

Planning Commission Meeting

February 4, 2010

Verbatim Excerpt

SE 2009-MA-015 – ANA L. CORNEJO (Decision Only)

(Public Hearing held on December 10, 2009)

During Commission Matters

Commissioner Hart: Thank you Mr. Chairman. I'm pinch hitting for Commission Hall. First, let me thank all the citizens who came to the public hearing and sent us correspondence, and the applicant's representative, Keith Martin, for continuing the dialogue. Let me also thank staff, Suzie Zottl and Kris Abrahamson, for their fine work on this challenging case. The Commission held a public hearing on December 10 and deferred decision to review a number of issues. During the deferral, the applicant has continued to meet with neighbors and staff has continued to review the questions presented. Small residential infill cases can be very difficult and I recognize we may never reach a consensus about this application with everyone involved. We nevertheless have engaged in a very rigorous review of this request. A number of questions about the development were raised at the public hearing. I wanted to summarize my conclusions about those issues. First, with respect to this application fitting into the fabric of the neighborhood, I believe that the lots are compatible with the surrounding residential area. Some neighborhoods have nearly uniform lots and no pipestems. This neighborhood, in 2010, however, has a mix of lot configurations, including irregular shapes and pipestem lots, multiple homes with shared driveways, and lots which do not meet the current minimum lot width requirement. The requested density of 1.84 is well within the Plan range. All of the lots meet the shape factor requirement in the Ordinance and are of sufficient area for the R-2 District. The homes also comply with all setback requirements in this district, and will be no closer to existing homes than would be allowed by right. Second, with respect to the technical questions about pipestems, staff has determined that the lot with two prongs is an interior lot under the Zoning Ordinance and that the pipestem request complies with all applicable Ordinance standards. Only one of the four lots is a pipestem under the Zoning Ordinance. Each of the homes accommodates a sufficient turnaround and parking area so that nobody will have to back out down an unfamiliar dark driveway in the rain. The shared driveway width is being modified to minimize impervious surface and environmental impact. Except as specified herein, nothing in the approval, however, will relax other Site Plan or Public Facilities Manual requirements for items such as the slope of the driveway and the technical details will be reviewed by staff at the appropriate steps in the process. If additional grading is required, for example, it must comply with the limits of clearing and grading. Third, with respect to the easement, it is for overhead power lines. None of the homes conflict with the easement terms or the power lines. Fourth, with respect to stormwater, this applicant will be improving the existing situation. Currently, the site sheet flows onto adjacent property. This application will require implementation of low impact development techniques, including infiltration and percolation trenches, which will pick up this project's stormwater. The runoff issues also will be thoroughly reviewed again by DPWES staff at the time of Site Plan, and none of the PFM requirements regarding stormwater impacts are being relaxed. Fifth, as to whether this case is required to have been filed as a variance, again staff has

concluded that the special exception option is available for this type of case. Lot width modifications were typically handled by the Board of Zoning Appeals as variances for many years. After the *Cochran* decision in the Virginia Supreme Court, most landowners with an existing use could no longer obtain variances. In Fairfax County, after *Cochran*, we amended the Ordinance to allow certain categories of cases to be filed instead as Special Permits for reduction of minimum yards or increase in fence height, or Special Exceptions for lot width. Although it is true that the General Assembly in 2009 more or less legislatively overruled *Cochran*, and an applicant may once again file a variance application for lot width, that is not required and the Ordinance still allows a Special Exception to be pursued if it meets certain criteria. This applicant has chosen the SE path. Staff has determined that there is no procedural impediment and that such an application is entirely proper. The development conditions also have been refined since the public hearing and, I believe, will adequately mitigate any potential impacts from the development. The County will benefit from a defined tree save area with significant requirements for tree protection and preservation, a commitment to construct environmentally friendly homes with third party certification of achieving Energy Star for Homes qualification in accordance with Policy Plan green building guidance, significant monetary contributions to the School Board and Park Authority, and a commitment to an archaeological survey. I believe also that small scale infill development, with new investment in an older neighborhood at a relatively low density, may help stabilize such an area. It is obvious that there may be some pressure on areas with a mix of uses including, for example, townhouses and commercial nearby along Backlick Road, a busy arterial. If landowners cannot redevelop at the Plan recommendation level of one to two dwelling units per acre, that may over time tend to increase incentives for Plan amendments, consolidation, and other types of uses coming in. The Ordinance anticipates that one size does not fit all, that some infill redevelopment applications for properties of sufficient size but little street frontage might include requests for pipestem lots, and that after public hearing and staff review each such application can be evaluated. Not every lot width modification will be granted, as we have seen. Staff has concluded that this application meets all applicable requirements and is in conformance with the Comprehensive Plan and the Zoning Ordinance. The Mason District Land Use Committee also supports the application and I agree with their recommendations. I believe the application is ready to move forward to the Board for action. Therefore, Mr. Chairman, I will have several motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2009-MA-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 5, 2010.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors – excuse me – that it approve SE 2009-MA-015, say aye.

Commissioner Flanagan: Abstain.

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Chairman Murphy: Motion carries. Mr. Flanagan abstains.

Commissioner Flanagan. Abstain. Yes, I was not in attendance at the public hearing.

Chairman Murphy: Not present for the public hearing. Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Second, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO WAIVE THE MINIMUM PAVEMENT WIDTH FOR PIPESTEM DRIVEWAYS AS SHOWN IN PFM PLATE 11-7.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner Hart: Third, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO WAIVE PFM SECTION 2-0103.2.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner Hart: Fourth, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SIDEWALK AND TRAIL REQUIREMENT ALONG BACKLICK ROAD, IN FAVOR OF COUNTY PROJECT NUMBER 4YP201-PB025.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention.

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(The motions carried by a vote of 7-0-1 with Commissioner Flanagan abstaining; Commissioner Sargeant not present for the vote; Commissioners Alcorn, Hall, and Harsel absent from the meeting.)

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