

Board Agenda Item
October 19, 2010

3:30 p.m.

Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) to Rezone from I-4 to PRM to Permit Residential Development at a 1.62 FAR Including Bonus Density for the Provision of Affordable Housing and Approval of the Conceptual Plan, Located on Approximately 4.64 Acres, Providence District

The application property is located on the west side of Dorr Avenue approximately 400 feet north of its intersection with Merrifield Avenue, Tax Map 49-1 ((13)) 13, 14, 15 and 16.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 6, 2010, the Planning Commission voted 10-0-1 (Commissioner Migliaccio abstaining; Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-PR-002, subject to the execution of proffers consistent with those dated September 15, 2010;
- Approval of CDP 2009-PR-002, subject to Board approval of RZ 2009-PR-002;
- Modification of the loading space requirement for residential uses, in favor of that shown on the CDP/FDP; and
- Direct the Director of the Department of Public Works & Environmental Services to permit a deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

In a related action, the Planning Commission voted 10-0-1 (Commissioner Migliaccio abstaining; Commissioner Hall absent from the meeting) to approve FDP 2009-PR-002, subject to the Development Conditions dated September 8, 2010 and subject also to Board approval of RZ 2009-PR-002.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4292114.PDF>

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

RZ 2009-PR-002 – SQUARE 1400, L.C.
FDP 2009-PR-002 – SQUARE 1400, L.C.

Decision Only During Commission Matters
(Public Hearing held on November 5, 2009)

Commissioner Lawrence: Thank you, Mr. Chairman. I'm ready to move.

Chairman Murphy: Okay.

Commissioner Lawrence: Mr. Chairman, Commissioners will recall that at the public hearings, I had issues with this application. Those issues have been resolved. The application now presents very differently along Prosperity than did the original design. The County now gets the benefit of a 3,000-foot space for its use over a period of 20 years. There are other changes, but those are very key and significant changes which have altered my view on this application. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2009-PR-002, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED ON SEPTEMBER 15, 2010.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2009-PR-002, say aye.

Commissioners: Aye.

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

Commissioner Lawrence: I move that the - -

Commissioner Migliaccio: Mr. Chairman, I abstain.

Chairman Murphy: I'm sorry. Mr. Migliaccio abstained.

Commissioner Migliaccio: Not present for the public hearing.

Chairman Murphy: Not present for the public hearing. Okay. Oh, you weren't on the Commission.

Commissioner Harsel: No. It was over 18 months ago since we heard this.

Commissioner Migliaccio: I'm a newbie.

Chairman Murphy: Okay. He wasn't here. Okay?

Commissioner Harsel: That's right. A bunch of us weren't either.

Chairman Murphy: I'm sorry. Go ahead.

Commissioner Lawrence: The person who does not exist just said he did not exist.

Chairman Murphy: I thought we were doing Commission minutes there.

Commissioner Harsel: But, we are. We are. With those, that's going to be tricky.

Chairman Murphy: Okay.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF CDP 2009-PR-002, SUBJECT TO THE BOARD'S APPROVAL OF THE ASSOCIATED RZ APPLICATION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve FDP 2009-PR-002 [sic], subject to the Board's approval of the Rezoning and the Conceptual Development Plan [sic], say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Migliaccio: Yes, Mr. Chairman. I abstain.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2009-PR-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 8, 2010, AND TO THE BOARD'S APPROVAL OF THE ASSOCIATED RZ APPLICATION.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I move that the Planning Commission recommend - -

Chairman Murphy: Same abstention.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENT FOR RESIDENTIAL USES, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE, IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE CDP/FDP AND AS PROFFERED.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you very much, Mr. Chairman. Thank you, Mr. O'Donnell and staff for your work on such a difficult application.

Chairman Murphy: Thank you very much.

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(The motions carried by a vote of 10-0-1 with Commissioner Migliaccio abstaining; Commissioner Hall absent from the meeting.)

KAD