



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TDD: 703-324-3903

July 30, 1996

R. Bruce Thompson  
The BC Consultants, Inc.  
12700 Fair Lakes Circle - Suite 100  
Fairfax, Virginia 22033

RE: Proffered Condition Amendment  
Number PCA 84-L-020-10

Dear Mr. Thompson:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 8, 1996, approving Proffered Condition Amendment PCA 84-L-020-10 in the name of Kingstowne Commercial Limited Partnership, subject to the proffers dated April 29, 1996, on subject parcel 91-2 ((1)) Pt. 32C and Pt. 32E, consisting of approximately 10.56 acres in Lee District.

The Board also accepted the change of the transitional screening yard and barrier requirements, as modified, in favor of that shown on the Final Development Plan Amendment FDPA 84-L-020-2-4 as previously approved by the Planning Commission on May 9, 1996, subject to the Board approval of this Application.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

PCA 84-L-020-10

July 30, 1996

2.

cc: John M. Yeatman, Director, Real Estate Div., Assessments  
Melinda M. Artman, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Robert Moore, Trnsprtn. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Y. Ho Chang, Resident Engineer, VDOT  
Land Acq. & Planning Div., Park Authority  
David Watkins, Acting Director, Facilities Mgmt. Div., Office of General Svcs.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 8th day of July, 1996 the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 84-L-020-10

WHEREAS, Kingstowne Commercial Limited Partnership filed in the proper from an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

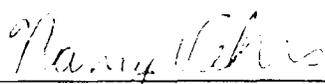
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1.491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 8th day of July, 1996.

  
\_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board of Supervisors

# *The BC Consultants, Inc.*

Planners • Engineers • Surveyors • Landscape Architects

March 20, 1996

Job No.: 87139

MJ Designs PDC Zone

DESCRIPTION OF  
A PORTION OF THE PROPERTY OF  
KINGSTOWNE COMMERCIAL L.P.  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

RECEIVED  
OFFICE OF COMPREHENSIVE PLANNING  
MAR 21 1996  
ZONING EVALUATION DIVISION

Being a portion of the property acquired by Kingstowne Commercial L.P. as recorded in Deed Book 6251 at Page 713 and being all of the PDC Zone of the following: Parcel C - Commercial 34 Kingstowne as recorded in Deed Book 8928 Page 1353, and outlot "A" as recorded in Deed Book 9269 Page 1326 among the Land Records of Fairfax County, Virginia and being more particularly described as follows

Beginning at a point on the Southeasterly right-of-way line of Kingstowne Boulevard (variable width) Deed Book 7048 Page 771, said point lying South 50°27'32" West 27.49 feet from the Northeast end of the South 50°27'32" West 100.00 foot line of said right-of-way, thence leaving Kingstowne Boulevard and running through the property of Kingstowne Commercial L.P. the following six (6) courses and distances

- 1) South 36°10'08" East 226.21 feet to a point, thence
- 2) South 52°31'26" West 100.00 feet to a point, thence
- 3) South 37°28'34" East 378.02 feet to a point, thence
- 4) South 13°18'19" East 152.08 feet to a point, thence
- 5) South 32°00'19" West 47.17 feet to a point, thence
- 6) South 10°01'19" East 120.80 feet to a point on the Northerly right-of-way line of King Centre Drive (variable width) Deed Book 9269 Page 1326, thence running with said King Centre Drive, the following two (2) courses and distances
- 7) 22.88 feet along the arc of a curve deflecting to the right having a radius of 365.00 feet and a chord bearing South 52°02'08" West 22.87 feet to a point, thence

Kingstowne Commercial L.P.

MJ Designs PDC Zone

March 20, 1996

Page Two

- 8) South  $53^{\circ}49'52''$  West 233.39 feet to a point, thence leaving King Centre Drive and running through the property of Kingstowne Commercial L.P. the following three (3) courses and distances
- 9) South  $77^{\circ}45'30''$  West 108.92 feet to a point, thence
- 10) 110.46 feet along the arc of a curve deflecting to the right having a radius of 350.00 feet and a chord bearing South  $31^{\circ}14'01''$  West 110.00 feet to a point, thence
- 11) 8.37 feet along the arc of a curve deflecting to the right having a radius of 630.00 feet and a chord bearing South  $40^{\circ}39'18''$  West 8.37 feet to a point on the aforementioned right-of-way line of King Centre Drive, thence running with said King Centre Drive
- 12) South  $53^{\circ}49'52''$  West 49.69 feet to a point on the Easterly right-of-way line of Sir Viceroy Drive (variable width) Deed Book 9312 Page 1188, thence running with said Sir Viceroy Drive the following five (5) courses and distances.
- 13) 65.51 feet along the arc of a curve deflecting to the right having a radius of 40.00 feet and a chord bearing North  $79^{\circ}14'55''$  West 58.43 feet to a point, thence
- 14) North  $32^{\circ}19'42''$  West 155.03 feet to a point, thence
- 15) 324.59 feet along the arc of a curve deflecting to the right having a radius of 374.00 feet and a chord bearing North  $07^{\circ}27'53''$  West 314.50 feet to a point, thence
- 16) North  $17^{\circ}23'55''$  East 52.47 feet to a point, thence
- 17) 359.07 feet along the arc of a curve deflecting to the left having a radius of 500.00 feet and a chord bearing North  $03^{\circ}10'28''$  West 351.40 feet to a point on the aforementioned right-of-way line of Kingstowne Boulevard, thence running with said right-of-way line the following four (4) courses and distances

Kingstowne Commercial L.P.  
MJ Designs PDC Zone  
March 20, 1996  
Page Three

- 18) 62.56 feet along the arc of a curve deflecting to the right having a radius of 40.00 feet and a chord bearing North 06°44'01" East 56.37 feet to a point, thence
- 19) 19.81 feet along the arc of a curve deflecting to the left having a radius of 14,074.57 feet and a chord bearing North 51°29'18" East 19.81 feet to a point, thence
- 20) 278.56 feet along the arc of a curve deflecting to the left having a radius of 2,383.12 feet and a chord bearing North 48°06'27" East 278.41 feet to a point, thence
- 21) North 50°27'32" East 72.51 feet to the point of beginning containing 459,852 square feet or 10.55675 acres of land.

This description was prepared without the benefit of a title report which may reveal or discover easements and/or rights-of-way not described herein.

(87139MB6.DOC)

PROFFER STATEMENT

PCA 84-L-020-10

The following development conditions shall apply to the subject property provided all of the following events occur: Board of Supervisors final approval of Proffered Condition Amendment PCA 84-L-020-10, as requested; and Planning Commission Final approval of Final Development Plan Amendment FDP A 84-L-020-2-4, as requested.

1. Except as modified herein, the subject property is governed by the Proffer of Development Conditions of June 17, 1985 in DPA C-444-2 and RZ 84-L-020, and the applicable proffers of rezoning and Proffered Condition Amendments approved subsequent thereto but prior hereto. Except as modified herein the subject property is governed by the Proffer Statements of November 17, 1992 in PCA 84-L-020-4 except for the following modification to Proffer 67a.

67a. Development of that portion of the Towne Center identified as Building X shall be in accordance with the PDC Zone Proffered Condition Amendment Building X Kingstowne Center prepared by The DC Consultants, Inc., revised as of April 23, 1996 (Sheets 1, 2 and 3).

KINGSTOWNE COMMERCIAL LP

By: HALLE ENTERPRISES, INC  
General Partner

By: Warren E. Halle  
Warren E. Halle  
President

By: Michael E. Nuzum  
Lucerne Realty and Development Corp.  
Michael E. Nuzum, President



## PROPOSED DEVELOPMENT CONDITIONS

FDPA 84-L-020-2-4  
(Building X)

May 9, 1996

(As approved by the Planning Commission)

On May 9, 1996, the Planning Commission approved FDPA 84-L-020-2-4 located at Tax Map 91-2 ((1)) pt. 32C and pt. 32E, subject to the Board of Supervisors approval of PCA 84-L-020-10 and subject to the following development conditions:

1. Development of the subject property shall be in conformance with the plan entitled "PDC Zone Final Development Plan Amendment, Building X, Kingstowne Center," prepared by The BC Consultants and dated October 31, 1995 as revised through April 23, 1996, and consisting of six pages.
2. There shall be a uniform treatment as to design, lettering and color of all signs displayed within the PDC District for the direction or convenience of the public, such as signs which direct traffic or identify the location of restrooms, public telephones, freight entrances, or parking entrances as determined by the Kingstowne Residential Owners Corporation (KROC) and the Kingstowne Business Owners Corporation (KBOC).
3. Architectural materials for the exterior building facade of Building X shall be composed of brick, split-faced block, or a combination thereof utilizing rose tone colors as determined by DEM.
4. As determined by DEM, all major pedestrian connections and landscaping materials shall be in conformance with the illustrative drawing prepared by The BC Consultants, Inc., entitled Major Pedestrian Linkage, PDC Zone Final Development Plan Amendment, Building X, Kingstowne Center and dated April 23, 1996 (Sheet 6 of 6). Furthermore, at such time as Building X is constructed, the developer shall extend the trail off-site along the south side of Kingstowne Boulevard to its intersection with South Van Dorn Street.
5. Prior to the issuance of a nonresidential use permit for Building X, the following road segments shall be constructed and open to traffic: South Van Dorn Street between Kingstowne Boulevard and South King Center Drive; Sir Viceroy Drive between Kingstowne Boulevard and South King Center Drive (completed as of April 10, 1996); and South King Center Drive between South Van Dorn Street and Sir Viceroy Drive.

6. As determined by the Department of Environmental Management (DEM), the landscaped area along Kingstowne Boulevard shall contain landscaping materials as depicted on the landscaping plan (sheet 5 of 6 of the plan referenced in Number 1 above) including the evergreen trees along the boundary of the PDH-4 District. Evergreen trees, to be planted outside the power line easement, shall be at least 12-15 feet high at the time of planting; deciduous trees shall be a minimum of 3.5 inch caliper at the time of planting.
7. In order to provide for development within the Kingstowne Towne Center that meets the Public Facility Manual's adequate outfall requirements and the 80% sediment trapping efficiencies required by the proffers accepted in conjunction with the approval of RZ 84-L-020, periodic inspections of storm sewer outfalls, oil/grit separators, erosion and sedimentation facilities, and other stormwater management facilities may be conducted by the Department of Environmental Management with the developer.

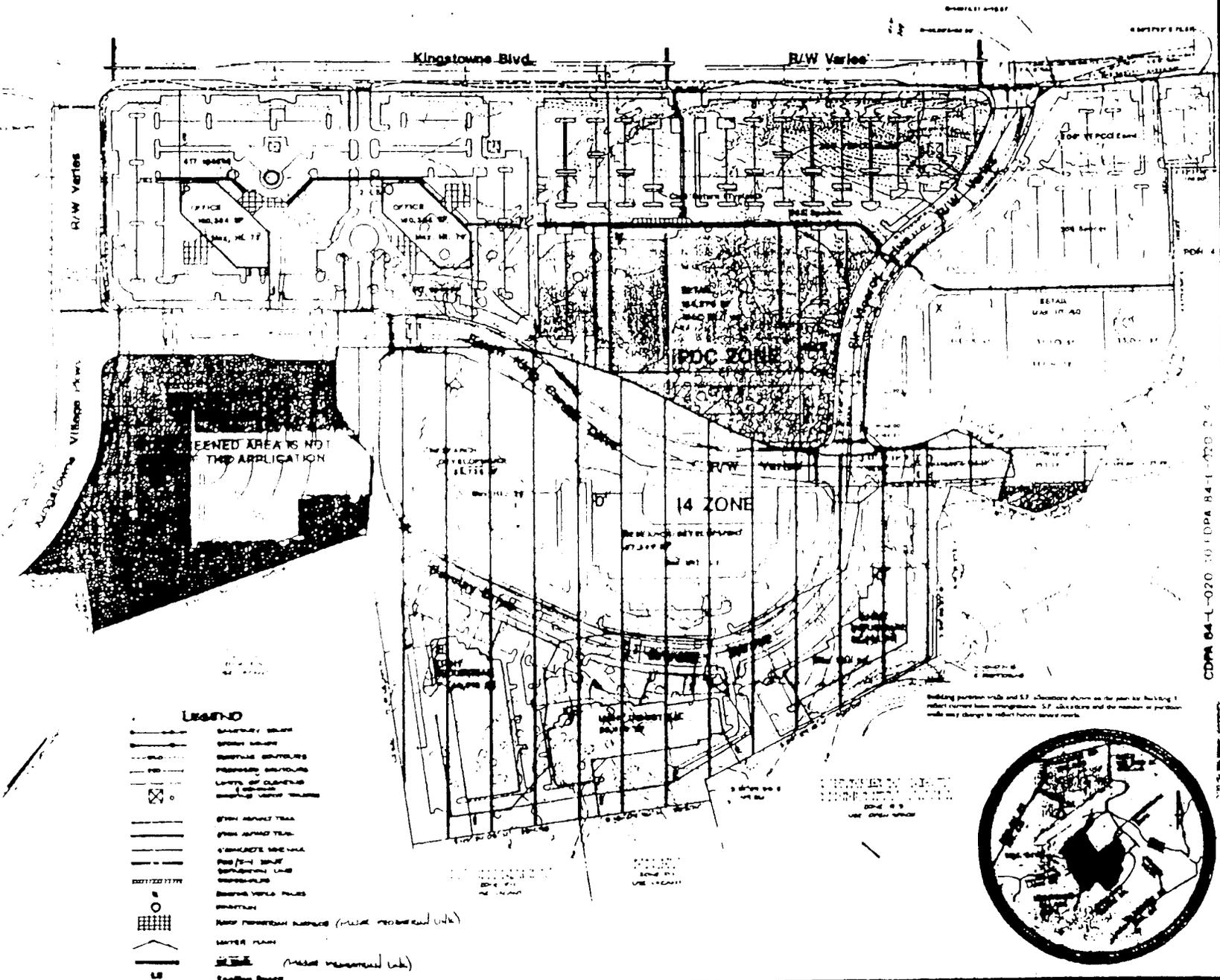
In the event that it is determined by DEM that stormwater run off from the site is causing erosion and/or sedimentation within Dogue Creek; or that oil/grit separators and parking lot sweeping are not effectively removing debris and hydrocarbons; or that existing facilities are in other respects failing to meet the proffer commitments and Public Facilities Manual requirements; then appropriate and necessary modifications to existing facilities or construction of new facilities shall be provided as determined by DEM to satisfy the proffer commitments and Public Facilities Manual requirements. Prior to final determination by DEM, the developer may, at his expense, hire an independent registered professional engineer to provide a written evaluation as to what remedial actions, if any, are appropriate and necessary.

Such improvements and/or facilities shall be designed to minimize any disturbance to the EQC and may include, but are not limited to, additional rip rapping, concrete channeling, velocity check dams, detention ponds, BMP, or other innovative stormwater management measures as determined by DEM. Such improvements and/or facilities may be added without the need for a Proffer condition Amendment or a Final Development Plan Amendment provided that the improvements are in substantial conformance with the approved development plans. In order to assure that the Public Facilities Manual's adequate outfall requirements and the proffered sediment trapping efficiencies are fully satisfied, this condition shall remain in effect until one year after a nonresidential use permit is issued for the last nonresidential building within the Towne Center, or at such time as the developer is released from their performance bond and released from their obligations to the County for the

construction of this project, whichever occurs last.

8. Truck traffic serving Building X and the Retail Center shall make deliveries using south Van Dorn Street, Kingstowne Boulevard to Sir Viceroy Drive or South King Center Drive from South Van Dorn Street. Truck traffic serving Building X or the retail Center shall NOT use Kingstowne Village Parkway. All vendors shall be informed of this requirement and signs shall be posted at the loading docks informing drivers of this restriction.
9. Landscaping shall be provided as shown on the landscaping sheets of the Final Development Plan (Sheets 4 and 5). The landscaping shall include the evergreen trees located along the boundary of the PDH-4 and PDC Districts, which shall be located at the top of the slope and adjacent to the parking lot and travel lane along this boundary. These evergreen trees shall be in place before the issuance of a Non-Residential Use Permit for any portion of Building X.
10. Building X shall be located at least 60 feet from the boundary of the PDH-4 District and the PDC District.
11. This condition is a supplement to and does not replace the limitations established pursuant to Par. 6 of Sect. 6-206, Use Limitations, the development conditions associated with the approval of this FDPA or any applicable proffers. In the case of a conflict between this conditions and any other proffer, condition, regulation, etc. the stricter standard shall apply. The retail establishments located within Building X shall be subject to the following limitations:
  - There shall be no storage of shopping carts, or other such carts, in the parking lot. All such carts shall be stored inside the building. All carts used by customers to transport purchases to their cars shall be returned to inside the store.
  - Signage shall be limited to identifying the individual establishment only; signs for ancillary services such as photo-developing, etcetera or accessory service uses shall be prohibited.
  - All signs shall conform with the regulations contained in Article 12 of the Fairfax County Zoning Ordinance.
  - There shall be no outdoor vending machines, including but not limited to soft drink machines.

- There shall be no coin-operated mechanical rides or other similar devices located outside the walls of the main building.
  - Notwithstanding the provisions of Par. 6 of Sect. 6-206, there shall be no outdoor display of goods for sale.
12. The landscape strip along S. King Center Drive shall extend a minimum of twenty (20) feet from the edge of the right-of-way.



**LEGEND**

- BOUNDARY WALL
- STREET LAYOUT
- BUILDING FOOTPRINT
- PARKING STRUCTURE
- LIMITS OF CLEARING
- EXISTING UTILITY
- 57TH AVENUE TRAIL
- 57TH AVENUE TRAIL
- CONCRETE SIDE WALK
- PAVED AREA
- INTERLOCKING PAVING STONE
- EXISTING UTILITY
- NEW PERIMETER SURFACE (NEED MEASUREMENT (aka))
- LAWN AREA
- ASPHALT (NEED MEASUREMENT (aka))
- LOADING SPACE



**The BC Consultants**

ARCHITECTS ENGINEERS PLANNERS

10000 W. 10TH AVENUE, SUITE 1000  
DENVER, COLORADO 80202

---

CDPA 04-L-020 501 DPA 04-1-020 2 3

**PDC ZONE FINAL DEVELOPMENT PLAN AMENDMENT**

**BUILDING X - KINGSTOWNE VILLAGE**

LAW OFFICES  
PETER J. CUMMINS, VICTOR

---

Designed By	
Checked By	
Date	
Scale	
Sheet	
Project	
Client	

F A I R F A X C O U N T Y

BOARD OF SUPERVISORS ACTION  
ZONING MAP AMENDMENT  
DATE OF ACTION 07/08/96

APPLICATION NUMBER: PCA 84-L-020 -10 LEE DISTRICT

APPLICANT: KINGSTOWNE COMMERCIAL LIMITED PTSHP.

STAFF: BRAHAM

APPROVED THE REQUESTED AMENDMENT(S) TO THE PROFFERED CONDITIONS

APPLICATION DATA

-----  
EXISTING ZONING AND ACREAGE

ZONING: PDC

ACRES: 10.56

PROPOSAL DISTRICT:

PDC  
10.56

ACTION:

APPROVE  
10.56

TOTAL ACRES

10.56

TOTAL ACRES

10.56

MAP NUMBERS

091-2- /01/ /0032-C P,0032-E P

REMARKS:

ZONING MAP AMENDMENT

PCA 84-L-020 -10

ZONING DISTRICT DATA

ZONING DISTRICT: PDC

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD						
SFA						
LOR						
MID						
HI						
-----						
TOT						

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST	126,175	.27
INDUST-WAREHOUSE			*****TOTAL*****	126,175	.27

REMARKS:

BLDG. X OF THE TOWNE CTR. TO BE CONSTR. IN PHASES; FDPA 84-L-020-2-4.

ZONING MAP AMENDMENT

PCA 84-L-020 -10

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1B CONCEPTUAL DEVEL PLAN	1Z OTHER - GENERAL
7A OTHER MISCELLANEOUS - SEE FILE	

CONTRIB DATA: CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
	\$0		00/00/00	
	\$0		00/00/00	
	\$0		00/00/00	
	\$0		00/00/00	

REMARKS:

SEE PREVIOUS PROFFERS INCORPORATED BY REFERENCE.

6/17/96

4:30 p.m. Item - PCA-84-L-020-10 - KINGSTOWNE COMMERCIAL, L.P.  
Lee District

On Thursday, May 9, 1996, the Planning Commission voted unanimously (Commissioner Byers and Thomas absent from the meeting) to recommend that the Board of Supervisors approve PCA-84-L-020-10, subject to the execution of the draft proffers contained in the staff report.

The Commission also voted 9-1 (Commissioner Coan opposed; Commissioners Byers and Thomas absent from the meeting) to approve FDPA-84-L-020-2-4, subject to the Board's approval of PCA-84-L-020-10, with the proffers contained in Attachment 1 of the staff report, and subject to the proposed development conditions contained in Attachment 2 of the staff report, amended as follows:

- 1) modify Condition #3 to strike "DEM" and insert "Kingstowne Commercial Owners Corporation and Kingstowne Resident Owners Corporation."
- 2) modify Condition #12 to delete "thirty" and insert "twenty" for the setback requirement.

The Commission also vote unanimously (Commissioners Byers and Thomas absent from the meeting) to accept the change of the transitional screening yard and barrier requirements as modified, in favor of that shown on the Final Development Plan Amendment.

Planning Commission Meeting  
May 9, 1996  
Verbatim Excerpts

PCA-84-L-020-10 - KINGSTOWNE COMMERCIAL, L.P.  
FDPA-84-L-020-2-4 - KINGSTOWNE COMMERCIAL, L.P.

After Close of the Public Hearing.

Chairman Murphy: The public hearing is closed; recognize Mr. Kelso.

Commissioner Kelso: Mr. Chairman, we have reviewed this application and I have just a couple of modifications and this will require two (2) motions. The first motion is that I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA-84-L-020-10 BY KINGSTOWNE COMMERCIAL PARTNERSHIP, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS CONTAINED IN ATTACHMENT NUMBER 1.

Commissioner Hartwell: Second.

Chairman Murphy: Seconded by Mr. Hartwell. Discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-84-L-020-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Kelso.

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA-84-L-020-2-3 (sic) BY KINGSTOWNE COMMERCIAL PARTNERSHIP, SUBJECT TO THE BOARD'S APPROVAL OF PCA-84-L-020-10, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN ATTACHMENT 1 AND SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 2, WITH THE FOLLOWING AMENDMENTS:

- THAT THE PROPOSED -- OF THE PROPOSED DEVELOPMENT CONDITIONS, ITEM NUMBER 3, THE LETTERS "DEM" BE STRICKEN AND INSERT "KINGSTOWNE COMMERCIAL OWNERS CORPORATION AND KINGSTOWNE RESIDENT OWNERS CORPORATION".
- AND THE CHANGE OF ITEM NUMBER 12 THAT THE WORDS "THIRTY (30)" BE STRICKEN AND REPLACED WITH THE WORDS "TWENTY (20)".

Chairman Murphy: Is there a second to the motion?

Commissioner Koch: Second.

Chairman Murphy: Seconded by Mr. Koch. Discussion of the motion? All those in favor of the motion to approve FDPA-84-L-020-2-3 (sic), subject to the Board's --

Commissioner Coan: Mr. Chairman?

Chairman Murphy: Mr. Coan.

Commissioner Coan: Yeah. I'm sorry. You moved a little faster than I anticipated. I was expecting an explanation of what was being done here. I --

Chairman Murphy: Well, would you like an explanation?

Commissioner Coan: Yes. Yes.

Chairman Murphy: Okay. Discussion of the motion? Mr. Coan would like an explanation, Mr. Kelso.

Commissioner Kelso: This is a portion of the Kingstowne Town Center Plan and the two (2) changes that I asked for refer to the character of the exterior materials of the building and approvals by Kingstowne Owners Corporation and the Kingstowne Residents' Corporation in lieu of DEM because DEM really doesn't have the facility to approve architectural materials. And the second is to approve a twenty (20) foot instead of a thirty (30) foot setback which is within the Ordinance and acceptable to both Lee District and the Kingstowne Resident Owners Corporation.

Commissioner Coan: Could I ask staff if they are aware of these?

Commissioner Kelso: Yes.

Ms. Donna McNeally: Yes, we are aware of these.

Commissioner Coan: Then you endorse them?

Ms. McNeally: We had preferred a thirty (30) foot transitional screening yard in this area.

Commissioner Coan: And could you tell us why?

Ms. McNeally: Previously, in the initial staff report, there was a slightly different building design which incorporated a planting strip that was as much as forty-five (45) feet wide. When this revised plan was submitted and analyzed in their first addendum, we noted that that strip had been reduced down to sixteen (16) feet in some places. I believe the twenty (20) feet is seen as a compromise between staff's position and the applicant's position.

Commissioner Coan: I'd like to ask another question. Is it common for us to approve something subject to approval by a public -- non-public body?

Ms. McNeally: We certainly have had other cases in Kingstowne, and you may correct me, where the Kingstowne Residential Owners Corporation has had that review authority for such items as this.

Commissioner Coan: Very well. Mr. Chairman, these are not insignificant changes and I think it would have been helpful if we had had a little exposition upon them before they were just -- were sort of proposed here. I -- I have a problem with delegating public responsibilities, which is what we have here, to a private body and I guess forty (40) feet being exchanged for twenty (20) feet is --

Commissioner Kelso: Thirty (30).

Commissioner Coan: Well, we had forty (40) feet originally and we're -- now we're down to staff proposed thirty (30) and now we're down to twenty (20). That doesn't seem to me like much of a -- such a good deal for the community. I presume the community is -- this is presented to the folks who might be immediately impacted by the change?

Commissioner Kelso: Right.

Commissioner Hartwell: Mr. Chairman?

Chairman Murphy: Verbalize it.

Commissioner Kelso: Yes. That's correct. These changes have been reviewed by the Supervisor, the Lee District Land Use Committee and the Kingstowne Resident Owners Corporation.

Chairman Murphy: Mr. Hartwell.

Commissioner Hartwell: Thank you, Mr. Chairman? Yes. I held off seconding the motion because I wasn't entirely certain of the meaning of the changes but I'm very comfortable with them and Jack has indicated that they have the support of the community and the Lee District Land Use Committee, so I will support it.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to approve FDPA-84-L-020-2-3 (sic), subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Coan: Nay.

Chairman Murphy: Motion carries. Mr. Coan votes no.

Ms. McNeally: May I clarify that that is dash 4 (-4), instead of dash 3 (-3).

Chairman Murphy: All right. I've got a dash 3 (-3) on the motion. Make that correction to dash --  
2 dash 4 (2-4).

Ms. McNeally: Dash 4 (-4). Correct.

Chairman Murphy: Mr. Kelso.

Commissioner Kelso: Do you want me to make that change?

Chairman Murphy: No. Make the motion that's on the next page regarding the transitional  
screening area.

Commissioner Kelso: Oh, I'm sorry. I MOVE THAT THE PLANNING COMMISSION ACCEPT  
THE CHANGE OF THE TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENTS  
AS MODIFIED IN FAVOR OF THAT SHOWN ON THE FINAL DEVELOPMENT PLAN  
AMENDMENT.

Commissioner Hartwell: Second.

Chairman Murphy: Seconded by Mr. Hartwell. Discussion of the motion?

Commissioner Coan: Yes. Mr. Chairman?

Chairman Murphy: Mr. Coan.

Commissioner Coan: Is this the same thirty (30) now twenty (20) feet that we were talking about  
before?

Ms. McNeally: No, it's not, Mr. Coan. It's at the periphery of the site and it's really an affirmation  
of a previously approved modification.

Commissioner Coan: Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Planning Commission Meeting  
May 9, 1996  
PCA-84-L-020-10 & FDPA-84-L-020-2-4

Page 5

Chairman Murphy: Opposed? Motion carries.

//

(The first and third motions carried unanimously with Commissioners Byers and Thomas absent from the meeting.)

(The second motion carried by a vote of 9-1 with Commissioner Coan opposed; Commissioners Byers and Thomas absent from the meeting)

DEB