



Town of Vienna

Charles A. Robinson Jr.
Town Hall
127 Center Street South
Vienna VA, 22180

Meeting Minutes Town Council Work Session

Monday, December 14, 2020

7:30 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

1. Resolution

1. [20-1993](#) Resolution for Continuity of Government

Mayor Linda Colbert read into the record the Continuity of Government. The Resolution was approved through voice vote.

2. Regular Business

Council Present:

Council: Council Member Chuck Anderson (via ZOOM); Council Member Ray Brill Jr., Council Member Nisha Patel (via ZOOM); Council Member Steve Potter (via ZOOM), Council Member Ed Somers (via ZOOM); Council Member Howard J. Springsteen and Mayor Linda Colbert

Staff in Person: Mercury Peyton, Town Manager and Shelley Kozlowski, Deputy Town Clerk. Cindy Petkac, Director, Planning and Zoning; Mike D'Orazio, Deputy Director, Planning and Zoning; Kelly O'Brien, Principal Planner, Planning and Zoning, Frank Simeck, Zoning Administrator, Planning and Zoning, Steve Briglia, Town Attorney (all via ZOOM)

Mayor Colbert recognized Council Member Brill who reported on his personal effort to connect with local businesses. To date he has visited 30 businesses with plans to touch base with an additional 30 by weeks' end. Many of the business owners report struggling financially, however they expressed appreciation for the assistance of the Town.

A. [20-1976](#)

Mayor Colbert called on Cindy Petkac, Director, Planning and Zoning to introduce Frank Simeck, Zoning Administrator. Mr. Simeck provided a brief history of the renovation and addition to Louise Archer Elementary School, then introduced John McGranahan, Attorney, Hunton, Andrews, Kurth, LLP. Mr. McGranahan, along with Eric Brunner, Project Coordinator, Fairfax County Public Schools, and others involved in the project, provided a timeline for the renovation and addition.

Exterior and interior plans were presented for consideration.

Mayor Colbert noted with appreciation the plans for a dedicated room to exhibit the school's history. Other questions and comments from Council included timeline for completion in relation to anticipated population growth; ventilation plans in light of the COVID crisis; lot coverage and anticipated variances. Council Member Springsteen inquired about the potential acquisition of church owned property abutting the school. While previous conversations have been held, he requested that additional contact be made and a report presented to Council on the outcome.

Mr. Brunner noted that the next step will include a second progress report to Council followed by a formal presentation to the Town.

B. [20-1977](#)

Work session about potential rezoning of 127-133 Park Street NE (Vienna Courts Condos) from T (Transitional) to RM-2 (Multi-Family Residential)

Mayor Colbert called on Cindy Petkac, Director, Planning and Zoning and Mike D'Orazio, Deputy Director, Planning and Zoning to present an overview of the RM-2 Zone and a description of cottage/village housing. Director Petkac began her comments by stating that cottage or village housing is referenced in the comprehensive plan as an option in which larger sites in transitional areas could be subdivided into lots smaller than what is currently required by the Town. For example, instead of a minimum size of 10,000 square feet per lot, smaller 5,000 square foot lots could be allowed in designated transitional zones, similar to the multi-family and townhouse zoning districts. These designated zones could then require a certain style of high quality but smaller houses (through zoning requirements) and, if the site was large enough, could require a portion of the land to be devoted to public open space. While the following two proposals are working within the RM-2 zoning district, both concepts are for cottage type housing developments.

As the contract purchaser of the Vienna Courts condos property (127-133 Park Street NE), John Sekas, Sekas Homes, explained that he has come before Council seeking feedback on the concept of downzoning the property from T (transitional) to RM2 (multi-family residential) prior to a formal request for zoning map change. Having received feedback from Council on September 28, 2020 for a proposed mix of units with prices ranging from \$700,000 to \$1M+ he has responded to Council's request to consider more economically viable housing options. The current proposal would include a variant of the cottage or village housing concept to include a mix of townhouses and two story duplex cottages. Necessary considerations would include:

- 1. 30% open space;*
- 2. 1.4-1.5 parking requirement with some type of covering;*
- 3. 20% setback, 10% if facing commercial, 15% rear;*
- 4. No requirement for common green space or common room as the cost becomes a burden on the HOA for space that is rarely used;*
- 5. Possible basement for utilities.*

Several Council Members questioned the wisdom in giving up commercially zoned space to residential. Given that the Code rewrite has not yet been completed, many felt that it would be wise to wait and trust that the consultant will provide the best set of options for consideration. Numerous issues have not yet been addressed in the RM-2 zone that would, as it stands now, require variances for cottage housing, a practice Council would like to move away from.

Mr. Sekas noted that it was his intent to provide an idea and layout of what this type of housing would entail so that these considerations could be factored into any zoning discussion. The availability of commercial real estate in Vienna makes this type of housing an appealing option.

Mayor Colbert noted that the planned market studies will help to determine the availability of and/or need for commercial space in the Town.

Council agreed to extend the work session.

Mayor Colbert called for a ten-minute break at 9:18 PM.

The Work Session resumed at 9:28 PM.

C. [20-1922](#)**Discussion of Potential Redevelopment of 117-121 Courthouse Road SW**

Mayor Colbert called on Cindy Petkac, Director of Planning and Zoning to introduce Dennis Rice, JDA Custom Homes, who recently received approval to re-subdivide the two existing lots of 117-121 Courthouse Rd. into three lots. Mr. Rice, along with Jack Welburn, Principal with DWD Architects, presented their concept plans for cottage housing on the redevelopment site, as opposed to a traditional 3-lot single-family detached subdivision. Using the concept of cottage housing while staying within the existing code, he proposes a 55 and older community of single family homes surrounding a common green space.

While many Council Members found the plans more in line with the concept of cottage housing than the proposal by Mr. Sekas, several Members questioned the switch from single family residential approved at the last Council meeting. Mr. Rice indicated that, following the zoning approval, he received numerous calls asking whether he would consider some type of smaller single family homes. Tonight's presentation is his response to those requests. He further remarked that while Council would like to see a reduced reliance on variances, these requests will continue to be a part of redevelopment because every piece of property is unique.

Council Member Somers noted that the proposal is consistent with the intent of the Comprehensive Plan, despite the fact that it would require additional rezoning. He is very supportive of the cottage housing concept and would hate to lose this opportunity given the prime location. Referencing a recent request where commercial property was rezoned residential, he questioned why this particular request should be put on hold until the completion of the code rewrite.

Council Member Potter concurred that losing this opportunity would be unfortunate and any decision on this matter would be difficult.

Many Council Members noted however, that as with the earlier discussion, it would be best to wait until the consultant can provide options and the code has been rewritten before entertaining any alternative types of housing proposals.

Council agreed again to extend the work session.

D. [20-1987](#)**Town Elections under the Authority of Virginia Campaign Finance Laws.**

Mayor Colbert requested an overview of the item from Council Member Springsteen. The issue of the Vienna Town Council deciding to place the Town elections under the authority of Virginia campaign finance laws was submitted to the Town Council in July of 2020. Traditionally a non-issue since most Town Council members have not solicited or accepted campaign donations, the last election proved to be an exception. Steve Briglia, Town Attorney, noted that municipalities under 25,000 population are exempt from reporting so it rests with the Town to decide whether to take this action.

Mayor Colbert, referencing the historically nonpartisan nature of the Vienna elections, noted the intentional party involvement in the last Town election. It is her intent to correspond with the Hunter Mill representative requesting that this not continue, as she and the Council seek to unite, not divide, the Town. She requested Council support for this action.

E. [20-1983](#) Review of financial results through 11/30/20

Mayor Colbert called on Marion Serfass, Director of Finance, to provide a review of the Town finances. Director Serfass reported that with a \$660,000 budget cut from 2020, the amount is forecast to hit the revised budget. Meals taxes have averaged about 84% of taxes from 2020, with several strong new businesses adding an additional 14% of the total revenue. Property tax collections have been around 99%, comparable levels to last years.

F. [20-1985](#) Code change to amend Section 2-33 of the Vienna Town Code, Limitation on debate.

Mayor Colbert called on Council Member Brill to present the item. It was generally agreed that while debate time is not currently a significant problem, it is advisable to be mindful of time limitations.

A brief discussion was held regarding Councils interaction with constituents involving issues under consideration. In general Council agreed that it is healthy to have discussions among constituents and to encourage this interaction. Attorney Briglia cautioned that when individual Council Members interact with townspeople they are restricted from stating that anything is Town policy.

3. Meeting Adjournment

Work session concluded at 11:10 PM.

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.