



# Town of Vienna

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

## Legislation Details (With Text)

**File #:** 20-1801 **Version:** 1 **Name:**  
**Type:** Action Item **Status:** Passed  
**File created:** 7/28/2020 **In control:** Town Council Meeting  
**On agenda:** 8/31/2020 **Final action:** 8/31/2020  
**Title:** Public hearing on rezoning of 117 Courthouse Road SW (parcel # 0384 02 0032) from C-2 General Commercial zone and C-1A Special Commercial zone to RS-10 Single-Family Detached Residential zone

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. TC STAFF REPORT - 8-31-2020 - 117 Courthouse Road SW, 2. Rezoning Plan Set - 117 Courthouse Road SW, 3. Rezoning Affidavit Package\_117 Courthouse Road\_June 5, 2020, 4. Regulatory Requirements for 117 Courthouse Rd SW Rezoning App, 5. 117 Courthouse Rd SW Rezoning - PowerPoint Presentation, 6. PC-Memo-117-Courthouse-rezoning\_08-14-20

Date	Ver.	Action By	Action	Result
8/31/2020	1	Town Council Meeting	approved	Pass

**Subject:**

Public hearing on rezoning of 117 Courthouse Road SW (parcel # 0384 02 0032) from C-2 General Commercial zone and C-1A Special Commercial zone to RS-10 Single-Family Detached Residential zone

### EXPLANATION AND SUMMARY :

The subject property, 117 Courthouse Road SW, is currently vacant and covered with a number of trees. A portion of the driveway for the abutting residential lot also is located on the property. Residentially zoned properties (RS-10 Single-Family Detached Residential) abut the property in the southeast and commercially zoned properties (C-1A Special Commercial and C-2 General Commercial) are located to the northwest.

The developer is requesting a zoning map change for the parcel from C-2 General Commercial and C-1A Special Commercial zones to RS-10 Single-Family Detached Residential zone. If the rezoning is approved, the developer will then apply for a 3-lot subdivision, consolidating the 117 Courthouse Road SW lot and 121 Courthouse Road SW lot and then re-subdividing. The applicant has provided preliminary drawings of the 3-lot subdivision with the rezoning application.

The Planning Commission held a public hearing on this matter at a regular meeting on June 24, 2020. After hearing from staff and the applicant, and with no members of the public speaking on the matter, the Planning Commission voted to close the public hearing. The Planning Commission discussed the matter and voted 4-4 on a motion to recommend approval of the rezoning request. With a tied vote, the motion failed. A memo from the Planning Commission chair is included with this item.

**Strategic Plan Initiative:** *Vienna is an influential and well-governed community*

**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.

**Finance Recommendation :**

**Purchasing Recommendation :**

**Town Attorney Recommendation :** The proposed rezoning currently consists of a “split-zoned” property identified as 117 Courthouse Road, SW. Together with consideration of the recommendation of the Planning Commission, under Chapter 18 of the Town Code, Town Council must also conduct a public hearing and review the application for conformity with the comprehensive plan and zoning provisions of the Town Code.

*Sec. 18-247. - Town Council to give notice and hold hearing.*

*Before considering any proposed amendment, supplement, change, or rezoning, the Town Council shall hold a public hearing thereon, notice of said hearing to be accomplished as prescribed in section 18-246. The planning commission and council may hold a joint public hearing after the public notice as set forth in section 18-246. If such joint hearing is held, then public notice as set forth above need be given only by the council. In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan.*

*Sec. 18-249. - Basis for determination.*

*In 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.*

*Sec. 18-249.1. - Conditional zoning and proffers.*

*As a condition to any rezoning or amendment to the zoning map, the council may suggest reasonable conditions, in addition to the regulations provided for the zoning district or zone by this Code, provided such conditions are voluntarily proffered in writing by the owner prior to public hearing before the council and provided further that:*

- (a) The rezoning itself must give rise for the need for the conditions;*
- (b) Such conditions shall have a reasonable relation to the zoning;*
- (c) Such conditions may include a cash contribution to the Town in accordance with the Virginia State Code. Cash proffers may be used for any public improvements consistent with the Town's adopted Capital Improvement Plan and/or goals set forth in the Town's Comprehensive Plan to address transportation and other public facility needs and impacts;*
- (d) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Town's subdivision, site plan or other Town ordinances;*
- (e) Such conditions may include payment for or construction of off-site improvements to address transportation and public facility impacts; not already provided for in the Town's subdivision or site plan ordinances;*
- (f) Except for off-site transportation and public facility improvements, no condition shall be proffered that is not related to the physical development or physical operation of the property; and*
- (g) All such conditions shall be in conformity with the comprehensive plan.*

**Town Manager's Recommendation :** I recommend the Town Council close the public hearing and approve the requested rezoning for 117 Courthouse Road SW, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: October 2, 2020

## PROPOSED/SUGGESTED MOTION

"I move to close the public hearing."

And

"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 and to avoid spot zoning changes in the zoning map, I move to approve the requested rezoning for 117 Courthouse Road SW (parcel number 0384 02 0032) from C-1A Special Commercial and C-2 General Commercial zones to RS-10 Single-Family Detached Residential zone."

Or

Other action deemed necessary by Council.