



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 53
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3115
FAX: 703-324-3922
TTY: 703-324-3900

June 2, 1999

Robert A. Lawrence, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001
Falls Church, Virginia 22042-4505

RE: Rezoning Application
Number RZ 1998-LE-044

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 24, 1999 granting Rezoning Application Number RZ 1998-LE-044 in the name of Winchester Homes, Incorporated, to rezone certain property in the Lee District from the R-1 District to the R-2 District (cluster residential development), subject to the proffers dated April 2, 1999, on subject parcel 90-3 ((3)) 12, 13, 14, 15, and 16 consisting of approximately 25.29 acres.

The Board also:

- Waived a portion of the sidewalk of Lackawanna Drive and waived the stream valley trail.
- Requested return of the Final Subdivision Plan to the Planning Commission for administrative review prior to final approval.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

RZ 1998-LE-044
June 2, 1999

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NV/ns

cc: Chairman Katherine K. Hanley
Supervisor-Lee District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Fred R. Beales, Supervisor Base Property, Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPW&ES
DPW&ES - Bonds & Agreements
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lippa, Deputy Executive Director, Planning Commission

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 24th day of May, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-LE-044

WHEREAS, Winchester Homes, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 Districts; to the R-2 District (cluster residential development); 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

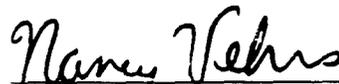
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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, zoned to the R-2 District (cluster residential development); and said property is subject to the use regulations of said R-2 District (cluster residential development); and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to 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 parcel.

GIVEN under my hand this 24th day of May, 1999.



Nancy Vohrs

Clerk to the Board of Supervisors



Sheet 1

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

JUL 31 1998

ZONING EVALUATION DIVISION

July 20, 1998
Metes and Bounds Description
For Rezoning Purposes
The Property of

**Dolores E. Hudson, Neil S. Spann
And Freddy & Judith M. Zedeck**

Lee District
Fairfax County, Virginia

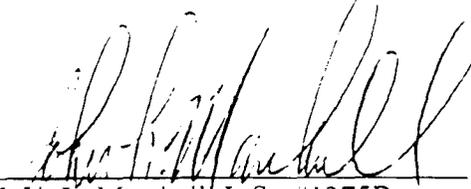
Beginning at the Northeasternmost corner of the tract herein described, said point being the Southeasterly corner to Lot 8 Accotink Bluff Section One deed book 1191 page 214 and lying on the line of Lot 14 Mayer's Subdivision deed book 7283 page 1148 & deed book 7322 page 843; thence departing Lot 8 and running with Lot 14 and with the same line extended with Lots 13, 12, 11, 10 and Parcel "A" Mayer's Subdivision, S 05°29'10" E 961.46'(293.044m) to a point in the line of United States of America, Fort Belvoir Military Reservation deed book 5 pages 4, 5, 6, & 7, and being the southwesterly corner of Parcel "A" Mayer's Subdivision thence departing Parcel "A" Mayer's Subdivision and running with Fort Belvoir Military Reservation, S 64°31'30" W 1198.99'(365.453m) to a point in the center of Accotink Creek; thence departing Fort Belvoir Military Reservation and meandering with the center of Accotink Creek N 38°45'00" W 213.00'(64.923m), N 14°06'00" W 101.00'(30.785m) and N 35°23'00" W 393.89'(120.058m) to a point, said point being a corner to Lot 17 Accotink Bluff Section Two deed book 2070 page 118; thence departing Accotink Creek and running with Lot 17 N 72°35'00" E 490.08'(149.377m) to a point in the centerline of Lackawanna Drive (private road) being a 50' Joint Access Easement said point also being a radius point of said Access Easement; thence continuing with Lot 17 and running with the center of Lackawanna Drive N 40°09'00" E 186.34'(56.797m) and 348.69'(106.281m) along the arc of a circle curving to the left having a radius of 450.00'(137.160m) and a chord which bears N 17°57'05" E 340.04'(103.644m) to a point on the line of Lot 10 Accotink Bluff Section One; thence departing the center of Lackawanna Drive and running with Lot 10 N 85°45'10" E 25.00'(7.620m) to a point, said point being

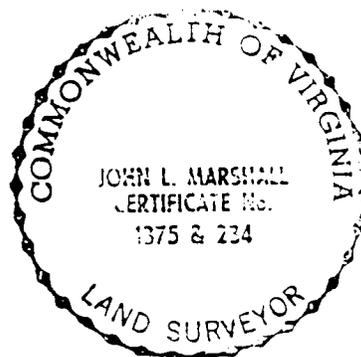
Sheet 2

a corner to Lot 11 Accotink Bluff Section Three deed book 2070 page 127; thence departing Lot 10 and running with Lot 11 S 63°45'00" E 57.09'(17.401m) and S 89°53'00" E 231.83'(70.662m) to a point; thence turning and continuing with Lot 11 and with the same line extended with Lot 9 N 19°15'00" W 287.93'(87.761m) to a point being a corner to the aforementioned Lot 8 Accotink Bluff Section Three; thence departing Lot 9 and running with Lot 8 N 84°30'50" E 282.34'(86.057m) to the point of beginning and containing 1,101,813 square feet or 25.2941 acres (102,362.2 square meters or 10.2362 hectares).

All this being more particularly described on a plat attached to and made a part hereof.

Given under my hand this 27th day of July, 1998


John L. Marshall L.S. #1375B



PROFFERS

**RZ 1998-LE-044
Winchester Homes, Inc.**

April 2, 1999

Pursuant to Section 15-2-2303A of the 1950 Code of Virginia, as amended, the undersigned hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein. For the purpose of these proffers, the term "Applicant" or "Developer" refers to the undersigned or their successors or assigns.

1. Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Subject Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") entitled, "Accotink Bluff" prepared by the Land Design Consultants, Inc., as of April 2, 1999.
2. The Developer shall conform to the limits of clearing and grading shown on the GDP subject to minor modifications for the installation of necessary trails, utility lines, stormwater management and sanitary sewer facilities as approved by DPWES.
 - a. At the time of grading plan review for the subdivision, the Developer shall designate limits of clearing and grading, in addition to those shown on the GDP, in areas where it is economically feasible to save additional trees without precluding construction of the project in accordance with the GDP, including but not limited to, the specific density and general development configuration shown thereon.
 - b. Prior to any clearing and grading on-site, the final limits of clearing shall be confirmed in the field by the Urban Forester. All wooded preservation areas shown shall be protected by silt fencing or equivalent tree protection placed at the dripline of the trees to be preserved. The fencing shall be installed prior to any work being conducted on the site, shall be made clearly visible to all construction personnel and shall remain in place during construction until the Urban Forester determines that it may be removed.

- c. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval.
- d. The Applicant shall provide a tree preservation plan prepared by a certified arborist, and coordinated and reviewed by the Urban Forestry Branch, as a part of subdivision plan submittal. The tree preservation plan shall consist of a tree inventory which includes the location, species, size, crown spread and condition rating percent of all trees 16 inches in diameter and greater, 20 feet to either side of the limits of clearing and grading around the two tree save areas within "Parcel B", to the rear of lots 1 through 24, and for the 26" oak labeled "to be saved" on the plan. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees chosen for preservation shall be incorporated into the tree preservation plan. Activities include, but are not limited to, crown pruning, root pruning, mulching and fertilization, as may be recommended by the Urban Forester.
- e. The Applicant shall provide a reforestation plan which shall provide supplemental plantings for the area within "Parcel B" not occupied by the proposed SWM/BMP pond, the proposed plantings along Lackawanna Drive, and the two proposed tree save areas. The reforestation plan shall be submitted as part of the tree preservation plan described in paragraph d above. The reforestation plan shall detail the methods and specifications for restoring this area with native trees, shrubs and grasses, as approved by the Urban Forestry Branch.
- f. In addition to the planting shown on the GDP, the Applicant shall meet with the Fairfax County Urban Forestry Branch to develop a landscape plan which supplements the planted buffer along Lackawanna Drive adjacent to Lot 37 and Parcel D. The Applicant

shall provide evergreen and deciduous plant material which provides effective year round buffering of the development.

3. In response to comments received from the Northern Virginia Soil and Water Conservation District and subject to the approval and acceptance of DPWES, the Applicant will do the following:
 - a. design the proposed stormwater management/BMP facility to detain the one and one-half year storm event provided the Board of Supervisors waives the 2 year storm event requirement under the Public Facilities Manual as a part of the approval of this application.
 - b. locate the outfall channel between the SWM/BMP discharge and the existing driveway on Parcel 16 (future Lot 38, as shown on the GDP) along the existing swale and line the swale with rip-rap in order to preserve the integrity of the existing wooded area;
 - c. construct a rip-rap stilling basin on the downstream side of the existing driveway on Parcel 16, if requested by DPWES; and
 - d. coordinate with the Northern Virginia Soil and Water Conservation District in the preparation of a plan for the installation of stream bank stabilizing vegetation along the lower 150 feet of the existing tributary to Accotink Creek, specifically utilizing "live stakes" of shade tolerant vegetation (e.g., "Bankers Dwarf Willow" (*Salix cotteti*), or comparable plant material), to be included in the landscape plan for the subdivision.

Prior to the first submission of the subdivision plan to Fairfax County, the Applicant will review the plans showing the items described above with the Northern Virginia Soil and Water Conservation District.

In the event that DPWES disapproves any of the actions referenced above, the Applicant shall immediately send written notification of such disapproval to the office of the Lee District Supervisor.

4. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES for either electric or gas energy systems, as applicable.
5. Prior to any land disturbing activities, the Developer shall have a Phase I archeological survey of the property conducted which shall be submitted to the County Archeologist. The scope of work for the archeological survey shall be discussed with the County Archeologist prior to commencement. If, based on the Phase I Survey, Heritage Resources determines that further study is warranted, the Developer shall conduct a Phase II and/or Phase III Archeological Survey acceptable to Heritage Resources. The Developer's total cost shall not exceed \$10,000.
6. Concurrently with recordation of the record plat, the Developer shall dedicate Parcel A, as shown on the GDP, to the Board of Supervisors for public park purposes.
7. The Applicant shall create conservation easements, as defined below, for all open space areas to be conveyed to the Homeowners Association as generally shown on the GDP. The Conservation Areas shall be shown on the subdivision record plat. At the time of subdivision plat approval, the Applicant shall record the conservation easements among the land records of Fairfax County in a form approved by the County Attorney. These easements shall be recorded to the benefit of the Board of Supervisors of Fairfax County. These conservation easements shall also be disclosed in the Homeowners Association Documents. These easements shall prohibit the removal of trees, except for dead or dying trees, hazardous trees or for the installation of trails, utility lines, sewer lines, and storm drainage facilities, if necessary, as determined by DPWES. These easements shall also permit selected clearing of undergrowth. The determination that a given tree is dead, dying, or hazardous, and determinations as to the nature and extent of the clearing of undergrowth shall be made by the Urban Forestry Branch of DPWES. If any trails, utility lines, sewer lines or storm drainage facilities are required to be located within the Conservation Areas, they shall be located and installed in the least disruptive manner feasible, as determined by DPWES, and subject to approval by the Director of DPWES.

8. The Applicant shall locate the new sewer line to take advantage, to the extent practicable, of the existing clearing for the sewer lateral servicing the existing house located on Tax Map Reference 90-3 ((3)) Parcel 16.
9. Subject to the approval of VDOT and DPWES, the Applicant shall do the following:
 - a. Construct shoulder, ditchline and sidewalk improvements within the existing right of way along the east side of existing Lackawanna Drive from the subject property to Dudrow Road (approximately 1,000 feet). The improvements shall include re-establishment of a two (2) foot gravel shoulder and six (6) foot ditchline and construction of a four (4) foot sidewalk, consistent, to the extent possible, with the existing twenty (20) foot pavement section of Lackawanna Drive, the location of the existing ditchline and existing driveway entrances.
 - b. On the west side of Lackawanna Drive from the subject property to Dudrow Road, the Applicant shall clean up the ditchline by removing all debris and vegetation (other than grass) within the ditchline.
 - c. In the event that condemnation of easements is necessary for the construction of the improvements proffered herein, the Applicant shall fund easement acquisition expenses. The Applicant shall use best efforts to acquire easements by agreement with the respective landowners. In the event that the Applicant is unable to do so, the Applicant shall request that the County acquire the easements by means of its condemnation powers. It is understood that the County shall be under no obligation to do so. It is further understood that the Applicant's request shall not be considered until it is forwarded, in writing, to the Director of Land Acquisition, accompanied by:
 - (1) plans and profiles showing the necessary easements to be acquired;
 - (2) an independent appraisal of the value of the easements to be acquired;

- (3) a 60-year title search certificate of the property from which said easements are to be acquired; and
- (4) a letter of credit in an amount equal to the appraised value of the easements to be acquired which can be drawn upon by the County.

It is also understood that, in the event the owner of the property from which said easements are to be acquired is awarded more than such letter of credit in a condemnation suit, the amount of the award in excess of the letter of credit shall be paid to the County by the Applicant within thirty (30) days of County's notifying Applicant of said award. It is further understood that all other costs incurred by the County in acquiring the easements shall be paid by the Applicant on demand. If the Applicant is unable to acquire the necessary easements for the subject improvements and the County declines to acquire same by condemnation, the Applicant shall escrow with the County an amount equivalent to the cost of such improvements.

- d. In the event that the proposed improvements outlined above in Paragraph 9(a) are not approved by VDOT and/or DPWES, or cannot be implemented, the Applicant shall escrow with the County an amount equivalent to the cost of such improvements.
10. Any dwelling on Lot 1 shall be located so as to maintain a minimum of 16 foot side yard setback from the lot line of Parcel D.
 11. Prior to the approval of the subdivision record plat the Applicant shall make the following contributions:
 - a. Subject to Board of Supervisors approval of a waiver of the requirement for construction of the extension of Lackawanna Drive from the temporary turnaround/cul-de-sac to the permanent cul-de-sac as shown on the GDP, the Applicant shall contribute into an escrow account to be managed by Fairfax County the cost of constructing a 1/2 section of such future extension of Lackawanna Drive.

- b. In lieu of Stream Valley Trail depicted on the GDP, Applicant shall contribute the sum of \$5,000 into an escrow account to be managed by Fairfax County to be utilized for the future construction of said trail. Said sum shall be subject to inflationary adjustments from the date of rezoning approval to the date that the money is posted in escrow in accordance with the Construction Cost Index contained in the **Engineering News Record**.
13. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[Signatures on the next page]

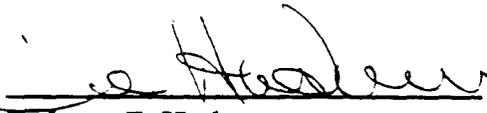
APPLICANT:

Winchester Homes Inc.

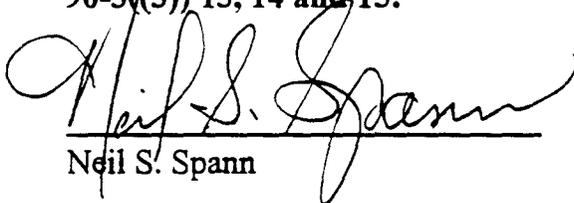
By: 

Title: VICE PRESIDENT

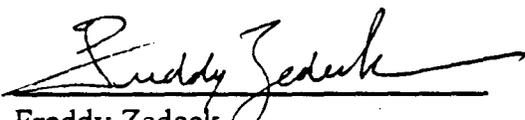
**Owner of Tax Map Parcel
90-3((3)) 12:**


Dolores E. Hudson

**Owner of Tax Map Parcels
90-3((3)) 13, 14 and 15:**


Neil S. Spann

**Owners of Tax Map Parcel
90-3((3)) 16:**


Freddy Zedeck


Judith M. Zedeck

Generalized Development Plan

Accotink Bluff

October 30, 1998

Land Design Consultants, Inc.
8567 F. Sudley Road
Manassas, VA 20110
631-8387

Surface Book

DATE	BY	REVISION	DESCRIPTION
10/30/98	SL	1	Site plan and landscape plan
11/10/98	SL	2	Site plan and landscape plan
11/10/98	SL	3	Site plan and landscape plan
11/10/98	SL	4	Site plan and landscape plan
11/10/98	SL	5	Site plan and landscape plan
11/10/98	SL	6	Site plan and landscape plan
11/10/98	SL	7	Site plan and landscape plan
11/10/98	SL	8	Site plan and landscape plan
11/10/98	SL	9	Site plan and landscape plan
11/10/98	SL	10	Site plan and landscape plan
11/10/98	SL	11	Site plan and landscape plan
11/10/98	SL	12	Site plan and landscape plan
11/10/98	SL	13	Site plan and landscape plan
11/10/98	SL	14	Site plan and landscape plan
11/10/98	SL	15	Site plan and landscape plan
11/10/98	SL	16	Site plan and landscape plan
11/10/98	SL	17	Site plan and landscape plan
11/10/98	SL	18	Site plan and landscape plan
11/10/98	SL	19	Site plan and landscape plan
11/10/98	SL	20	Site plan and landscape plan
11/10/98	SL	21	Site plan and landscape plan
11/10/98	SL	22	Site plan and landscape plan
11/10/98	SL	23	Site plan and landscape plan
11/10/98	SL	24	Site plan and landscape plan
11/10/98	SL	25	Site plan and landscape plan
11/10/98	SL	26	Site plan and landscape plan
11/10/98	SL	27	Site plan and landscape plan
11/10/98	SL	28	Site plan and landscape plan
11/10/98	SL	29	Site plan and landscape plan
11/10/98	SL	30	Site plan and landscape plan
11/10/98	SL	31	Site plan and landscape plan
11/10/98	SL	32	Site plan and landscape plan
11/10/98	SL	33	Site plan and landscape plan
11/10/98	SL	34	Site plan and landscape plan
11/10/98	SL	35	Site plan and landscape plan
11/10/98	SL	36	Site plan and landscape plan
11/10/98	SL	37	Site plan and landscape plan
11/10/98	SL	38	Site plan and landscape plan
11/10/98	SL	39	Site plan and landscape plan
11/10/98	SL	40	Site plan and landscape plan
11/10/98	SL	41	Site plan and landscape plan
11/10/98	SL	42	Site plan and landscape plan
11/10/98	SL	43	Site plan and landscape plan
11/10/98	SL	44	Site plan and landscape plan
11/10/98	SL	45	Site plan and landscape plan
11/10/98	SL	46	Site plan and landscape plan
11/10/98	SL	47	Site plan and landscape plan
11/10/98	SL	48	Site plan and landscape plan
11/10/98	SL	49	Site plan and landscape plan
11/10/98	SL	50	Site plan and landscape plan

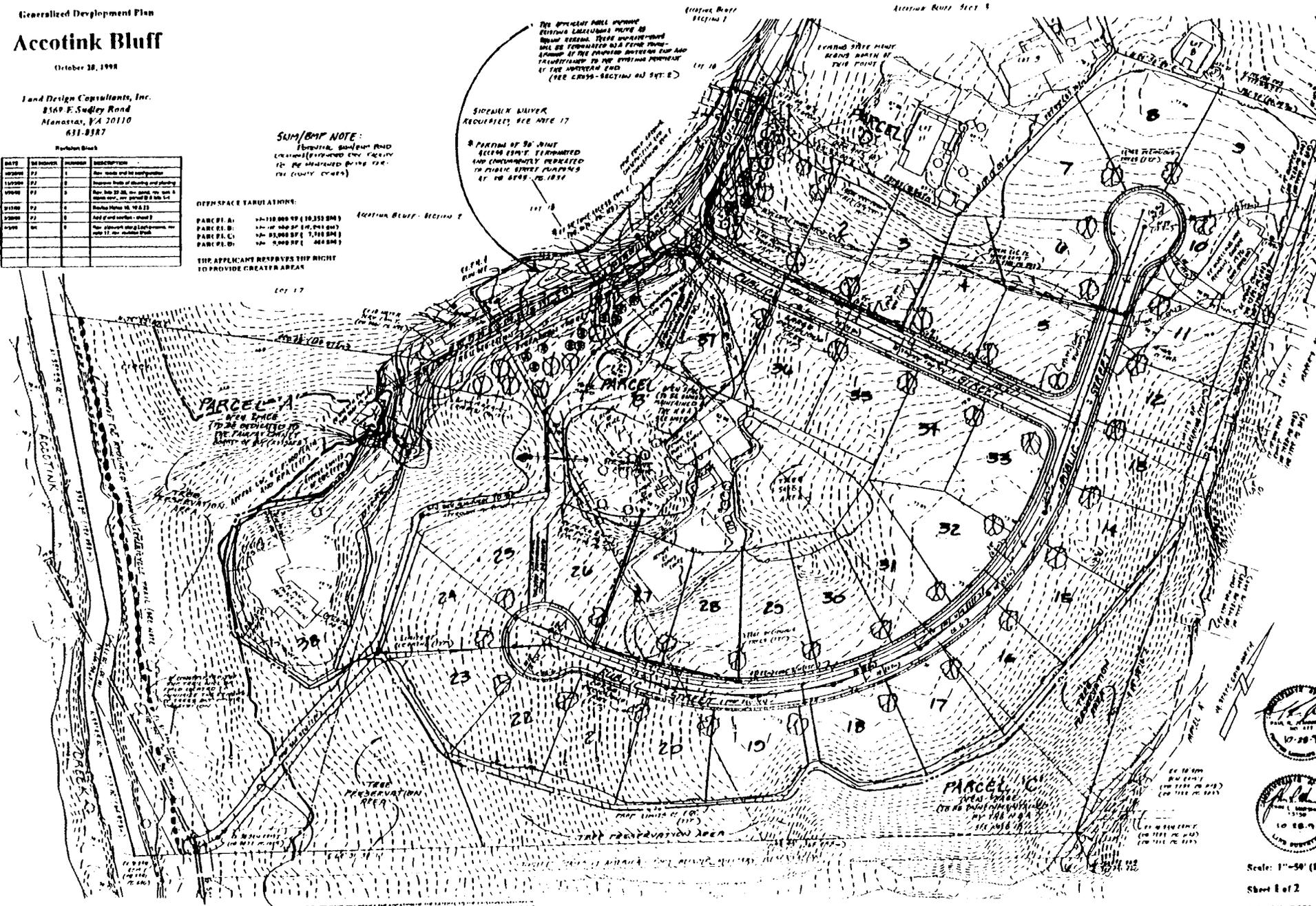
SUM/BMP NOTE:
Through, surface and
erosion (retained) the facility
to be installed by the
the County.

DEEPSPACE TABULATIONS:

PARCEL A: 14-110,000 SF (10,250 DM)
PARCEL B: 14-110,000 SF (10,250 DM)
PARCEL C: 14-110,000 SF (10,250 DM)
PARCEL D: 14-110,000 SF (10,250 DM)

THE APPLICANT RESERVES THE RIGHT
TO PROVIDE GREATER AREAS

Lot 17



Scale: 1"=50' (1:500)

Sheet 1 of 2

11/10/98 File # 002-018

ZONING MAP AMENDMENT

RZ 98-L-044

ZONING DISTRICT DATA

ZONING DISTRICT: R- 2

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	38	25.29				

TOT	38	25.29	1.50			
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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		
INDUST-WAREHOUSE			*****TOTAL*****		

REMARKS:

ZONING MAP AMENDMENT

RZ 98-L-044

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
2K SETBACK	3Z OTHER - TRANSPORTATION
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION
3F PEDESTRIAN FACILITY/TRAIL	3Z OTHER - TRANSPORTATION
2D DEDICATION: B.O.S.	4Z OTHER - ENVIRONMENT
2Z OTHER - LAND USE	4I ENERGY CONSERVATION
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	4B TREES/COUNTY ARBORIST
4Z OTHER - ENVIRONMENT	1A GENERALIZED DEVEL PLAN
4H LANDSCAPING	4Z OTHER - ENVIRONMENT
7A OTHER MISCELLANEOUS - SEE FILE	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:

ANY DWELLING ON LOT 1 SHALL BE LOCATED SO AS TO MAINTAIN A MINIMUM OF 16 FOOT SIDE YARD SETBACK FROM THE LOT LINE OF PARCEL D

Mary Ann
Godfrey

324-2924

5/24/99

5:00 p.m. Item - RZ-1998-LE-044 - WINCHESTER HOMES, INC.
Lee District

On Wednesday, April 14, 1999, the Planning Commission voted unanimously (Commissioner Koch absent from the meeting) to recommend to the Board of Supervisors the following actions pertinent to the subject application:

- 1) approval of RZ-1998-LE-044, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report; and
- 2) waiver of the sidewalk and stream valley trail.

The Commission also voted unanimously (Commissioner Koch absent from the meeting) to direct the Director of DPW&ES to return the final site plan to the Commission for administrative review prior to final approval.

Planning Commission Meeting
April 14, 1999
Verbatim Excerpts

RZ-1998-LE-044 - WINCHESTER HOMES, INC.

After Close of the Public Hearing

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

Commissioner Kelso: Thank you, Mr. Chairman. This application is a model for cluster development in an environmentally sensitive area. The applicant has worked diligently with our Advisory Committee, the neighbors and staff, and, as Mr. Lawrence pointed out, extensively with the transportation issues and expanding and improving Lackawanna Drive and extending the sidewalk. Our EQAC and transportation representatives have voiced some concerns and the applicant has responded to their concerns very well. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1998-LE-044, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Is there a discussion of the motion?

Commissioner Coan: Mr. Chairman?

Chairman Murphy: Mr. Coan.

Commissioner Coan: What about bringing the plan back?

Commissioner Harsel: That comes next.

Commissioner Kelso: I'll do that last.

Chairman Murphy: We've got three -- two more motions. All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-LE-044, say aye.

Commissioners: Aye.

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

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SIDEWALK AND STREAM VALLEY TRAIL.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

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

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DIRECT THE DIRECTOR OF DPW&ES TO REQUIRE THE FINAL SITE PLAN BE RETURNED TO THE PLANNING COMMISSION FOR ADMINISTRATIVE REVIEW PRIOR TO THE ISSUANCE OF THE SITE PERMIT.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Koch absent from the meeting.)

LBG