



# Town of Vienna

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## Meeting Minutes Planning Commission

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Wednesday, November 14, 2018

8:00 PM

COUNCIL CHAMBERS-VIENNA TOWN  
HALL

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### Regular Meeting

*The Planning Commission met in regular session on Wednesday, November 14, 2018, at 8:03 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 (8:17), Sharon Baum, and Walter I. Basnight. Also, in attendance and representing Town staff were Michael D'Orazio, Deputy Director of Planning & Zoning, David Donohue, Deputy Director of Public Works, and Jennifer Murphy, Clerk to the Commission.*

### Roll Call

*Andrew Meren is absent (8:17).*

### Communication from Citizens and/or Commissioners

*Chairman Gelb stated that Deputy Director, Michael D'Orazio is filling in for Ms. Petkac. Chairman Gelb noted that the Commission sends their condolences to Ms. Petkac and her family.*

*Commissioner Kenney stated that discussion of remote call-in for commissioners should be added under New Business of the agenda. Chairman Gelb agreed, stating that it had been the subject of their work session discussion. Hearing no objections, Chairman Gelb added the item under new business. There being no further communications Chairman Gelb opened the regular meeting.*

### Public Hearings

*None*

### Regular Business

#### Final Plat for Addition to the Jennie Lynne Division

*Recommendation by the Planning Commission to the Town Council on a final plat for the Addition to the Jennie Lynn Division to subdivide one lot into two lots on property located at 307 Cabin Road SE, in the RS-10, Single-Family Detached Residential zone. Application filed by Signature Properties on behalf of the Estate of Norma Margaret Payne, owner.*

*Mr. D'Orazio introduced Deputy Director of Public Works, Dave Donohue. He stated*

*that Mr. Donohue will be present on behalf of Public Works since John Sergent is no longer employed with the Town.*

*Presenting staff's report, Mr. D'Orazio stated that the property consists of a half-acre lot that includes a log cabin believed to be constructed in 1925 and is presumed why the road is named Cabin Road. He noted that staff has been unable to confirm the original construction date of the cabin. Fairfax County records indicate a construction date of 1925. Staff's review of 1937 aerial maps was unable to find a log cabin onsite. He stated that it is possible that it could have been moved to the property. To date staff has been unable to verify date of construction. Mr. D'Orazio stated that the application is for a simple 2-lot subdivision with a lot split down the center. The proposal meets all town code zoning requirements with each lot measuring at 11,250 square feet at 75 feet wide. Because the site meets all zoning and subdivision requirements staff recommends commissioner recommendation for approval.*

*Chairman Gelb noted that the commission received an email from a neighbor expressing concern for removal of trees. There are many trees shown on neighboring lots and asked if the applicant has any obligation to those trees. Mr. D'Orazio answered that the developer is allowed to develop on the property, which may affect roots extending into the property. Chairman Gelb asked whether the applicant had any obligation to those trees. Mr. D'Orazio answered no, not to his knowledge. The trees have been inspected and some may have been determined to be unhealthy. He noted that the Town Arborist will be present as part of the required pre-construction meeting. The Town tries to protect the trees as much as possible as part of their due diligence. Commissioner Miller stated that it is the trunk location that dictates ownership. Mr. D'Orazio agreed, stating that the developer can develop and maintain anything that is on their site.*

*There being no further comments or questions, Chairman Gelb invited the applicant forward to present.*

*Fred Eisenhart present on behalf of Wormald Companies located at 5233 Oak Drive Frederick Maryland stepped forward to present. Mr. Eisenhart stated that he is also representing Signature Properties. He introduced members of his team, Mark Benas and their Engineer, Dan Brzezynski with Tri-Tek. Mr. Eisenhart agreed with staff's report, stating that they respectfully request recommendation for approval.*

*Commissioner Miller asked if there are plans for the cabin that is currently on the property. Mr. Eisenhart answered that they are willing to give it to whoever wants it. They have found some of the logs of the cabin to be in bad shape. Chairman Gelb stated that the town was able to preserve a log cabin in town and suggested letting preservationists know about it. He asked for protocols regarding neighbor communications on shared or impacted trees. Mr. Eisenhart agreed with staff's statements that anything hanging over or encroaching into the property is part of the subject property. He is willing to contact neighbors once approval is complete, stating that they have tried to set necessary limits of clearing far enough out to protect some of the trees. Chairman Gelb stated that although there is no legal obligation, if a tree is damaged on a neighbor's property, he asked that they would consider removing or replacing the tree for the neighbor.*

*Commissioner Kenney noted that the tree plan indicates tree #32 as marked in good condition. He stated that although they are adding soil to the site, it would be good to minimize damage to that tree. Under full disclosure, Commissioner Kenney noted*

having worked professionally with Tri-Tek Engineering. With respect to the grading plan that the Town's former engineer had explained that the intent for a drainage ditch between two properties should be located dead center of the property lines. He stated that the proposed plan on sheet 4 of 17 indicates it being located 3-5 feet off to one lot side. He asked if there were any concerns.

Dan Brzezynski, engineer with Tri-Tek Engineering approached to speak. Mr. Brzezynski answered that is the typical practice to split it between the two lots. Per the plan, the house shown on lot 2 sits approximately 3 feet above the house shown on lot 1. It was an effort to make up the difference in grading while still being able to convey drainage through the two properties. There being no further comments Mr. Brzezynski was seated.

There being no further questions Chairman Gelb invited public comment.

Gloria Runyon residing at 315 Courthouse Road SW stepped forward to speak. Ms. Runyon stated that she is representing HVI (Historic Vienna Inc) out of concern for the log cabin shown to be removed. She became aware of the project today, stating that HVI tries to identify structures that are historic to the town. They believe the cabin to have been built by an African American family in town. She asked if HVI could have an opportunity to inspect the site to see if the cabin is restorable and its status. Mr. D'Orazio suggested contacting the Director of Parks and Recreation for assistance in inspecting the site.

Commissioner Couchman stated that she would be inclined to postpone action until further notice can be determined on the cabin. Mr. D'Orazio explained that they must comply within the set 60-day approval period, which would not allow enough time between meetings for Town Council. The application is scheduled for the December 10, 2018 Town Council meeting. The Commission is not scheduled to meet again until December 12, 2018. He would be happy to work with HVI, stating that staff did discuss the application internally with Department Parks & Recreation.

Commissioner Miller asked if the structure has been determined to be historic. Mr. D'Orazio answered that it is not registered under Vienna Historic structures. Commissioner Miller stated that it would be good if they could allow HVI to preserve or move what they can of the structure. Since it has not been deemed historic, they cannot declare it so or enforce anything.

Chairman Gelb asked for the applicant's response. Mr. Eisenhart stated that they are not aware of the structure being historic. They are willing to allow review on site or removal. Additional discussion followed and was determined that the applicant would reach out to HVI.

Addressing staff Commissioner Kenney stated that the roadway includes a drainage swale at the edges. He asked if there are any concerns for storm water drainage shown on the right side of the plan. Everything to the left appears to be moving downhill. He asked if there are any staff concerns for ponding of storm water. Mr. Donohue answered that staff has no concerns as they have worked closely with the designing engineer. Although it is near the high point they do not anticipate much water coming to it, which will ensure positive drainage.

Ms. Runyon approached to comment, stating that it is the owner that can deem a structure historic. Many older buildings in town, although very old, have not been designated historic. It was her understanding that the log cabin was constructed by

*James Ellis whose family has lived in town for many generations. It was built by an African American. Commissioner Miller asked how quickly they could mobilize on the project. Additional discussion followed.*

*Addressing staff, Commissioner McCullough suggested that any future projects dealing with historic structures that staff reach out directly to HVI.*

*Commissioner Meren arriving noted that he is present.*

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

*Commissioner Couchman made a motion for recommendation that the application be recommended to Town Council on a final plat for the Addition to the Jennie Lynn Division to subdivide one lot into two lots on property located at 307 Cabin Road SE, in the RS-10, Single-Family Detached Residential zone to include the condition that the applicant take steps to work with town officials and HVI to determine the fate of the existing structure one site.*

*Commissioner Basnight seconded the motion.*

*Commissioner Miller noted that they cannot include such a condition as it may be better suited as a suggestion. Mr. D'Orazio recommended that the motion be made as a suggestion.*

*Additional discussion followed and was determined that Chairman Gelb will include any details in his memorandum to Town Council.*

*Commissioner Couchman withdrew her original motion and made a motion for recommendation that the application be recommended to Town Council on a final plat for the Addition to the Jennie Lynn Division to subdivide one lot into two lots on property located at 307 Cabin Road SE, in the RS-10, Single-Family Detached Residential zone.*

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

*Motion: Couchman*

*Second: Basnight*

*Vote: 8-0 carries*

**I move to recommend approval of the proposed two lot subdivision, located at 307 Cabin Road SE to the Town Council.**

**Or**

**Other action deemed necessary by the Planning Commission.**

## **New Business**

*Chairman Gelb stated that they will now discuss remote call-in options for commissioners as stipulated in the draft language reviewed during work session. Commissioner Miller asked if they want to wait until they have final language for adoption. Chairman Gelb agreed, stating that he would prefer to wait for final language. He asked for comments.*

*Commissioner McCullough stated that they could review draft language for amendments or language edits. A final resolution could be available for review at their next meeting. Chairman Gelb agreed, stating they had one change per work*

session discussion, changing Mayor to Planning Commission Chairman. Commissioner McCullough agreed, stating that change is located under paragraph A2, 2nd page. Chairman Gelb stated that he had been cautioned against striking out or changing language that follows state code. Commissioner Kenney agreed with waiting to allow time to tweak proposed language. Chairman Gelb asked everyone to review the proposed language and to forward suggestions to staff.

Mr. D'Orazio provided his list of suggested changes that include: Subsection A commissioner(s) and under A2 that a Planning Commissioner notifies the chair as opposed to the Mayor. He will prepare a final draft for review with comments or suggestions directed to Mr. D'Orazio. Mr. D'Orazio stated that he would also consult the Town Attorney on proposed language and will include in his comments.

Commissioner McCullough asked if paragraph B1 should be broken down to two paragraphs.

Chairman Gelb stated that at their last meeting they discussed drafting up Commissioner by-laws. Commissioners McCullough and Basnight have volunteered to work on it. They hope to have a draft in the near future. Currently there is no deadline.

## Planning Director's Comments

Mr. D'Orazio stated that he has nothing to report. The commission is scheduled to meet again December 12, 2018. At this time there are no items scheduled for review. Staff will notify if there are any agenda items.

## Minutes

Commissioner Couchman made a motion that the August 8, 2018 work session action minutes be approved as drafted.

Motion: Couchman  
Second: Kenney  
Approved: 8-0 carries

Commissioner Couchman made a motion that the Town Council joint work session of September 12, 2018 action minutes be approved as drafted.

Motion: Couchman  
Second: Basnight  
Approved: 5-0-3

Abstain: McCullough, Meren, Kenney

Chairman Gelb noted a correction to page 3, 2nd line, changing the words least to most of the September 12, 2018 meeting minutes.

Commissioner Couchman made a motion that the regular meeting minutes of September 12, 2018 be approved subject to Chairman Gelb's noted correction.

Motion: Couchman  
Second: Miller  
Approved: 5-0-3  
Abstain: McCullough, Meren, Kenney

*Commissioner McCullough made a motion that the regular meeting of October 10, 2018 be approved as drafted.*

*Motion: McCullough*

*Second: Miller*

*Approved: 8-0*

## **Meeting Adjournment**

*Addressing staff Commissioner McCullough asked if applications for Church Street Vision are reviewed by the Planning Commission. Mr. D'Orazio answered no, stating that anything developed under Church Street Vision guidelines go directly to Town Council for review. Those applications are not reviewed by Planning Commission or the Board of Architectural Review.*

*There being no further discussion the meeting adjourned at 8:50 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.*