



Legislation Text

File #: 18-983, **Version:** 1

Subject:

Public hearing to consider Planning Commission recommendations on proposed text amendments to Article 13.1. - MAC Maple Avenue Commercial Zone Regulations, Sec. 18-95.1. - Statement of Purpose and Intent, Sec. 18-95.3. - Procedure for MAC Zone Designation, Sec. 18-95.4. - Permitted uses, Sec. 18-95.9. - Height limit, Sec. 18-95.14. - Site Development Standards, and Article 2. - Definitions, Sec. 18-4. - Definitions. Finished lot grade of Chapter 18 of the Vienna Town Code.

EXPLANATION AND SUMMARY :

At its July 9, 2018 meeting, Town Council referred proposed text amendments for the MAC zone and the definition of Finished Lot Grade to the Planning Commission for public hearing.

MAC Zone Text Amendments

At the direction of the Mayor, an ad hoc committee was formed in spring 2018 to research and develop potential amendments to the Maple Avenue Commercial (MAC) zone district that would ensure that future mixed-use developments would not result in a loss of commercial activity along the corridor, but rather provide a balanced mix of housing, office, and retail uses as was envisioned when the MAC district was formed.

The committee met six times, on April 3, 18, 30, May 15, June 12, and August 6. Based on analysis and discussion, the committee proposed several text amendments to the MAC, which were discussed at two joint work sessions with Town Council and the Planning Commission on May 23 and June 27.

They also directed the Planning Commission to consider a proposed amendment to Section 18-95.4. - Permitted Uses, to set the maximum number of dwelling units allowed per acre, within a range of 15 to 75 dwelling units per acre.

The Planning Commission held a public hearing at a special meeting on July 30, 2018 (in which 26 members of the public spoke) and continued the hearing to the August 8 meeting. At the August 8 meeting, eight members of the public spoke. After hearing from the public, the Planning Commission voted to close the public hearing. The Commission discussed the proposed amendments and decided to make motions on each section individually (there are a total of five sections proposed to be amended). The Planning Commission made motions for the first two sections, Section 18-95.1 and Section 18-95.3 and recommended several changes to the text. The Planning Commission will discuss changes to Sections 18-95.4, 18-95.9, and 18-95.14 at its next regular meeting.

Finished Lot Grade Definition Text Amendments

With regard to finished lot grade, several work sessions and a public hearing were held by the Planning Commission in spring 2017 to amend the definition along with several other text amendments. The Commission recommended approval of all text amendments at its April 17, 2017

meeting. Following a public hearing on August 21, 2017, Town Council approved the recommended text amendments with the exception of the definition of finished lot grade. There was a concern that new homes could be built on mounds that are graded an additional three feet on top of existing graded mounds, to be referred to as “mushrooming.” At its July 9, 2018 meeting, Council referred the definition for *finished lot grade* back to the Planning Commission and asked that the Planning Commission also consider separate lot deviation rules for single-family detached dwellings and non-single-family detached dwelling structures. After holding and closing a public hearing on July 30 (in which one member of the public spoke) and discussing the matter on August 8 both at a work session and its regular meeting, the Planning Commission voted 8-0 to recommend the language as revised by staff, which addresses the concerns of “mushrooming” and whether or not commercial and non-commercial structures should be treated differently in regards to restrictions on lot grade deviations.

Departmental Recommendation : Since Planning Commission was unable to finish reviewing the proposed MAC zone amendments and make motions and recommendations on all affected sections, Staff recommends only considering the proposed changes to the finished lot grade definition and continuing the public hearing for the MAC zone amendments to the next Town Council meeting to allow the Planning Commission more time to review and make recommendations on all proposed amendments.

Town Attorney Recommendation : After consideration of the Planning Commission’s recommendations and the Public Hearing before the Town Council, the Town Council may approve the proposed Zoning Code amendments in its discretion.

Town Manager's Recommendation : I recommend that the Town Council consider approving the definition of finished lot grade with new language recommended by the Planning Commission and Town Staff, as presented. I further recommend that the Town Council defer the remaining items scheduled for this public hearing to the September 17, 2018 Town Council Meeting.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

PROPOSED/SUGGESTED MOTION

"I move to approve the proposed text amendment to the definition of *finished lot grade* under Article 2, Section 4 - Definitions, and proposed text amendments to Article 13.1 - MAC Maple Avenue Commercial Zone Regulations, Sections 95.1. - Statement of Purpose and Intent, 95.3. - Procedure for MAC Zone Designation, 95.4. - Permitted Uses, 95.9. - Height limit, and 95.14. - Site Development Standards of Chapter 18 of the Town Code for good zoning practices” and “I further move that the Town Clerk be directed to advertise a Notice of Intent to Adopt for September 17, 2018.”

Or

Other action deemed necessary by Council.