

Planning Commission Meeting  
January 30, 2013  
Verbatim Excerpt

SE 2012-SU-002 – NADEEM P. MALIK

Decision Only During Commission Matters  
(Public Hearing held on January 24, 2013)

Commissioner Litzenberger: Thank you, Mr. Chairman. I have a decision only tonight from last week. First of all, I'd like to have Mr. Martin come up to the podium, please. I want to first commend the applicant and the staff for getting a lot of administrative things cleared up on this so we can move on it tonight. First of all, we had a speaker named Mr. Lotocki. He asked that we not approve this because of the way it looked. But after checking with staff, sure enough the Zoning Ordinance and the property regs out of Richmond don't allow us to vote on something like that. So, then Mr. Orem, he came up and spoke. He was concerned about sediment from the site flowing into Horsepen Run Creek. And sure enough, Supervisor Frey also had that concern. I just want to hear from Mr. Martin that your applicant's confident that he will retain all of the stormwater on-site and deal with it that way.

Keith Martin, Esquire, Tramonte, Yeonas & Roberts, PLLC: Absolutely. We've looked at it backward and forward, and it is - with County staff - and it is solid.

Commissioner Litzenberger: And Ms. Horner, could you please confirm that you checked with DPWES that that's true.

Rebecca Horner, Zoning Evaluation Division, Department of Planning and Zoning: That's true. I talked to the stormwater engineer, who's been reviewing this case.

Commissioner Litzenberger: Okay, thank you. Then lastly, Ms. Prosser expressed concern about the lack of trees along the back property line. I want to thank Commissioner Lawrence for his insight into this and his constructive recommendations. And Ms. Horner, could you just - could you just please describe the change to that development condition?

Ms. Horner: Yes. Thank you. We've added a development condition that would require trees to be planted - evergreen trees - to be planted on a 10-foot staggered row along the driveway - the proposed driveway - on Lot 2 of the proposed subdivision adjacent to the existing dwelling on Lot 2 next door; and then also a row of trees on the southern property line to the rear to provide screening from the existing residential to the south.

Commissioner Litzenberger: What's the total number of trees?

Ms. Horner: We don't specify the number of trees. We specify a number of feet along the southern lot line and then we specify along the driveway. But realistically they're probably looking at about 15 additional trees.

Commissioner Litzenberger: Okay, then that's to go with the ten that's already in the proffers (*sic*) - - or in the development conditions?

Ms. Horner: Yes.

Commissioner Litzenberger: Okay. And your applicant concurs with that?

Mr. Martin: We agree to do that.

Commissioner Litzenberger: Okay, thank you. One last thing came up late this afternoon. Supervisor Frey's office contacted us and was requesting that the contribution be equivalent to the - for the trails segment - be put into the Sully District Trail and Sidewalk Fund. Are you - does your applicant concur with that, Mr. Martin?

Mr. Martin: We do.

Commissioner Litzenberger: Ms. Horner, does staff concur with that?

Ms. Horner: Yes.

Commissioner Litzenberger: Okay, thank you. I'll be ready to move, Mr. Chairman.

Chairman Murphy: Okay.

Commissioner Litzenberger: - if there aren't any more questions.

Chairman Murphy: Just, Mr. Martin, just for the sake of the record, would you come back and identify yourself. I know, it seems a little [*inaudible*].

Mr. Martin: Keith Martin, attorney for the applicant.

Chairman Murphy: Okay, thank you very much. Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2012-SU-002, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 30<sup>TH</sup>, 2013.

Commissioners Flanagan and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. - yes - Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2012-SU-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners de la Fe and Migliaccio: Abstain.

Chairman Murphy: Mr. de la Fe abstains, not present for the public hearing, and Mr. Migliaccio abstains for the same reason.

Commissioners de la Fe and Migliaccio: Thank you.

Commissioner Litzenberger: One more. At the request of the Supervisor's office and with the support of DPZ staff, I MOVE THAT DEVELOPMENT CONDITION NUMBER 27 BE AMENDED AS FOLLOWS: –

Chairman Murphy: Just a minute. Hold on, we have a –

Commissioner Hart: Yes, Mr. Chairman just, if I could be recorded as not voting on that motion.

Chairman Murphy: Okay, we got it. All right. Sorry, Mr. Litzenberger.

Commissioner Litzenberger: That's okay. "IN LIEU OF CONSTRUCTING A TRAIL ALONG ASHBURTON AVENUE, THE APPLICANT SHALL MAKE A CONTRIBUTION IN AN AMOUNT EQUIVALENT TO THE COST OF CONSTRUCTING THIS TRAIL SEGMENT, AS DETERMINED BY DPWES, TO THE SULLY DISTRICT TRAIL/SIDEWALK FUND."

Commissioner Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions and one non-vote.

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(Each motion carried by a vote of 6-0-2 with Commissioner Hart having recused himself; Commissioners de la Fe and Migliaccio abstaining; Commissioner Hedetniemi not present for the vote; Commissioners Hall and Sargeant absent from the meeting.)

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