

Planning Commission Meeting
February 7, 2013
Verbatim Excerpt

RZ/FDP 2012-BR-003 – TARIQ H. KHAN

Decision Only During Commission Matters
(Public Hearing held on December 5, 2012 and continued on January 24, 2013)

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Mr. Krasner, could you go over the changes that have been implemented in the last week – the last couple weeks since we last met?

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning: Sure – yes. This is on the – on the Khan rezoning and since the last public hearing, the applicant has submitted a revised Final Development Plan and proffers. The new plan has increased the side setback to the southerly property line. So this is to the neighbor to the south – he has increased it from 10 to now 20 feet. The width of the home on that lot – on the southern lot – has been reduced. The 67 feet, the attached garage on that lot – which was a four-story structure with a bonus room – has been reduced to a three-story – sorry, three-car garage with no bonus room above. In addition, additional plantings are now shown along that southern property line. Staff has also distributed a new set of development conditions, which require that the existing stone wall on the property would remain intact, except for any necessary maintenance. We've also added a condition that would require the precise type and arrangement of the planting on the southern property line to ensure that it does, in fact, provide an effective screen. Lastly, we added a condition that will stipulate that no formal entry signage would be necessary considering this is a Planned District with only two units. We don't feel that formal entry signage is appropriate here, even though there is a detail on the plan set. We've added a condition that says that that will not be installed along Shirley Gate Road.

Commissioner Hurley: Thank you. Mr. Chairman?

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Mr. Chairman, this is in respects – in many respects, a classic infill development. From a pure planning perspective, it probably should have been included in the 1999 rezoning when Landmark Homes redeveloped the 12-acre Cloisters subdivision immediately to the north. However, the owner of the property declined to consolidate at that time and staff supported the rezoning of the smaller Cloisters assemblage to a PDH-4 District without requiring future potential access for this Khan property. Thus, we currently have a roughly triangular 2.9 acres with a narrow road access and one existing single-family, single-story home constructed in 1956. The land is barely outside of the RC District of the Occoquan Basin Watershed, which has its headwaters immediately to the south. This is the last piece of undeveloped property along the Shirley Gate Road that is part of the Fairfax Center transitional area and so it must also meet the Fairfax Center Guidelines. The Comprehensive Plan would allow up to three homes to the acre, which would result in five houses on the property. The

applicant previously asked for a rezoning to a PDH-2 District to construct three homes on the 1.9 acres. Staff did not support three homes on this site, preferring the layout that more closely resembles the homes in the Occoquan watershed. After the first part of the public hearing on December 5, the applicant agreed to redesign the site for two homes at a density of 1.5 – 1.05 dwelling units per acre. The result is the proposed alignment of two large houses. The Braddock District Land Use and Environment Committee has, in concept, endorsed two houses on this site. And the adjacent Cloisters HOA has previously submitted a letter in support of three houses, but has not commented on this particular configuration. As reflected in a letter that the Planning Commission received from several of the neighbors, they have questioned the total square footage of these houses. Infill development does often result in larger houses. The footprints represent the maximum outline that will be allowed and it is entirely possible that the houses will be reduced further in size during site plan review. At my request, after hearing from the neighbors, the applicant has provided a full 20-foot R-1 side yard buffer on the south side and additional tree plantings that will improve the buffer. The house and garage on Lot 2 have both decreased in size. The garages on both houses are now only one-story tall with no bonus rooms over them. The sign facing Shirley Gate Road has been removed and now the rock wall on the south will remain and the developer will continue to consider potentially smaller houses. A question for the Planning Commission is whether this small parcel meets the standards for a P-District. I believe this unique parcel deserves special consideration. This application is in a Water Supply Overlay District and the environmental features provided in the application indicate a commitment to superior design. The applicant has retained and even increased the open space provided on the site to over 52 percent, most of which will be in conservation areas. The applicant has proffered to provide an actual buffer between the homes and the conservation areas. On-site environmental commitments, including rain baskets, pervious pavers, and ENERGY STAR homes, also help this property to meet P-District standards. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2012-BR-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 31, 2013.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by 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-BR-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain.

Commissioner Migliaccio: Mr. Chairman? I abstain.

Commissioner Hedetniemi: Abstain. I have to abstain.

Chairman Murphy: Mr. Migliaccio abstains.

Commissioner Migliaccio: Not present for the public hearing.

Chairman Murphy: Mr. de la Fe abstains.

Commissioner Hedetniemi: I have to abstain.

Chairman Murphy: And Ms. Hedetniemi abstains, not present for the public hearing.

Commissioner de la Fe: I was here for the first part of the public hearing, but not the second.

Chairman Murphy: Okay, at least not here for part of the public hearing.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-BR-003, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 4, 2013.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve FDP 2012-BR-003, subject to the Board's approval of the Rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Commissioners de la Fe, Hedetniemi, and Migliaccio: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF PARAGRAPH 2 [sic] OF SECTION 6-107 OF THE ZONING ORDINANCE, TO ALLOW A MINIMUM DISTRICT SIZE OF LESS THAN TWO ACRES IN THE PDH DISTRICT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Commissioners de la Fe, Hedetniemi, and Migliaccio: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF PARAGRAPH 2 OF SECTION 6-110 OF THE ZONING ORDINANCE, TO ALLOW THE REQUIRED P-DISTRICT RECREATION CONTRIBUTION TO BE PROVIDED OFF-SITE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Commissioners de la Fe, Hedetniemi, and Migliaccio: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Hurley: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF SECTION 6-1307.2A OF THE PUBLIC FACILITIES MANUAL TO ALLOW BIO-RETENTION FACILITIES TO BE LOCATED ON THE INDIVIDUAL SINGLE-FAMILY DETACHED RESIDENTIAL LOTS.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Commissioners de la Fe, Hedetniemi, and Migliaccio: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Hurley: Thank you, Mr. Chairman, and I especially want to acknowledge the contributions of staff. Mr. Krasner has worked very hard to pull together a lot of disparate needs and I think we've ended up with the best possible project.

Chairman Murphy: Thank you. I agree.

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(Each motion carried by a vote of 9-0-3 with Commissioners de la Fe, Hedetniemi, and Migliaccio abstaining.)

JLC