Planning Commission Meeting
October 15, 2009
Verbatim Excerpt

RZ/FDP 2009-LE-001 – TAVARES FAMILY LIMITED PARTNERSHIP
PCA 2000-LE-023 – TAVARES FAMILY LIMITED PARTNERSHIP
PCA/FDPA 1999-LE-036 – TAVARES FAMILY LIMITED PARTNERSHIP

After Close of the Public Hearing

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

Commissioner Lusk: Thank you, Mr. Chairman. The applications before us this evening seek to redevelop a 2.84 acre parcel that abuts an existing PDH-4 development. The subject property proposes a rezoning to the PDH-5 District that will result in a development of 11 single family attached residences. These 11 residences will be incorporated in the adjacent Hawthorne development. It is made up of 41 single family units and 108 attached units. The homes proposed with this PCA and RZ will have a similar look, feel, and character to those already existing in the Hawthorne community. I'll note, Mr. Chairman, as a former resident of this neighborhood, this infill development is both logical and appropriate and, viewed in light of the neighboring uses, it also provides a better transition to the industrial properties that are located to the south of this development. In reference to outstanding issues, I was in agreement with the staff that the project needed to incorporate universal design elements and to provide a contribution to the Affordable Dwelling Unit Trust Fund. So, to address these concerns we worked with the applicant to add two additional proffers, Proffer Numbers 31 and 32. On the Universal Design proffer, we are encouraging that purchasers of these townhome units have the opportunity to select a number of universal design options that will be offered to them at no additional cost. These options will allow those particularly who are wheelchair bound to have easier access to light switches, sinks in the kitchen, doorways, hallways, and entrances, to name just a few of those features. The Housing Trust Fund proffer establishes that the applicant will contribute one half of one percent of the projected sales prices of all the units approved in this development. These funds will be used by the Department of Housing to fund affordable housing initiatives in Fairfax County, which we certainly are on record and support. With the addition of these two proffers, all outstanding issues have been addressed. And we've heard in the staff report, staff is recommending approval of these applications. The Lee District Land Use Committee also supports these applications. And the Hawthorne Board of Directors has provided me with a letter, which I will enter into the record, which also expresses their support for this project. And I'll note one little line that they provided in that letter: "Hawthorne believes that the residential use directly adjacent to our subdivision will be a better neighbor than anything that could develop under the current I-5 zoning and therefore supports these three applications." So, Mr. Chairman, for the aforementioned reasons, I would now like to make a series of motions. And I'll apologize; there will be a number of them. The first is: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2009-LE-001, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE NOW DATED OCTOBER 15TH, 2009.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I had gotten an email, I think yesterday, from Ms. Greenlief adding some language to Proffer 10, which is not in tonight's handout. And I don't know if that's fallen between the cracks now.

Commissioner Lusk: No, it isn't. Mr. Hart, if you look at the memo from staff, which is dated October 15th, for the public hearing this evening, you'll see that on the first page of that memo from Brenda Cho it references Number 32, Universal Design, and it includes in the darkened, underlined portion of that proffer, zero-step entry.

Commissioner Hart: Yes, all that's about universal design. There's nothing about construction access, which I thought Ms. Greenlief had committed it was going to be only to the time of completion of the infrastructure in the units. There was going to be something about – for the purposes of the proffer, construction was being defined as something, maybe the initial phase is not decks, not kitchens, not basements, something like that. It wasn't an issue with Ms. Greenlief; it's just it's not in what we're voting on.

Chairman Murphy: Ms. Greenlief, can you clarify this?

Commissioner Lusk: Yes, please. Sorry.

Lori Greenlief, Land Use Planner, McGuire Woods LLP: Yes. We did discuss with Commissioner Hart modifying – that would be Proffer 10 – and I think it was inadvertently left out of the October 15th. We discussed that there needs to be an end time to the restriction for the use of Hawthorne, the subdivision for access. And so we decided that the best way to do that was to define construction, which was the construction of the initial dwellings and associated infrastructure. We also agreed to – within the construction contracts – stipulate the requirements of that proffer.

Commissioner Lusk: Mr. Chairman, could we then ADD LANGUAGE THAT WOULD BE FORWARDED TO THE BOARD IN REFERENCE TO THIS PROFFER – NUMBER 10, ADDRESSING CONSTRUCTION ACCESS – THE POINTS THAT WERE JUST IDENTIFIED.

Commissioner Lawrence: The seconder agrees.

Chairman Murphy: All right.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: That's fine with me. There was text in the email yesterday, I think, if that could be – as long as that's straightened out before it gets to the Board.

Commissioner Lusk: True.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors to approve RZ 2009-LE-001, subject to the proffers tonight and as verbally amended concerning Proffer Number 10, say aye.

Commissioners: Aye.

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

Commissioner Lusk: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2009-LE-001, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2009-LE-001 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. All those in favor of the motion to approve FDP 2009-LE-001, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

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

Commissioner Lusk: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1999-LE-036 and the associated development, excuse me, AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, SUBJECT TO PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 25TH, 2009.

Chairman Murphy: Seconded by –

Commissioner Lawrence: Second.

Chairman Murphy: – Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1999-LE-036, say aye.

Commissioners: Aye.

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

Commissioner Lusk: Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 1999-LE-036, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA 1999-LE-036.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Discussion? All those in favor of the motion to approve FDPA 1999-LE-036, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lusk: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2000-LE-023, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 3 OF THE STAFF REPORT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2000-LE-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lusk: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN AND NORTHERN LOT LINES OF PCA 2000-LE-023 BE MODIFIED TO THAT SHOWN ON THE PLAN.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lusk: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE 600 FEET MAXIMUM LENGTH OF A PRIVATE STREET REQUIREMENT FOR RZ/FDP 2009-LE-001 BE WAIVED.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lusk: And Mr. Chairman, finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE FOR PCA 2000-LE-023 AND RZ/FDP 2009-LE-001 IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE PROFFERED PLAN.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously.)

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