

PLANNING COMMISSION

MINUTES

December 10, 2014

The Planning Commission met in regular session on Wednesday, December 10, 2014, 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: David Miller, Tara Voigt, Stephen Kenney, Charles "Chuck" Anderson, Douglas Noble, David Lanphear, and Michael Gelb. Also in attendance and representing the Town Staff: Matthew J. Flis, AICP, Acting Director of Planning & Zoning, Michael Gallagher, Deputy Director of Department of Public Works, Michael D'Orazio Town Planner, and Jennifer M. Murphy, Board Clerk. Walter I. Basnight is absent

Roll Call:

Ms. Murphy called roll. Walter I. Basnight is absent.

COMMUNICATIONS FROM CITIZENS AND/COMMISSIONERS:

Town staff Planning Commission representative Matthew Flis introduced the Town's Public Information Officer, Ken Kroski for a brief message to the Commission. Mr. Kroski stepped forward to speak and stated that as of January 2015 the Town will begin televising Planning Commission meetings. Operational procedures will not change. Staff and volunteers will be on hand. He will be in touch with commissioners to discuss appropriate procedures. Town Council meetings are currently televised. He anticipated beginning with a soft opening to ensure that everything is in working order. After that they will advertise via social media and Town informational alerts. He stated the Commissioners to please contact him with any questions.

There being no further questions Mr. Kroski was seated.

There being no further discussion Chairman Hendricks opened the Regular Meeting first reviewing Item Number 3 of the agenda.

Regular Meeting:

ITEM NO. 3:

Recommendation to the Mayor and Town Council on a **final plat and requested waivers from certain public street improvements** 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, 405 and 407 Tapawingo Road SE, and 820, 822, 823, 824 and 825 Onondio Court Cove SE*). Application filed by Joshua Marshall, Land Design Consultants, on behalf of Satpal Singh Sahni and Carolyn Jackson Sahni, property owners.

Mr. Flis stated that the application is for final plat review for resubdivision for Onondio Cove. He noted that per changes to Virginia State Code applications for subdivisions of less than fifty (50) lots no longer require preliminary approval. The Planning Commission will perform one final plat review of the subdivision. He noted that a portion of Ninovan Road SE is included in the application but is subject to a vacation request put forward by the applicant to the Mayor and Town Council. As such the Planning Commission is not to make recommendation specific to the vacation request. He stated that the Mayor and Town Council began review proceedings for the vacation request back in October. Three viewers have been appointed to review the vacation and consider any impacts. Those reviewers have determined there to be no negative impact to public benefit. The Town Council still needs to take action as to whether or not to vacate that part of right of way. Which, as has been indicated on the plan includes any recommendation that the Planning Commission were to make for the application item.

Mr. Flis stated that the subject property is zoned RS-12.5, residential single family. Eight (8) homes have been proposed with a new cul-de-sac access from the intersection of Shahraam Court and Tapawingo Road SE. Two

waiver requests are part of the application; the first being for a cul-de-sac at the end of Ninovan Road SE. The plans also indicate a hammerhead turn around. This is in lieu of the requirement from §17-39 of the Town Code which requires a cul-de-sac. He stated that the other waiver request relates to dedication of right of way and improvements. He stated that Tapawingo Road SE extends northeast of the subject site towards the Washington and Old Dominion (W&OD) trail. Staff supports this waiver as there are no intentions to widen or build out Tapawingo Road as it approaches that end of the WO&D trail. It currently operates as a trail with the Town's preference to leave it as is.

Mr. Flis stated that staff has received several inquiries from surrounding residents. Staff has provided a copy of a letter received from a neighbor representative of those residents. He stated that the Deputy Director of Public Works, Michael Gallagher has also provided comments on the proposed stormwater management facilities.

Deputy Director for the Department of Public Works, Michael Gallagher stepped forward to speak. Mr. Gallagher stated that stormwater management requirements for the property are a bit complicated. As of July 1, 2014 new stormwater requirements went into effect. This included a provision, which allows applicants to obtain coverage with a state permit prior to July 1, 2014. That is prior to having a plan submitted to its locality. He stated that in this instance the applicant obtained a permit for the site based on the old criteria for stormwater management so that they have to adhere to old state regulatory criteria.

Mr. Gallagher stated that as of July 1st the Town became the authority for enforcing their state permits. Although both quantity and quality have been provided in the application it is not to their permit standards. This causes an issue for the Town as the Town is subject to meeting those requirements regardless of whether they are met with this application. The Town is still obligated to meet the remaining reduction of the quality requirements. He stated that as a result staff opposes providing stormwater management on site. An underground system has been provided in the right of way of Tapawingo Road SE to meet quantity requirement. Quality requirements have been provided by purchasing offsite credits, which is allowed. Staff does not object to the purchase of offsite credits as it is allowed.

Mr. Gallagher stated that the Town previously approved subdivisions with underground systems in the public right of way. He stated that this scenario is different due its size. They have provided two large junction boxes at 11 by 4 feet with two, 48 inch concrete pipes between them. Review of potential replacement costs would be in excess of one hundred thousand dollars. They ask that the applicant consider a low impact type of approach that would meet both quality and quantity requirements. Staff does not feel it to be good practice that the Town has to make up the cost of the missing quality requirements that the Town is obligated to meet.

Chairman Hendricks asked for the approximate delta amount between the two standards. Mr. Gallagher answered that based upon the cost of the purchased credits they estimate it to be an additional forty thousand dollars. He did not believe that the Town would be eligible to purchase credits, stating that the Town would have to provide some form of measure; constructing something in Town or in their partnership with Fairfax County build something somewhere.

Commissioner Anderson asked if the projected forty thousand dollars would be for one-time or at an annual cost. Mr. Gallagher answered that it would be a one-time cost.

Commissioner Miller asked if the spirit intent of the purchase of offsite credits was due to large tract developments. Mr. Gallagher answered that the way that it is currently written out it is limited to sites that are ten acres or less. It is geared now towards smaller sites.

Commissioner Gelb asked if the applicant has responded to staff comments. Mr. Gallagher answered no, stating that he has not received an alternative proposal.

Chairman Hendricks invited the applicant forward to present.

Matthew Marshall, Engineer with LDC, Land Design Consultants stepped forward to speak. Mr. Marshall stated that he is speaking on behalf of the applicant and is also a resident of the Town, residing at 405 Surrey Lane SE, Vienna, Virginia. He stated that the subject property is a unique piece of property bound on two sides by public road. It is bound on one side by the W&OD Trail and by approximately ten residential properties along the other side. It has roughly twenty feet of topographic relief at its highest point extending down towards Tapawingo Road SE. As it has presented unique challenges they have considered all of those challenges. They have not had the opportunity to discuss all of those alternatives with Town staff.

Mr. Marshall stated that the application submittal originally consisted of three waiver requests. Since that time they withdrew one of the waivers for lot grade deviation. They have since revised grading by lowering all of the units to comply with the Town's 3 foot lot grade deviation limitation. They are currently requesting two waivers in their application review. Staff is in support of those waivers.

Mr. Marshall stated that the configuration of the site was determined with input from both Mr. Hembree, at the time, and Mr. Gallagher. This included where the roads were configured, how it lays out, and lot layout in terms of how it fits together. The application calls for the building of over a thousand linear feet of curb, gutter, and sidewalk that currently has been serviced by the Town. Along Tapawingo Road SE they would replace all curb and gutter and provide for pedestrian accommodation. This includes finishing Ninovan Road SE, which has existed as is for some time under the Town's maintenance purview. He stated that it is dilapidated and falling apart. This application will allow the other half section to be built including providing turnarounds for garbage trucks and emergency vehicles.

Mr. Marshall stated in reference to stormwater, it was his engineering firm that designed Surrey Estates, which is located next door and is where he lives. He stated that several of the current members of the Planning Commission served at the time that it was reviewed. During review of Surrey Estates they were highly discourage by Town staff from undergrounding their facilities. Ultimately it was the Town's decision that it would be better to install a pipe within public right of way that would be maintained by the Town. That is what is being presented before the Commission tonight. He can appreciate Town sentiment that there are better alternatives or best practices. Mr. Marshall stated that they believe this to be the most cost effective solution and for long term maintenance. They believe that it meets all technical criteria as set forth in the Town's Zoning Ordinance. Mr. Marshall appreciated Mr. Gallagher's subjective measures, stating that it meets the quantity and that they've also met quality requirements. They are willing to discuss how best to proceed. They believe that they can adequately address all concerns within the three typical reviews like they have in the past.

Mr. Marshall stated that in excess of fifty percent of what it generated on site is from a pollutant stand point, as well as peak run off, comes from public streets required to be built as a result of the development of this property. The Town has asked them to control that water, placing the obligation on their future homeowners. The bulk of that water is generated by a Town requirement to improve and to build streets. He stated that a suggestion to provide LID (Low Impact Development) on the lots to help offset impact of the road will burden their homeowners with the additional maintenance requirement. They do not feel that is a fair burden for their homeowners.

Mr. Marshall stated in reference to the vacation request of the right of way that it currently services lot 7A. He noted its location on the map. He stated that the portion that is currently in front of the home is essentially the portion that they are requesting to be vacated. A portion of the vacated right of way is intended to be occupied by the hammerhead for a branch type of turnaround that is proposed for the end of Ninovan Road SE.

Mr. Marshall stated that the application has undergone three technical staff reviews meeting all applicable technical criteria. He asked if he could answer any questions.

Commissioner Kenney asked where the hammerhead design came from. Mr. Marshall answered that it is a VDOT standard. Commissioner Kenney asked if it is allowed per Town Code. Mr. Gallagher answered that the applicant is requesting a waiver as the Town Code requires a cul-de-sac. Mr. Kenney asked if the Town has ever allowed the

installation of a hammerhead style of street and if so where. Mr. Gallagher answered yes, stating that one is located at the end of East Street SE, once you pass Creek Crossing Road. That has a Y-turnaround. There is another branch off of East Street that has a hammerhead turnaround. Commissioner Kenney asked for the circumstances of their installation. Mr. Gallagher answered that they may have been a part of Fairfax County before being annexed into the Town. He could not say for certain. Commissioner Kenney asked if there a reason that they cannot build a cul-de-sac. Mr. Marshall answered that it increases the size of the cul-de-sac to provide a turnaround that isn't really necessary. Effectively, all the branch does is to provide the turning movement with less impervious area, less right of way, less maintenance, less sidewalk.

Commissioner Kenney stated that with respect to Lot 8, there is a garage. He asked if they are allowed to encroach into the building restriction line. Mr. Marshall answered yes, stating that it allows for encroachment of garages that are less than fourteen feet in height. Commissioner Kenney asked for clarification.

Mr. Flis explained that it had been the result of a Zoning Administrator's determination that when there is no clear rear or side-yard the strategy is to split the property line fifty/fifty. He stated that it had been a design by Mr. Hembree, providing for a partial rear-yard and a partial corner.

Commissioner Kenney asked for an explanation of the waiver request. Mr. Marshall answered that it is for construction of any frontage improvements to any existing piece of right of way. When traveling down Tapawingo Road there is a curb return when turning left on to Shakraam Court. That would be their half of the section that extends towards the W&OD trail on the right hand side. They are requesting to waive the requirement from building where the road currently stops at the trail.

Commissioner Kenney asked for an explanation on the grading solution for lot three. He stated that there is currently a large berm and asked how they intend to resolve that issue. Mr. Marshall answered that they intend to move the portion where the house is sitting and around the house. Commissioner Kenney commented that it looks as though they are burying the house into the berm. Mr. Marshall agreed that they are. Commissioner Kenney stated that it sits lower on the front side. Mr. Marshall agreed, stating that it will be lower.

Commissioner Kenney asked if Mr. Marshall can explain where they have met the twenty percent tree canopy requirement. Mr. Marshall answered that that has been met through preservation and planting. Commissioner Kenney asked if staff is satisfied with the current tree canopy proposal. Mr. Flis answered yes, stating that they are preserving some trees that are around the perimeter of the site. It is not aggregated in one location and it does meet the code requirement. Commissioner Kenney asked if it has met the intent. He noted that it seemed like a loop hole being able to count trees in the corners of the lots for an overall subdivision.

Commissioner Anderson asked if twenty percent canopy coverage has been achieved on each lot. Mr. Marshall answered that it is the sum of the total subdivision. Mr. Flis noted that the ordinance does not require that twenty percent be met per lot. The tree canopy coverage requirement that was recently adopted is for single lot development. The twenty percent canopy coverage for subdivision has been in effect for a long time. Commissioner Anderson stated that he had visited the site today. There are some beautiful trees on the property. He stated that they have not made one attempt to save any of those trees. With a little bit of engineering creativity he would think that a few of the trees could be saved. Mr. Marshall stated that they reviewed all of their options and found that it would be too difficult to save them. If they could have saved the trees they would have.

Commissioner Anderson stated that a principal stormwater management facility has been estimated at a cost of one hundred thousand dollars. He asked for the useful life of that facility. Mr. Marshall answered approximately fifty to sixty years for concrete.

Commissioner Gelb stated that the Commission received a letter from some of the surrounding neighbors. He asked if the applicant would like to address those concerns. Mr. Marshall agreed, stating that he also received the letter dated December 9th, 2014. With respect to the orientation of the proposed lots he looked up corner lots in the

neighborhood on Google Maps to see the overall orientation of lots in the southeast quadrant of the Town. He stated that every corner lot abuts a side lot of the lot that is next door. He could only find two that did not. The relationship of the side to rear lots is unavoidable in some cases. The two in question are the case. He stated that avoiding it in totality is not a possibility. It will continue to occur as it is simple geometry.

Mr. Marshall stated that in this instance the neighbors have suggested that they realign Ninovan Road SE moving the cul-de-sac so that there will be two rear-yards, a home, a front-yard and a road. He stated that they had originally looked at that layout and found that they would not have enough depth or they would end up with four or five lots backing to Tapawingo Road SE. They have looked at all options and have presented what they believe to be a better alternative. He stated with respect to concerns for building height that they are not sitting houses on top of the berm. They will excavate out the berm. If they push the houses down further into the burn they will exceed the Town's three foot lot grade deviation. He stated that they are willing to push the house further down but it will alter the driveway slope to a foot vertically. Commissioner Gelb noted that would require a waiver as well. Mr. Marshall agreed.

Commissioner Anderson stated that when they revised the language of the Town Code to limit lot grade deviation by no more than three feet up or down they left a provision allowing for waivers for situations like this. Mr. Marshall stated that they originally provided a plan that called for a waiver but decided to remove the request due to the perceived notion that when asking for a waiver it is so to can increase the height of the structure.

Commissioner Gelb stated that the applicant currently has a request to the Town to vacate the right of way. Doing so will allow them to create lot four. If the request is denied by the Mayor and Town Council, what will happen with the subject plan request? He asked if they would then remove lot four from the subdivision request. Mr. Marshall stated that they originally contemplated not including lot seven-A. They would trade lot seven-A and a triangular piece, which then becomes lot four. If they cannot vacate then lot 4 will be removed and lot seven-A will remain. Commissioner Gelb stated that it might address some of the neighbor's concerns.

Commissioner Anderson stated that in the Department of Public Works memorandum it indicated that there may be some cost effective ways to ameliorate phosphate runoff. He stated that they may be more amenable to the project if they could reach an agreement with the Town on some of those issues although legally they are not required to. He asked if there have been any discussions about that. Mr. Marshall stated that it has been unclear as to what they have been asked to meet. They have had differing comments back from every submission. He stated that the application meets the Town Code requirement. It is a twofold exercise that they addressed. They do not like the quantity element. It is too big, too much, in the right of way. There is also the quality portion of it. The quality portion comes at an additional cost to the applicant. He stated that he could not respond to that. It could potentially be handled with permeable pavers. They asked if they could install water quality structures in the right of way and were told no as it would be a maintenance burden. They are amenable to anything that requires maintenance by the homeowners but not obligatory for maintenance by the Town. He stated that in response to Commissioner Anderson's questions they could by credits, put in structures. They have met the requirement, which is what they have obligated themselves to do. Commissioner Anderson asked if there has been no discussion. Mr. Marshall stated that they have discussed it and found that the most effective way was to purchase credits because the increase was so nominal. The delta of the current condition was not very much.

Mr. Gallagher stated in response to Mr. Marshall's comments that the discussion of alternatives were not with the applicant and the Town. It was with the Engineer and the applicant. Commissioner Anderson asked if the applicant is present and if so, could he come forward to speak.

Satpal Singh Sahni applicant for the subject item and owner of 916 Ninovan Road SE stepped forward to speak. Mr. Sahni stated that in response to the earlier comment lot seven-A is a ten thousand four hundred square foot lot. It is noncompliant and does not have street frontage. The inclusion of it was to create a full and conforming lot. It has been a noncompliant lot for a very long time. If it were left off then they would have had thirty feet of frontage. He stated that this was a good solution for lot seven-A, which they have owned for several years. They have had no

recourse to street frontage or proper access. Ninovan Road SE ends there and then it is a gravel road. They previously had discussions with Mr. Hembree when they considered taking the cul-de-sac from Ninovan versus Tapawingo Road SE, historically, the back lot located along the W&OD Trail where the school sits. When the variance application was made for the school Tapawingo Road SE was considered to be the front street address for lot 1C and not Ninovan Road SE. When they approached Mr. Hembree to consider two possible layouts he was told that it would not be feasible. He stated that it was at that time that access from Ninovan Road SE was shot down. Commissioner Anderson thanked Mr. Sahni, stating that was helpful.

Commissioner Anderson asked if there was any way to begin a dialog with the Town in terms of proffers or alternatives for stormwater management; to consider whether there are cost effective ways to build that into the development and not saddle the Town with the cost. He stated that would be a good thing to consider. Mr. Sahni stated that if you consider the cost for the Town over a sixty year amortization of one hundred forty thousand dollars it is really shameful to even talk about it. Currently, the Town collects roughly five thousand five hundred dollars in taxes. In building the subdivision the Town will gain fivefold and collect about twenty five thousand dollars in taxes at the current rate of 0.2288 per hundred and estimated sale prices that prevail in the Town. He stated that the math is simple. With a fivefold gain to the treasuries of the Town of Vienna he asked if they are really talking about one hundred thousand dollars that the Town may incur sixty years from now.

Mr. Sahni stated that additionally the Town is a fine municipality, providing everyone service. He has lived in the Town since 1985 and at the subject location since 1991. He has not approached the Town to ask why they are spending his tax dollars to maintain or provide municipal services to some other area. That is what makes the Town. If they lose sight of that and start talking about credits here and snips there; compromises here and there it will take away from the spirit of what the Town really is. Public right of way is maintained by the Town and all around. This one should be no exception.

Commissioner Miller asked why the stormwater management for the Surry Estates subdivision was put in the public right of way. At the time there was no quality and or quantity requirement. Mr. Marshall stated that from a zoning level no, but from a state level yes. He stated that what has been provided for both was with respect to the controlled quantity. Quality is proposed to be handled through the purchase of nutrient credit emissions.

There being no further comments Mr. Marshall and Mr. Sahni were seated.

Chairman Hendricks invited members of the audience forward for public comment.

Bryan and Laura Martin owners of 850 Shady Drive SE stepped forward to speak. Mr. Martin thanked the commission for allowing them to speak. He stated that they are not opposed to the development going forward. They understand as neighbors that it is a very valuable piece of property. The owner has the right to develop it and put it to good use. He stated that his intentions are not to stop the development but to help to ensure that development was consistent with the surrounding neighborhood and the Town.

Mr. Martin stated that they recently met with the applicant and thanked Mr. and Mrs. Sahni for his hospitality. He stated that Mr. Sahni was able to go over the proposed plans. They in turn let him know their concerns. He reiterated those concerns for the Commission, stating that they have three primary concerns as neighbors. The first concern is for water runoff. As a neighbor he is not as concerned with phosphor or its quantity. More so with the water that will flow on to his property. A number of property owners in their neighborhood have a lot of water issues in the basement. He feels lucky that he does not currently have any water problems noting that their back yard does flood after a heavy rainfall. He would assume that re-grading and additional lots will increase water runoff. Although he is not an engineer he was able to review the numbers presented as part of the plan, which looks to be favorable in terms of water runoff. He noted that some assumptions have been made with respect to downspouts. Some of the homes are shown with downspouts along the southern side. Some only have downspouts on the northern side. He himself has seven downspouts on his own house. There will be more water flowing off the roofs of those houses and flowing in their direction than has been depicted on the plan. He would

ask that reviewing members of the Town closely look at that to make sure that neighbors are not impacted either during or post construction.

Mr. Martin stated that the overall subdivision seemed odd to them. They have asked that the lot configuration have a like for like setback. Anything that they can do to have backyards that back up to each other rather than side-yard setbacks of fifteen feet would be very much appreciated. He stated that lot three will be located behind their property. According to the plan layout it appears to be a very large building. It seems strange to them that it would be so close to the lot line. In addition the cul-de-sac seems very close to them as well. They had assumed that the property would back up to them and not a side yard against their property. That has been exacerbated by the grading plan. He stated that there is a large berm from the old rail line that extends through the area. The plan is to cut out a part of that and to put the house in it using the berm as a ramp up to the first level. The first level of the home will be eight feet taller than the surrounding properties. He presented a photograph from a lot built in the Surry Lane subdivision as a representation of the new home sitting higher above the neighboring home. He stated that they would be more in favor of the proposal if the neighboring lot were sunk down lower so that it will not sit so high above at fifteen feet from their property line.

Mr. Martin stated that the overall effect will be that there will be a berm or ramp leading up to the house. The Town had enacted a regulation or ordinance that limited the amount of grading so that houses cannot be perched up on top of the hill. It appears that they will have a large basement projecting eight feet out of the ground with a ramp leading up to the front of the house. He strongly urged the Commission to investigate alternatives to the proposed plan than to incorporate a like for like setback that will maintain a traditional separation between the houses. This can be seen all over the Town.

Mr. Marty stated that they also recommend that the applicant investigate terminating Ninovan into a cul-de-sac. He encouraged the Commission to look at alternatives. With respect to grading and use of the rail berm he requested that the Town require that new construction be on grade, plus or minus three feet with the surrounding terrain. If they are intending to move the grade around so that the berm is on one side then he would recommend that the berm be removed entirely. Or, that they find an alternate location for the house on the lot that does not involve raising it up on top of the berm. He thanked the Commission for the opportunity to speak and to voice their concerns, stating that by making these changes the development will be attractive to potential buyers consistent with Town requirements and integrating more seamlessly with the existing neighborhood.

Mrs. Martin stated that they are not opposed to good development. Appropriate and deliberate development leads to formation of neighborhoods and a community feel that creates the character that they find so attractive and unique to the Town. They are fortunate to live in such a neighborhood, which is one of the reasons that they chose to move there in 2004. She stated that while they consider the possible vacation and sale of the right of way they should know that it also provides access to neighborhoods and friends residing on Ninovan, Tapawingo, and Shahraam Court as well as providing green space. Many of them chose their properties expressly for the back yard and the expectation that the right of way would provide a buffer from future encroachment. Allowing development to proceed as planned would not in her opinion be harmonious with the current neighborhoods. In two cases they have reviewed two homes that will loom over their existing homes; specifically lots three and four given the way the land would be cleared and graded as they are interpreting it. This is not the atmosphere or the neighborhood they would have chosen to live in ten years prior nor would have chosen to move into now. The Town Planning Commission has an opportunity to help produce an outcome that is mutually beneficial to the existing neighbors, the developer, and the Town. They urge them to consider alternatives to these plans.

There being no further comments Mr. and Mrs. Martin were seated.

Commission Noble stated that the plan indicates that lot one is four sixty-two point eight, lot two is four sixty-two, lot three is four thirty-six. He asked if that is correct. Mr. Flis explained that the numbers have been transposed and should read as sixty-three. Mr. Marshall stated that the footprints that have been shown are not the final house plans. They are representative of a generic box in order to establish drainage divides, grading patterns, et cetera.

With respect to the downspout locations he noted that the ones shown are indicative of where they would have to be. That is why they have been referenced on the plan so that it is very clear as to where they have to be located.

Mr. Gallagher noted that downspouts were one of his comments, particularly on the lots where they have downspouts shown on one side. He stated that it had been comment that staff was not confident that a house could be built with the water funneling to one side of the house. The response was that it will happen in the field. He still challenges the constructability of that. He is not convinced that they can design a gutter system that can carry water across an entire roof to one side of the house.

Commissioner Anderson asked if the Town ever checks for downspout locations to ensure that stormwater management runoff plans is being built as advertised. Mr. Gallagher answered yes, stating that they review locations during inspection. Though there is no code to say that a downspout cannot be located there they do ensure that it will not create an adverse situation. They will often ask a builder to take corrective measures that seem necessary. He has not seen an engineered solution per the provided plan. It may need to be buried in pipe similar to the other downspouts as shown on lot three to be installed in a small pipe that travels to an inlet. Commissioner Anderson thanked Mr. Gallagher.

Commissioner Gelb asked procedurally what stage staff needs to be satisfied before it can go before the Town Council for review and if staff needs to be satisfied that an engineering solution exists. Mr. Gallagher answered yes, stating that the drainage divides indicate that roof drainage is supposed to be flowing into the storm drainage system that is proposed throughout the site. He is not convinced that a note on the plan will allow a builder to provide that without further detail.

Commissioner Gelb asked Mr. Marshall if there is an ability to meet some of the neighbor's concerns such as the side setback that will be close to their property. At what point in the process would they set the location of that home. Mr. Marshall stated that they will still have to file their grading plans with the Town for building permit review. Commissioner Gelb asked if that would happen before or after review the Mayor and Town Council review. Mr. Marshall answered that it would be after.

Mr. Gallagher stated that when staff reviews plans they do not typically include downspout designs. It is typically provided on site by the gutter contractor. They do not provide any design scheme that is approved.

There being no further comments Mr. Marshall were seated.

Rebecca Easton owner of 852 Shady Drive SE stepped forward to speak. Ms. Easton stated that they have lived at their home for over twelve years having chosen the Town for its sense of community. Their back-yard is an open area where five adjoining back-yards join with no fences and lots of shade trees. Children and parents of the community meet to socialize and play. It is a neighborhood that they have created and that they love. They purchased their home believing that the Ninovan Road right of way would prevent any nearby construction. They did recognize that the large open area could possibly be developed one day but did not believe that it would encroach and crowd so closely to their backyards. The prospect of houses being built that can be more than forty feet higher than their yard and fifteen feet back from the lot line is distressing. It will change the entire character of their community, of their back yard, and the life that they love to live there.

Ms. Easton stated that they do have concerns about water issues. In the past they have suffered significant water damage that necessitated the complete rebuilding of their finished basement. They have had to put in almost ten thousand dollars in re-grading, resurfacing, and implementing drainage solutions to prevent re-flooding. She stated that there can be no additional water shedding off the developed property on to their area. There is nowhere for it to go. They hope that the Town can take into account the public value of the right of way. Negotiate with the applicant to reduce the impact of the proposed development. They were pleased with the changes to the Town Code to restrain development with substantially different heights within the surrounding land. They ask that the Planning Commission do whatever is possible to ensure that the setbacks and building heights do not minimize and negatively impact the existing neighbors and property owners. They support finding alternatives to vacating the

right of way for this development. She stated that twelve years prior they realized that the Town was a place that they wanted to raise their family in. They believe that the suggestions they have provided will help to maintain a sense of community and keep Vienna a Town that they are proud to call home.

There being no further comment, Ms. Easton was seated.

Richard Laver owner of 800 Shahraam Court SE stepped forward to speak. Mr. Laver stated that he resides on the other side from where the previous neighbors have spoken. He stated that he is uncertain of the status for changing zoning from six homes to eight. They have had a great deal of development starting with Surrey Estates. Where there had been four homes previously there are now eight homes that are tightly packed together. Further down the street from them on Tapawingo Road SE there is a new development being constructed that will serve for both commercial and residential. There has been repaving of the path along the bike trail, which has created a lot more bike traffic. That is a safety consideration. He stated that the addition of eight new homes to where there are currently two is a lot of increase in density within a small area for their neighborhood. That is a key consideration for them as it will lead to more traffic up and down Tapawingo Road SE. It will also create a major change to the appearance and feel of the community. Surrey Estates is completely out of keeping with the neighborhood. That area had been covered in one hundred year old oak trees. He noted that from Google Earth you could not see the ground. Now you see nothing but ground. The only Oak tree that remains on site is a pretty sickly looking tree.

Mr. Laver stated that with respect to the subject application his concerns are with the increase from six to eight homes, density is a big concern, and retaining the canopy coverage would be nice. He stated that drainage is an issue, noting that there have been a lot of problems with Surrey Estates. The view from some of the ground floor windows looks onto some of the upper story homes on Shahraam Court. They had previously looked out to nothing but trees and now look into the lower floors of another home. They do not feel that drainage was well planned for with Surrey Estates. He hopes that the Commission will reflect on it carefully. Density, the appearance of the community, the appearance of the development, and drainage are major concerns for him.

There being no further comment Mr. Laver was seated.

David Newcome owner of 905 Carol Court SE stepped forward to speak. Mr. Newcome stated that he resides at the end of the proposed hammerhead. His backyard will look out onto the hammerhead. He agrees with previous neighbor comments. He stated that the applicant made a comment that this is what the Town of Vienna is all about. He disagreed, stating that he moved to the Town in 1961 at the age of two. He has lived in the Town his entire life. The Town has changed and is nothing like what it used to be. It is filled with McMansions, overgrowth, infill, and it is sickening. He stated that he is a developer and supports what the applicant is doing. There needs to be some logic and thought with respect to approving the hammerhead, which allows for an extra lot but will cause the neighbors problems. It exacerbates drainage issues. It does not add to the value of the overall community or to what they want the Town to be. That being said he is supportive of the developer. His concerns are with respect to drainage as he has been flooded three times in the last ten years. The hammerhead and drainage swale he did not believe to be calculated correctly. He noted that ten year storms happened three times last year. The Town needs to ensure that it is adequate to handle such problems for his neighbors and himself. Additionally, with respect to the hammerhead he believed that with a little creativity the cul-de-sac could be rerouted along Ninovan Road SE.

Chairman Hendricks asked Mr. Newcome to clarify his position on the application. Mr. Newcome stated that his concerns relate to the proposed hammerhead and allowing it to go forth. It is not something that the Town has allowed in the past. It has always been cul-de-sacs. They no longer allow for pipe stems. He is against the hammerhead and would like to see it redesigned. He is very uncertain about the drainage situation on both sides. At times during the summer they have torrents of water, six inches deep. He stated that he is against the hammerhead and would like to see it removed and redesigned for drainage.

There being no further comment Mr. Newcome was seated.

John DeLong owner of 904 Carol Court SE stepped forward to speak. Mr. DeLong stated that they have resided at their home for fourteen years. He stated that they have spent a lot of time reviewing the application. In response to comments he is hearing that neighbors are generally in favor of development. They are not opposed to the application but feel that it can be done much smarter. The comment from the applicant that the overall design began with Mr. Hembree, he would like to know the specific objection that staff had at the time. That would have ensured that they have back to back lots with like to like setbacks with the existing housing, and would minimize concerns with flooding traveling down Shahraam Court; helping every issue that they currently experience with respect to quality, quantity, surrounding neighborhood objections. He would like to understand why that was not a preferred alternative. If, as was suggested by the Engineer, there was an issue with the radius, he would point out that most cul-de-sacs come out at a ninety degree angle. There is no need to bring Ninovan Road in. It could come out to an oblique angle stopping and joining up with the existing Ninovan Road. He asked that they review what they feel to be real considerations were for that. He has spoken with staff about the issue of backing lots to an existing street. Tapawingo ends in approximately four hundred feet from where it crosses over. Staff has said that there are many instances to where they have lots backing up to a street. The residents of Tapawingo would be looking across the street and then into a back lot. That would be significantly better than having a front lawn siting there.

Mr. DeLong stated that with respect to stormwater he has communicated with staff. This is a real concern. He does not get a lot of comfort in a plan created by an engineer that shows two downspouts and a note. He does not want to be disrespectful but this has very serious consequences for them. They have been flooded out and were flooded out last year having to refinish a finished basement. It is extremely expensive. Their other neighbors have experienced the same issue. He has discussed his concerns with staff bucking the water into the designed catchment system. This involves putting a small berm or swale. They have looked at the capacity and find that it could handle all of the water that would occur during a ten year storm. He stated that it would have the ability to handle several acres as it would be sized for that with fifteen inch pipes. It is their recommendation that staff go back and request that the applicant create a berm that could provide them with enough certainty that it will not create any more water.

Mr. DeLong stated that the Planning Commission has a responsibility to enforce the Town Code and to assess whether they meet Town Code. The project does seem to meet code assuming that the right of way on Ninovan Road is vacated and they receive a sidewalk waiver along the W&OD Trail. He stated that the subdivision as designed will change the character of the neighborhood. They have five rear yards, though unusual, all back up to common area fronting onto the Ninovan right of way. They always believed that the right of way would be held by the Town. When they first moved to the Town a portion of it had been split between the Town, the Sahni's, and the Bukont entity that developed Shady Drive South. They anticipated that everything would eventually be developed north of that. They had anticipated that the right of way would protect them from development. He noted that the right of way provides a public benefit in that it provides a thoroughfare for those coming from Shahraam, Ninovan, and Tapawingo roads creating a social area and backs up to the W&OD Trail.

Mr. DeLong stated in response to Mr. Sahni's resistance to managing stormwater quality he stated that is unfortunate. They hope to get people talking to each other in hopes that they will work to resolve the issues that are to everybody's benefit. It is an unfortunate approach to insist that you have zoning approvals and everything else be damned. That is not the way to create good neighborhoods or a Town with the kind of character that they think that the Town has and would like to continue to see developed. He stated that is evidenced in their deliberations of the Maple Avenue Corridor. It creates a good outcome in the sense that the Council and Commission will be much more involved in determining what types of projects go forward. It also places a burden on the Commission to represent their interests. They look to them to negotiate and trade with developers whose interests are to push to the legal limit.

Mr. DeLong stated that the right of way is valuable to them as it is within proximity to their lots. He stated that he is still unclear as to who negotiates the exchange of right of way for some other considerations. If it is within the Commission's purview he would strongly ask that they carefully consider the value against the burden that they

will take on as home owners when the houses are built. A good home design would make them very happy. The structure of the front and the elevation measurement, the envelope will be forty-one feet above his back lot. So that fifteen feet from his back lot line the building envelope will extend up forty-one feet high. That is because one of the front corners is located on that berm that was previously mentioned. They would like to see some substantiated work showing them why the Ninovan right of way does not work. That seems the way to get everybody's issues addressed.

Mr. DeLong stated that they have no other avenue for protection against the developer other than to rely on the Commission and the Town Council. That is why they have put forth so much work to apprise them of their interest. They very much appreciate the help of Town staff members in their endeavors. They want to work with the applicants. When the right of way is sold, it will be seven thousand square feet. According to evaluation of his tax records he estimated it to be worth one hundred eighty thousand to two hundred thousand dollars. It is a keystone to their community. It is also a keystone to the applicant allowing them to build another house.

There being no further comment Mr. DeLong was seated.

Michael Chang owner of 902 Carol Court SE stepped forward to speak. Mr. Chang stated that his property is situated the furthest away so that he may be less concerned for the overall height. He stated that he is very concerned about water issues. His home has flooded at least once. He hopes that they will closely review the site and ensure that water will not flow south towards him. He observed that nobody located south of the development has spoken in opposition to the development. There are issues related to the way that the southern region of the development transitions to the existing houses in the south. The discussion of the height relates to the berm, which is an unnatural feature. It was built up to its current height to accommodate the railroad. He urged them to consider waiving the applicant's ability to lower the berm. It is not a natural grade. He can understand the applicant's hesitation in requesting a waiver and maybe the Commission can offer to waive the elimination of the grade. It would integrate better in to the existing house development.

There being no further comment Mr. Chang was seated.

Joe O'Brien owner of 400 Tapawingo Road SE stepped forward to speak. Mr. O'Brien stated that he is neutral on the development. He can understand the applicant's desire to develop the property. He stated that a cul-de-sac is preferred as opposed to a hammerhead at the end of Tapawingo Road SE. They typically walk in the evening. He can see nothing aesthetically pleasing in a hammerhead turnaround. The Town's Planning Commission and the Town Council have an obligation to its citizens in maintaining their property values. Similar to their obligation to enabling the Sahni's in developing their property. A cul-de-sac is more pleasing, which will ultimately translate in a small way to continue to maintain property values for those who are affected. He stated that his property is least affected in comparison to the neighbors who have spoken so far. They are concerned with the overall height of the houses. Their property abuts Surrey Estates. When it was being developed there were truck load after truck load of dirt brought in so that all of the properties are situated on a nice little hill. Their home now looks as though they are sitting in a well. With respect to tree canopy Surrey Estates has what was a beautiful Oak tree on the corner of their lot. The developer did maintain the Oak tree in the subdivision but it is not the same tree from when construction commenced. They lopped off a limb that was almost as big as the base of the tree. It is not the same tree that was there before that had provided a lot of shade to their back yards. He asked that they please ensure that the existing trees and stormwater are maintained and that what was approved is ultimately built.

Commissioner Anderson asked if they took the alternative approach then the houses on lots six and seven would back to Mr. O'Brien's lot. Mr. O'Brien stated that his property is located along the north side at the corner of Tapawingo and Ninovan Road SE. He would not be in a direction that would be affected. He did have an opportunity to look over the plan but is not as intimately aware as some of the previous speakers. He would love to see a cul-de-sac noting that the hammerhead does not work.

There being no further comment Mr. O'Brien was seated.

Robert Harootyan owner of 854 Shady Drive SE stepped forward to speak. Mr. Harootyan stated that he and his family moved to their property fifteen years ago. They moved from Wolftrap Meadows, which is just outside of the Town because they liked the idea of small town government and the opportunity to have the kind of input that he is making tonight. Fifteen years ago it was clear that the Town is growing but it had been growing smartly. They appreciated that at the time. At the time scale had been well maintained with good integration of new to existing. They felt that their home in their cul-de-sac fit that model. There have been some hits and misses since then. He stated that he is speaking in support of his neighbors who are located adjacent to the proposed development. His is not. In their reservations and concerns they are supportive of some kind of development for some kind of appropriate subdivision. The lot is currently very unsightly. A new development would be an improvement and would provide more revenue to the Town but it should not be done at a cost that is inappropriate.

Mr. Harootyan stated that his cul-de-sac was built out of five homes, three thousand square feet apiece on two and a half acres. That was for a full sized cul-de-sac with a short access road. The subject development is on three and half acres with eight homes. There is no reason to believe that a new subdivision could be appropriate with six or no more than seven homes. He stated that the hammerhead is not necessary. A cul-de-sac is a more appropriate design. He is very concerned about the potential for water drainage and runoff. They continually see small rivulets of water running behind their home and the adjoining back yards of their neighbors who are located along the opposite court. That rivulet runs south and eastward until it drains to Owaissa Road. Any change to the existing topography and the amount of rain that can be absorbed on the land and proposed subdivision will occur when you have impervious roofs and lack of downspouts shown on the plan. It is a major concern that the Commission needs to address. He is convinced that the addition of eight lots in comparison to the existing condition will make more water runoff. It will be insufficient to handle the subdivision. He stated that a proper drainage system should be tapped into the Town's public sewer system.

There being no further comments Mr. Harootyan was seated.

Julie Robeson owner of 406 Tapawingo Road SE stepped forward to speak. She stated that her husband who is sixty-five years old has lived in the Town his entire life. She is speaking on his behalf as he is ill and unable to attend the meeting. In addition she is speaking on behalf of her neighbors who are located along Tapawingo Road SE and Shahraam Court since they could not attend. She stated that they are all concerned about the density of the property. They all understand that it will be developed and do not have an issue with that. The density and the potential for adverse drainage gives them concern. Increase in bike trail users and their safety is among a concern along with density and lack of buffer or green space along the bike trail. She had gotten the impression that since nobody had spoken who resides along Tapawingo Road SE then they were not concerned. She noted that they are very concerned. They are not opposed to development but would prefer a plan that called for six homes so that there would be less of an impact on everything. She stated that their neighbors located at the bottom of Shahraam Court had severe flooding from the Surrey Estates development. Mud gushed into their basement. They are concerned about the height as it will affect drainage. She stated that she is speaking on behalf of residents of Tapawingo Road 404, 406 and all down Shahraam Court SE.

There being no further comment Ms. Robeson was seated.

Chairman Hendricks stated that it has been a good discussion so far. He is hearing generally supportive feedback that neighbors understand that the Town is changing but articulation of issues that need to be addressed; those having to do with density, water runoff, height, tree canopy and cul-de-sac versus hammerhead. They appreciate the feedback that they have had from the surrounding neighbors and that they took the time to come out and to address those concerns. The applicant has done a good job as well in articulating what they intend to do with the property.

Commissioner Miller stated that he is concerned that the stormwater management issues appear to be over engineered solutions, namely the manner in which they are dealing with the berm. He agrees with the neighbor's comment that the berm is an artificial feature to the existing grade, although it is from 1904. He would like to see

the developer work within the twenty percent canopy coverage regulation. While they are not required to it should be entertained. It would make him feel better and the neighbors as well. He would like to see some addressing of the legal right of way and the hammerhead solution.

Commissioner Miller stated that during the time that he has served on the Commission he has never seen so many neighbors speak in favor of a development but that they want to see a better solution. They, as a Commission, owe everybody that. He stated that he would be interested in deferring the item to a future meeting to allow the applicant, neighbors, and the Town time to continue to work through these issues.

Commissioner Gelb agreed with Commissioner Miller's comments. As an aside he is concerned that the applicant is not displaying a flexibility or willingness to reconsider any elements to their plan. He noted that may be a misread on his part but that is what has come across to him.

Commissioner Anderson stated that they previously had to work within a tight deadline for review of preliminary and final plat applications. As they no longer follow preliminary plat review procedures he asked for the time frame for review. Mr. Flis answered that they still follow a sixty day review timeframe; beginning from December 4th, 2014. Commissioner Anderson asked if that is when they submitted. Mr. Flis answered yes, stating that they have until February 4, 2015. The Commission has two meeting times scheduled in January. Commissioner Anderson stated that he is in complete agreement with Commissioner Miller's comments. There are too many open questions. If they are relying on downspouts on the south side to redirect water he would like to see a much more detailed plan as to how that will work; especially since they are on the opposite sides of the house. The site is located uphill from the existing neighbors. He would like to see how they intend to deal with that.

Commissioner Anderson asked if the Town would entertain a height variance given the spirit of the height concerns. Mr. Flis answered yes, stating that they would be open to a waiver in the negative. Commissioner Anderson stated that it could be phrased that way, stating that he previously lived on a hammerhead street at one point. He found it to be a safety issue. People typically try to park there and then they cannot turn around. The Planning Commission should not grant such a waiver until the vacation issue has been settled. They should not consider any final approvals until the vacation issue has been settled. He stated that final action on the application is premature. In addition he agrees that the applicant should meet the twenty percent canopy coverage per lot. While they are not required to do so they have had other applicants who were not required to but did it in the spirit of the Town. He stated that it is just a matter of adding some trees and a reasonable thing to add.

Commissioner Lanphear noted that the vacation of the right of way is not in their purview. One of the discussions has been whether or not to extend Ninovan Road down to Tapawingo Road SE. He asked for the sequencing of events in their review of the right of way. Mr. Flis answered that the Commission is not tasked with a recommendation on the vacation. To answer Commissioner Lanphear's question if they are recommending or advising the applicant to redesign the plan or to look at it they are not opposed to each other. They are not making a recommendation on the vacation itself.

Commissioner Noble stated that he shared a number of stormwater quality concerns and on the proposed hammerhead. He noted that he effectively lives on a hammerhead street, which causes difficulty for those trying to turn around. He is also interested in a deferral. In addition he would like staff to let them know what is causing the overall water issue.

Commissioner Kenney stated that he would like to see stormwater development. It looks like very narrow lot depths creating shallow lots. He wondered why they are considering a hammerhead at all. To his understanding the only time that they have done so is for a few that were grandfathered in to the Town. The only reason that he could see as a reason to grant a hammerhead is to help in stormwater management. If there is an inlet it would create a low spot. He asked that it be looked at again to determine whether an inlet could be created. It appears to him that most of the water is being directed towards the inlet and not towards the neighboring properties. His concerns are for further up between lots four and three. They still have remnants of the berm and at

one spot are at fifteen percent grading. He asked that the applicant considered extending the area drain similar to what they had done on lot nine-A. He asked if they can pull one off of structure six and extend that to the end of the cul-de-sac creating a low spot. Direct some water in that direction. He asked if they would also consider if on lot three if they need a footprint of 68 by 95 feet. He understands that one could be built that big but asked if it would be possible to pull that line back in order to alleviate some of the neighbor's concerns.

Commissioner Kenney stated that with respect to stormwater management they can run it underground and daylight it on the far side of the berm on lot three. That will help to alleviate some of their concerns. He encouraged the applicant to think about lowering some of the floor elevations. Currently, the plan calls for plus six feet, plus five feet. It seemed to him that in order to address two of the issues they can lower the properties down along with the finished floor height to help alleviate height concerns. He asked that they at least consider that option. He noted that in addition the driveways, particularly lot six and lot seven show twelve percent and fifteen percent for lot eight on the driveway. Commissioner Kenney stated that he is in favor of granting a waiver for minus three feet. With respect to stormwater management it is disappointing to him that they are reviewing a subdivision of this size, which does not have a more typical stormwater management system that they generally see on much smaller subdivisions. It is a shame that they cannot provide for better stormwater management.

There being no further discussion a motion was in order.

Commissioner Anderson made a motion that the recommendation to the Mayor and Town Council on a final plat and requested waivers from certain public street improvements for the proposed resubdivision of six contiguous parcels within Block 10, Onondio 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, 405 and 407 Tapawingo Road SE, and 820, 822, 823, 824 and 825 Onondio Court Cove SE*) be deferred until the next regularly-scheduled meeting.

Motion to Defer: Anderson
Second: Miller
Deferred: 8-0

ITEM NO. 4:

Recommendation to the Mayor and Town Council on a **site plan and certain site plan modifications** for the construction of a new office building, entryways, parking areas and a parking structure for Navy Federal Credit Union Campus Expansion on property located at 1041 Electric Avenue SE, and in the CMP-Planned Industrial zone. Application filed by Aaron Vinson, Walter L. Phillips, Incorporated and J3 Design Collective, Inc., on behalf of Navy Federal Credit Union, owner.

Mr. Flis stated that the Commission has seen the subject application two times during a work session; once as an overview and for a second time to discuss traffic and transportation. He stated that there are existing facilities on the property. There is an existing Navy Federal Annex building along with two other buildings previously occupied by the CIA (Central Intelligence Agency.) Those buildings are currently vacant with the Annex still occupied by Navy Federal Credit Union. The applicant is seeking to redevelop the site with an office building and parking structure. There are three site plan modification requests. The first is for the location of the loading birth, which is less than three hundred feet from a public park. The second is for the area of a parking space. The request is for an eighteen foot long space as opposed to a twenty foot long space. The third request is to exceed Town Code requirement for a thirty-five foot wide driveway.

Chairman Hendricks called the applicant forward to present.

Jon Gissendanner of J3 Design stepped forward to present. Mr. Gissendanner stated that he is the architect on the project. The Civil Engineer, Traffic Consultant and representatives from Navy Federal Credit Union are also present to speak.

Mr. Gissendanner gave a brief overview of the proposed project, stating that the area planned for redeveloped are highlighted as sites B and C of the slide show. The intent is to demolish the B and C buildings and all associated paving to reconsolidate the structures into a single building parking structure. The intent is to provide the Navy Federal Credit Union with a more campus-like atmosphere. The plan calls for the building of a pedestrian bridge extending across the street as well. The site is 10.763 acres. The existing buildings are approximately two hundred twenty-one thousand square feet. That is for all three buildings. Existing parking is nine hundred sixty-eight spaces. Existing impervious area is seventy four percent of the site. The proposal calls for building a structure that is 234,391 square feet. That is a six percent increase. They are proposing to increase parking to 1184 parking spaces at a twenty- two percent increase. Proposed impervious area would be reduced from seventy four percent down to fifty seven percent. The plan is to eliminate all surface parking and placing it within the parking structure.

New buildings will be set in at least one hundred feet from all property lines. The tree covered berm and trees will remain along the Tysons Woods side of the lot. The site will be enhanced with additional landscaping, lengthening and increasing the berm where possible. Along the W&OD Trail side of the project they are creating a berm down as far as possible along the property line and providing landscaping. The site will have three access points along with the bridge for traveling across the street to the main campus with the intent to eliminate the at grade crossing. The proposal calls for the installation of a traffic light at the Eastern entrance at the bottom. This will include an at grade pedestrian cross walk in addition to the overhead bridge.

Impact of the surface court will be greatly mitigated by the installation of trees atop of the berm, a wall around the court, and soundproofing material will be placed along the interior with a sound absorbing screen. The rooftop penthouse has been set in reducing the overall height of the structure. All equipment will be completely screened by the same sound proofing material. Quiet dry coolers units will be installed at the site.

With respect to the garage structure they have met with the adjoining neighbors. There were some concerns as to the openness of the garage. The forty five degree corner will be enclosed completely. A green screen will be applied up the side of the wall with the introduction of brick elements. The openness of the garage has been reduced down to the most minimal allotment that is allowed per code. It cannot be enclosed any further and still be considered an open parking structure.

The building will be a glass and precast concrete with brick set into it. It will be a four story building with three stories showing from the Electric Avenue side. When the grade falls back it becomes almost four stories. The only side that is truly four stories is along the service court itself. The garage itself will be a six level garage with five structure levels. The lowest level will be cut into the grade at the end closest to Electric Avenue. The building elevation details the existing and proposed trees in order to get a sense of the landscaping of the site.

Aaron Vincent of Walter L. Phillips, Inc. stepped forward to speak. Mr. Vincent stated that the project will provide a two acre reduction to impervious area. In addition along the western side of the property along the trail side they are proposing a bioretention area as well as a dry swale. Along the eastern property line or the Tysons Woods side they are proposing a dry swale and a proprietary structure facility under the parking lot. This will result in the reduction of two and ten year runoff calculations and the removal of slightly more than necessary phosphorous from the site.

The site by code is required to provide approximately forty six thousand square feet of tree coverage. The application request exceeds that with the trees that have been slated to be saved around the perimeter of the site; predominately along the east side or the Tysons Woods side of the property. In addition they are planting forty-eight thousand square feet of tree coverage with an end result of more than three hundred thousand square feet of tree canopy when only forty-six thousand is required. That is roughly six times more than the Town Code

requirement. He stated that they do so because Navy Federal Credit Union wants to create a very esthetically pleasing campus and out of sensitivity to their neighbors.

Mr. Vincent stated that the application calls for three modifications. The first modification is for loading within three hundred feet of a residential zone. The loading dock itself will be completely screened with a roll down door. The portion that is uncovered will be for where the truck will sit. They believe that with the berming, the landscaping, and the elevation difference they feel that the modification is justified. They are requesting modification for an eighteen foot stall depth so that the parking garage can meet standard industry conventions for construction parking garages. Eighteen feet is the standard stall depth. He stated that introducing a larger stall creates complications for the garage's construction. For the waiver of the site entrance width they have asked for two locations. The middle entrance along Electric Avenue needs to be roughly forty feet at the right of way line in order to provide curb returns at the entrance. At the signal shown at the lower right hand corner they need more to allow for the needed space for two egress lanes and one entrance lane to properly configure the signal.

Mr. Vincent stated that with respect to discussions on parking and traffic alleviations he wanted to note that the applicant has been working very hard in the last couple of months to ensure what they believe to be the most accurate numbers for parking. He stated that headquarters property has 2,307 parking spaces. On a typical day there is an average of 3,100 people. That is a ratio of 0.74 parking spaces per employee. On the new site they will provide 11,084 parking spaces with an employee count of 900 people. That creates a ratio of 1.31 spaces per employee. That is a high ratio on its own. Since they are creating a campus environment they have to factor both the new site and the headquarters site into their calculations. The combination equates to 3,491 parking spaces to serve 4,000 people. That is a ratio of 0.87 spaces per employees. They feel that this brings them to where they need to be in providing some access parking on the site for overflow for headquarters. They hope that will also help to alleviate the cars parked along the street. He stated that they took counts every day at 10am and 2pm for two weeks. At 10am, on an average day, they found twenty eight cars parked on the street. Those were not employee cars. At 2pm on an average day they found an average of thirty four cars parked on the street. The high count was forty with a low count of twenty three. He stated that they believe that the parking being provided will be enough convenient parking and will get a lot of those cars off of the street. The recommended ratio for parking for a typical office development is around 0.83 spaces per employee.

Will Johnson of Wells and Associates stepped forward to speak. Mr. Johnson stated that he is the traffic consultant for the project. Mr. Johnson stated that traffic counts were taken in July of 2014. Subsequent to that discussions held were held at work sessions with members of the Town Staff and members of the Planning Commission. Navy Federal Credit Union revised their employee forecast, stating that the slide presentation indicates the most current anticipated number of trips generated by the forecasted increase of personnel on the campus. He stated that there is a morning peak hour of 343 and afternoon peak hour of 342 for new trips. The provided data of what is developed today and what can potentially generate traffic are 25 a.m. peak hour trips and 61 p.m. peak hour trips. New trips associated with new development and new employees forecasted to work on site will comprise of approximately five percent of total future traffic at this intersection. Accounting for previous occupancy that impact would be in the neighborhood of one percent.

Mr. Johnson stated that several proposed improvements include a traffic signal along Electric Avenue at entrance number four. This will benefit access entrance ingress/egress to the site. It will also provide for public benefit for safe controlled pedestrian crossing across Electric Avenue, which does not exist, and a measure of traffic calming along Electric Avenue leading up towards the sharp bend along Follin Lane. This may help to meter thru traffic along Electric Avenue and neighbor concern for access to and from their adjoining properties.

Mr. Johnson stated that the proposed pedestrian bridge will be provided for Navy Federal personnel. Pedestrian trips are estimated at 100 to 200 crossings per day. This is anticipated to reduce the at-grade crossing. Also, Navy Federal Credit Union maintains a certain level of TDM (Transportation Demand Management) strategies as part of their current operating procedures. There are things that they can do to further improve or enhance to encourage personnel, both existing and future, to utilize alternate modes of transportation. They can reduce trips to the site

and encourage them to arrive at differing times rather than at the peak commuter window. Such options include teleworking from home, carpool and vanpool programs, and shuttle and transit services. In addition the buildings proximity to the W& OD Trail is an asset in encouraging their work force to bike to work.

Mr. Gissendanner stated that in summary they feel that they have remained consistent with the Town's Zoning Ordinance. They are not asking for a large increase of area on the site. It is a consolidation to put up better structures rather than bigger structures and to create a better campus for Navy Federal. This will provide a much better environment for the neighborhood to include more green space and buffering for the residences who are close by.

Chairman Hendricks thanked the applicants for their presentation. He invited members of the audience for comment on the proposal.

Laila Akhlaghi owner of 2232 Malroux Drive, Vienna VA stepped forward to speak. Ms. Akhlaghi stated that they are technically located outside of Town on the Fairfax County side in Tysons Woods corner. She stated that she is one of thirteen properties located along the eastern end of the site. They received a letter from the new property owner Navy Federal Credit Union, which stated their intent to relocate the fence line back along their property line. This is ten to twelve feet in. She noted that when the fence was originally installed thirty years prior by the previous owner it was presumably to control both sides for security reasons. Neither the owners nor the renters ever maintained their property. She stated that when she moved to her property five years ago they were advised not to allow their children to play in the back yard until they took care of the poison ivy and other hazardous issues that existed. Some neighbors had been living there fifteen to twenty years managing the land for that time. They understand that the property does not belong to them. Many of their neighbors were not given the same quality of information. Their maps are not as clear. When asked by County officials as to whether or not they could build sheds or other non-permanent structures due to the stormwater easement they were told that nothing could be done. When they checked further it appears to have been a paper road. Images from 1960 show an old dirt road. Some of her neighbors have built significant nonpermanent structures within their fence area.

Ms. Akhlaghi stated that they have had no choice but to care for the land if they wanted to utilize their back yards. The facilities manager for Navy Federal did meet with them and walk the site. They do believe that they have advocated very much on their behalf by saving some of the older trees and the addition of new landscaping. They greatly appreciate those efforts. She stated that Navy Federal has offered them an agreement for a revocable license. The neighbors would have to acknowledge that Navy Federal Credit Union owns the property and that they give up all rights to the area in order to be provided a revocable license. Any existing improvements could remain with no rights to build further permanent improvements. Navy Federal Credit Union can terminate the license at will with only six months' notice. They would be required to remove all improvements and items and to cease the use of the ten to twelve foot area in front of the fence. She stated that Navy Federal Credit Union assumes no risk to the area. As such neighbors may not assign license without Navy Federal Credit Union's permission. An agreement with one owner is not contingent with any of the other neighbors.

She stated that the agreement leaves them with some risk. They could be given such a notice to vacate at any time. Not being able to transfer the use of the back yard to any future owners they would not be able to state that the back yard would remain the same to anyone who chose purchase their property. Some neighbors who have lived there for up to twenty-five years might have a case for adverse possession and would be giving up that right by signing the agreement. They do not disapprove any redevelopment. They are very pleased to have a more improved facility to back up to. Because of their concerns they provided a counter proposal to Navy Federal Credit Union a week and half ago. The counter proposal is for a perpetual easement making two changes allowing for perpetual use that negates the six months' notice and that it would be transferable to any future owners. They are looking forward to having Navy Federal as a new neighbor and making a much better building. They look forward to the new lighting. They just want to decrease any adverse risks to their property. She thanked the Commission for their attention and time on the matter.

There being no further comment Ms. Akhlaghi was seated.

Stacy Purinton, Facilities Manager for Navy Federal Credit Union stepped forward to speak. Mr. Purinton stated that they did meet with the neighbors. They could see that the moving of the fence would greatly reduce the rear yards of those neighbors. He stated that both he and George Eichert visited the site to meet with them. That was when they made the decision to draft the original agreement.

Mr. Purinton stated that they purchased the property in April or May 2014. He stated that they cannot do anything with the outlying ten to twelve feet. It serves as a buffer; however they do own the property. They are accountable to their membership. The compromise was to come up with the letter. A counter proposal was provided to them. They have yet to review it and will do so at a later time.

Commissioner Miller asked how many employees were on site when they first opened. Mr. Purinton answered possibly six hundred to one thousand. Commissioner Miller stated that there are currently thirty one hundred, which is roughly three fold. He invited a member of the audience forward to speak. He stated that they should be looking at incremental trips. He invited Mrs. Duncan up to speak, stating that she is the closest residential neighbor to Navy Federal.

Kari Duncan owner of 8544 Electric Avenue, Vienna, Virginia stepped forward to speak. Commissioner Miller asked how long they have lived at their house. Ms. Duncan answered that she has lived there since June 1999. Commissioner Miller asked if the CIA tenant was operative at the time. Ms. Duncan answered yes. Commissioner Miller stated that he has lived on East Street SE, since 1992. He believed that many of the employees worked varying hours because it was a 24/7 operation. That is why he challenges the assumption of incremental trips. If they have a tenant generating trips 24/7 it is wrong to only look at 9am to 5pm. That is why he believes that the incremental trips coming from the new site will be much higher than what has been logged.

Ms. Duncan stated that she believes there will be a significant increase in traffic. They are impacted by it. It is currently very difficult to get in and out of their driveway. They are located next to entrance four. She could not say the impact that a traffic light will have. With additional employees she believed it will be tougher to get in and out of their home. They currently back into their driveway. They cannot park in front of their home. They welcome the new parking spaces. When they come home they cannot get in and out of their driveway. She has nearly been hit trying to get in to her driveway. She stated that she does have traffic concerns. They have been a good neighbors but an increase in employees will mean an increase in traffic.

There being no further comment Ms. Duncan was seated.

Steven Sims of Navy Federal Credit Union stepped forward to speak. Mr. Sims stated that he does not disagree with Commissioner Miller's comments. He stated that he would suggest that incremental numbers put forth should not be reviewed as something that might or might not have happened 6, 8, or 10 years prior. But what will happen in the future. He noted that the company membership has increased from three million up to five million within a couple of years. Membership has increased five hundred thousand this year alone. He stated that much of their support comes out of headquarters. They must grow. If they cannot utilize a new facility then they will have to utilize the current facility that they already own. There will be traffic and employees on site. He stated that while that is not incremental it will be the same numbers. They will have the traffic from the existing buildings or from the new building. They are trying to do the best for their employees making a great place to work. They have been ranked by Forbes as one of the top 100 places to work. They want to maintain that. They want to do what is best for the community has mentioned in the summary.

Commissioner Miller agreed that they are a wonderful neighbor. It is unfortunate that the infrastructure was never designed for the amount of development that is onsite presently or that has been proposed. Additional discussion followed.

Commissioner Noble stated that with all of the information that has been provided he is far more comfortable than when they came in with the original traffic study. He agreed that it is still an increasing number and they will not be able to get around that.

Ms. Duncan asked how construction noise and house of allowance will be zoned for. Mr. Flis answered that the construction hours are the same as the rest of the Town. From 7 am to 8 pm Monday through Saturday and with no work on Sunday. Ms. Duncan stated that they have had prior issues with milling and paving work taking place over night. Mr. Flis stated that they are aware of that and have met with Navy Federal to discuss the matter.

Commissioner Anderson stated that they received information yesterday on the temporary parking plan. He asked if the applicant could come forward and further explain the plan and provision. Starting with how many existing parking spaces will be removed and how they intend to deal with that issue and not an increase in spillover parking for the neighborhoods.

Mr. Purinton stated that during construction the new facility needs to accommodate 350 cars that currently park on the three parcels that they are consolidating. They currently have 125 - 150 employees working at the annex building, which is the only building that is currently occupied. The general concept of dealing with parking is to relocate staff from headquarters during construction to use their rental facilities in Herndon. A few will be transferred over to headquarters. They will provide temporary parking on the construction site at 175 parking spaces temporary on the site. They will also utilize their TDM measures to encourage carpooling, and working alternate work scheduled. They believe with that plan they can mitigate issues of parking on the street.

Commissioner Anderson stated that they will still be short on parking. Mr. Purinton agreed, stating that they are still reviewing all of their TDM measures. They have no choice as they have to make it work. With the people that they are moving over they believe that it will work and they have enough spaces. That is moving just under 100 people to their Herndon facility.

Commissioner Anderson asked if the original calculation included all 350 cars. Mr. Purinton answered yes.

There being no further comment Mr. Purinton was seated.

Commissioner Noble asked staff if there is a way to provide reporting on TDM measures taken and their effectiveness of capture. Mr. Flis answered that they can certainly request that of the applicant. It would be up to the applicant if they would agree to provide the data. He stated that it would be appropriate to ask the applicant if that is acceptable. It would still follow as part of their recommendation to the Mayor and Town Council.

Mr. Sims stated in response to Commissioner Noble's question he noted that they have some measures taken that the Commission is aware of. They do not have a written plan and they do not currently have a good record keeping of what's going on. They just have anecdote. It is their intent, as was previously stated, to encourage but not require employees to take alternate methods of transportation. They are not requiring them to do so. So far they do not have a written report. They are more than happy to be cooperative and collaborative. They can report numbers as to how many people have signed up for carpooling but they cannot say who didn't sign up. They will do their best. They can perform traffic bus counts and so forth. Commissioner Noble stated that he had been thinking of a cover memo with a few tables of what is going on provided every six months to a year so that the Town can understand whether or not it is successful or is it potentially affecting traffic counts. Mr. Sims agreed, stating that they are more than happy to attempt to do so and to share that with staff. Additional discussion followed.

Commissioner Gelb stated that the staff report indicates staff concerns having to do with additional entrances for loading. He asked staff for comment. Mr. Flis answered that is in reference to the northern most entrance, which is right at the curve at Electric and Follin Lane. The initial submittal was shown as being directly accessed off of Follin Lane on to the property. The applicant has since reengineered the intersection to avoid issues that would come up along the path of travel. They now make a car have to turn into the property. There is still some hesitancy from

staff in terms of that and making sure that it will be safe for pedestrians or bicyclists as they are crossing and to ensure that cars slow down enough to safely make that turn. He noted that that section is controlled by the Town. Ultimately the Town Council will have to grant some form of easement or agreement to have that crossing there. He stated that the applicant has addressed the issue somewhat with the design that is before the Commission. Commissioner Gelb asked if additional mitigation measures can be taken in Mr. Flis' view other than not having an entrance there. Mr. Flis answered that he could not speak to the engineering component of the design. The alternative is whether the entrance is necessary at all. The applicant feels it is necessary for access to loading.

Commissioner Miller asked Mr. Flis if he is aware of the paper street mentioned during previous neighbor comment. Mr. Flis answered that he is not, stating that the attorney representing some of the neighbors had been in contact to discuss that. They looked through all of staff's records and could find no indication that a street was ever there. They reviewed all legal records going back to the original rezoning. The site plan that is before the Commission accurately reflects property lines as they exist.

Commissioner Anderson asked for their review timeframe. Mr. Flis answered that it is also under a sixty day time constraint expiring on February 4, 2015.

Commissioner Noble stated that since the entrance curve is on Town property does that add additional risk to the Town should something unfortunate happen. Mr. Flis answered that that would be a question for the Town Attorney. Any agreement would address that concern.

Commissioner Anderson stated that he is leaning towards a deferral. He stated that he would like to see more specifics on the applicant's TDM program. They only have a page and a half of notes. He would like more specific proposals and ideas. It should be more fleshed out. It is a little premature to recommend approval based upon what they have seen. In addition he has always had issue with the application in reconciling the numbers and traffic studies versus the number of parking. He would like more time to absorb this. It appears as though they are either overstating the parking problem or understating the traffic. He fears that they are understating traffic. He would refer back to his comments when reviewing the Maple Avenue Corridor because a lot of what is in that review they are again proposing to do something that will ultimately increase traffic on Maple Avenue. They do not have a decent traffic study for Maple Avenue itself. For those reasons he is leaning towards deferral.

Chairman Hendricks thanked Commissioner Anderson for his comments. He agrees with him about Maple Avenue but disagrees with comments regarding the application. He stated that he believes that they have enough information to move forward. He agrees that traffic will increase. They have been pushing on issues that are beyond this proposal. As a result he does not feel there is a need for additional information to go forward.

Commissioner Gelb agreed, stating that he is prepared to act favorably on the application. If the consensus is that they should defer then he agree to that also.

Commissioner Kenney agreed with Commissioner Gelb, stating that they have enough information that they can include certain caveats in their recommendation for approval.

Commissioner Noble stated that he is comfortable based upon the data information that has been provided. He is okay with their analysis on where they come down with the numbers. He lives adjacent to Follin Lane SE so he does recognize and have some of the same concerns that have been testified to. It will be a big increase in traffic and perception wise it will be a big adjustment for folks once they are done. The TDM information will be helpful in addressing longer term traffic impacts and may potentially decrease those to less than they currently are. He is very supportive of the proposal given the added tree canopy and reduction in lot coverage. All of those things are very thoughtfully designed. The extra traffic signal will help so long as it is timed well and correctly. Overall he is supportive of the application and prepared to vote on it.

There being no further discussion a motion was in order.

Commissioner Gelb made a motion that the recommendation to the Mayor and Town Council on a site plan and certain site plan modifications for the construction of a new office building, entryways, parking areas and a parking structure for Navy Federal Credit Union Campus Expansion on property located at 1041 Electric Avenue SE, and in the CMP-Planned Industrial zone be approved with the caveat that the applicant will provide a detailed TDM plan.

Commissioner Miller asked that a friendly amendment be included that the Town agrees to place permanent No Parking signs along Follin Lane SE.

Commissioner Voigt asked if Commissioner Miller would be happy with permitted perking. Commissioner Miller answered that it should be No Parking signs.

Commissioner Kenney stated that the road narrows once you past the house so that they should not be able to park on the street.

Commissioner Noble seconded the motion, stating that anything having to do with parking restrictions where there is immediate adjacent property driveways and access Town staff should be in communication with the adjacent residents to determine their needs.

Commissioner Voigt agreed, stating that having served on the TSC (Transportation Safety Commission) for many years you cannot remove resident's on-street parking without having a formal meeting to discuss it.

Commissioner Gelb agreed that permit parking may be more appropriate.

Commissioner Anderson stated that they can include it as part of their recommendation and that a No Parking review be turned over to the TSC to review; for either temporary or permanent.

Commissioner Gelb restated that the motion was for approval of site plan and site plan modifications to include TDM reporting on additional measures with additional detail from the applicant for review by Town Staff and appropriate bodies for additional parking requirements for the neighborhood.

Commissioner Miller stated that he did not understand how anybody on the Commission, with their charge, could vote in favor of the application this evening. Knowing what the increase will be to traffic for all the neighbors that are located around there. It will be a substantial increase in traffic traveling on roads that were never designed for that much traffic. While the applicant has a right to what they are trying to do that does not reduce their charge to representing the residents of the Town. As such he will be voting against the application.

Chairman Hendricks stated that it is an improvement for the community and a by-right development. They have a choice between two alternatives. Both are slightly negative alternatives for traffic but that is the design.

Commissioner Gelb stated that it is not a perfect solution. They have an ongoing problem with traffic that is beyond their ability to address for the very reason as stated that the infrastructure is clearly inadequate. Given that reality the applicant has made attempts to deal with parking as best that they can. They are providing certain environmental improvements and it is for that reason that he can support the application.

There being no further discussion Chairman Hendricks called the question.

Motion as amended: Gelb
Second: Noble
Amended: 8-2

Nays: Anderson & Miller

ITEM NO. 5:

Recommendation to the Board of Zoning Appeals on a **conditional use permit** for Glyndon Park Lighting Improvements at the existing Glyndon Park baseball field, located at 300 Glyndon Street NE, and in the PR, Park and Recreational zone. Application filed by Cathy Salgado, Director, Department of Parks & Recreation, on behalf of the Town of Vienna, owner.

Cathy Salgado Director for the Department of Parks and Recreation was present representing the application. Ms. Salgado stated that they are proposing to install field lighting at the Glyndon Park baseball field. They are requesting recommendation for a conditional use permit to operation of the lights. They have met with the surrounding residents on site and have begun moving forward with the installation of synthetic turf. That project is slated to begin just after the New Year.

Ms. Salgado stated that the application calls for a year round-conditional use request. They will have winter hours with traditional season hours running from spring through the end of November. Winter hours will run from December 1 - March 1, Sunday through Thursday until 9:30pm followed by Fridays and Saturdays until 10pm. March 1 through December 1 will be Sunday through Thursday until 10pm followed by Fridays and Saturdays until 10:30pm. This will allow Little League an opportunity to get in a night game as well as allow the use of the field for other types of sports during the winter time.

Commissioner Lanphear asked for the outcome of their meeting with the surrounding neighbors. Ms. Salgado answered that it was a very good outcome. They were supportive of the lights. She noted that it will be a special type of light. It will be an LED light that has a reduced sized pole. The light poles are only 45 feet high as opposed to the standard 70 feet high. Six poles will be installed with no light spill at all. She stated that it is a highly efficient system to where they anticipate saving approximately 35% on the electric bill each month. The neighbors were pleased with this plan.

Commissioner Anderson asked who is responsible for turning off the lights. Ms. Salgado explained that it is an electronic system that is handled through a system called Control Link. It is similar to how it is handled at Waters and Caffi Fields. Commissioner Anderson stated that he walked the site and noted that the properties are set back far from the field. There are a number of street lights that are closer to the neighbors than the field lights will be, in addition to the lights from the tennis courts. He stated that it should not affect anybody. Ms. Salgado agreed, stating that they performed a lighting survey, which determined the new lighting to be one tenth the light of a full moon.

Commissioner Miller stated that he was surprised neighbors were not more concerned about the increase of traffic for the games. Ms. Salgado stated that her department handles the field schedule. They can control who and how many can use the field at one time. It is a different location than Waters Field where you can have up to four or five teams at one time. That will not be the case with Glyndon Field. It will be handled internally as an administrative procedure.

Commissioner Gelb asked who will be playing ball at 10:30 pm. Ms. Salgado answered that 11 and 12 years olds typically play until at least 10:15 pm. The time frame allows them an additional fifteen minutes to clear off the field.

Commissioner Kenney stated that late games typically run from 8pm until 10pm. He clarified that the review is for the field lighting. Ms. Salgado answered yes. Commissioner Kenney asked for the lighting detail. Additional discussion followed.

Sean McCall owner of 440 Glyndon Street NE stepped forward to speak. Mr. McCall asked if the lighting plan included lighting of the pathway that connects the two parking lots and for traversing along the sidewalk system. He noted that it does get very dark there.

Ms. Salgado answered that they have a plan for keeping a part of the light on. They call it the safety exit light. If there is a light positioned out in center field they can direct one lamp to come on at 10:15pm. Or they would have to install some other type of lighting on the path. She stated that Mr. McCall is referring to the asphalt trail, which she is aware that is can be difficult to travel on at night. Mr. McCall answered yes, stating that it is currently unsafe for

walking at night. Ms. Salgado stated that they will look in to it. She stated that they have to come back for the review and approval for the new scoreboard. They could possibly put a light on the scoreboard that can shine on the trail. That will be later in the spring.

There being no further discussion a motion was in order.

Commissioner Kenney made a motion that a recommendation of approval be made to the Board of Zoning Appeals on a conditional use permit for Glyndon Park Lighting Improvements at the existing Glyndon Park baseball field, located at 300 Glyndon Street NE, and in the PR, Park and Recreational zone.

Motion: Kenney
Second: Lanphear
Pass: 8-0

Chairman Hendricks opened the public hearing.

Mr. Flis recommended that both Items 1 and 2 be read together as they can be reviewed together.

ITEM NO. 1:

Recommendation to the Mayor and Town Council **proposed ordinance** to amend the Code of the Town of Vienna, Chapter 17, Subdivisions, Article 5, Improvements, Section 17-67.1 Dedication of Sidewalks for Single-Lot Development; and Section 17-67.2 Completion of Sidewalks for Single-Lot Development.

And

ITEM NO. 2:

Recommendation to the Mayor and Town Council on a **proposed Pedestrian Master Plan**.

Mr. Flis stated that the item is an amendment to Town Code regarding the dedication of sidewalks for single lot infill. The state code has changed at the request of the Town going in to effect July 1, 2014. This will permit them to request the dedication of land for single family infill for sidewalk improvements. That was not the case in the past. This is an ordinance to implement what the state code allows. He stated that it is pretty straight forward. When there is a single lot infill the Town can request that the property be dedicated.

Mr. Flis stated that as part of that state legislation the other component is that they can only make that request if it is on the sidewalk master plan. They do not currently have a sidewalk master plan. To do so they need to adopt something.

Mr. Flis stated that the second document is the proposed pedestrian master plan. It was reviewed by the TSC who performed the bulk of the work to create it. It will be the document that will accompany the code revision.

Mr. Flis stated that Mr. McCall is present on behalf of the TSC. It sets out where the priorities are for sidewalk improvements, which essentially covers the entire town. They need this in order to implement the sidewalk request.

Commissioner Anderson asked if it is essentially a stop gap. It is what you need legally in order to enforce sidewalk installation. Mr. Flis answered yes, stating that they have received a copy of the memo from the chair of the TSC. This also reflects staff's position. It is an important first step as the Town needs something on the books. Infill is happening at a torrid pace in the Town. With the recommendation after it is put in to place the TSC while working with the Planning Commission will develop something to adopt for placement into the Town's Comprehensive Plan or for a broader Pedestrian Master Plan.

Commissioner Anderson asked with respect to the draft ordinance if he could not find anywhere else in the ordinance where single lot development is defined. This covers both undeveloped properties and single lots which are developed but also tear downs and rebuilds. They may want to clarify the definition of single lot development.. Mr. Flis agreed, stating that they would look at it. Additional discussion followed.

Commissioner Kenney asked how it will impact the regular homeowner who wants to build an addition on to their house. For tree canopy coverage requirements they determined it to be for a fifty percent increase of the house size or a tear down. The language strikes him as being similar to the current intentions.

Commission Kenney stated that page 2 of the Pedestrian Master Plan under Priority III, it indicates, "...the need to add sidewalks to drainage." He was unclear as to the meaning. Mr. Flis stated that when they are making improvements along the right of way such as curb and gutter then they will build the sidewalk. Commissioner Kenney asked if it will be to drainage. Mr. Flis answered that it is meant for drainage projects but that can be clarified. Commissioner Kenney asked about the last sentence, "...closing gaps in continuous sidewalks" He would think that it means and otherwise continuous sidewalks. Mr. Flis agreed.

Commissioner Kenney stated that the Town's website currently has a proposed pedestrian sidewalk map. He asked if it is the Town's intention to revise that map. Mr. Flis answered yes, ultimately. He stated that the priority is in the adoption of the text. The dedication is what would happen with the property owner. Whether the Town has the money or the project to build the sidewalk is another question. That it has been laid out in the priorities.

Commissioner Miller asked if a developer opts not to build the sidewalk then they can put the money in escrow. Mr. Flis stated the Commissioner Miller may be referring to the Onondio Cove subdivision. If they do not build the curb and gutter as required by the Code they would then be required to place in escrow the equivalent funds. Additional discussion followed.

Commissioner Miller made a motion that the public hearing be closed.

Motion: Miller
Second: Anderson
Closed: 8-0

There being no further discussion a motion was in order.

Commissioner Anderson made a motion that a recommendation be made to the Mayor and Town Council proposed ordinance to amend the Code of the Town of Vienna, Chapter 17, Subdivisions, Article 5, Improvements, Section 17-67.1 Dedication of Sidewalks for Single-Lot Development; and Section 17-67.2 Completion of Sidewalks for Single-Lot Development include the one caveat that they clarify the definition of single lot development.

Motion: Anderson
Second: Miller
Pass: 8-0

Commissioner Anderson made a motion that a recommendation be made to the Mayor and Town Council on a proposed Pedestrian Master Plan as has been provided to the Commission to include Commissioner Kenney's clarifying language for page 2.

Motion: Anderson
Second: Miller
Pass: 8-0

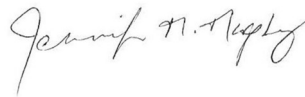
Minutes:

Commissioner Noble made a motion that the November 12, 2014 meeting minutes be approved as drafted.

Motion: Noble
Second: Lanphear
Passed: 8-0

It was moved to adjourn the regular meeting at 11:50 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jennifer M. Murphy".

Jennifer M. Murphy
Commission Clerk