



# Town of Vienna

## Meeting Minutes

### Town Council Work Session

Charles A. Robinson Jr.  
Town Hall  
127 Center Street South  
Vienna VA, 22180

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Wednesday, March 20, 2019

7:30 PM

Charles A. Robinson, Jr. Town Hall, 127  
Center Street, South

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#### Joint Work Session with Planning Commission and Board of Architectural Review

### 1. Regular Business

#### *Council Members Present:*

*Council Member Tara L. Bloch*  
*Council Member Linda J. Colbert*  
*Council Member Pasha M. Majdi*  
*Council Member Douglas E. Noble*  
*Council Member Carey J. Sienicki*  
*Council Member Howard J. Springsteen*

*Mayor Laurie A. DiRocco participated remotely by telephone, from Hawaii.*

#### *Board of Architectural Review Members Present:*

*Roy Baldwin*  
*Michael Cheselka*  
*Patty Hanley*  
*Laine Hyde*  
*Paul Layer, Chair*

#### *Planning Commission Members Present:*

*Walter Basnight*  
*Sharon Baum*  
*Sarah Couchman*  
*Michael Gelb*  
*Stephen Kenney*  
*Mary McCullough*  
*Andrew Meren*  
*David Miller*

#### *Staff Present:*

*Lynne Coan, Communications and Marketing Manager*  
*Michael D'Orazio, Deputy Director of Planning and Zoning*  
*Kelly O'Brien, Principal Planner*  
*Edgar Marmolejos, Computer Technician*  
*Mercury T. Payton, Town Manager*  
*Cindy Petkac, Director of Planning and Zoning*  
*Carol S. Waters, Deputy Town Clerk*  
*Andrea West, Planner*

[19-1196](#)

Joint Work Session/Special Meeting with Town Council, Planning Commission and Board of Architectural Review on Preliminary Draft Design Guidelines and Proposed Draft Amendments to the Maple Avenue Commercial (MAC) Zone

*The Town Manager opened the meeting at 7:30 p.m. and suggested a format to allow all members of the Planning Commission, the Board of Architectural Review (BAR), and the Town Council to have time to speak. Mayor DiRocco was in Hawaii and participated in the meeting remotely by telephone.*

*BAR Chairman Paul Layer discussed that the Draft Design Guidelines document was being created to serve as a visual reference to complement the Maple Avenue Commercial Zone (MAC) document, and it will be added to the Town Code as an appendix. Mr. Layer showed slides and recounted some Town of Vienna history, as well as history on road development and residential development in the United States and how it affected architecture. Principal Planner Kelly O'Brien provided more information on architectural development in the Town. Chairman Layer talked about his photo essay of Maple Avenue, the Zoning Department's visual preference survey, and feedback received from the survey. Planner O'Brien added more detail about the Visual Preference Survey, displayed the top images selected in the survey, and discussed the survey feedback.*

*Planner O'Brien talked about the scale of buildings and indicated that the building scale on Church Street makes people feel more comfortable walking there.*

*Mr. Layer displayed diagrams and spoke on continuous buildings and building breaks. He also discussed building models, circulation, and materials. Using diagrams and drawing on an easel, Mr. Layer spoke on building scale and his studies of it, and he illustrated how changing window sizes, modules, elevations and other variations can make buildings appear less massive.*

*Director of Planning and Zoning Cindy Petkac thanked Mr. Layer for volunteering his skills in architecture and his time so graciously to assist Kelly O'Brien, Mike D'Orazio, and Andrea West of the Town's Planning and Zoning Department in creating design guidelines from scratch, and putting out a very professional product.*

*Director Petkac discussed some of the proposed amendments to the Maple Avenue Commercial Zone Ordinance (MAC) and discussed how those amendments address the major concerns and issues that folks have had with the MAC. She reviewed history on how zoning height limitations on Maple Avenue have changed. Ms. Petkac mentioned the community workshops coming up, regarding the draft design guidelines and proposed amendments to the MAC. She also noted parts of the zoning ordinance that still need to be added. Ms. Petkac suggested that the current moratorium on the MAC Zoning Ordinance be extended into October 2019.*

*Planning Commissioner Gelb offered commentary which was partially inaudible, and expressed hope that everyone would approach the MAC changes with an open mind.*

*Planning Commissioner Kenney suggested letting the traffic study dictate how to go forward with the MAC, and using the moratorium as an opportunity to also look at school impact studies, do a comprehensive study on our utilities, and look at affordable housing options. He suggested possibly considering the use of Floor Area Ratio (FAR) and limiting building mass to "surface area of the lot times two" in the MAC. Mr. Kenney also suggested that the MAC needs more variation in height.*

*Planning Commissioner McCullough noted the importance of the traffic study. She also spoke on the impact on our school system from destroying original Yeonas*

Homes and replacing them with massive, \$1.5 million homes all over Town. Ms. McCullough agreed with doing a study on utilities, pointed out the potential benefits of new commercial construction to the Town's utilities and storm water management, and she remarked that every MAC application would be different and should be considered on a case-by-case basis.

Board of Architectural Review (BAR) Member Hanley expressed concern about not referencing parking and loading requirements as they pertain to issuance of occupancy permits and approval to open a new business. She also suggested that any requirements for commercial space should be based on either a permanent condition, like a street width or area size, or on a proposed condition like floor area of a new building. Ms. Hanley noted that documenting and mapping out utility conditions, like water pressure in some areas, would provide relevant insight to potential developers. Ms. Hanley observed that perhaps the Planning Commission could look at traffic as a revision to the Comprehensive Plan, putting something defined in there, as opposed to keeping it inside the MAC code. Perhaps within the Comp Plan it could address that we can't add that type of intensity or that we had reached our limit.

BAR Member Cheselka agreed that studies on traffic, school impact, and impact on utilities and resources were important to consider. He also suggested that some sort of public art is an important consideration for any commercial redevelopment and that developers should dedicate some funding toward public art in their initial proposals.

BAR Commissioner Baldwin suggested that more images from Virginia should be used in the design guidelines instead of streetscapes from other parts of the country. He also recommended that the term "living unit" should have a firm definition which includes square footage. Ms. Baldwin opined that it was important to listen to and consider Town Residents' opinions in the design guidelines.

Planning Commissioner Andrew Meren remarked that this discussion and the visual representations had been very helpful. He suggested that maybe the revised MAC guidelines include an ability for the Town to enlist another moratorium, threshold, or other stop-gap method after a certain number of new builds, in order to see one or two of these sites being built and all together.

Planning Commissioner Couchman discussed that the existing commercial space in Vienna is aging, that these structures or properties will be redeveloped eventually, and that the MAC is the only chance to have some control over that, as new projects go through public hearings and the review process by the Planning Commission, Council, and BAR.

Planning Commissioner Basnight commented on residential needs of the younger generation and expressed his hope that Vienna would not end up like Tysons or the Mosaic District.

BAR Chairman Layer identified multiple in-Town commercial business buildings which were not feasible or likely to be renovated or become MAC projects, and he recommended taking a tally of those sites.

Planning Commissioner Baum suggested waiting for the traffic studies to come in before continuing to finalize the MAC. She also recommended writing ordinances that are crystal clear and can be applied consistently.

*Council Member Springsteen spoke on building height limits and voiced his concern that the MAC allows commercial buildings to exceed 54 feet by adding things on top of them. Director Petkac spoke on a proposed revision that would address that concern.*

*Council Member Sienicki questioned why FARs (Floor Area Ratios) were not used in the original MAC guidelines, mentioned Vienna's height limits in comparison to neighboring jurisdictions, and noted that the Town is proposing heights that are actually below what was recommended by consultants. She also discussed existing buildings on Maple Avenue which exceed the current height limit, and opined that when the Town reduced the height limit in 1977, it stifled any new development. Council Member Sienicki asked how the proposed building lengths were chosen to require building breaks, and suggested perhaps only using those modulations when the structure exceeds 35 feet in height and goes a distance of 350 feet or more in length.*

*Council Member Block asked if it would be legal to limit the number of MAC applications accepted in a calendar year. That was deemed a question for the Town Attorney.*

*Council Member Colbert asked why they did not look at going from four stories to three stories. Chairman Layer opined that four stories is slightly shy in scale to the street on Route 123, and with increased density of vegetation, greater green buffers, and a more nuanced approach to the façade, that the scale will be appropriate for the street.*

*Director Petkac and Deputy Director Michael D'Orazio fielded questions and talked about buffers and set-backs. At 9:39 p.m. the meeting was adjourned for a scheduled break, and reconvened at 9:46 p.m.*

*BAR Member Cheselka asked if it would be advisable to get a comprehensive study about what the MAC program will do to the Town's support systems such as electric, gas, water, sewer, waste management, and communications systems.*

*Commissioner Walter Basnight noted that under the MAC, developers are held to certain standards and that the MAC provides controls that the Town never had for by-right development.*

*Council Member Majdi requested more clarification on the concept of building scale. Director Petkac spoke on the relationship, or ratio, of the height of the building to the area in front of that building and to buildings on the other side of the street. Council Member Majdi asked questions about ratios and Chairman Layer discussed balance and appropriate scale.*

*Planning Commission Chairman Gelb mentioned the over-all objective of the MAC, to incentivize development that will help Vienna move forward.*

*Mayor DiRocco noted that feedback from public hearings and the Visual Preference Survey made it clear that people really want pedestrian friendly streets, specifically Maple Avenue. She also concurred with the recommendations from Town Staff and the BAR on the streetscape, reducing curb cuts, and including more green and landscaping. The Mayor commented on the importance of transition zones on Maple Avenue. She asked to see visual representations of the connection, or transition,*

*between MAC projects and by-right projects along Maple Avenue.*

*Mayor DiRocco suggested exploring the use of imprinted concrete instead of bricks on commercial district sidewalks. She also asked to see printed sketches/visuals from the BAR and Staff, to show what commercial redevelopment gathering spaces, intersection corners, and more options on third floors with deeper set-backs would look like. Mayor DiRocco requested more information regarding the amount of commercial space that is coming in under MAC project applications, and recommended generating some ideas for increasing commercial development, as long as it still allows for creativity and the significant change in the commercial market place.*

*Council Member Majdi asked why the Town is not receiving MAC applications that look like some of Chairman Layer's diagrams and the picture in the Comprehensive Plan, etc. In response, Chairman Layer spoke on how architects work and suggested that providing more clarification to architects would make them more likely to put in applications that are more like what is desired from the broader community of Vienna.*

*Chairman Layer spoke on fairness to everyone who has applied for MAC projects so far, because they have put out huge amounts of effort to accommodate what the Town is asking of them. He suggested that the MAC must be very clear, and that new proposed plans should be examined in the beginning stages, way before the developer has made such an investment in their project that the idea of backing up becomes so onerous.*

*Council Member Majdi expressed skepticism that the design guidelines are going to get applicants to produce applications that come in with significantly less profit, and asked how others felt. Director Petkac answered by speaking on design standards currently in the MAC and the proposed amendments to address concerns with mass and density. She noted that the guidelines will be codified and adopted into the Town Code as an appendix, and that applicants are required to adhere to the guidance provided in the design guidelines in addition to meeting the requirements of the MAC. Council Member Majdi asked if that was legal. Director Petkac explained that the Town cannot prescribe a certain architectural style and Chapter 4 in the Town Code states that. The design guidelines are not saying that you have to do a certain architectural style, they are providing guidance that supports the standards and the amendments that are in the MAC.*

*Council Member Noble and Planning Commissioner McCullough spoke on the use of guidance documents as a standard practice.*

*Council Member Majdi discussed that Council Members had been asked to hold their comments and ideas until March 20 for this group to consider, and that now the ideas to be presented to the public at the upcoming workshops do not include all of Council's comments. Mr. Payton spoke on that and reported that any Council Member or board or commission member could submit concepts and ideas regarding the MAC or anything else to the Office of Planning and Zoning at any time. Mr. Payton noted that this March 20 meeting had been planned to be the setting in which those ideas and concepts could be discussed and vetted.*

*Council Member Noble noted that each of the Council Members had put together some items for consideration by everybody and he asked to what extent those are to be presented and discussed next week at the workshops. Mr. Layer commented on*

*how hard Staff had been working on all of this and that there is a lot to process. Council Member Majdi suggested that another workshop should be held if needed.*

*Council Member Majdi quoted from the 2006 Duncan Report where it recommended the use of increased height, perhaps four or five stories in limited areas, as an incentive for providing features that would benefit not only the property owner, but the larger community. Council Member Majdi quoted another portion of the Duncan Report which spoke on concerns that limiting the height of new development to 35 feet made expansion or new construction impractical, and subsequently stifled investment in the community.*

*Council Member Majdi opined that this would be an appropriate time to re-assess whether a 54 foot commercial height limit was optimal, while there is a moratorium on approval of MAC projects. He asked what the justification of 54 feet limit was. Director Petkac spoke more on the history and reiterated some points. She noted that the decision in 2011 was specifically in response to the massing study. Council Member Noble and Commissioner Gelb spoke at length on the Maple Avenue Steering Committee and its decisions. Council Member Noble explained that the Steering Committee had wanted to allow differentiated heights within the commercial district, but they were advised against it because of the legal exposure; if you differentiated heights, you were creating winners and losers in different parts of Town.*

*Commissioner Gelb spoke more on consultants and incentives. He opined that four stories definitely attracts applications, and the question to be reexamined now is whether four stories is absolutely needed to attract applicants.*

*Council Member Majdi discussed additional elements to be considered when analyzing what drives commercial redevelopment investment. Assuming that profit drives decisions, and residential development is profitable, and developers sell residential units and not residential floors, he proposed that the Town should look at the possibility that increased residential density at less than four stories may generate enough profit to drive investment. Council Member Majdi then provided a mathematical breakdown of why the high cost of structured parking and the Town Code's commercial parking requirements make residential development more profitable than commercial development in Vienna.*

*Mr. Layer suggested asking someone in the building industry if Council Member Majdi's analysis is correct. Mr. Layer then spoke on different building types, their circulation, and construction materials. He also spoke on changes in the retail market and suggested that commercial development must have a service component in order to survive.*

*Board of Architectural Review Member Hanley agreed that the considerations raised by Council Member Majdi would be beneficial to look into more, and she opined that commercial bankers would have a good perspective on it because they look at risk.*

*Council Member Noble suggested that the street topology included in the last comprehensive plan needs to be updated again. He also suggested that a master plan for parks is needed. He also recommended taking a serious look into outdoor spaces in the Zone 3 area closest to the buildings relative to the noise profile on Maple Avenue, as tire noise and ground born vibration could make outdoor restaurant seating areas too noisy for conversation if they are too close or without*

*buffers.*

*Council Member Noble discussed that basically, if there is a significant impact to the Town's support systems (like water, trash, electric, gas, etc), it should be handled by proffers that are proposed by the developers, because the Town should know what that relative impact is to what the master, current buildout is, and the capacities of that build out.*

*At about 11:30 p.m., Mr. Payton acknowledged that the meeting had still not had time for the comments that each of the council members had submitted, and based on the length of this meeting, it would probably take another two hours or more. The group discussed dates to schedule a continuation of this work session topic. Mr. Payton thanked everyone at the meeting.*

## **2. Meeting Adjournment**

*The Town Council Work Session of Wednesday, March 20, 2019 adjourned at approximately 11:40 p.m.*

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*Mayor Laurie A. DiRocco*

*Signed / Dated:* \_\_\_\_\_

*Attest:* \_\_\_\_\_  
*Deputy Town Clerk*

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