

Planning Commission Meeting
April 25, 2013
Verbatim Excerpt

RZ/FDP 2011-PR-018 – CHRISTOPHER LAND, LLC

Decision Only During Commission Matters
(Public Hearing held on April 3, 2013)

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on RZ 2011-PR-018, the Moose Lodge application. With your indulgence, I have a few things for the record before we go on verbatim for the motions. We had the public hearing on this application on April 3rd and the decision was then deferred. The application site is bordered on the north, east, and west by the Vienna Oaks community and on the south by Nottoway Park. At the public hearing, Commissioners expressed some concerns. In addition, the neighbors to the north, east, and west provided testimony with their concerns. During the deferral period, a communication was received from the Friends of Nottoway Park. Together, the matters to be addressed covered the internals of the site and all four compass directions. I have, however, heard nothing on mineral or air rights with this application. The applicant has worked with us to develop solutions to the issues, and Commissioners will have received a new submittal of plans and proffers earlier this week. Most of what was needed is represented in that package. However, we continued to focus on proffer language. We've made some small but significant additions, and I'd like to confirm the applicant's willingness to make these voluntary provisions a part of the rezoning proposal. Mr. Adams, will you come forward please, and identify yourself.

Scott Adams, Esquire, McGuireWoods LLP: Good evening. I'm Scott Adams with McGuireWoods. I'm the attorney for the applicant.

Commissioner Lawrence: Thank you for coming. We will now have a limitation on the Lot 5 deck to half the width of the house. And we will now have all limitations and responsibilities of the homeowners documented for disclosure not only for the first buyers, but through the HOA to successive buyers, correct?

Mr. Adams: Correct.

Commissioner Lawrence: Next, we will now have language that allows for additional supplemental landscaping plantings as strategic screening, especially for lots to the north such as 4 and 5, correct?

Mr. Adams: Correct.

Commissioner Lawrence: We will now have the first floor datum elevation of the home on Lot 5 specifically prescribed, and we will now have the treatment of the edging for parking pavement next to the east side conservation easement specifically called out. Are those things correct?

Mr. Adams: Correct.

Commissioner Lawrence: The language to be added to proffers will be reviewed by the Supervisor's office before the Board hears this case. Do we agree?

Mr. Adams: Correct. We agree.

Commissioner Lawrence: Thank you very much, Mr. Adams.

Mr. Adams: Thank you.

Commissioner Lawrence: Mr. Chairman, I believe we have reached a workable compromise here. The two uses on this site might be described by some as uneasy bedfellows, and fitting the new homes of today into the fabric of the neighborhood is a challenge. Thanks to the thoughtful input of the neighbors and the applicant's diligent pursuit of a solution, I think the result is worthwhile. Therefore, Mr. Chairman, I have the following motions.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner de la Fe: I have a question on what you handed out to us, when you referred to the additional supplemental landscaping plantings. In what you gave us, you said, "such as Lots 5 and 6," but you read '4 and 5.' Which is correct?

Commissioner Lawrence: Let's use "four and five" for the record, please.

Commissioner de la Fe: Okay.

Commissioner Lawrence: Actually, it would apply to any or all of them.

Commissioner de la Fe: – to any. Okay.

Commissioner Lawrence: I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE RZ 2011-PR-018 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS, SUBJECT TO THE EXECUTION OF PROFFERS, CONSISTENT WITH THOSE DATED April 1st, 2013, [*sic*] and the additions agreed to this evening.

William Mayland, Department of Planning and Zoning: Excuse me, it should be April 22nd.

Commissioner Lawrence: APRIL 22ND, – sorry – 2013, AND THE ADDITIONS AGREED TO THIS EVENING.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. 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 2011-PR-018 and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Hall abstains; not present for the public hearing. Mr. Lawrence, please.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN, SUBJECT TO THE PROPOSED CONDITIONS DATED April – staff can you furnish the date, please.

Mr. Mayland: 22nd also.

Commissioner Lawrence: APRIL 22ND, 2013.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2011-PR-018, subsequent to the Board's approval of the Conceptual Development Plan, say aye.

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE REQUESTED MODIFICATION OF SECTION 13-303 FOR THE TRANSITIONAL SCREENING AND SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENTS OF LAND BAY A TO PERMIT THE TRANSITIONAL SCREENING AND BARRIER SHOWN ON THE CDP/FDP.

Commissioner de la Fe: Second.

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

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A WAIVER OF THE SIDEWALK REQUIREMENT ALONG THE FRONTAGE OF COURTHOUSE ROAD EAST OF THE SITE ENTRANCE.

Commissioner de la Fe: Second.

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

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstention.

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(Each motion carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Hurley absent from the meeting.)

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