Planning Commission Meeting
February 11, 2009
Verbatim Excerpt

RZ 2008-SP-012 – 11-7 ASSOCIATES, LLC

After Close of the Public Hearing

Parliamentarian de la Fe: I will close the public hearing and turn to Mr. Murphy. This is in the Springfield District.

Commissioner Murphy: Thank you, Mr. Chairman. I want to thank the citizens who came out tonight to address this application, actually on both sides of the issue. Particularly, I want to thank Mr. Williams. I know he put a lot of effort into his comments and he's doing everything he can to make sure that this, if it is approved, turns out correctly. I think the opinion of the FAR .22 has been locked in by the staff and by the proffers and the staff's interpretation of the proffers, and that is locked in. If there is a change in that FAR during site plan, final engineering, whatever you want to call it, then the applicant will be required to come back before the Planning Commission for a proffered condition amendment or, in another respect, it might be dead in the marketplace. Some of the comments that were made by the citizens this evening revolve around the Comprehensive Plan. And the Comprehensive Plan is quite specific for this parcel on Lee Highway, where a lot of the parcels are still or had been planned for commercial use for a long time; in this particular case, the early 1980s, when this was planned to be C-2 for commercial development. And there was also commercial development on the service road that the citizens have to go before to get to the community. Namely, there's a transmission repair shop and there is a tire store; not very attractive, I might add. We've been looking for attractive office buildings or commercial developments on Lee Highway for a long time and this is an opportunity to redevelop this site in accordance with the Comprehensive Plan. And we look at the Comprehensive Plan; we look at the Zoning Ordinance; we look at the Public Facilities Manual; and we look – in this case, since this is in the Fairfax Center area – to the Fairfax Center Checklist. As far as the Zoning Ordinance is concerned, for example, I know there are some constraints on the site. But on a C-2 the zoning requirements are for a lot size of a 20,000 square foot minimum; this lot site is 91,188 square feet. A lot width of a hundred feet minimum is required; this is 213 feet. So there are no waivers as to the size of the building on the lot where it's being placed. So it is in conformance with the standards set by the Zoning Ordinance, okay. It also meets the standards of the Fairfax Center Checklist. And that's very important because that's a higher standard for both residential and commercial development in the Fairfax Center area. It also meets those standards. And as Ms. Reilly said, because it doesn't have the generation of traffic, or the traffic isn't generated to the extent that it would require review by VDOT, the staff has taken that to mean also that there is no need for a traffic study or a traffic analysis. I might also point out on the Lee Highway issue that Lee Highway has not been completely redesigned yet to do the grade-separate interchange at Monument Drive. When that does happen the bike lanes will be placed in appropriately. That's why the money is being escrowed and also, as I understand it, but yet everything is not firmed up yet, the service drive that runs in front of the property will only be one way and all cars, trucks, vans, whatever, will be required to exit those sites along Lee Highway at Monument Drive at the grade-separated interchange. So I know that there are some – I can't deal with property values. I don't think there is any empirical

evidence that says a good-looking office building takes away from the property values of a community. I've never found that to be true. I would think that some of the more decrepit or, let's say, the more industrial uses that are still called commercial uses in that section, in that part of town, are more detrimental to your property values than a nice-looking office building; and with very low traffic generation – I think this generates 200 cars during the peak hours, something like that, very low traffic generation. It is a good-looking building. It is in a good place, in an area that it's called for, in the Comprehensive Plan, that's called for C-2 development. The vote at the Springfield Land Use Committee was split; it was six-to-three, in favor. Three people had the same concerns that some of the citizens had here this evening. But the Land Use Committee supported the application and I intend to support the application. And I heard Ms. Abrahamson talking to Mr. Williams prior to the public hearing and the offer still goes: if you want to keep debating the FAR, and if that's still a big point with you, she'd be happy to meet with you before the Board meeting, and to go over all that kind of thing, that stuff again, okay. So therefore, Mr. Chairman, I do find that this is in conformance with the Comprehensive Plan, in conformance with the Zoning Ordinance, in conformance with the Fairfax Center Checklist. And so Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2008-SP-012, SUBJECT TO THE PROFFERS DATED FEBRUARY 11TH, 2009 (*sic*), WITH THE ADDITION OF A PROFFER – Ms. Reilly, would you come up, please, and CONCUR WITH this, with A PROFFER THAT YOU WILL CONSTRUCT AND WORD, WITH THE APPROVAL OF STAFF, TO BE INCLUDED IN YOUR PROFFERS REGARDING THE MAINTENANCE OF LANDSCAPING BEFORE BOARD TIME.

Melanie Reilly, Esquire, Cooley Godward Kronish LLP: Yes. And I would like to say that the PROFFERS ARE DATED FEBRUARY 9TH, not the 11th.

Commissioner Murphy: You're right. I didn't turn the page. The memo is dated February 11th. Thank you very much. Okay.

Parliamentarian de la Fe: Is there a second?

Commissioner Flanagan: Second.

Parliamentarian de la Fe: Seconded by Mr. Flanagan. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE EASTERN

PROPERTY LINE TO ALLOW FOR A FOUR FOOT HIGH FENCE IN LIEU OF A SEVEN-FOOT HIGH BRICK OR ARCHITECTURAL BLOCK WALL.

Commissioner Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? Motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE 25-FOOT TRANSITIONAL SCREENING YARD ON THE EASTERN PROPERTY LINE TO ALLOW A TAPER TO A MINIMUM OF 12 FEET ALONG THE CEMETARY PROPERTY.

Commissioner Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION TO ALLOW A TWO-THIRDS REDUCTION OF THE 35-FOOT TRANSITIONAL SCREENING YARD ALONG THE EASTERN EDGE OF THE PROPERTY TO ALLOW A 12-FOOT SCREENING YARD ALONG THE RESIDENTIAL PARCELS TO THE EAST.

Commissioners Flanagan and Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger and Mr. Flanagan. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE EASTERN PROPERTY LINE TO ALLOW FOR A THREE-FOOT HIGH SCREENING/SAFETY WALL ALONG THE RESIDENTIAL PARCELS TO THE EAST.

Commissioners Flanagan and Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger and Mr. Flanagan. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? Motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE 35-FOOT TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENT along the property - ALONG THE PROPERTY'S LEE HIGHWAY FRONTAGE.

Commissioner Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE, finally, THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION TO ALLOW A TWO-THIRDS REDUCTION OF THE REQUIRED 25-FOOT TRANSITIONAL SCREENING YARD ALONG THE SOUTHERN PROPERTY LINE; A SEVEN FOOT HIGH BRICK OR ARCHITECTURAL BLOCK WALL WILL BE PROVIDED.

Commissioners Flanagan and Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Flanagan and Mr. Litzenberger. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? Now, Mr. Murphy, I believe that you have another one on the approval of a waiver of construction of the on-road bicycle lane. It's –

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: There should be a waiver for the bike lane.

Commissioner Murphy: Oh, thank you very much. I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE WAIVER OF THE CONSTRUCTION OF THE ON-ROAD BICYCLE LANE FOR LEE HIGHWAY.

Commissioners Flanagan and Litzenberger: Second.

Parliamentarian de la Fe: Seconded by Mr. Litzenberger and Mr. Flanagan. Any discussion? All those in favor please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? The motion carries.

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(The motions carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.)

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