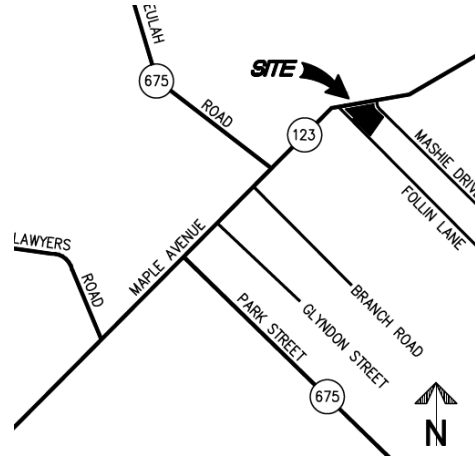




STAFF REPORT COVER SHEET

June 26, 2017

Address	101, 103, 201 Mashie Dr. SE and 701 Maple Ave E	Case Number	Case NumberPF-08-17-FP			
Regular Meeting Date	7/10/2017	Applicant	John Gavarkavich with Walter Phillips, Inc.			
Board/Commission	Planning Commission	Owner	Mashie Drive LLC			
Existing Zoning	RS-16	Existing Land Use	Low Density Residential			
Brief Summary of Request	<p>The applicant requests that the property to be re-subdivided from 4 lots to be 7 lots in RS-16, Single Family Detached Residential zoning district.</p> <p>Update- Applicant has proposed an alternative 6 lot layout on a cul-de-sac off of Mashie Drive in response to citizen and Planning Commission concerns. The developer would like get Council feedback and if deemed a preferable layout they will request a deferral of action to August 21, 2017 and re-engineer the plan.</p>					
Site Improvements	All required items per the subdivision and the designated zone are provided and in compliance with this proposal.					
Size of Property	117,042 sf / 2.687 acres					
Staff Recommendation						
APPROVE						
Brief Analysis						
<p>PROPERTY HISTORY</p> <p>The applicant previously considered a town house proposal with 21 units, and requested that the Town consider a land use map change during the 2015 Comprehensive Plan update process. However, this proposal received opposition from the surrounding neighbors and was not supported by the Town. Therefore, the land use map remained as RS-16 zone in the 2015 updated Comprehensive Plan and the town house proposal did not materialize.</p> <p>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</p> <p>As stated above, the land use map in 2015 Comprehensive Plan update remained the same as RS-16 zone. The current proposal is for the subdivision of 7 lots from 4 lots, maintaining the current RS-16 (Single Family Detached Residential) zone. The proposed development meets all requirements of the RS-16 (Single Family Detached Residential) district.</p> <p>COMPATIBILITY WITH THE ZONING ORDINANCE</p> <p>The proposed subdivision is compatible with the existing RS-16 zone.</p>						
Attachments	Submitted Plans <input checked="" type="checkbox"/> Planning Commission Chair's Memo <input checked="" type="checkbox"/> DPW Memo <input checked="" type="checkbox"/> Frontage Landscape Design <input checked="" type="checkbox"/> 6-lot Preliminary Cul-de-sac Scheme <input checked="" type="checkbox"/>					



Reviewed By	Hyojung Garland	Date	4/20/2017
Approved By	Patrick Mulhern	Date	4/20/2017
Last Updated By	Hyojung Garland	Date	6/26/2017

ITEM NO. 6:

Recommendation to the Mayor and Town Council on final plat for the proposed re-subdivision of lots 77, 78, 79, & 80 into seven (7) lots located at 101, 103, 201 Mashie Drive SE, and 701 Maple Avenue East and in the RS-16, Single-Family Detached Residential zone (Recommended new addresses are 101, 103, & 201 Mashie Dr. SE, 200 & 202 Follin Lane SE, and 701 Maple Avenue E). Application filed John Gavarkavich with Walter Phillips, Inc, agent on behalf of Mashie Drive LLC, owner.

Introductory Comments / Characteristics of the Existing Property:

The subject proposal is situated between south of Mashie Dr. SE and north of Follin Ln. SE, and west of Maple Ave. E. The sizes of 4 existing lots are ranging from 26,000sf to 32,000 sf.

The applicant previously considered a town house proposal with 21 units, and asked the Town to consider a land use map change during the 2015 Comprehensive Plan update process. However, this proposal received opposition from the surrounding neighbors and was not supported by the Town. Therefore, the land use map remained as RS-16 zone in the 2015 updated Comprehensive Plan and the town house proposal did not materialized.

Proposed Development Activities:

Mashie Drive Subdivision consists of four (4) existing lots that will be re-subdivided into a total of seven (7) lots on 2.69 acres in accordance with the RS-16 zoning requirements. Mashie Drive LLC is the owner of lots 0382-11-0077, 0382-11-0078, 0382-11-0079, and contractor owner (with no contingencies) of 0382-11-0080. The zoning requirements for RS-16 are listed below and the proposal is in compliance with all zoning requirements.

	Required/Allowed	Provided/Existing
Zone	RS-16	RS-16
Lot Area (sf)	16,000	Compliance (16,013-17,556)
Max. Lot Coverage (%)	25	Compliance (20.6-24.9)
Min. Setback (ft)	Front:35/Side:15 (corner lot 25)/Rear:35	Compliance [All Front: 35.1+/Side: 15.1-24 (corner lot: 25.1)/Rear: 35.1-65]
Min. Lot width (ft)	Front Lot Line:50, Front BRL:60, Midpoint: 90	Compliance (All Front Lot Line: 94'+, All Front BRL:102'+, All Midpoint: 104'+)
Max. Building Height (ft)	35	Compliance (34.9)
Max. Lot Shape Factor	25	Compliance (15.58-18.57)

Each new home will be placed within the Building Restriction Line (BRL) of each lot. resultant development envelopes. Said improvements would comply with all the area requirements for the RS-16 zone (see above chart) and all of the Sec. 17-67(frontage improvements) at the applicant's cost, as set out in Chapter 17 of the Vienna Town Code. Post-development storm water runoff—in accord with the provisions of § 17-15.L of the Vienna Town Code will also be in compliance.

The following subdivision code section is included for your reference on required improvements at applicants cost. Staff negotiated community improvements include removal of the service drive along the

Maple Ave., installation of a new bus shelter on Maple Ave. and installation of a pedestrian walkway on Mashie Drive.

Chapter 17 - SUBDIVISIONS

ARTICLE 5. - IMPROVEMENTS

Sec. 17-67. - Improvements at sub-divider's cost.

The sub-divider shall be responsible for the installation of all improvements listed below, all of which shall be installed at no cost to the Town, unless otherwise provided in this Code:

- (a) *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the director of public works. The monuments shall be of such material, size and length as may be approved by the director of public works. All monuments shall be clearly visible for inspection and use.
- (b) *Alleys.* All alleys shall be graded and surfaced.
- (c) *Roadways, sidewalks, curbs and gutters.* All required roadways, including sidewalks, curbs, gutters and street trees along all lot lines of all dedicated rights-of-way. Entrance drives shall be paved to the property line of each lot.
- (d) *Street name signs.* Street name signs shall be installed at all street intersections at locations approved by the director of public works.
- (e) *Lighting.* Lighting facilities and light standards shall be approved by the director of public works.
- (f) *Water lines.* The sub-divider shall connect with the Town water mains and provide a water connection for each lot within the subdivision.
- (g) *Sewers.* Sanitary sewer systems shall be connected to the Town sanitary sewer system, and each lot within a subdivision shall be connected to the sanitary sewer system.
- (h) *Storm water disposal.* Adequate provisions shall be made for the disposal of storm water. All storm drainage shall terminate in an approved watercourse. The connecting of any part of the storm sewer system to any part of the sanitary sewer system is prohibited.
- (i) *Fire hydrants.* Fire hydrants shall be installed in all subdivisions. Fire hydrant standards shall be subject to the approval of the county fire marshal.
- (j) *Utilities below ground.* **All new** transmission, distribution and customer service utility facilities, carrying or used in connection with electric power, telephone, telegraph, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision, the final plat of which is approved subsequent to April 28, 1969, shall be placed below the surface of the ground; provided that:
 - (1) Equipment such as electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which is normally installed above ground in accordance with accepted utility practices for underground distribution, may be so installed;
 - (2) Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may be so installed; and
 - (3) Temporary overhead facilities required for construction purposes will be permitted.
- (k) *BMP facilities or structures.* Any BMP facility or structure necessary to achieve the water quality standards of the Chesapeake Bay Preservation Act as stated in [chapter 18, article 21.1](#).

All improvements herein required shall be in accordance with accepted standards of utility practice for underground construction.

(Code 1962, § 13-43; Code 1969, § 17-67; Ord. of 2-1966; Ord. of 4-28-1969; Ord. of 6-2-1969; Ord. of 1-6-1992)

Required Board Approvals / Town Staff Recommendations:

This proposal is for a by-right re-subdivision of 4 existing lots into 7 lots. The term “ By-Right Use “ refers to a property owner's use of property and structures in a manner consistent with that which is listed as permissible in the zoning district in which his or her property is located. A use that is considered a “By-Right Use” is listed within each zoning district in the zoning ordinance. As long as the subdivision regulations are met, the commission and Town Council cannot deny the application.

There was an inquiry on ‘Protest against proposed change’ from several residences. This code section is under Article 24-Rezoning and Amendments and is only applicable for rezoning (changes to the zoning map) proposals. The applicant is not asking for any zoning changes but retaining the existing zoning as RS-16.

The Planning Commission is charged with reviewing all **final plat** applications and formulating a recommendation for consideration by the Mayor and Town Council. After careful review, the Planning & Zoning Staff notes that the final plat application meets the requirements as set forth in §§ 17-14 through §17-26 of the Vienna Town Code. Given that, the Town Staff also recommends favorable action on the application. Unlike the Conditional Use Process (CUP), which the Board of Zoning Appeals (BZA) may impose conditions as it may deem in the public interest, the subdivision approval process doesn’t include such authority. Essentially, the subdivision and zoning requirements are in place to protect the public health safety and general welfare.

The requirement for a Public Hearing is limited to rezoning’s and code amendments. Therefore, this meeting is schedule as regular agenda item instead of a Public Hearing.

Additional commentary under separate cover, as appropriate, has been provided by the Director of Public Works.

Update since the Planning Commission Meeting on May 10, 2017:

As noted in the memorandum from Planning Commission chair, planning commission expressed number of reservations while the application is in compliance with all requirements. While it is not required to redesign the proposal, the applicant developed a preliminary cul-de-sac scheme as planning commission expressed as preferred design. In the process, the applicant lost one lot and still in the process of developing the proposal to check stormwater requirements.

Since the new preliminary proposal is one fewer lot, and no house is fronting Follin Lane, the applicant expressed desire requesting waiver from the installation of sidewalk along Follin Lane. DPW will not contest the building the sidewalk along Follin Lane as shown on the 7-lot scheme but the applicant will have to dedicate property for the new sidewalk, provide a temporary construction easement for the future building of the sidewalk, and escrow funds for the construction.

DPW would ask the applicant to provide a letter to the Town that the Town can use the escrowed money for another similar project if the sidewalk is not built along Follin Lane.

The 60 day review time clock is running for the 7-lot proposal but if the 6-lot, cul-de-sac proposal receives favorable reaction from council, the applicant will request deferral of the review to fully develop the 6-lot scheme for the council's formal review in August.