



# Town of Vienna

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

## Meeting Minutes Town Council Work Session

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Monday, September 28, 2020

7:30 PM

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

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### Work Session

#### 1. Regular Business

##### *Attendance:*

*Mayor Linda Colbert; Council Member Chuck Anderson; Council Member Ray Brill; Council Member Nisha Patel; Council Member Ed Somers; Council Member Howard J. Springsteen; Council Member Steven Potter (via ZOOM).*

##### *Staff:*

*Town Manager Mercury Payton; Deputy Town Clerk, Shelley Kozlowski; Present via ZOOM included Director Planning and Zoning, Cindy Petkac; Director Public Works, Mike D'Orazio; Town Attorney, Steve Briglia; Manager Economic Development, Natalie Monkou; Principal Planner, Planning and Zoning, Kelly O'Brien; Zoning Administrator, Frank Simeck.*

*Mayor Linda Colbert opened the work session requesting a moment of silence in recognition of Council Member Chuck Anderson's brother, who recently passed away.*

#### A. [20-1887](#)

##### Resolution for Continuity of Government

*Mayor Colbert read aloud the Resolution for Continuity of Government. Council approved via voice vote.*

#### B. [20-1734](#)

*Mayor Colbert called on Cindy Petkac, Director of Planning and Zoning to present an overview of the project. Director Petkac explained that the survey was undertaken in response to a proposal initiated by Council Member Patel which would allow for an additional 5% above the maximum 25% lot coverage for the defined list of outdoor living spaces. A survey was created to collect input from the community as part of the Community Conversation event on March 2, 2020. Attendees at the event were provided paper surveys to complete and an online survey was available for anyone unable to attend the event in person. Director Petkac introduced Shelley O'Brien who reviewed the results.*

*Of the 242 survey responses received, 178 were verified responses from Town addresses. Based on the results two primary issues were clear; permeability (storm water) and lot coverage (size of home).*

*Council Member Brill questioned whether the small (2.5%) response was significant enough to initiate a change in the ordinance. Mayor Colbert and Council Member Patel agreed that the validity of the survey could be called into question. The possibility exists, however, that during the engagement portion of the Code rewrite*

*the sample size could be increased. With a document already created addressing lot coverage, this item could serve as a catalyst for greater public discussion in the form of a lunch and learn.*

C. [20-1874](#)

Board of Zoning Appeals Work Session on Family Day Homes

*Mayor Colbert once again called on Director Petkac to introduce the item for discussion. Director Petkac introduced George Creed, Chairman, Board of Zoning Appeals; Robert Dowler, Former Chairman, Board of Zoning Appeals; and Frank Simeck, Zoning Administrator.*

*Chairman Creed and Former Chairman Dowler explained that under the Town of Vienna zoning code section 18-209 the BZA can grant conditional use permits (CUP) for a specific list of facilities, of which family day homes are not included. Recent changes to state code allow one – four children by-right. However, for the Town of Vienna an increase to five – twelve children would require the granting of a CUP. The BZA is then faced with making these decisions without the clarity and specificity of the family day home designation.*

*Several Council Members questioned the timing of this request, given the ongoing Code rewrite. Town Attorney Steve Briglia emphasized that any timing decision would be a Town Council policy determination. He further explained that State Code is complex with regard to this issue. As of 2019, should a family day home wish to expand (5-12 children) then the Town is allowed to continue with a CUP process under the designation of kindergartens and nurseries. The other option would be to make the Town Code consistent with the State Code whereby it becomes an administrative decision without BZA involvement.*

*Former Chairman Dowler expressed concern with the lack of specific family day home designation, especially should there be a court challenge. Without specific designation it is his opinion that the BZA does not have authority to grant a CUP. Following a back and forth discussion, Council Members stressed the need for continued public input through the CUP process. As such they support, as a quick fix, amending Code section 18-20 and Code section 18-13 to specifically include “Child Day Care” as an enumerated use. Additionally, they urge continued public input while the Code is in rewrite.*

D. [20-1883](#)

Work session about potential rezoning of 127-133 Park Street NE (Vienna Courts Condos) from T (Transitional) to RM-2 (Multi-Family Residential)

*Mayor Colbert introduced John and Collin Sekas of Sekas Homes, Ltd. to provide an overview of the item for discussion. As the contract purchaser of the Vienna Courts condos property (127-133 Park Street NE), Mr. Sekas explained that he has come before Council seeking feedback on the concept of downzoning the property from T (transitional) to RM2 (multi-family residential) prior to a formal request for zoning map change. Among topics presented for Council consideration was the need for mid-priced residential development. He proposed a mix of units with prices ranging from \$700,000 to \$1M+ explaining that much of the primary cost driver is found in the cost of the land. While \$700,000 may appear high, with interest rates so low, buyers purchasing capacity is greater than ever.*

*Responding to Council questions regarding best property use and timing of the rezoning request (given the ongoing code rewrite), Mr. Sekas pointed out that he waited over a year to see the Code rewritten, however, eventually felt driven to move forward. He agreed to Council Member Patel’s request to consider other property*

*uses that could be proven economically viable.*

*As a next step, Mr. Sekas will provide visuals for Council consideration. Should time be unavailable for a Work Session presentation, he agreed to meet at Town Hall in a one to one (maximum of two) with Council Members.*

## **2. Meeting Adjournment**

*Work Session concluded at 10:00 PM*

*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.*