

Planning Commission Meeting
January 10, 2013
Verbatim Excerpt

RZ 2012-MV-004 – 8921 PROPERTIES, LLC

Decision Only During Commission Matters
(Public Hearing held on November 29, 2012)

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. First, I would like to invite Sara Mariska – if she would come down in the event that there are any questions. I will be moving on this.

Chairman Murphy: Yes.

Commissioner Flanagan: Well, at the – at the public hearing on – this was heard in November. The public hearing was on November 29 so I'm going to go back and review it a little bit. A public hearing was held on November 29 to consider rezoning the current applicant's property at 8921 Telegraph Road from residential to industrial. The property has been used for open industrial storage and a contractor's office for many years, but was only recently cited in violation of the Zoning Ordinance upon the filing of an anonymous complaint in June 2011. The applicant was granted a stay of proceedings to file a rezoning application so that it would legalize the open industrial storage and office violations. Both the staff and Mount Vernon South County Land Use Committee recommended denial of that proposal with staff outlining its alternative recommendations in their July 12, 2012 staff report. Now before us is a November 15 staff report addendum to rezone from R-1 to R-4 [sic]. The rezoning will not permit open industrial storage, but will permit the continued use of the contractor's office. The public hearing testimony revealed that staff supported the rezoning, but not the Transportation Proffers 3a and 3c for right-of-way and interparcel access. In addition, the South County Land Use Committee had not reviewed the addendum. The Commission granted a deferral until tonight to allow time for resolution and Land Use Committee recommendation. I have worked with the applicant's agent and staff since November 29 – the November 29 public hearing. As a result, you now have received revised proffers yesterday by email dated January 8, which are the latest proffers under consideration tonight. The applicant has now agreed with staff to remove all text after VDOT – the word VDOT in the November 26 Transportation Proffer 3a that would prevent the Board of – that would have prevented the Board of Supervisors or VDOT from demanding dedication if the project was not designed and funded. I have also been provided today by staff with some minor editorial pro-forma text to Proffer 3a that the applicant has agreed to. The applicant has also agreed with staff to remove the last sentence in the November 26 Transportation Proffer 3c, which allowed the applicant the option to request an Access Management Exception to allow the existing access to Telegraph Road to remain. Staff, however, still recommends that the existing access be closed immediately, thereby preventing the tenant contractor the use of the site and office during the two years after rezoning while a new interparcel access is constructed. I do not agree with the staff to punish an innocent tenant by forcing it out of business at that location since a contractor's office will be a permitted use after zoning. After investigation, I am also not aware of any accidents at the existing access location that would warrant closing of that access

during the construction of the new interparcel access. The South County Federation and Land Use Committee have reviewed this - the January 8 addendum and proffers and support the rezoning and proffers. Therefore, I MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-MV-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 8, 2013, THAT YOU NOW HAVE WITH PRO-FORMA EDITING AS AGREED THIS DATE BY STAFF AND THE APPLICANT.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. 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 2012-MV-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hedetniemi –

Commissioner Hedetniemi: Abstain.

Chairman Murphy: -abstains. Is that it?

Commissioner Flanagan: Yes, thank you, Mr. Chairman. I also move – finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT AND MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

Commissioners Litzenberger and Sargeant: Second.

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

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries, same abstention.

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(The motions carried by votes of 11-0-1 with Commissioner Hedetniemi abstaining.)

JLC