

Planning Commission Meeting  
June 2, 2011  
Verbatim Excerpt

RZ 2011-SU-003 – LYLAB HOLDINGS, LLC (Rockland Village)  
FDP 2011-SU-003 – LYLAB HOLDINGS, LLC (Rockland Village)

Decision Only During Commission Matters  
(Public Hearing held on May 26, 2011)

Commissioner Litzenberger: Thank you, Mr. Chairman. I have a decision only tonight. It's on some fill-in lots in the Rockland Village Subdivision in the Sully District. And I - - we worked hard with the staff and the applicant to come up with a couple of small changes but significant changes to the proffers. And if Bob, if Mr. - - Mr. Katai, are you ready?

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning: I sure am.

Commissioner Litzenberger: Okay.

Mr. Katai: Just really quickly. At your last meeting, the Planning Commission held public hearings on two rezonings that Commissioner Litzenberger was talking about for the Lylab Holdings request regarding those two hold-off parcels in Rockland Village. Following the close of those hearings, the Commission recommended approval of RZ 2010-SU-015 - - that's the property on Dallas - - recommended approval, subject to proffers. Regarding the second request on Elmwood, the Commission deferred the decision to - - until tonight. One of the questions that came up was could the - - could the houses be reoriented so that they obtained access from McCloskey Court, as opposed to directly getting access off of Elmwood. Commissioner Hart, I believe it was, stated that doing so may have the unintentional result of creating lots with two front yards where fencing along Elmwood Street would be limited to four feet in height and accessory structures, such as sheds and play structures, would be prohibited. Staff was asked to confirm that situation. I spoke with the Zoning Administration folks and they did confirm that that would indeed be the result if the property - - if the houses were flipped. The Commission also discussed concerns regarding potential encroachments into the yards on the small proposed lots. To address this concern, the applicant modified the proffer regarding setbacks and that's noted in my memo, which I handed out just prior to this meeting. The revised proffer clarifies that decks and other yard encroachments are limited to the rear yard, as indicated on the lot typicals and must meet applicable Zoning Ordinance provisions. The proffer also requires disclosure of the setback restrictions to all prospective buyers. In addition, to address street parking concerns, the applicant did add language to the proffers prohibiting conversion of garages to non-parking uses. The applicant has made these revisions for both sets of proffers, which have since been executed. And those related to the Elmwood site, which is before you tonight, and those related to the Dallas site, which is recommended for approval at last Thursday's meeting, reflect these changes. And regarding the Dallas site, which was approved at your last meeting, no further action is required for inclusion of the revised proffers, which are dated June 1st, as these are the proffers that we will be taking before the Board of Supervisors during its consideration of that zoning request. And that concludes my comments.

Vice Chairman Alcorn: Mr. Litzenberger?

Commissioner Litzenberger: Any questions for staff or me?

Vice Chairman Alcorn: Does anyone have any questions for staff or for Mr. Litzenberger - -  
Commissioner Litzenberger?

Commissioner Litzenberger: I have a question for Ms. Greenlief.

Vice Chairman Alcorn: Is your mic on?

Commissioner Litzenberger: Can you hear me now?

Vice Chairman Alcorn: There we go.

Commissioner Litzenberger: All right. Ms. Greenlief, do you confirm that the applicant agreed to these changes in the proffers, please?

Lori Greenlief, McGuireWoods LLP: Oh, yes. Commissioner Litzenberger, we did revise the setback proffer as Mr. Katai has described.

Commissioner Litzenberger: Okay. Thank you. With that, first of all I'd like to thank all the citizens who came out over the past 10 days and expressed their concerns, both in favor and against this application. I also want to thank Mr. Bob Katai and his fine staff for all their hard work in trying to address the many concerns and still come up with a viable plan for this site. I actually drove out to Rockland Village yesterday morning to observe the traffic in the neighborhood between 7:30 and 8:15 a.m. As everyone knows, safety is always paramount in Fairfax County neighborhoods. Although there may be an increased risk of safety concerns by doubling the current number of driveways coming out onto Elmwood from two to four, I observed the concerns of the McCloskey Court residents on their children's safety, and those concerns are the most at risk from my observations. To increase the number of residences using the Court by 33 percent would be a much greater safety risk for the children than the four driveways coming out onto Elmwood, as proposed by the applicant and supported by the County staff. As far as cut-through traffic, due to the cookie-cutter layout of the roadways, it would take much longer to weave through those streets than to stay on Walney Road and Route 50, unless there was a significant accident on Route 50 completely closing that highway. In the 45 minutes I spent there yesterday, there may have been one or two cut-throughs at the most and they were not a safety issue on Elmwood. The main concern from many of the citizens was the lack of parking in the area of the Rockland Village. I noticed a number of vehicles parked in the driveways as opposed to the garages, which leads me to believe that many garages are probably being used for storage since there are no basements in these units. Consequently, if a home has an additional driver living there over and above the usual two drivers, the extra vehicle has to park on the public street along with any visitors that might stop by. After discussing the parking

June 2, 2011  
RZ 2011-SU-003 and FDP 2011-SU-003

situation with staff, Supervisor Frey's Office, and the applicant's representative, and receiving much feedback from residents on both sides of the issue, the street parking seems to be the number one concern. The applicant, Lylab Holdings, has volunteered to contribute \$24,000 to the Rockland Village HOA for community improvement. Different residents have mentioned that the funds will be used towards relocating telephone poles, putting utility wires underground, etcetera. I would like to suggest the residents consider using that money for more parking. Mr. Bob Katai of the County staff determined that up to eight or nine nose-in parking spots could be installed right across the street from the Elmwood lots in the parcel containing the tot lot. Of course, the community would have to go through the permit process, but the space is there if the HOA and residents decide that is the best way to use the applicant's financial contribution. It is not the place of this Commission to tell the residents how those funds should be spent, that decision rests solely with the Rockland Village residents themselves. Lastly, I want to address the encroachment issues concerning back decks brought up by Commissioners Hart, Harsel, and Lawrence. I want to thank them for bringing this issue to the forefront. Neither the applicant, HOA, citizens, or staff mentioned this potential issue until it was brought up by my colleagues here on the Planning Commission. I think between the three of them, we have over 50 years of experience on the PC, and it's always better to be proactive on a problem such as this. I also want to thank Kris Abrahamson, Bob Katai, and Lori Greenlief for coming up with additional proffer language that addresses this deck and encroachment concern. Therefore, Mr. Chairman, I'm ready to make my motions.

Vice Chairman Alcorn: Please do.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2011-SU-003, SUBJECT TO THE PROFFERS DATED JUNE 1, 2011.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion on that motion?

Commissioner Flanagan: Yes, Mr. Chairman?

Vice Chairman Alcorn: Mr. Flanagan.

Commissioner Flanagan: I'd like to - -

Commissioner Hart: I'm not sure, is your mic on?

Vice Chairman Alcorn: Yes, mic.

Commissioner Flanagan: You're right. The - - yes, I'd like to comment upon the motion. I seconded it and intend to vote in favor of it, but - -

RZ 2011-SU-003 and FDP 2011-SU-003

Vice Chairman Alcorn: Okay.

Commissioner Flanagan: It occurred to me that after the - - during the public hearing, there was never any discussion of an alternate design that would face the four units onto Elmwood with the - - an alley with the garages to the rear, accessible from McCloskey Court. And I just wasn't too sure whether the - - the applicant had ever considered such a design, and I'd just would like to - - if they haven't, my recommendation is you take a look at that before you proceed, you know, much further because it is a type of design that's very common in Mount Vernon where we have units that face the street, but have a - - if they have an accessible alley access, why didn't they have the garages to the rear, and so that you don't have any curbcuts on Elmwood and you have that all the additional - - the existing parking on Elmwood.

Vice Chairman Alcorn: Okay. Any additional comments? All those in favor of the motion to recommend approval of RZ 2011-SU-003, subject to the proffers dated June 1, 2011, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner - -

Commissioner de la Fe: Abstain; not present for the public hearing.

Vice Chairman Alcorn: Commissioner de la Fe abstains; not present for the public hearing. Commissioner Litzenberger.

Commissioner Litzenberger: Thank you. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-SU-003, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Motion's been made. Seconded by Commissioner Flanagan. Any discussion on that motion? All those in favor of approving FDP 2011-SU-003, subject to the development conditions in the staff report as Appendix 2, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. And same abstention.

Commissioner Litzenberger: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE MINIMUM DISTRICT SIZE OF TWO ACRES FOR A PDH DISTRICT.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion on that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. And same abstention.

Commissioner Litzenberger: Lastly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE MINIMUM OPEN SPACE REQUIREMENT FOR THE PDH-8 DISTRICT.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion on that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Same abstention.

Commissioner Litzenberger: One last question. I just want to confirm with Mr. Katai that they'll take care of putting the encroachment proffer for the decks into the Dallas application that was approved last week.

Mr. Katai: Yes, it has already been done.

Commissioner Litzenberger: All right. Thank you, sir. Thank you, Mr. Chairman.

Vice Chairman Alcorn: Thank you, Commissioner Litzenberger.

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

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