



# Town of Vienna

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## Meeting Minutes Planning Commission

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Wednesday, August 8, 2018

8:00 PM

COUNCIL CHAMBERS-VIENNA TOWN  
HALL

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### Regular Meeting

*The Planning Commission met in regular session on Wednesday, August 8, 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, and Walter I. Basnight. Also, in attendance and representing Town staff: Michael D'Orazio, Deputy Director of Planning & Zoning, John Jay Sergent, Town Engineer, and Kelly O'Brien, Town Planner, and Jennifer Murphy, Clerk to the Commission.*

### Roll Call

*All commissioners are present.*

### Communication from Citizens and/or Commissioners

*Commissioner Miller stated that he was able to call-in to the last meeting. Due to current by-laws, he was unable to speak on record but it was good to hear the conversation. He found it to be very helpful.  
Chairman Gelb thanked Commissioner Miller for his comment and noted that Item No. 2 of Regular Business will be reviewed first.*

### Regular Business

#### Request for Modification of Requirements for required parking associated with restaurant use at 133 Maple Avenue East

*Request for recommendation by the Planning Commission to the Town Council on a request for site plan modification of requirements related to required minimum number of parking spaces associated with restaurant use, located at 133 Maple Avenue East, in the C-2 General Commercial and RM-2 Multifamily, Low Density zoning districts. Application filed by Adam Lubar of Speakeasy Restaurants LLC.*

*Providing staff's presentation, Mr. D'Orazio stated that the application is a proposal to locate a restaurant on the ground floor of an existing three-story office building, located at 133 Maple Avenue East. The building is located between the Patrick Henry Library and Wholefoods. The proposal is a request for modification of town code requirement for indoor/outdoor seating totaling 303 seats and for off-street parking requirements associated with restaurant use. Outdoor seating will be located at the entrance and near the drive-thru canopy of the bank at the rear of the building. The applicant's own other locations; William Jeffrey's tavern,*

*Dogwood Tavern, Ragtime, and Roadside Grill. The proposed installation will be similar to their other business models measuring approximately 6,500 square feet and comprising primarily of the first floor of the building.*

*Current code regulations require a 1:4 ratio of one parking space to every four seats. The existing site requires 103 parking spaces with first floor access to 36 parking spaces. Current requirements dictate 75 parking spaces. All onsite uses combined, seating and onsite office space, does not meet current parking requirements. There are no current code provisions for shared parking. The applicant's justification states that there are currently 103 onsite parking spaces with 90 percent of business occurring after normal business hours. Additionally, town code states that upstairs businesses must remain office use in accordance with C-1, Local Commercial zone regulations. To date the applicant has received support from their condo association for the proposed use. The condo association is also aware of the modification of requirements being requested. Additionally, since the restaurant will be situated so close to the W&OD (Washington & Old Dominion) trail the applicants have offered to provide bicycle parking to accommodate trail users and to encourage pedestrian and bicycle traffic.*

*Mr. D'Orazio stated that if the applicant receives approval for modification then they will have to come back for a conditional use permit for outdoor seating. Chairman Gelb stated if there is concern over the amount of seats then they will have an opportunity to review seating during conditional use permit review. Mr. D'Orazio explained that the applications should be treated separately. He only wanted to note for the record that the applicant will need to come back for review.*

*Mr. D'Orazio stated that the applicant has provided hourly, weekday guest counts for William Jeffery's tavern, which also has offices located on the upstairs levels of the building. The upstairs businesses are closed on weekends as well. Provided counts indicate two-thirds of customers arrive after 5 pm with 12 percent arriving between 11 am – 1 pm. Onsite businesses are operational during weekday office hours with a majority closing before 5 pm and one closing at 6 pm. Parking generation rates, which provide sample data for land use and parking, indicates peak office hours occurring at 10 am and restaurant use occurring at 7 pm. Including today, staff visited the site over the past three days at 11:30 am, 12:15 pm, and 1 pm. They performed parking counts finding the lot to be at least a 1/3rd occupied at lunchtime. Since it is during summer hours staff anticipates slightly more parking occurring during the school year. Concluding staff's presentation, Mr. D'Orazio asked to answer any questions.*

*There being none, Chairman Gelb invited the applicants forward to speak.*

*Adam Lubar and Chris Lefbom applicants for the project and owners of Speakeasy Restaurants LLC stepped forward to speak. Mr. Lubar explained that they currently own and operate four restaurants, three of which are located in Arlington and one that is located in Falls Church. William Jeffery's Tavern has been in operation for 6 ½ years, Ragtime for 16 ½ years, and Roadside Grill for 23 years. The Dogwood Tavern in Falls Church just celebrated their tenth anniversary. Mr. Lubar stated that the proposed use will be similar in use to their current businesses, which are neighborhood restaurants. They have tried to cater to the surrounding neighborhoods for each of their locations. They do not want to be viewed as a chain establishment. The proposed use will be similar to what they have created at their other locations. If the modification is granted, they hope to participate as a positive part of the community.*

Chairman Gelb invited commissioner questions or comment. Addressing staff, Commissioner McCullough asked if the applicant currently has access to 36 parking spaces per their condominium agreement. Mr. D'Orazio answered that current tenants are parked at a 1:200 ratio, one parking space per 200 square feet, which meets town code office or commercial parking rates. Restaurant use requires a different ratio that does not meet current requirements. Commissioner McCullough asked if that is due to divvying up allotted spaces. Mr. D'Orazio answered that current numbers are based on the 1:200 ratio requirement. Commissioner Miller asked if current parking meets current zoning regulations. Mr. D'Orazio answered yes. Commissioner Basnight stated that any other commercial office use would meet onsite-parking requirements. Mr. D'Orazio agreed.

Commissioner Couchman asked if staff is comfortable with the submitted data and whether 36 parking spaces are sufficient during lunch hours. Mr. D'Orazio answered yes, stating that they anticipate peak hours to be offset by the business use.

Commissioner Meren asked for the number of bike corrals to be installed. Mr. Lubar answered that it would be up to their condo board. Commissioner Meren noted that it is an ideal location for cycling. Mr. Lefbom stated that their condo board has been supportive. Mr. Lubar stated that their building currently allows W&OD trail users to park in their lot on weekends.

Commissioner Basnight suggested that the applicants reach out to the Town's BAC (bicycle advisory committee) when designing the site.

Commissioner McCullough asked if they have experienced parking issues at their other facilities. Mr. Lefbom answered that they typically encounter metro and foot traffic.

Chairman Gelb stated that although the business is afforded 36 parking spaces additional vacant spaces may not be allotted for use. He asked if that was discussed with the owner representatives. Mr. Lubar responded that they would not expect to need 75 spaces during daytime business hours since the majority of their business occurs when those businesses are closed.

Commissioner Kenney agreed with the presented breakdown of peak hours and their coinciding with neighboring businesses being shut down. He does remain concerned with parking for adjacent parties like the Patrick Henry library. He suggested that some form of way finding signage be installed for the parking lot that parking at the library is for patrons of the library. Commissioner McCullough agreed, stating that it could specify library hours. In some instances, the library's lot is utilized for afterhours town events overflow parking. Additional discussion followed.

Commissioner Miller asked if a barrier or barricade would be installed to restrict cars from pulling or driving into the drive-thru lane. Mr. Lubar answered yes, stating that would be a building code requirement. Commissioner Miller suggested updating the back ingress/egress to encourage access at the back of the building. Mr. Lubar explained that they are still under negotiation on allowances with the condo association.

Commissioner Couchman asked if parking modifications affect outdoor seating. Mr. D'Orazio answered yes, stating that is for the maximum possible allowance.

*Additional discussion followed.*

*There being no further discussion Chairman Gelb called for a motion.*

*Commissioner McCullough made a motion that a request for recommendation by the Planning Commission be made to the Town Council for site plan modification of requirements related to the required minimum number of parking spaces associated with restaurant use, located at 133 Maple Avenue East, units 100 and 100A. Chairman Gelb called for discussion. Commissioner Miller stated that the application is a good example of adaptive re-use of an existing building. It is also a situation of businesses being symbiotic in their use of the existing space.*

*Motion: McCullough*

*Second: Basnight*

*Carries: 8-0*

### **Recommendation by the Planning Commission to the Town Council on a proposed zoning ordinance amendment to Article 2, Section 4 - Definitions - finished lot grade of Chapter 18 of the Town Code**

*Recommendation by the Planning Commission to the Town Council on a proposed zoning ordinance amendment to Article 2, Section 4 - Definitions - finished lot grade of Chapter 18 of the Town Code.*

*Deputy Director, Michael D'Orazio provided staff's report. The proposed text was part of discussions at the July 30, 2018, Public Hearing. The Town Code currently reads, "...finished lot grade for a single family dwelling and cannot deviate + or - 3 feet..." which was an attempt to eliminate dirt skirts or artificially raised lot grade for walkout basements. Staff has been using the Finished Lot Grade definition but finds it necessary to further clarify code language and implementation for overall better results.*

*Chairman Gelb asked if the new language will help to reduce towering effects. Mr. D'Orazio answered yes, stating that the proposed language was initially reviewed in 2016. At that time they considered options for making the language more concise such as, "...deviation around the structure cannot deviate more than +or- 3 feet..." with specific language that allowed the Director of Public Works the authority to waive the 3 foot lot deviation if; "...deemed to be for good cause, not contrary to public interest...". Since that time staff has further reviewed language, making additional recommendation. With respect to addressing commercial construction staff recommends that the following language be added; "...lot deviation restrictions be for single-family detached dwellings only..." since the issue of dirt skirts only resulted from infill lot construction of single-family dwellings. Commercial or other structures that are non-residential, ADA requirements, and grade of adjoining public streets would dictate necessary grade requirements, which are not the same issues presented for single-family in-fill lot construction.*

*Staff also considered text amendments in instances of mushrooming when a house is built-up an additional 3 feet on a lot that was originally graded upwards from pre-existing conditions. Staff recommends the following language, "...deviating from pre-existing lot grade be allowed within 3 feet, such that all over lot grading be in accordance with the natural lay of the land..."*

*Chairman Gelb asked Town Engineer, John Jay Sergeant for comment. Mr. Sergeant*

*explained that over lot grading is a common industry term referring to engineering grading of areas of disturbance that are not roads or other specific designs. Staff is trying to establish grading parameters that will allow new homes to be built in accordance with the natural grade of the land that surrounds it. It will restrict any mushrooming effects while allowing the streetscape to remain consistent. Chairman Gelb stated, per their earlier work session discussion, the proposed language will provide an enhanced authority for staff to restrict specific issues as they arise per lot. Mr. Sergent agreed.*

*Chairman Gelb called for questions or comments. Commissioner Miller liked the language, stating that it has been reviewed extensively over the years to provide guidance to staff. The resulting language is a combination of guidance while providing discretion to staff. They trust staff to apply common sense to the issues that arise with each infill lot application.*

*Commissioner Baum noted that during work session staff indicated that SOPs or standard operating procedures will be created to ensure consistent application. Since the revised language allows for staff discretion, staff will try to standardize procedures to ensure consistency moving forward.*

*There being no further comment or discussion Chairman Gelb called for a motion.*

*Commissioner McCullough made a motion that approval for recommendation be made by the Planning Commission to the Town Council on a proposed zoning ordinance amendment language to Article 2, Section 4 - Definitions for Finished Lot Grade of Chapter 18 of the Town Code for good zoning practices.*

*Chairman Gelb called for discussion. Commissioner Kenney noted that any approved language should be included in the motion.*

*Reading the suggested language, Commissioner McCullough clarified her motion, stating that for good zoning practices to read as follows: Finished lot grade means the finished surface of ground abutting a building or structure. For single-family detached dwellings, not including subdivisions, the finished lot grade may deviate from the pre-existing lot grade by no more than three vertical feet at any point along the pre-existing lot grade around the footprint of the building or structure, such that all over-lot grading shall be in accordance with the natural lay of the land. The Director of Public Works may waive the three (3) foot lot deviation requirement, if deemed to be for good cause and not contrary to the public interest.*

*Commissioner Basnight seconded the clarified language.*

*Motion: McCullough*

*Second: Basnight*

*Carries: 8-0*

## Public Hearings

Recommendation by the Planning Commission to the Town Council on proposed zoning ordinance amendments to Article 13.1. - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code...  
Body

*Continuation of a Public Hearing for recommendation by the Planning Commission to the Town Council on proposed zoning ordinance amendments to Article 13.1.  
-MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code.*

*Chairman Gelb invited members of the public to comment.*

*Joseph Daly residing at 412 Roland St SW stepped forward to speak. Mr. Daly asked the commission to consider whether the proposed project at 444 Maple Avenue West is what they want the corridor to look like. Such projects will only increase population and utility requirements, no longer providing the small town atmosphere that the MAC originally encouraged. Mr. Daly asked the Commission to consider water table issues that may result from new construction and further impacting surrounding neighbors. There being no further comment Mr. Daly was seated.*

*Commissioner Couchman clarified that there had been some misinformation at their last hearing and wanted to clarify it. The allowable height per MAC is 54 feet with allowances for items like air conditioning units and stairway access. Due to the requirements, there will never will be a solid mass beyond 54 feet. Additionally, not all properties located along Maple Avenue would qualify for redevelopment under MAC rezoning. She stated for those reasons they do not anticipate seeing the same construction occurring down the entire length of Maple Avenue.*

*Chairman Gelb stated in addition a study was provided that found, given ownership limitations, it would be unlikely or difficult to consolidate lots to allow for MAC development. Under MAC current allowable height is 4-stories at 54 feet. Six-story buildings would not be allowed contrary to the flyers mailed around town. That was misinformation. Throughout the entire process, diligent and thoughtful discussions have occurred resulting in good citizen input, which has been helpful. He noted that any misinformation taints discussion and encouraged everyone to be mindful of that.*

*JC Mernan residing at 204 Paris Court SW stepped forward to speak. Mr. Mernan stated that it is not the proposed 4-stories but the entire building proposed at 444 Maple Avenue West. It is the size of a football field at 4-stories. He stated that it is the mass and density of the project that he has issue having overall concerns for density and mass allowances afforded under the MAC zone. The vision statement within the MAC states "...promote small town character." The purpose and intent of the MAC indicates "...developments along the corridor will promote small town character, not compromise the character of residential neighborhoods..." Building a 4-story football field is not a small town character building. He stated that town staff could have nipped the application at the beginning during their pre-planning meeting held with the applicant. They could have advised that the design did not fit within the MAC's plan. Meeting only the technical specs of the code loses sight of why the MAC was created. It was created to maintain their small town vision. The town should step back, do it right, and not feel compelled to move forward. He agreed with proposed amendments but they are not needed as much as applying the overall vision and intent of the code language. There being no further comment Mr. Mernan was seated.*

*Estelle Belisle residing at 200 Ceret Court SW stepped forward to speak. Responding to Commissioner Couchman's comments, Ms. Belisle stated that she agrees. The Town's comprehensive plan indicates 67 percent or 2/3 of properties located along Maple Avenue would be eligible for MAC rezoning. That is a large amount.*

*Proposed elevations for the 444 Maple Avenue project indicate a 54 foot height limitation and additional 15 percent location with the project being just short of the maximum allowance. The MAC also states that building heights should vary. The applicant has not varied building height but only parapet height. It is the building height that is supposed to vary. Everything that Commissioner Couchman has said is true but it can be viewed in different ways. There being no further comment Ms. Belisle was seated.*

*Cindy Miley residing at 204 Paris Court SW stepped forward to speak. Ms. Miley attended the Ad-hoc meeting, stating that it was a good session. Section 18-95.3, number 24, public comments were that a fiscal impact analysis should be confirmed by town staff, third party, or paid by a developer. She reiterated the importance of an independent hydrological study. In consideration for all of the issues experienced at the Community Center, she feels that the Town has significant water issues. For any construction occurring underground, they need to know of potential impacts to their neighborhoods. She agreed with prior statements made and asked if town code section §18-95.4 Dwellings Per Unit were a part of tonight's consideration.*

*Chairman Gelb answered yes and that it was part of the Ad-hoc meeting discussion. They heard some public comment expressing concern with setting a number, not wanting to lock it in. They considered whether it would be better to consider project by project.*

*McCullough stated that consideration for town code section §18-95.14 will be forwarded to the Board of Architectural Review (BAR) for consideration and feedback. The Commission was tasked with discussing density with a briefing from staff on discussed language as part of the Ad-hoc communications. Chairman Gelb agreed, stating that in addition to published language there were a couple of clarifications. He asked staff to provide further detail. Mr. D'Orazio responded that on Monday, August 6, 2018 an Ad-hoc meeting was held with two recommended changes in terms of language. They were not changes of substance, more clarification. One change to §18-95.4, how to clarify what would qualify as commercial. Recommended language is shown italicized.*

*Required uses in the MAC Zone: new development or redevelopment must include ground floor commercial square footage equal to or greater than what currently exists. Commercial includes any activity conducted with the intent of providing realizing a profit from the sale of goods or services to others. Ground floor commercial square footage includes space that is currently occupied, vacant or was demolished.*

*Mr. D'Orazio stated instances of non-profit or civic use would be allowed in the commercial space. The second change in language was in reference to §18-95.9, height limit. The exception for the 115 percent nor to exceed 10 percent requirement for things that could exceed the building height of 54 feet. Not more than 10 percent of the area of the building footprint can exceed 115 percent of the building height. They also provided an exception for solar panels and green roofs. They typically take up more than 10 percent. He stated that it had been suggested that the language be further clarified having an exception for solar panels and green roofs instead to clarify with "...an area of exception."*  
*Chairman Gelb thanked staff and Commissioner McCullough for her comments. He noted that the two points raised were by members of the public who looked at the initial language and voice their concerns about those areas. The dialogue from the*

444 Maple Avenue application review has been beneficial as they move forward. They are always learning and trying to adapt to something that has been theoretical and now being implemented. That is when you discover those challenges, only when undergoing implementation. He invited Ms. Miley to continue.

Ms. Miley stated, additionally that in reference to 18-95.9, 54 feet is too high for their town in addition to the massing of the building currently being considered. Per §18-95.14.H she suggested that the recess be at least 5-6 feet. As has been mentioned they have seen significant changes and do appreciate the effort in clarification. Everything drafted under MAC code language is there to assist reviewing boards and commissions to select projects that fit within the town that do not jeopardize their small town character as is promoted in all town documents. She encouraged the Commission to utilize the MAC to reject plans that do not meet those characteristics and not send them forward to Town Council. Additionally, she feels a complete reassessment of the MAC is appropriate by an independent 3rd party. That is preferred over a piece meal approach although some changes are beneficial to move forward. Ms. Miley thanked the commission for their efforts and was seated.

Chris Hogan residing at 226 Glen Avenue SW stepped forward to speak. Mr. Hogan stated that they are making modest changes to current wording that is non-enforceable. There is no quantifiable "small town feel" so there is nothing to enforce. In response to statements that 66 percent of Maple Avenue will be developed Town Council was quoted 77 percent just after legislation was passed. Town staff have quoted 2/3rds. Although they are making small changes, no one is looking at those impacts. They should step back and look at it as urban planning. If they do not look ahead then their default is zero, which is not a good default. Building by building by building, they will congest Maple Avenue. There being no further comment Mr. Hogan was seated.

Allard J Snijders residing at 404 Tapawingo Road SE stepped forward to speak. Mr. Snijders asked why the plan to add more residents and more traffic benefits the vision of the Town. It was his understanding that residential had been purposefully limited for decades. He feels that new mixed used buildings will massively increase the number of residents in town when the current infrastructure is not capable of supporting its current residential base. He asked what the plan is to increase the number of residents while retaining their small town and who is responsible for the town's planning. Chairman Gelb responded that the MAC zone was passed by Town Council. It was after several years of study and hiring of outside consultants. Additional discussion followed and was determined that Mr. Snijders could forward policy related questions to the Town Council. There being no further discussion Mr. Snijders was seated.

Frank Biros residing at 200 Ceret Court SW stepped up to speak. Mr. Biros thanked the Commission for their service to the town, stating that they appear to be accepting comments regarding the proposed MAC language change and the proposed MAC project at 444 Maple Avenue West. He agrees with all previous neighbor comments. With respect to the MAC ordinance, he stated that it is not clear to what extent the applicant for 444 Maple Avenue West will have to comply a revised ordinance. He asked if they would be bound by the original ordinance language. There are no provisions to change density requirements. The APA (American Planning Association) has a model for multi-use small town ordinance formulated in 2011 that suggests density for multi-use development. One being that the height not exceed more than 50 ft. Density is also suggested based on FAR (Floor



*Area Ratio) the ratio of usable floor area of the development that includes commercial and residential development. The APA also recommends that it be no greater than two in an effort to attract better commercial establishments. Mr. Biros stated that it appears to differ from the MAC's language. There being no further comment, Mr. Biros was seated.*

*Chairman Gelb asked for staff response. Mr. D'Orazio stated that any existing applications would need to meet current adopted standards. Any revisions to those standards would be applicable to future applications that are filed after adoption of those revisions. Chairman Gelb asked if an application is withdrawn would they then need to meet new revision requirements. Mr. D'Orazio answered that existing applications need to meet current standards. Any revisions would be applicable to future applications filed after adoption of code revisions.*

*Jayme Huleatt residing at 413 Roland Street stepped forward to speak. Ms. Huleatt apologized for not being involved sooner, stating that when the ordinance was originally reviewed she saw a publication that had a lovely little corner with a 3-story building that had plants on top. That is what they thought was going to happen until they saw the actual application submittals. She can understand wanting to provide some incentives but they should consider ways of combining height with mass, breaking up the buildings. She hopes the Town considers not reviewing code sections in piecemeal but in its entirety and placing a moratorium. There being no further comment, Ms. Huleatt was seated. There being no further public comment Chairman Gelb asked whether to consider closing the public hearing.*

*Commissioner Couchman moved to close the Public Hearing.*

*Commissioner McCullough seconded the motion.*

*Commissioner Miller stated that the public hearing is regarding the code amendments before them and not about the proposed project at 444 Maple Avenue West. It is important that citizens understand the scope of review during public hearing, which are concentrated on changes to the MAC code section. Chairman Gelb thanked Commissioner Miller for his comments, stating that the ad-hoc committee forwarded portions of the proposed language to the BAR for their comments in relation to massing issues. He noted that Commissioner Miller's point is well taken. They are reviewing code amendments only.*

*There being no further discussion Chairman Gelb called the question.*

*Motion to close the public hearing: Couchman*

*Second: McCullough*

*Closed: 8-0*

*Additional discussion followed. Commissioner Miller asked for ad-hoc committee feedback from their discussions. Chairman Gelb asked Mr. D'Orazio to provide feedback.*

*Mr. D'Orazio presented proposed MAC amendments, stating that the Commission should have received proposed code revisions with comment summarization from the July 30th public hearing. To date there appears to be consensus on most of items with the exception of the cap on density. The statement of purpose and intent with changes to the first paragraph are as follows:*

*“...MAC development along the corridor should provide significant office, retail, and commercial opportunities in addition to residential options. Review of applications will take account of the welfare and needs of the Vienna community, market and economic conditions, and the intent of the MAC Zone as enumerated below. More specifically Specifically, the MAC Zone is intended to:”*

*C: Foster mixed-use development and that includes destination-style and neighborhood-serving retail development along Maple Avenue East and West, including commercial services and products that are attractive to and meet the needs of town residents for entertainment, art, recreation, dining, retail and consumable goods;*

*E. Enhance the Town's economic vitality by promoting the preservation and creation of a variety of small, independent and locally-owned businesses establishments, including restaurants, services, small and small, locally-owned businesses, and other uses which contribute to the vitality of Maple Avenue East and West;*

*Chairman Gelb stated that proposed changes are an effort to clarify goals and to strengthen code language. It will help to clarify for applicants what the town is looking for.*

*Commissioner Miller stated that a real emphasis appears to be heightening the language regarding commercial use and asked if that was the intent. Chairman Gelb explained that the ad-hoc committee's initial charge from the Mayor was to find ways of ensuring that the Town get a sufficient amount of commercial development to help broaden its tax base. To date there has been a heavy emphasis on residential.*

*Commissioner McCullough noted that staff received an email from Ms. Belisle regarding proposed language in subsection C. “....consumable goods...” They were asked to clarify between consumable goods versus consumer goods. Chairman Gelb stated that it should read consumer goods. He asked that it be included in their consideration.*

*Commissioner McCullough made a motion that the previously mentioned text be changed from consumable goods to consumer goods.*

*Chairman Gelb stated that if there is no objection then they will change the language.*

*Commissioner Baum stated that in reference to section 18-95.1 – Statement of Purpose and Intent that MAC vision language has vague statements that cannot be enforced. Per sub section H. – “...Improve environmental quality and promote responsible development practices along Maple Avenue East and West...” they could only get the applicant to commit to a shuttle for 3-6 months with a re-assessment. She asked if stronger language could be included that requires the applicant to provide a plan that can be enforced. Something that moves tenants away from using their cars.*

*Commissioner Baum stated additionally, subsection I. – “...Encourage the creation of publicly-accessible community gathering spaces, such as parks, plazas, and other open spaces..” and asked if they could include language that requests continuous*

*open space in excess of mandatory space between buildings and sidewalks. She is concerned that applicants are exploiting current vague language. Although it is not an item for review, she wanted her comments on record.*

*Commissioner Miller stated that it reads more like a strategy statement and should be considered a strategic statement of the MAC.*

*Commissioner McCullough asked why office has been listed first in the revised text "...provide significant office, retail, and commercial opportunities..." stating that office use is not coming to the Town. She asked if they should consider reordering the wording. Chairman Gelb stated that it could be listed alphabetically. Commissioner Miller stated that it is all commercial use, specifying it in that order has been an industry standard.*

*Commissioner Couchman assured the audience that they are keeping the big picture in mind. The economic vitality and viability of the town is a significant reason for implementing the MAC but the buildings currently along Maple Avenue are outdated. She stated that there is a natural lifecycle to development. The town is not currently attracting desirable retail businesses. Surrounding jurisdictions like Tysons and Merrifield offer more attractive options than the town. A bigger picture item that the Town is currently working on are how to create spaces that will attract the desired businesses, organizations, and uses that the residents need, desire, and can enjoy. They have heard concerns for congestion and density along Maple Avenue but if they do not redevelop, let things stagnate; the result will be Maple Avenue operating as a thruway corridor. She asked everyone the possibility of traffic jams along Maple Avenue from pedestrians and bikers rather than cars. It is the goal of the MAC to ensure the town's viability and vitality.*

*Commissioner McCullough stated that although she was not involved in the development of the MAC she attended the public hearings and followed its development. She believes in its purpose and intent as well as what it can do for the town. The past several months' of discussion has given her a great pause, reiterating former Commissioner Cole's comments that a building does not make the character of the town. What makes a small town are the events like Chillin' on Church, the Mayor's At Your Service talks, and having a Planning Commission where you can speak sharing your thoughts and views. She noted that 5,000 square foot homes have more of an effect on small towns since young families cannot move in to \$1.5 million dollar homes.*

*Commissioner McCullough would like to re-write more of the MAC's opening paragraph, stating that it is the people that promote their small town character, having a diverse community will make for a better small town. Although, the application for 444 Maple Avenue West may not be perfect she appreciates and hopes for that kind of development. It offers an additional choice or lifestyle to the residents. If the commission were up for a re-write of the first paragraph, she would very much like to make some revisions.*

*Commissioner Basnight supported all prior statements stating that something will be built regardless. They have an opportunity to review an application under MAC. Although, they are receptive to the public's comments they are charged with making recommendation to town council for the betterment of the town. If they are not careful, Maple Avenue will be a straight thru to Tysons.*

*Commissioner Meren stated that he supports additional language that expands upon current code language. There are currently roughly 15-16,000 people living in*

*town and approximately 80,000 people living within a mile of town. That number is anticipated to increase to 120,000 if the Tysons' area continues on its track of development. The town will grow an additional 2-3,000 people. They would remain a small town based upon development occurring in Northern Virginia. He stated that the town is a unique area that will never expand to a Falls Church, Arlington, or Alexandria. He thanked all member of the public for their input, stating that creating an inspiring section would be very helpful.*

*Commissioner Kenney explained that code amendment discussions will not change design along Maple Avenue. Once they have completed discussion he would like to ask for commissioner thoughts on a temporary moratorium. They have heard from enough people have raised the issue. It will keep coming up until they can provide answers. He suggested further study on specific issues related to the MAC. Specifically, looking at traffic and comparing what is currently there and what is anticipated on a project-by-project basis. Considerations to include school impacts and analysis, utilities, ground water, and density. They should review it for a few months to gather information of known versus impacts. While he was uncertain whether they would find anything, he noted that it is worth reviewing in order to alleviate public concern. The town continues to remain small town. Adding one floor above a 3-story, by right structure is not an end all scenario. He is willing to perform the research in response to the issues that have been raised.*

*Commissioner Basnight responded that they would need to hold a public hearing. Whatever their recommendation is would be forwarded to Town Council for determination. He stated that the issue is not the MAC but with zoning. That will take some time to generate a moratorium discussion. Additional discussion followed.*

*Chairman Gelb called for further discussion regarding section 18-95.1 and whether there are specific recommended changes. Commissioner Miller asked if the Ad-hoc committee had further discussion regarding any of the items within the statement of intent that would be helpful. Commissioner McCullough stated that proposed language was from earlier Ad-hoc committee sessions with further discussion and vetting during the joint Planning Commission work session with Town Council. This language has consensus from Ad-hoc and joint work session discussion. Additional discussion followed.*

*Commissioner Couchman asked for reconstruction of revisions. Commissioner McCullough stated that they heard the intent and purpose of the MAC but there were concerns with a development that was not falling in line with its purpose and intent. She proposed that they take the second sentence, "...the zone is intended to ensure...." and revise it to state, "...the zone is intended to ensure that development along the corridor promote the Vienna community and its small town character and does not compromise the character of residential neighborhoods abutting the corridor." They can move it to the last sentence, specifically before "...the MAC zone is intended to..." placing the newly vetted language after the first sentence to forgo a major rewrite. She agreed that they all have differing opinions as to what small town means. They are a town within a county of over a million people residing fourteen miles from the nation's capital. Being a town they are not like the rest of Fairfax County that can only report to their Board of Supervisors. Focusing on being a small town takes away from the overall intent of the MAC. Dealing with mass and density are very important and need to be considered in every single project reviewed by the Department of Planning & Zoning. The MAC being voluntary affords the owner certain development rights so long as they are in*

*compliance. It also affords the town participation in development projects while providing incentives to the developer. Additional discussion followed.*

*There being no further discussion Chairman Gelb called for a motion.*

*Commissioner Couchman made a motion for recommendation to Town Council on proposed zoning ordinance amendment to section 18-95.1 of Article 13.1 MAC, Maple Avenue Commercial zone regulations of Chapter 18 of the Town Code be as presented by Commissioner McCullough to the commission with revisions to the first paragraph as provided to the clerk to include consumer amendment and sections A-K. (Proposed revised text to 18-95.1 follows)*

*1) The purpose of the Maple Avenue Commercial (MAC) zone is to encourage compact, pedestrian-oriented, mixed-use development and redevelopment along the Maple Avenue Corridor to reinforce Maple Avenue's role as the Town's main street. 2) MAC development along the corridor should provide significant office, retail, and commercial opportunities in addition to residential options. Review of applications shall take account of the welfare and needs of the Vienna Community, market and economic conditions, and the intent of the MAC zone as enumerated below. 3) The zone is intended to ensure that development along the corridor promotes the Vienna Community and its small town character and does not compromise the character of residential neighborhoods abutting the corridor. 4) Specifically, the MAC zone is intended to:*

*Motion: Couchman*

*Second: Basnight*

*Vote: 8-0*

*Commissioner Miller suggested review of section 18-95.4 be the last item of review for tonight's hearing. Chairman Gelb agreed that they will end discussions by 11 pm regardless of the section of review. They can pick up review at their next scheduled meeting of August 21, 2018. Chairman Gelb called for a 5 minutes break.*

*Chairman Gelb stated that they will now review Town Code section 18-95.3. Mr. D'Orazio presented the proposed changes, stating that it relates to procedure for MAC zone designation regarding concept plan requirements. He presented proposed language for adding a fiscal impact analysis.*

*23) Public engagement plan (as described below) is strongly recommended:  
Public engagement plan: A plan that establishes the principles processes and milestones for public engagement related to a development proposal to address the needs of community stakeholders and to engage people in the decision-making process; and*

*24) Fiscal impact analysis that demonstrates the long-term fiscal benefits and costs to the Town of the proposal.*

*Mr. D'Orazio explained that the Director of Finance is willing to provide fiscal impact analysis. In addition, staff is considering providing a form for fiscal impact analysis.*

*Commissioner McCullough stated that members of the audience voiced concerns that if provided by a developer then the data may be skewed. She explained that town review would pick-up conflicting issues and asked if that is why staff did not*

suggest the need for third party review. Mr. D'Orazio answered yes, stating that staff is fully capable of providing that type of analysis.

Commissioner Meren requested that a 25th item be included requesting the applicant to provide the school zone pyramid. Commissioner McCullough asked if he would consider current school zone boundaries. Commissioner Meren agreed, stating that he was looking for Fairfax County Public School (FCPS) school zone boundary. Commissioner Miller suggested including a current school zone boundary map. Additional discussion followed with members of the commission agreeing.

Addressing staff, Commissioner McCullough asked staff to explain item no. 23. The public engagement plan is strongly recommended. She recalled adding a definition to the code regarding public engagement plans. Mr. D'Orazio stated that has been included below. Commissioner McCullough asked staff to remind them why they could not require a public engagement plan. Mr. D'Orazio explained that the Town Attorney has advised that they cannot require a public engagement plan considering that technically a public hearing could suffice under state code. Commissioner Basnight stated that it was supposed to be included on the checklist. Mr. D'Orazio responded that it is included on the checklist. Commissioner Basnight asked if staff could provide the applicant's response to the checklist for public engagement. Mr. D'Orazio explained that of the two applications that have been reviewed the public engagement plan was included in commissioner's packet of materials. Additional discussion followed regarding current submittal of materials.

There being no further discussion Chairman Gelb called for a motion.

Commissioner Basnight made a motion that recommendation be made to Town Council that town code section 18-95.3, items 20-24 be approved as written and to add item 25 requesting a school zone boundary map.

Chairman Gelb called for discussion. Commissioner Miller would like to further discuss hydrology requirements in relation to the storm water management plan. They received a lot of public comment. Per their suggestion, he asked if they are saying that it is not necessary. In response to relying on staff, public feedback has been that they were unsatisfied with what staff provided. It did not answer their questions regarding water concerns. Commissioner Couchman stated that storm water and hydrology are two different items. Staff can speak specifically to what type of report or information that is provided. Geotechnical engineers have reviewed sites and provided analysis that supports the viability of their plans. She supports staff's review and determination because they are reviewing the information that will be provided by the civil or geotechnical engineers. In addition, requiring more detailed information becomes cost prohibitive to the applicant. Town staff receives enough information to make an informed decision. Commissioner Basnight agreed, stating that they may be able to address concerns with the staff's report being more specific providing code regulations. Commissioner Kenney stated that these are preliminary plans that have not been finalized. In order for sites to be built they must abide by all necessary state and local building code regulations. It is not an option, it is required. In response to concerns for Hydrology he noted that when encountered they must waterproof the wall. It is a known requirement when building underground. It is not a true statement that the water will rise up when building underground. Water gets displaced, it does not rise up the entire water table. If they decide to provide further studies he is willing to draft a report. Currently, it is not necessary to include.

Commissioner Miller concurred with everyone's comments and asked if they should consider adding a bullet point item of information to help allay any perceived fears. Commissioner Basnight agreed, stating that they could add a 26th item with text that staff has a duty to report to the Planning Commission, Town Council, and the public all stages required in review. Mr. D'Orazio reiterated that it being a concept plan the site would not be at final review. Chairman Gelb stated that there will be occasions when they will not have a response for every concern raised. They can ask staff to consider whether something could be added to some other section. Commissioner Couchman stated that they could ask town engineer, Mr. Sergeant be prepared to speak to concerns on record. Commissioner Kenney stated that they can proceed with the motion on the table. It being a living document it can be revisited later. Commissioner Basnight stated that the Vienna Market project is currently under review with the town for site plan. They have to meet 100-year storm requirements for water and drainage before they can go forward. He stated that he is comfortable with the proposed language.

Commissioner Miller stated that they have heard from neighbors of construction who have had draining and flooding issues resulting from neighboring construction. That is where a lot of comments and concerns are coming from. They need to be cognizant of that fear. Chairman Gelb thanked Commissioner Miller for his comments, stating that they will have further opportunity to consider additional language. There being no further discussion Chairman Gelb called the question.

Motion: Basnight

Second: Meren

Vote: 8-0

## Planning Director Comments

Mr. D'Orazio stated in response to Commissioner Miller's comments about calling in to meetings, he suggested that they consider creating a resolution for electronic participation when a commissioner is absent. Chairman Gelb agreed that is something that they would want to move forward with. Commissioner Miller stated that they can utilize current Town Council language.

Commissioner Miller stated, in response to Chairman Gelb's comment that they can revisit language, that once they recommend they do not get an opportunity to go back. Commissioner McCullough stated that if council considers a moratorium then it may come back before them for consideration. Commissioner Miller suggest that staff look in to it. Mr. D'Orazio agreed, stating that he will speak with the Town Attorney. Additional discussion followed and determined that staff will discuss it with the Town Attorney and report back at their next meeting.

## Approval of the Minutes

Commissioner McCullough made a motion to approve work session action minutes from March 28, 2018.

Motion: McCullough

Second: Basnight

Vote: 7-0-2

Abstain: Miller & Kenney

Commissioner Kenney made a motion to approve the regular meeting minutes for

*June 27, 2018.*

*Motion: Kenney*

*Second: Basnight*

*Vote: 6-0-2*

*Abstention: McCullough and Baum*

## **Meeting Adjournment**

*There being no further discussion the meeting adjourned at 11:06 pm.*

*Respectfully Submitted,*

*Jennifer M. Murphy*

*Commission Clerk*

*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.*