

7/27/87

7:30 p.m. Items - RZ-87-W-040 - BOARD OF SUPERVISORS, OWN MOTION
CDPA-86-W-001-1 - BOARD OF SUPERVISORS, OWN MOTION
FDP-86-W-001 (Land Bays A, B, D) - BOARD OF SUPERVISORS,
OWN MOTION
Springfield and Providence Districts

On Thursday, July 23, 1987, the Planning Commission voted 7-0-1 (Commissioner Hanlon abstaining; Commissioners Byers, Lockwood, and Sell absent from the meeting) to recommend to the Board of Supervisors that the subject property of RZ-87-W-040 be amended from the PDH-5 District to the PDC District.

The Commission voted 6-2 (Commissioners Hanlon and Harsel opposed; Commissioners Byers, Lockwood, and Sell absent from the meeting) to recommend to the Board of Supervisors approval of CDPA-86-W-001-1, subject to the execution of the proposed development conditions dated July 23, 1987, modified as follows:

- On page 5, Paragraph #3, Section E, Environmental, change Paragraph #3 to read: "If, at the time of final development engineering of the site, utilities are located within landscaped areas of parking lots within Land Bay C, altered landscaped areas shall be provided within the parking lot or the utilities shall be relocated to provide a minimum of eight percent (8%) parking lot landscaping, subject to approval by the Director of the Department of Environmental Management in consultation with the County Arborist."
- Paragraph #4 to read: "Prior to any blasting activity on the subject property, the applicant shall, at its sole expense, make well inspections and make results of the inspections available to the adjacent landowners. In the event that the County Health Department determines that off-site domestic wells fail or are unusable due to decrease of infiltration or contamination related to the development of the application property up to a period of three years after the development is completed, the applicant and/or successors to Land Bay B shall take corrective action to resolve the off-site well problem, including repair of the affected wells, redrilling of the affected wells, connection to a public water supply or other such remedy that is appropriate to the character and extent of the well failures. The applicant and/or successors to Land Bay B shall determine the most appropriate remedy or corrective action, subject to approval by the County Health Department. This condition shall apply to those neighborhoods and dwellings within the area between West Ox Road on the west, Route 29 on the south, I-66 on the north, and the Difficult Run Stream Valley on the east, including those neighborhoods known as Dixie Hills, Legato Acres, and Centennial Heights."
- Amend Paragraph #6, in the third to the last line, to read: "...and Director of the Department of Environmental Management..."

-- Amend Paragraph #7, the last sentence to read: "Such reviews and approvals shall be obtained from the County Arborist and the Director of the Department of Environmental Management..."

The Commission voted 7-1 (Commissioner Harsel opposed; Commissioners Byers, Lockwood, and Sell absent from the meeting) to recommend to the Board of Supervisors that it direct the Director of Environmental Management to waive the transitional screening area and barrier requirements along the southern and northern property boundaries of Land Bay A; waive the barrier requirements between Land Bays C and D; modify the transitional screening area requirements between Land Bays C and D; waive the service drive policy along the site's Lee Highway frontage; waive the 600-foot private street length requirement for Land Bay D; and waive the 200-square foot privacy yard requirement for the single family attached units in Land Bay D.

The Commission voted 6-2 (Commissioners Hanlon and Harsel opposed; Commissioners Byers, Lockwood, and Sell absent from the meeting) to recommend to the Board of Supervisors approval of FDP-86-W-001 for Land Bays A, B, and D, subject to Board approval of CDPA-86-W-001-1.

The Commission voted unanimously (Commissioners Byers, Lockwood, and Sell absent from the meeting) to recommend to the Board of Supervisors that it direct the applicant to submit all architectural renderings and elevations to the Planning Commission for review, comment, and approval concurrent with the submission of the site plans to DEM; and that the site plans be returned to the Planning Commission for review and comment prior to approval by the Director of DEM.

Planning Commission Meeting
July 23, 1987
Verbatim Excerpts

FDP-86-W-001 (Land Bays A, B, D) - BOARD OF SUPERVISORS, OWN MOTION
CDPA-86-W-001-1 - BOARD OF SUPERVISORS, OWN MOTION
RZ-87-W-040 - BOARD OF SUPERVISORS, OWN MOTION

Decision Only

Commissioner Murphy: I had intended to do this during Commission business, but we had a few areas that needed further discussion before I presented this to the Planning Commission. I intend to make motions tonight on Conceptual Development Plan (sic) 86-W-001-1, Rezoning RZ-87-W-040, and a final development plan motion on FDP-86-W-001, which includes the three Land Bays A, B, and D. The final development plan includes Land Bay A, B, and D of what has been commonly known as the Government Center tract. I will not be making a motion on Land Bay C, which is the specific tract where the Government Center is located. And the reason for that is that we are going to have a separate hearing on the Government Center next Thursday night. So my motion on the final development plan will not include that land bay, but the CDPA will include all the land bays, A, B, C, and D. Before I begin, Mr. Chairman, I would like to enter into the record -- first a letter to the Fairfax County Planning Commission from Joe Annunziata on the three applications I mentioned, recommending denial of the applications; a corrected statement which was submitted by the Federation, a corrected copy of their statement dated July 14th and now dated July 22; and three letters dealing with one issue, basically one issue -- and that issue is the flyover -- a letter from Michael Giguere of McGuire, Woods, Battle and Boothe; a letter from H. Lynn Hopewell, Trustee, Random Hills Trust; and a letter from Sarah Thompson, who is the landowner in the, landowner in this vicinity -- one of the parcel owners, I should say. Also, I would like to enter into the record two memoranda from the staff. One is a memorandum dated July 22, 1987 to the Fairfax County Planning Commission from John Theilacker, who is the staff coordinator in Zoning Evaluation Division, OCP. And this is the staff's responses to the various questions and comments and issues raised at the public hearing we had a week or so ago. The second memorandum is from Shiva Pant, Director of the Office of Transportation, which specifically addresses the issue concerning the intersection of East-West Subconnector at Monument Road and Government Center Parkway. And these are public documents. They are in the record. They are available to anyone here who would like to see how the staff specifically addressed any issue that you brought up. And if the Commission has any questions on any of those issues, I would ask them to please direct the questions to staff. But to save time in the verbatim -- which must be to the Board for their meeting on Monday -- I'm going to ask Mr. Kuhns to briefly comment on one of the issues that I think needs to be addressed. And that is the intersection of the East-West Subconnector and the Government Center Parkway.

Mr. Kuhns: The viewgraph shown is Attachment 2 in the memorandum. I'll try and briefly summarize this memorandum and the major points that are

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

representatives on the recently filed Fairfax Corner rezoning application, which is just to the north of Land Bays B and C on this diagram, that a grade separation of northbound left turns is necessary at the intersection of the East-West Subconnector Road and the Government Center Parkway, at that intersection. Their emphasis has been provided in the way of correspondence, by way a traffic study, and also as testimony last week before this body. The staff feels that a grade separation at this intersection is not necessary. Several points follow relative to the staff's position. In 1982, when the Fairfax Center area was replanned, the Transportation Plan was evaluated, traffic was forecast, and this particular facility -- the East-West Subconnector -- was sized and grade separations were located on this facility at three locations: at the Springfield Bypass; a bridge over I-66; and at Route 29, a grade separation at Route 29, all three primary highways. I'm sorry, two primary highways and the Springfield Bypass. The Plan was re-evaluated in 1986 as part of the Government Center Plan amendment. And at that time a grade separation was not found to be necessary at this intersection. As part of the traffic analysis for the conceptual development plan early last year, the impacts at the intersections were again evaluated and a grade separation was not deemed to be necessary. And as, and in fact, the CDP was approved without a grade separation at that location. The concept of a flyover at this intersection was first proposed by the Smith-Artery partnership as part of their proposal and submitted to the County and they became the, the selected entity, but their proposal did not conform with this Comprehensive Plan, nor did it conform with the approved CDP. They agreed to revise their proposal to conform if they first had the opportunity to discuss their proposal and indicate why they thought it was a preferred proposal. These discussions took place with staff over many months, and they revised their transportation plan to conform. And the FDP you have before you this evening is, in fact, an FDP that conforms with the transportation plan, the approved CDP of last year, and does not require a grade separation at that intersection. It conforms to the Transportation Plan because it meets the guidelines in the Comprehensive Plan to provide and maintain three objectives at that intersection. The relocation of Random Hills Road is supposed to provide three benefits: one, access to Land Bay B; one (sic), access to the high density residential uses along Legato Road; and also sufficient sight distance, for the location should be a sufficient distance from the bridge over I-66. The public roadway as -- this intersection of public roadways would meet the Plan objectives. The Fairfax Corner proposal is to remove the public roadway at this location on the north and provide only a private access to their site. By removing that public road on the north, the intersection then becomes an intersection at a poor level of service. The reason for removing the public roadway is because the Fairfax Corner proposal suggests that private access only, and it not necessary that a fly-over of west -- of out-bound movements from the Government Center application be addressed. Rather, other options should be provided and considered as part of the Fairfax Corner proposal. Staff has also determined that for build-out of the Fairfax Center area -- not just the build-out of the Government Center

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

build-out of the Fairfax Center area will also not require a grade separation at this intersection. Those are all the comments, Mr. Chairman.

Commissioner Murphy: Thank you. Mr. Chairman?

Chairman Lilly: Mr. Murphy?

Commissioner Murphy: Ms. Byron, if I may call your attention to page 7 of the memorandum from John Theilacker, and the staff's response to Mr. Wiltse's testimony regarding the issue of Fair Lakes development and the adequate intersection and so forth. A correction, or text change, in the last sentence of the last paragraph, to have it read: "Therefore, initiation of a Comprehensive Plan amendment to study the appropriate land use recommendation for that property would be appropriate." Is that all right with you?

Ms. Byron: Staff feels that, based on the change of circumstances, particularly the Comprehensive Plan in the area to the north and the east of the Government Center site in Land Bay A, the site that Mr. Wiltse addresses in his comments, that it would be appropriate for staff to take, to relook at the land use recommendation on his two-acre parcel. So "would" would be appropriate.

Commissioner Murphy: Thank you very much. I have no other questions, Mr. Chairman.

Chairman Lilly: Any other questions of staff?

Commissioner Hanlon: Mr. Chairman?

Chairman Lilly: Mr. Hanlon.

Commissioner Hanlon: Mr. Theilacker, I'd like to direct your attention to Attachment 2 of the memorandum that you did, where you responded to the concerns about the intensity of development on Land Bay A. In the third paragraph there, you indicate that at the time of rezoning, the Office of Comprehensive Planning interpreted "generally" to mean that intensity should not exceed an increase of point oh five (.05) in all three land bays, including Land Bay A. And the question I have for you is whether, at the time of rezoning, that interpretation -- that is, before the Board of Supervisors acted -- that interpretation was, with respect to Land Bay A was brought to the attention of the Board? I wish I could hum the appropriate music here.

Ms. Byron: We believe that the Board of Supervisor did -- was cognizant of the "generally" because it was in the adopted development conditions that they adopted when they rezoned the land and adopted the CDP in 1976 -- '86,

Commissioner Hanlon: That was nimble, but that wasn't quite the answer to my question. My question is whether you're -- the interpretation here, the "generally" means the point oh five (.05) limit was brought to their attention at the time, that is, prior to their taking action?

Ms. Byron: I don't believe that the specific figure of point oh five (.05) was brought to their attention, but the fact that when a development plan did come in on the site, that that development plan may require a little bit of flexibility was something that was brought to their attention.

Commissioner Hanlon: Can I ask further whether the apparent inconsistency between allowing additional intensity there when the Plan says that the density should not exceed an FAR of point four five (.45), whether that apparent conflict was explicitly brought to the attention of the Board?

Ms. Byron: I don't know if it was explicitly brought to their attention, but I would venture that with their adoption of the words "generally not to exceed" that they were cognizant that it might exceed the point four five (.45) FAR recommendation.

Commissioner Hanlon: Thank you.

Chairman Lilly: Any other questions?

Commissioner Murphy: Mr. Chairman?

Chairman Lilly: Mr. Murphy.

Commissioner Murphy: If there are no other questions --

Commissioner Harsel: Mr. Chairman?

Chairman Lilly: Ms. Harsel.

Commissioner Harsel: Just one very quick one, with Mr. Kuhns here, or Mr. Murphy, or whoever it is --

Commissioner Murphy: Mr. Kuhns. It's easy to answer that one.

Commissioner Harsel: The traffic count mentioned -- and I have not read the new proffers -- but the traffic count mentioned in the set of proffers that we had with the staff report, at the time of the public hearing Mr. Kuhns could not give us a reference. Now there is a reference in one of the memorandums tonight. In fact, it's the one where it mentions my name. And I'm wondering, are these the traffic counts we're going to use?

Mr. Kuhns: Yes, ma'am. And it's -- we are also referencing the, the source as part of the transportation management strategies, as indicated last week.

Planning Commission Meeting
July 23, 1987

Page 5

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

Commissioner Harsel: So it's Attachment 2, Table 1? Okay, thank you.

Chairman Lilly: Any other questions? Mr. Murphy?

Commissioner Murphy: Thank you, Mr. Chairman. I'll begin, Mr. Chairman, by moving on the rezoning application, which I believe is in conformance with the Comprehensive Plan and applicable Zoning Ordinances. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE ZONING ORDINANCE, AS IT APPLIES TO THE PROPERTY WHICH IS THE SUBJECT OF RZ-86-W-040 (sic) BE AMENDED FROM THE PDH-5 DISTRICT TO THE PDC DISTRICT.

Commissioner Thomas: Second.

Chairman Lilly: Seconded by Mr. Thomas. Discussion? If not, all those in favor say "aye".

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries. Ms. Byron, you all keep score here. I want these numbers to be right and all of that.

Ms. Byron: We are.

Chairman Lilly: Thank you. Mr. Murphy, go ahead.

Commissioner Hanlon: Mr. Chairman, I'd like to abstain on that one.

Chairman Lilly: All right. Mr. Hanlon abstains.

Commissioner Murphy: My second motion, Mr. Chairman, will be with the Conceptual Development Plan Amendment 86-W-001-1, and it has an amendment to it. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE CONCEPTUAL DEVELOPMENT PLAN AMENDMENT CDPA-86-W-001-1, SUBJECT TO THE EXECUTION OF THE PROPOSED PROFFERED DEVELOPMENT CONDITIONS DATED JULY 23, 1987, WITH THE FOLLOWING RECOMMENDED AMENDMENTS:

and this will be beginning ON PAGE 5, with PARAGRAPH 3, UNDER SECTION E, ENVIRONMENTAL, paragraph 3, it is recommended that paragraph 3 WOULD READ: "IF, AT THE TIME OF THE FINAL DEVELOPMENT ENGINEERING OF THE SITE, UTILITIES ARE LOCATED WITHIN LANDSCAPED AREAS OF PARKING LOTS WITHIN LAND BAY C, ALTERED LANDSCAPED AREAS SHALL BE PROVIDED WITHIN THE PARKING LOT OR THE UTILITIES SHALL BE RELOCATED TO PROVIDE A MINIMUM OF EIGHT PERCENT (8%) PARKING LOT LANDSCAPING, SUBJECT TO APPROVAL BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT IN CONSULTATION WITH THE COUNTY ARBORIST."

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

SUBJECT PROPERTY, THE APPLICANT SHALL, AT ITS SOLE EXPENSE, MAKE WELL INSPECTIONS AND MAKE RESULTS OF THE INSPECTIONS AVAILABLE TO THE ADJACENT LANDOWNERS. IN THE EVENT THAT THE COUNTY HEALTH DEPARTMENT DETERMINES THAT OFF-SITE DOMESTIC WELLS FAIL OR ARE UNUSABLE DUE TO DECREASE OF INFILTRATION OR CONTAMINATION RELATED TO THE DEVELOPMENT OF THE APPLICATION PROPERTY UP TO A PERIOD OF THREE YEARS AFTER THE DEVELOPMENT IS COMPLETED, THE APPLICANT AND/OR SUCCESSORS TO LAND BAY B SHALL TAKE CORRECTIVE ACTION TO RESOLVE THE OFF-SITE WELL PROBLEM, INCLUDING REPAIR OF THE AFFECTED WELLS, REDRILLING OF THE AFFECTED WELLS, CONNECTION TO A PUBLIC WATER SUPPLY OR OTHER SUCH REMEDY THAT IS APPROPRIATE TO THE CHARACTER AND EXTENT OF THE WELL FAILURES. THE APPLICANT AND/OR SUCCESSORS TO LAND BAY B SHALL DETERMINE THE MOST APPROPRIATE REMEDY OR CORRECTIVE ACTION, SUBJECT TO APPROVAL BY THE COUNTY HEALTH DEPARTMENT. THIS CONDITION SHALL APPLY TO THOSE NEIGHBORHOODS AND DWELLINGS WITHIN THE AREA BETWEEN WEST OX ROAD ON THE WEST, ROUTE 29 ON THE SOUTH, I-66 ON THE NORTH, AND THE DIFFICULT RUN STREAM VALLEY ON THE EAST, INCLUDING THOSE NEIGHBORHOODS KNOWN AS DIXIE HILLS, LEGATO ACRES, AND CENTENNIAL HEIGHTS."

NUMBER 6, JUST ONE CHANGE IN THE THIRD TO THE LAST LINE, IT SHOULD BE AMENDED TO READ: "...AND DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT..."

AND IN NUMBER 7, THE last line should read, LAST SENTENCE SHOULD READ -- make it, give it more sense -- : "SUCH REVIEWS AND APPROVALS SHALL BE OBTAINED FROM THE COUNTY ARBORIST AND THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT..."

Commissioner Thomas: Second.

Chairman Lilly: Seconded by Mr. Thomas. Is there discussion of that motion?

Commissioner Hanlon: Mr. Chairman?

Chairman Lilly: Mr. Hanlon.

Commissioner Hanlon: We have finally gotten to the area where I've got a problem. And obviously, I'm discomfited by this because I would like to be the one who is seconding Mr. Murphy's motion. I take it that the entire proffer is before us, and my problem concerns the portion of this property that is in my district, Land Bay A. What I am concerned about is essentially a question of, of land use. I'm not paying attention, at this point, to financial aspects that have been brought up. And I'm trying to approach this application as I would, as if this were an ordinary, non-governmental applicant. And I think it's important to do that because my experience so far has been that everything that everyone senses this

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

thrown back at me in particular, I know, and I assume many of the rest of you, as precedents for things that they would like to do. In essence, this application is the precedent of all precedents and it seems to that strict compliance with the Comprehensive Plan is required. My difficulty lies with the density on Land Bay A. Unlike on Land Bay B, where the Comprehensive Plan says that the density should be "approximately point five (.5)", with respect to Land Bay A, the Plan says that the density should be, should not exceed point four five (.45). When I asked staff before the question whether that apparent conflict was explicitly brought to the Board of Supervisors' attention when they acted on the rezoning, what I was looking for was whether or not an authoritative decision has already been made on this issue. And it seems to me that if I heard their answer correctly, this was not an issue that was explicitly addressed and not one that I think should be lightly assumed that the Board of Supervisors decided indirectly, by including the word "generally", to modify all of the densities that were put on all three land bays. I think originally the Board of Supervisors intended to really make point four five (.45) the maximum. That certainly has been the intention in every Plan development that I have ever done where I have used the language, or the staff, or the County ultimately has used the language "not to exceed" a certain FAR. I think the fact that it was done one way in Land Bay A and another way in Land Bay B is indicative that that difference in language was seriously intended. And I'd like to note that the responses that are in Attachment 2 of the memorandum that was circulated last night don't really, in my view at least, address this question. Some of them indicate that there is a reason for more density than the point two five (.25) which is the background density on some of the neighboring parcels, and what would be the density for any other applicant but this one. And I suppose that that's the rationale for having a density here of not to exceed point four five (.45) instead of not to exceed point two five (.25). But I don't see that that is a reason for throwing in an extra ten percent bonus. I don't think that's consistent with the Comprehensive Plan. I think that it is substantial, even though when you work it out as point oh four (.04) FAR that doesn't sound like very much, it is quite a few extra square feet. And as a result of that, I'm going to feel reluctantly compelled to vote "no" on Mr. Murphy's motion. I'd like to note, in addition to that, that this is a cramped land bay. This is not a land bay which has an ample amount of space because some of the space is, is limited by the existence of an EQC. The extra density is a problem here for that reason if no other, and it seems like an appropriate time to mention what Mr. Murphy already mentioned on the record, and that is that there is some opportunity, potentially, if various steps are taken, to make this land bay a little bigger by dealing with the parcels that are squeezed in on the other side of Banner (sic) Road. I don't know whether it's desirable to do that. I know that staff has been telling me that from a site plan perspective, the plans for that land bay would be much better if they had that additional room and could move further away from the EQC. And I'm going to simply hope that whatever action is taken to address the problem of

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

before that actually builds out to see if the site plan for that, that parcel can be improved upon. Thank you, Mr. Chairman.

Chairman Lilly: Further discussion?

Commissioner Thillmann: Mr. Chairman?

Commissioner Harsel: Mr. Chairman?

Chairman Lilly: Mr. Thillmann.

Commissioner Thillmann: Just a quick comment. I was one of, I believe, only two votes, maybe three, when this, when the Plan amendment came forward, to vote against this location and the proposal put forth by the County staff. I lost that night and I think what I've been thinking of ever since then is, okay, now that that's happened, how can we make this work because we have to live with it? And my own opinion is that I think the staff and the applicants, the other applicants that are not really applicants but they're involved at the periphery of the site, I think have done a fairly good job of addressing, I'd say 99.9 percent of the concerns. I think Pat Hanlon has hit on an issue, and while I emphathize with Pat and the stand he's taken, I think, on balance, this is a good application. I intend to vote in favor of it.

Chairman Lilly: Ms. Harsel.

Commissioner Harsel: Mr. Chairman, I have to more or less align myself with Mr. Hanlon's comment. And I think that overlying that even is the fact that the density on Parcel B, although the Plan says point five (.5), it's now point five four (.54). If you take the four hundredths and the added four hundredths on this, we're getting a little closer. Another reason that I do not feel that the plan that is before us tonight fits the conceptual development plan is that mixed units which was on the conceptual development plan has been taken away from this one. And we only have residential and it's all put in together in the eastern side of the plot. And I think that more or less defeats the intent that Fairfax County is trying to arrive at throughout the County, and that is, with the roads being what they are, and with the office developments going in, we also need some type of residential close to the office work. And I do not feel that with Land Bay D that is close enough for B and A. And I think A needs the residential units to tie in with the residential units across the street in land bay -- in the Fair Lakes development. I also go back to a piece of property that Mr. Thillmann had in his district where he did have the mix of the apartments and the office, and that I think came up about the same time this did and it was a very pleasing thing and it was an exciting idea and they carried it all the way through. And I really feel that it should have been done on this site. And mainly I'm disappointed that the mix was not carried through from

Chairman Lilly: Further discussion? The motion is to recommend approval of these items to the Board of Supervisors. All those in favor say "aye".

Commissioners: Aye.

Chairman Lilly: Opposed?

Commissioners: No.

Chairman Lilly: Mr. Hanlon?

Commissioner Hanlon: No.

Chairman Lilly: Ms. Harsel?

Commissioner Harsel: (Unintelligible)

Commissioner Sparks: No, you said "more or less". It wasn't clear.

Commissioner Harsel: Oh, I said "no" clearly.

Chairman Lilly: Mr. Koch?

Commissioner Koch: Aye.

Chairman Lilly: Mr. Murphy?

Commissioner Murphy: Aye.

Chairman Lilly: Mr. Sparks?

Commissioner Sparks: Aye.

Chairman Lilly: Mr. Thillmann?

Commissioner Thillmann: Aye.

Chairman Lilly: Mr. Thomas?

Commissioner Thomas: Aye.

Chairman Lilly: Mr. Lilly votes "aye". The motion carries. Anything else, Mr. Murphy?

Commissioner Murphy: Mr. Chairman, yes, I think I said I have four motions; actually I have five. This is a follow-up on the CDPA. I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT TO WAIVE THE TRANSITIONAL SCREENING

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

BOUNDARIES OF LAND BAY A; WAIVE THE BARRIER REQUIREMENTS BETWEEN LAND BAY C AND LAND BAY D; MODIFY THE TRANSITIONAL SCREENING AREA REQUIREMENTS BETWEEN LAND BAY C AND LAND BAY D; WAIVE THE SERVICE DRIVE POLICY ALONG THE SITE'S LEE HIGHWAY FRONTAGE; WAIVE THE 600-FOOT PRIVATE STREET LENGTH REQUIREMENT FOR LAND BAY D; AND WAIVE THE 200-SQUARE FOOT PRIVACY YARD REQUIREMENT FOR THE SINGLE FAMILY ATTACHED UNITS IN LAND BAY D.

Commissioner Thomas: Second.

Chairman Lilly: Seconded by Mr. Thomas. Is there discussion of the motion? All those in favor say "aye".

Commissioners: Aye.

Chairman Lilly: Opposed?

Commissioner Harsel: No.

Chairman Lilly: The motion carries; Ms. Harsel votes "no".

Commissioner Murphy: Mr. Chairman?

Chairman Lilly: Mr. Murphy.

Commissioner Murphy: I'd also like to move on the final development plans, and this will be on Land Bays A, B, and D only. I'd like to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE FINAL DEVELOPMENT PLAN FDP-86-W-001 FOR LAND BAYS A, B, AND D, SUBJECT TO THE BOARD APPROVING THE CONCEPTUAL DEVELOPMENT PLAN AMENDMENT.

Commissioner Thomas: Second.

Chairman Lilly: Seconded by Mr. Thomas.

Commissioner Thillmann: Mr. Chairamn?

Chairman Lilly: Mr. Thillmann.

Commissioner Thillmann: Two of us over here just have to speak on this. And I think, speaking for myself, the comments I made the night of the hearing, I still believe that the "space needle" that's going to go in front of the building as an architectural focal point --

Commissioner Murphy: We're not doing Land Bay C.

Commissioner Thillmann: We're not doing it? I blew it.

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

Commissioner Thillmann: I'll save it. It's the next one?

Chairman Lilly: We're going to take up the shaft next week.

Commissioner Thillmann: I'm going to miss it.

Commissioner Murphy: We've got to stay with the program.

Chairman Lilly: All right.

Commissioner Thillmann: We want to make sure we don't put a restaurant on top and have it revolve.

Chairman Lilly: Going around? Good idea. All right. You've heard the motion, all those in favor say "aye".

Commissioners: Aye.

Chairman Lilly: Opposed?

Commissioner Harsel: No.

Commissioner Hanlon: No.

Chairman Lilly: The motion carries; Ms. Harsel votes "no"; Mr. Hanlon votes "no". Did you vote "no" on the one before this?

Commissioner Hanlon: No, I didn't vote --

Chairman Lilly: Oh, all right. Okay, I didn't --

Commissioner Sparks: Put your "no" on this one because this is Land Bay A.

Chairman Lilly: All right. Anything else, Mr. Murphy?

Commissioner Murphy: One more, Mr. Chairman, I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT THE APPLICANT TO SUBMIT ALL ARCHITECTURAL RENDERINGS AND ELEVATIONS TO THE PLANNING COMMISSION FOR REVIEW, COMMENT, AND APPROVAL CONCURRENT WITH THE SUBMISSION OF THE SITE PLANS TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT; AND FURTHER THAT THE SITE PLANS BE RETURNED TO THE PLANNING COMMISSION FOR REVIEW AND COMMENT PRIOR TO APPROVAL BY THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT.

Commissioner Thillmann: I'll second that.

Chairman Lilly: Seconded by Mr. Thillmann. Is there discussion of that motion? If not all those in favor say "aye".

July 23, 1987

FDP-86-W-001 & CDPA-86-W-001-1 & RZ-87-W-040

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries.

Commissioner Murphy: Before we close the book on this, prior to the public hearing on Land Bay C, I'd like to thank a number of people: Pat McDonald, Fred Kramer, John di Zerega, who have sort of headed up a team on this whole project. John -- Mr. Kuhns from the Office of Transportation, Bob Kuhns, I'm sorry. And Jim Zook and Barbara Byron. And especially again to John Theilacker who also seems to come down the road in the Springfield District with the difficult cases even if -- they've either been government centers or PDH-3s and I thank him again for all his help.

Commissioner Hanlon: Mr. Chairman?

Chairman Lilly: Mr. Hanlon.

Commissioner Hanlon: I'd just like to add one note. For the reasons I said, and even though I agree that staff has does some point up in the 90's of getting to these issues, I would like to associate myself with Mr. Murphy's compliments to staff, and also compliment Mr. Murphy for doing an excellent job of shepherding this through and working through a lot of difficult problems.

Chairman Lilly: Maybe they'll name that -- after him.

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(The first motion, to recommend approval of RZ-87-W-040, carried by a vote of 7-0-1 with Commissioner Hanlon abstaining; Commissioners Byers, Lockwood, and Sell absent from the meeting.)

(The second motion, to recommend approval of CDPA-86-W-001, carried by a vote of 6-2 with Commissioners Hanlon and Harsel opposed; Commissioners Byers, Lockwood, and Sell absent from the meeting.)

(The third motion, to recommend approval of various waivers and modifications, carried by a vote of 7-1 with Commissioner Harsel opposed; Commissioners Byers, Lockwood, and Sell absent from the meeting.)

(The fourth motion, to approve FDP-86-W-001 (Land Bays A, B, and D only), carried by a vote of 6-2 with Commissioners Hanlon and Harsel opposed; Commissioners Byers, Lockwood, and Sell absent from the meeting.)

(The fifth motion, to request return of architectural renderings and site plans, carried unanimously with Commissioners Byers, Lockwood, and Sell absent from the meeting.)