

PLANNING COMMISSION

MINUTES

April 12, 2017

The Planning Commission met in regular session on Wednesday, April 12, 2017, at 8:00 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia. Walter I. Basnight, Chairman, presiding and the following members present: Mary McCullough, Steve Kenney, Sarah Couchman, Michael Gelb, and Laurie Genevra Cole. Also in attendance and representing Town staff: Hyojung Garland, Deputy Director for the Department of Planning & Zoning, John Jay Sargent Town Engineer, and Emily Goodman Board Clerk. Sharon Baum, Andrew Meren, and David Miller are absent.

ROLL CALL:

Ms. Goodman called roll. Commissioners Baum, Meren, and Miller are absent.

COMMUNICATIONS FROM CITIZENS AND/OR COMMISSIONERS:

There being no citizens present Chairman Basnight asked for communications from the Commissioners.

Commissioner Cole stated that she received a notice in the mail advertising an auction at the American Legion's Patriot Hall. She has no objection to auction but wanted to ask staff to review the conditional use permit (CUP) associated with the American Legion. It was her recollection that events were limited as well as parking and operating hours. Additional discussion followed. Mr. Mulhern will review the CUP language and get back to Commissioner Cole.

PUBLIC HEARING:

Recommendation by the Planning Commission to the Town Council on **proposed ordinance amendment language** to §18-248, Protest against proposed change under Article 24 of Chapter 18 of the Vienna Town Code.

Chairman Basnight stated that the public hearing remains open. Mr. Mulhern stated that the packet materials provided to the Commission include the amendments as previously discussed at the last hearing. They have been incorporated into the document that is before them and that staff is prepared to answer any questions.

Commissioner Cole noted corrections with page 3 to read: "...compass;" and "...after that,..". Top of page 6 should read, after finished lot grade, last sentence "...*The Director of Public Works may waive the 3 foot lot deviation requirement, if deemed to be necessary to the building construction and not to be contrary to the public's interest.*"

Mr. Sargent asked for clarification on the use of the word *construction*, stating that a lot of things could be affected by this rule such as storm water management. There are a lot of things that could be affected by this rule. Commissioner Cole stated that the former language was not sufficiently specific or strong enough of a safe guard given the importance of a policy to the town on lot grade changes. Ms. Garland asked if the text: *to be necessary* would work. Commissioner Cole agreed.

Commissioner Couchman asked if they are unfairly limiting owners or contractors. Chairman Basnight asked Mr. Sargent for comment. Mr. Sargent responded that the intent was to allow, if shown, that deviation is a positive impact to a property and is not a negative impact to neighboring community. It would essentially create a waiver process to provide justification for review to determine whether it was appropriate or not.

Mr. Mulhern asked if the concern is that the request may not be necessary but that it is a positive. He asked if the word *necessary* being included would prohibit the Director of Public Works from making a judgment call. Mr. Sargent agreed.

Commissioner Couchman stated that their primary concern is for the houses that are being built-up such as the lots located along Park Street NE. She stated that those lots have a drastic slope down the road. There are situations that are beneficial to the homeowners that would not have a negative impact on neighbors raising the house higher. By including the text *if necessary* then they would be eliminating that possibility. Additional discussion followed.

Commissioner Kenney agreed with Commissioner Couchman's comments of concern over unintended consequences. He liked the idea that the Director of Public Works has some leeway to be more reasonable; given a certain circumstance.

After additional discussion the following was stated for the record; *"...if deemed to be for good cause and not to be contrary to the public interest..."*

There being no further comment from the audience or the Commission a motion was in order.

Commissioner Cole motioned to close the public hearing.

Motion: Cole

Second: McCullough

Closed: 6-0

Commissioner McCullough asked if the documentation that is sent forward to Town Council will include a write up of further explanation as to why they are recommending to strike the public engagement plan and the recycling station. Chairman Basnight stated that he will provide a memorandum from the chair. Mr. Mulhern stated that has already been explained but agreed that it would be appropriate for a memorandum be sent from the chair. Commissioner McCullough noted that a lot of their discussions and explanations can be found within the March 8, 2017, Planning Commission meeting minutes.

There being no further discussion a motion was in order.

Commissioner Kenney made a motion that a recommendation by the Planning Commission to the Town Council on proposed ordinance amendment language to §18-248, Protest against proposed change under Article 24 of Chapter 18 of the Vienna Town Code to include two noted revisions from Commissioner Cole.

Motion: Kenney

Second: Couchman

Carried: 6-0

REGULAR HEARING:

None

MEETING MINUTES:

Commissioner Cole asked that a correction be made to the March 8, 2017 work session meeting minutes to indicate that she was present at that work session. Commissioner Gelb asked that the March 8, 2017 regular meeting minutes be corrected to show that he was absent.

Commissioner Cole made a motion that the March 8, 2017 work session action minutes and the March 8, 2017 Planning Commission regular meeting minutes be approved with the previously stated corrections.

Motion: Cole

Second: Couchman

Approved: 5-0-1

Abstain: Gelb

PLANNING DIRECTOR COMMENTS:

Reviewing the upcoming meetings schedule Mr. Mulhern asked whether the Commission would like to meet at 7:30 or 6:30 pm for work session April 26, 2017 to continue discussions on the Protest language. He stated that they will also review the proposed Mashie Drive seven lot subdivision, which is ready for public meeting. Commissioner Gelb responded that a work session at 6:30 pm would be preferable since they will have enough work to discuss. There being no further comment it was determined that a 6:30 pm work session would be scheduled.

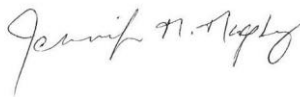
Commissioner Kenney asked for further details on the proposed subdivision. Mr. Mulhern explained that it is four lots that are being subdivided into seven lots. Commissioner Kenney asked if they will be single family dwelling lots. Mr. Mulhern answered yes, stating that it is the same group that requested the Town to consider that area as an encouraged location to rezone to townhomes. That received no support. As staff finds nothing problematic the application has been scheduled for work session discussion and to be heard on the April 26, 2017 work session.

Mr. Mulhern stated looking ahead to May 10, 2017, he asked if the Commission would be ready for final public hearing on Protest Language. Commissioner Couchman agreed, stating that they should make every effort to do so. Commissioner Gelb suggested that the proposed language be posted on the Town's website. Commissioner Cole noted that staff currently provides materials to the public on the website once they have been sent to Commissioners. As long as they are part of the Commission's packet of materials they will be accessible on the town's website. Mr. Mulhern agreed. Additional discussion followed.

Ms. Garland asked if they would anticipate a second public hearing to be heard on May 24, 2017. Mr. Mulhern noted it that would be a fourth public hearing because the Planning Commission has already held two public hearings. The May 10, 2017, meeting would be a third public hearing.

There being no further discussion the meeting was adjourned at 8:24 pm.

Respectfully Submitted,



Jennifer M. Murphy
Commission Clerk