

7/21/97

4:00 p.m. Item - PCA-C-448-15 - KINGSTOWNE SHOPPING CENTER I, L.P.  
Lee District

On Thursday, June 12, 1997, the Planning Commission voted 10-0-2 (Commissioners Byers and Downer abstaining) to recommend to the Board of Supervisors the following actions pertinent to PCA-C-448-15:

- 1) approval of PCA-C-448-15, subject to the execution of proffers consistent with those dated May 12, 1997;
- 2) modification of the transitional screening and waiver of the barrier requirements, in favor of those indicated on the Final Development Plan as amended, and subject to the execution of the proffers dated May 12, 1997.

The Commission also voted 10-0-2 (Commissioners Byers and Downer abstaining) to approve FDPA-C-448-5-2, subject to Board approval of PCA-C-448-15 and subject to the Final Development Plan Conditions as revised and dated June 11, 1997.

Planning Commission Meeting  
June 12, 1997  
Verbatim Excerpts

PCA-C-448-15 - KINGSTOWNE SHOPPING CENTER I, L.P.  
FDPA-C-448-5-2 - KINGSTOWNE SHOPPING CENTER I, L.P.

Decision Only During Commission Matters

Commissioner Kelso: Mr. Chairman, shall we move on this issue?

Chairman Murphy: It's up to you.

Commissioner Downer: Mr. Chairman, I was out of the room for the hearing, with my own people for my case, so I will not be voting on this. I'll be abstaining this evening.

Chairman Murphy: All right. Mr. Kelso, please.

Commissioner Kelso: Mr. Chairman, as the Commission knows, we have been working very closely with the developer of Kingstowne to assure that all existing proffers associated with this community development are fully satisfied. The previous ice arena was approved with the condition that action by the developer begin in earnest to this end. I am encouraged by recent events that indeed all issues related to the finishing of the Kingstowne development will be resolved and agreed to prior to our hearing in July of the Town Center. Prior to the above, an agreement was reached between Lee District and the developer that in exchange for the approval of the new Kohl's department store and relocation of the proposed MJDesigns store to the shopping center, that the improvement of Hayfield Road begin. This has occurred. In consultation with the Lee District Land Use and Transportation Council and the Lee District Supervisor, we have agreed that the application we have here tonight for decision proceed as an action of good faith on part of the County and our district leadership. Therefore, I am prepared tonight to move favorably on this application. In so doing, I wish to make our position very clear to the applicant that no further applications within the Kingstowne Town Center will receive our endorsement until all outstanding proffered obligations are fully committed to by mutual agreement between the County and the development entity and guaranteed. Therefore, Mr. Chairman I offer the following three motions. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-C-448-15, BY KINGSTOWNE SHOPPING CENTER I, L.P., SUBJECT TO EXECUTION OF THE PROFFERS CONSISTENT WITH THE DRAFT PROFFERS DATED MAY 12, 1997 AND ATTACHED TO THE STAFF REPORT.

Commissioner Koch: Second.

Chairman Murphy: Seconded by Mr. Koch. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-C-448-15, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers and Downer: Abstain.

Chairman Murphy: Motion carries. Mr. Byers and Ms. Downer abstain. Mr. Kelso.

Commissioner Kelso: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS IN FAVOR OF THOSE INDICATED IN THE FINAL DEVELOPMENT PLAN AS AMENDED, SUBJECT TO THE EXECUTION OF PROFFERS.

Commissioner Koch: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers and Downer: Abstain.

Chairman Murphy: Motion carries. Mr. Byers and Ms. Downer abstain. Mr. Kelso.

Commissioner Kelso: Finally, Mr. Chairman, we have met with the applicant, staff and VDOT to address the issue of the development condition related to Condition #4 in the development conditions as revised and dated June 11, 1997. This development plan is amended to allow a 10,000 square foot increase in one building, Building B-2. When the shopping center was planned and approved several conditions were attached to the development including deceleration lanes along South Van Dorn Street and access drives along that area, which exist today. This development Condition #4 provides for dedication upon demand for the slip ramp if required as the Town Center develops. I must agree with the applicant that to impose construction of the roadway already constructed by previous requirement is excessive. This issue will be further addressed as part of the final resolution of the total development proffer renegotiation. Therefore, I support the revised development conditions dated June 11, 1997 and move the following. I MOVE THE PLANNING COMMISSION APPROVE FDPA-C-448-5-2, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA-C-448-15 AND SUBJECT TO THE FINAL DEVELOPMENT PLAN CONDITIONS AS REVISED DATED JUNE 11, 1997 AND DISTRIBUTED TONIGHT.

Commissioner Koch: Second.

Chairman Murphy: Seconded by Mr. Koch. Is there a discussion of that motion? All those in favor of the motion to approve FDPA-C-448-5-2, subject to the Board's approval of the Proffered Condition Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers and Downer: Abstain.

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

Commissioner Kelso: Thank you, Mr. Chairman. I look forward to meeting with Mr. Calabrese on July 31st.

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(All three motions carried by a vote of 10-0-2 with Commissioners Byers and Downer abstaining.)

GLW