

Planning Commission Meeting
July 15, 2004
Verbatim Excerpt

RZ 2003-DR-058 - LANDMARK PROPERTY DEVELOPMENT
FDP 2003-DR-058 - LANDMARK PROPERTY DEVELOPMENT

After Close of the Public Hearing

Vice Chairman Byers: Close the public hearing; recognize Ms. Hopkins.

Commissioner Hopkins: Mr. Chairman, I am making an assumption that the Commission is comfortable with the change to Proffer 11 happening sometime before it goes to the Board of Supervisors. So I will not be making that change tonight.

Commissioner Wilson: Proffer 13?

Commissioner Hopkins: Excuse me?

Commissioner Wilson: Change to Proffer 13.

Commissioner de la Fe: Agencies.

Vice Chairman Byers: Change agencies to agents. Just a typo.

Commissioner Hopkins: Okay. Thank you. This is one of the last remaining parcels in the Herndon area of the Dranesville District and it is a very challenging piece of property to develop and the applicant has proposed clustering homes in the northern portion and the southern portion with the RPA/EQC running through the center. The unit sizes and the lot sizes are compatible with the adjacent communities and the density is lower than the surrounding community. The applicant has a significant number of proffers in this application: an off-site improvement to construct an approximately 1,500 linear feet of trail to connect Whiele and Young; to dedicate the stream valley area to the Park Authority, about 2.5 acres; to provide an enhanced dry pond that will provide BMPs for large portions of upstream drainage -- it's approximately 177 acres. They are going to contribute .5 percent of the projected sales price to the Housing Trust Fund; contribute 5,000 to the HOA for the future road maintenance. There are a lot of significant contributions to the Kingston Chase HOA, \$22,000 for the revitalization, plus some pool memberships have been paid for. Significant proffer packages. Also in the staff report, you will see the trails particularly is the missing link in the connection between Whiele and Young. So we've seen a lot of proffers here. Staff concludes that the subject application is in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions. I agree with that assessment. The community supports the application. I've added a letter from the Kingston Chase Board of Directors dated July 14 supporting this application. It's been added to file. The applicant has responded to all concerns that the Town of Herndon requested to vacate an easement referred to in the letter we received. The applicant has agreed to do that. The applicant has also agreed to add railings to the bridge for safety issues. The applicant agrees

with the development conditions and the proffers. Therefore, Mr. Chairman, I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE RZ 2003-DR-058, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 9, 2004.

Commissioners Alcorn and Hart: Second.

Vice Chairman Byers: Seconded by Mr. Alcorn and Mr. Hart. Any discussion? All in favor of the motion to recommend --

Commissioner Wilson: Mr. Chairman? I take it that means with the modifications that were discussed tonight to those proffers.

Commissioner Hopkins: We are going to handle that at the Board of Supervisors.

Vice Chairman Byers: All in favor of the motion to recommend the Board approve RZ 2003-DR-058, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Ms. Hopkins.

Commissioner Hopkins: Mr. Chairman, I MOVE TO THE BOARD OF SUPERVISORS TO APPROVE A WAIVER OF THE MAXIMUM 600 FOOT PRIVATE STREET LENGTH REQUIREMENT AND A MODIFICATION OF THE TRAIL REQUIREMENTS TO DELETE THE CONSTRUCTION OF THE STREAM VALLEY SOUTH OF YOUNG AVENUE IN ACCORDANCE WITH THE CDP/FDP.

Commissioners Koch, de la Fe, and Hart: Second.

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

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Ms. Hopkins.

Commissioner Hopkins: Mr. Chairman, finally, I move to approve FDP 2003-DR-058, subject to the proposed final development conditions dated July 14, 2004, and the Board of Supervisors approval of RZ 2003-DR-058 and Chesapeake Bay Exception Number 026338.

Commissioner de la Fe: Second.

Vice Chairman Byers: Seconded by Mr. de la Fe. You missed a motion.

Commissioner Wilson: Yes.

Vice Chairman Byers: You need to make a motion for the Board to approve the Chesapeake Bay Exception.

Commissioner Wilson: Correct.

Commissioner de la Fe: It on this page.

William Mayland: It's not required that that motion be made. The Planning Commission doesn't have the review on --

Commissioner Wilson: Yes it does. Yes it does.

Mr. Mayland: The Planning Commission can make that, but it's not part of the public hearing for the Planning Commission for the Chesapeake Bay Exception.

Commissioner Wilson: Yes it is.

Vice Chairman Byers: You're including that in the second motion.

Commissioner Wilson: We made that very clear.

Commissioner Alcorn: Yes it is.

Commissioner Wilson: We made that very clear in the implementation language on the Chesapeake Bay Ordinance.

Commissioner Alcorn: That's the case. And we'll have an Environment Committee on it to clarify that.

Commissioner Harsel: She mentioned something about it in the last motion.

Commissioner Wilson: But she didn't do a motion on it.

Commissioner Hopkins: No, it was conditioned.

Vice Chairman Byers: Do the Ches Bay Exception first, then the FDP.

Commissioner Hopkins: Okay. Mr. Chairman, I MOVE TO RECOMMEND APPROVAL OF THE CHESAPEAKE BAY EXCEPTION 026338 TO PERMIT ENCROACHMENTS INTO THE RPA AS DEPICTED ON THE CDP/FDP.

Commissioners Wilson and Alcorn: Second.

Vice Chairman Byers: Seconded by Ms. Wilson and Mr. Alcorn. All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Ms. Hopkins. We'll do the FDP now.

Commissioner Harsel: We did that.

Vice Chairman Byers: We didn't vote on it.

Commissioner Harsel: Oh, we didn't vote on it?

Commissioner Wilson: No, we stopped --

Commissioner Harsel: Aye.

Vice Chairman Byers: No, we didn't vote on the FDP.

Commissioner Wilson: No, we didn't do that yet.

Commissioner Hopkins: Yes, we did. It was in my last [sic] motion.

Commissioner Wilson: But we didn't vote on it.

Commissioner de la Fe: We started it but then stopped it. Do it again.

Commissioner Harsel: But we didn't vote on it. We argued.

Commissioner Hopkins: Mr. Chairman, I MOVE TO APPROVE FDP 2003-DR-058, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS DATED JULY 14, 2004, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2003-DR-058 AND CHESAPEAKE BAY EXCEPTION NUMBER 026338.

Commissioners Lawrence and Hart: Second.

Vice Chairman Byers: Seconded by Mr. Lawrence and Mr. Hart. Any discussion? All in favor of the motion to approve the FDP 2003-DR-058, say aye.

Commissioners: Aye.

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RZ 2003-DR-058 and FDP 2003-DR-058

Vice Chairman Byers: Opposed? Motion carried. Thank you very much.

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(The motions carried unanimously with Commissioners Lusk and Murphy absent from the meeting.)

LBR