Planning Commission Meeting
March 12, 2009
Verbatim Excerpt

PCA/FDPA 2004-LE-012 – REDBRICK DEVELOPMENT GROUP, LLC & MDP GROVETON, LLC

Decision Only During Commission Matters
(Public Hearing held on February 26, 2009)

Commissioner Lusk: Thank you Mr. Chairman. You will recall that we held the public hearing for the PCA and FDPA applications filed by Redbrick Development Group this past Thursday. Redbrick is seeking a Proffered Condition Amendment to amend the proffers in the FDP, approved with RZ 2004-LE-012. Pursuant to our discussion last week, the current challenges in the credit markets have complicated the applicant's ability to secure financing for the office uses associated with this project. As a result of this financial difficulty the applicant is requesting to locate this office use in the stand-alone building at the southeast corner of the site. With the changes proposed in this application it is important to note that the total floor area ratio of the site remains unchanged at 1.8, and the total square footage of 360,000 square feet of uses also remains unchanged. We deferred the decision for one week to permit the applicant, staff, and myself additional time to work on the proffer language pertaining to, first, the timing of the office construction and, second, the language focused on the right-in/right-out connection with the site onto Richmond Highway. I can report that we were able to finalize this language. And last evening you received a memo from staff, dated March 12th, 2009 (*sic*) that discusses these proffer changes. Now, regarding the timing of the office construction, under Proffer Number 2b, the applicant has agreed that the development of the office will be concurrent with the residential uses. This is ensured by requiring that the application property be developed under one site plan, so that all the public improvements are constructed at the same time; and secondly, by language that states that the site plan for the office building shall be recommended for approval by the Department of Public Works and Environmental Services prior to the issuance of the final residential use permit on the application property; significant change from the previous language. To address interim conditions, which were alluded to earlier, we have added a third proffer that explains how the office site will be improved and maintained prior to the construction of the office use. The applicant has agreed to proffer to grade and landscape the office area with installed benches to provide an amenity for residents living on and near the application property. The applicant will also install signage to alert those users of this area that this property will become a future office development. With these changes I feel this proffer sufficiently addresses the timing of the office construction and provides an interim use that will be both attractive and useful to the residents of this area. Understanding that there is a possibility that the office building might be constructed after the retail and residential uses, I want to reiterate the importance of the architectural elevations for the parking garage and that our intent is that they be of a high quality. Proffer Number 14 requires that the parking garage be in general conformance with the architectural elevations shown on sheet 12 of the CDP/FDPA. This condition will ensure that this parking garage is ultimately constructed in a visually appealing manner. Now, regarding the issue of the right-in/right-out, Proffer Number 3k has been amended to provide that if permitted – condition, if permitted – by VDOT, the right-out shall include the installation of a four-foot wide island to preclude the vehicles from entering the left turn lane at

the Groveton Street intersection with Richmond Highway. This taper and island will taper to two feet as it approaches the intersection. Again I feel confident that VDOT will be able to determine that this right-out should be permitted – I'm not biasing this in any way – and anticipate that if the safety concerns are too immense then this right-out will not be granted. So in conclusion, this application is one that enjoys the support of the neighboring Groveton Heights Civic Association, which as we heard last week, very anxious to see development occur on this property and support the changes that are being proposed with this application. Additionally, we have support from the Lee District Land Use Committee and we have the planning staff also supporting these applications. The request is in harmony with the Comprehensive Plan and the Zoning Ordinance. And I'll make this last point, Mr. Chairman, and that is: unlike other projects on Richmond Highway, this one is an example of how a mixed-use urban development with structured parking and pedestrian amenities can be introduced into an area that is very suburban in both its look and feel. So this is a definitive change for Richmond Highway. So with that, Mr. Chairman, I will now make a motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2004-LE-012, SUBJECT TO THE PROFFERS, CONSISTENT WITH THOSE DATED MARCH 11TH, 2009, AND THE CONCEPTUAL DEVELOPMENT PLAN AMENDMENT.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Flanagan (*sic*). Is there a discussion of the motion?

Commissioner Flanagan: Yes, Mr. Chairman.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I wanted to also make it known that the Mount Vernon Council last – or the Transportation Committee of the Mount Vernon Council last Monday night disapproved of the right-out aspect of this application. This happens to be a project that I looked forward to a long time coming forward on the highway, so it's kind of a disappointment to me that there's an aspect of it with which I disagree. But leaving it up to VDOT at this particular time to determine whether there will or will not be a right-out, you know, is disturbing to me. As you all know, Route 1 is the deadliest section of highway in the State of Virginia, this segment. And I think that the staff has been very diligent and, rightly, brought to our attention the fact that right-out at this point is so significant that they recommended denial. I have a feeling that they are going to be strong in their continuing to recommend denial when this comes up with VDOT. I hope they are. And we have probably – many, many of the accidents we have on Route 1 are T-bone accidents where cars making turns, making – taking chances making turns brings them into the T-bone accidents and so that's the reason why we have such high fatalities and injuries. I'm not inclined to be a person to wish that upon anybody and I hate to vote for something that might bring that about. But, so as a consequence I'm going to abstain on this motion tonight. But I would like to just have that on the record that the community does oppose this right-out.

Commissioner Lusk: Mr. Chairman?

Chairman Murphy: Yes, Mr. Lusk.

Commissioner Lusk: Just as a point of clarification, I think when I made the motion, I made it clear that I am not predisposed to a right-in or right-out provision. What I'm suggesting is that the flexibility exist for VDOT to review that. And as I understand it, VDOT is the agency charged with traffic safety. The corridor is constructed based on plans designed and created by VDOT, but they are the entity in the State responsible for this role and function. I would imagine that they would be diligent in their review of this particular site. If it is determined that it is unsafe, if it's determined that it will cause hazard to pedestrians or vehicular traffic movements, it is my assumption that they will not approve this. I'm not saying that they should approve it. I'm saying that we should allow VDOT to look at it and determine what's most appropriate in this particular case. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors –

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: Yes, I'm sorry.

Commissioner Donahue: Just one real quick comment. I did not see this March 11th memo, I guess, until this evening because I was not here last night. I do feel more comfortable with that situation now. But I think some degree, agreeing with Commissioner Flanagan, I'm also going to abstain at this time.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2004-LE-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Mr. Donahue and Mr. Flanagan abstain.

Commissioner Sargeant: I also abstain. I was not here for the public hearing.

Chairman Murphy: All right. Mr. Sargeant abstains; not present for the public hearing. Mr. Lusk.

Commissioner Lusk: Thank you, Mr. Chairman. I MOVE THE PLANNING COMMISSION APPROVE FDPA 2004-LE-012, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA 2004-LE-012.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of that motion? All those in favor of the motion to approve FDPA 2004-LE-012, subject to the approval of the Proffered Condition Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries –

Commissioners Donahue, Flanagan, and Sargeant: Abstain.

Chairman Murphy: – same division. Mr. Lusk.

Commissioner Lusk: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG RICHMOND HIGHWAY.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Any abstentions on this?

Commissioners Donahue, Flanagan, and Sargeant: Abstain.

Chairman Murphy: All right. Same division. Mr. Lusk.

Commissioner Lusk: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING YARD REQUIREMENTS AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE EASTERN AND WESTERN PROPERTY LINES.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same division.

Commissioners Donahue, Flanagan, and Sargeant: Abstain.

Commissioner Lusk: Final motion, Mr. Chairman. I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PFM SECTION 6-0303.8 BE WAIVED TO PERMIT THE USE OF AN UNDERGROUND DETENTION FACILITY AND A SEPARATE UNDERGROUND WATER QUALITY CONTROL FACILITY IN A RESIDENTIAL AREA, SUBJECT TO DEVELOPMENT CONDITIONS ENTITLED: "WAIVER #22564-WPFM-002-1 CONDITIONS, DATED DECEMBER 2ND, 2008."

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same division.

Commissioners Donahue, Flanagan, and Sargeant: Abstain.

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(The motions carried by a vote of 7-0-3 with Commissioners Donahue, Flanagan, and Sargeant abstaining; Commissioners Hall and Harsel absent from the meeting.)

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