



Legislation Details (With Text)

File #: 22-3419 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 10/3/2022 **In control:** Town Council Meeting
On agenda: 10/24/2022 **Final action:**
Title: Public hearing on, and Town Council consideration of, a requested change to the zoning map for twelve parcels, located at 127-133 Park Street, NE (Parcel #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 - 10-24-2022 - Vlenna Courts, 2. 02 - Vienna Courts - Application & Rezoning Affidavit, 3. 03 - Vienna Courts - Modification Request Letter, 4. 04 - Vienna Courts - Rezoning Plan - 06.29.22, 5. 05 - Vienna Courts - Illustrative Site Plan, 6. 06 - Vienna Courts - Renderings, 7. 07 - Vienna Courts - Fire Marshal Approval Plan, 8. 08 - Vienna Courts - Fiscal Impact Analysis, 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 - Vienna Courts - Staff Presentation, 15. 15 - Regulatory Requirements for Vienna Courts Rezoning, 16. 16 - Vienna Courts Proffer Letter, 17. 17 - Vienna Courts Proffer Letter w signatures

Date	Ver.	Action By	Action	Result
10/24/2022	1	Town Council Meeting	postponed	

Subject:

Public hearing on, and Town Council consideration of, a requested change to the zoning map for twelve parcels, located at 127-133 Park Street, NE (Parcel #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.

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. The site is surrounded by 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 twelve parcels, from T Transitional to RM-2 Multifamily, Low Density. If the change in zoning is approved, the developer has indicated plans to construct 14 two-family dwellings (for a total of 28 single-floor units), private alleys, parking, and walkways. The proposed maximum height of each building is 28 feet, which is below the maximum

height allowed in RM-2 of 35 feet. The proposal accommodates a total of 75 parking spaces, which includes garage parking, tandem parking under one of the buildings, and surface spaces. Eleven of the 14 buildings will have two-car garages. The remaining three buildings will utilize the tandem parking under one of the buildings.

No proffer statement has been offered by the applicant that would connect the rezoning to the development concept as presented.

This requested rezoning is the first of two items for this proposed development, on the Oct. 24 Town Council agenda. 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?),
- 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?),
- 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?), 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?).

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

More detail is provided in Attachment 1, the staff report, where a listing and title of all other attachments is included.

Town Council received a presentation on an earlier version of the proposed development from the applicant at a Conference Session on Sept. 27, 2021.

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 : Recommend holding a public hearing.

Town Attorney Recommendation : The Town Council may conduct a Public Hearing on the proposed rezoning 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.

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.”

The Town Attorney would caution the Town Council that the proposed rezoning currently does not have any proffered conditions; however, the developer has represented that it intends to develop the property in a certain manner and has also submitted proposed “site plan modifications” in a separate application. Nevertheless, the site plan modifications are not part of the rezoning application and the Town Council is technically only considering the rezoning to RM-2 as part of this agenda item. If the application for rezoning to RM-2 is approved as submitted, no limitations on the redevelopment of the parcels would be mandated or be a condition of redevelopment.

Town Manager's Recommendation : The Town Council may conduct a Public Hearing on the proposed rezoning 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.

October 21, 2022 Addition to Staff Report: On October 20, 2022, subsequent to the completion and public release of this report, the applicant submitted a document to staff entitled “Vienna Courts Proffer Letter.” The applicant is the contract purchaser of the series of properties that are the subject of this application. For a proffer to be acceptable, the signatures of all owners must be included. As a result, the document should be considered as a draft, and not yet ready for Town Council action. The document is now included as Attachment 16 to this report.

October 24, 2022 Addition to Staff Report: On October 24, 2022, subsequent to the completion and public release of this report, the applicant submitted a revised document to staff entitled “Draft Proffer Statement - Vienna Courts - 127-133 Park Street NE.” The document is similar to the draft proffer statement posted on October 21, 2022, with two changes. First, there is now language that definitively ties the proposed site plan and designs to the proffer statement. Second, the signatures of all property owners have been provided, which make the proffer statement actionable by the Town Council. This document is included as Attachment 17 to this report.

Decision Needed by This date: N/A

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, I move to approve the requested rezoning for twelve parcels, located at 127-133 Park Street NE (Parcel #s 0382-52-0001, 0002, 0003, 0004, 0005,0006, 0007, 0008, 0009, 0010, 0011, and 0012) from the T Transitional to RM-2 Multifamily, Low Density zoning district.”

OR

Other action deemed necessary by Council.