

3/24/97

4:00 p.m. Item - RZ-96-H-010 - J.A. LOVELESS HOMES V, INC.  
Hunter Mill District

On Thursday, February 13, 1997, the Planning Commission voted 6-2-2 (Commissioners Alcorn and Byers opposed; Commissioners Coan and Downer abstaining; Commissioners Hall and Kelso absent from the meeting) to recommend to the Board of Supervisors:

- 1) approval of RZ-96-H-010, subject to the execution of proffers consistent with those dated February 12, 1997;
- 2) approval of a waiver of the 600-foot maximum private street length requirement.

The Commission voted 5-3-2 (Commissioners Alcorn, Byers, and Downer opposed; Commissioners Coan and Harsel abstaining; Commissioners Hall and Kelso absent from the meeting) to recommend to the Board of Supervisors a waiver of the transitional screening requirement and barrier requirement along the eastern side of the site, and a waiver of the barrier requirement and modification of the transitional screening requirement along the western and southwestern sides of the site.

The Commission also voted 6-0-4 (Commissioners Alcorn, Byers, Coan, and Downer abstaining; Commissioners Hall and Kelso absent from the meeting) to recommend to the Board of Supervisors that approval of RZ-96-H-010 be contingent upon the applicant's payment of funds in accordance with the Route 28 Tax District to be received prior to the rezoning of the property. Further, that failure to provide payment according to the Board's policy/formula prior to rezoning would result in any action taken by the Board to approve this request being voided.

Planning Commission Meeting  
February 13, 1997  
Verbatim Excerpts

RZ-96-H-010 - J. A. LOVELESS HOMES V, INC.

After Close of the Public Hearing

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

Commissioner Palatiello: Mr. Chairman, this application was filed nearly a year ago and was originally scheduled before the Planning Commission quite some time ago, back in the fall. And, with the concurrence of the applicant, and at my request and that of Supervisor Dix, we had deferred the hearing on a number of occasions so that we could at least begin the process of taking a more global view of Land Unit A. As was mentioned in the staff presentation and as in the staff report, this does have a specific option for residential. And it seems to me to not be fair to hold up this application solely on the basis of the other factors of the study on Land Unit A. And the reason for that is that the treatment of this property is somewhat different under the current Plan language than the others in the Land Unit. With regard to the consolidation, as was pointed out in the hearing, there is not a numeric or specific consolidation requirement. Again, I do not think it's fair to hold up this applicant because there is an unwilling party -- another party that is unwilling to sell their property and to be consolidated into this particular application. I think the applicant has indeed done a good job of consolidating parcels, and I think has satisfied the spirit of that particular Plan language. I am somewhat concerned, as Ms. Fordson is, about the situation we find ourselves in the western part of the County with regard to schools. However, somewhat concurrent with the actual occupancy of these units will be the opening of a new elementary school in this area. Just down the road at McLearn and Centreville Road, we just recently did a 456 application that Mr. Koch handled that's over, just across the boundary line, in the Sully District, for an intermediate school. So the County is exercising due diligence in trying to meet the needs of students in this area and I think the infrastructure of schools is going to be in place. And as members of the Commission know -- and this may not be a popular thing to say, but it's a legal issue that we all must recognize -- and that is, while we do have an analysis of school attendance in these staff reports, we as a Commission, do not have the authority to deny an application solely on the basis of the adequacy of schools. That is an authority that has to be granted to us by the General Assembly and it has not been granted to the County by the General Assembly. So we do not have a valid, legal reason to deny an application on that basis. With regard to Mr. Van Sickle's comments about traffic and access, I think this applicant has adequately addressed that. If one reads the transportation analysis performed by our Office of Transportation and the comments of the Virginia Department of Transportation in terms of consolidating access points and creating a logical pattern in terms of ingress and egress for this property, I think the applicant has done a good job of trying to accommodate that. With those comments in mind, Mr. Chairman, I believe this application is indeed worthy of support and I would **MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT RZ-96-H-010 BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 12, 1997.**

Commissioners Hunter and Thomas: Second.

Chairman Murphy: Seconded by Mr. Hunter and Mr. Thomas. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-96-H-010, say aye.

Commissioners Hunter, Palatiello, Thomas, Harsel, Murphy, and Koch: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn and Byers: No.

Commissioners Coan and Downer: Abstain.

Chairman Murphy: Motion carries. Mr. Alcorn votes no; Mr. Byers votes no; Ms. Downer abstains; Mr. Coan abstains. Mr. Palatiello, anything else?

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

Commissioner Hunter: Second.

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

Commissioners Hunter, Palatiello, Thomas, Harsel, Murphy, and Koch: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn and Byers: No.

Commissioner Coan: Abstain.

Chairman Murphy: Motion carries. Mr. Alcorn votes no; Mr. Byers votes no; Mr. Coan abstains.

Commissioner Coan: I abstain because I was not here for the presentation.

Chairman Murphy: All right. Ms. Downer, what are you doing?

Commissioner Downer: I'll abstain.

Chairman Murphy: Okay. That's it.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT AND THE BARRIER REQUIREMENT ALONG THAT PORTION OF THE EASTERN SIDE OF THE SITE, A WAIVER OF THE BARRIER REQUIREMENT AND A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE WEST AND SOUTHWESTERN SIDES OF THE SITE.

Commissioner Hunter: Second.

Chairman Murphy: Seconded by Mr. Hunter. Discussion of that motion? All those in favor of the motion, say aye.

Commissioners Hunter, Palatiello, Thomas, Harsel, Murphy, and Koch: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn, Byers and Downer: No.

Commissioners Coan and Harsel: Abstain.

Chairman Murphy: Motion carries. Mr. Alcorn, Ms. Downer, and Mr. Byers vote no; Mr. Coan and Mrs. Harsel abstain.

Commissioner Palatiello: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPROVAL OF RZ-96-H-010 BE CONTINGENT UPON THE APPLICANT'S PAYMENT OF FUNDS IN ACCORDANCE WITH THE BOARD'S POLICY AND FORMULA REGARDING THE REZONING OF COMMERCIALY AND INDUSTRIALLY ZONED LAND TO RESIDENTIAL USE WITHIN THE ROUTE 28 TAX DISTRICT, WITH SUCH PAYMENT TO BE RECEIVED PRIOR TO THE REZONING OF THE PROPERTY. I further note that FAILURE TO PROVIDE PAYMENT ACCORDING TO THE BOARD'S POLICY AND FORMULA AND RECEIPT OF SUCH PAYMENT PRIOR TO THE REZONING OF THE PROPERTY WOULD RESULT IN ANY ACTION TAKEN BY THE BOARD TO APPROVE THIS REQUEST BEING VOIDED. I so move.

Commissioner Hunter: Second.

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

Commissioners Hunter, Palatiello, Thomas, Harsel, Murphy, and Koch: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn, Byers, Coan and Downer: Abstain.

Chairman Murphy: Motion carries. Mr. Alcorn, Mr. Coan, Ms. Downer, and Mr. Byers abstain.

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(The first and second motions carried by a vote of 6-2-2 with Commissioners Hunter, Palatiello, Thomas, Harsel, Murphy, Koch in favor; Commissioners Alcorn and Byers opposed; Commissioners Coan and Downer abstaining; Commissioners Hall and Kelso absent from the meeting.)

(The third motion carried by a vote of 5-3-2 with Commissioners Hunter, Palatiello, Thomas, Murphy, Koch in favor; Commissioners Alcorn, Byers and Downer opposed; Commissioners Coan and Harsel abstaining; Commissioners Hall and Kelso absent from the meeting.)

(The fourth motion carried by a vote of 6-0-4 with Commissioners Harsel, Hunter, Palatiello, Thomas, Murphy, Koch in favor; Commissioners Alcorn, Byers, Coan and Downer abstaining; Commissioners Hall and Kelso absent from the meeting.)

