. Ms. Petkac agreed. Commissioner McCullough stated that because something is zoned RS-16 does not make it eligible for a MAC rezoning unless it is within the marked boundary. Ms. Petkac answered yes.

Commissioner McCullough stated in reference to comments heard about a dog park that they should stop referring to it as a dog park. It is a common area for the public at large or residents of the building. She asked about concerns heard regarding possible light emission from the stairwell and whether there would be further requirements. Mr. D'Orazio explained that the applicant would be required to provide a conceptual photometric plan with the concept plan. Dependent upon the type of development there is a limit to the maximum illumination level allowed for nearby properties. As an example, at the property line of a residential building there is a maximum level at the lot line for a .5 foot candle. A conceptual plan and final photometric plan would be required as part of their site plan to ensue compliance with code regulations.

Commissioner Kenney is not convinced light will be an issue, stating that there are products available to limit such issues. He stated that the windows can be faced towards Maple Avenue, which would capture northern light gaining more natural light. Mr. Rice agreed, stating that could be done and that it was a good solution.

Commissioner McCullough asked the applicant for the largest amount of units considered for the project. Mr. Rice answered 56 units. Commissioner McCullough stated that Option 1 called for 40 units and Option 2 called for 39 units. Mr. Rice agreed, stating in response to comments that they did not consult with neighbors until they had a plan, that they held several meetings and discussions with the former director of Planning & Zoning to determine what would be acceptable under the MAC. It is expensive to hire architects to create preliminary drawings to get rejected by staff. Originally they considered 48 units spread over floors 2, 3, and 4 with mezzanine units, which were allowed per the MAC for residential. It was also under the 50 percent restriction adding 3,500 square feet to building. There were 8 units on the 4<sup>th</sup> floor creating 4-5,000 square feet on the first floor with two levels of underground parking. At the time there was strong neighborhood concern for the water table at the 444 Maple Avenue project. As a result they spent a lot of time and money determining the water table and whether they were getting too close. This led to eliminating one level of parking, reducing the number of units. Additionally, he heard comments from the 444 Maple Avenue project that they preferred street parking. It was then that they decided to add in additional parking in hopes of reducing complaints. The wall was then added and later removed. He stated that they are willing to include or remove the wall dependent upon what the neighbors want.

Mr. Rice stated that with respect to Wade Hampton, that would be for Town Council to decide. He explained that he has suggested to the neighbors submitting a petition. It has been close to three years now and no one has submitted a petition formally requesting that Wade Hampton be closed. Additional discussion followed.

Commissioner McCullough asked if enclosing the garage will require a ventilation system that could be noisy. Mr. Rice stated that per previous discussion they would enclose the rear wall only with sound tight block. That may still require an exhaust fan but it could be directed towards the Tysons side of the property. It wouldn't be determined until final design. Commissioner Kenney typically sees them in corners of parking garage. It would also be necessary in the basement but those requirements would be worked out per building code criteria.

Commissioner McCullough asked to see by-right development options when the applicant comes back for their review. Mr. Rice will speak with zoning.

Commissioner Meren asked to see a scaled view that includes the rear-yard neighbor's house. Mr. Kylo provided a scale view that included a shed from the property. Additional discussion followed with Commissioner Meren asking the applicant to confirm their scaled information.

Commissioner McCullough stated that it appears that the utility line ends at Wade Hampton Drive SW. Mr. Rice stated that it ends at the corner close to Wade Hampton and Glen Avenue SW. Commissioner McCullough asked if there are plans for the utility line. Mr. Rice answered that they are in discussions with Dominion Energy for providing drops at Glen Avenue and Maple Avenue West. One of the lines extends across the street servicing the dental office and could not say if it is an active utility pole. Mr. D'Orazio clarified that there are no requirements under MAC ordinance to underground utilities. It is referenced on page 109 of the Town's Comprehensive Plan so that any new and existing public utilities shall be placed underground during new development/redevelopment. He stated that is the language referenced for whether a project is consistent with the Comprehensive Plan. Commissioner McCullough asked if that applied to incentives. Mr. D'Orazio answered no.

Commissioner McCullough noted that in reference to closing Wade Hampton Drive SW, there is a petition process. Per the Town's traffic calming process members of the community could start a petition process. She suggested that they speak to representatives of the Transportation Safety Commission (TSC). Currently there is time for residents to begin a petition process and may get ahead of the applicant's project. Mr. Rice stated that he has always indicated that if the neighborhood wanted to move forward with a petition then they would support it. He supports whatever the neighborhood wants to do. Commissioner McCullough agreed, stating that she would encourage the neighbors to get the process started.

Commissioner McCullough stated that there have been comments on affordable housing. She asked staff if affordable housing is dictated by median income. Mr. D'Orazio answered that it is the area of median income. Commissioner McCullough asked if any areas in town qualify for affordable housing. Mr. D'Orazio was uncertain, stating that it would require further research.

Providing comments, Commissioner Kenney stated that he did not like Option 1 because it presents five stories. He would prefer considering any increases in height as part of a MAC code rewrite with a consensus of the masses. Short of that it is premature to implement increased height. With respect to considering closing Wade Hampton Drive SW, he noted would be a monumental step that should be taken gingerly. He would prefer to precede with the applicant's suggestions for traffic islands, forcing right turn only options from the property. Closing would prohibit everyone, including the neighbors from using those roads. It should be handled as an absolute last resort. If they were to proceed with a road closure he hoped the town would consider utilizing products like speed pillows.

Commissioner Kenney stated in terms of design that he preferred Option 2 and liked the stepped back approach. He asked if they would consider introducing gabled roofing and actual mansard roof lines. He liked the architecture but was not a fan of the proposed bright red. He asked about impervious soil incentives that would allow up to 87 percent coverage. He assumed that it must be for onsite storm water mitigation. Mr. D'Orazio stated that a list of utilized incentives for the project can be found on pages 7-8 of the staff report. The project has been designed to accommodate solar panels with a provision for rain gardens or other

appropriate stormwater infiltration for a minimum of 2 percent of the total site area. Part of that calculation is from the bio-retention facility located at the rear of the property. Commissioner Kenney stated that impervious coverage is because they are treating everything onsite.

Commissioner Kenney liked that the wall would be closed off using CMU material for sound blocking. It is a material that has been used in town on other project, which he is comfortable with. It will also block car lights further protecting the neighborhood. He feels strongly that scaled elevations of Wade Hampton Drive should be included during their next review. It should also include the loading dock range. He appreciated the inclusion of another loading dock bay, stating that will be helpful. He does not see very much recessing of the building's façade. There are parapets recessing but no actual dropping or recessing of floors that would help break up the massing of the building along Wade Hampton Drive. He stated that it will be an important point for him. He is fine with the short side elevation of the property.

Chairman Gelb thanked the applicant, stating that the public hearing will remain open. Moving forward they have the option to come back with revised plans that incorporate the number of comments heard from the Commission and surrounding neighborhood. He stated there appears to be no support for Option 1, for extra parking. He had assumed that it would have been preferred but they are hearing the opposite. He would be inclined to not force parking on the neighborhood if they do not want it. The second option offers a lower building and wider sidewalks along Maple Avenue.

Commissioner Couchman questioned whether the applicant could revise their applications. Ms. Petkac advised that they can similar to the 444 Maple Avenue project, which revised their plan. Additional discussion followed.

Commissioner Couchman stated that she supports Option 1.

Commissioner Baum supports Option 2, stating that she is not satisfied that traffic issues have been addressed. She also has concerns with the high impervious surface coverage. She does not like either option but would lean towards Option 2.

Mr. Rice stated that he will provide both options with the discussed wall. Chairman Gelb agreed that would be helpful. Commissioner Meren asked if they could try to soften the look of the wall, rounding it at the corner of Wade Hampton and Glen Avenue SW. Mr. Rice stated that they will include it as a serpentine wall as depicted on Option 1.

There being no further discussion, Chairman Gelb called for a motion.

Commissioner Basnight made a motion that the public hearing for proposed rezoning for 374-380 Maple West remain open.

Motion: Basnight  
Second: Couchman  
Carries: 8-0

REGULAR BUSINESS:

Consideration of Adoption of Planning Commission Bylaws and Rules of Procedure

Commissioner Baum asked if they could table the item. Given the late hour she would not want to rush through approval.

Commissioner Meren has no changes, stating that if it is a simple review then they could move forward with it. He would like to see it move forward. Anything longer than a 15 minute discussion he would like to table.

Commissioner Basnight stated that they have held at least two work sessions and should be able to move it forward. Additional discussion followed.

Commissioner Couchman made a motion to adopt the Planning Commission Bylaws and Rules of Procedure. Commissioner Basnight 2<sup>nd</sup> the motion.

Chairman Gelb called for discussion.

Commissioner McCullough supports the motion, stating that they have held at least three work sessions with significant input and review by members of the commission, staff, and the Town Attorney. During the last work session there had been general consensus that this was the final document and that staff would make the final edits in preparation for the meeting.

Chairman Gelb agreed, stating that things still must be formally adopted. Commissioners for whatever reason can bring forth issues or discussion. As it does not need to move forward it can wait. He does not want to feel railroaded. Commissioner Kenney agreed, stating that although he does not have any issues he respects other commissioner opinion. If they would like to take another meeting to review the item, then he supports that.

There being no further discussion Chairman Gelb called the question.

Motion to Adopt: Basnight  
Second: Couchman  
Adopted: 5-3

Nays: Baum, Kenney, Gelb

DIRECTOR'S COMMENT:

Ms. Petkac stated that two workshops are scheduled for later this week on proposed amendments to the Maple Avenue Commercial zone and preliminary draft Design Guidelines.

It is scheduled for Friday, March 29<sup>th</sup> from 6-8 pm in the multipurpose room of the Community Center. Staff will be attending with a number of stations set up. She stated that they are looking for community feedback on the proposals. Saturday morning will run from 11 am – 1 pm. Ms. Petkac reminded everyone that the joint work session is scheduled for Monday, April 1<sup>st</sup> with Town Council and TSC on the Maple Avenue Corridor Multimodal Transportation and Land Use Study. The second joint work session with Town Council is a discussion of proposed MAC application for Sunrise Assisted Living. That is scheduled for 7:30 pm. There is also a joint work session with Town Council and the BAR, originally scheduled for March 20<sup>th</sup>, has been continued to Wednesday May 1<sup>st</sup> at 7:30 pm. This is to discuss proposed MAC amendments with preliminary draft Design Guidelines.

MINUTES:

Commissioner McCullough stated that she has provided edits to the clerk to the Commission. She stated that they are well done and thanked the clerk. There being no further discussion Chairman Gelb called for a motion.

Commissioner Miller made a motion to approve meeting minutes for the January 9, 2019 regular meeting.

Motion: Miller  
Second: Basnight  
Carries: 8-0-1

Abstain: Meren

Commissioner Basnight made a motion to approve the January 23, 2019 work session action minutes.

Motion: Basnight  
Second: McCullough  
Carries: 8-0

Commissioner Miller made a motion that the February 13, 2019 work session action minutes be approved with edits provided the clerk.

Motion: Miller  
Second: Basnight  
Carries: 8-0

Commissioner Basnight made a motion that the February 27, 2019 work session action minutes be approved.

Motion: Basnight  
Second: McCullough  
Carries: 8-0



Commissioner McCullough made a motion to approve the September 14, 2016 action minutes, noting that "acting chair" be corrected.

Motion: McCullough  
Second: Meren  
Approved: 6-0-2

Abstain: Couchman and Basnight

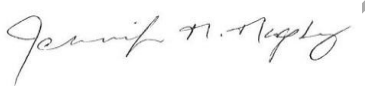
Commissioner Miller made a motion that the September 21, 2016 work session action minutes be approved.

Motion: Miller  
Second: McCullough  
Approved: 6-0-2

Abstain: Basnight and Couchman

There being no further discussion the meeting adjourned at 11:51 pm.

Respectfully Submitted,



Jennifer M. Murphy  
Clerk to the Commission