



# Town of Vienna

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## Meeting Minutes Planning Commission

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Wednesday, April 24, 2019

8:00 PM

COUNCIL CHAMBERS-VIENNA TOWN  
HALL

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### Call to Order

*The Planning Commission met in regular session on Wednesday, April 24, 2019, 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 and Walter I. Basnight. Also, in attendance and representing Town staff were Cindy Petkac, Director of Planning & Zoning, Kelly O'Brien, Principal Planner, David Donahue, Deputy Director of Public Works, and Jennifer Murphy, Clerk to the Commission. Sharon Baum is absent.*

### Roll Call

*Sharon Baum is absent.*

### Communication from Citizens and/or Commissioners

*Chairman Gelb asked for communications on items not on the agenda. Hearing none, he congratulated the attorney representative for Sunrise Assisted, Sara Mariska on the birth of her new baby.*

### Regular Business

*None*

### Public Hearing

Recommendation by the Planning Commission to the Town Council to extend the temporary suspension of the Maple Avenue Commercial (MAC) Zone, set to expire on June 27, 2019, to November 15, 2019

*Chairman Gelb invited Director Petkac to present. Ms. Petkac thanked Chairman Gelb, stating that Town Council has set their public hearing for May 13, 2019, and referred the matter to the Planning Commission to hold their public hearing. This is to consider extending the moratorium of the MAC (Maple Avenue Commercial) zone, currently set to expire June 27, 2019, which is 270 days from the moratorium going into effect. The moratorium was voted on after Town Council's joint public hearing with Planning Commission on September 17, 2018. It then went into effect ten days after being publicized.*

*Ms. Petkac explained that since the moratorium has gone into effect staff has been working diligently on draft Design Guidelines with the chair and vice chair of the Board of Architectural Review (BAR) on proposed amendments to the MAC zone. Both the draft MAC amendments and preliminary draft Design Guidelines were made*

available to the Planning Commission, Council, and BAR in February and posted on the Town's website. To date, two community workshops have been held with approximately 175 people attending and 56 confirmed comments received from town residents on the proposal.

She stated that the Commission has held two joint work sessions with Town Council and the BAR, with one continued to next week. She noted that work is still being done. Because they started from scratch on Design Guidelines, a few more sections remain that they wanted to include along with some outstanding items that the Planning Commission has been discussing on the MAC. That being said, staff will not have drafts ready for public hearing from the Planning Commission and Town Council before the June 27, 2019 deadline. They would like to complete more items over the summer.

Ms. Petkac stated that the town is currently working on the Transportation and Land Use Study of the Maple Avenue Corridor, expecting direct recommendations as a result of the study in August. She stated that it makes sense to wait on those recommendations and to see if there will be any amendments. That is why the deadline has been pushed out to November 15, 2019.

Chairman Gelb thanked Ms. Petkac and opened the public hearing for public comment. He noted that public comment will be limited to 3 minutes.

Steve Potter residing at 400 Roland Street SW stepped forward to speak. Mr. Potter noted that during the December 3, 2018, Town Council joint work session, councilmembers and commissioners supported two of staff's proposals in seeking matching funds from Fairfax County. These were to retain consulting assistance for developing an Economic Development Strategy and Market Study. This was in addition to the Zoning and Subdivision ordinance update. At the time, they were projected to begin May of 2019, taking 18 - 24 months to complete.

Mr. Potter stated that the Economic Development Strategy and Market Study proposal recognized several existing weaknesses incurring MAC's due diligence process. Specifically, the need for a physical analysis of potential town and county tax revenues, a projection of the town's future development potential to include square footage by sector type that the town could absorb within the next five to ten years, and identification of housing types as a component of mixed-use projects. The proposal for a Zoning and Subdivision update also recognized several existing weaknesses in a recurring MAC approval process.

Mr. Potter stated that specifically, much of the town's zoning codes are out of date, confusing, incomplete, missing updates, and open to interpretation resulting in inconsistent determinations. He stated that these admissions are clear confirmation that the MAC moratorium should be extended until after these analyses and updates have been completed; the obvious flaws have been identified and corrected. Additionally, before setting density and height limits, a complete review of traffic and infrastructure is needed to determine what level of additional growth can be absorbed. He stated that none of this has occurred yet. Failure to have this information will result in approvals based on inadequate due diligence and ambiguous zoning codes; neither of which is responsible development, nor in the town's best long term interest.

Mr. Potter stated that the commission is set to vote on extending the current moratorium end date from June 27, 2019 to November 15, 2019. That is only a five

month extension when it was previously recognized that the identified studies would take 18 - 24 months to complete. He asked the commission to consider these items in their recommendation and to extend the moratorium at least an additional 18 - 24 months, with a caveat that the MAC moratorium be extended for however long it takes to get it right. Until all necessary pieces of the puzzle are available and considered, it will be impossible to make informed decisions. The risks are too great to allow that to happen. Mr. Potter thanked the commission for their time and was seated.

Estelle Belisle, residing at 200 Ceret Court SW stepped forward to speak. Ms. Belisle stated that she has not spoken in advance with the other speakers, so there's been no collusion. She too would like to see the temporary suspension of the MAC extended to November 15th, 2019, or to however long it takes to get it right. She thanked the Department of Planning and Zoning for its herculean efforts of the past few months in coming up with visual guidelines and draft amendments for the MAC. She also thanked the BAR, the Planning Commission and the Town Council for their detailed comments and suggestions. To date a number of positive changes have been recommended, such as wider streets and sidewalks, mandatory ground floor public gathering space, and required breaks in buildings. In addition, the public was given a valuable opportunity to learn more about those draft amendments; with two community workshop sessions and opportunity for comments.

Ms. Belisle noted that although many of the suggested changes have been a step in the right direction, they must take advantage of the additional time afforded to take a fresh approach to fundamental issues raised time and again by citizens on building mass and density. At the most recent Council Candidate Debate held last week, two candidates suggested that three stories should be standard for MAC buildings, with a fourth story allowed if, and only if, the applicant made certain proffers or complied with certain conditions. She noted that these candidates were not the ones you might expect. The idea was first floated in a detailed memorandum submitted by Councilman Majdi in March. It is an idea that appears to be gaining traction. Considering Mr. Majdi's approach, would not necessarily require discarding the valuable work that has already been done. As Mr. Majdi said in his paper, the method he was suggesting was; "Not the only way to achieve commercial development, redevelopment on Maple Avenue, but it is a viable alternative worthy of consideration..."

Ms. Belisle stated that they must use the months ahead to consider such an alternative. Otherwise, they will never know whether it might have worked. They are all aware of how important the MAC is to Vienna's future. Let's use the months ahead to be creative and think outside the box. To explore every possible avenue for coming up with an amended version of the MAC, that the political bodies, Town staff and citizens can all be proud of. Ms. Belisle thanked the Commission for their time and service to the Town and was seated.

Jon Pott, residing at 134 Wade Hampton Drive, SW stepped forward to speak. Mr. Pott stated that he is very much in favor of the proposed extension. He agreed with previously stated considerations, the thoughtful proposals as put forth by Councilman Majdi, along with the detailed and thorough discussions within the Town; drawing from outside advice as suggested by Councilman Noble. He stated that Councilman Majdi's refreshing initiative is that he aligns what has always been a major incentive of the MAC. The height and number of stories permitted with whatever the town merits. The Town, from a development project, be it commercial intensity, landscape plaza's, underground parking, or cables underground. This is

*exercising the real leverage the Town has on developers. He noted that four-stories is not a given and has to be earned. Equally important, it promotes a clear cut distinction within the site from a Maple Avenue compatible building fronting on Maple to quite separate neighborhoods with compatible transition housing at the back, likely town housing.*

*Mr. Pott stated that outside support is necessary in evaluating Councilman Majdi's proposals, rigorously aligning the MAC's intent with the Code of provisions, cognizant of the many pitfalls developers may seek to exploit is essential to appointing what he would call a quality consultant. Meaning, one who is independent enough to challenge and not one who is engaged in transcribing what he thinks the client needs. A quality consultant is one who in the past would have been reluctant to proceed in the absence of a traffic study, and who in the future would be reluctant to proceed without the completion of a market assessment. It's what Councilman Majdi has called an appropriate, commercial needs assessment. What Steve Potter and Estelle Belisle have also referred to as an economic assessment. He stated that, as he's said previously, no matter the price tag this will be the best money the Town spends in the next 20 years. There being no further comment, Mr. Pott thanked the Commission and was seated.*

*Chuck Anderson, residing at 125 Pleasant Street NW stepped forward to speak. Mr. Anderson stated per Dennis Rice, of JDA Custom Construction, Inc. he was advised that he should identify himself as a former member of the Planning Commission. He stated that he will divide his two comments into two separate issues; one that he would call substantive and the other on process. The Commission should recommend the continuation of the moratorium but they should also send a strong message that a limit not be set on the moratorium. They should recommend to the Council that the MAC be suspended until they get it right, however long that takes. He noted that even when serving on the Planning Commission he requested a traffic and infrastructure study first before they can determine what the density and height limits are. He still feels them to be valid today.*

*Mr. Anderson stated that additionally, he hadn't realized in their original draft review of MAC legislation, that it would include so much residential. Consequently MAC does not have any provisions for good quality residential with items such as recreational space for multifamily units, which is very common in apartment buildings. He stated that if you're not setting aside proffer money then you need to put in a park or play space for children. If every single MAC project that could be built had no recreational facility and the Town receives no money, then where would they be with Meadowlark Park. Think how overrun it would be. He stated that is something they really need to consider, as well as distances between buildings. Buildings not 8 feet apart with windows looking next to the other. He stated, additionally there should be a mechanism to trade density for desired projects. He noted that he is not, in theory, adverse to four-stories. However, he would only grant four-stories to something that the Town really wants and needs. If not, there would be a mechanism for going down to three-stories.*

*Mr. Anderson stated that with respect to process he noted Marco Polo Gate as a classic example of issues with process. What was not thought through well and consequently is broken needs to be fixed. They have created a process where there are no deadlines in the MAC, but somehow they are stuck with a hundred day deadline that no other municipality adheres to for rezoning. The City of Falls Church website indicates that a project typically takes five years to review for mixed-use projects. They also have a lot more experience with mixed-use than the*

Town does. He asked why they are forcing applications through in a hundred days. They end up with situations where two competing set of plans are passed from the same project, and are irreconcilable. That is according to the BAR chair. They need to think about process and get that process right before they can reintroduce the MAC. There being no further comment, Mr. Anderson thanked everyone for their time and was seated.

Jayne Huleatt, residing at 413 Roland Street, SW stepped forward to speak. Ms. Huleatt urged the Commission to recommend extend the temporary suspension of the MAC rezoning ordinance until at least November 15, 2019. Longer if necessary in order to get it right. She stated that it is clear from property and building plans that have been submitted by developers, under the present MAC code, that the purpose and intent of the MAC is not fully supported by its language. A more comprehensive review of the MAC should continue, keeping in mind your experiences obtained from the approved MAC projects, as well as feedback from Vienna Town residents. She appreciates those efforts today, but asked that they take advantage of the moratorium to conduct a more comprehensive review of the entire MAC code. To fix the sections that are inconsistent. There are items that should be in the MAC that are not, as they apply to other sections of the code itself. She stated that this would be the time to fix all of it.

Ms. Huleatt stated that developers are proposing buildings to make as much money as they possibly can. Building heights may not need to be four-stories. There could be more public green space and developers would still make enough money to attract development in the Town. With more open space and fewer apartments they could still make a good profit. She stated that they don't have to make a windfall. There are many sections in the code, even the sections that have been proposed by staff should be looked at again. She suggested that every section of the MAC be reviewed as to how that section of the code will affect surrounding neighborhoods. If the building is not compatible with its surrounding neighborhood, then the code should be modified accordingly.

Ms. Huleatt asked if it is fair for longtime residents of the Town, who have lived there for years, to now feel that they have to move or live with such tall, huge buildings. The Town should wait until some of the studies such as the traffic study and economic analysis are completed. They are very important for amending the MAC. Additionally, that the review be transparent for the community. Community input should have some impact on the revisions that are made. There being no further comment, Ms. Huleatt thanked the Commission and was seated.

Dave Patariu, residing at 205 Niblick Drive, SE stepped forward to speak. Mr. Patariu stated that he is speaking in support of the moratorium. He has concern for impacts to surrounding schools and generational trailer issue that must be resolved in the Town. He stated that in December of this year, an article was published regarding generational school trailer issues. Some members of Vienna Town Council having attended school in the same trailers that their children now attend. They hear arguments that they cannot control Fairfax County but they can certainly control input and how much development they allow.

Mr. Patariu hoped that a review of school impacts would be part of the moratorium. Additionally, they need to look at mixed-use. The 380 Maple Avenue project is more than 90 percent residential, which does not mesh with the Town's Comprehensive Plan. He stated that when there is only seven percent retail, all they are really getting is housing developments or condominium developments. They are not

*getting mixed-use or even nominal mixed-use. He hoped that during the process the Town would consider ways to better balance residential to retail.*

*Mr. Patariu noted Councilmember Pasha Majdi made a very good point that they should keep retail areas for retail and commercial use, and residential areas for residential use. Mixing the two is not creating a good outcome. Additionally, regarding concerns previously stated for conflicts of interest stated that professional engineers must adhere to Virginia Code 18VAC10-20-710. Reading state code section aloud for the record he stated that he feels there is this circumstance with the 380 Maple Ave project using the same engineering firm that is currently performing work on the Maple Avenue transportation study. That should be looked at to better understand how such conflicts casts a cloud over the entire process. He hoped they could find a way to hire engineering firms that are not working both sides of the street. There being no further comment, Mr. Patariu thanked the Commission and was seated.*

*There being no further public comment, Chairman Gelb called for a motion to close the public hearing and move forward with discussion.*

*Commissioner Basnight made a motion to close the public hearing.*

*Commissioner McCullough seconded the motion.*

*Chairman Gelb called for discussion before voting on the motion.*

*Commissioner Meren noted that this was only an extension of the moratorium as requested by Town Council to the Planning Commission. Chairman Gelb stated that it had been discussed in general, in the context of MAC discussions but it was never formally recommended. He stated that, as a consensus, was a good idea. Town Council responded by setting a joint Public Hearing and asking the Commission to make a formal recommendation. He stated that, both then and now, they are responding to Council's request for a recommendation.*

*Commissioner Meren asked, during the next six months, if the Planning Commission feels that more information is necessary can they make a recommendation to extend it further. If they deem it necessary. Chairman Gelb stated that he is not an attorney but would assume that Council always has the option of extending it. The Commission always has the option of making a recommendation, either on their own or in response to a request from Council.*

*Commissioner Kenney noted that the extension is completely necessary. There are currently a lot of moving parts. Although, staff is working hard on one part, joint work session discussions have not been completed with Town Council and the BAR. There are items within their suggestions of the joint work session that need to be worked through. Currently, it's November 15, 2019 if not further. Chairman Gelb asked if they could vote on the motion first. They can resume Commissioner Kenney's comments after the public hearing is closed. Commissioner Kenney agreed.*

*Chairman Gelb called the question.*

*Vote: 7-0 (absent: Baum)*

*The public hearing being closed, Chairman Gelb called for discussion on the substance of the issue and whether November 15, 2019 is an appropriate date. He*

*asked if they should recommend a different date.*

*Commissioner Basnight stated that Town Council asked them to consider the 15th of November and he sees no reason to go beyond that date at this point.*

*Commissioner Meren stated that although six months would be much better than six weeks he is in favor of the current date, so long as the Planning Commission or Town Council has the ability to further extend it if other information comes forward.*

*Commissioner Kenney stated that he stands by his previous comments.*

*Commissioner Coachman stated that she is fine with the extension accepting the proposed November 15th deadline. If they get to that point they will extend it further.*

*Commissioner McCullough agreed with commissioner comments, stating that a November 15th deadline is appropriate for now. They will continue to work on the amendments and Design Guidelines to determine whether further extension is needed.*

*Chairman Gelb stated that while he would like to see a longer extension he is comfortable under the circumstance, with the caveat that they revisit it.*

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

*Commissioner Basnight made a motion that a recommendation be made to the Vienna Town Council to extend the MAC (Maple Avenue Commercial) ordinance moratorium to November 15, 2019.*

*Commissioner Meren seconded.*

*Chairman Gelb asked for discussion. Commissioner Kenney asked that the action be formally read for the record.*

*Commissioner Basnight moved to recommend that the Town Council extend the temporary suspension of Article 13-1 (MAC) Maple Avenue Commercial Zone Regulation of Chapter 18 of the Town Code set to expire June 27, 2019 to November 15, 2019.*

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

*Motion: Basnight*

*Second: Meren*

*Carries: 7-0*

Recommendation by the Planning Commission to the Town Council on a proposed rezoning for Sunrise Assisted Living mixed-use building with ground floor retail and senior assisted living facility, located at 100 to 112 Maple Avenue East, from the C-2 General Commercial Zone and C-1A Special Commercial Zone to MAC Maple Avenue Commercial Zone. Application filed by Sara Mariska of Womble Bond Dickinson on behalf of Sunrise Development Inc.

AND

Recommendation by the Planning Commission to the Town Council on a request for site plan modifications of requirements

- 15 foot wide loading space, a reduction of 38 feet from the required 53 foot wide loading space
- 7 bike spaces, a reduction of 20 spaces from the required 27 bike spaces
- Proposed fence to be 8 feet in height, 2 feet greater than the maximum height of 6 feet
- Building awnings to extend 6 feet from the building face, an increase of 3 feet to the maximum 3 feet permitted.

Application filed by Sara Mariska of Womble Bond Dickinson on behalf of Sunrise Development Inc.

AND

Recommendation by the Planning Commission to the Board of Zoning Appeals on a request for a conditional use permit to allow an assisted living facility for seniors per Section 18-95.5.J. Application filed by Sara Mariska of Womble Bond Dickinson on behalf of Sunrise Development Inc.

*Kelly O'Brien, Principal Planner with the Department of Planning and Zoning providing staff's report stated that Item No. 2 of the agenda is an application for Sunrise Assisted Living at property addressed at 100 - 112 Maple Avenue East, requesting recommendation for rezoning and conditional use permit. The existing site comprises of two buildings constructed in 1983 and has a total of 10,980 square feet of office space, per Fairfax County real state tax records. There are currently 51 off-street parking spaces, one means of entrance and exit off of Center Street North. The property is currently split zoned C-2, general commercial and C-1A, special commercial. Ms. O'Brien presented photos of the subject site and its surrounding views of Center Street looking north of the site and towards the left.*

*Ms. O'Brien stated that the applicant is requesting rezoning from C-2, general commercial and C-1A, special commercial zones to the Maple Avenue commercial (MAC) zone. The applicant is proposing a mixed-use building with ground floor retail commercial and a senior assisted living facility along the mezzanine, second, third, and fourth floors; a total of 5,700 square feet of retail commercial space on the ground level and 83 assisted living units. They are also requesting four site modifications for loading space width, provided bicycle spaces, fence height, and extension of the building's awnings into the front and rear setbacks. The application further requests recommendation to the Board of Zoning Appeals on a conditional use permit for assisted living use in the Maple Avenue Commercial (MAC) Zone.*

*Presenting elevations of the proposed design, Ms. O'Brien noted that for off-street parking requirements retail commercial use of 5,700 square feet requires 29 parking spaces. She noted that the Town's ordinance does not currently have a requirement for assisted living. The applicant has provided studies of parking and other similar facilities. They are proposing a rate of .4 spaces per unit.*

*Ms. O'Brien noted that in addition to staff, Dana Trone, PE, PTOE Engineering Consultant with Whiteman, Requardt & Associates, LLP is present to answer questions specific to parking or traffic assessment. Additionally, the applicant is providing garage parking for an incentive of 1.25 times the number of 60 garage*



spaces. This includes four tandem spaces and four compact spaces, of which do not meet requirements for standard parking. This equates to 52 spaces when using the 1.25 multiplier, meeting requirements based on their calculations.

Ms. O'Brien stated that in reference to bicycle parking, the applicant has stated that assisted living does not have a specific bicycle parking requirement. It is staff's understanding that most of their residents will not be using bicycles, although some employees may. The applicant is currently proposing seven bike spaces, which further reduces down their 27 required spaces. The proposed plan indicates two bicycle racks located directly outside along Maple Avenue, accommodating four bikes. The applicant has stated that they would be willing to add three spaces within the garage as well.

Ms. O'Brien stated that in reference to living requirements, for site modification, the applicant is showing a 15 x 25 foot loading space. This is using the current entrance, as it exists today, and shared with the parking garage. Presenting a chart detailing a comparison of loading requirements for other jurisdictions, Ms. O'Brien explained that town code indicates width of loading, which is based on the fraction of building width and not its uses. Based upon their need staff feels that the site is in-line with other jurisdictions.

Ms. O'Brien stated that in reference to open space set-aside requirements, the applicant is providing a pocket park along the borderline of the property next to the Vienna Inn. This will also serve as an access easement for a sewer line that runs below the property. The site is providing 21.7% open space situated to the side and open space street scape along the Center Street and Maple Avenue sides of the property and exceeds the 15 percent requirement. Additionally, with a pocket park to the rear, there is an existing fence on site. The applicant proposes replacing the fence and requests a modification for installation of an 8 foot fence. Indicating the rendering of the proposal, Ms. O'Brien stated that the awnings have been highlighted in red, which vary in width from one foot into the setback, all the way to 6 feet along the right side of the building's façade.

Ms. O'Brien noted that an additional topic has come up regarding the relocation of the current bus stop. There have been a few locations discussed. The current proposal indicates it being moved off the property and into the Town's right-of-way a few feet down from where it currently exists. She stated that it would be the same shelter but moved to a more appropriate location, and closer to the road. The applicant has consulted with Fairfax County's Department of Transportation, which has okayed the change in location. With respect to utilities, Ms. O'Brien explained that is something that is always considered for projects. There is one utility pole located next to the entrance to the site. The applicant has spoken with Dominion Power and the other energy and utilities located on the utility pole. Taking the pole would require installing another pole to connect to all of the other ones. The applicant has indicated that there currently is no benefit to moving the pole.

Ms. O'Brien noted existing easements running along the corner of the property and a sewer line that runs through the property, stating that the applicant is proposing to relocate the sewer line along Maple Avenue below the pocket park. Due to the size of the pipe there is currently a box at the entrance. Deputy Director of Public Works, Dave Donahue is present to answer any questions regarding utilities. The applicant has stated that they are willing to pay for replacement of the section of pipe during construction. Staff had initial concerns in abandoning it. The Town would retain the easement but the pipe would need to be replaced. There are some

concerns with the building being built over top of the sewer pipe. Additionally, being located under the only entrance to the building could be very disruptive for future replacement. Sewer pipe replacement is listed on the CIP (Capital Improvement Projects) for a later time.

Ms. O'Brien stated that there is a green roof listed under incentives for increase in surfaces, which takes up a substantial portion of the roof. Having a green roof and roof top units leaves little option for solar.

Ms. O'Brien stated in reference to process the BAR did make a recommendation to Town Council at their February 21, 2019 meeting. The project is currently being reviewed by the Planning Commission for recommendation to Town Council on rezoning and to the Board of Zoning Appeals for conditional use permit for assisted living. The Board of Zoning Appeals is scheduled to meet May 15, 2019. Town Council's hearing date has been schedule for June 3, 2019. Per state code language there is a reviewing limitation of 100 days. The Town Council's decision is needed by August 2nd in order to meet the 100 days restriction. If the project were to get approved, it would undergo the site plan review process. Final elevations, materials, and landscaping returns to the BAR for final approval based on conformance with the concept plans approved by Town Council. This concluding staff's presentation Ms. O'Brien asked to answer any questions.

Commissioner Miller asked if the applicant has agreed to pay for sewer improvements. Ms. O'Brien answered that was her understanding during the last work session but she would defer to the applicant to confirm. She stated that although it is not written in the plans it is something that can be addressed tonight as well.

Commissioner McCullough asked for more detail regarding the impervious surface request. She asked if there is a 10 percent increase. Ms. O'Brien answered yes. Commissioner McCullough asked for further clarification highlighting what would be considered open space. Is it just the pocket park or are other areas considered open space. Ms. O'Brien answered that the open space is the pocket park as well as the streetscape shown on the property. Not the pavement, which is the sidewalk area and the outside dining area, which is specifically just green. She explained that it is anything that would be open to the public. The area along Center Street North has a lot more landscaping adjacent to the building and more outdoor dining, and the sidewalk area adjacent to Maple Avenue. That area is considered part of open space per current code definition. Commissioner McCullough asked if the interior area for the residence is considered open space. Ms. O'Brien answered no, stating that is not included at all. Commissioner McCullough clarified that there is currently no restaurant planned for the retail space. Ms. O'Brien agreed, stating that there is no restaurant space intended for these commercial spaces. The intention has been that it's not specifically for the retail space as it would be open to the public to sit and enjoy. Commissioner McCullough asked if the retailers would want people eating in front of their shop. Ms. O'Brien answered that the renderings shows umbrellas outside. That may change depending on the retail tenant.

Commissioner McCullough asked in regards to bicycle parking whether there are currently any option to park a bike inside the facility away from the elements. Ms. O'Brien answered that none is shown on the current plans but that is something that has been stated; four spaces outside and three inside. Commissioner McCullough asked where the three designated inside would be located. Ms. O'Brien answered that she was unable to located it on the plans themselves. The applicant can speak

to that. Commissioner McCullough asked how close the bicycle rack would be located to Maple Avenue. Ms. O'Brien answered that it is currently shown in the right corner of the plan, highlighted in red. She noted that staff could review the location during the site plan review process. The plan is currently showing it as a proposed location. Although it could be moved closer you typically see bike racks in that area. Commissioner McCullough thanked staff.

Ms. O'Brien stated in reference to pervious open space, they are proposing 1,860 square feet of permeable pavers for the pocket park. There would be 12.9 percent pervious of 87.1 percent of the lot area.

Commissioner McCullough stated in reference to the underground pipe, there had been discussion at several work sessions regarding the cost and labor required for working on the pipe and having that pipe replaced during construction as it would require digging up the site to repair it. Currently, there is no language on the site plan referencing the applicant handling the cost. On past applications they have had language specifically stipulated on the site plan. Ms. O'Brien agreed and apologized, stating that they have draft proffers that indicate that the applicant can choose to either state it on the site plan or that to be added to their proffers. The applicant will address that matter with the Commission. Commissioner McCullough asked if it is not stated currently. Ms. O'Brien answered currently no, stating that it is something staff would have to work with applicant on. Commissioner McCullough thanked staff.

Commissioner Couchman asked for clarification regarding the loading area and asked to review staff's comparison chart of surrounding jurisdictions. It does appear that at a 15 foot width and 25 foot depth is in the range of surrounding areas. Ms. O'Brien agreed. Commissioner Couchman asked how they are so far from compliance with the Town's code. Ms. O'Brien answered that the Town's Code is based on the width of the building. For every 50 feet of building width, they add another 15 feet. Commissioner Couchman asked if that is in loading space. Ms. O'Brien answered that it is still 25 feet deep, but it is then based on a 53 foot wide building. It does not take into account uses. It is strictly based on the building's width. Commissioner Couchman noted that is similar to the multiple tractor trailer bays that are behind the Giant shopping center. She asked if that is how they get the length. Ms. O'Brien answered yes.

Commissioner Basnight asked if that is one of the areas covered by the proposed amendments. He stated that it seems a bit illogical basing loading requirements strictly on size. If not then maybe they should be.

Commissioner Kenney stated the amendments may not have been specific to that section in the regular zoning code, but they did add a section under MAC to cover how many loading bays needed to have. Ms. O'Brien answered that is correct. She stated that this is in reference to the Town wide code section.

Chairman Gelb asked if that is not in reference to the MAC's code section. Ms. O'Brien answered that it addresses it for now in the MAC. Once the town gets to a zoning rewrite it can be addressed then. It is something that they plan to address in the MAC for now and then overall in the future. Chairman Gelb thanked staff.

Commissioner Basnight stated that he has concern with the utilities and the pipe. If it is not on the site plan, then it needs to be. It should be somewhere definitively written down on record. Commissioner Meren asked how long both sites, currently

two parcels or the two buildings, have been vacant. Ms. O'Brien was uncertain. Commissioner Meren asked for staff to follow up and to provide it to the Commission. Ms. O'Brien agreed, stating that she would provide at a later time. Commissioner Meren asked staff to provide a comparison of what the proposed assisted living parking compares with the standard for MAC sites in general. Ms. O'Brien answered that they are proposing a rate of .4 per unit. Commissioner Meren asked what it would be for a non-assisted use. Ms. O'Brien answered that if it was consider just commercial use then it would have a requirement of a ratio of 1:200 square feet.

Commissioner Meren stated that while staff works on the calculation, he would also like to know if the developer would be open to incorporating Town of Vienna bicycle racks rather than the standard black racks. If so they would need to work with the appropriate commission on installation of the two rack stands. With respect to the storm pipe, Commissioner Meren asked how they intend to connect the pipe on the north side.

Staff member, David Donahue, Deputy Director with the Department of Public Works responded that they are connecting to an existing pipe. Commissioner Meren asked how the pipe is currently setup and whether it is the blue pipe. Mr. Donahue answered yes, stating that the existing pipe follows that alignment. It's currently a corrugated metal pipe, which is being removed and replaced with a larger concrete pipe. Commissioner Meren asked, based on this model, whether it would create a more efficient flow. Mr. Donahue answered yes, stating that although a 12 foot by 4 foot is shown on the plan, but staff needs to look at the modeling to determine the exact size. Commissioner Meren asked in terms of directionality flow, it flows from the north to the south and then from the east to the west. Mr. Donahue estimated flow to run from the south to the northwest. Commissioner Meren asked if the current pipe will align, being more efficient once developed, from the Town's point of view. Mr. Donahue answered yes. Commissioner Meren thanked Mr. Donahue.

Addressing staff, Chairman Gelb asked that if the utilities could not be located underground because logistically it did not make sense. Ms. O'Brien explained that if the pole were removed the wires would need to extend across Center Street to another pole located behind the condominiums. If the pole is no longer there you still need to connect over to the pole that is located across Maple Avenue. She stated that, essentially they would not be losing a pole but moving a pole. Chairman Gelb asked if it is possible for the applicant set aside funds, should some later development allow for that section to be undergrounded. The applicant could be responsible for their prorated share of that. Ms. O'Brien stated that other jurisdictions have designated business districts requiring anyone coming in pays a tax towards undergrounding of utilities. The Town does not currently have that setup. She stated that if that is the Town Council's prerogative, that could be setup. Currently, that does not exist. Chairman Gelb asked if a recommendation to the BZA is necessary because the MAC does not list assisted living as a use. Ms. O'Brien explained that assisted living is listed under conditional uses.

Chairman Gelb agreed with Commissioner Basnight's comments that any underground work on the pipe or utilities needs to be called out. Although he recalled the applicant saying that they were committed to it, It should be documented in writing to limit any confusion but he would leave it to the lawyers to figure out how it should be documented.

Commissioner Miller asked staff to explain the sharp left turn of the storm water drain. Mr. Donahue explained that it's not unusual to have 90 degree turns in a

sewer system. They are all over town so it is not a concern. Commissioner Miller asked if the Town is accepting the applicant's parking study.

Traffic Consultant, Dana Trone, traffic engineer with Whitman and Requardt answered yes, stating that they have documented adjacent or surrounding similar types of facilities having an average rate of 0.4. Additionally, ITE's parking generation manual recommends an average rate of 0.4. The applicant has provided documentation of that value.

Commissioner Miller asked if the Town has any plans to hire an independent parking consultant to review the information. Ms. O'Brien explained that Ms. Trone is the independent third party.

Commissioner Kenney asked if the proposed manhole was dependent upon the size of pipe installed at a vertical connection point. He stated that anything over a certain diameter requires a manhole. Mr. Donahue agreed, stating that the entire line is shown in red. All the circles shown are manholes. Commissioner Kenney asked if the 90 degree is a pipe going into and then out of a manhole. Mr. Donahue answered yes. Commissioner Kenney clarified that it is not making a 90 degree bend in the pipe. Mr. Donahue agreed.

Commissioner Miller stated that staff mentioned that a conditional use permit is necessary as well. Ms. O'Brien agreed. Commissioner Miller asked for clarification as whether the conditional use permit is reviewed first with the rezoning second. He asked what would happen if the conditional use permit were denied and the MAC rezoning were approved. Ms. O'Brien explained that, based upon recommendation from the Planning Commission, the BZA would review for conditional use permit at their May 15th public hearing. If they do not approve the conditional use permit the applicant may choose to withdraw the application and to appeal that decision. She agreed that the application would need conditional uses permit approval for assisted living in order to move forward with the rezoning, stating that it is paramount to the proposal.

Commissioner Miller asked if they are reviewing two separate applications or whether they are together. Ms. Petkac responded that they are separate motions. Chairman Gelb asked if they move forward with a recommendation of a conditional use permit, do they wait for BZA before moving forward to vote on the rezoning itself. Ms. Petkac explained that there are currently three separate motions to which they are a recommending body for all three. Two of which are recommendations to the Council and one is for recommendation on a conditional use permit to the Board of Zoning Appeals. If the Board of Zoning Appeals denies the application the applicant may either withdraw or appeal that decision. Additional discussion followed.

Ms. O'Brien stated that she has a response to Commissioner Meren's earlier request. The applicant's plans show 99,553 square feet of the assisted living. If you divide that up by 200, there will be 498 spaces. Chairman Gelb stated that seems rather high. Ms. O'Brien agreed, stating that is if you went strictly by the commercial rate.

Commissioner Basnight stated in response to the reviewing process, that they should review for the conditional use permit first and postpone the rest until a further date. He understands what staff has advised but it does not seem right. Chairman Gelb asked Commissioner Miller for further comment. Commissioner Miller stated that his only comment was for the reviewing criteria for the CUP. That seems like it would be important to consider.

Commissioner Meren stated that the use is stated within the MAC code for assisted living. He asked staff to state the language for the record. Ms. O'Brien stated that within town code, the MAC code section lists conditional uses. Senior assisted living is listed as one of the conditional uses. To clarify, under Article 21, Section 18-209, of the town code, the three criteria for a conditional use is, "...whether it adversely effects health or safety of persons residing or working in the neighborhood, whether it's detrimental to the public welfare or injurious to property or improvements to the neighborhood, and if it is in accord to the purposes of the Town's Master plan..." She stated that those are the three conditions for approval of a conditional use permit per Town Code regulation. Chairman Gelb thanked staff.

Commissioner Miller stated that in reference to the loading dock, he recalled that the intent of the Town Code had been for buildings to have a general purpose use. In other words, a larger building would require a larger loading dock for a general purpose use. If you do not increase the loading dock with the size of the building, then you run the risk of having a building that is unable to meet different multi-uses. Chairman Gelb thanked Commissioner Miller for his comments.

Commissioner McCullough stated in reference to parking, that retail should have 29 spaces based upon the size of the retail space. Ms. O'Brien agreed. Commissioner McCullough asked how many spaces are actually on the first floor for retail parking. Ms. O'Brien explained that first level surface parking garages have 14 full size parking spaces with one compact space, three of which are handicap spaces. Commissioner McCullough stated that first floor retail space has 11 spaces, plus one compact space. Handicapped spaces are not going to be continually used unless by visitors of the assisted living facility. She stated that there are additional handicapped spaces in the underground area. Ms. O'Brien agreed, stating that there is an additional handicapped space identified in the underground parking facility. Commissioner McCullough asked if compact cars are counted as part of the total 60 spaces. Ms. O'Brien explained that they are not counted as required parking because they do not meet town standard space requirement. Commissioner McCullough asked how many spaces are within the lower level of the garage. Ms. O'Brien answered that there are a total of 60 spaces with 15 spaces above; leaving 45 spaces in the garage below. Commissioner McCullough asked if the 15 spaces includes compact spaces. Ms. O'Brien answered yes. Commissioner McCullough thanked staff.

Chairman Gelb invited the applicant to present and to respond to questions and comments already heard.

Applicant representative, Sarah Mariska, attorney representative with Womble Bond Dickinson was present on behalf of the application. Ms. Mariska thanked Chairman Gelb for his kind words earlier, stating that she is joined by a team of experts to answer questions. She noted that the site has been vacant for approximately a year and a half commenting that the site could be put to a more vibrant pedestrian oriented use than it is currently at. To date they have held several work sessions with the Town and several community meetings allowing for good discussion and to make changes. She is happy to present to answer questions raised and to address any additional questions that come up. Ms. Mariska introduced Jerry Young with Sunrise Assisted Living.

Applicant representative, Jerry Young, Senior Vice President of Development and Investments at Sunrise Assisted Living introduced himself to the Commission, stating that they are pleased to bring their project forward to the Planning Commission for

review.

Mr. Young provided a brief presentation, stating that Sunrise Senior Living is one of the country's largest and oldest senior housing developers and operators. They were founded in Northern Virginia 37 years ago and had grown from very humble beginnings operating in over 320 communities across the United States, Canada, and the United Kingdom. He stated that assisted living or senior housing means assisted living and memory care, which is what they are proposing on site. It will be 83 units of solely assisted living and memory. It is not independent living and is not skilled nursing. They do not perform medical services on site. The residents primarily move into and live with them because they have needs, needs that they could fulfill at home with loved ones. Needs, what they call, activities of daily living or ADL's, such as assistance with bathing, assistance with dressing, assistance with feeding, assistance with medications, or in some cases; especially with their third floor memory care, secured memory care floor programming services to help with Alzheimer's and other forms of dementia.

The vision for this Sunrise Project in Town is to help to allow seniors and the residents to be able to stay in Vienna. Currently, there are some assisted living communities that are nearby, but outside of the Town itself. They have a Sunrise facility in McLean and another in Hunter Mill. If you wanted to be in the Town, you would have to leave. So here, in the northeast corner of Maple Avenue and Center Street, they are hoping to create a place that would stand the test of time, and make really great use of a lot that is in many ways, under-utilized. He noted that they have worked carefully within the various constraints of the site, stating that it is a very difficult site. There are a lot of natural conditions that are difficult with respect to sewer and sanitary. He stated that access is tight, for example the bus shelter was encroaching over the property line. He stated that through a lot of hard work, through many months, the project represents an accumulation of a lot of hard work; an elegant solution to a lot of the goals and desires of both the MAC plan and all stakeholders.

Mr. Young stated that they are fulfilling some of the vision of the MAC providing 5,700 square feet of true, third party retail, creating something that is really nice and will fit in well. They have provided parking spaces both at grade level and underground. He noted that it is very expensive to underground parking with such a high water table. Being at such a low point in town, despite having to reduce overall unit counts, they are providing a very high level of service. He thanked staff for their informative staff support, stating that the lobby rendering looks similar to what was seen at their last work session. They were able to incorporate some comments previously received, having removed one of the rear walls and made the staircase transparent. There is still outdoor space for resident use of the second floor as well as the third floor. They have oriented the vast majority of their very active use space for public purposes along the Maple Avenue side. They have also included additional locations representing potential valet spaces that could be used for special occasion events; Mother's Day and whatnot. It would allow a staff member to assist in valeting to additional spots.

Mr. Young noted, in regards to the discussed storm pipe, that sheet 0301 of their submitted plan includes a notation at the top left corner indicating what the applicant will pay for. He stated that it is reflected in the most current plan and asked if he asked if he could answer any questions.

Chairman Gelb thanked Mr. Young and asked the Commission for questions.

Commissioner Meren asked if the two bicycle racks shown on Maple Avenue could be installed with the Town's style of rack rather than the standard black racks currently proposed. Mr. Young answered yes. Commissioner Meren asked if there are currently 83 rooms. Mr. Young answered that there are 83 units. Commissioner Meren asked for the standard size unit. He asked that they could be specific to the McLean and Hunter Mill locations. Mr. Young explained that there are variations in sizes but generally there are three rough unit types. A studio consists of a full two-bedroom. A flexible unit, referred to as a Denver, is an in-between size. On average, studios are approximately 300-400 hundred square feet in size, while a Denver would be in the range of 400-500 square feet. A two-bedroom would be between 550-750 square feet.

Commissioner Meren asked if, specific to the number of units in a building, they could address specifically if 83 is considered large, small, or other; for the record. Mr. Young stated that 83 would be the middle of where their new proposed projects are sized at. All new proposals currently being developed across the United States, puts it somewhere between 80-100 units. As a reference point, their Town of Alexandria project was recently approved at 93 units. Additionally, a recent new project just opened in Bridgewater, New Jersey with 85 units. Commissioner Meren asked, pertaining to care or staff, the ratio at a full capacity of 83 units. He asked for an average when at full capacity. Mr. Young answered that they staff based on needs. For purposes of rough numbers for 83 units, during peak shift there would be approximately 35 total employees. That would include full-time and part-time staff, management, as well as those delivering direct care. Commissioner Meren asked if that is for a 24 hour day. Mr. Young answered yes. Commissioner Meren asked if a peak would be a normal business day. Mr. Young answered that is 7:00 a.m. to around 3:00 p.m. Commissioner Meren asked if it would then be lower during nonpeak times. Mr. Young answered yes. Commissioner Meren thanked Mr. Young.

Commissioner Kenney stated that for disclosure, he has worked with the Aaron Vinson of Walter Phillips on other projects but his firm is not working on this particular project. Referring to sheet P0301 of the site plan, he stated he does not see the text that Mr. Young referenced. He asked if anyone else was able to find it. Additional discussion followed.

Ms. Petkac stated that what Mr. Kenney is referencing is found on Sheet Page 501, under existing conditions there is a line indicating "...266 storm sewers currently bifurcate the site and will be replaced as part of this project...". Additional discussion followed.

Commissioner Kenney asked where it states who is paying for the improvements. Mr. Young answered that it does not say, but it is on their plan, which indicates that they are doing it. Commissioner Kenney stated that it does not indicate who is paying for it. It should be boxed off with a notation that states that the applicant intends to pay for improvements for clarity purposes.

Commissioner Miller asked when the applicant LOI on this project. Mr. Young answered early first quarter of 2018. Commissioner Miller asked if that was March 2018. Mr. Young answered yes. Commissioner Miller asked if they currently hold title to the property. Mr. Young answered no. Commissioner Miller asked if it is under contract. Mr. Young answered yes. Commissioner Miller asked if one of the contingencies of the contract is to receive MAC approval. Mr. Young answered yes, stating on all approvals.



Commissioner McCullough asked how much they have reduced the overall unit count by. Mr. Young answered that the original proposal was for 85 units. They have since reduced it by two units to 83. Commissioner McCullough recalled that when they met at the April 1, 2019, work session the three units overlooking the driveway were removed making it a total of six units removed. She asked if they essentially moved four units to somewhere else in the building. Mr. Young answered no, stating that there had been three units on the mezzanine overlooking the driveway, which were removed. When adjusting interior common spaces they were able to find another unit on the second floor. Currently, it is minus three and plus one equating to minus two units.

Commissioner Couchman asked if the three units were double occupancy equaling six. Mr. Young answered Yes, stating that they were potentially six or three beds. Commissioner Couchman asked with respect to peak times in relation to total number of employees, operating from 7:00 a.m. to 3:00 p.m., if there will be approximately 35 employees or care givers and a total of 60 parking spaces. She stated that during that time, over half of the designated parking is for staff. That does not take retail and/or visitor parking into account. She asked if there is an expectation for parking to become very difficult. Mr. Young responded that not all staff member's drive. They find that their front line staff, especially part time employees typically carpool or use public transportation to get to work. This particular location would have a bus stop in front of the building. That was a key reason in considering the site, having access to public transportation.

Commissioner McCullough noted that the location is in a very congested area of town being in proximity to Church Street. There are currently significant parking problems in that area of the town. Additionally, there is the potential for residential and visitor parking issues, especially during heavy visitation times. that could create a significant impact on Church and Center Street parking abilities. She asked for their alternate plan for parking during an event. Mr. Young responded that they suggested utilizing valet parking. Commissioner McCullough asked how they intend to valet a significant amount of people with 60 parking spaces. Mr. Young explained that their parking plan indicates an additional ten spaces on the top aisle of the drive lanes. They find this method utilized in cities offering additional car stacking for valet services.

Commissioner McCullough stated concern that there are too many units in relation to the building and asked for the size of the lot. Mr. Young answered that it is approximately three-quarters of an acre. Commissioner McCullough asked for the size of their Alexandria site. Mr. Young answered that it is on .74 acres. Commissioner McCullough reiterated her concern for the size of the lot to the amount of proposed units in relation to parking capability. She asked if the bus stop is on private property. Mr. Young answered yes. Commissioner McCullough asked if the new bus stop site is within the six foot buffer. Mr. Young answered that it sits approximately five feet from the curb. Commissioner McCullough asked if that is the edge of the buffer.

Commissioner Couchman asked if the proposed retail space would be two spaces. Mr. Young answered that they are leaving that open for flexibility purposes. It has the ability to be a single, large space, or potentially, two smaller spaces. Commissioner Couchman asked if the area now shown as the porch was originally retail space. Mr. Young answered no, stating that the porch remains unmoved. Additional discussion followed.

Commissioner Couchman asked if the space would be better utilized as use that would be advantageous to both Vienna residents as well as Sunrise residents. Something like a coffee shop. Ms. O'Brien asked to comment, stating that she wanted to note that assisted living is a commercial use paying commercial rate taxes. Commissioner Couchman stated that overall she is very supportive of the use. These are ideal residents as they will not tax town parks or schools. She would also like to have as much retail space or space that would benefit Vienna residents as well.

Commissioner McCullough asked in reference to ambulances, where they will park. Mr. Young explained that there is a space located underneath the building that is sheltered from the elements as discussed in previous work session. Commissioner McCullough asked if it would block the entrance and exit to the building and block the flow of traffic. She did not understand the layout. Mr. Young explained that in order to maximize parking they set aside an ambulance space, which would come infrequently. The proposed location does not block the entrance but it does cause people to pay attention to how they're getting in and out. It would not preclude people from entering and exiting the garage. He noted that ambulances are not onsite very often and an infrequent appearance. If they are, they are not there long. Commissioner McCullough thanked Mr. Young, noting that it remains an issue for her.

Chairman Gelb noted that he too has concern for proposed parking. He asked if they have data on visitation patterns like visitation at what hours to help calculate how much parking is needed. He asked if they also have data as to how many employees typically park on site and how many space would be taken by employees. He asked if they provide financial assistance or some other means of encouraging employees to use public transportation.

Traffic Parking Consultant for the applicant, Will Johnson, of Wills and Associates introduced himself, stating that they supplied the parking assessment as part of the application review. Mr. Johnson stated that per the parking assessment they observed six other Sunrise facilities in the Metro DC area, documented them, which is what they used in deriving their proposed parking supply. They have observed, throughout the course of a typical day, how many spaces are occupied. He noted that there are generally some variations on all different sites, although there are definitely trends that can be seen. They found there to be a fairly low demand in the morning with peak demand for a typical week day occurring during the 2:00 pm and 3:00 pm hours with a significant falloff after that. He stated that as an example, by 5:00 pm, they find half of peak demand at the sites, not differentiating between visitors and employees. During weekends, across the board, they have found lower demand for parking for assisted living than during weekdays. It is Mr. Johnson's belief that is due to reduced staffing. Chairman Gelb stated that they do not know how often a resident receives a visitor or how many visitors there are per resident at any given time because it was not differentiated between staff and residents. Mr. Johnson agreed, stating that their counts included both.

Chairman Gelb asked, with respect to valet parking, if there are numbers for parking demand for special events. Mr. Johnson answered that their counts do not include special events as described. They find that special events generally occur over the weekend so that underlying demand is less on weekends. There are generally more of a reserve capacity for visitors. Per town council and commission request they included a provision for valet parking in the event that demand spikes. Currently, there are no considerations for off-site parking. Chairman Gelb noted that it sounds like a hope and prayer that it will work out. There appears to be no

data. He stated that although he is favorably inclined toward the project, he has concern for proposed valet parking.

Commissioner Meren stated that this site is what some would consider to be the center of town, if not centrally located with its proximity to the library, Town Hall, and access to all public events makes it very much in a central part of the Town. He asked if the open space at the front is sealed off or completely open to the elements.

Architect for the project, John Rust, of Rust... Architecture introduce himself. Mr. Rust noted the area on the rendering explaining that it is all open. Commissioner Meren asked if it is open to the elements. Mr. Rust answered yes. Commissioner Meren noted that the rendering detail included a lot of glass and open space, creating a very naturally lit area. He asked if they would be open to softening the square structure of the pillar, modifying it to give it a softer look. Mr. Rust answered yes, stating that it was originally shown with a round column and canopy that went around the whole corner. They removed it for the BAR out of concern for the existing street light pole. They could consider it in combination and not include the wrap around canopy. They could include the round column back. Commissioner Meren stated that the Town is trying to incorporate more artwork into development. He noted that for this particular space they could incorporate an artistic field at the corner. It could further strengthen the area if the library is rebuilt as the epicenter of town. He noted that the corner needs a little bit more. Mr. Rust agreed.

Commissioner Kenney asked, in the DC Metro area, how many Sunrise facilities they have. Mr. Young answered depending on how they define DC Metro area, approximately in the range of 20 locations. Commissioner Kenney asked of those 20 how many have retail on the ground floor. Mr. Young answered none.

There being no further questions, Chairman Gelb invited public comment. Reading from the signup sheet, Chairman Gelb called Chuck Anderson, Nisha Patel, and David Patariu to come forward.

Chuck Anderson, residing at 125 Pleasant Street, NW, Vienna stepped forward to speak. Presenting a slide show, Mr. Anderson asked how the proposed height is measured. He asked if the 54 foot line is just above the window line, stating that basically the only thing above 54 feet is decoration. Mr. Young answered that they are architectural elements. Mr. Anderson responded and mechanicals. Mr. Young agreed. Mr. Anderson asked if that is less than ten percent of the total area. Mr. Young answered that is correct. Mr. Anderson stated that as a general issue on height that his real concern is that a practically five-story building is sold as a four-story building. He stated that a little history is in order for how they got there. He stated that when the town first started looking at MAC, they considered 50 feet plus four feet for mechanicals. Somewhere along the line that got changed to 54 feet plus 8 feet for mechanicals. This allowed up to five-stories. Now they are getting five-stories with mezzanines, contorting the issue. He stated that it is an issue of public trust. The MAC was originally sold as an increase in height to four-stories. Now they are allowing five-stories. He stated that people are upset and rightly so. There is constant creeping with more and more. That is something to consider.

Mr. Anderson stated that secondly in reference to conditional use, that the criteria for conditional use is that it be in accordance with the Town's master plan. He stated that he served on the Planning Commission for a number of years and could not say what the term refers to. He asked for clarification to know whether or not it is a conditional use that meets the Town's master plan. Although, there is a

*Comprehensive Plan, he was unaware of a master plan. He stated that there is no criteria for determining this particular business, located in the center of Town. He concurred with Commissioner Meren's comments that this is the center of Town and asked if they really want an assisted living facility right in the center of Town. It is not what you typically find in the center of a town. Referencing the Back to the Future movie, he stated the wonderful town square had theatres and very nice banks but no assisted living facilities.*

*Mr. Anderson stated that although he likes assisted living facilities and that it would be good to have one in Town, he did not think the proposed location to be the right place. There being no further comment Mr. Anderson was seated.*

*Nisha Patel, residing at 512 Nelson Drive, NE, Vienna, asked if they are proposing 83 units at .4 parking spaces per unit. Mr. Young answered yes. Mr. Patel stated that equates to 33 spaces for unit parking with an additional 29 spaces for retail. Mr. Young agreed. Ms. Patel stated that there will be 35 employees for the assisted living at any one point in time. Mr. Young answered yes, stating at peak shift. Ms. Patel stated concern for local businesses and overflow parking onto community spots. She was pleased that it had been brought up in discussion, stating that it needs to be investigated more thoroughly. They should consider finding additional spots in the development. She stated that a senior assisted living facility is a great idea. Their local seniors would appreciate it, but their small business owners on Church Street would appreciate it if the applicant could provide additional parking. In addition she would like to see more retail incorporated into the plan.*

*Ms. Patel stated that burying power lines was a MAC incentive for new developments. She supports the applicant setting aside funds for future undergrounding. Since they anticipate construction of a new library directly across the street it would be a great opportunity to bury power lines for both locations. She asked if a proffer would be appropriate. In reference to the 90 degree turn shown for the sewer line she questioned its flowing capabilities. She asked what kind of consulting went into that decision to ensure that it will not be an issue. There being no further questions Ms. Patel was seated.*

*David Patariu, residing at 205 Niblick Drive, SE, Vienna, stepped forward to speak. Mr. Patariu stated that he wanted to follow up on commissioner comments regarding ambulance visits. He formerly served on a board for a building located on Lakeshore Drive in Chicago. They had to change their building's address because the ambulance could not locate the building across the street. In this instance the ambulance driver will show up at the corner and not at the back of the building so that the ambulance will either block Maple Avenue or Center Street North.*

*Mr. Patariu stated moving the entrance to the middle of the street could create a front space, that's now a lobby. It could gain the retail that they need and place the entrance closer to the ambulance bay. This would also move ambulance parking from the main artery of Maple Avenue onto the secondary artery of Center Street. He stated that when seconds count the ambulance driver is going to pull right up on the corner, double park, and go running into the lobby. He will not drive all the way around back. He noted that ambulance traffic will increase by 12 percent as a result of this project.*

*Reading aloud from a November 5, 2018 post to [www.savemaple.org](http://www.savemaple.org), Mr. Patariu stated, "...using Fairfax County numbers if one prorates the numbers for our district, based on population, one would expect about 1200 ambulance calls for Vienna per*

year. Assuming three per week for Sunrise are all new transports, the three per week amounts to a 12 percent increase in the ambulance runs in Vienna and all concentrated at the new address...". He stated with respect to the mezzanine, that an oversized landing is not a mezzanine. It is really a landing for stairs. By definition, a lot of homes in town have mezzanines. He stated with respect to the Vienna Inn, he was concerned for potential noise complaints. He loves the Vienna Inn and would hate for them to be put out of business because of noise complaints. He asked if there are plans for noise abatement that would cancel noise from Vienna Inn customer at last call. He recalled that there is a lot of chatter in the parking around 11 pm to midnight. There being no further comment, Mr. Patariu was seated.

Chairman Gelb asked if anyone else would like to speak on record but had not signed up to speak.

Jayme Huleatt, residing at 413 Roland Street, SW stepped forward to speak. Ms. Huleatt stated that she liked the idea of an assisted living center in town or closer to town. She did not feel the subject location to be the place for it because of its busy streets and being the center of town. There could be a better place in Town, which is not here. This site would be better suited for an actual, true MAC building, with actual residents contributing to the walkability orientation that MAC is trying to achieve. There will not be very many residents of the facility that will be able to go out. She stated that is seemed dangerous as there is a safety issue. They will not go out by themselves, which defeats the purpose of what MAC intends for these properties located along Maple Avenue. This is evident by the number of site plan modifications that have been requested as part of the application with a smaller loading space, less bicycle racks, the awning situation, and such a small park.

Ms. Huleatt stated in relation to parking she was familiar with other facilities that have large parking. She questioned whether visitors are there on weekends, stating that's when most family members come to visit. She stated there is not enough proposed parking. There are enough problems in the downtown area with too many uncertainties for the project. The applicant has no good answers as to where they are going to park. She noted that similar to gardening you have to put the right plants in the right spot for growth. This is not the right spot. There being no further comment, Ms. Huleatt was seated.

There being no further public comment, the commission took a brief break.

Calling the meeting to order, Chairman Gelb stated that traditionally they have kept MAC rezoning projects open to allow for an additional meeting for public comment. He asked for feedback from the Commission.

Commissioner Meren is in favor of going on, stating that two sessions should be needed at a minimum in case someone could not make it to tonight's public hearing. He would, unfortunately be unable to attend the May 8th public hearing. After everyone's comments, he would provide his perspective since he will not be able to attend the next hearing. Commissioner Basnight asked Commissioner Meren how he would know his comments before the next meeting occurs. Commissioner Meren responded that he has a current position at this time. Additional discussion followed.

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

Commissioner McCullough made a motion to keep the public hearing open to the

*May 8, 2019 meeting. Commissioner Basnight seconded the motion.*

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

*Motion: McCullough*

*Second: Basnight*

*Vote: 7-0*

*Addressing staff, Commissioner Couchman asked if revisions can be proposed or because this a public hearing, if they must be based on tonight's set of drawings. Chairman Gelb stated that they have seen revisions for other application before. He would not think it a problem. Ms. Petkac responded that it would be up to the applicant if they want to provide revised renderings or information in response to what has been heard. She stated that Chairman Gelb is correct in that other proposed MAC rezoning's have provided updated plans. Commissioner McCullough stated that is another reason to keep the public hearing open.*

*Commissioner Couchman stated that she also has some concerns with the application but wanted to clarify some items. She noted that when discussing undergrounding power lines as part of the MAC, that is in reference to Maple Avenue. The power lines for this project are located on Center Street North. The post is not located on their property but on Center Street with the other located on the library's corner. She does not see that as an issue. She would like a further, more apparent commitment, to the sanitary sewer upgrade than is currently shown. Also, concern has been expressed regarding the 90 degree turn in the pipe, extending through the pocket park. Per conversations with Mr. Donahue, she is not concerned about that either. She is concerned about proposed parking and valet services. She asked if it could be verified on a holiday whether they were utilizing valet services. She worried there would be no one to police it, so that parking remains a concern. She reviewed previous renderings and understands the determination made by the Town's Zoning Administrator regarding mezzanines and wondered how much connectivity is necessary. She referenced BAR renderings submitted for their February 8, 2019 meeting that included retail space extending across the grand staircase. She asked if extending the retail back would create an issue with the mezzanine. She stated that currently, the amount of retail and parking are her biggest areas of concern with the project.*

*Addressing staff, Commissioner Meren asked if 83 residents is at full capacity and whether the residents would be considered Vienna town residents. Ms. O'Brien answered that it is commercial use, but they would have addresses and therefore be residents of Vienna. Providing care is commercial use but they would have an address and live there. Commissioner Meren asked whether the development would increase or decrease the tax base. He stated although poorly worded, attributing it to the late hour, he asked if it would contribute to the tax base in terms of what it is currently rated at. Ms. O'Brien answered that per Director of Finance, yes it would help the tax base.*

*Commissioner McCullough clarified that the tax base is based on being a commercial entity. People residing there are not considered property owners, so they would have no direct tax impact. The commercial property is the revenue stream for the town. Ms. O'Brien answered that is correct.*

*Commissioner Meren stated that he will reserve his comments for a written statement. He noted that this location appears similar to him to the BP station at the*

corner of Park and Maple. He has been concerned with the type of development that could go into this location. As it does not increase parking and has overflow, this particular development is ideal for this location. Any other types of development would create more parking issues. He does not feel the amount of parking currently designed to be insufficient. It meets the requirements as proposed per town guidelines. That being said, he would like to give more thought to it. This particular site, if presenting more commercial and residents either renting or owning would have more issues with parking. He would rather see valets three or four times a year than a significant increase during mornings and evenings.

Commissioner Couchman agreed, stating that she does not view the intersection as the center of Vienna so she agrees with Commissioner Meren as it being a fine location. She considers the center of town to be the Town Green, the Freeman House, and the Caboose. Commissioner Meren stated that he had been referring to it as the geographic center of town.

Commissioner McCullough asked procedurally if the public hearing is open will they be able to address modifications until they are finished with the public hearing. She assumed a vote on modifications would not take place until after they vote on the application. There is the issue of the conditional use permit. She asked if they would need to discuss that tonight with a vote. She asked if staff could further clarify Mr. Anderson's question whether the Town's Master Plan means Comprehensive Plan. Ms. Petkac explained that the Town's Code was codified in 1969. Any provisions were then carried over from the previous 1956 code. There are other jurisdictions that have referred to their comprehensive plans as a comprehensive master plan. She further noted that the state's requirement for all localities to prepare a comprehensive plan did not begin until 1980. She offered to ask the Zoning Administrator to make a determination, stating that she would guess that had been the intention. Additional discussion followed.

Commissioner Kenney asked for Commissioner Miller's thoughts on reviewing all aspects at the same time on the same evening. If they voted on all items would the MAC vote be contingent on BZA's approval. Commissioner Miller responded that he did not think they could do that because the BZA could impose something that might impact their decision on the rezoning application. Chairman Gelb asked for other comments. Commissioner McCullough asked to hear from staff. Ms. O'Brien stated that it is a recommendation or suggestion. The conditional use permit process is no different than any other conditional use permit reviewed before. It has the same requirements as home child care or anything else. Even though it is a MAC project, it is still the same conditional use permit process. She suggested that a recommendation could be made on the conditional use permit for BZA. They can then wait until after the May 22nd meeting to complete their review. They could then then close out and vote on the remaining rezoning application at their May 22nd meeting. She noted that the conditional use permit is no different than any of the other CUP's heard before. Chairman Gelb agreed with Commissioners Miller and Basnight that they need to know the BZA's action to approve the use and whether any conditions have been placed on it. If there are no further comments, he stated that they will make a final decision at the May 8th meeting as to how to proceed on the conditional use permit. Commissioner Kenney asked if they could inquire on the Town Attorney's opinion on the matter as well. Chairman Gelb agreed.

Commissioner Meren asked the developer to provide some type of rendering for the pillar in the corner, whether that be an artistic representation or circular in nature, to view as part of the discussion. If they do make a recommendation having several scenarios presented would be helpful. Mr. Rust agreed.

**Report of the Director of Planning & Zoning**

*Ms. Petkac reminded everyone that next Wednesday, May 1st, will be a continuation of the March 20th joint work session with Town Council and the Board of Architectural Review on proposed MAC amendments and draft Design Guidelines. She noted in response to comments made referencing the library project that the Town is currently undergoing a feasibility study with Fairfax County for a new library with the potential for public parking. A concept presentation from that feasibility study will be provided to Town Council at their June 17th meeting. Concluding her report, Chairman Gelb thanked Ms. Petkac.*

**Old Business**

*None*

**New Business**

*None*

**Approval of Minutes**

*None*

**Meeting Adjournment**

*Commissioner McCullough announced that she will be unable to attend the May 1st work session.*

*There being no further discussion the meeting adjourned at 10:54 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.*