3:00 P.M. Item - RZ-81-M-084 - MARTIN E. TURK & JOHN T. CONLAN, TRS.
Mason District

On Thursday, February 11, 1982 the Planning Commission voted 6-0-1 (Mr. Brinitzer abstaining; Mr. Lovelace and Mr. Sell absent from the meeting; the Annandale District seat vacant) to recommend to the Board of Supervisors a denial of the R-12 District and the Generalized Development Plan, as submitted.

It was further recommended that the applicant seriously consider preparing a generalized development plan that would address the development issues identified by Staff prior to the scheduled Board of Supervisors hearing. If the applicant fails to submit such a proffered generalized development plan, the Commission recommends that the subject property remain in the R-3 District.

Planning Commission Meeting
February 11, 1982
Verbatim Excerpts

RZ-81-M-084 - MARTIN E. TURK & JOHN T. CONLAN, TRS.

After Close of the Public Hearing

Mr. O'Brien: I will close the public hearing and recognize the Commissioner from the Mason District, Mrs. Fasteau, for any action she may wish to recommend on this case.

Mrs. Fasteau: Thank you, Mr. Chairman. This is one of those cases where everybody has good intentions. Everybody is being reasonable, cooperative, helpful. And we all wish, certainly myself included, that we would come out with some compromise that would meet everybody's desires. I don't see any clear path to that at the moment, much as I would like to. The land itself is the problem. The applicant did consolidate. The applicant would like to satisfy the goals of the Plan, which is not only to consolidate but to have compatible development. The consolidation I think envisioned in the Plan was probably for all the lots in the area, but several of these closer to Columbia Pike are apparently not willing sellers. The applicant has done his best to consolidate, which is to his credit. Everybody is being reasonable. But the land is still the land, and maybe the land isn't being reasonable. However, those are very very steep slopes, much of it is there. If you drive up into Powell Lane you see a little bit of flat surface and everything else disappears beneath - out of sight practically because it just goes down to the stream valley. There is a stream valley there, and a stream valley park already developed in the trails system. So that it is something that we do not want to debase. And we have to respect that. Even at the lower end of the 8 to 12 density, with all good will and effort, there still doesn't seem to be, from what you all have heard tonight, enough buildable land to work up the number of townhouses as shown in the applicant's site plan. The neighborhood, nor the Plan, nor if I may say so, even myself, do not think that the mid-rise apartment house is desirable there. Although it would solve one element of the problem, which is the buildable flat land to be used, and only that part. The applicant himself has appealed for suggestions. Those might range from building some townhouses, and then on the slopes putting single family houses, which he apparently has not thought of. That's one possible idea. It may not solve the problem. It may. The economics of it, of course, is something the applicant and the sellers will have to deal with. Whether the land cost is set before the zoning or the land cost is set subject to the zoning application before us, is something that I don't know. Reasonably it should be, but I just don't know the mechanics of this particular application. I am in a dilemma clearly. So is the applicant. The applicant, however, I

think, is contract-purchaser at this point, not owner. Whether that is a mediating element in getting around to finally what you will put in, what density, what kind of structure and the price, and whether it's economic or not for him, again those things I cannot delve into and don't know. I can only feel that when there's a contract-purchaser there is perhaps a little more flexibility. So this case seems to be still in a case of flux. I have been on the phone with Staff, and we agree that the development plan, the site plan, that is shown, generalized, is not acceptable. And on that basis, and on the fact that the community feels that the apartment house, which might solve some of it, is again not acceptable, I offer to the Planning Commission this language, which apparently the Staff feels would give us a breathing space before this comes to the Board, for any other suggestions or manipulation of the site plan, or density, or style of house, whatever, and for the best interests of both the applicant and the land and the County. Therefore, I will submit to you this motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF THE R-12 DISTRICT AND THE GENERALIZED DEVELOPMENT PLAN, AS SUBMITTED. I WOULD RECOMMEND THAT THE APPLICANT SERIOUSLY CONSIDER PREPARING A GENERALIZED DEVELOPMENT PLAN THAT WOULD SATISFACTORILY ADDRESS THE DEVELOPMENT ISSUES IDENTIFIED BY OUR STAFF, FOR CONSIDERATION AT A FUTURE TIME, PREFERABLY BEFORE THE APPLICATION IS HEARD BY THE BOARD OF SUPERVISORS. LACKING SUCH A GENERALIZED DEVELOPMENT PLAN, WITH APPROPRIATE PROFFERS, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE SUBJECT PROPERTY REMAIN IN THE R-3 DISTRICT. I would add that I make this motion in the hope that in this interval of time that we can come up with something that will be acceptable and will be approved.

Mrs. Wright: Second.

Mr. O'Brien: Seconded by Mrs. Wright. Is there any discussion?

Mrs. Wright: Mr. Chairman?

Mr. O'Brien: Mrs. Wright.

Mrs. Wright: Mrs. Fasteau, the Board date is March 1st. Is that enough time?

Mrs. Fasteau: I don't really know. That would be up to the applicant and the Staff and the clients of the applicant. And I hope they can. I very much hope they can.

Mr. O'Brien: Mrs. Fasteau, the motion as I understand it is to deny the requested R-12 district -

Mrs. Fasteau: And the generalized development plan, which is an important element of it. And that is one of the reasons for the denial, because the generalized development plan is not acceptable.

Mr. O'Brien: And the second part of the motion is to encourage the applicant to look at the Staff recommended apartment use?

Mrs. Fasteau: No. No. No. It has been reworded. I was on the phone with Mr. Reid. And rather than pin it down to that, which again is not satisfactory for other reasons to the area, the language that I am reading has been proposed that leaves this flexible enough for us to come up with something other than the apartment building. So that the second part of the same motion reads, and would you like me to repeat it?

Mr. O'Brien: Yes, if you would.

Mrs. Fasteau: I would recommend that the applicant seriously consider preparing a generalized development plan that would satisfactorily address the development issues identified by out Staff, for consideration at a future time, preferably before the application is heard by the Board of Supervisors.

Mr. O'Brien: Alright, thank you.

Mrs. Fasteau: And then this other part I think is equally important to put in to our motion. Lacking such a generalized development plan, with appropriate proffers, I move the Planning Commission recommend to the Board of Supervisors the subject property remain in the R-3 district.

Mr. O'Brien: I'm not sure I can do justice to that whole motion, but I'll try. Is there any other discussion?

Mr. Merrell: Mr. Chairman?

Mr. O'Brien: Mr. Merrell.

Mr. Merrell: Just a brief question. Is it - will this new development plan come before the Planning Commission?

Mrs. Fasteau: I don't intend that it do. No. That this would simply - in other words, if there is nothing that comes forth between now and Board time, what would be our motion would be to recommend that the subject property remain in the R-3 district. And that is because we are tonight denying the R-12 application that embodies the generalized development plan that is here submitted.

Mr. Merrell: Yes ma'am. I understand. It occurs to me that if Mr. Fagelson and his client comes in with another development plan, which is what you seem to be proposing, that the Board would probably - gee whiz - do anything, but might kick it right back to us. Is that thought occurred to anybody?

Mrs. Fasteau: No, it hasn't. It's conceivable.

Mr. Merrell: I would, if I were the Board.

Mrs. Fasteau: It's conceivable. But - they might come up - because the language does say that if the plan that comes up to the Board does meet these difficulties, as enunciated by the Staff, that that apparently would be satisfactory. That is the implication here. But since we don't have any such thing, and the applicant invites suggestions, the concept I would gather is for the applicant and the Staff members and the owners or contract-purchasers who will be concerned with the economics of this, no doubt, will get together and hopefully come up with something. I would prefer not to deny this and leave it in the R-3. I would prefer not to.

Mr. Merrell: I understand. Thank you.

Mr. O'Brien: Is there any other comments or questions? Mrs. Fasteau, what Staff member recommended this motion?

Mrs. Fasteau: No leaks, sir. No leaks.

Mr. O'Brien: We have a motion to recommend to the Board of Supervisors that if the applicant seriously considers the development conditions identified in the Staff Report, and he addresses those, that the Board consider the approval of such a generalized development plan. That not occurring, that the Planning Commission would recommend that the requested R-12 district and generalized development plan, as submitted, be denied. All in favor of the motion, please say aye.

Commissioners: Aye.

Mr. O'Brien: Opposed?

Mr. Brinitzer: Abstain.

Mr. O'Brien: The motion carries unanimously with one abstention by Mr. Brinitzer. Thank you, Mr. Fagelson and Mr. Reid.

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(Mr. Lovelace and Mr. Sell absent from the meeting; Annandale District seat vacant.)

SRD