

PLANNING COMMISSION

DRAFT

MINUTES

January 28, 2015

The Planning Commission met in regular session on Wednesday, January 28, 2015, at 8:00 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia, with Jim Hendricks, Chairman, presiding. The following members were present: Tara Voigt, Stephen Kenney, Charles "Chuck" Anderson, Douglas Noble, David Lanphear, and Michael Gelb. Also in attendance and representing Town Staff: Matthew J. Flis, AICP, Acting Director of Planning & Zoning, Michael Gallagher, Deputy Director of the Department of Public Works, Michael D'Orazio Town Planner, and Jennifer M. Murphy, Board Clerk. David Miller, Stephen Kenney and Walter I. Basnight are absent.

Roll Call:

Ms. Murphy called roll. David Miller, Stephen Kenney and Walter Basnight are absent.

COMMUNICATIONS FROM CITIZENS AND/COMMISSIONERS:

Commissioner Gelb commended Ms. Murphy for her hard work on the previous meeting minutes. He noted that he had never seen a twenty-five (25) page set of minutes and thanked her for many hours of hard work.

Regular Meeting:

ITEM NO. 1:

Recommendation to the Mayor and Town Council on a **final plat** for the proposed resubdivision of six contiguous parcels within Block 10, Onon'dio Subdivision, into eight lots and located between the Washington and Old Dominion Trail and Ninovan and Tapawingo Roads SE, and in the RS-12.5, Single-Family Detached Residential zone (*recommended new addresses are 403 Tapawingo Road SE, and 913, 914, 915, 916, 918, 920 and 921 Ninovan Road SE*). Application filed by Joshua Marshall, Land Design Consultants, on behalf of Satpal Singh Sahni and Carolyn Jackson Sahni, property owners.

Chairman Hendricks asked staff to update the Commission on changes made to the application in comparison to the original application. Mr. Flis explained that there are five major changes to the application. This includes access to the subdivision, which has been reconfigured from Ninovan Road. The subdivision previously indicated access from Shahraam and Tapawingo Roads SE. The new design shows the end of Ninovan Road extended so that primary access feeds directly in to the subdivision. This change also eliminates the need for a hammerhead turnaround, which had been shown on the original design. It had been the general consensus that the Planning Commission would not support a hammerhead turnaround.

Mr. Flis stated that lots 1 and 2 of the original subdivision plan have been reconfigured for a like to like situation for rear-yard setbacks. That request was heard from several members of the public who spoke at the last meeting. The proposed tree canopy has been modified to provide twenty percent canopy coverage for each lot. He noted that that is above and beyond the twenty percent requirement for the overall subdivision. That had been another request specified by the Planning Commission.

Mr. Flis stated that with the redesign of the subdivision the overall lot grade has been adjusted as necessary. The applicant is not requesting a waiver from lot grade deviation. He stated that modifications have also been proposed for the storm water management system. Mr. Flis deferred to Michael Gallagher, Deputy Director for the Department of the Public Works, to discuss those changes.

Mr. Gallagher stated that the original storm water management system consisted of very large concrete junction boxes and dual, 48 inch diameter pipes for storm water quantity. That system was not supported by staff. That

plan has since been revised for more traditional looking storage and oversized pipes that run in a single linear way with standard manholes. This new design is acceptable to staff along with the inlets that run through some of the yards. Concerns had been raised by some of the neighboring property owners. He stated that additional grading has been provided to ensure that water will not flow towards those neighboring properties. He stated that the new design shows it being contained within the proposed storm water system.

Chairman Hendricks asked Mr. Gallagher for specifics as to what changed from the previous design. Mr. Gallagher responded that the scope and scale of the overall storm water management system has been designed for a more standard and traditional setup. The previous system held a large quantity of water during storms. That has been changed to single linear pipes that are oversized for holding that water.

Commissioner Gelb asked Mr. Gallagher to elaborate on the meaning of "traditional". Mr. Gallagher stated that the previous application called for two large concrete junction boxes measuring at 5x11 feet with two, twin, 48 inch pipes that would run underneath the curb, gutter, and roadway along Tapawingo Road SE. It consisted of the same design of conjunction boxes connecting to those pipes along the other side of the subdivision. He stated that the current design calls for a standard manhole structure, which is what the Town has for all of their storm systems. Commissioner Gelb asked if the Department of Public Works considers the new design to be an improvement from the previous design. Mr. Gallagher answered yes.

Chairman Hendricks asked Mr. Flis to explain any significant changes in comparison to the original submission. Mr. Flis answered that staff feels the new configuration is a better design. It eliminates the waiver request. The extension of Ninovan Road SE is more natural and appropriate plan than adding another cul-de-sac and entering from the other side of the property. He stated that the number of proposed lots has not changed. Based on square footage there is the potential for nine (9) lots. The application is for eight (8) lots. He stated that the application meets the standards as set forth in the zoning ordinance. Staff feels it to be an overall improvement in comparison to their original submittal.

Chairman Hendricks asked Mr. Flis to highlight any exceptions; large V and/or small v variances. Mr. Flis answered that only one remains, which is a waiver request from providing required curb and gutter improvements along the most northeasterly portion of Tapawingo Road SE. That section of road currently is unimproved, which is the portion that approaches the W O&D trail and connects for pedestrians and bicyclists. Staff does not feel it to be appropriate to build road there so that staff is still in support of the applicant's waiver request. No opposing comments have been heard to the waiver request.

Chairman Hendricks asked for the up side and down side of the waiver request. Mr. Flis stated that the Town Code requires that the applicant build storm, gutter, and roadway improvements for that unimproved portion of the right of way. The area currently operates as a trail that is wooded, providing for pedestrian and bicycle access to the W O&D trail. The Town has no future plans for building the road, which currently dead ends. As such staff believes it to be appropriate to leave the area as an unimproved right of way with a trail.

Commissioner Gelb noted that home orientations are not etched in stone and are for illustrative purposes only. Mr. Flis explained that building setbacks are established by the approved subdivision plan. House footprints that have been indicated are illustrative. As each lot is submitted for permitting, the applicant will propose a house that must meet setback and lot coverage requirements for the individual lot. The information that has been provided is required per submittal requirements for every subdivision so that staff can understand the intention of how lots will be built out.

Commissioner Noble stated that the revised grading plan includes additional downspouts and storm drains placed between lots 2 and 3 with a number of other grading modifications that have been provided through there. He asked for the differential of storm runoff.

Mr. Gallagher stated that sheet 12 of the revised plan includes a comparison on the mini drainage area. Commissioner Noble stated that it appears as though the flow pattern has significantly moved in terms of area that is collecting water and flowing towards the adjacent property. That amount has been significantly reduced. Mr. Gallagher agreed, stating that is correct. Water that is currently flowing towards those affected lots will be reduced and put into inlets that will be on site. Additional discussion followed.

Commissioner Anderson stated that it appears as though the volume has been reduced. He asked if the proposed plan meets the new state regulation requirements in terms of phosphorous materials and so forth. Mr. Gallagher answered yes.

Commissioner Lanphear stated that they initially discussed replacement costs associated with drainage and the potential for incurring future costs of upwards of one hundred thousand dollars. He asked if that is no longer an issue. Mr. Gallagher answered yes, stating that is because they are designing a more traditional system, which will meet up with Town designed system. It will be a bit larger so that it will fit capacity.

Chairman Hendricks invited the applicant's representative forward to present.

Matthew Marshall, engineer with Land Design Consultants and representing the application stepped forward to speak. Mr. Marshall stated that the application that is before them has undergone substantial changes. They took to heart a lot of the feedback that was heard at the last meeting. The new design that has been presented is actually one of their original concepts when discussions first began with the Town. They have come back to where they started in their design. The new design allows them to eliminate the hammerhead turn around, reduce impervious area, and to reconfigure certain lots. With respect to reconfiguring certain lots they have moved limits of clearing and grading to be commensurate with the building restriction line for lot 3. This may also allow them to move the house within that area of disturbance. He noted that they cannot modify overall limits of clearing and grading without revising the overall plan. While it is not the full backyard it has allowed them to move the house up approximately fifteen feet. They have done their very best to accommodate comments heard at the previous meeting. He stated that while it is not utopia it is a very good step in the right direction.

With respect to storm water management Mr. Marshall explained that they met with Mr. Gallagher immediately after the last hearing. Storm water pipes were changed from 40 inches in diameter down to 36 inches. The previous design showed them in tandem, or side by side, with six massive junction boxes that measured 5x11 feet. They had been shown to be located partly under the paved surface. Members of Town staff had been concerned that in the event that it needed to be moved the entire road would have to be cut up. With the current design that is no longer the case. The new design is long and linear with a traditional set up that will not be as cost intensive for the Town to maintain or repair fifty years from. Additionally, they have agreed to increase their purchase of nutrient credits for the water quality component by nearly thirty percent. This will reduce the Town's burden. He stated that they have made every effort to go above and beyond minimum requirements. While their numbers were always well below the minimum requirements this is a good step in making it better for the Town.

Mr. Marshall stated that when comparing the old plan versus the new plan, for a ten year event they have been able to reduce numbers to thirty percent less than from their prior application. Regular runoff has been reduced with the creation of a closed storm system. He stated that although the previous application met all minimum code requirements they have been able to reduce it down even more.

Mr. Marshall noted that several other changes have been made. Behind lots 1, 2, and 3 there is a berm that is in place. Roof drains have been included that will collect all of the rainwater and direct it away from the lots. They have taken grading from around the building swales adding an extra storm inlet to capture runoff. Rain meters will also be installed. They have added measure upon measure of protection for the surrounding property owners.

Mr. Marshall stated that with respect to trees they have increased the overall canopy coverage by adding twenty-three (23) trees on to the current plan with tree preservation to remain the same. Redesign has also allowed them to

push the road lower reducing the looming effect of the house. In comparison the current road design is 2.4 feet lower than the previous cul-de-sac design. They are located on top of a hill at the highest point so that it helps to bring everything down. Lot 3 is a foot lower than the previous plan showed. Lot 2 is shown as being nearly 2 feet lower than the previous plan. He stated that they have tried very hard to make amends and to do their very best to ensure that the homes will not have the looming effect that the neighbors are worried about. He noted that several of the homes will have hung sewer lines. They are trying to get as close as possible while still preserving their ability to install sanitary sewer systems for the houses. Mr. Marshall stated that lastly, they are still requesting a waiver from required curb and gutter as there is no reason to build a half section of road to nowhere.

Mr. Marshall stated that in summary the navigation passage has been much improved and is the result of feedback received from members of the Planning Commission and the surrounding neighborhood. They request recommendation for approval. Mr. Marshall asked for questions.

Chairman Hendricks thanked Mr. Marshall, stating that it was a nice summary.

Commissioner Gelb stated in reference to lot 3 he asked for clarification on Mr. Marshall's previous comments. Mr. Marshall responded that there is an issue with the horizontal setback that defines the meets and bounds of the lot. That will remain the same. Limits of disturbance have been set fifteen feet further into the site than was previously shown. A super silt fence will be installed, which will create an impediment that was previously shown at the property line. That has been pulled in to fix some of the grade issues and has helped to push everything down so that it is not as tall effectively creating a boundary. As this is for illustration purposes it could only be moved two to three feet closer. Commissioner Gelb stated that he would be concerned if they suddenly came up with a setback line of fifteen feet. Mr. Marshall noted that they do need to maintain some distance to allow enough room for the concrete trucks to get in to pour the foundation.

Commissioner Noble thanked Mr. Marshall for his presentation and updates. He stated that he had some question about the finished floor elevation for lot 3. While he appreciates the points regarding limits of disturbance along the south side the differential is still pretty high. He would be interested as to why they are keeping it that high rather than sinking it down. Mr. Marshall stated that they will never be able to sink it enough to have a full basement. They cannot build back into the trail because the trail will be higher than the windows along the first floor. He stated that they have already removed a huge chunk so that the finished first floor will be slightly lower than the old railroad bend. Commissioner Noble asked if that is along the back side of the house. Mr. Marshall answered yes, and along the front as well. They are trying to maintain positive drainage out the back left rear corner. He asked the Commission how much will be enough to push it down. Commissioner Noble answered that is at the discretion as the planner and designer of the subdivision. Mr. Marshall stated that they have tried to push it down the best that they possibly could. They have been more focused on distance first and foremost in order to create some effective buffer.

Commissioner Hendricks asked for explanation on distance. Mr. Marshall answered that he meant moving the house further away from the property line. That had been their initial focus. Additional discussion followed.

Commissioner Anderson stated that he liked the new design and how they have aligned the street with trees. He commended the applicant on achieving twenty percent canopy coverage for each lot even though they are not required to do so. He asked Mr. Marshall to explain the changes proposed for the southeast corner of lot 3 that is now being preserved. Mr. Marshall stated that the preservation plan is shown on sheet 15 of the submittal with the planting scheme on sheet 16. The bulk of preservation has been met with the 52 inch diameter Poplar tree. Commissioner Anderson stated that they could further mitigate issues by adding plantings along that side. Mr. Marshall agreed, stating that they could shuffle some of the plantings around.

There being no further questions Mr. Marshall was seated.

Chairman Hendricks invited members of the audience forward to speak.

Bryan Martin owner of 850 Shady Drive SE stepped forward to speak. Mr. Martin stated that his property is situated directly south of proposed lot 3 of the current plan. He commended the applicant on the revisions made to the plan and was surprised to see all of things that the applicant took to heart and incorporated into their plans. He has a couple of concerns. He appreciated moving the house back as was illustrated. He asked if the applicant would commit to remaining within the footprint. He has some concerns for the overall height of the structure as it is shown as having an eight degree driveway up from the cul-de-sac. He was uncertain as to why it would need to be so high above the cul-de-sac. He noted that the berm will remain partially intact behind the house. It does not seem to be in keeping having an elevated basement. Overall he appreciated the changes made to the new drainage systems, the berms, orientation of the house, and landscaping. He thanked the applicant and reiterated that he has some lingering concerns for the overall height of the structure.

There being no further question or comment Mr. Martin was seated.

John DeLong owner of 904 Carol Court SE stepped forward to speak. Mr. DeLong thanked staff for all of their help, stating that the neighbors have had a tremendous amount of involvement in the project. Staff has provided great support and openness in which they very much appreciate.

Mr. DeLong agreed with Mr. Martin's comments. They have seen great results in the revised plan. However, there are some lingering components with one or two issues. When exiting the cul-de-sac he was concerned about the impact of car lights on the existing properties located to the left of Ninovan Road SE. He stated that at the apex of the curve it appears as though there would be room for landscaping that might cut down on the impact of lights from vehicles traveling in and out of the cul-de-sac. They could also build a small berm and landscape it. The applicant has done a great job. They feel that it is the design that should have been presented initially. It creates an organic community; it is a neighborhood now in which all of the houses front on to the same street. The street historically had been used for a childcare center so that it has been able to handle more traffic than they will ever see from the subdivision. They have created like for like setbacks. He believed the subdivision would be very different than the Surrey Lane subdivision. To the extent that the applicant can bring elevations down or closer to what the existing properties are; he believed that they have made efforts to do so. They appreciate that and thank the applicants for their design changes.

Mr. DeLong stated that they will be attending the Town Council hearing when vacation of right of way is reviewed. The subject proposal will depend upon the Mayor and Town Council voting to grant the vacation of that easement. He thanked the staff and members of the Commission on their attention to the application.

There being no further questions or comments Mr. DeLong was seated.

Mark Mabee owner of 904 Cooper Court SE stepped forward to speak. Mr. Mabee stated that he typically walks the access path to the W O&D trail a minimum of a dozen times a week. The current property is much better looking than if they made the improvements to Tapawingo Road SE. He stated that he strongly supports the applicant's waiver request.

There being no questions or comments Mr. Mabee was seated.

Allard Snijders owner of 404 Tapawingo Road SE stepped forward to speak. Mr. Snijders stated that there had been some discussion about installing four way stop signs at the intersection of Tapawingo and Ninovan Road SE. He asked if there was a status report. Commissioner Voigt explained that anytime neighbors want traffic calming measures in place a petition needs to be filed by those neighbors who reside in the area. The petition needs to be signed by at least seventy-five percent of the neighbors and then filed with the Town's Transportation Safety Commission, TSC.

Mr. Snijders asked how large of an area is needed to meet seventy-five percent. Ms. Voigt answered that is approximately a block in either direction from the desired four way stop area. As many homes that they can get is generally more favorable.

There being no further questions or comment Mr. Snijders was seated.

Julie Robeson owner of 406 Tapawingo Road SE stepped forward to speak. Ms. Robeson stated that she resides directly behind the applicant's property. She greatly appreciates the proposed changes. She asked if sidewalks will be built for access directly into the bike trail.

Mr. Flis answered that sidewalk, curb, and gutter will be built out along the back and connect into the existing trail. Ms. Robeson liked the additional tree coverage. She asked if trees would be planted along the back for buffer. Mr. Flis answered that the application calls for planting trees along the back side of properties located along Tapawingo Road SE. They do not show any additional buffer as they are not required to.

There being no further question or comment Ms. Robeson was seated.

Rebecca Eastham owner of 852 Shady Drive SE stepped forward to speak. Ms. Eastham asked with respect to lot 3 if it will still be built into the berm or will the height come from the natural slope of the land. It is unclear to her.

Mr. Marshall stepped forward and explained that they will cut the berm down by over 2 ½ feet. The berm is shown at an elevation of 434. They are trying to push the house down. Mr. Marshall proceeded to explain the overall design. Additional discussion followed.

Chairman Hendricks stated that being a long time resident of the southeast area of Town he believed it to be a solid application. They are increasing density from six to eight lots. While some questions remain with lot 3, all things considered, it is a solid application. The applicant has tried to meet the letter of the law and the spirit of the community. Unless there is additional input from the community, the Town, or the Commission they should bring it forward for a vote.

There being no further discussion a motion was in order.

Commissioner Anderson made a motion that the Planning Commission make a recommendation of approval to the Mayor and Town Council on a **final plat** for the proposed resubdivision of six contiguous parcels within Block 10, Onon'dio Subdivision, into eight lots and located between the Washington and Old Dominion Trail and Ninovan and Tapawingo Roads SE, and in the RS-12.5, Single-Family Detached Residential zone (*recommended new addresses are 403 Tapawingo Road SE, and 913, 914, 915, 916, 918, 920 and 921 Ninovan Road SE*). This includes the small *v* variance as listed in the staff report and is conditional upon the vacation of the right of way that is either before or in conjunction with the final plat approval by the Mayor and Town Council.

He commends the applicant for working with staff and neighbors. It has been a wonderful civics lesson in what can happen in small towns when people talk. It is too bad it cannot happen on a large scale in their nation, more often. There has been great progress in discussing and figuring out what works best. While it is not a condition he would recommend that they continue on in the spirit of cooperation and work on mitigating the height issue of lot 3. It appears to be the only remaining issue and doing as much in terms of landscaping along the other side. The applicant has gone so far beyond as a good citizen, which he commends the applicant for. It is not a condition but a personal plea.

Commissioner Gelb stated that he too commends the applicant. At the last meeting he had said that he was unsure whether he saw any flexibility happening. He has since been proven wrong. They have provided a great deal of flexibility. In line with Commissioner Anderson's comments regarding the height, he would also hope that

there would be a good faith effort to keep the building on lot 3 similar to the footprint shown on the plan so that it does not encroach too much on to Mr. Martin's property.
There being no further discussion Chairman Hendricks called the question.

Motion: Anderson
Second: Noble
Passed: 6-0

Minutes:

Commissioner Noble stated that a correction was provided to Ms. Murphy.

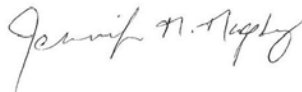
Commissioner Anderson made a motion that the December 10, 2014 meeting minutes be approved per the correction provided to the clerk.

Motion: Anderson
Second: Lanphear
Passed: 6-0

Mr. Flis stated that the Town Attorney would like to briefly meet with the Commission to answer any questions. This will take place prior to the next scheduled meeting.

It was moved to adjourn the regular meeting at 9:01 pm.

Respectfully Submitted,



Jennifer M. Murphy
Commission Clerk