

PLANNING COMMISSION

MINUTES

June 13, 2018

The Planning Commission met in regular session on Wednesday, June 13, 2018, at 8:00 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia. Michael Gelb, Chairman, presiding and the following members present: David Miller, Mary McCullough, Sarah Couchman, Steve Kenney Andrew Meren, Sharon Baum, Laurie Genevra Cole. Also, in attendance and representing Town staff: Cindy Petkac, Director for Planning & Zoning, Michael D'Orazio, Deputy Director for Planning & Zoning, John Jay Sergeant, Town Engineer, Andrea West, Town Planner, and Jennifer Murphy, Clerk to the Commission. Walter I. Basnight is absent.

ROLL CALL:

Ms. Murphy called roll. Commissioner Basnight is absent.

COMMUNICATIONS FROM CITIZENS AND/OR COMMISSIONERS:

There being no communications Chairman Gelb opened the meeting.

PUBLIC HEARING:

Request for recommendation to Town Council for a proposed rezoning for mixed-use development of 3 lots, located at 430, 440, 444 Maple Avenue West and parcel map #0383 02 0141A; all currently zoned C-1, Local Commercial and RS-16, Residential Single Family zoning district (requested zoning is MAC-Maple Avenue Commercial). Application filed by Sara Mariska, attorney representative with Womble Bond Dickinson, LLP agent on behalf of Vienna Development Associates, LLC and James C. and Lucy C. Meng, owners.

Michael D'Orazio, Deputy Director of Planning and Zoning stated that he would provide staff's report including the applicant's revisions to the project. The area currently consists of a 3-story 119 room hotel, a one-story 5,000 square foot freestanding restaurant, and parcel for a 2.76-acre site. The subject property is situated at the corner of Nutley Street and Maple Avenue West. It is predominantly zoned C-1, local commercial with 18 percent being zoned RS-16, residential single family. The Board of Architectural Review (BAR) reviewed the application on May 17, 2018, making four specific recommendations that includes offsetting hardscaping such as the covered plaza areas of the façade, revising the Nutley Street streetscape to create more space, enhancing articulation at the back façade that faces neighboring residential properties and to increase the overall density of plantings, including street trees.

Mr. D'Orazio stated at the May 23rd public hearing the Commission heard quite a few public comments. Staff has provided a summary of public comments with the notation that they are not the full comments. Full comments will be provided in the minute record that is provided to Town Council. Public comments heard at the May 23rd public hearing were that the proposed building was too monolithic and too long

without appropriate breaks in scale. That the massing was not compatible with Vienna's small town character; additionally that the building's height does not vary enough. There was not enough street scape along Nutley Street SW, which was too narrow and not providing enough pedestrian space. There was not enough landscaping along the rear property line adjacent to the town homes and single family homes. They also heard concerns with respect to traffic increase along local neighborhood streets. There was further concern that the renderings were not true to scale and not including onsite utility poles, creating a misrepresentation of what the project would look like. The Commission heard questions relating to water table, stormwater management and on site storm water.

Mr. D'Orazio stated that the applicant has responded with revisions to the application that include sections of the top floor of the building being setback 6 feet, segments of the façade originally recessed 2 feet are now 5 feet. The elevated walkway located along Nutley Street SW has been removed with landscaping proposed on either side of the sidewalk. The elevated courtyard at the rear has been eliminated with 10-foot wide planting strips for evergreens proposed along the rear property line and adjacent to the single family and townhome development. As a result of the 10 foot planting buffer the applicant now withdraws their modification request. Mr. D'Orazio concluded his staff's presentation and asked for questions.

Chairman Gelb asked for further information from staff regarding onsite groundwater. Mr. D'Orazio responded that the applicant has provided a short, 2-page report regarding groundwater and water table impacts. He noted that although he is not an expert in hydrology he could paraphrase that the report indicated that any issues encountered could be mitigated pumping out. Chairman Gelb asked Town Engineer, John Jay Sargent for further response. Mr. Sargent stated that construction and groundwater issues are not uncommon the town and Fairfax County region. All homes built in the town have to make accommodation for groundwater issues. He stated that building should not have any negative impacts to adjoining properties with respect to groundwater. The report provided does not directly reference the site but rather how construction is typically handled with onsite groundwater. It is typically pumped out. He deferred to the applicant to further respond, stating that it had been his understanding that any groundwater would be pumped out to the storm drainage system. Chairman Gelb thanked staff for their comments and invited the applicant forward to present.

Chris Bell of Hekemian and Co, owner and applicant for the project stepped forward to present. Mr. Bell stated that they heard a lot of feedback from the Commission and public since the May 23rd public hearing. They will be presenting changes in response to those comments and invited Chip Baker with the KTG firm architect for the project, to present.

Mr. Baker provided a review of proposed changes. Changes to the project include massing, articulation to the corners, and opening up of constrained areas that were between the building and Nutley Street SW. He noted that overall changes equated to a reduction of 3,500 square feet of residential space and 300 square feet of retail space. The revised rendering also includes onsite features like power poles and traffic lights to

reflect a more realistic look to the façade and corner. Mr. Baker provided comparisons between the May 23rd renderings to the revised renderings being provided at tonight's hearing. Truck turning movements have been included allowing for a WD 40 sized truck with a 33 foot trailer, measuring an overall 45 feet. Site ingress, offloading, and egress has been included. Mr. Bell explained that the information was in response to concerns made for deliveries, truck access, and noted that the site will not be setup for a full sized WD 50 truck.

Mr. Bell recapped that the overall design has been reduced by approximately 3,000 square feet. They removed the top levels creating movement in the building's plane with a reduction of seven bedrooms. With respect to retail, they have reduced nine parking spaces, noting that the site had been heavily parked for retail with further reductions to the overall size of the building making good portion 3-stories. They are pleased with the changes, stating that it has improved the building.

In response to groundwater questions, Mr. Bell stated that a letter has been provided by his geotechnical engineer. The same letter that was provided to surrounding residents at a prior neighborhood meeting. He explained that some onsite wells were placed a few years back. They have been monitoring the onsite water table for a long time. His geotechnical engineer has advised that the drawdown needed will only occur during construction, it will not extend more than 20 feet outside the excavation area and will not affect offsite. If everyone continues to be skeptical, he suggested obtaining a third party opinion and hire another hydrology engineer. They are willing to provide any data collected to data.

Mr. Bell stated that with changes made to the overall design of the project they do not anticipate digging down as far. Per current design, the finished floor will be about 6 feet below grade along Nutley. That is much more shallow than originally anticipated. Concluding his presentation, Mr. Bell asked for questions.

Chairman Gelb invited Commissioners for questions before opening up to public comment.

Commissioner Baum asked if specific sized trucks will be specifically prohibited from delivering onsite so that tenants are aware upfront. Mr. Bell answered that it is standard operating procedure for tenants to be aware of delivery limitation. As an example, loading docks are typically provided for grocery stores that are anchor tenants and not for other tenants in a shopping center. Commissioner Baum asked if a Walgreens would typically have this type of loading dock. Mr. Bell responded yes, stating that is because they are a 15,000 square foot retailer. Restaurants do not typically have loading docks. In a standard shopping center, a loading dock is provided for anchor tenants only. Deliveries are typically provided upfront for smaller tenants. The subject site will only handle a Sysco or Beer sized truck and not a WD 50 sized truck. Additional discussion followed.

Commissioner Baum asked if residential parking spaces have been reduced. Mr. Bell answered no. Commissioner Baum asked if an updated transportation study has been provided. Mr. Bell answered that the transportation study originally provided has been fully updated with counts and analysis of potential

cut-thru traffic on Roland and Wade Hampton Drive SW. That information was provided to staff. Commissioner Baum asked if that was the Traffic Impact Analysis (TIA) study. Mr. Bell answered yes. Commissioner Baum asked for the width of Maple and Nutley Street SW. Mr. Baker answered that both streets measure approximately 63 feet each. Commissioner Baum stated that they expect other projects along Maple Avenue. With such tall buildings she wondered whether street trees along maple would have access to sunlight. Mr. Baker responded that a 60 foot right of way allows a lot of area for sunlight to penetrate. Also, the MAC requires breakup of massing that would further allows for sunlight.

Commissioner Meren asked for the total number of residential units. Mr. Bell answered that it is still 160 units.

Commissioner Kenney stated that he will be recused from review of the application. Although he does not work with the developer directly his firm has encountered the applicant since they do a lot of work in surrounding shopping centers.

There being no further questions from the Commission, Chairman Gelb invited public comment. He stated that speakers will be limited to 3 minutes and that the applicant will have an opportunity to respond after. He commended all interested parties in providing comments to staff.

Joseph Daly residing at 412 Roland Street SW stepped forward to speak. Mr. Daly congratulated the architect in their efforts in trying to soften the look of building. He still worries that such a tall building and the image of the small town Vienna that he has known for the past 32 years. He has enjoyed the small, family friendly main street stores like Amphora's Restaurant and the Vienna Inn, stating that people all over the world know the Vienna Inn. He has used the same family friendly jeweler for years and felt the proposed development would result in the loss of their local businesses. Groundwater also remains a concern, stating that the information provided was insufficient. There being no further comments Mr. Daly was seated.

Stephen Potter residing at 400 Roland Street SW was present to speak. According to MAC and town Comprehensive Plan data an anticipated 45-50 multi-family units are anticipated per year along Maple Avenue from MAC rezoning and mixed use development. Currently, all applications approved for MAC rezoning have been close to or less than the Comprehensive Plan's projected growth rate. The project at 444 Maple Avenue West is a game changer with 160 units being designed at a maximum height, maximum footprint, and maximum cubularization situated 10 feet below groundwater level. The Vienna Market and 444 Maple Avenue West, if approved, will add over 200 units, at four times the projected number of units and people per year. Mr. Potter worried what such unpredicted population growth will do to town infrastructure over the next 2 years, stating that the town is not ready for such rapid growth along the most heavily traveled corridor in Vienna. Increased burdens on the sewer, water, electrical systems, and diversion of traffic on to side streets that have no sidewalks will be beyond anything envisioned by the Comprehensive Plan or the MAC. The consequences are enormous and worried for the effects it will have on streets and businesses surrounding 444 Maple Avenue West. He stated that it is moving too fast. The Town needs to be

ready by being proactive in their due diligence and preparation before decisions are made. He asked that the project and review be slowed down, so they can review it right, and be smart about its effects. There being no further comment, Mr. Potter was seated.

Jay Creswell residing at 404 Millwood Court SW submitted a handout of information to the Commission indicating a *What If* study of six properties that are potential candidates for development. He expanded all six properties with the same number of units and found that there is the potential for 623 multi-family housing units added to the Town. At two residents per unit they have the potential for 3,246 new residents. Current population estimates for the town show 16,400 residents and would create a 19 percent increase in population in a very short amount of time. He stated that surface area will increase by more than 100 percent per the amount of space occupied on the parcels making a much higher density community. He stated that this data calls for constraint. He is further concerned that there are currently no provision for employee parking and worried about parking overflow on to his street that is behind the building. There being no further comment, Mr. Creswell was seated.

Nancy Logan residing at 410 Millwood Court SW was present to speak. Ms. Logan has safety concerns and for the impacts of all future development that will be based upon decisions made on this project. It will affect and change their lives forever. She referenced commission discussions regarding safety when they reviewed a 2-lot subdivision at Nutley and Kingsley Road SW that called for a driveway along Nutley Street SW. She stated that there has been no safety discussion mentioned on this project. There are three blind curves and no sidewalks on her street that has children walking to school. They are in dire need for safety. If the project moves forward without foresight or review of impacts, they are putting their citizens in peril. She is concerned for environmental safety with respect to pollution, air quality, and noise. There will be 168 HVAC units facing them and additional cars. She also has stormwater concerns being in proximity to the Chesapeake Water Shed, stating that it could affect watersheds that affects their properties. The developer told her that she would have to sue them if they get cracks in their foundation. She noted that earth movement is not covered by insurance. She asks the town to avoid a situation that is better for some and not for everyone. The tone set by the Commission and Council will echo in the town showing the face, heart, and soul that they consider to be Vienna for many years to come. Ms. Logan was seated.

JC Mernin residing at 204 Paris Court SW was present to speak. In response to comments made at the last meeting regarding affordability Mr. Mernin noted that this project is not a solution to workforce housing. One-bedrooms are expected to start at \$1,755 and two-bedrooms at \$2,750. A fulltime teacher's salary starting at \$48,000 will not be able to afford this location as it will consume 44 percent of their income. It is not until their 8th or 9th year that a teacher could qualify for a one-bedroom apartment. Additionally, out of the 120 positions listed on the town's website only 27 listed positions make a salary that would qualify enough to rent a one-bedroom apartment. The 93 other positions would not qualify. Mr. Mernin did not see how the building could be referred to as affordable. To order to afford a 2-bedroom would require at least \$9,000 a month. It is a mistake to believe that this project has anything to do with affordable living options.

Mr. Mernin stated respect to overall rentals within 22180 zip code that there are one-bedroom condos and rentals that are within the \$1300 – \$1900 range as well as two-bedrooms that are from \$1600-\$2600. They are much less expensive and larger, which he would deem more affordable. For more information he suggested that everyone review affordable housing information found on Fairfax County's affordable dwelling unit rental program. It offers information to private developers and managers on setting aside a handful of units for work force housing. Prices are lower and based upon salary, creating an opportunity for county employees to have a place in the jurisdiction that they serve. There being no further comment, Mr. Mernin was seated.

Bob McCahill residing at 429 Center Street North was present to speak. Mr. McCahill has been following the application. He recalled Commissioner Kenney's comment at the work session in April that the project was denser than he envisioned MAC to be. Mr. McCahill had been unable to attend the May 23rd meeting but was able to watch it from home. As a former chair to the Transportation Safety Commission (TSC) bicycle advisory committee Mr. McCahill has pushed for MAC inclusive requirements for secure, sheltered bicycle rooms for residents at a one per 10 units. As president of the Northeast Vienna Citizen's Associations (NEVCA) he is interested how they will be affected by future developments. While he cannot speak to their membership, he personally has questions about the application. He proceeded to compare the recently approved Vienna Market to the subject project, stating that the Vienna Market is just under 2 acres with 444 Maple Avenue West measuring at 2.76 acres. Vienna Market will have 44 townhouse condos, while 444 Maple Avenue West will have 160 apartment homes. There will be 8,200 square feet of retail at the Vienna Market location and 19,000 square feet of retail at the 444 Maple Avenue West location.

Mr. McCahill has friends who live on Roland Street SW along with Mrs. Pott who resides on Wade Hampton Drive SW. Four years ago Mrs. Pott provided plants for their community learning garden, which is NEVCA supported by a Fairfax grant. He understands the concerns expressed regarding traffic. The current project has 334 parking spaces compared to the Vienna Market's 33 parking spaces underground plus above ground garage spaces. These parking spaces were intended to be publicly accessible but are for residents alone. He asked if this development promotes Vienna's small town character and does not compromise the character of residential neighborhoods abutting the corridor, as stated in MAC zone regulations. There being no further comment, Mr. McCahill was seated.

Cindy Miley residing at 204 Paris Court SW was present to speak. Ms. Miley thanked commissioners for their work with the Town and wanted to acknowledge the changes that have been made to the project. She stated that the MAC zone; *"...is intended to ensure that development along the corridor promotes Vienna's small town character and does not compromise the character of residential neighborhoods abutting the corridor..."*. She stated that this development does not promote their small town character and certainly compromises the character of all their surrounding neighborhoods. She asked how a building that will be larger than a football field and close to 60 feet tall promotes anything but a city. It is not part of the small town character that she has seen. She also has continued concerns for traffic and potential accidents at all streets

surrounding the project. Adding another 116 cars will make for treacherous conditions with the potential for accidents to occur. There have been no hydrological studies obtained to address neighborhood and business concerns on impacts that this development would have, stating that a 2-page study is insufficient and unacceptable to move forward. Ms. Miley was seated.

Jayne Huleatt residing at 413 Roland Street SW was present to speak. Ms. Huleatt appreciates the changes made but continues to have concerns with the possible 160 apartments units. With the applicant's adjustments they will be creating fewer larger apartments and providing 269 residential parking spaces. There is a MAC reduction allowing for 269 spaces, that is 15 percent less and equating to 229 parking spaces. There will be 199 parking spaces in the underground facility, which is allowed per MAC's incentive for placing parking in a parking garage. She stated that the project is able to take advantage of incentives for 199 parking spaces when they would otherwise be required to provide 269 parking space. For retail, 182 parking spaces are required. They have no way of knowing what types of businesses will be operating. Square footage requirements per MAC allows for 126 parking spaces. MAC zoning allows for an additional reduction in parking so long as incentives are met, providing a 25 percent bonus for spaces located within the parking structure. This means fewer spaces are calculated as more parking spaces. She is concerned that there will not be enough parking. She resides on Roland Street SW and has continued concern for parking overflowing on to their streets. She stated that there does not appear to be an allowance for employee or guest parking. She would like to see less apartments and more parking spaces. There being no further comment, Ms. Huleatt was seated.

Ron Patterson residing at 209 Ceret Court SW was present to speak. Mr. Patterson noted that a lot of his points have already been mentioned by previous speakers. His four topics of concern are the lack of neighborhood impact study, the hydrological study, a revised traffic study, and for the small town character of Vienna. It is unclear to him when the impact study was updated or completed. He requests that it be updated again per comments heard at tonight's hearing. With respect to the hydrological study, they have a lot of neighbors experiencing water issues and in particular along Roland Street SW. He requests a revised traffic study, stating that is a big concern for all surrounding neighbors. Currently, it is a nightmare when trying to turn from Roland Street onto Nutley Street SW. It can take upwards of 15-20 minutes during rush hour. Safety continues to be a concern, as there are kids that walk along their street to school. Affects to small town character remains a concern as well. In addition his concerns expressed previously remain regarding impacts to surrounding properties and not being covered by homeowners insurance. Mr. Patterson was seated.

Carl Desmarias residing at 408 Roland Street was present to speak. Mr. Desmarias has continued concerns with parking and truck traffic. Glenn Avenue SW currently prohibits truck access so that the only option for a truck route, besides Maple Avenue, is Roland Street SW. He was disappointed to see a 2 year old traffic report and requested that it be updated to fully include impacts of the project in relation to the other projects in the community. Mr. Desmarias was seated.

John Pott residing at 134 Wade Hampton Drive SW was present to speak. Presenting a slide show, Mr. Pott stated that he remains concerned with the precedent risks and density to surrounding neighborhoods. He stated that the MAC code fails to limit density, which is the key to everything. It protects the scale and development, limiting building mass and the amount of parking required, affording the amount of street level public accessible space, affording opportunity for creative and eclectic rather than artificial ground up architecture. He noted that density also controls traffic, water and sewage requirements drawing cumulatively on town resources. He agrees that concessions in density were made from what they reviewed three weeks ago, further improving the project but still feels the project is too dense. There are no breaks in the 315 foot wall along Maple Avenue. There is still no room for public space and the building still remains near the busiest intersection in town. He presented photos comparing the town to City of Falls Church development, stating that a failure to draw a line will make for an unplanned future with uncharted demands on the towns infrastructure, finances, and staff capacity. It will be harder and harder, project by project, to seize back the initiative. The Town will be unable to engineer issues resulting in greater risks. He stated that developers often threaten that if they do not get what they want then they will smother the Town with a by-right development that is 35 feet tall and 50 percent commercial. Economics and a brutal market force sweeping through the retail sector indicate that developers will not make money on a by right development. They have looked at the numbers. It is time to call their bluff and to focus on the real risks. Without a steady hand by the commission on density and pace of development there will be a real risk that MAC projects will drain rather than enrich the town, losing more just their small town feel and open leafy corridor. Mr. Pott was seated.

Jay Bloom residing at 128 Roland Court SW stepped forward to speak. Mr. Bloom has parking concerns. He resides in the townhouse section of Roland Street and has heard no discussion of where employees will park. He has continued concerns with overflow parking along Roland Court SW. The plan for his townhouse development originally included townhomes facing Roland Court. The applicant decided not to out of concerns expressed regarding parking. As a result the developer built single-family homes instead. He asked that something be done to manage their concerns with overflow parking with options like restricted parking that would protect their side streets. Mr. Bloom was seated.

Shelley Mountjoy residing at 402 Roland Street SW was present to speak. Ms. Mountjoy had previously provided comments in writing to the commission because she had been unable to attend the May 23rd public hearing. She is speaking tonight on record for her kids. Although she is wheelchair bound she is often traveling down Maple Avenue to appointments and likes to bike throughout the Town. So much so that it is rare to ever need to drive anywhere. On her bike route she passes on average one hundred eleven (111) homes. She is shocked at the thought of 160 apartments in such a small space. She has concerns with pedestrian access, not only as a pedestrian but also as a mother in a wheel chair. She feels that safe pedestrian access is limited to the back streets of her surrounding neighborhoods. She has been pleased with current sidewalk and road improvements along their main roads. There are still times of day when she feels

it to be absolutely dangerous to travel down Maple Avenue during certain time of day and because she is a woman in a wheel chair with a stroller. She stated that pedestrian access is vital to their back streets. She is very concerned that the traffic study does not consider their surrounding streets. Cars currently cut-thru Roland and Wade Hampton to avoid the Nutley and Maple Avenue West intersection. The study does not even address certain travel routes behind their neighborhood. She asked that a new study be provided. They need consider the lack of sidewalks along Glen Avenue SW. She had originally been excited to see ADA accessible rental units in Vienna. It is hard to find accessible housing in Vienna. She reiterated that 160 units is too much and was disappointed that the wheelchair ramp was removed to give way to better accommodations for the building. The applicant should consider reducing the number of units rather than other compensations. Ms. Mountjoy concluded her remarks.

Tina Cardenas residing at 214 Ceret Court SW was present to speak. Ms. Cardenas thanked the Commission for their time in hearing their comments and the applicant for their changes made. She could recall the first design when the project was initially proposed, stating that changes made since that time have been significant. She continues to have concerns for density equating it to too many people, cars, and activity at an intersection that is already overstressed. With respect to truck routing she asked how a truck is expected to get back to Nutley Street from Maple Avenue. As it is nearly impossible to turn left onto Nutley Street they will have to turn right. Once you turn right all streets that lead back to Maple Avenue such as Pleasant and Courthouse Road SW have *No Trucks* signage posted. She asked why staff is promoting a project that does not have access out of the site, which are not common sense solutions. She asked that the town continue to review the application for safety for their residents and impacts, stating that a true traffic and parking studies are necessary. In addition water issues continue to be a concern and ask that they look at those impacts. Ms. Cardenas was seated.

Sharon Pott residing at 134 Wade Hampton Drive SW stepped forward to speak. Ms. Pott asked if the developer is considering whether to add below market units for persons fully employed that cannot find reasonable rental accommodations in Northern Virginia. She asked that the commission and developer address her question. There being no further comment, Ms. Pott was seated.

Michelle Magrans residing at 207 Glen Avenue SW stepped forward to speak. Ms. Magrans lives with her two kids on Glen Avenue SW. She has safety concerns for the kids that walk to school, stating that Glen Avenue is a narrow street with sharp turns and no sidewalks. There are currently two bus stops for two schools; Marshall Road Elementary and Thoreau Middle school. It is also a primary walking path for kids from all surrounding areas walking to Madison High school. She is concerned that the coming tsunami of developments that includes the Chick-fil-A/carwash and Vienna Market will further congest that intersection making Glen Avenue a primary cut-thru for cars and trucks trying to get back to I-66. She asked that the town consider making Glen Avenue SW a *Dead End* street, similar to what they have seen in Arlington developments, ban cut-thru traffic, and install sidewalks through the neighborhood. She asks that the developer bear the cost of addressing incoming congestion and that the traffic study be updated to include

Glen Avenue SW. She stated that it is unacceptable that it currently does not include that information. Ms. Magrans was seated.

Penney Oszak residing at 221 Nutley Street NW stepped forward to speak. Ms. Oszak noted that the development goes against the MAC code. It is too dense and will set a precedent for future developments in town. They often tout being selected as the number one place to live with a small town feel. The project will be located at the entrance to town and asked if that is what they want to see when entering the Town. Ms. Oszak was seated.

Shelia Creswell residing at 404 Millwood Court SW stepped forward to speak. Ms. Creswell is a 31 year resident. She is concerned with parking on Millwood Court SW and that there are currently no places planned for employee parking. The tenants will need more than 190 spaces. She recently watched a tractor trailer make a delivery to the Starbucks located at Center and Maple Avenue West that had Maple Avenue blocked. She asked if that is what they want. There being no further comment, Ms. Creswell was seated.

Chairman Gelb stated that concludes all speakers who signed up to speak. He asked if anyone else in the audience would like to make comment.

Petr Kulic residing at 132 Carter Court SW stepped forward to speak. Mr. Kulic noted that the developer has provided a 1 percent change to their project, which is not a large change. He continues to have concerns for traffic impacts at rush hour, which will be traveling eastbound to I-66 or towards Tysons Corner. His commuting times have doubled within the last five years and asked what is reasonable in expected commute times. There being no further comment, Mr. Kulic was seated.

Estelle Belisle residing at 200 Ceret Court SW stepped forward to speak. Ms. Belisle flew back from Edinburgh Scotland today. She found that in Dublin, Edinburgh, Glasgow the buildings were 4-stories tall. In the small towns the buildings were 3-stories tall. She appreciates all of the work and changes that have occurred. She has an issue with procedural postings, noting that they have not been able to see all revisions online. They do not know the number of bedrooms and dimensions that would otherwise have been included. Previously that information was available to them. Due to the tremendous changes she asked if the project should be reviewed again by the BAR. She does not mean to delay the project, but wants to ensure that proper procedures are followed. Ms. Belisle was seated.

Linda Mann residing at 428 Windover Avenue NW stepped forward to speak. Ms. Mann wanted to speak to density in relation to concerns for education and school facilities. She stated that with high density comes rapid population growth. Vienna is consistently top rated due to their neighborhood feel, which has to do with the size of their neighborhood schools. She asks if the town has considered how it will impact their schools in the community. When she was teaching at Wolftrap Elementary, they had 35 students in trailers, which was ten years to go. Currently, there is a teaching shortage in Virginia and the United States. She wanted to know how that is being looked at and asked how the town will retain the neighborhood

community that makes them different from City of Falls Church or Merrifield. She asked whether they should look at the MAC zone again as it appears to be creating concerns for high density. Ms. Mann was seated.

Chairman Gelb responded that commissioner Meren has raised similar questions regarding school impact issues.

Tony Potter residing at 400 Roland Street SW stepped forward to speak. They have heard concerns raised over potential issues with the site and testimony from the commercial neighbor who has had monthly sewage backups. That is without the construction of 160 units. She supports previous comments made that the project should be slowed down to address all issues and concerns raised with respect to traffic to sewage to water to pass-thru and density. Also, on April 16 six cubes were left on Roland Street SW and remained approximately five days. They were then collected. She asked if that was the extent of the new traffic study to date. Since it was not there very long I could not properly measure what happens on their street every day. Ms. Potter was seated.

There being no further public comment Chairman Gelb stated that they have had two sessions with a lot of public input. He asked if they should consider closing the public hearing and asked for a motion.

Commissioner Miller asked, since residents are just getting information this evening, whether they should consider keeping the public hearing open to allow opportunity for further comment and review.

Chairman Gelb asked if any materials received were not posted online. Ms. Petkac responded that all materials for the May 23rd public hearing remain available online. Some of those items were reposted under tonight's hearing materials. The applicant has provided revised concept information. The plan set has not been revised. The applicant is holding off on revisions until the outcome of this hearing. They intend to revise their plan set when it is presented for Town Council's public hearing.

Linda Booth residing at 307 John Marshall Drive NE had a question for the commission. Ms. Booth has been keeping track of public hearing testimony and has heard 17 people speak tonight. No one has said that they are excited for the project. She asked if they had speakers at the May 23rd public hearing that were in support of the application. Chairman Gelb did not want to characterize previous comments that are a part of the public record, stating that the Commission heard general concerns with the application.

Chairman Gelb asked for comments regarding closing the public hearing. Commissioner Couchman asked Ms. Petkac for the schedule of review moving forward. Ms. Petkac responded that the deadline for rezoning is August 31st, which requires Town Council to make a decision within 180 days of receipt of the application. State code dictates that if no decision is made by August 31st then the application is deemed approved. Commissioner Couchman noted that the Planning Commission does not meet during the month of July. Ms. Petkac stated that the Commission has one other meeting scheduled on June 27th. Commissioner Couchman

asked for Town Council scheduling, stating that she wanted everyone to understand how tonight's decision carries through the larger process of review.

Commissioner Cole stated that in addition to the Commission not having regularly scheduled meetings in July that Town Council typically has only one regular meeting in July and in August. They are potentially restricting Council's opportunity for review along with the public's opportunity to address Town Council during that review. The Planning Commission is an advisory body so that they do a lot of heavy lifting for Town Council, allowing time for the developer to improve their plans in relation to public comment. The ultimate decision lies with the Town Council. With due respect to previous comments Commissioner Cole proposed that they move ahead, act and forward recommendation to Town Council to allow the next step to proceed in a timely manner. Nobody wants approval by default, they want approval by consensus.

Commissioner Baum stated that she will be out of town for the June 27th meeting and was concerned that there may not be a quorum because of one recusal and summer schedules. She supports moving forward with a decision tonight.

There being no further discussion a motion was in order.

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

Commissioner Baum seconded the motion.

Commissioner McCullough shares Commissioner Miller's concerns but she too can appreciate the need for moving forward. Starting the review clock during their limited summer schedule makes it difficult to fully review an application. She will be traveling as well and will be unable to attend the June 27th and agreed that the application should be moved forward.

Commissioner Meren noted that a lot of the comments heard, which were MAC related, that Town Council will be the best to voice those concerns to. In addition allowing the most amount of time for Council to review and address MAC specifics should be held at Council level. He agreed that the public hearing should be closed.

Chairman Gelb shared some of the same concerns, stating that they have enough to make a recommendation. Although they are limited to legal constraints it is critical that they give Council the maximum amount of time for review. Citizens need that opportunity to deliver the same message and he will vote in support of the motion.

Commissioner Miller stated that Town Council also has the option to not approve an application. He is concerned that the item will be moved along in a process that he feels should be slowed down to allow residents as much input as possible. They are moving an application along on a project that will be around long after everyone is gone out of concern for a couple of meetings over a couple of months.

There being no further comment, Chairman Gelb asked the clerk for a roll call vote.

Commissioner Miller: Nay

Commissioner McCullough: Aye

Commissioner Basnight: is absent

Commissioner Couchman: Aye

Chairman Gelb: Aye

Commissioner Kenney: Abstains

Commissioner Meren: Aye

Commissioner Baum: Aye

Commissioner Cole: Aye

Motion to Close: Cole

Second: Meren

Closed: 6-1-1

Chairman Gelb invited the applicant back to respond. Mr. Bell stated that they have tried to meet all criteria and to implement all comments heard. He has owned property for over 10 years and waited for the MAC zone to be passed. They are doing what they can to implement the ordinance. He has put together the best team in Northern Virginia to bring the best project to the Town. He noted that this is the first rental project to be brought to the Town in decades. It will bring a diversity of housing but it is not feasible to build a small amount of apartments. The project is different in that it will be multi-family rental housing. There is nothing like it in town being fully amenitized from a multi-family standpoint offering a full, different lifestyle choice allowing empty nesters to remain in town and young professionals the option of living in town. That is the pattern that they see most often. It is affordable when you compare it to most housing that is currently available in town.

Mr. Bell stated that this is the first transit oriented property proposed in town. They are transit oriented being 9/10th of a mile from Metro, which will be heavily used by his residents. In addition they intend to provide a full TDM (Transit Development Management) program in their proffers. A shuttle will be provided for at least the first 6 months, which will travel to and from Metro. If they find ridership is sufficient then they will keep offering the shuttle. It is the first project in town designed to meet current ADA codes, noting that although they eliminated all access along Nutley Street and not just the ramp. They would not deny one particular group access. The change was made in response to earlier comments that it was more important to have a wider sidewalk than access on that side of the structure. All ADA accesses to building will remain. In addition the project is one of the few to have a modern stormwater management facility. It will work to alleviate onsite issues that neighbors are currently experiencing as it will capture all stormwater on site. The property is also slated to provide significant net new tax revenue to the Town. They will provide 600 feet of the largest amount of streetscape in town. The project has been designed for walkability and bicycling. They intend to institute their VIP program, which is similar to what they offer to

City of Falls Church employees waiving all fees and security deposits for city employees. They are providing landscaping buffer to the entire site that exceeds requirements with four electric car charging stations. Two will be located on the retail level and two located on the residential level. If they find that there is a demand they intend to increase that number. Additionally, Uber drop-off/ride sharing will be provided as part of the planning for the project. The building will be solar ready. Since it is an incentive component of the MAC the roof and equipment will be set up to accept solar if it makes sense as an option. He noted that most benefits of the project are a result of the MAC.

Mr. Bell stated in response to groundwater concerns he suggested that they consider hiring a hydrological engineer for a third party review. In response to current retailers in town, he noted that they are designing a great retail venue for local shops. It will not be a big box retail. They will be able to offer great parking, access and street frontage. In response to concerns for employee parking he explained that the numbers required are standard numbers for retail, which includes employee parking. They have been built into their numbers and find that the site is well parked in all categories.

Chairman Gelb thanked Mr. Bell, stating that they had originally presented a 3 month trial for the shuttle. He would be very pleased to see it increased to a 6 month trial. He asked if they just revised their proffers to 6 months. Mr. Bell responded that he may have spoken in error but would be willing to offer 6 months, reiterating that if nobody is riding the shuttle then he would not want to keep it. If everybody is riding it then he would continue to offer it for their residents as a courtesy use. Chairman Gelb stated that they should do everything possible to mitigate impacts to surrounding neighbors. The shuttle could serve both of those purposes. He asked for comments or questions from the Commission.

Commissioner Miller stated that the applicant indicated that they are meeting all ADA requirements and noted they are required to do so. It is not by the applicant's choice. Mr. Bell agreed, stating that all other apartments in town are not. Commissioner Miller stated that is because of their age. He is having issue referring to the project as transit oriented when there are thousands of units available in Tysons and the surrounding region. With respect to fees waived he did not think the applicant would be able to collect any fees, stating that they will have to give them all away to lease the building. The persons who owned the site that is in front of the Walmart on US Route 7 is zoned for high rise but the owners feel that the highest and best use is single-story retail, which is the worst performing commercial sector. Also, the owners of Kip Killmon Ford intended to redevelop their site but filed for bankruptcy 2-3 months ago. He stated that new apartments were constructed within the last 5-6 years, located at the corner of US Rout 123 and the toll road, the last tower was just constructed. Their owners now feel that the best use for the tower would be for a hotel when it was originally constructed as an apartment. He stated that all of the other owners that he has spoken to are not getting their pro forma rents. In addition to concerns raised regarding height and density he is concerned that the project will struggle since so many units have been built in Tysons and sites along the Metro line.

Commissioner McCullough stated that traffic is a critical issue with development. She feels that the traffic study does not address issues or look at how to mitigate impacts on retail and units. Although the development is very nice it is impossible to develop a proper flow for traffic without going into surrounding neighborhoods. She is concerned with rush hour traffic times limiting access to the site. It may be an issue for the town or the applicant to fix; either way it is a problem for the town that is inherited by the applicant to fix. She is disappointed that the shuttle will be offered for a limited time. To be a true Multimodal transit facility they should offer a shuttle the entire time that Metro is open. The applicant should be doing everything they can to encourage their residents to want to take the shuttle. It should also be offered to all retail leases so that their employees can take the Metro. If they were really interested in providing a unique facility to the town then it should be providing a service that lessens impacts on residents. It should be offered in perpetuity. Mr. Bell stated that is what they have proposed. If they have ridership they intend to keep the shuttle. Additional discussion followed.

Commissioner Couchman asked how many apartments are located above the portions of the building having dormers and setback 5 feet. Mr. Bell estimated eight units. Commissioner Couchman stated that in response to the term *density* that everyone may be thinking in terms of potential residents and the volume of the building. She has been considering how it could be further broken up and asked if the alleyways were open air would that create enough separation further breaking it up. She stated that the applicant has done a remarkable job in addressing comments, which she appreciates. Their community is still not satisfied and wondered how much further they could go.

Commissioner Meren stated having the comparison in visuals has been helpful. He requested that the applicant provide a KMC file so that it could be implemented on Google Earth for future review. Mr. Baker responded that they will look into it. Commissioner Meren appreciated the reduction of the structure, stating that had been the biggest concern expressed at the May 23rd public hearing. The wall located at the back of the property has been softened as well. He is disappointed that they kept the same number of apartments but reduced parking as it now raises concern for overflow parking. He asked that they find a way to add back the nine parking spaces to the site, stating that it would be a good step. In reference to the commercial neighbor that spoke about sewage issues, he hoped the town would take those comments into consideration. Mr. Bell explained that their property's sewer line is situated on a different route than his neighbor's line.

Commissioner Meren stated that the applicant has designed everything per the Town's MAC zoning, which will need to be considered. All comments heard have been directed towards MAC's vision that the structure is too big and not specifically towards the project itself. He felt the project would be successful in its location offering walkability. The applicant has taken great efforts towards modifications. The next step will require review by Council where you will have another round of comments to consider. He asked that the applicant consider trying to reinstate some of the reduced parking spaces back and to reduce the number of apartments.

Commissioner Baum echoed previous comments, stating they have done a great job meeting MAC overlay but they keep hearing that the project does not maintain and promote the town's small town character nor does it support viability of surrounding residential neighborhoods. She noted that people are now purchasing a lot of online items, creating heavier truck related deliveries many times throughout the day. There is the potential of 2-3 deliveries daily for 160 units. She has concerns traffic along Glen Avenue SW. She too would like to see an updated TIA study. Tysons Corner has changed significantly within the last 2 years. The study should incorporate all surrounding residential streets. In terms of affordability the applicant has offered their VIP program but they are still asking a public official to spend half their income on housing, which does not seem viable.

Commissioner Cole apologized for not attending the May 23rd meeting. She was able to watch the recording and read all submitted comments. She agreed that it was notable in its civility and conduct. She hoped that would continue. It is hard for them as commissioners to hear from their friends and neighbors on issues that affect them personally. These are people that she has known for dozens of years. Serving on the Planning Commission they are mandated to follow code, advise the Town Council, and to do what is best for the Town. In some instances that can be in conflict with what their friends and neighbors perceive as an effect on them. She has been on both sides of the microphone on land use issues having worked continuously trying to persuade Fairfax County Planning Commission and Board of Supervisors the need to show respect to the Town of Vienna and their residents on issues concerning traffic and development.

Commissioner Cole noted that the Town needs to manage their own destiny and future being respectful of those issues. She appreciated neighbor concerns but she also has an appreciation for the challenge of responding to the entire Vienna community and guiding the growth of Vienna. She joined the Planning Commission in the 1994/96 timeframe when the townhouses that neighbor this project were new. There had been a lot of issues being worked out with respect to balconies and water. At the time those townhomes were a change with initial resistance to that change. They are now a part of the community and have a stake in the town. They feel a sense of ownership about the town, which is wonderful. She hoped that the people who come to live in MAC buildings will develop that same sense of the town and become a part of the community. What makes them a small town is not a population of 16,000 or five square miles. What makes them a small town is the character that the town maintains. They are situated within a million plus person county. In one of the fastest growing metropolitan areas of the country. What they do in the town that is so important is that they control their own zoning and destiny. They can hang on to that so long as they manage it well with a lot of pressure to manage it well in both directions. In the 20 plus years that Commissioner Cole has spent working with the Town there has been constant concern from citizens as to how they can remain in the town once they sell their home. She finds that when projects like this are proposed they hear the resistance that it is not Vienna that is single family home with a yard or that it is too dense. She stated that they need to figure out how to address both issues.

Commissioner Cole had an opportunity to fly over Fairfax County and Vienna in a helicopter. She noted at the time the dramatic difference between the two localities. When you got to Vienna you knew that you were there because you could discern the downtown commercial corridor from townhouses, from apartment buildings and condominiums from single family homes that stretched out on either side of Maple Avenue. They have protected residential neighborhoods by keeping development concentrated along Maple Avenue. This project would not be appropriate at the intersection of Glen Avenue or Pleasant Street SW, or by the First Baptist Church in Northwest. She stated that she is leaning in the direction that this is an appropriate way of moving the town into the future, giving people the choices that they want while protecting interests of the residents that already have a stake in the town. In response to concerns expressed for small businesses, she noted that they are also repeatedly asked why there are so many mattress stores and nail salons in the Town. They need to make commercial and retail space attractive by updating their commercial corridor. It is the Commission and Town Council's responsibility to balance those interests.

Commissioner Cole stated that they need to consider market prices and noted that a 3-bedroom, 2 ½ bath, no garage town house located in Northwest is selling for \$549,900. She stated that there are plenty of townhomes that cost more than people can sell their single family homes for. They need to provide a range of options that will keep the Town viable and they do not become monolithic. She agreed that concerns expressed regarding traffic flow are a huge challenge. It is the most transit rich intersection in town. There are buses running to and from Metro down Nutley Street SW and buses running to and from the Silver line down Maple Avenue. She noted that there are a lot alternatives to driving in the area with relative ease. Commuting patterns are changing and everyone no longer commutes to Washington DC or Tysons. A lot of their traffic is now heading towards Reston and the Dulles Corridor. They need to look at traffic routes in modern terms. With respect to delivery trucks she stated the delivery companies have a high level of algorithms and analytics that program the routes that are most efficient. They will also consolidate deliveries and schedule routes. In response to massing concerns, she noted that she has never been shy about asking a developer to do more to fit their project with the character of the town. The developer has responded to everybody's concerns since their first work session. There have been a lot of changes, including some she did not think would be possible such as removing coveted corner units to open up the top floor at the corner. Commissioner Cole stated that the current design is an improvement and a credit to neighborhood input provided during the process. In reference to water table concerns she stated that they have heard engineering input and anecdotal input. They are also more than 20 years past when the townhouses were constructed. Existing conditions of which the developer and town are well aware so that they can move forward with an educated approach of what to expect. When it is a matter between anecdotal and engineering evidence, the Commission and Town Council need to rely upon engineering evidence. They need to rely upon the developers. It is in theirs and their engineer's interest as well. The Engineer is putting their seal and signature on the data. She is not ignoring concerns expressed regarding the water table but at some point they do need to move on. Commissioner Cole thanked everyone for listening to her comments.

Chairman Gelb concurred with Commissioner Cole's comments, stating that it has been the hardest issue he has had to review while on the Planning Commission. The site as it is currently situated has been developed in an undesirable fashion and has been that way for a long time. He would like to see it improved. They are charged with looking at the broader interests of the community. Improving that corner is in the interest of the Town. He has heard neighbor concerns, feeling they are real and genuine. He appreciates the manner in which everyone has conducted themselves. Insights and thoughts have been extremely thoughtful and thought provoking. Chairman Gelb wants the neighbors to be happy with the development occurring in their backyard. The project that was reviewed three weeks ago complied with the MAC code, which allows for four story buildings. That had been a conscious public policy decision made during review and adoption of MAC. He was initially prepared to recommend against the project as it existed three weeks ago in hopes of encouraging them to work with council. Since that time he has seen a tremendous improvement to the project. With the exception of traffic he agreed that the applicant is not entirely in control. All comments have been reasonably addressed in a reasonable way. They have heard some contradictions. The applicant has had to make choices and balance those choices. He noted that his own neighborhood does not have sidewalks and experiences a lot of school related traffic.

Chairman Gelb noted that a building is not what makes a place a place. It is not what defines the difference between the sizes of the town. It is about the people and how they conduct themselves and manage these tough choices. When it is time to vote he intends to vote in support the application. He will continue to urge the town and developer to continue to work on traffic calming solutions. If approved it will be at least two years before the project is operating. He agreed that there will be real difficulties concerning ingress and egress from the site. In response to concerns for sewage, that is an item for the town to respond to. A lot of their infrastructure is aging. It has been an ongoing question regarding what town infrastructure can support in development. They need to find the path that addresses the real issues and acknowledges a project that is very positive. In terms of affordability they cannot fault the builder for providing a project that does not fix their affordability issue. The new townhomes being built next door are selling for more than his single family home could be purchased for on the open market. Those are economic forces that they cannot fight.

Chairman Gelb asked if the builder would consider driving or drilling piles down rather than pounding them down. He also asked that they take a holistic approach to the shuttle. Mr. Bell responded that there will be no pile driving. Also, it had not been his intent to argue about the shuttle. It will be driven by customer demand. If there is demand then they want to provide it.

Commissioner Couchman stated in response to comments made regarding *affordability* that she should have used the terminology *diversity of housing stock*. She hoped the town would get to a place where programs like affordable dwelling unit programs and workforce dwelling unit programs will come into play in town. They are not there yet, but this project creates the potential for heading in the right direction. She agreed with former comments regarding what makes the town small town character. Church Street cannot be achieved

along Maple Avenue. If they want to encourage economic vitality then they need to celebrate and protect institutions like the Vienna Inn and the Amphora Restaurant. They can do that providing opportunities for new types of commercial and new residential that will bring new and different people to their town. She felt that this is the most appropriate corner in town for such a project, stating that an open air alley may help in providing greater disconnect among the building. They could offer a couple levels of office space that would further reduce concerns from residential issues. She stated that the project supports many of their concerns in which the applicant has addressed many of those concerns. They need to think about what they want to retain on Maple Avenue while parts move along with progress. They need to adapt to manage growth and development that is happening around them. She stated that this is an appropriate MAC rezoning.

Commissioner Miller stated that he had not heard an opposition to the project. A majority are in favor of redevelopment but concerns remain for height and density. They can address concerns for new development and concerns expressed by neighbors by addressing height and density. He considers the project to be very under parked. There are industry standards for mixed use projects, which he concedes the MAC allows for parking impacts. Most residents will still drive to public transportation. He asked staff to review parking requirements, stating that will go a long way in addressing parking issues that have pervaded the conversation the past two hearings.

Commissioner Couchman stated that height is an incentive for developers. She asked where that tipping point is and would that remove the incentive to apply for MAC zoning, losing the entire process. She asked that it be looked further into to understand the economics before making any drastic changes. She did not want to remove the incentive for developers and the Town's ability to comment publicly.

Commissioner Miller responded that in any residential development the single biggest cost is land costs. Everything else is set. When it is not commercially viable then land costs need to readjust. It is the price of land that readjusts during economic downturns.

Chairman Gelb stated that their current challenge is that they have a market where the land values are what they are. He agreed that the MAC zone should be continually re-examined for impacts. They need to move forward with the project that is before them.

Commissioner Meren asked for clarification, stating that if they were to make recommendation for approval would the discussion still take place at the next stage. Chairman Gelb stated that they are making recommendation based on what is before them. Town Council would take all their comments in to consideration. Commissioner Miller asked the applicant if they intended to plat the property as condominiums. Mr. Bell answered no. Commissioner Miller suggested that it be considered as an option as it will allow for a broader audience for potential buyers. Mr. Bell stated that they are aware of that option. Being a 3rd generation family owned company they typically want to hold onto their properties. They have never built a condominium or anything that is for sale. Additional discussion followed.

Commissioner McCullough wanted to discuss the proposed TDM. She noted that information could be provided to their residents electronically or through a social media format. The cost of having a person on staff could fall under the daily shuttle that is offered on a rush hour schedule. The applicant could put the money aside for a TDM employee and a shuttle bus driver. It would be encouraging to the community showing how to become more multimodal. She asked that it be considered in their deliberations on how to create a multimodal transit environment for this complex. Offering a regular shuttle service would be beneficial to their tenants. Mr. Bell agreed, stating that his tenants will also be working onsite. There will be a lot of communication within the property as to what will be occurring. Additional discussion followed.

Commissioner McCullough thanked Mr. Bell for his comments, stating that they appreciate the changes. She asked that they also consider further reduction in the overall space. They should anticipate hearing the same comments from residents when they go before Town Council for final review. The issues at the intersection are not of the applicant's making. It is a great project, at the wrong intersection. She asked that the town consider proactive measures for Wade Hampton Drive SW. The town will need to figure out what works best.

Commissioner Cole suggested that the applicant consider having their traffic engineer suggest best practices to encourage traffic improvements to the surrounding area.

Chairman Gelb stated in response to concerns expressed regarding HVAC's he wanted to ensure that they be properly screened; additionally he asked if the applicant could commit a certain amount of funds for traffic calming measures. Mr. Bell responded that the condensing units are the same units that are used on single family homes having spring isolators making them difficult to hear. He agreed that the generators can be screened. With respect to noise concerns they can test once weekly for ten minutes.

Commissioner Miller stated that he has concerns that they seem to be pushing the application along out of worry for a deadline. He asked if it would be possible for the applicant to voluntarily to stop the clock. Ms. Petkac answered yes. Commissioner Miller asked if the applicant would consider continuing their application. It would generate good will to the town. Mr. Bell was uncertain what they would be addressing in stopping review of their application. They have tried to address all aspects that they can and asked what the Commission would want him to do in the interim. Commissioner Miller stated that if they leave the deadline where it is now they are asking the town to commit or not commit on one of the biggest projects that he can recall in just two sessions over the summer. It seemed to be a small concession to ask of the applicant for what they would be willing to grant in the MAC. Mr. Bell stated that this is the discussion they will be having with the Mayor and Town Council. All of the same residents will be there making the same points known. They have tried to address all comments and asked if there are other items that they are asking them to address rather than taking more time for the sake of taking more time. Chairman Gelb stated that it is not a bad suggestion that they are not being asked to do more or to address certain issues. It would allow the decision makers for more time. Some Town Council members may have their own vacation plans.

Commissioner Miller suggested that the applicant entertain it and have a conversation with the Director of Planning & Zoning and others involved in the decision. Additional discussion followed.

Ms. Petkac explained that the developer had wanted to bring their application forward sooner but she needed to get up to speed on the application, which pushed review until May. It was not by the developer's choice. It was due to staff setting the schedule. Commissioner Cole noted that while Commissioner Miller has the best of intentions, the Town Council has never been shy in protecting its own interests and would discuss their agenda if they want to confer with the applicant about delay. The point is well taken that if they do not have a specific item for the applicant to address then it is time to make a decision and have the application move on.

There being no further discussion Chairman Gelb called the question.

Commissioner Cole made a motion that a recommendation be made to Town Council for approval of the proposed rezoning for mixed-use development of (3) lots, located at 430, 440, 444 Maple Avenue West and parcel map #0383 02 0141A; application filed by Sara Mariska, attorney representative with Womble Bond Dickinson, agent on behalf of Vienna Development Associates, LLC and James C. and Lucy C. Meng, owners.

Chairman Gelb called for discussion.

Commissioner Miller stated that he would like to see the site redeveloped but cannot vote in good conscience to recommend the project as it currently exists. Although it may be to the letter of the MAC it is not to the vision of the MAC as several residents made reference to. As such he will be voting against the motion.

Commissioner McCullough stated that she will also be voting against the motion. She likes the application and is something she wants to see developed in the Town. She has issue with so little information available to the Commission with respect to how to address significant traffic concerns; not only for the development but for surrounding neighborhoods. Therefore, she cannot in good conscience say that the application should move forward. A hold on the application may allow the applicant to work on remaining issues. She believes they do need this kind of diverse housing but out of concerns for traffic, safety, and impacts to neighboring roads she will vote against the motion. She agreed that the project follows the letter of the law and the vision of MAC but the town has a lot of thought and policy issues to consider.

Commissioner Baum agreed with former comments, stating that the applicant has done an excellent job working within the overlay of the MAC. There are still issues with height and density that need to be addressed. Traffic, through no fault of the applicant's, needs to be addressed as well. She also cannot in good consciences vote in support of the application and will vote against the motion.

Commissioner Meren stated that he joined the Planning Commission to be a part of this type of review and conversation. There are so many discussions regarding tweaking and modifications that he feels development is needed on that lot. He favors current plans with some modifications to include being

southern facing for a decrease in apartments and an increase in parking. Those are not deal breakers for him as he feel there to be massive benefits to the project. The outdoor seating will be a benefit to town residents. The project as a whole will be a benefit to the community around it. He agreed that some MAC specifications need to be refined. Structures such as this need to be softened with different modifications. He cannot imagine keeping the site in its current state much longer. Having lived in the town for 15 years it's hard to watch the different buildings fall apart.

There being no further comments, Chairman Gelb asked the clerk for a roll call vote.

Commissioner Miller: Nay

Commissioner McCullough: Nay

Commissioner Basnight: is absent

Commissioner Couchman: Aye

Chairman Gelb: Aye

Commissioner Kenney: Abstain

Commissioner Meren: Aye

Commissioner Baum: Nay

Commissioner Cole: Aye

Motion: Cole

Second: Meren

Vote: 4-3-1

Nays: Miller, McCullough, Baum

Abstain: Kenney

Absent: Basnight

Chairman Gelb called for a five minute break.

DIRECTOR'S COMMENTS:

Ms. Petkac reminded everyone that they are scheduled for their second joint work session with the Town Council on June 27th to continue discussions on potential amendments to the MAC. The work session will occur at 6:30 pm. Items will be uploaded to Granicus the Friday prior to the June 27th work session. Also, in an effort to move forward in a timely manner, she asked if they would be willing to hold a special meeting July 30th for public hearing. Additional discussion followed, commissioners will let staff know their schedule.

Commissioner McCullough asked if Town Council could holding a work session with the developer in July and whether there would be enough time for advertising. Ms. Petkac answered that she would have to defer to the town attorney. Additional discussion followed.

Commissioner McCullough stated that she had gotten a lot out of work sessions on major projects. It would have been valuable to have discussed traffic issues and to go over the traffic study on tonight's project. She asked that it be considered for future major projects.

Commissioner Miller agreed, noting that they should consider what they could have accomplished if they had had additional review time. Chairman Gelb concurred

Commissioner Cole stated that they did hold a work session with the applicant in which they responded to commissioner comments. It is within the applicant's discretion to attend a work session. They do need to be respectful of costs incurred in bringing an entire team with the applicant to work sessions and how many times they ask an applicant to redraw plans. It is in everybody's best interests to be as comprehensive as possible in a compact timeframe.

Ms. Petkac stated what is helpful about public hearings are that they are able to hear and respond to public comment. Work sessions are helpful but the public cannot provide comment or input during those work sessions. Additional discussion followed.

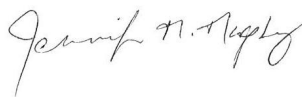
Commissioner Baum stated that she will also be unable to attend the August 20th joint work session.

MEETING MINUTES:

None

There being no further discussion the meeting adjourned at 12:22 am, the next day. Written comments provided to the clerk at the meeting have been attached to the minute records.

Respectfully Submitted,

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

Jennifer M. Murphy
Commission Clerk