



# Town of Vienna

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## Meeting Minutes Planning Commission

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Wednesday, September 25, 2019

8:00 PM

COUNCIL CHAMBERS-VIENNA TOWN  
HALL

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*The Planning Commission met in regular session on Wednesday, September 25, 2019, at 8:00 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia. Steve Kenney, Chairman, presiding and the following members present: David Miller, Julie Hays, Mary McCullough, Sarah Couchman, calling in Andrew Meren, and Sharon Baum. Also, in attendance and representing Town staff were Cindy Petkac, Director of Planning & Zoning, Kelly O'Brien, Principal Planner, and Jennifer Murphy, Clerk to the Commission.*

### Roll Call

*Michael Gelb is absent. Andrew Meren called in by phone due to travel.*

*Chairman Gelb being absent, Commissioner Kenney presided as chair.*

### Communication from Citizens and/or Commissioners

*None*

### Public Hearings - None

### Regular Business

**Recommendation to the Board of Zoning Appeals for approval of renewal of a conditional use permit for a Family Day Home of maximum ten (10) children.**

*Town staff, Principal Planner, Kelly O'Brien provided staff's report stating that the application is for renewal of an existing conditional use permit, which was issued for one year. The property is located in the southeast section of town. The site has been posted and notified to all adjoining, adjacent, and abutting property owners shown on the map as well as on the town's website. Photos of the location interior and exterior were presented. Ms. O'Brien explained that the applicants have since expanded the driveway extending it further back. Per the original cup approval, the applicants needed to extend the fence to the front of the property along with more landscaping.*

*Ms. O'Brien explained that the Department of Social Service licensing change required the town to come up with a process for increasing the number of home care children. Care of up to seven (7) children is permitted for a home business. Care of 7-12 children requires a conditional use permit for family-day home care.*

*Previous application review consisted of Planning Commission recommendation to*

the BZA (Board of Zoning Appeals) on October 10, 2018. The BZA approved a cup with the condition that the applicant reapply at the end of one year. That permit expires November 13, 2019 of this year. The current application was deemed complete by staff July 24, 2019, requiring final action by October 22, 2019. A public hearing with BZA has been scheduled for October 16, 2019.

Ms. O'Brien noted Town Code criteria for a conditional use permit stating the following:

- It does not adversely affect the health or safety of persons residing in the neighborhood
- Is not detrimental to public health welfare or injurious to property or improvements to the neighborhood
- Is in accord with the Town's Comprehensive or Master Plan.

She noted that per staff's report and the additional information provided by the applicant, which is before you at the dais, the applicant is present to represent their application. Commissioner's have also received comments from the neighbor residing at 106 Yeonas Circle SE. Concluding her presentation, Ms. O'Brien asked to answer any questions.

There being none, Chairman Kenney invited the applicant forward to present.

Tanya Farris, residing at 108 Yeonas Circle SE stepped forward to present. Ms. Farris explained that they are requesting approval to retain their conditional use permit to care for ten (10) children at Happy Youngling's Daycare. They have taken immediate action responding to concerns raised at last year's review. They continue to employ two part-time employees to keep their point system below 32 points, per licensing requirements. Both employees continue to park outside of the cul-de-sac. Since last year's discussion, the addition of two (2) children has not increased traffic on their street. They received a use permit with a time limit of twelve months to see what could be accomplished to meet their neighbor's concerns. She is happy to report that all recommended changes have been made. The driveway was expanded adding two parking spaces to the existing three-onsite space. This year they were able to provide four more spaces. This has maximized the number of available spaces for their clients. The driveway is separated with a wooden gate to preserve the look of the cul-de-sac. Immediately following last year's hearing they developed a detailed best practice policy for parking for their parents. Per BZA recommendation, they have built a 4-foot fence and installed eight (8) evergreen trees in landscaping along the new fence. This will create a barrier for 106 Yeonas Circle SE as was requested by their neighbor.

Ms. Farris explained that they have also reached out to their neighbors attempting to seek their approval. Advanced notices have been provided to their neighbors advising everyone of their holiday party. They marked public parking spots with cones hoping to prevent any disturbances to their neighbors. She stated that they are a small business trying to provide top quality care of the town's children. She would appreciate consideration of renewal of their conditional use permit with no expiration term limit of CUP.

Chairman Kenney asked Ms. Farris to explain the handout provided. Ms. Farris explained that it details their best parking practices provided to customers and neighbors. Every six months she emails a copy of it to the parents as a reminder. Additionally, to limit any disturbances to the street she placed cones to keep parking spaces open during their holiday event. She has researched the other home care facilities in town that have received a conditional use permit. There are three

*locations having a similar configuration on a cul-de-sac that have received approval.*

*There being no questions Ms. Farris was seated. Chairman Kenney invited members of the public to speak.*

*Kambiz Farris, residing at 108 Yeonas Circle SE stepped forward to speak. Mr. Farris is the husband of the applicant residing at the same address. Mr. Farris explained that they have provided extra parking to the left side of lot. Although they were asked to install a 6 ft. fence, town code language limits it to a 4-foot fence, which has been built.*

*Chairman Kenney asked how many cars are parked on the parking extension. Mr. Farris answered their own two cars. One is always parked there and his son parks on the street so he's not blocked in. Chairman Kenney asked if the extension is only utilized for events like the holiday party. Mr. Farris agreed, stating that when his son is not in school he does parks there.*

*There being no further comment Mr. Farris was seated.*

*Chairman Kenney invited public comment from the audience.*

*Marie Armstrong, residing at 203 Albea Ct NE stepped forward to speak. Ms. Armstrong is a parent of one of the children attending care at Happy Younglings. Ms. Armstrong has only seen two cars at a time. She was surprised to hear that it's been an ongoing issue, stating that the applicant provides the best daycare. It would be a shame if they could not operate. There being no further comment, Ms. Armstrong was seated.*

*Karoline Tjell, residing at 102 Cunningham Park Court SE stepped forward to speak. Ms. Tjell's child has attended Happy Youngling's home care for the last eight months. She bikes to and from to help with parking issues on the street. She stated that they have always provided a quality daycare. That would be a pity if it were taken away. There being no further comment, Ms. Tjell was seated.*

*The resident of 1721 Pebble Beach Drive stepped forward to speak, stating that their child attends the daycare, which he agreed was very good. In reference to parking concerns, he was surprised that it was still an issue. He has never seen more than two cars at a time on the driveway. There is enough space on the driveway and one spot allowed on the street. He stated that any parking issues experienced on the street are not specific to the applicant's location. The Commission should recognize the applicant's efforts in addressing those concerns. He parks up the street to help with parking issue during the holiday party. He stated that the applicant deserves to continue their business. There being no further comment, the resident was seated.*

*Win Fung Lee residing at 9942 Mountfort Court SE approached to speak. Mr. Lee stated that his child has attended Happy Younglings home care since September 2, 2019. They chose it because it was so highly recommended, having a reputation for providing a loving family community. All other locations they visited were close to or at capacity. The Farris's have done a remarkable job with their parking situation providing onsite parking at the front and on the street. He monitored parking for 17 days arriving for drop-off at 7:45 am and picking up at 5 pm. During that time, once he witnessed 1-2 cars parked in front of the house. That equates to less than 3 percent. He sees no issues, stating that the applicants have done a good job*

*addressing any parking issue. There being no further comments, Mr. Lee was seated.*

*Darlene Hogue, residing at 106 Yeonas Circle SE approached to speak. Ms. Hogue stated that this is an important zoning decision that effects them where they have lived for 25 years. The meeting is the only mechanism available to her to express her concerns regarding zoning matters. She strongly opposes the request to renew a conditional use permit for care of ten (10) children. Her concerns include parking, traffic, noise and use of property that affect their quality of life. Last year's hearing was the first opportunity she had to voice her opposition. In 2018 a certificate of occupancy permit was issued for eight (8) children with no notice to the residents. She feels such a business is too intensive a use, affecting their street for a by-right business. She would have liked there to be a conditional use process that allowed them to speak out years ago. Chairman Kenney stated his sympathies with Ms. Hogue, explaining that they can only focus on the conditional use permit that is before them tonight. He would ask staff to reach out to Ms. Hogue to address her concerns from the 2013 determination.*

*Ms. Hogue thanked Chairman Kenney, stating since their last meeting communications have gotten better but there has been no dialogue. She has received periodic letters from her neighbor but there should be some dialogue. She agreed that many residents park on the streets but having additional traffic further impacts their street. Her biggest concern, if granted with no restrictions, is for impacts to residents. Chairman Kenney stated that a use permit can be revoked if there are issues or violations. He asked if there was anything the applicant could do to help Ms. Hogue's concerns. Ms. Hogue responded that she would like there to be open communications. If there was more of an effort it would not feel as though a business is operating the way that they want to. Her house sits directly next door so that she hears everything. Chairman Kenney asked if the noise issues are from kids playing or when parents are dropping off their children. Ms. Hogue responded that it is everything. They hear it all the time. It is the lack of consideration. She has not been approached in the entire year. Chairman Kenney asked if parking has improved in the last year. Ms. Hogue answered yes, but she stays away as much as possible. Chairman Kenney stated that the use permit has been in place for a year, which they seem more aware and attentive to issues. There being no further comments or questions, Ms. Hogue was seated.*

*There being no further comments from the audience, Chairman Kenney called for discussion.*

*Commissioner Couchman asked if they have received any comments or been addressed by anyone else on the cul de sac. Mr. Farris stated that the only complaints they have received are from their neighbors at 106 Yeonas Circle SE. They tried to speak with them about the fence. Chairman Kenney stated that as a business the applicant's should make all attempts to communicate with their neighbors.*

*Commissioner Meren asked when the driveway was finished and for the timeline that the driveway has been fully functional. Mr. Farris answered that the new extension was finished two months ago. The front portion was widened before 2018. Commissioner Meren asked if there is a waitlist currently for care. Mr. Farris answered that Fairfax County allows up to twelve (12) children. They are only asking for ten (10) children. Their numbers generally fluctuate between 8-10 children thought the year. Additional discussion followed.*

*Commissioner McCullough recalled the application, stating that the applicant has*

*responded to concerns heard from the Commission and the Board of Zoning Appeals.*

*Commissioner Meren asked staff to state the cost of a conditional use permit. Ms. Petkac stated that fees have increased since their first application to \$1500.*

*Additional discussion followed.*

*There being no further comments a motion was in order.*

*Commissioner Miller made a motion that recommendation be made in favor to the Board of Zoning Appeals for approval of renewal of a conditional use permit for a Family Day Home care for a maximum of ten (10) children at property located at 108 Yeonas Circle SE, in the RS-10, Single-family detached residential zone.*

*Chairman Kenney strongly recommended the applicant open up dialogue with their neighbors, stating that it can only help. He appreciated the installation of the fence and vegetation, which will fill in with time. He suggested that they have the children move to the other side of the yard when playing outside.*

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

*Motion: Miller*

*Second: McCullough*

*Vote: 7-0*

## **Amend Planning Commission Bylaws**

*Ms. Petkac explained that at the August 14, 2019 work session the Commission discussed changing the regular meeting time from 8 pm to 7:30 pm in 2020. A motion was then made at the following regular meeting to change the meeting time. At the August 28, 2019 work session, the Commission had their parliamentary training. The parliamentary advised that per their Bylaws they needed to provide notice of intent to change the meeting time. Additionally, they needed to amend their Bylaws to change the time. It was per that discussion that they decided to amend the Bylaws removing the reference to time. She stated that is the motion that is suggested.*

*Chairman Kenney asked for discussion.*

*Commissioner McCullough recalled that the Parliamentary had other suggestions for improving their Bylaws. She asked if there would be another Parliamentary training. Ms. Petkac answered that it is currently being discussed with Town Council. Commissioner McCullough asked if they could ask the Parliamentary for her suggestions. Ms. Petkac answered that staff can follow up with her.*

*There being no further discussion a motion was in order.*

*Commissioner Couchman made a motion that the Planning Commission of the Town of Vienna Bylaws and Rules of Procedure, Article I – Bylaws, Section IV Meetings, sub A. be amended to rename subsection A. Regular Meetings and to delete “at 8 pm”.*

*There being no discussion Chairman Kenney called the question.*

*Motion: Couchman*

*Second: McCullough*

*Carries: 7-0*

*Absent: Gelb*

*Chairman Kenney asked everyone to review their work session notes to see if they had the other items the Parliamentarian suggested they look at for future updates.*

## **New Business**

*None*

## **Planning Director Comments**

*Ms. Petkac stated that at their September 16, 2019 Town Council voted to set a public hearing on November 4, 2019 to extend the temporary suspension of the MAC, Maple Avenue Corridor to June 30, 2020. It is set to expire November 15, 2019. It has been referred to the Planning Commission for their consideration. That public hearing will be scheduled for October 30, 2019.*

*Ms. Petkac stated that at their August 19, 2019 meeting Town Council directed staff to draft amendments to the Maple Avenue Commercial zone as their top priority and to simultaneously consider amendments to the regular commercial zoning districts C-1, C-1A, C-1B, and C-2 in chapter 18 of the Town Code that would affect the MAC. Staff has also been directed to consider streetscape, required landscaping for parking lots; to consider changes to parking requirements and other incentives to encourage economic growth on Maple Avenue when drafting these amendments.*

*Ms. Petkac stated since then a work session was held on September 9, 2019 where staff provided draft amendments per the directive and received comments on those draft amendments. All items have been posted on the Town's webpage. They currently anticipate two additional work sessions scheduled with the Town Council, October 9 and October 22, 2019. The intent is to publicize and collect comments on draft amendments from the community. They are anticipating public meeting dates on November 14 and 15 in the Town Council Chambers to collect those comments. They are currently scheduled for a December 4, 2019 work session with Town Council for staff to report feedback received. If there are no major changes then they anticipate Town Council referring those amendments on to Planning Commission per Chapter 18 requirements for text amendments. Additionally, she explained that staff had been working on design guidelines specific to the MAC. Per the directive to carry MAC revisions to the other commercial zones, staff is revising them to supply to all commercial zones. Design guidelines and text amendments will be brought to the Board of Architectural Review for their recommendation. Staff is proposing that they be an appendix to the Town Code. They will come to the Planning Commission for formal public hearing before being sent to Town Council for review.*

*Chairman Kenney asked if the Town Council work session on October 9th & 22nd includes the Planning Commission. Ms. Petkac answered no. Chairman Kenney asked if Town Council is scheduling a future joint work session with Planning Commission and the BAR. Ms. Petkac answered currently there is nothing scheduled.*

*Commissioner Couchman asked for an update on the comprehensive review of the Town Code. Ms. Petkac answered that Town Council has budgeted funds for updates to Chapters 17, subdivision & 18 zoning ordinance. She stated that it is currently scheduled for the October 22, 2019 work session. Due to staff work scheduling, Council has indicated their wish to extend the moratorium to June 30, 2020 to allow time to approve amendments by February of 2020. Additional discussion followed.*

*Chairman Kenney asked if Councilman Majdi's proposal has been evaluated and is being incorporated at this time. Ms. Petkac answered that per the May 1, 2019 joint*

*work session, they discussed cottage housing. It is also called for in the Comprehensive Plan, referred to as Village Housing. Staff has it proposed with language that allows for cottage housing, providing standards of what they would look like. Chairman Kenney asked if those comments provided are online as well. Ms. Petkac agreed. Additional discussion followed.*

*Ms. Petkac noted that they are not proposing any amendments to the residential zoning districts. That will be addressed as part of the zoning update.*

## Minutes

*Commissioner McCullough stated according to the Parliamentary Training that if there are no corrections meeting minutes then they are automatically accepted.*

*Chairman Kenney asked that the clerk correct, June 12, 2019 meeting minutes, page 2, the word horse.*

*Commissioner McCullough asked if they are holding a work session in November. Chairman Kenney stated that would be up to Chairman Gelb. Additional discussion followed.*

April 10, 2019 - Regular Meeting Minutes

June 12, 2019 - Regular Meeting Minutes

August 14, 2019 - Work Session Action Minutes

## Meeting Adjournment

*There being no further discussion the meeting adjourned at 9:26 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.*