

Planning Commission Meeting
May 11, 2011
Verbatim Excerpt

SE 2010-DR-030 – SHELTER DEVELOPMENT, LLC

Decision Only During Commission Matters
(Public Hearing held on March 23, 2011)

Commissioner Donahue: Thank you, Mr. Chairman. Mr. Chairman, a few weeks ago we held a public hearing on SE 2010-DR-030, Shelter Development. I would - - since that time we had one or maybe two deferrals I guess, and I think one of the main reasons for those deferrals, frankly, were trying to get the community to talk with one another and maybe try to come to some consensus over this - - over this application. I would like to report to you tonight that we did, but I can't. We haven't really gotten to a consensus. Nonetheless, Mr. Chairman, I will be recommending approval of this application this evening because I believe it meets the requirements of the Zoning Ordinance and Comprehensive Plan, and that it is a good land-use project. The proposal's opponents have raised legitimate issues and they raised them very well and very intelligently and very civilly, but I don't believe they justify a denial, either individually or collectively. Yes, this project's not going to help the traffic situation, no question about it. But at the same time, I don't think the incremental increase in traffic associated with this project is enough to deny this Special Exception. They raised questions about noise and deliveries and the problems with headlights, and again some legitimate problems there, but I think the applicant has worked with the community and I think they've come up with some pretty good resolutions of those potential problems. There are waivers and modifications concerning lot - - lot size and concerning additional standards, particularly 5 and 6, but as staff has suggested, particularly concerning Standard 6, which requires a five - - five-acre lot for this type of project, those are intended to address facilities that are normally much larger than this one is and to ensure adequate buffering. And I believe the buffering that we have now established, I believe the buffering standards are met and I think we're okay on that. One of the complaints also had to do with demonstrated need. As I think we've said a number of times, that's simply not a discussion that this Commission really gets into. Whether or not the project will work or will not work is going to be up to the marketing strategy of the applicant and how well they carry out that marketing strategy. The application has been endorsed by the Friends of Colvin Run and the Great Falls Citizens Association. We - - I know we have a petition circulating by the opponents that has many, many signatures, and I think we're probably going to hear from them again. But nonetheless, I and we have to make our decision according to land-use standards, Comprehensive Plan, as well as the Zoning Ordinance, and I think the application passes on all those fronts. Therefore, Mr. Chairman, I'm going to **MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-DR-030, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 11, 2011, WITH THE FOLLOWING CONDITIONS ADDED: NUMBER 26, "ALL SIDEWALKS AND/OR TRAILS SHOWN ON THE SE PLAT SHALL BE MAINTAINED BY THE APPLICANT."**

Commissioners de la Fe and Lawrence: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Lawrence.

Commissioner Donahue: Oh, we got a couple - - a couple more.

Chairman Murphy: Oh, okay.

Commissioner Donahue: Unless you want to go one at a time, I don't know.

Chairman Murphy: No, no. Go ahead, Mr. Donahue.

Commissioner Donahue: Okay. NUMBER 27 IS "AT THE TIME OF SITE PLAN APPROVAL, A PUBLIC ACCESS EASEMENT SHALL BE PROVIDED IN A FORM APPROVED BY THE COUNTY ATTORNEY FOR THE PURPOSE OF PROVIDING ACCESS TO THE SIDEWALKS ALONG THE COLVIN RUN ROAD FRONTAGE IN THE APPROXIMATE LOCATION SHOWN ON THE SE PLAT." AND NUMBER 28, "THE APPLICANT SHALL INSTALL A DETECTABLE SURFACE ACROSS THE DRIVEWAY ENTRANCE TO CONNECT THE PROPOSED PEDESTRIAN PATH, SUBJECT TO REVIEW AND APPROVAL BY VDOT." In addition to that, Mr. Chairman, I would MOVE WE STRIKE CONDITION 8, CONCERNING THE DEDICATION OF ROAD.

Commissioner Lawrence: Still second.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. Lawrence and 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 SE 2010-DR-030, subject to the proposed development conditions, as amended by Mr. Donahue this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Abstain. I wasn't here for the public hearing.

Chairman Murphy: Ms. Harsel abstains. Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT FOR THE NORTHERN AND A PORTION OF THE WESTERN PROPERTY LINES TO ALLOW THE EXISTING AND SUPPLEMENTAL LANDSCAPING, AS SHOWN ON THE SE PLAT.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Donahue: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER TO THE MINIMUM LOT SIZE FOR R-1 DISTRICTS, AS REQUIRED BY ZONING ORDINANCE SECTION 9-304.1.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Harsel abstains.

Commissioner Harsel: Abstain, yes. I'm going to abstain on all of them.

Chairman Murphy: Okay. Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ON THE NORTHERN, SOUTHERN, AND EASTERN PROPERTY LINES, AND A MODIFICATION OF THE BARRIER REQUIREMENT ON THE WESTERN PROPERTY LINE, IN FAVOR OF THAT DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Donahue: And thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF ADDITIONAL STANDARD 5, WHICH STATES THAT NO BUILDING SHALL BE LOCATED CLOSER THAN 45 FEET TO ANY STREET LINE OR

CLOSER THAN 100 FEET TO ANY LOT LINE, WHICH ABUTS AN R-A THROUGH R-4 STREET.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: I'm going to vote "no" on this one.

Chairman Murphy: You can't vote "no" on the waiver if you didn't vote for the application, can you?

Commissioner Harsel: Well, I'm just making a statement. I'm afraid we're going to be buying retirement homes 45 feet.

Chairman Murphy: Same abstention.

Commissioner Harsel: I'm voting "no."

Commissioner Donahue: Thank you, Mr. Chairman. I want to once again thank Suzi Zottl, who once again did a fantastic job as far as the application is concerned. I do want to thank the opponents for coming out and making yourselves heard. As I said to Joe earlier than this evening, I think when people come out like that and - - and have a - - have a hand in the way their community is developed, I think that's a strength, not a weakness. I don't mind it. It's not an inconvenience. It's the way we should run the County. It's the way we run the planning hearing - - the public hearing process. So, thank you very much.

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(The motions carried by votes of 9-0-1 with Commissioner Harsel abstaining; Commissioners Alcorn and Hall absent from the meeting.)

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