



Town of Vienna

127 Center Street South
Vienna, Virginia 22180
p: 703.255.6341
TTY 7111

Meeting Minutes - Final Planning Commission

Wednesday, August 24, 2022

7:30 PM

COUNCIL CHAMBERS-VIENNA TOWN
HALL

The Planning Commission met in regular session on Wednesday, August 24, 2022, at 7:30 pm in the Council Chambers of Vienna Town Hall, 127 Center Street South, Vienna, Virginia, to review one regular meeting item. Stephen Kenney, Chairman Presiding and the following members were present: Jessica Plowgian, Keith Aimone, Jessica Ramakis, Deepa Chakrapani, and Matthew Glassman. In attendance and representing staff were David Levy, Director of Planning & Zoning, Kelly O'Brien, Acting Deputy Director of Planning & Zoning, John Jay Sergeant, Town Engineer, and Jennifer Murphy, Clerk to the Commission.

Roll Call

Commissioner Miller is absent.

Chairman Kenney recognized two new members to the Planning Commission, Commissioner Chakrapani and Commissioner Glassman.

Communication from Citizens and/or Commissioners

None

Public Hearings - None

Regular Business

1. [PC22-184](#) Recommendation by the Planning Commission to the Town Council on the application to modify the current limitation related to required parking in the C-1A, Special Commercial zone on property located at 301 Maple Avenue, West. Application filed by Kim Luu-Tu of White Oak Tower Office Condominium Association.

Department of Planning & Zoning Acting Deputy Director, Kelly O'Brien provided staff's report, stating that the 65 ft tall building, constructed in 1977, underwent condominium conversion in 2005. The building having been constructed in 1977 was constructed under different standards requiring modifications from current Town Code requirement. Modification requests included allowance for reduction of some parking spaces to 8.5x18 ft, reduction of off-street parking requirements to 183 spaces, reduction from the 5 ft side-yard parking setback, and reduction of loading space area and width requirements for ingress-egress at the street right-of-way line. As part of the 2005 modification the applicant offered to prohibit retail and restaurant use, and to limit medical use to 50%. In 2021 the building reached its maximum 50% medical use: specifically, 49.66%, restricting the building to no new

medical uses or expansion of existing current medical uses. This includes prohibiting condominium owners from being able to sell their condominium space for medical use.

Ms. O'Brien explained that the condominium board is seeking removal of the 50% medical use restriction tied to the parking reduction. Current Town Code parking standards requires a 1 to 200 sq. ft. of space for all floor area, not including stairs or elevators. Current ITC (Institute of Transportation Engineers) standards for parking, 5th edition, suggests 2.39 regular spaces and 3.23 medical use spaces. Per ITC standards, the entire building operating under medical use would require 156 parking spaces. The entire building currently provides 183 parking spaces, which exceeds ITC standards.

Ms. O'Brien stated that the request was originally reviewed by Planning Commission at their February 23, 2022, meeting resulting in recommendation of support to Town Council. That application was denied by Town Council, citing a formal parking study should be provided that includes specific times. The applicant is providing historical parking data, comparing pandemic versus post pandemic parking details. Historically, per past aerial views, the subject location has been able to show that parking is never maxed out. Council member feedback found that a more complete parking analysis should be provided. Ms. O'Brien presented a detail parking comparison to the building addressed at 115 Park Street SE, stating that it is the closest, similar configuration constructed in 1985. Staff did not have the exact percentage for medical use but noted that all neighboring surrounding buildings meet parking requirements, which offer medical use.

Department of Planning & Zoning Director, David Levy, stated that Town Council has directed staff to move forward with a parking study to inform standards for the Code Create zoning update. Although staff does not currently have the data, the study will inform future parking questions. Director Levy stated that the Commission is reviewing the item again because the application was denied by Town Council. The application is required to go back through the review process again. Ms. O'Brien noted that this is also a substantially different application before them.

Commissioner Plowgian asked, under current zoning requirement, what numbers would be required. Ms. O'Brien provided that the current code requirement does not differentiate uses and only requires a parking ratio of 1 to 200, equating to 226 required parking spaces. The site currently provides 183 parking spaces.

There being no further questions, Chairman Kenney invited the applicant forward to speak.

Kim Luu-Tu, president of the White Oak Tower office Condominium Association, was present representing the application. Ms. Luu-Tu thanked staff for their summary, stating that the condominium association's greatest concern is that it greatly impacts the valuation of space. Real-estate agents have advised them that non-medical use is valued at a reduced amount. She noted that because existing medical practices cannot expand, the town may also be affected if medical practices are leaving their building. She stated that working post covid has shifted all onsite schedules. She would not anticipate a scenario where the building operated at 100% medical use unless they sold to a company such as INOVA.

Chairman Kenney asked for the applicant's reaction to Town Council's comments. Ms. Luu-Tu stated that she was unable to attend council's review and had a fellow

condominium owner, Frank Leoni, attend in her place. She was surprised by the vote considering the Planning Commission's unanimous vote in favor of the application. More so, since Commissioner Miller, who was on the original review that provided the restriction, voted in support of their application. She stated that they had also provided the same spread sheet that the Giant Food shopping center provided in their review, which was not enough. Upon hearing of the denial, she requested a motion to continue their application and was notified that the condominium board would have to re-apply the application.

Chairman Kenney asked for Ms. Luu-Tu's response to allowing an alternative percentage restriction rather than entirely lifting the restriction. Ms. Luu-Tu answered that they are not opposed but does not want to have to come back if they determine that they need 71%. She stated that they are the only building in town under a medical use restriction. They do not have parking issues and the upper deck provides plenty of spaces. They previously experienced issues with neighboring customers parking on their property. A brief discussion followed.

Chairman Kenney asked for clarification on expanding a condo unit that is under a medical use.

Ms. Luu-Tu explained that a tenant of hers is a chiropractor, which operates under medical use. The neighboring space she recently purchased cannot be utilized for her tenant because they cannot expand the medical use due to the restriction. She noted that there are other owners situated adjacent to medical uses that are interested in selling to neighboring medical owners. Due to the percentage restriction, they cannot sell to those practices interested in expanding.

Chairman Kenney asked if someone surveyed onsite to collect parking data. Ms. Lu-Tuu answered yes, explaining that the building's maintenance manager, another owner, and she herself all collected counts. They also took headcounts of people in the building.

Chairman Kenney asked if the applicant would consider a 70% limitation with re-evaluation within a certain amount of time. He noted that they would not want to create a scenario of first come, first served but wanted to buffer for a set period to prove that it works. He appreciated the counts provided, which shows that the site is currently overparked.

Dr. Ali Safa, owner of 301 Maple Avenue, West, suite 120, stepped forward to speak. Responding to references made to the neighbor parking dispute, Dr. Safa stated that there was a dispute between the previous president and the owners in the neighboring buildings, who opted to block their access to Pleasant Street NW. He was not familiar with similar criteria enacted on any other commercial building, stating that if approved they will have to obtain a 2/3 majority approval to change their bylaws. There is no difference between parking medical versus non-medical and asked why it is being treated separately. Chairman Kenney explained that the building does not meet current parking standards. Concluding his comments, Dr. Safa was seated.

Ms. Lu-Tuu stated that an 80% limitation would solve their issues because 183 of 226 is 80%. If the Commission will consider an 80% limitation, they will not need to come back at all.

Commissioner Glassman stated that he reviewed the Town Council meeting review with the applicant. He did not want to send the applicant back to fail and asked if

there was a sense as to how council was viewing the item. Chairman Kenney explained that the applicant needed an additional vote to pass, stating that council was looking for a cleaner analysis, which has been provided.

Commissioner Chakrapani stated that it is not useful to set up the applicant with a procedure to exempt them from current standards. If they were to support 100% allowance other buildings may come back to request the same criteria. They should consider the other buildings that are trying to utilize the same criteria, stating that the parking study has long been sought after. If the study will be complete in a year and a half, then they should wait for it.

Ms. Lu-Tuu asked if the commission would consider granting 100% allowance with a requirement to come back in 5 years. She stated that if there is an issue they could come back for discussion. Chairman Kenney stated that it is difficult to go backward. Further discussion continued.

Young Kim, owner of 301 Maple Avenue West, unit 320, stepped forward to speak. Mr. Young stated that he has been an owner for approximately 5 years. In preparation for retirement, he recently put his condominium unit on the market. Within 2-3 months he received offers from several doctors interested in medical use and one lawyer in need of more space. Since the space is not designated for medical use and the building is maxed out, he is limited to who he can sell to. Commissioner Plowgian asked for square footage of the space. Mr. Kim answered 1,909 sq. ft. Ms. Lu-Tuu clarified that the net is 1,365 sq. ft of usable space. Further discussion continued regarding core space square footage used for parking calculation.

Commissioner Chakrapani asked if the comprehensive plan update will look at expanding office use to include medical space. Chairman Kenney explained that town code currently does not differentiate the use. During the 2005 review, the Planning Commission held three meetings due to concern whether medical use equated to regular office space, which is how they came up with the limiting language. He was uncertain as to how it was determined that it should be 50%.

Commissioner Ramakis appreciated points made referencing the pandemic and what normal is. She stated that things have changed. Although unknown, they need to be able to move forward, stating that the parking data provided seems thoughtful and meets the council's directive.

Commissioner Glassman stated that he would be supportive of 70% as steps towards 100%. He agreed that they could never go backwards, stating baby steps may be the way to go until there is a formal parking study. This being the only place having a percentage restriction, it does not sit well with a percentage.

Director Levy noted that the parking study will not cover all places in town and may not speak to this building. Further discussion followed.

There being no one from the public to speak, Chairman Kenney called for discussion.

Commissioner Plowgian stated that she originally supported lifting the restriction entirely but also wants to see the application move forward. Both the parking study and code rewrite will address parking. It may be easier to move forward under some restriction providing flexibility with the expectation of possible future code updates to parking.

Commissioner Chakrapani stated that she would support taking smaller steps. They can re-evaluate the application with the possible code updates.

Commissioner Ramakis stated that she is inclined to remove the limitation but also supports the application being successful before council. She is open to either option in an effort to remove the condition.

Ms. Lu-Tuu asked if it would be possible to designate spaces for each medical practice. Director Levy stated that it would be difficult for staff to manage a parking designation, which would be a regulatory decision.

Commissioner Glassman stated that he is open to either proposal. He supports moving away from a percentage but is also inclined to support something smaller.

Commissioner Aimone stated that although he originally supported removing the percentage, he is willing to scale it back to get it approved.

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

Commissioner Ramakis moved that, in light of the additional information provided by the applicant, the Planning Commission recommend that Town Council approve the request to remove the condition established in 2005 that 301 Maple Avenue West would have no more than 50% of its space being used for medical offices; if the Town Council continues to be concerned about the approach after considering the additional information, the Planning Commission recommends a limit of 80% and to reevaluate the limit in three years,

There being no discussion, Chairman Kenney called the question.

Motion: Ramakis

Second: Aimone

Roll call vote: 6-0

Absent: Miller

2. [PC22-186](#)

Presentation on proposed rezoning of 127-133 Park Street NE (Vienna Courts Condos) from T Transitional Zone to RM-2 Multi-Family, Low Density Zone

Ms. O'Brien provided staff's report, stating that the Commission is hearing a presentation on the Vienna Courts Condominiums development, proposed for 127-133 Park Street NE. The site currently consists of four separate, 3-story brick office buildings originally constructed in 1973. The lot is a 72,000 square ft. site of approximately 24,000 sq. ft. gross floor area of office space and 80 surface parking spaces. The site currently zoned T-Transitional, allowing for professional office uses and massage therapy is surrounded by commercial properties facing Maple Avenue East and residential single-family properties facing Church Street NE. Town of Vienna Future Land Use Plan, pg. 38 of the Comprehensive Plan, shows the subject site as mixed-use. The contract owner intends to request rezoning to RM-2 to construct 36-units. Town Code RM-2 zoning allows for town houses, duplexes, requiring 8,000 sq. ft. lots, or traditional multi-family buildings. An RM-2 zoning would allow for 36 units based on 2,000 sq. ft. of lot area per unit. To date, a conference session was held with Town Council on September 27, 2021, and a work session with the Planning Commission on October 13, 2021. At the time the presentation consisted of 30, single-story units in 15 buildings.

Ms. O'Brien explained that there is no commission action at tonight's meeting. This is a refresher presentation for the new members. The project will be reviewed as a formal public hearing for rezoning at the next scheduled meeting. Review will include site plan modification requests for front-yard and rear-yard setback, and lot coverage. Staff noted that there are currently no RM-2 zoned properties in town that meet the 25% lot coverage restriction. All locations have received some form of waiver approval. Concluding Ms. O'Brien's staff report, she invited the presenters to proceed.

Steve Bukont and Patty Hanley of BFR Construction, contract owner, located at 921 Glyndon Street SE, were present representing the project. Mr. Bukont presented design concept renderings for a retire, stay in place, one-level living unit. The site consists of 2-floor buildings situated above grade that will include ADA compliant living units and rear access parking. Units within the buildings will have elevator access. The proposed concept includes single-family residential architecture bringing in Church Street Vision design elements such as brick lined sidewalks and lamps. The project provides 19 guest parking spaces for 28 units having two ADA accessible parking spaces, ADA accessible walkways with limited elevator access. Storage and bonus space will be included. The carbon neutral site will provide solar roofs with geothermal cooling and heating. Project modification requests includes an increase to setback, number of units and guest parking spaces.

Commissioner discussion determined:

- *Review of the original presentation rendering, comparing changes. A preference for more green space was expressed*
- *The applicant has met with 3-4 neighbors receiving positive feedback*
- *Buildings #12-14, being more affordable, will only have surface parking.*
- *The ADA accessible lift will be open to the exterior. Maintenance of the lift will be handled by the HOA*
- *The Department of Public Works will provide trash collection using alleyway access. Unit owners will be responsible for bringing cans in and out*
- *Snow removal will be private*
- *Stormwater management includes several underground storm tanks and stormwater planter boxes, meeting both quality and quantity*
- *The project is currently under Fire Marshall review*
- *The project will be residential in scale having an architecture style evocative of early 20th century*

Staff reported that the project will be consistent with the Comprehensive Plan. The applicant was asked to provide a grading walkthrough with their application submission. Staff will provide background information regarding the 2020 Town Council Conference Session.

3. [PC22-185](#)

Amend Planning Commission's Bylaws & Rules of Procedure

Director of Planning & Zoning, David Levy provided staff's report, stating that the amendment is the result of previous discussion with Chairman Kenney regarding adjusting the meeting schedule to include one meeting the first week in July and one meeting the second week in August. He stated that the revised schedule will better align with Town Council and summer schedules. The draft amendment text is also the result of discussions during the June 22, 2022, Planning Director time, of the Planning Commission meeting.

Commissioner Ramakis stated support of the adjustment so long as it does not create

a delay in application reviews. Staff provided that the schedule adjustment will be helpful and better align with BZA (Board of Zoning Appeals) scheduling. It was noted that the BZA breaks in August.

There being no further discussion a motion was in order.

Commissioner Plowgian moved to adopt the proposed amendment to Planning Commission's Bylaws and Rules of Procedure, as drafted, to change the schedule of Planning Commission meetings.

Motion: Plowgian

Second: Glassman

Roll call vote: 6-0

Absent: Miller

New Business

None

Planning Director Comments

Directory Levy advised the following:

- *The Commission will need to appoint another representative to the WHBR (Windover Heights Board of Review). Staff will provide it on the next meeting agenda to formally appoint a member to WHBR.*
- *The Patrick Henry Library project is scheduled for work session with the BAR on September 1, 2022. The same presentation will be given to Town Council on September 12, 2022, and will include BAR work session recommendations. The Planning Commission will review the project for site plan review with waiver requests*
- *Green Hedges has not formally submitted and are still working on their project submission*

Approval of Minutes:

The following meeting minutes were accepted as part of the record with edits provided to the clerk:

PC - June 22, 2022 - Regular Meeting Mins

PC/TC - May 11, 2022 - Joint Public Hearing Mins

Meeting Adjournment

The meeting adjourned at 9:50 pm.

*Respectfully submitted,
Jennifer Murphy
Clerk to the Board*

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.