

3/20/89

4:00 p.m. Item - PCA/CDPA-80-P-039 - HMCE LTD. PARTNERSHIP  
Providence District

On Wednesday, March 15, 1989, the Planning Commission voted unanimously (Commissioners Byers, Harsel, Sell, and Sparks absent from the meeting) to recommend to the Board of Supervisors the following actions pertinent to PCA/CDPA-80-P-039:

- 1) Approval of PCA/CDPA-80-P-039, subject to execution of the draft proffers dated March 13, 1989;
- 2) Modify the transitional screening along the southern lot line to provide transitional screening 1, as approved by the County Arborist;
- 3) Waive the transitional screening along the eastern lot line and the barrier requirement along the southern and eastern lot lines, subject to the execution of the proffers.

The Commission also voted unanimously (Commissioners Byers, Harsel, Sell, and Sparks absent from the meeting) to approve FDPA-80-P-039, subject to Board approval of CDPA-80-P-039, subject to the addition of the following development conditions:

- Add additional language to read: "A fifty (50) foot undisturbed buffer area shall be provided on the commercial component between the metro connector road and the western lot line. Notwithstanding the preceeding sentence, if DEM requires the road to be shifted to the west so that it is not feasible, in the judgment of DEM, feasible to do so but will in any event preserve a minimum undisturbed buffer of 35 feet."
- Add language to read: "A fifty (50) foot undisturbed buffer shall be provided on the commercial component between the western commercial loop road and the western lot line, as long as it is feasible in the judgement of DEM to do so without relocating that road to the east. If the undisturbed fifty (50) foot buffer cannot be maintained, then the applicant will preserve an undisturbed buffer to the extent that it is in the judgement of DEM, feasible to do so, but will in any event preserve a minimum undisturbed buffer of 35 feet."

Planning Commission Meeting  
March 15, 1989  
Verbatim Excerpt

PCA/CDPA/FDP-80-P-039 - HMCE ASSOCIATES LIMITED PARTNERSHIP (Decision Only)

During Commission Matters

Commissioner Hanlon: We have a decision only tonight -- am I on? Am I on? We have a decision only tonight in PCA/CDPA/FDPA-80-P-039. I've already, I think, commented on why I think in general this application ought to be granted. It has been before us for nearly a year since we originally had a public hearing on it. In that period of time there has been some change, notably to provide a connector to the Metro station and this application will allow for the provision of temporary parking that will -- that will help solve that parking problem at the Vienna Metro station while the Metro is putting in structured parking there, as we've approved several weeks ago. The primary problem that we've had with this case for a while has to do with the relationship of this property to its neighbor to the -- its neighbor to the west, the Fairlee development. The Plan currently calls for protecting that development from the commercial development that is taking place here and to preserving that residential community. And as long as that's what the Plan says, that is the guide which I feel we have to follow. In that respect, I think that it is fair to say that the original rezoning fell a little bit short of what the Plan called for and this applicant has been extremely cooperative in attempting to solve some of the problems that the people in Fairlee have with the potential that when this development is put in, and as it moves closer to the western property line that they will lose the stand of vegetation that currently is there. That being said, Mr. Chairman, I need to -- we've, we've been working on this and I need to have Mr. Martin, the representative of the applicant, come up and we'll see if we can't transact a little business here at the -- at the last minute. Mr. Martin, I want to direct your attention to proffer #24 --

Mr. Martin: Okay.

Commissioner Hanlon: -- in the proffers that are before us tonight. It's my understanding that in the third line up from the bottom, the words "the applicant will preserve an undisturbed buffer" has been left out right after the word "buffer" right around the middle of that line, is that right?

Mr. Martin: Yes, sir.

Commissioner Hanlon: It is also my understanding that you folks are under the gun in terms of being able to get revised proffers done in time to meet your Monday Board date, and you have requested that we try and remedy this situation in terms of a development condition. If I -- we put a development conditions, essentially two development conditions as follows: The first one is basically to repeat this proffer down to the word "buffer" in the middle of the third line up from the bottom end then add the words "the applicant will preserve an undisturbed buffer" then finish out saying "to the extent that it is in the judgment of DEM. feasible to do so but will in any event preserve a

Mr. Martin: That is.

Commissioner Hanlon: I gather, it is also true, that a further development condition which would read to the following effect "A 50-foot undisturbed buffer shall be provided on the commercial component between the western commercial loop road and the western lot line ..." -- excuse me, not period -- "... as long as it is feasible in the judgment of DEM to do so without relocating that road to the east. If the undisturbed 50-foot buffer can not be maintained, then the applicant will preserve an undisturbed buffer to the extent that it is in the judgment of DEM, feasible to do so, but will in any event preserve a minimum undisturbed buffer of 35 feet."

Mr. Martin: That is acceptable.

Commissioner Hanlon: That's acceptable to you too. Thank you very much. Mr. Chairman, if you look at the map, what we're dealing with here is the commercial portion of this site which is approximately the top third or so, and the development conditions that we have just -- just read to the applicant, are intended basically to preserve along that entire -- along that entire strip a 50-foot undisturbed buffer area, if it's possible to do so. Now there are two reasons why it might not be possible to do so. With respect to the new road that's going in there, the Metro connector road, there's a question of engineering as to exactly where that road can be located. And my understanding is that it is possible that DEM will say that for environmental reasons, that road needs to be moved to the west. With the proffer and the development conditions that I will propose to you in a minute, say about that is that if DEM requires that road to be moved to the west, then the applicant will do the best he can in terms of preserving an undisturbed buffer, but in any event will preserve at least 35 feet. And that last is, in my view, a limitation on DEM's power to require that road to be moved to the west. In other words, this undertaking is to make sure that we have that 35-foot buffer that's important to the community. In the area that is south of the Metro connector road, where you have a road that is the loop road for this property, the applicant is prepared to agree to preserve a 50-foot buffer in the area, as long as that doesn't require that road to be moved to the east. If he can not be maintained without moving the road, then the road gets to stay where it is and the applicant again does the best he can, but the strict limit is that in no event may it be less than 35 feet. So basically, what we have here is a commitment to do 50 feet all along this border, if it's possible, and 35 feet whether it's possible or not, and the best we can do between those two if we get into engineering problems. I think that that is a big improvement from where we were before in providing for an undisturbed buffer area there. I will say that it may very well be that the residential portion of this site will come in to us for a change in plan at some future date, and I would hope that what we have done up here under the commercial sector of the site may establish a precedent for a reasonable way of protecting the neighboring community in the residential portion as well. That being said, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA/CDPA-80-P-039, SUBJECT TO THE PROFFERS DATED MARCH 13, 1989.

Commissioner Bobzien: Second.

Chairman Murphy: Seconded by Mr. Bobzien. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA/CDPA/FDPA-80-P-039 say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Commissioner Hanlon: Mr. Chairman?

Chairman Murphy: Mr. Hanlon.

Commissioner Hanlon: I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVIS -- or excuse me, THAT THE PLANNING COMMISSION APPROVE FDPA-80-P-039, SUBJECT TO BOARD APPROVAL OF CDPA-80-P-039, WITH THE TWO -- I'm just going to try, unless someone wants me to read them, WITH THE TWO DEVELOPMENT CONDITIONS THAT I READ EARLIER.

Commissioner Bobzien: Second.

Chairman Murphy: Seconded by Mr. Bobzien. Discussion of the motion? All those in favor of the motion to approve the FDPA, subject to the Board's approval of the CDPA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries. Thank you.

Commissioner Hanlon: Mr. Chairman?

Chairman Murphy: Mr. Hanlon.

Commissioner Hanlon: Ms. Anderson, are there any other waivers or anything, any other motions needed for this?

Ms. Anderson: No.

Commissioner Hanlon: Okay, thank you.

Chairman Murphy: Thank you very much. Is there any other Commission business?

Ms. Anderson: I'm sorry, there is.

Chairman Murphy: Other Commission business, or another motion?

Ms. Anderson: No, there is another motion. Forgive me.

Chairman Murphy: Okay.

Ms. Anderson: In the addendum,

Commissioner Hanlon: Well, I mean --

Ms. Anderson: It has based on the staff's recommendation that the transitional screening along the southern lot line be modified to provide transitional screening 1, as approved by the County Arborist. And also, based upon staff's recommendation that the transitional screening along the eastern lot line be waived and the barrier requirement along the southern and eastern lot lines be waived, subject to the execution of the proffers.

Commissioner Hanlon: Mr. Chairman. did we get that up for the record? 'Cause if we did, I just MOVE THAT.

Chairman Murphy: So moved.

Commissioner Bobzien: Second.

Chairman Murphy: Seconded by Mr. Bobzien. Discussion of the motion? All those in favor of that motion, which I will not restate, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries. Any other business on this particular application? Thank you, Ms. Anderson.

//

(The motions passed unanimously with Commissioners Byers, Harsel, Sell and Sparks absent from the meeting.)

SLS