



Town of Vienna

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Town Hall
127 Center Street South
Vienna VA, 22180

Legislation Text

File #: 19-1354, **Version:** 1

Subject:

Consideration of a motion to rescind and repeal action taken by Town Council on June 17, 2019, regarding a rezoning application for 374-380 Maple Avenue W.

EXPLANATION AND SUMMARY :

At the July 1, 2019 regular Town Council meeting, a motion was approved to set a joint public hearing of Town Council and the Planning Commission regarding a motion to rescind and repeal approval of the MAC rezoning application for 374-380 Maple Avenue W (agenda item 19-1317), which was approved at the June 17, 2019 regular Town Council meeting. 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 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.

The property owner for 374-380 Maple has submitted protest petitions pursuant to Town Code Section 18-248, protesting the proposed motion to rescind and repeal. Accordingly, a two-thirds vote of the Town Council quorum present shall be required for a motion to pass.

Departmental Recommendation : Upon verification of the authority to rescind approval of the 374-380 Maple Avenue W rezoning application, follow the direction of Town Council.

Finance Recommendation : N/A

Purchasing Recommendation : N/A

Town Attorney Recommendation : After conducting a joint public hearing with the Planning Commission, Town Council may consider recommendations of the Planning Commission and input from public comments and review the proposed motion to rescind and repeal the rezoning of 374-380 Maple Avenue W for consistency with the Town's Comprehensive Plan and Zoning Ordinance, specifically Town Code sections 18-95.1-18-95.20 (MAC provisions), 18-249 (rezonings), and 18-249.1 (conditional zoning and proffers).

Town Manager's Recommendation : After conducting a joint public hearing with the Planning Commission, Town Council may consider recommendations of the Planning Commission and input

from the public comments and review the proposed motion to rescind and repeal the rezoning of 374-380 Maple Avenue W for consistency with the Town's Comprehensive Plan and Zoning Ordinance, specifically Town Code sections 18-95.1-18-95.20 (MAC provisions), 18-249 (rezonings), and 18-249.1 (conditional zoning and proffers) and vote to rescind the action taken by the Town Council on June 17, 2019, at its discretion.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: July 17, 2019

PROPOSED/SUGGESTED MOTION

After consideration of recommendations of the Planning Commission and receipt of public input at the advertised public hearing, I move 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, as well as consideration of a request for a related modification of requirements.

Or

Other action deemed necessary by Council.