



Town of Vienna

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Meeting Minutes Planning Commission

Wednesday, April 10, 2019

8:00 PM

COUNCIL CHAMBERS-VIENNA TOWN
HALL

The Planning Commission met in regular session on Wednesday, April 10, 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, Sharon Baum, and Walter Basnight. Also, in attendance and representing Town staff were Cindy Petkac, Director of Planning & Zoning, Michael D'Orazio, Deputy Director, David Donohue, Deputy Director of Public Works, and Jennifer Murphy, Clerk to the Commission. In addition, Dana Trone of Whitman, Requardt & Associates, LLP consultant for the Town. Andrew Meren is absent.

Call to Order

Roll Call

Commissioner Meren is absent

Communication from Citizens and/or Commissioners

Commissioner McCullough announced that on May 17th the Community Center is hosting a musical preview of Nineteen the Musical about the ratification of the 19th Amendment. Councilmember Sienicki worked with Parks and Recreation on getting the production company. It is a free event that will be a preview of the first two acts. She invited anyone interested to attend.

There being no further communication, Chairman Gelb opened the public hearing.

Regular Business

None

Public Hearing

Recommendation by the Planning Commission to the Town Council on a proposed rezoning for 380 Maple, a mixed-use building with ground floor retail and multi-family residential condominium units, located at 374 to 380 Maple Avenue West, in the C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts (Requested zoning is Maple Avenue Commercial (MAC))

AND

Recommendation by the Planning Commission to the Town Council On Related Requests for modifications of requirements

Providing staff's report, Deputy Director of Planning & Zoning, Michael D'Orazio stated that this is a continuation of the public hearing heard at the March 27, 2019 meeting. He noted changes provided since the last meeting include an 8-foot sidewalk along Maple Avenue West, a knee wall located along Glen Avenue SW, elimination of the windows and stairwell facing Wade Hampton Drive SW, and recessing portions of the fourth floor on Wade Hampton Drive SW. The applicant will present further design changes. The town's Traffic Engineer consultant; Dana Trone of Whitman, Requardt & Associates, LLP reviewed the TIA (Traffic Impact Assessment) study providing a memo response to the last TIA study. That memo will be uploaded to the Town's website for viewing. She is also present to answer questions.

Commissioner McCullough stated that it was recommended that the stairwell be turned to the right and not eliminated. Mr. D'Orazio stated that had been a recommendation by Commissioner Kenney. The applicant has decided to eliminate the stairwell.

Chairman Gelb invited the applicant forward to present.

Dennis Rice, residing at 412 Glyndon Street NE stepped forward to speak. Presenting revised 3D renderings, Mr. Rice stated that the maximum height, including the parapet, has been reduced from 62 down to 54 feet with the overhang pulled back from 9 to 6 feet. In response to concerns heard, the sidewalk has been widened to 8 feet the entire length of the property and the storefront has been pushed back from 24-26 feet. In response to Commissioner Kenney's suggestion, they have recessed the top floor balconies. They could not resolve the window issue in the stairwell and have opted to remove them. The building currently has 65 downcast lights and 3 double sets of spotlights outback. He noted that in the 5 ½ years that he and his partner have owned the building, they have never received a complaint about lighting at the building. Light from the stairwell would have no effect.

Mr. Rice stated that the living wall has also been removed and the rear of the first level parking garage has been enclosed with cement block. A wall has been added back in reducing the back roofline to 49 ft. More evergreens and trees have been added. The fifth story has been removed eliminating the fifth story mezzanine. Three of the balconies on the fourth floor have been recessed with the roofs changed to gables per Commissioner Kenney's recommendation. He stated that they intend to ask the Town whether they can add trees to the opposite side of the street in the town's right of way but it has not been discussed. The color scheme has also been changed removing the proposed red. Sidewalks have been added from the parking garage behind the fence extending to Maple Avenue, providing access from the parking garage to Maple Avenue.

Chairman Gelb clarified that these are proposed changes to plan Option 2. Mr. Rice agreed, explaining that it is now the only option being presented.

Tom Kylo of Kylo + Pattana Architects presented revisions, explaining that when they tried to provide windows along the side of the stairwell there was not enough space. They ultimately decided to remove the windows.

Chairman Gelb invited questions and comments from the Commission.

Commissioner McCullough asked if they could include the utility line on the rendering. Mr. Rice answered yes. Commissioner McCullough stated that they enclosed the stairwell to address comments and asked if that were the best use and purpose for residents of the building. She asked if tinted glass would be a better option. Mr. Rice answered that he owns other buildings. One has a completely encased stairwell and another has an all glass stairwell. They find that the one having a glass stairwell has far less elevator trips. Those residents have also said that they are more comfortable using a staircase where they can be seen and having natural light. It had been their intent to encourage activity. The current building has 70 lights and they have never received a complaint about lighting. Neighbors would not be able to see light emitting from a stairwell. Commissioner McCullough asked if they would consider tinted glass if made part of their recommendation. Mr. Rice answered yes.

Addressing staff, Commissioner McCullough clarified that undergrounding utilities are not a requirement under the MAC but per the Town's Comprehensive Plan. Mr. D'Orazio answered yes, stating that staff reviews for consistency with the Town's Comprehensive Plan. Under the Community Facilities and Services Chapter, page 109 lists it under Implementation Strategies.

There being no further questions, Chairman Gelb invited public testimony, stating that public comment is limited to 3 minutes.

Shelley Ebert, residing at 402 Roland Street SW, approached to speak. Ms. Ebert stated that her neighbors ask for substantial changes because the project will impact their neighborhood. She remains concerned with the curb cuts, stating that there are more effective ways for getting cars in and out of the garage. The applicant's changes are not sufficient for the most effected neighbors. She asked that they consider further options for eliminating the tower effect on those neighbors. She hoped the Commission was open to having more discussions working towards solutions that fit with their neighborhood and town. Ms. Ebert thanked the Commission and concluded her comments.

Frank Johnson, residing at 615 Hine Street SE, approached to speak. Mr. Johnson thanked commissioners, stating that he previously served 10 years on the Town's Transportation Safety Commission (TSC) and has lived in the Town for 40 years. He is speaking in support of maintaining their small town, stating that the Chick-fil-A under construction looks like a Rommel building or concrete bunker. He is also concerned with the approved project at 444 Maple Avenue West. He asked why the projects have to be so large. The Commission should represent town residents. Let Tysons be Tysons and let the Town remain a town. Mr. Johnson thanked the Commission and was seated.

Shelia Creswell, residing at 404 Millwood Court SW, approached to speak. Ms. Creswell has lived in town for 32 years. She has witnessed gradual changes in the town such as the lumber mill that became Wholefoods and Southern States, which became a stream of stores and restaurants and not enough parking. Since the adoption of the MAC ordinance they have seen the construction of a Chick-fil-A carwash, a monstrosity that seems to be rolling downhill. The MAC is changing the character of the town for the worse, noting that the recently approved Vienna Market consists of townhomes, a multi-story condominium project and commercial spaces adding 44 units along Maple Avenue. Town Council believes the Town can

handle the increase in traffic along Maple Avenue. The following approved project, 444 Maple Avenue West provides 150 dwellings and commercial units. She asked how much traffic will be added to the intersection at Maple Avenue and Nutley Street SW. She has concerns for traffic at both locations, stating the residents of Wade Hampton, Millwood Court, Roland Street, Ceret Court, Paris Court, Mendon Lane, Glen Avenue, Albrecht Circle, Johnson Street, and Hillside Circle SW have been thrown under the bus. Tonight's application increases neighborhood dwellings by 43 percent. Roland Street SW is the only street to have sidewalks along the entire length of street. She has further concerns for pedestrian safety, stating insufficient parking from proposed developments will adversely affect their neighborhood streets. Millwood Court SW, located the closest, will lose street parking. She has additional concerns for effects on infrastructure; schools, water drainage, and the environment. Ms. Creswell was seated.

Jay Creswell, residing at 404 Millwood Court SW, approached to speak. Mr. Creswell requested the Planning Commission vote against recommendation on rezoning to construct another massive building that is not in the public's interest. The purpose of planning is to consider effects of projects on the total community. Implementation of the MAC seems to have fallen short of that goal. Although the developer has made some positive steps there is still more to be done. The Commission should seek additional revisions or reject the current proposal. The Town needs less density and more open space. He asked that they please act accordingly. Concluding his comments Mr. Creswell thanked the Commission and was seated.

Joseph Daly, residing at 412 Roland Street SW, approached to speak. Mr. Daly has lived in town for over 33 years having previously lived in Pennsylvania, Maryland, and Kentucky. Although he chose the Town, he would not suggest living in the town to their children, friends, or newcomers to the area because members of Town Council are ignoring the often stated, primary requirement, of the MAC zone, to maintain the small town character of Vienna. They have ignored input of voting residents of the Town. They should examine photos of published reports from prize winning, small towns in America. Having reviewed 150 photos he determined only one that mentions any large buildings in their write-ups. He is certain that the town will not receive positive ratings for future best small town in America. Mr. Daly thanked the commission and was seated.

Edna Trimm, residing at 608 Tazewell Road NW, approached to speak. Ms. Trimm pleaded with commissioners to not move forward with a recommendation to Town Council. They are a small town. The majority of the public present has spoken against the application. With respect to housing they hear that most older residents sell and move out of Town. Those homes are then replaced by McMansions, which older people cannot afford to purchase. The median income of town residents is \$143,000. Since there are not allot of poor people living in town she stated perhaps older persons are purchasing homes not desiring to live in small apartment buildings. She does not live in a small apartment because she does not want one. She suggested the Commission recommend against a third building of many apartments. Ms. Trimm thanked the Commission and was seated.

John Pott, residing at 134 Wade Hampton Drive SW, approached to speak. Mr. Pott asked for the height of the building elevation from Glen Avenue SW. Chairman Gelb stated that staff would respond after Mr. Pott's statements. Mr. Pott presented a slide presentation, stating that he does not like comparing to other jurisdictions but given the issues experienced with their neighborhood he finds good reason to provide a comparison. In 2005 the developer of 444 Maple Avenue West presented a

55 foot tall, cube like, structure at their Northgate location to City of Falls Church. Similar to 380 Maple Avenue West it had three severely impacted homes located at the rear of the lot. That project was denied in 2006 by 6-1 vote because it was too overbearing to those three homes. In early 2007 the City Council and most commissioners visited the homes and came up with two principals for managing the transition that had nothing to do with code. They limited the rear height to 35 feet resulting in rear neighbors being unable to see the 55 foot tall commercial height and secondly, that they break up the mass of the building at the back. He stated that they asked that the applicant include indenting the courtyard. Per those comments the applicant removed 19 units from the original 124 unit structure, dropping it down to 105 units. The changes resulted in partially separate, elegant town houses. The applicant was then able to obtain a 7-0 vote in support of the application.

Mr. Pott noted the two principals that City of Falls Church enacted are important. Tonight's applicant should consider their most directly affected neighbors; peeling off the top nine units and indenting the courtyard still provides a healthy return. He asked the Commission to secure their neighborhood requests before voting on the application, stating please do not leave all the heavy lifting to Town Council. It should be a clean design for Town Council to review. Concluding his presentation, Mr. Pott submitted copies of his presentation to members of the Commission and was seated.

Chris Hogan, residing at 226 Glen Avenue SW, approached to speak. Mr. Hogan thanked the Commissioners, stating that he would focus his comments on Wade Hampton Drive SW. All details of his comments will be posted on his website. He is concerned with potentially losing up to 10 parking spaces on Wade Hampton Drive SW and asked that it be clarified before the application is reviewed by Town Council. Additionally, the reconfiguration of the street and sharpness of the curve made him doubted whether a truck would be able to make the turn. It is the same configuration as the turn at Cherry and Center Street South. Concluding his comments, Mr. Hogan was seated.

Sharon Pott, residing at 134 Wade Hampton Drive SW, approached to speak. Ms. Pott stated that very soon, they will be living in proximity to three very large construction sites. When she traveled to Baltimore she spoke to neighbors of a construction site who described it as the worst time of their lives. They were disturbed by cranes, delivery vehicles, jack hammering, dust, dirt, and workers shouting. The noise was overwhelming. She asked if the Town has a plan or timeline for three large construction sites and ways to mitigate those effects. She referenced the Chick-fil-A project, stating that she keeps hearing from officials that they did not know it would look like that. Given that, she asked if it were wise to pass another project. There being no further comments, Ms. Pott was seated.

Steve Potter, residing at 400 Roland Street NW, approached to speak. Mr. Potter stated that he previously worked in Food Service Distribution for 35 years. Having been awarded Safety Director of the Year and served as a former Safety Council Instructor, safety is important to him. He has concerns for delivery driver access, stating that they will have to travel into the oncoming traffic lane to access the loading dock. He expressed further concern for limited access for opening doors, backing up, and blocking the opposite lane and counted ten safety hazards that a driver would encounter before getting a truck to the loading dock. He stated that it is a public safety issue. Loading docks do not belong on public streets and should be relocated onto the commercial street. Concluding his comments, Mr. Potter was seated.

Estelle Belisle, residing at 200 Ceret Court SW, approached to speak. Ms. Belisle stated that the January 17, 2019, BAR Staff Report for the application indicates staff's concerns with dissimilar architectural styles for the parking structure per Town Code §18-95.14.G1. There are two subsections under §18-95.14, Site Development Standards that may also apply to the parking structure; section E4: Building Facades which states; "...side and rear building facades when visible from public streets shall have a similar architectural treatment as used on the primary or front façade..." and Section G1: Materials, which indicates "...facades of the building when visible from the public street or single-family detached dwellings shall have consistent materials and a similar architectural style...". She was disturbed that staff's concerns for a possible code violation were never addressed by the BAR. Further that staff failed to reiterate those concerns in their March 27, 2019 staff report to the Planning Commission. She stated that these provisions are not recommendations, they are requirements. She asked if staff concerns should be considered by the Planning Commission since the BAR did not.

Ms. Belisle stated in addition the mason wall located along Glen Avenue SW, referenced in the BAR's January 17, 2019 recommendation, states that due to strongly held views of the community they recommend providing a more substantial, well designed, physical barrier that provides physical interest. It included a suggestion for a more substantial barrier with features listed for a serpentine configuration with integrated exterior landscaping. The March 27, 2019 rendering shows an attractive serpentine wall with integrated landscaping. New drawings for Option 2, dated April 10, 2019 indicate a strait, plain, non-serpentine masonry wall along Glen Avenue SW; a wall that lacks visual interest. She asked why it was different and why they have disregarded the BAR's recommendation. She asked that her questions be addressed on these two matters. Ms. Belisle thanked the Commission and was seated.

Frank Biros, residing at 200 Ceret Court SW, approached to speak. Mr. Biros questioned neighborhood compatibility and whether the orientation of the structure in relation to the side of the building's terrace complies with MAC ordinance §18-95.16B.3, "...buildings exceeding 35 feet in height to be broken up into modules or rings with smaller and shorter structures located adjacent to single-family detached dwellings..." He stated that the proposed project is not in compliance with this regulation. Additionally, staff has determined that residential lots located across Glen Avenue SW are not adjacent because they are separated by a public right-of-way and do not abut the subject site. He disagreed, stating that this is absurd in context to the purpose and intent of the MAC ordinance. Although adjacent has been interpreted in some Virginia cases to exclude laws located across public right-of-way, the standard usually applies to defining applicable terms in a zoning ordinance. This is whether an interpretation is plainly wrong or violates the purpose and intent of applicable ordinances as a whole. Instances where a determination of a lot, separated by a public street, is not adjacent makes sense only when involving zoning regulations relating to determining which properties are to be included for defining specific zoning laws for applicability of zoning requirements. Those related to width, area, percentage of use or coverage.

Mr. Biros stated that the definition of adjacent is left to administrative judgment to ensure consistent application across a zoning jurisdiction and to promote zoning regulations purpose and intent. The purpose and intent is to ensure that approvable development along the corridor promotes Vienna's small town character and does not compromise the character of residential neighborhoods next to the corridor.

Vienna staff's determination to the term adjacent effectively eliminates the purpose and intent of the MAC as all residential neighborhoods are separated from the MAC zone by a street. He urged recommendation against the project unless the developer can be required to re-orient the structure to be in compliance with the ordinance. Concluding his comments, Mr. Biros thanked the Commission and was seated.

Jayne Huleatt, residing at 413 Roland Street SW, approached to speak. Ms. Huleatt is speaking against application and asked the Commission not make recommendation for support of the application. The proposal is not compatible with their surrounding neighborhood, which is a unique neighborhood. The streets adjoining the project are short and narrow containing ninety degree turns within a short distance of each other. Such a large imposing building will be situated very close to residential homes, more so due to the narrow sidewalk. The proposed project does not meet the purpose and intent of the MAC per neighborhood compatibility being consistent with Vienna's small town character.

Ms. Huleatt stated that per staff's interpretation of adjacent, the lowest portion of the building does not need to face their single-family houses located across Glen Avenue SW. The neighbors would like to see the back of the building broken up with a terrace courtyard, currently facing Tysons, facing Glen Avenue SW. They are not concerned with noise as was raised by the applicant. She felt previous renderings to be deceptive, appearing further away than they would actually appear. Proposed public, open space is too small and limited to an outdoor seating area that is only usable for customers parking at the back of the building and those located at the second floor. She would like to see the building smaller, with fewer condominiums and more open space. That would address most of their neighborhood concerns. She asked how a project that meets the code could be so incompatible to its surrounding neighborhoods. This type of review does not emphasis neighborhood compatibility. It should maintain the Town's small town character. Concluding her comments, Ms. Huleatt was seated.

Bill Ling, residing at 131 Wade Hampton Drive SW, approached to speak. Mr. Ling stated that it is not the applicant's job to look out for the neighborhood. The applicant has been unresponsive to neighborhood concerns. They are only responsive to Planning Commission input. He asked that they consider the application carefully to balance the developer's rights against neighborhood concerns. He endorsed previous comments made regarding the back of the building, stating that the design remains an overbearing presence on Glen Avenue SW. He further supports comments to turn the building, facing the courtyard toward Glen Avenue SW. He has additional concerns with traffic and the possible funneling of cars into their neighborhood. He would like to see extra safeguards addressing those issues as it should be considered in the Commission's review. Mr. Ling was seated.

Michael Ahrens, residing at 207 Glen Avenue SW, approached to speak. Providing a slide presentation, Mr. Ahrens stated that he originally moved to town because of the MAC zoning ordinance, which has been a bait and switch. He thanked the applicant for their changes but he has continued concerns. He would like to see the height varied. The sidewalk shown on Glen Avenue SW will be non-functional and should be removed. He asked that thru-traffic be blocked to Maple Avenue as they are not appropriate streets for cut-thru traffic. Although the Visual Preference Survey was performed after this application was submitted he found the survey biased towards large buildings. The survey included varying sized building heights and wide sidewalks. He finds current traffic review processes to be old and antiquated,

which should be updated. He is open to other concepts such as leaving Roland and Glen Avenue SW open but closed off to thru-traffic to Maple Avenue. He asked who is in charge of roadway changes. Presenting an image example of another small town, he noted that it includes green space and varying building heights. Currently 60 percent of cars driving thru town are cut-thru traffic. If they could find a way to eliminate that 60 percent they may be able to achieve the small town setting that they desire. Mr. Ahrens was seated.

Valerie Wrobel, residing at 404 Johnson Street SW, approached to speak. Ms. Wrobel stated that more architectural improvements have been proposed. She likes the recess of the building at the back, the removal of the living wall, and creating a wall along Glen Avenue SW. She has remaining concerns for the sidewalk along Glen Avenue, significant water drainage areas, neighborhood integration, and cut-thru traffic with blind harsh turns along Wade Hampton and Glenn Avenue SW. She agrees with previous comments regarding enabling cut-thru from new development severely affecting their neighborhood safety. She would like to see cut-thru options eliminated from the plan. Mr. Wrobel was seated.

Nancy Logan, residing at 410 Millwood Court SW, approached to speak. Ms. Logan stated that she has five reasons not to approve the application. One, sustainability and safety as there is inadequate transportation linkage between commercial and residential areas. They currently have no sidewalks or bike paths in their neighborhood. She thanked Chairman Gelb for visiting the neighborhood, stating that their streets cannot sustain this type of development. Two, the RS-16, residential zone currently in place serves as a buffer between the commercial district. It was a thoughtful way of protecting surrounding neighborhoods. Three, the project does not support the mission statement. Four, Wade Hampton Drive SW is a public street that will be given away. Five, the statement of intent and purpose of the MAC, "...does not compromise character of residential neighborhoods abutting the corridor..." She stated that for all of those reasons the application does not meet the level requirements for rezoning. Ms. Logan was seated.

Inga Erickson, residing at 105 Dogwood Street SW, approached to speak. Ms. Erickson does not support the application, stating that the Planning Commission is tasked with representing the town's constituents. Having reviewed all past applications she has not heard a resident state that this is what the Town wants. Town Council has failed them and they will see a change during their May election. The Chick-fil-A project was an enormous mistake, noting that it looks hideous. She has equal concerns with the 444 Maple Avenue West project recently approved. The Planning Commission should recommend against the application. They are not Merrifield. She urged the Commission to keep their town small and to use their vote to represent them. As the project is not right for the town she urged them to vote against it. Ms. Erickson was seated.

John Runyon, residing at 315 Courthouse Road SW, approached to speak. Mr. Runyon stated that the BAR recommended in favor of the application despite everyone speaking against the application. The following meeting had attendance overflowing with more than 120 people speaking against the application. Police were at the following meeting to ensure that they did not overfill the room. Mr. Runyon noted that there is an election coming up and was seated.

John Schnittker, residing at 240 Glen Avenue SW, approached to speak. Mr. Schnittker moved into town 23 years ago. The subject building was there at the time, which he considered to be a grotesque eye soar at the time. He is appalled by the

proposed design and scale of the building, stating that it is completely wrong for the Town. With regards to the rear façade wall he likened it to the Game of Thrones wall, stating that the building should be redesigned. The scale is wrong for the Town. Mr. Schnittker was seated.

Barbara McLeod, residing at 204 Glen Avenue SW, approached to speak. Ms. McLeod is happy to see some changes made to the design, stating that they are all present because they care about the Town. Massive buildings are their biggest concern and their impacts. She would like to see the buffer strip currently zoned RS-16 retained, stating that someone was thinking about the neighborhoods when it was originally zoned. She has lived in the Town for 40 years and has been waiting for development to occur at their end of town. She stated that the proposed design is too big. She will lose her sunshine and view of sunsets from her front yard. She invited commissioners to their homes to gain their perspective. She hoped the Commission would preserve the character of their neighborhood. Ms. McLeod was seated.

Alex Gallegos, residing at 130 Wade Hampton Drive SW, approached to speak. Mr. Gallegos thanked the members of Town Council and the Mayor for meeting with him. He has continued concerns for neighborhood compatibility, safety, traffic, density size, and scale in conformance to the Town's vision and nuisance. Given these constraints he noted continued frustrations with the project, stating that residents are never given an adequate or direct response. Vienna does not receive accolades because of condominiums, which will eventually transition to apartments. Vienna is considered to be a highly desirable place to live and raise a family. It is because of their community that predominantly comprises of single-family homes. It has created a real sense of community that has cultivated by a lack of high density development. He stated that a four-story condominium complex will not promote walkability as it is not at the center of town, it is located at one of the busiest intersection in town. He asked if they would risk their child or parent's safety with the traffic that will ensue as a result of this development. He questioned the provided traffic study, stating that this is not a by-right proposal. It is higher density than the single-family homes that are in close proximity. He asked the Commission to consider the burden of high density and its effects on their school districts and town services. He asked them to please consider those potential impacts on the character of the Town before making recommendation to Town Council. Mr. Gallegos was seated.

Tina Cardenas, residing at 214 Ceret Court SW, approached to speak. Ms. Cardenas thanked the Commission for the opportunity to speak, stating her appreciation for changes made to date. She still has concerns with the subject development and the surrounding approved developments. Safety remains a concern as this is the only project where the developer is changing the primary entrance of the building to a small neighborhood side street. She stated that Maple Avenue should be the main entrance for all of its residents and commercial businesses. She asked how allowing egress towards a side street makes their neighborhood safer. The project closes the one entrance it has for Maple Avenue and has been incentivized for doing so. She has further concerns for aesthetics, stating that the residential side of the project looks cheap. She asked why materials are not being wrapped around the entire building and where are the variations of architecture so heavily promoted in the write-up of the MAC. The patio should be facing the neighborhood side, not facing the commercial, Tysons side of the development. She would like to work further with the developer to design a four-sided, quality; less dense, smaller scale, building that meets the Town's expectations and their standards. It would make for a more harmonious corridor for commercial and residential living for all to enjoy. Ms. Cardenas was seated.

Rebecca Eggers, residing at 130 Wade Hampton Drive SW, approached to speak. Ms. Eggers explained that she and her husband both serve in the military. Her husband served 26 years in the United States Army. She is still under active duty on her 22nd year of service. She stated that members of the Planning Commission and Town Council are fulfilling an obligation or duty to serve. The Planning Commission has a duty to listen to their residents, looking at entire comprehensive impacts to the Town. The three buildings that will be constructed will have a huge impact. She asked if that is what was meant when the MAC ordinance was developed. She hoped that they are listening to those who are speaking up. Ms. Eggers was seated.

Gloria Runyon, residing at 315 Courthouse Road SW, approached to speak. Ms. Runyon has the same concerns as previously stated. She has lived in town for many years having witnessed many of the changes to the Town. She has concerns with the MAC corridor and its impacts, in particular at Wade Hampton and Glen Avenue SW. The building does not fit within that community. She has further concerns for traffic and invited everyone to visit her street at 5 pm when that section of town is gridlocked. She stated that it is impossible to travel at that time of day. Such a high density building will create further traffic issues. Ms. Runyon was seated.

Linda Mann, residing at 428 Windover Avenue NW, approached to speak. Ms. Mann stated that she has a PhD in education policy. In 2017 Fairfax County provided its Capacity Plan, which specifically notes the Town of Vienna for redistricting their Vienna Elementary students already at capacity. Flint Hill Elementary is close to capacity with Wolfrap Elementary, Madison High school, and Luis Archer Elementary under consideration. She stated that the study is online for review. Although the Town does not run their school district, they need to consider impacts to their schools. Additionally, she noted that since moving into town three years ago she is looking at having a Wawa, Chick-fil-A, and the 444 Maple Avenue West development as neighbors. She can already hear construction at night, stating that these projects will greatly impact their neighbor's lives. Ms. Mann was seated.

There being no further public comment, Chairman Gelb asked for a motion to close the public hearing.

Commissioner Basnight made a motion to close the public hearing.

Motion: Basnight

Second: Couchman

Vote: 7-0

Chairman Gelb called for a 5-minute recess. The meeting reconvened at 9:55 pm.

Chairman Gelb invited the applicant to respond.

Responding to comments, Mr. Rice stated that someone stated that this project is larger than the 444 Maple Avenue mixed use project, which has 166,000 square feet of rental units. He noted that his application is for 64,000 square feet. In response to concerns expressed over loss of parking on Wade Hampton Drive, he stated that it will equate to one parking space removed from their side of the street. The Director of Public Works had stated at the last meeting that there would be no reduction of parking along the opposite side of the street. With respect to comments made that the Town is giving away Wade Hampton, he stated that it remains Town property. They have only offered to install a Right Turn Only lane.

Chairman Gelb asked for comments or questions from the Commissioners.

Commissioner Kenney stated that the rear wall addresses and protects neighbors from car noise and headlights from the parking lot. Although, the wall appears to be sufficient he would defer to the residents. He asked if neighbors want a wall or the thought of a wall, stating that the Wawa project at Nutley and Maple Avenue West originally should have had a wall constructed. Due to a past wall waiver a much denser use is able to go in but there is no reversal option to install a wall. Addressing staff, Commissioner Kenney asked, if a wall is not installed, can they ensure that a wall should be installed in perpetuity if the site is redesigned in the future. Mr. D'Orazio answered that it can be if the applicant is willing to include it as part of their site plan. Commissioner Kenney stated that a wall appears to be necessary only along the east, far right side of the property. Tying into the end of the building creates a barrier resulting in green space at the back for the neighborhood. The infill area also provides an opportunity for public art; a mural could be painted, similar to the back of the Vienna shopping center.

Commissioner Kenney stated in regards to delivery trucks entering from the side street, that it is a typical design solution for this type of building density. It is common for buildings that fill up the lot for a truck to back up onto a secondary side-street. He would not recommend such a thing at Nutley or Maple Avenue West. He does not share the same residential concerns that have been expressed, stating that there is room for trucks to maneuver onto the drive apron. They can restrict the types of trucks not allowing 18-wheelers.

Commissioner Kenney stated with respect to the Wade Hampton elevation, he suggested providing more stepping on the façade and doubling the recess, which will create a substantial recess for a 3-4 story building. He does not mind massing, and suggested further recessing of the gabled roof areas as well. They could also consider removing the floor situated below the balconies. It would create a 4-story, down to 2-story, back up to 4 story with deeper recesses that may help with concerns for massing. He noted that windows can also be provided above for getting light into the stairwell. There are also products that simulate real glass that may provide an aesthetic solution.

Commissioner Kenney asked if the applicant is still requesting a waiver from awning projections. Mr. Rice answered yes, stating it will project 3 feet beyond. Commissioner Kenney asked if the applicant has seen the rendering with the building turned. Mr. Rice answered yes, stating that they have looked at many configurations but feel this is the best way to site it. Commissioner Kenney stated that if the building were reversed there would be no drawback. He had a minor comment, referring to page A4 of the plan and asked for clarification on the property line, which zigzags. Mr. Rice noted the property line for the Commission.

Commissioner Kenney asked who typically parks on Wade Hampton Drive SW. Commissioner McCullough responded that the parking lot is typically full creating overflow onto Wade Hampton Drive SW. She estimated at least 4-5 cars that typically park on the side of the street that travels into the neighborhood and approximately 2-3 cars parked along the opposite side. Mr. Rice estimated at least 7 cars park along the opposite side. Additional discussion followed.

Lee Kim of Greenway Engineering stated that under existing conditions vehicles cannot park very close to the intersection. The only on-street parking loss is theoretically at the entrance to the garage and to the loading area.

Commissioner Couchman asked Mr. Kylo to provide a scenario if the site were constructed by-right. Tom Kylo of Kylo + Pattana Architects presented a basic by-right concept for the Commission. Commissioner McCullough stated that she had asked about by-right development at the last meeting. Mr. Kylo stated that by-right development has no lot coverage restriction and no side-yard setback, allowing for a larger building. It could be situated up to one foot from Wade Hampton Drive SW. The front, Maple Avenue side would have a 15 foot-front-yard setback and the Glen Avenue SW side would have a 25 foot setback restriction. Additionally, by-right development allows for a 35 foot tall building measured from the front average grade with unlimited parapets above allowing for a 45 foot tall building. The current MAC rendering measures 3 feet beyond at 48 feet. Additional discussion followed.

Commissioner McCullough asked Mr. Kylo for logistics for not turning the building. Mr. Kylo answered that from a design standpoint it determines outdoor living areas for their residents. They also need to assure that the condos do not look into the terrace. Being close to adjacent properties limits the Tysons side from having any outdoor space. Commissioner McCullough asked how many units are situated along the side and if it were 4 units. Mr. Kylo answered that they are proportional to the residences.

Commissioner McCullough noted that the Glenn Avenue SW side of the building is shorter. It would require redesigning the interior of the building. Mr. Rice agreed, stating that the Glen Avenue side is approximately 140 feet versus the Tysons Corner side length, which is 220 feet. Commissioner McCullough asked in reference to the wall, why they chose to not go with the undulating design. Mr. Rice explained that it would have required cutting into the inner courtyard. Commissioner McCullough stated that she liked the cut-in bench; Option 1, page A-7, image 3. She asked if they would consider including it in the design. Mr. Rice answered yes. Additional discussion followed.

Mr. Rice stated in response to concerns for the retention area, he noted that it is elevated. The site currently has 100 percent runoff with nothing captured. The project will provide over 100 percent required capture for storm water and phosphorous runoff. Project Engineer, Mr. Lee agreed, stating that the current site has no water quality or storm water retention onsite. Proposed plan, Option 2 provides a slight decrease in impervious area in addition to runoff reduction measurements that are incorporated into bio-retention.

Mr. Kylo stated that Michael Gallagher, Director of Public Works, directed them to address reversing the sidewalk and landscaping area with the Planning Commission. They considered placing landscaping against the street having street trees located behind sidewalk. Additional discussion followed and determined that the Commission was not supportive of reversing landscaping.

Commissioner McCullough asked if the cement wall concept is different than Commissioner Kenney anticipated. Commissioner Kenney responded that he was assuming it included a metal trellis to dress up the wall. Typically Ivy can be tough to grow in this area. Mr. Kylo clarified that it is a brick infill and not concrete. Commissioner McCullough liked the trellis look but agreed with Commissioner Kenney's comments that public art could be a solution. The current look takes away from residential. Mr. Rice stated that they would dress up the wall somehow. Further discussion followed.

Commissioner McCullough asked, in reference to the chair lift shown on the Wade Hampton side, why they altered the design from the open level entrance to the stairs. Mr. Rice answered that when they eliminated the mezzanine level they lost parking. The design was altered to meet all requirements.

Addressing staff, Chairman Gelb asked for response to concerns referenced regarding the BAR's review. They also heard a suggestion for sidewalk along length of street. He asked if a sidewalk could be completed, at least to the turn and would Public Works have concerns with those turns. Commissioner McCullough referenced the January 17, 2019 staff report to the BAR concerning parking and not sharing similar architectural styles. She asked if it were a possible zoning code violation. Mr. D'Orazio explained that zoning staff had concerns with the parking structure per Town Code §18-95.14.G1, which references the size of the building and materials. It was brought up with the BAR, which was the appropriate Board for this type of concern. The Board ultimately had no comments at the meetings.

Public Works Deputy Director, Dave Donohue stated in response to questions regarding the length of sidewalk, that it is an improvement, which could be continued by future projects. They try to get sidewalks installed along one side of the street, if not both. The project also includes curb and gutter, which will have to connect to future projects. The turns could be addressed at that time. He stated that the applicant is extending curbs further to catch runoff from the adjacent site. Chairman Gelb stated that although he preferred a serpentine wall, the BAR will review the application again if the concept is approved by Town Council.

Addressing staff, Commissioner Baum asked in reference to §18-95.14; "...the main entrance of building needs to be at the named street..." the resident's entrance is shown at Wade Hampton Avenue SW. She asked if there is a waiver. Mr. D'Orazio answered that, per Town Code definition of property entrance it is most used by the public. They would consider the commercial spaces used more because it generates three times more trips. Commissioner Baum stated that they received a memo from the Traffic Consultant regarding the traffic study. The 3rd bullet indicates Northbound Wade Hampton Drive projecting delays to be significant. She asked for staff's response to the study considering the other projects that will be built. Ms. Petkac responded that approved projects have been included in the Transportation Study. She deferred to the applicant to answer further questions, stating that since the Town does not currently have a Transportation Engineer on staff they retain outside consultants to review required traffic studies.

Addressing the applicant, Commissioner Baum stated that the study states delays projected to be significant for Northbound Wade Hampton Drive. She asked how they intend to mitigate that issue and whether the pork chop, right turn lane intended to ensure no left turns would mitigate the issue. Mr. Rice agreed, stating that the Kimley Horn representative stated that there would be a stacking of 3-4 cars or a total of 7; half turning left and the other half turning right. He has never seen more than two cars at the intersection.

Addressing the architect, Mr. Kylo, Commissioner Baum asked if they were to construct a by-right structure, whether it would be residential or retail. Mr. Kylo answered that current Town Code allows 49 percent residential. Commissioner Baum stated that Mr. Kylo indicated two levels of parking below grade. Mr. Kylo stated that their original design included two below grade levels for parking. By-right use allows them to build as many levels necessary that they can afford.

Commissioner Baum asked why they removed the below grade parking levels. Mr. Rice answered that in response to concerns heard from neighbors over the water table. When they thought a mezzanine level was an option, they found below grade parking to be unnecessary since they could meet parking requirements without it. Mr. Kylo noted that this the only MAC project to meet parking requirements. He stated that none of the other projects met parking; they all utilized the 25 percent incentive allowance.

Chairman Gelb stated that the by-right reference was an indication of what could be built. It is a hypothetical. Mr. Rice agreed. Ms. Petkac indicated page 24 of the Traffic Impact Analysis, provides background traffic volumes. The top of page 25 includes, in addition to regional growth, 3 pipeline developments for consideration and study, which includes Flagship Carwash, the Vienna Market, and 444 Maple Avenue West MAC projects.

Addressing staff, Commissioner Basnight asked in reference to a by-right project, if all setbacks and code provisions are met whether approvals are necessary. Mr. D'Orazio answered that the landscape plan would need to be reviewed for recommendation by Planning Commission to Town Council. The architectural design would need to be approved by the BAR and staff would administer site plan review.

Commissioner Kenney asked how they are handling the loading dock situated 4 feet below grade. Mr. Kylo answered that they have cut sections through the building. Additional discussion followed.

Commissioner Couchman stated that she is troubled by comments that the project is destroying Maple Avenue. A by-right option does not equate to small town character since aesthetic can be very subjective. The proposed project is attractive. The rear of the property looks very much like the new single-family construction that is often seen in the town. She wanted to point out the benefits of the process and to encourage consideration for what it could otherwise be.

Commissioner McCullough stated that color changes were made to address residential concerns. She asked if color options have been decided. Mr. Rice answered that since the project will go back before the BAR he will present color options to them for consideration. Commissioner McCullough asked if they considered installing a sidewalk from the curb or bend of Glen Avenue SW for safe passage the complete length to Wade Hampton Drive SW. Mr. Rice answered that he is currently in discussions with Public Works. They are working with the Town for safety reasons.

Commissioner McCullough asked for the number of design iterations that the project has undergone to date. Mr. Kylo answered that depends on major versus minor changes, estimating approximately 50 iterations with 20 different changes. He noted that as a resident of the Town he feels that the MAC process works. Every time they have received feedback they have made changes based on that feedback, making a better project.

Mr. D'Orazio stated that he wanted to address Mr. Pott's question regarding building height. He stated that the application shows 48 feet on the Maple Avenue elevation. The lowest point is at the Glen Avenue right-of-way, having a difference of 53-54 feet depending on where you are. Chairman Gelb apologized for delaying in providing that information. Mr. Pott noted that he was interested in the height

difference from Glen Avenue to the top of the building. Mr. D'Orazio stated that if differs dependent upon where along Glen Avenue SW, measuring approximately 54 ft.

Concluding discussion, Chairman Gelb stated that he would entertain a motion, noting that there is also a request for modification for the awning that will need to be addressed in the motion. Discussion followed. Chairman Gelb called the question.

Commissioner McCullough made a motion to accept the request for modification to Town Council for encroachment of an awning fronting Maple Avenue in conjunction with MAC, Option 2 plan dated April 10, 2019.

The motion being seconded, Chairman Gelb called for discussion on the modification request.

Commissioner McCullough noted that the modification is for an overhang extending from 9 to 6 feet. Mr. D'Orazio explained that town code requirement allows for a 3 foot encroachment into a required yard. In this instance the applicant is requesting a 6 foot encroachment for 3 additional feet beyond what is allowed.

There being no further discussion Chairman Gelb called the question for modification.

Motion: McCullough

Second: Couchman

Vote: 6-0

Nays: Miller & Baum

Chairman Gelb called for a motion on the application.

Commissioner McCullough made a motion to recommend MAC application, Option 2 dated April 10, 2019 to Town Council for rezoning of subject property located at 374-380 Maple Avenue West, from C-1, Local Commercial and RS-16, Single-family Detached Residential zoning districts to the MAC (Maple Avenue Commercial) zoning district.

The motion being seconded, Chairman Gelb stated that he intends to support motion. Although it is not a perfect project they do not get perfect projects. He has heard comments for facing the terrace to the rear of the building and finds the application design to be within reason. There are no compelling policy reasons to leverage or urge changing it. He hears personal preferences, which are subjective. The project presents a residential design for a residential neighborhood. Additionally, although he has heard concerns for traffic he has similar issues with cut-thru traffic in his own neighborhood. They heard appeals for mitigation and the closing of the street. None of which are inherently inappropriate. Although it is a public street, the project will create an impact. It is the applicant's responsibility to consider ways in mitigating those impacts. It is hard to devise those mitigations as they do not know what will happen. He would prefer to see what issues arise before recommending a mitigation scheme. He would compel the neighborhood in being proactive in approaching the Town. He would also like to see Town Council commit to study and analysis traffic calming mitigation, stating that they cannot design a mitigation scheme when they do not know. It is all personal supposition.

Commissioner McCullough stated that she understands the focus of the MAC

ensuring that Vienna's small town character is not compromised nor the character of its residential neighborhoods abutting the corridor. It also states that it should encourage compact, pedestrian oriented mixed-use development and redevelopment along Maple Avenue. This project does that, reinforcing Maple Avenue's role as the Town's main street. Although some feel it to be antiquated, it is a process that is open to residents. That would be very difficult in Fairfax County. She appreciated all comments heard, noting that they are volunteers and residents of the Town. They are not elected officials. They are tasked with thinking about the community as a whole. With respect to comments made on the quality of the project, Commissioner McCullough noted that the BAR Chair has stated publicly that this is a quality project in terms of structure and design. They should be pleased to see quality projects being put forth. She appreciates the removal of the level of parking to address neighborhood concerns. It also further reduced the structure by 4 feet. She would have preferred to see a two level parking structure that would have benefited the building, its patrons, and residents as a whole. Having reviewed all configurations of the project, she feels the applicants have listened to the neighbors. Although they are not getting everything that they want the applicant cannot please all aspects.

Additionally, Commissioner McCullough noted her support for freedom of speech. She has been disheartened during the process to be subjected to social media criticisms; questioning, scolding, shaming, belittling town decision makers, staff, and volunteers because they do not agree with what you want. Everyone should have their opinion but they should treat everyone respectfully. She hopes going forward that any comments made are made in a way that affords a retort or response. She appreciated the work, dedication, and care that the community has put forward in making it the best application possible. That being said she supports the application.

Commissioner Couchman stated that as a volunteer they do so for the entire town. They do listen. She wondered if some have been scared away because of social media tactics keeping people from speaking up. She appreciates the residents who have come out to their meetings, sharing their thoughts and feelings. Ultimately they have to do what is best for the entire town.

Commissioner Kenney asked if the applicant intends to underground utilities. Mr. Rice answered no. Commissioner Kenney asked if they received pricing yet. Mr. Rice answered that are waiting on information and pricing back from Dominion Power. Commissioner Kenney asked if it is still a consideration. Mr. Rice answered yes. Commissioner Kenney asked for the location of the generator. Mr. Rice answered that is to be determined. Commissioner Kenney noted that should be determined before going before Town Council considering it will generate noise. Mr. Rice stated that they are hoping to locate it along the Tysons side of the building at grade. It would be shielded by fencing backing to the parking garage. Commissioner Kenney asked if the ventilation grills will be placed along the rear. Mr. Rice answered that is also undecided. Commissioner Kenney suggested that also be determined by the time they get to Town Council for review. With respect to public art he meant for it to be along the Wade Hampton side. If it were along the rear of the property he suggested decorative feature or a simple grill.

Commissioner Kenney agreed with statements that for traffic the MAC should be proactive rather than reactive. Although it may never be a problem it would be wise to know traffic counts for neighborhood streets in the vicinity of these projects. Upon completion another study should be provided, which may prove mitigation

solutions work. If they find that they do not then they should not be burdening neighborhoods with projects created for Maple Avenue. Proactive studies and implementations were made when Beulah Road NE closed. Traffic calming measures were implemented for the neighborhood because they knew it would be an issue. Studies would confirm whether there is an issue and would be worth further discussion. He can understand neighborhood concerns as there are some difficult turns in the neighborhood.

Commissioner Baum thanked the citizens, the applicant, and town staff for putting in so many hours making it a quality project for them to consider. She stated that what makes it a town is the 35 foot height restriction. She served on the original Maple Avenue Vision Committee from 2000-2001. At the time they considered options for offering an extra floor but also realized that no one wanted a 45 foot tall building. They decided on a 10 foot setback for a fourth story as it would afford more space and provide some interest to the overall design of the building. Although the project is a beautiful building she would prefer the fourth floor set in by 10 feet all around to limit residential view. She was struck by comments from the neighbor who would no longer be able to enjoy sunsets in their yard, stating that is a shame. The RS-16, residential detached zone along the back would provide the necessary buffer and protection for neighbors. The citizens have definitely spoken against the project. She stated that the building is too tall and has further concerns for safety and traffic issues that may arise from the project and truck deliveries to the site.

Commissioner Basnight stated that he has served on the Planning Commission for 10-11 years. Prior to that he served on the Town's TSC with some members of the Commission. When he started the Commission was working on the Comprehensive Plan, which he chaired the Transportation subcommittee. Fellow subcommittee members now serve on the BZA and Town Council. At the time they met with a senior official at Fairfax County, their assistant, and three Traffic Engineers to discuss the Town in relation to the Tysons project. When they asked Fairfax County members what could be done to help the Town with traffic issues they were told Fairfax County could do nothing to help. Although they have traffic issues, which they have been trying to improve for a long time, they need to continue their efforts in making the Town a better place. He hoped developers would begin removing curb stops. He has lived in the Town for 25 years and has witnessed much growth. He would not live anywhere else, stating that by-right developments would be detrimental to the town.

Chairman Gelb read Commissioner Meren's comments aloud; stating that Commissioner Meren supports the project and would be voting in support of it if he were present. Although that is not a recorded vote, he wanted it noted for the record. They also heard that the size and overall height of the building was of higher importance than reduced parking within the structure and subsequent overflow parking. The more recent plan is a good accommodation to that.

Commissioner McCullough asked, procedurally, how to clarify items discussed with the applicant at tonight's hearing and addressed: the internal stairwell, the configuration of the corner at Wade Hampton Drive and Glen Avenue SW, and consideration for sculpture or art work for the walls. She asked if those items can be provided as recommendations or suggestions to Town Council as part of their review rather than including them in the motion and memorandum. Chairman Gelb stated that he would include them in his memorandum to Town Council. Additional discussion followed.

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

*Motion: McCullough
Second: Basnight
Vote: 5-2
Nays: Miller & Baum
Absent: Meren*

Report of the Director of Planning & Zoning

Director Petkac stated that the April 24, 2019 meeting will be a public hearing for review of two items; Consideration for extension of the MAC moratorium to November 15, 2019 and MAC rezoning application for Sunrise Assisted Living. She stated that they will also be providing recommendation on a CUP for assisted living to the Board of Zoning Appeals.

Old Business

None

New Business

Commissioner Baum stated that she will be out of town for the April 24th meeting.

Commissioner McCullough stated that her term of service is set to expire for Windover Heights Board of Review. She is interested in stepping down and asked commissioners to consider serving.

Approval of the Minutes

None

Meeting Adjournment

There being no further communications, the meeting adjourned at 11:59 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.