



Town of Vienna

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Meeting Minutes Planning Commission

Wednesday, January 8, 2020

7:30 PM

COUNCIL CHAMBERS-VIENNA TOWN
HALL

The Planning Commission met in regular session on Wednesday, January 8, 2020, at 7:30 p.m. in the Council Chambers of the Vienna Town Hall, 127 Center Street South, Vienna, Virginia. Stephen Kenney, Chairman presiding and the following members present: David Miller, Mary McCullough, Julie Hays, Sarah Couchman (7:31), Michael Gelb, Sharon Baum, and David Patariu (by phone). Also, in attendance and representing Town staff were Cindy Petkac, Director of Planning & Zoning, Michael D'Orazio, Deputy Director of Planning & Zoning, Kelly O'Brien, Principal Planner with Department of Planning & Zoning, and Jennifer Murphy, Clerk to the Commission.

Roll Call

All members are present with Commissioner Patariu participating by phone.

Communication from Citizens and/or Commissioners

None

Regular Business

Election of Officers

Chairman Gelb nominated Steve Kenney for chair.

Carries: 9-0

Chairman Gelb nominated Sarah Couchman for vice-chair.

Carries: 9-0

Having held the election of officers, Steve Kenney will now preside as chair.

Consideration of 2019 Annual Report

Director of Planning & Zoning, Cindy Petkac provided staff's presentation, stating that this is the first annual report, which is a requirement per state code and Planning Commission Bylaws. Staff is looking for comments or feedback from commissioners. Ms. Petkac noted that Page 4 includes the noted change of the July 15, 2019 joint public hearing. State code language not only requires a summary of the work performed by the Commission but also the statutes of planning going forward. A list of ongoing efforts have been included on page 4 of the document.

Chairman Kenney noted that page 1# of the report includes the two members who completed the CPC (Certified Planning Commissioner) training in 2019. He asked that language reflect how many commissioners have completed the course to date. Additionally, page 5 of the report, Subdivision and Zoning update notes that the Commission supports engaging a zoning consultant. He asked if they were comfortable with that language. Ms. Petkac explained that statement was taken from language provided in a memo prepared by Chairman Gelb. The memo was prepared after the Commission voted on the 2019/2020 budget item, which occurred in 2018. Commissioner Gelb asked if the signatures shown on the last page could be updated to reflect the new Chair. Commissioner McCullough agreed, stating that an issue date would be in order. It being a new calendar year the new chair should be noted. Additional discussion followed.

Commissioner McCullough liked the report but was confused by the total number of meetings. Although she liked the graphic, she hoped there could be further clarification. She asked if a work session is considered a meeting as noted by the 22 meetings. Ms. O'Brien explained that in some instances the Commission met for work session followed by a meeting on the same night. Staff could provide a chart or asterisks noting such. Commissioner McCullough asked for clarification on regular meeting nights that do not indicate whether there was a public hearing, noting that it should be consistent. Ms. Petkac explained that it would depend whether there were regular agenda items versus a public hearing, but that staff will indicate when public comments were taken. Commissioner McCullough thanked staff for their work on the report. Commissioner Gelb suggested eliminating the line total. Commissioner Meren agreed.

Chairman Kenney asked staff to make the noted revisions. Further discussion continued regarding page 5 of the report, Subdivision and Zoning Ordinance Update. Commissioner Patariu expressed concern that the recent efforts statement sounded a bit editorialized. Ms. Petkac indicated that the language had been taken from the chair's memo.

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

Commissioner McCullough made a motion to continue review of the Planning Commission's report to the next scheduled meeting.

Motion: McCullough

Second: Gelb

Continued: 9-0

Public Hearings

Recommendation to the Town Council for proposed amendments to the Town of Vienna Comprehensive Plan for Town-owned properties located at 114 Locust Street SW and 440 Beulah Road NE, specifically amending the Future Land Use Plan (page 38) and Community Facilities and Services chapter (pages 98-99).

Department of Planning & Zoning Deputy Director, Michael D'Orazio provided staff's report, stating that the matter was referred by Town Council at their December 9, 2019 meeting to the Planning Commission. Proposed amendments involve two properties located at 114 Locust Street SW and 440 Beulah Rd NE. The property located at 114 Locust Street SW was purchased by the Town in 2013. Current plans call for demolishing the existing house and the lot to be consolidated with the adjacent lot for a new police station. Working draft renderings were

presented to the commission. Virginia State Code 15.2-2232.A and 15.2-2232.B require that any public building or structure be shown on the Town's Comprehensive Plan. Additionally, Town Code requires that the Locust Street SW property be noted on the zoning map allowing for a public facility. It is currently shown as low density residential. Additionally, staff proposes a text amendment to page 99 of the current Comprehensive Plan. Mr. D'Orazio explained that the overall project will require review and recommendation by the Planning Commission for the amendment followed by review of a conditional use permit and site plan modification.

Mr. D'Orazio stated that the property located at 440 Beulah Road NE was purchased by the Town in 2018 and is situated next to the Beulah Road Mulch Yard. Current plans call for consolidating both properties and possibly of using the site as temporary housing for the Police Department during construction of a new Center Street location. This will also require updates to the Town's Comprehensive Plan. Mr. D'Orazio noted that any changes to the mulch yard property would require revised CUP review by the Planning Commission and the Board of Zoning Appeals. Currently, they require amending page 98 of the Town's Comprehensive Plan to "Governmental," matching the designation of the mulch yard property. The property is currently designated as low density residential.

Chairman Kenney noted that these changes set up the properties for items that could occur. They are not approving either site for any actual use. Mr. D'Orazio agreed, stating that it will still require further approvals such as conditional use permits and site plan approvals along with any necessary modifications.

Commissioner Miller asked if the police station will require a rezoning. Mr. D'Orazio answered that the property is currently zoned RM-2 with the adjacent property, 114 Locust Street SW, zoned RS 10. Both uses allow for public buildings with a conditional use permit. Commissioner Miller asked if the Beulah Road property would require rezoning. Mr. D'Orazio answered that the mulch yard and recently purchased Beulah Road property are both zoned RS-12, which are residential single-family use. There being no further questions, Chairman Kenney invited public comment.

James Jackson, 119 Cherry Circle SW, expressed concerns with the upcoming project with respect to traffic and the overall increase in footprint. He currently experiences issues with grading and runoff from surrounding properties, which he hopes to get addressed. He has additional issues with traffic and siren noise from the police station. He supports construction at another location, noting that the former Mayor's lot would be a better location. He asked for information on the traffic study to date. There being no further comment, Mr. Jackson thanked the commission and suggested that the text be changed to "Governmental use."

Chairman Kenney noted that these are preliminary comments. Tonight's hearing is for setting up revision language. Mr. Jackson agreed reiterating his desire that proposed language be changed to "governmental use" rather than "police station." Additional discussion followed.

Commissioner McCullough asked if Mr. Jackson meant that they should not refer to the Police Department in the Comprehensive Plan. Mr. Jackson noted that if the language is changed to police station then it can be viewed as an approval to do something. He suggested that it be changed to "governmental," so it is not viewed as a done deal. Additional discussion followed.

Darshan Makim, 121 Cherry Circle SW, expressed concerns with runoff. He too

experiences issues with storm water runoff and asked if the project will provide containment around the site. He asked if it will also be sized and sourced adequately. Chairman Kenney responded that is a storm water issue, which is not being reviewed as of yet. He noted that Mr. Makim could forward his comments to staff. Commissioner Hays asked if staff had a response. Mr. D'Orazio offered to answer questions after public comments.

Paul Cumiskey, 405 Druid Hill Rd NW, asked if any long-term plans are being considered for the Beulah Road property.

Commissioner Miller asked for clarification on the police station zone. Mr. D'Orazio answered that the property is zoned RM-2. Commissioner Miller asked how it will work having a facility in the RM-2 and residential zones. Mr. D'Orazio explained that they will need to meet current zoning requirements under the residential zone regulations.

Commissioner Gelb asked for clarification on the amendment and if staff could bring them up to speed on status to date. Mr. D'Orazio explained that a feasibility study was performed in 2013 for a new police facility. The project has been listed in the CIP (Capital Improvements Plan) for several years. In 2018 the CIP was expanded to include design consulting for Dewberry and Associates. They recently received approval for the 2020 funding of a new police station facility. Commissioner Gelb asked if the project will come back before the Planning Commission. Mr. D'Orazio answered yes, stating that they will need to come back for conditional use permit requiring recommendation by the Planning Commission to the Board of Zoning Appeals. Additionally, there will be site plan review and modification from requirement reviews requiring recommendation from Planning Commission and approval by Town Council. Ms. Petkac noted that the design will also require Board of Architectural Review approval.

Commissioner Gelb suggested rather than "...a facility will be built..." that it read "...it has been designated in budget..." Commissioner Patariu agreed, stating that "will" sounds very definite suggesting "...planned" or "designated", which does not imply voted on and approved.

Commissioner McCullough noted that the language does not specify when, only that it will be. Since comprehensive plan language should be forward thinking and lead into the future, she is against changing the sentence. Commissioner Couchman agreed, stating that the purchase would not have occurred if the Town were not planning on constructing a new facility. She would not want to give false hope. Chairman Kenney agreed with Commissioner Gelb's comments, stating that the language sounded too definitive. Commissioner Hays agreed as well.

Commissioner Gelb asked to substitute language that, "...the town plans to expand the facility on land designated for government purposes..." That still allows the project but does not make it sound like a foreordained approval.

Chairman Kenney asked staff to respond to previous questions. Mr. D'Orazio stated that staff is still working on design of the site, which will require review of a site plan, which will have to meet all state code requirements per the 2014 storm water requirements. He will talk with members of Public Works and the police chief about comments received and meeting with neighbors. In reference to the Beulah Road property, he stated that the Town does not have any long-term plans. Ms. Petkac stated that Town Council would hold a work session to consider proposed uses in March 2020. Staff will provide further details once they become available.

Commissioner McCullough noted that there would be public hearings regarding the site plan with allowance for public comments during review of the CUP. Citizens of the Town will have opportunities to meet with members of the Town and to present issues or concerns to the Planning Commission and Town Council.

Commissioner Meren asked if all three lots would be consolidated for the project. Mr. D'Orazio answered yes, stating that it is two lots that would be consolidated to one. Commissioner Meren asked if that would occur for the Beulah Road property as well. Mr. D'Orazio answered yes. Commissioner Meren asked if there are any plans for the new property purchased. Mr. D'Orazio answered not currently.

There being no further public comment, Chairman Kenney called for a motion.

Commissioner McCullough moved to close the public hearing.

There being no discussion, Chairman Kenney called the question.

Motion: McCullough

Second: Hays

Passes: 9-0

The public hearing closed, Commissioner Kenney called for discussion.

Commissioner Gelb noted that he intends to amend the motion as drafted. They could utilize, "...the town plans to expand the facility..." or substitute the word "may" for "will" and asked for comments. Commissioner Miller asked if everyone was comfortable with "a new police facility is proposed to be built". Commissioner Couchman stated that she was willing to revise language but they should be clear that the project is moving forward per the review process.

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

Commissioner McCullough made a motion to amend the Comprehensive Plan's Future Land Use plan designating Town owned properties, located at 114 Locust Street SW and 440 Beulah Road NE as governmental.

There being no discussion, Chairman Kenney called the question.

Motion: McCullough

Second: Gelb

Carries: 9-0

Commissioner Gelb made a motion to recommend to Town Council amending the Comprehensive Plan's Community Facilities and Services chapter, amending text for the "Beulah Road Mulch Yard" subsection as presented by staff. There being no discussion, Chairman Kenney called the question.

Motion: Gelb

Second: McCullough

Carries: 9-0

Commissioner Gelb made a motion to recommend to Town Council amending Comprehensive Plan's Community Facilities and Services chapter, amending text

under the "Police Department Headquarters" subsection to strike out language as proposed by town staff, inserting to read "...a facility is planned to be built in place of the existing and abutting residential property..."

Commissioner McCullough stated that the Comprehensive Plan is a forward-looking document, which should not be written in a way that shows their immediate or deliberate intent. They need to think of how they are writing for the future and not for today.

Commissioner Couchman asked staff for other similar situations that have occurred. Additional discussion followed. Commissioner Miller suggested reviewing language referencing Tysons Corner, stating there had been a lot of forward looking language at the time. Further discussion followed. Ms. Petkac noted that a reference is made to Tysons Corner on page 36 of the Comprehensive Plan. Reading the passage aloud she noted, "...Four new Silver Line stations servicing Tysons and phase II of the project will expand Metrorail service to Dulles..." Commissioners Meren and Patariu preferred to use planned.

Commissioner McCullough asked to hear the sentence again. Reading the proposed sentence for the record, Commissioner Gelb stated, "A new police facility is planned to be built in place of the existing facility and abutting residential property 114 Locust Street SW, which the Town purchased in 2013 to meet the needs of the department."

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

Motion: Gelb

Second: Miller

Carries: 8-1

Nay: McCullough

Commissioner McCullough asked if staff could further review language before it is sent to Town Council and whether it could be referenced in the Chair's memo. She stated that there could be some additional finessing of the language.

New Business

None

Planning Director Comments

Ms. Petkac announced that the Town Council is holding a work session on Monday, January 13, 2020, to consider scope of services for the Subdivision and Zoning Ordinance update.

Commissioner McCullough asked for an update on the RFP discussion. Ms. Petkac answered that they have been meeting with members of Town Council on the draft and scope to provide comments and edits for the working draft. Commissioner McCullough asked if items would be posted in Granicus. Ms. Petkac answered that following her last meeting she will provide comments and edits to the document for posting the Friday prior to Monday's 7:30 pm work session.

Commissioner Patariu asked, as part of the RFP, whether they need to update aspects of Comprehensive Plan. Ms. Petkac answered that if Town Council wanted to make amendments to the Comprehensive Plan they could make a motion referring

them to the Planning Commission. State Code states that the Planning Commission is responsible for maintaining the Comprehensive Plan. That may be part of Monday's discussion. Chairman Kenney stated that they could adjust the plan in parts as needed. Ms. Petkac agreed, stating that staff recommends waiting five years so that review can coincide with updated Census data. Additionally, the new Economic Development Manager is drafting an RFP for an Economic Development Strategy and Market Study. They hope to have that data by end of this year or next year. It is their hope to have good revised data for the update in 2021.

Commissioner Patariu asked if they should wait until they have all revised data before adjusting the Town's zoning update. If so would Town Council need to provide further updates. Ms. Petkac answered that they should be cyclical updates, which it has not been. Every five years the Planning Commission must determine whether an update to the Comprehensive Plan is required. They should then be reviewing zoning, amending the zoning code to be consistent with the Town's Comprehensive Plan. As the last major update occurred in 1969, they have not been diligent with Town Code updates and maintenance as needed. Per page 156 of the Comprehensive Plan Implementation, the number one implementation item listed is to update the Zoning and Subdivision Ordinances sections of the code. She stated that once that update occurs staff can regularly track and provide necessary updates to the Planning Commission and Town Council.

Commissioner Meren stated that he would be unable to attend the January 22nd meeting. Ms. Petkac stated that there are currently no pending items for review on January 22nd. The only item up for review are the revisions to the annual report.

Minutes

None

Meeting Adjournment

There being no further discussion the meeting adjourned at 8:55 pm

Respectfully Submitted,

Jennifer M. Murphy
Commission Clerk

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