



## Legislation Details (With Text)

**File #:** 22-3491      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Passed  
**File created:** 11/16/2022      **In control:** Town Council Meeting  
**On agenda:** 12/5/2022      **Final action:** 12/5/2022

**Title:** Town Council consideration of a requested change to the zoning map for a single parcel with 12 existing condominium units; and a related request for modifications of site plan requirements for lot coverage, front yard setback, rear yard setback, and minimum lot area. The parcel is 127-133 Park St., NE (Tax ID #s 0382-52-0001, 0002, 0003, 0004,005,006, 0007, 0008, 0009, 0010, 0011, and 0012) in the T Transitional zoning district. Requested zoning is RM-2 Multifamily, Low Density.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 01 - STAFF REPORT - 12-05-2022 - Vienna Courts, 2. 02 - Vienna Courts - Application & Rezoning Affidavit, 3. 03 - Vienna Courts - Modification Request Letter - REVISED 11.16.22, 4. 04 - Vienna Courts - Rezoning Plan - REVISED 11.22.22, 5. 05 - Illustrative Site Plan - 24 Unit Alternate Plan - REVISED 11.22.22, 6. 06 - Vienna Courts - Renderings, 7. 07 - Vienna Courts - Fire Marshal Approval Plan, 8. 08 - Vienna Courts - Fiscal Impact Analysis - REVISED 11.22.22, 9. 09 - Vienna Courts - By-right and comparable development for reference, 10. 10 - Existing Residential Multi-unit developments analysis, 11. 11 - Relevant Code Sections, 12. 12 - Planning Commission Chair Memos-ViennaCourts, 13. 13 - Vienna Courts - Public Notification Affidavits, 14. 14 - Staff Presentation - Dec 05 2022, 15. 15 - Regulatory Requirements for Vienna Courts Rezoning, 16. 16 - Alternative Rezoning Concept Narrative - REVISED 11.18.22, 17. 17 - Vienna Courts - Proffer Statement - Redline Version - REVISED 11.18.22, 18. 18 - Vienna Courts - Signed Proffer Statement - REVISED 11.18.22

Date	Ver.	Action By	Action	Result
12/5/2022	1	Town Council Meeting	approved	Pass

**Subject:**

Town Council consideration of a requested change to the zoning map for a single parcel with 12 existing condominium units; and a related request for modifications of site plan requirements for lot coverage, front yard setback, rear yard setback, and minimum lot area. The parcel is 127-133 Park St., NE (Tax ID #s 0382-52-0001, 0002, 0003, 0004,005,006, 0007, 0008, 0009, 0010, 0011, and 0012) in the T Transitional zoning district. Requested zoning is RM-2 Multifamily, Low Density.

**DATE(S) OF PRIOR COUNCIL CONSIDERATION OF THIS ISSUE:**

Oct. 24, 2022 and Nov. 14, 2022

**EXPLANATION AND SUMMARY:**

*Background*

The subject site, 127 to 133 Park St., NE, includes four separate three-story office buildings on a 72,173-square-foot site. The existing buildings were built in 1973 with approximately 24,000 square feet of gross floor area of office space. According to the original site plan, the site also contains 80 surface parking spaces. The site is currently zoned Transitional, which allows professional office uses. Uses adjacent to the site are commercial properties facing Maple Avenue, E, and single-family residential properties along Church Street, NE. The Vienna Presbyterian Church is located across

Park Street, NE from the subject parcel to the south.

*Proposal*

The applicant is requesting a zoning map change for the property, from T Transitional to RM-2 Multifamily, Low Density. The developer has indicated that, if the change in zoning is approved, the plan is to construct 12 buildings, each containing two residential units (for a total of 24 single-floor units).

The developer would also construct private alleys, parking, and walkways. The proposed maximum height of each building is 28 feet, which is below the maximum height of 35 feet that is allowed in RM-2. The proposal accommodates a total of 64 parking spaces, which includes 2-car garage parking for each unit and 16 surface spaces.

This proposal reflects changes made in response to the Town Council meetings on Oct. 24, 2022, and Nov. 14, 2022, where public testimony was given and the Town Council discussed the application with the applicant.

More detail is provided below and in the attached staff report (Attachment 1), where the project is described in more detail and a list of all attachments is provided. All revisions from the prior staff report have been underlined for clarity.

The applicant is also requesting several site plan modifications of requirements for the RM-2 zone, per Sections 18-256 and 18-257. These requests include permission for:

- Lot coverage to exceed the maximum of 25% ([Section 18-58.I](https://library.municode.com/va/vienna/codes/code_of_ordinances?) [<https://library.municode.com/va/vienna/codes/code\\_of\\_ordinances?](https://library.municode.com/va/vienna/codes/code_of_ordinances?)),
- Encroachment into the 35-foot front yard setback ([Section 18-58.D](https://library.municode.com/va/vienna/codes/code_of_ordinances?) [<https://library.municode.com/va/vienna/codes/code\\_of\\_ordinances?](https://library.municode.com/va/vienna/codes/code_of_ordinances?)),
- Encroachment into the 35-foot rear yard setback ([Section 18-58.F](https://library.municode.com/va/vienna/codes/code_of_ordinances?) [<https://library.municode.com/va/vienna/codes/code\\_of\\_ordinances?](https://library.municode.com/va/vienna/codes/code_of_ordinances?)), and
- Deviation from certain lot requirements of the RS-10 zone, which the code establishes as also applying to the RM-2 zone, and of the requirement that there be 8,000 square feet of lot area per two-family dwelling ([Section 18-58.A.2](https://library.municode.com/va/vienna/codes/code_of_ordinances?) [<https://library.municode.com/va/vienna/codes/code\\_of\\_ordinances?](https://library.municode.com/va/vienna/codes/code_of_ordinances?)).

These modifications are only relevant for discussion if the Town Council first approves the rezoning.

The applicant has submitted a revised concept plan and proffers to address the comments from the public hearings and discussion. The revised plan shows 12 buildings for a total of 24 single-floor units (rather than 14 buildings with a total of 28 units, which was presented on Oct. 24 and the 13 buildings with a total of 26 units, which was presented on Nov. 14). Two of the requests for modifications of requirements have also been revised. The lot coverage requested was reduced from 70% to 61.5% where 25% is the general maximum for the zone; and the rear yard setback request was changed from 15' to 24', where 35' is required.

The proffer statement acts to legally bind the proposed development to the rezoning approval, and to establish other actions as required by the applicant. The applicant has revised the proffers to include the illustrative drawings of the building elevations, as discussed with Council.

**Departmental Recommendation** : Town Council can approve or deny the request for the zoning map change based on criteria listed under Section 18-249 of the Town Code and the request for the site plan requirement modifications based on Section 18-256 and Section 18-257 of the Town Code. Staff assesses that making this change in zoning, and granting the modifications, would be consistent with the Comprehensive Plan. However, it is likely to result in the loss of low-cost aging office space that serves current users.

Staff recommends that, if the Town Council intends to approve the rezoning and the modifications, that the Town Council first vote on a motion for rezoning, and then act on the modifications.

**Town Attorney Recommendation** : The Town Council may consider the approval of the application in its discretion. In consideration of the proposed rezoning, the Town Council should consider the comments of the public, the report and recommendation of the Planning Commission, as well as the consistency of the application with the Town's current comprehensive plan and any proffers submitted by the applicant.

Also, pursuant to Town Code Sec. 18-249. - Basis for determination, "(i)n determining what, if any, amendments to this chapter are to be adopted, the Town Council shall give due consideration to the proper relationship of such amendments to the entire comprehensive plan for the Town, with the intent to retain the integrity and validity of the zoning districts herein described, and to avoid spot zoning changes in the zoning map."

**Town Manager's Recommendation** : I recommend the Town Council approve or deny the proposal, at its discretion.

Cost and Financing: n/a

Account Number: n/a

Prior Funding Approval: *Annual General Budget (Year), Amendments, CIP Budget (Year), or ARPA.*

Decision Needed by This date: n/a

## PROPOSED/SUGGESTED MOTION

"After considering the proper relationship of the proposed zoning map amendment to the Town's comprehensive plan, with the intent to retain the integrity and validity of zoning districts, I move to approve the requested rezoning for the parcel located at 127-133 Park Street NE (Tax ID #s 0382-52-0001 through 0012) from the T Transitional to RM-2 Multifamily, Low Density zoning district. Furthermore, such rezoning is specifically conditioned upon and subject to written proffers submitted by the applicant."

Or

Other action deemed necessary by Council.

AND

“I move to approve the requested modifications of requirements related to the requested rezoning for 127-133 Park Street NE for front yard setback of 25 feet, rear yard setback of 24 feet, lot coverage of 61.5%, and lot area of 72,167 square feet for the proposed development of 24 single-floor units in 12 buildings as shown in the concept plan.”

Or

Other action deemed necessary by Council.