



## Legislation Details (With Text)

**File #:** 22-3357      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Passed  
**File created:** 8/30/2022      **In control:** Town Council Meeting  
**On agenda:** 9/26/2022      **Final action:** 9/26/2022

**Title:** Consideration of request to modify conditions of approved site plan for White Oak Tower, located at 301 Maple Ave. W, so as to remove the existing limitation on the amount of medical office, related to parking.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 01 - STAFF REPORT -301 Maple Ave W - White Oak Tower, 2. 02 - Staff Presentation, 3. 03 - Application and Authorization, 4. 04 - Letter Requesting Modifications, 5. 05 - Parking Utilization Summary - March - April 2022, 6. 06 - Offices Survey 3.31.2022, 7. 07 - Historic Aerials - 2003 - 2022, 8. 08 - Minutes - Town Council Meeting - March 21, 2022, 9. 09 - 2005 Approved Site Plan, 10. 10 - Minutes from 2005 Town Council and Planning Commission meetings, 11. 11 -White Oak Tower Medical Use Occupancy Chart, 12. 12 - Relevant Code Sections, 13. 13 - Planning Commission Chair Memo-WhiteOakTower-TC\_08-24-22, 14. 14 - Regulatory Requirements for Agenda Items

Date	Ver.	Action By	Action	Result
9/26/2022	1	Town Council Meeting	approved as amended	Pass

### Subject:

Consideration of request to modify conditions of approved site plan for White Oak Tower, located at 301 Maple Ave. W, so as to remove the existing limitation on the amount of medical office, related to parking.

### EXPLANATION AND SUMMARY :

White Oak Tower, located at 301 Maple Ave., W, received approval in 2005 for site plan modifications to bring the site into compliance during a conversion to condominium ownership. During the 2005 public discussions, specifically related to parking-space standards, the Planning Commission brought up a concern that medical offices were a more intense use than other office uses and that the supply of parking at the existing building may not be sufficient if all offices were permitted for medical use. The Planning Commission recommendation ultimately resulted in adding a condition to the Town Council approval that only 50% of the gross floor area would be permitted for medical use. Since that time, staff has worked with the condominium board to track the medical uses in the building as certificates of occupancy applications were granted. In October 2021, the percentage of medical use in the building reached 49.66%, leaving a balance of only 152 square feet before reaching 50%. The applicant is requesting to remove the medical use limitation.

The Town Council considered this same request at its regular meeting on March 21, 2022. The request failed by a vote of 3-4, after the Planning Commission had recommended approval of the request. At the Town Council meeting, some Council members commented to the applicant that,

should they return with a new application, they should provide a parking study completed by professionals; and that the study should provide observations over a week of consecutive days, and information include observations per day at 9 a.m., 11 a.m., 3 p.m., and 5 p.m. The condominium board conducted a study with the parameters requested, but they did the study in-house rather than with a hired consultant. They then reapplied after having concluded that there is sufficient parking provided.

The Planning Commission held a meeting on Aug. 24, 2022 to consider the request. The Commission voted 6-0 to recommend that the Town Council approve removing the medical use limitation; however, the Planning Commission's motion also included another option to consider if the Town Council is still concerned about eliminating the restriction. This option would increase the limit of medical usage from 50% to 80% and then reevaluate in three years to determine whether any limitation is still needed.

The president of the condominium board and two board members spoke on the matter at the Planning Commission meeting. No other members of the public attended the meeting, and no letters or emails were received regarding the request prior to the meeting.

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

**Board or Commission of Interest:** Planning Commission

**Departmental Recommendation :** Town Council has the authority to approve the requested site plan modifications of requirements after finding that the integrity of Chapter 18 of the Town Code and the health, safety and morals of the Town will not be impaired.

**Finance Recommendation :**

**Purchasing Recommendation :**

**Town Attorney Recommendation :** The Town Council may modify previously approved site plan modifications upon a finding that the integrity of Town's Zoning Ordinance and the health, safety and morals of the Town will not be impaired.

**Town Manager's Recommendation :** The Town Council may modify the previously approved site plan modifications upon a finding that the integrity of the Town's Zoning Ordinance and the health, safety and morals of the Town will not be impaired.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

## PROPOSED/SUGGESTED MOTION

"Based on the conclusion that parking capacity at 301 Maple Ave. W is no longer the challenge that it represented at the time of the 2005 approval, I move to approve the request to remove the condition established in 2005 that 301 Maple Ave. W would have no more than 50% of its space being used for

medical offices."

Or

"Based on the conclusion that parking capacity at 301 Maple Ave. W is less of a challenge than it was at the time of the 2005 approval, I move to increase the percentage of 301 Maple Ave. W that may be used for medical office use to 80%, which should be reevaluated after three years."

Or

Other action deemed necessary by Council.