

10/22/01 Board Meeting

4:00 P.M. Items - RZ-2001-MV-025 - U.S. GOVERNMENT
RZ-2001-MV-026 - U.S. GOVERNMENT
Mt. Vernon District

On Thursday, September 20, 2001, the Planning Commission unanimously voted (except as otherwise noted) to recommend the following actions to the Board of Supervisors:

Approval of RZ-2001-MV-025 and the conceptual development plan, subject to execution of proffers dated September 18, 2001, and provided that the trade for Meadowood Farm has been completed, with the following two revisions:

The addition of a new paragraph 13(i) to read, "The applicant shall underground all interior utility lines. No additional utility poles will be constructed by the applicant along Silverbrook Road or Pohick Road due to this development's construction."

The deletion of the words "or stucco" from paragraph 4(b).

Modification of the transitional screening requirements and waiver of the barrier requirements along the eastern boundaries for the community recreation center;

Waiver of the 600-foot maximum length limitation of private streets (*Commissioner Wilson opposed*).

Approval of RZ-2001-MV-026, subject to the proffers dated September 18, 2001 and subject also to completion of the land trade with Meadowood Farm, with the following revisions:

The addition of a new paragraph 9(e) to read, "The applicant shall underground all interior utility lines. No additional utility poles will be constructed by the applicant along Silverbrook Road or Pohick Road due to this development's construction."

The deletion of the words "or stucco" from paragraph 4(a).

The Planning Commission also voted unanimously to approve the final development plan for Concept B of application FDP-2001-MV-025, subject to the development conditions in Appendix 2 of the staff report and subject also to Board approval of RZ-2001-MV-025 and the conceptual development plan. The Commission's action included the option of later considering the final development plan for Concept A.

Planning Commission Meeting
September 20, 2001
Verbatim Excerpts

RZ-2001-MV-026 - U. S. GOVERNMENT
RZ/FDP-2001-MV-025 - U. S. GOVERNMENT

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed. Recognize Mr. Byers.

Commissioner Byers: Thank you, Mr. Chairman. You're right, this is a complicated case. And Ms. Hall is right, this is a very unique case. In the years I've been on the Commission, I don't ever remember being involved in a major land swap like this in which the land swap was the basis for the development in the applications. So this has been an unusual one. I anticipated that I would probably be obliged to defer the decision on this, but I've listened to the discussions and the arguments tonight and I think the issues have been adequately addressed. So I intend to move favorably on these applications. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE RZ-2001-MV-025 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED 18 SEPTEMBER 2001, WITH THE ADDITION OF PARAGRAPH 13 I WHICH SHALL READ: "THE APPLICANT SHALL UNDERGROUND ALL INTERIOR UTILITY LINES. NO ADDITIONAL UTILITY POLES WILL BE CONSTRUCTED BY THE APPLICANT ALONG SILVERBROOK ROAD OR POHICK ROAD DUE TO THIS DEVELOPMENT'S CONSTRUCTION."

Commissioners Kelso and Hall: Second.

Chairman Murphy: Seconded by Mr. Kelso and Ms. Hall. Is there a discussion of the motion?

Commissioner Wilson: Mr. Chairman?

Chairman Murphy: Ms. Wilson.

Commissioner Wilson: We also had the agreement of the applicant on taking out the words "or stucco" in 4b. I'm sorry, that is page 5 of the September 19 proffers.

Commissioner Byers: Which one?

Commissioner Wilson: 4b. Proffer 4b. Take out the words "or stucco" on the very first line. The applicant had already agreed to that. I just wanted to have it referenced in the motion.

Chairman Murphy: For the record, the applicant agrees to the DELETION IN THE PROFFERS OF THE WORDS "OR STUCCO."

Commissioner Byers: I'll accept that amendment.

Commissioner Wilson: Thank you.

Chairman Murphy: Further discussion of the motion?

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: As these are proffer modifications, I would like the applicant to come to the podium.

Chairman Murphy: Mr. Walsh. That's a good idea, I guess.

Martin Walsh, Esquire: We do agree with those modifications. One of them was in my handwriting, actually.

Commissioner Byers: Thank you, Mr. Walsh.

Chairman Murphy: Mr. Walsh, stay there. You might have to reaffirm something in a minute. Further discussion of the motion? All those in favor of the motion to recommend to the --

Mr. Peter Braham: Excuse me, Mr. Chairman?

Chairman Murphy: Yes.

Mr. Braham: Is that subject to the completion of the land trade? Is your motion that the Board -- it's the last sentence.

Commissioner Byers: Oh, I will add to my motion PROVIDED THAT THE TRADE FOR MEADOWWOOD FARM HAS BEEN COMPLETED.

Commissioner Wilson: Yes. Second.

Chairman Murphy: Without objection. All right.

Commissioner Alcorn: Just a question. Your motion does not cover the FDP. Is that correct?

Commissioner Byers: Not yet.

Chairman Murphy: Not yet. All right. All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-2001-MV-025, say aye.

Commissioners: Aye.

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

Commissioner Byers: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN FOR CONCEPT B, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ-2001-MV-025 AND THE CONCEPTUAL DEVELOPMENT PLAN WITH THE OPTION OF LATER CONSIDERING THE FINAL DEVELOPMENT PLAN FOR CONCEPT A.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of that motion? All those in favor of the motion --

Mr. Braham: Excuse me, I need a clarification on that. The area that is different between those two final development plans concerns only Land Bay E. So really what we are talking about is for Land Bay E you follow concept B.

Commissioner Byers: Yes.

Mr. Braham: The other parts -- the other land bays can proceed --

Commissioner Byers: Yes.

Mr. Braham: -- except for Land Bay B which the school site. Is that correct?

Commissioner Byers: Yes.

Chairman Murphy: Wait a minute. Mr. Walsh.

Mr. Walsh: I think that is correct because Land Bay E is the only one that is different between Concept A and B. I just wanted a clarification as well as to whether we could proceed with site plan at our risk of Concept A once we've filed the Out-of-Turn Plan Amendment, or once the Board authorizes the Out-of-Turn Plan Amendment. That would save us a lot -- I think that's --

Commissioner Byers: I don't think --

Commissioner Wilson: No.

Mr. Braham: I'm sorry, Mr. Walsh, but you would need to have a final development plan approved in order to submit site plans. The Ordinance is very clear about that.

Commissioner Byers: Mr. Braham, that is to submit a site plan. That doesn't keep them from going ahead and doing the engineering work.

Mr. Braham: Oh, they can certainly draw all the lines they want to, sir.

Commissioner Byers: All right.

Chairman Murphy: All those in favor of the motion to approve FDP-2001-MV-025, as amended by Mr. Byers this evening and subsequent to the Board's approval of the rezoning and conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Byers: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD MODIFY THE TRANSITIONAL SCREENING REQUIREMENTS AND THE BARRIER REQUIREMENTS BE WAIVED ALONG THE EASTERN BOUNDARIES FOR THE COMMUNITY RECREATION CENTER.

Commissioners Wilson and Hall: Second.

Chairman Murphy: Seconded by Ms. Wilson and Ms. Hall. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Byers: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD WAIVE THE MAXIMUM LENGTH OF PRIVATE STREETS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11.302.

Commissioner Hall: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Wilson: No.

Chairman Murphy: Motion carries.

Commissioner Byers: Mr. Chairman, I move the Planning Commission recommend the Board approve --

Chairman Murphy: Ms. Wilson voted no. I heard you.

Commissioner Byers: I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE RZ-2001-MV-026, SUBJECT TO THE PROFFERS DATED 18 SEPTEMBER WITH THE FOLLOWING ADDITION TO PARAGRAPH 9E: "THE APPLICANT SHALL UNDERGROUND ALL INTERIOR UTILITY LINES. NO ADDITIONAL UTILITY POLES WILL BE CONSTRUCTED BY THE APPLICANT ALONG SILVERBROOK ROAD OR POHICK ROAD DUE TO THIS DEVELOPMENT'S CONSTRUCTION."

Commissioner Kelso: Second.

Chairman Murphy: Seconded by Mr. Kelso. Mr. Walsh?

Commissioner Byers: Mr. Chairman, I should add on that this would be SUBJECT TO THE COMPLETION OF THE LAND TRADE WITH MEADOW WOOD FARM.

Chairman Murphy: Do you accept that?

Mr. Walsh: Yes.

Chairman Murphy: Okay. Thank you very much. Seconded by Mr. Kelso. Discussion?

Commissioner Wilson: Mr. Chairman?

Chairman Murphy: Ms. Wilson.

Commissioner Wilson: Mr. Chairman, I believe the applicant also said they would be willing to put something in on the -- as a provision in the homeowners association's documents for a construction easement or a conservation easement or something on the individual home lots?

Mr. Walsh: We will provide a proffer at the Board that addresses the conservation easement for the area between the end of the lots and the limits of clearing and grading in the north portion.

Commissioner Wilson: That's great. Thank you.

Chairman Murphy: All --

Commissioner Harsel: Mr. Chairman?

Chairman Murphy: Ms. Harsel.

Commissioner Harsel: MV-026 also has stucco. Do you want to keep stucco on 026 or take it out?

Commissioner Wilson: Take it out.

Commissioner Byers: MAKE THE SAME CHANGE.

Commissioner Wilson: Take it out. Do you agree to that, Mr. Walsh?

Mr. Walsh: Yes.

Commissioner Wilson: And thank you.

Commissioner Byers: Mr. Braham, do we need a motion for the FDP for 026?

Mr. Braham: No, sir. That is an R-1 conventional district.

commissioner Byers: Okay.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors to approve RZ-2001-MV-026, with the proffers as modified, say aye.

Commissioners: Aye.

Planning Commission Meeting
September 20, 2001
RZ-2001-MV-026 and RZ/FDP-2001-MV-025

Page 7

Chairman Murphy: Motion carries.

//

(The motions carried unanimously with the exception of the fourth motion which carried a vote of 11-1 with Commissioner Wilson opposed.)

LBR