



# Town of Vienna

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

## Legislation Details (With Text)

<b>File #:</b>	19-1354	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	7/5/2019	<b>In control:</b>		Town Council Meeting	
<b>On agenda:</b>	7/15/2019	<b>Final action:</b>			
<b>Title:</b>	Consideration of a motion to rescind and repeal action taken by Town Council on June 17, 2019, regarding a rezoning application for 374-380 Maple Avenue W.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Town Code - Sec. 2-55. - Compliance with Charter, 2. Town Code - Sec. 9.1.1 - Final passage of ordinances, 3. Town Code - Sec. 18-7. - Zoning map., 4. Code of Virginia - 15.2-2204, 5. Code of Virginia - 15.2-2285, 6. Code of Virginia - Article 24 - Rezoning and Amendments, 7. Robert's Rules - Ch 7 - How Can a Group Change Its Mind, 8. Robert's Rules - Section 35 - Rescind_Amend Something Previously Adopted, 9. Notification to Fairfax County, 10. 380 Maple Ave West - Existing Conditions and Concept Plan - Final - 6-17-19, 11. 380 Maple Ave West - Architectural Drawings - Final - 6-17-19, 12. 380 Maple Ave West - Final Signed Proffers - 6-18-2019, 13. 380 Maple Ave West - Traffic Impact Study - Final, 14. 380 Maple Ave West - Traffic Impact Study Appendix - Final, 15. 380 Maple Ave West - Rezoning Affidavit - 3-27-19, 16. 380 Maple Ave West - Town Council Staff Report - 6-3-2019, 17. 380 Maple Ave West - Planning Commission Memo - 4-12-19, 18. 380 Maple Ave West - Board of Architectural Review Recommendation - 3-27-19, 19. 380 Maple Ave West - MAC Incentives Checklist - 3-27-19, 20. 380 Maple Ave West - Modification Request - Awning - 3-27-19, 21. 380 Maple Ave West - Signed Proffer Statement - 6-17-19, 22. 6-10-19 Emails from residents, 23. 6-10-19 emails from residents #2, 24. Letters to adjoining property owners - 370-380 Maple Ave W- Rescind and Repeal, 25. Copy of legal ad for Joint Public Hearing and Intent to Adopt 7-15-19, 26. Copy of Protest Petition 380 Maple Ave - 7-1-19, 27. Copy of Protest Petition - 380 Maple Ave-2, 28. Copy of Protest Petition - 380 Maple Ave-3, 29. Draft minutes -380 Maple Avenue Public Hearing 6-3-19, 30. March 27 2019 PC DRAFT Minutes, 31. Email to County Executive-Planning Department 5-22-19				

Date	Ver.	Action By	Action	Result
7/15/2019	1	Town Council Meeting	amended	Pass

### Subject:

Consideration of a motion to rescind and repeal action taken by Town Council on June 17, 2019, regarding a rezoning application for 374-380 Maple Avenue W.

### EXPLANATION AND SUMMARY :

At the July 1, 2019 regular Town Council meeting, a motion was approved to set a joint public hearing of Town Council and the Planning Commission regarding a motion to rescind and repeal approval of the MAC rezoning application for 374-380 Maple Avenue W (agenda item 19-1317), which was approved at the June 17, 2019 regular Town Council meeting. Notification of intent to move to rescind was provided by a Councilmember at the June 17, 2019 meeting, during discussion of the proposed rezoning.

A move to rescind an approved motion is supported by Article 3, Section 2-11 of the Town Code, in

accordance with Article IX, Section 35 of Robert's Rules of Order. Reasons for consideration of a motion to rescind include continued concerns about pedestrian, vehicular, and congestion impacts and related potential safety issues, the narrowing of Wade Hampton Drive, encroachment upon Town right-of-way, and possible insufficient space for delivery vehicles as well as concerns about zoning implications for replacing a commercial building with a predominately residential building.

The property owner for 374-380 Maple has submitted protest petitions pursuant to Town Code Section 18-248, protesting the proposed motion to rescind and repeal. Accordingly, a two-thirds vote of the Town Council quorum present shall be required for a motion to pass.

**Departmental Recommendation** : Upon verification of the authority to rescind approval of the 374-380 Maple Avenue W rezoning application, follow the direction of Town Council.

**Finance Recommendation** : N/A

**Purchasing Recommendation** : N/A

**Town Attorney Recommendation** : After conducting a joint public hearing with the Planning Commission, Town Council may consider recommendations of the Planning Commission and input from public comments and review the proposed motion to rescind and repeal the rezoning of 374-380 Maple Avenue W for consistency with the Town's Comprehensive Plan and Zoning Ordinance, specifically Town Code sections 18-95.1-18-95.20 (MAC provisions), 18-249 (rezonings), and 18-249.1 (conditional zoning and proffers).

**Town Manager's Recommendation** : After conducting a joint public hearing with the Planning Commission, Town Council may consider recommendations of the Planning Commission and input from the public comments and review the proposed motion to rescind and repeal the rezoning of 374-380 Maple Avenue W for consistency with the Town's Comprehensive Plan and Zoning Ordinance, specifically Town Code sections 18-95.1-18-95.20 (MAC provisions), 18-249 (rezonings), and 18-249.1 (conditional zoning and proffers) and vote to rescind the action taken by the Town Council on June 17, 2019, at its discretion.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: July 17, 2019

## PROPOSED/SUGGESTED MOTION

After consideration of recommendations of the Planning Commission and receipt of public input at the advertised public hearing, I move to rescind and repeal the rezoning of 374-380 Maple Avenue W from C-1 local commercial zone and RS-16 single-family detached residential zone to Maple Avenue Commercial (MAC) zone for 380 Maple, a mixed-use building with ground floor retail and multifamily residential condominium units, as well as consideration of a request for a related modification of requirements.

Or

Other action deemed necessary by Council.