

**Board Agenda Item  
December 9, 2002**

**5:00 p.m. Item – RZ-2002-LE-014 - Little River Development Corporation  
Lee District**

**On Thursday, October 24, 2002, the Planning Commission voted 4-3-3 (Commissioners de la Fe, Kelso, Koch and Wilson in favor; Commissioners Hall, Moon and Smyth opposed; Commissioners Byers, Harsel and DuBois abstaining; Commissioner Alcorn not present for the vote; Commissioner Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:**

- **Approval of RZ-2002-LE-014, subject to execution of proffers consistent with those dated October 24, 2002; and**
- **Waiver of the requirement for a 600-foot maximum private street length.**

Planning Commission Meeting  
October 24, 2002  
Verbatim Excerpt

RZ-2002-IE-014 - LITTLE RIVER DEVELOPMENT CORPORATION

Decision Only During Commission Matters  
(Public Hearing was held on October 10, 2002)

Commissioner Kelso: This is Little River Development Corporation which is asking for rezoning of a townhouse development along Holly Hill Road. It was heard on October 10. Changes to the proffers are basically Proffer Number 11, which is on page 5, I believe, where the time of payment of the contribution for the schools has been changed from individual building permits to site plan approval -- which I thought was pretty nice. On Proffer Number 25, concerning the landscaping, the following was added: "As further described herein, the limits of clearing and grading may be disturbed in order to provide utilities to the property. In no other event shall the limits of clearing and grading be disturbed." What we have come to find out is that the Water Authority, which I kind of suspected because I've done a project down the street from this, requires a loop water system and the exact location will be determined actually after the final engineering plans are done. Proffer Number 22, we've added a sentence: "The transplanted trees shall be placed so as to provide buffering between the property and the adjacent community to the west." That was a concern of staff which we worked out today.

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Ms. Harsel.

Commissioner Harsel: Before he goes into the motion, am I correct, this is the one that staff is recommending denial on?

Commissioner Kelso: No.

Ms. Mavis Stanfield: No, Ms. Harsel. We are recommending approval.

Commissioner Harsel: Oh, you were? Believe it or not, I visited this site. There are a lot of hills.

Commissioner Kelso: They recommended denial on the one we just did and passed.

Commissioner Smyth: Mr. Chairman?

Vice Chairman Byers: Ms. Smyth.

Commissioner Smyth: This is the application that is planned to 5-8 that we are rezoning to R-12 -- or the applicant is seeking a rezoning to R-12?

Commissioner Harsel: That's right.

Commissioner Smyth: And we are still seeking R-12 here?

Commissioner Kelso: It is my opinion that the density provided for in the Plan is what the number of units that we would expect to see on the land, regardless of the Ordinance.

Commissioner Smyth: That may be, but it depends on how you calculate it. That's what we went through at the public hearing. If you did it as a straight R-8, you still come out at 5.2, which is within that density range.

Commissioner Harsel: I knew there was a trouble with this one. That's why I visited the site. It's all on steep slopes, too, isn't it? It's a lot of slopes.

Commissioner Kelso: I think that Ms. Johnson responded to that question at the public hearing and that staff had no concern.

Commissioner Harsel: Staff didn't. You're right.

Commissioner Kelso: And I certainly don't and the applicant doesn't. And Lee District doesn't.

Vice Chairman Byers: I would just like to note for the benefit of Ms. Cox, who is sitting up there who is the Co-Chair of the Mount Vernon Council, that Proffer Number 11 provides for a contribution to the schools. A total of \$500 per unit. Consider that. Mount Vernon is about ten times that. Okay, Mr. Kelso, you want to go ahead with this?

Commissioner Kelso: Yes, this application was presented to the Lee District on two occasions -- actually, more than two occasions. They are working closely with the developer to the west of them who is doing a by-right development of 147 units, I believe, and submitted an alternate site plan because the question of sharing a stormwater facility has not been resolved. We've been working with U. S. Homes as late as yesterday afternoon to see if this can be accomplished and we have the feeling that it will be accomplished. But regardless, Lee District has reviewed both site plans -- the site plan and the alternate site plan -- and have recommended approval unanimously for this project. It was presented to the Groveton single family area to the north which supports the project. The site is on a sloping area with marine clay soils which takes quite a bit of engineering feat and I know for a fact that the cost to develop this property is going to be tremendous. Therefore, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-LE-014, LITTLE RIVER DEVELOPMENT CORPORATION, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED OCTOBER 24, 2002.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion?

Commissioner Smyth: Abstain.

Commissioner Harsel: We haven't voted.

Commissioner Hall: Ms. Hall.

Commissioner Hall: You know, I have no doubt that this is probably a very good application. But I do have a problem with what the staff is agreeing to do and what is in the Comprehensive Plan. I just can't get there and I will not be supporting the application. There is no doubt that Lee District and the applicant have worked very hard. I wish they would have changed the Plan to be consistent with what they are proposing to do. Thank you, Mr. Chairman.

Commissioner Kelso: Mr. Chairman?

Vice Chairman Byers: Any other discussion?

Commissioner Kelso: Mr. Chairman, I may add that staff in their staff report, suggests that it is in conformance with the Comprehensive Plan and we agree.

Commissioner Hall: I'm just afraid about the next time I have to go and deal with the staff and the applicant and they are going to go, "This is where the Comprehensive Plan is written." I think the staff is being very inconsistent with the way they are applying this. I think it's rather inappropriate. That's my opinion. Thank you, Mr. Chairman.

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Ms. Harsel.

Commissioner Harsel: I agree with Ms. Hall. I am not going to go so far as not support it -- but I'm not going to not not support it. But I'm not going to support it by the same token. So I will abstain. But I do, I get a little bit nervous. And that's right, staff interpreted it one way, but like Ms. Hall, I want to serve notice now that we don't interpret it like that in the Braddock District when I have a case.

Commissioner Hall: One per year.

Commissioner Smyth: Yes, one per year.

Commissioner Harsel: We've got two coming up.

Vice Chairman Byers: Other discussion?

Commissioner Smyth: Mr. Chairman?

Vice Chairman Byers: Ms. Smyth.

~~Commissioner Smyth: Mr. Chairman, I'd just like to say the same thing about Providence. Let's not even go there in Providence, please. Thank you.~~

Vice Chairman Byers: Any other comments? All in favor of the motion to recommend the Board approve RZ-2002-LE-014, say aye.

Commissioners Aye.

Vice Chairman Byers: Opposed?

Commissioners Hall, Moon, Smyth: No.

Commissioners Byers DuBois, Harsel: Abstain.

Vice Chairman Byers: Wait.

Commissioner DuBois: Mr. Chairman, I was not here for the public hearing. I abstain.

Vice Chairman Byers: I know. I've got to get the opposition first.

Commissioner DuBois: Okay.

Vice Chairman Byers: Ms. Hall, Mr. Moon, Ms. Smyth vote no. Ms. DuBois, Ms. Harsel and the Chair abstain. Not present for the public hearing. Who was here?

Commissioner Harsel: Mr. de la Fe --

Vice Chairman Byers: Wait a minute.

Commissioner Harsel: Four-three -- four-three-two (sic).

Vice Chairman Byers: You've got one, two, three, four. Four-three -- no, four-two and three (sic).

Commissioner Harsel: Right.

Vice Chairman Byers: Mr. Kelso.

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD --

Vice Chairman Byers: Wait, stop, hold on a minute. Let's have division.

Commissioners de la Fe, Kelso, Koch and Wilson: Aye.

Commissioner DuBois: Abstain.

Commissioner Wilson: Aye.

Commissioner Hall: No.

Commissioner Koch: Abstain, I mean aye.

Commissioner Harsel: Abstain.

Vice Chairman Byers: I know you abstain.

Commissioner Kelso: Aye.

Commissioner Smyth: No.

Commissioner Moon: No.

Vice Chairman Byers: Four-three and three.

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE REQUIREMENT FOR A 600 FOOT MAXIMUM PRIVATE STREET LENGTH.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of that motion, say aye.

Commissioners de la Fe, Kelso, Koch and Wilson: Aye.

Vice Chairman Byers: Opposed?

Commissioners Hall, Moon and Smyth: No.

Commissioners Harsel and Smyth: Abstain.

Vice Chairman Byers: Same split on the vote. Mr. Kelso.

Commissioner Kelso: Thank you very much.

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