

Board Agenda Item
April 28, 2003

5:00 p.m. Item – RZ-2002-MV-027 – Jagdish Berry
Mount Vernon District

On Wednesday, March 19, 2003, the Planning Commission voted 8-0-1 (Commissioner Smyth abstaining; Commissioner Harsel not present for the votes; Commissioners Kelso and Wilson absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ-2002-MV-027, subject to execution of proffers consistent with those dated March 5, 2003, with proffer #9 revised to substitute “Saratoga Recreation Group, Incorporated” for the words “Fairfax County Park Authority”;
- Waiver of the minimum district size requirement; and
- Modification of the transitional screening requirements and waiver of the barrier requirements along the northern and western property boundaries.

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Verbatim Excerpt

RZ-2002-MV-027 - JAGDISH BERRY

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Byers.

Commissioner Byers: Thank you, Mr. Chairman. I received two documents tonight that pertain to this case, one of which is an agreement to grant easements between the Saratoga Community Association and Jagdish Berry. This allows Mr. Berry to put his access into this lot from the existing townhouse community rather than go out on Lake Pleasant Drive which is preferable also to staff. And in exchange for that easement, the new homes will be incorporated into the existing homeowners association. I'm delighted that we have a representative from the townhouse community here tonight to reaffirm that. This case has been heard by the Mount Vernon Council and the Lorton Federation and they both have approved it. The other document I received -- well, I should point out -- I had informed Mr. Fox before that we would not move forward with this application until I had the agreement for easements in my hand because I've seen too many times, things get screwed up between a promise to deliver something and the actual date of accomplishment. And Mr. Fox handed it to me tonight right after Mr. Berry signed it. So I'm happy about that. We have in our packet tonight a fax from Michael Horan, who's from this community. He says he's unable to attend the public hearing, but wants to submit his comments regarding the application and he's opposed to it. I'll pass that on for the record. Mr. Chairman, in light of the -- all the things that happened in getting this case sorted out to the satisfaction of both the staff and the community -- I would MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ-2002-MV-027, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 5, 2003 WITH ONE SMALL CHANGE. IN PROFFER 9(sic), DELETE THE WORDS "FAIRFAX COUNTY PARK AUTHORITY" AND SUBSTITUTE "SARATOGA RECREATION GROUP, INCORPORATED."

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? Is that 8?

Commissioner de la Fe: I believe it's Proffer 8.

Commissioner Byers: Wait a minute. Oh, all right. I was looking at the old ones.

Chairman Murphy: Okay. Just for the record, that change is to Proffer 8, entitled "Park Authority Contribution."

Commissioner Byers: Right.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend approval of RZ-2002-MV-027, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Smyth: Mr. Chairman, I'm going to abstain because of the sand filters.

Chairman Murphy: Okay. Ms. Smyth abstains.

Commissioner Byers: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT REQUIREMENT.

Commissioner Hall: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Smyth: Abstain.

Chairman Murphy: Motion carries. Mr. Byers.

Commissioner Byers: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN AND WESTERN PROPERTY BOUNDARIES.

Commissioner Hall: Second.

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

Commissioners: Aye.

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Chairman Murphy: Opposed?

Commissioner Smyth: Abstain.

Chairman Murphy: Motion carries.

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(Each motion carried by a vote of 8-0-1 with Commissioner Smyth abstaining; Commissioner Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.)

GLW