



# Town of Vienna

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

## Legislation Text

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**File #:** 19-1343, **Version:** 1

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### **Subject:**

Consideration of a Motion to Rescind Action taken by Town Council on June 17, 2019, regarding the Rezoning Application for 374-380 Maple Avenue West.

### **EXPLANATION AND SUMMARY :**

Two Councilmembers have requested that the rezoning application for 374-380 Maple Avenue West (agenda item 19-1317), which was approved at the June 17, 2019 regular Town Council meeting, be placed on the agenda of the regular Town Council meeting of July 1, 2019 for a motion to rescind. 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 the 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.

**Departmental Recommendation :** Upon verification of the authority to rescind approval of the 374-380 Maple Avenue West rezoning application, follow the direction of the Mayor and Councilmembers.

**Finance Recommendation :** N/A

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation :** As this is a recently added Agenda Item, the Town Attorney is researching the specific notice, publication and public hearing requirements are required under the Town and state code when a Motion to Rescind or Appeal a zoning decision is made. As statutory deadlines and requirements for notice and advertisement may apply, a suggested motion will be provided.

**Town Manager's Recommendation :** Council Members Majdi and Springsteen have provided me with a written request to add to the July 1, 2019 Town Council agenda an item that would rescind the vote on the 380 Maple Avenue item, which previously was passed at the June 17, 2019 Town Council meeting. It is appropriate for any Town Council member to ask me as Town Manager to add an item to the agenda, particularly 24 hours before the agendas typically are sent to the Town Council. Typically, the agendas are sent to the Town Council by noon on the Thursday before the Monday Town Council meeting. I was given more than 24 hour notice to add this item to the July 1, 2019

Town Council agenda.

Whether or not the motion to rescind is “in order” or “out of order”, based on Robert’s Rules of Order, is a decision for the parliamentarian of the Town Council to make. Additionally, there may be Town Code and State Code provisions that also impact this item because it is a rezoning. The Mayor is the parliamentarian of the Town Council as she is the Chair of the Council.

I recommend the Town Council consider a motion to rescind the approved rezoning application if, based on Robert’s Rulers of Order and based on all applicable Town and State Code provisions, the motion is recognized by the Mayor.

Cost and Financing:

Account Number:

Decision Needed by This date: July 1, 2019.

### **PROPOSED/SUGGESTED MOTION**

I move to set a joint public hearing of the Town Council and Planning Commission for July [15 or 16, 2019] on the Motion 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 and the Consideration of a request for a related modification of requirements; and

I further move to direct the Town Clerk and Director of Planning and Zoning to provide notice of the Motion to Rescind Rezoning to all affected property owners in accordance with the state and Town Codes; and

I further move to direct the Town Clerk to advertise a Notice of Joint Public Hearing on the Motion to Rescind and Repeal the Rezoning of 374-380 Maple Avenue W; and

I further move to direct the Town Clerk to advertise an Intent to Adopt a Motion to Rescind Rezoning on July [15 or 16, 2019].

Or

Other action deemed necessary by Council.