

Planning Commission Meeting
June 12, 2008
Verbatim Excerpt

SE 2008-DR-003 - CHEVY CHASE BANK, F.S.B.

After Close of the Public Hearing

Vice Chairman Alcorn: Public hearing is closed; recognize Commissioner Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. First off, awful lot of people to thank on this application, starting with citizens who were concerned enough and believe they are invested enough in their own community to come forward and make their thoughts very clear, how they felt about this. Tremendous cooperation from Mr. Flinn and the folks at the bank and we very much appreciate that. It's been a very open, very candid, and I think very friendly type of approach. Very collegiate type of approach, and we appreciate that. As far as the staff, I just can't thank Suzanne enough. There were e-mails as I suppose is often the case flying around until about 5 o'clock this afternoon. I think we got them all under the umbrella and made them all happen. So, I just would say an awful lot of people to thank and I'm very grateful to all of them. And with that now, Mr. Chairman, we do have a few motions, so I'll start them with your okay.

Vice Chairman Alcorn: Please.

Commissioner Donahue: Number one. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2008-DR-003, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 12, 2008.

Vice Chairman Alcorn: Is there a second?

Commissioner Hall: Second.

Vice Chairman Alcorn: Seconded by Commissioner Hall. Any discussion?

Commissioner Hart: Mr. Chairman?

Vice Chairman Alcorn: Yes, Mr. Hart.

Commissioner Hart: I'm going to support it with the understanding that staff is going to look at Plan B on Development Condition 27 before this gets to the Board, so that there's some alternate possibility for use of the escrow funds some years down the road. Thank you.

Vice Chairman Alcorn: Any additional - -

Kristen Abrahamson: We made a general note, Commissioner Hart.

Vice Chairman Alcorn: Okay. Any additional discussion?

Commissioner Harsel: Mr. Chairman?

Vice Chairman Alcorn: Ms. Harsel.

Commissioner Harsel: Mr. Donahue, you're leaving in the \$82,000 escrow fund for an ordinance that the County isn't even settled on what is - - what they accept for their LEED?

Commissioner Donahue: That's correct. I'm leaving in the \$82,500 escrow, correct.

Commissioner Harsel: Okay. Knowing that the County has no LEED standards at this time?

Vice Chairman Alcorn: Well, there are LEED standards in the Comprehensive Plan. There are guidelines. However, this is I believe one of the first cases.

Ms. Abrahamson: We've only done about two or three. We are still refining that language and we'll continue to work with the applicant. We're aware of that concern and we don't - - we're trying to get some leeway built in there in case things don't happen within a year. And so, we'll continue to work with them and hopefully we'll be able to come up with something on that.

Commissioner Harsel: Well, okay, let me follow up on that? Where did you come up with the \$82,000?

Ms. Abrahamson: It is - -

Commissioner Harsel: I mean - - is that in the Plan as to how we discuss?

Ms. Abrahamson: It's basically - - it's based on - - my understanding it's based on five percent as a construction cost to the building. The intent was to come up with an amount that frankly would be high enough that it would represent a true penalty and not just a cost of construction that people would write off and say, "Uh, it's \$10,000, you know we'll just write that off and we won't bother doing LEEDs." It needed to be meaningful and we wanted to tie it to some type of formula so it would be consistent. It's still, like I said, a work in progress, but that's essentially where that number has come from.

Commissioner Harsel: So, the number has come from five percent - -

Ms. Abrahamson: Yes.

Commissioner Harsel: - - because I think the attorney for the applicant questioned where the figure came from.

Ms. Abrahamson: Yes, that's where the number came from. We've been working with DTA among others as to looking at evaluations of buildings and trying to figure out just what is reasonable. It's hard. It's - - it's - - there's not a steadfast rule.

Vice Chairman Alcorn: Commissioner de la Fe. And please speak, we are on verbatim.

Commissioner de la Fe: I realize we're on verbatim, but since others have raised it, I will support the motion. However, I do have a concern in a development condition rather than a proffer to require an escrow when the County has really not taken a position on this. Thank you.

Vice Chairman Alcorn: Mr. Flanagan.

Commissioner Flanagan: Yes, and I will also support the motion, but I do want people to take a very close look as they get into the site development plans here. Ten feet - - a building 10 feet from the back of a curb is very, very small and I think people need to be - - really take a good look at that because it is and it's very, very close to being right in the street.

Vice Chairman Alcorn: Additional discussion? All those in favor of the motion to recommend approval of SE 2008-DR-003, subject to the development conditions dated June 12, 2008, please say aye.

Commissioners: Aye.

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

Commissioner Donahue: I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE BARRIER REQUIREMENT ALONG DOLLEY MADISON BOULEVARD, IN FAVOR OF THAT SHOWN ON THE SPECIAL EXCEPTION PLAT.

Vice Chairman Alcorn: Is there a second?

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion of that motion? All those in favor of recommending approval of the waiver of the barrier requirement, as articulated by Commissioner Donahue, please say aye.

Commissioners: Aye.

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

Commissioner Donahue: I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TRANSITIONAL SCREENING REQUIREMENT ALONG DOLLEY MADISON BOULEVARD, IN FAVOR OF THAT SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion? All those in favor of recommending approval of the modification of the transitional screening requirement, as articulated by Commissioner Donahue, please say aye.

Commissioners: Aye.

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

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE LOADING SPACE REQUIREMENT.

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion?

Commissioner Harsel: Oh, Mr. Chairman, I'm going to vote - - I'm going to vote "no." This is my new stand, Mr. Donahue. I always take a couple, one is when they're too close to the right-of-way of highways. I vote "no." And I - - because we're going to be buying buildings, I'm going to start voting "no" on waiver of loading spaces.

Commissioner Donahue: I had the feeling your vote might be "no" and I take no offense, Madam Secretary.

Vice Chairman Alcorn: Additional discussion? All right. All those in favor of the motion to recommend that the loading space requirement be waived, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed?

Commissioner Harsel: No.

Commissioner Hart: Abstain.

Vice Chairman Alcorn: Commissioner Harsel votes "no." Commissioner Hart abstains.
Commissioner Donahue.

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE FRONT YARD REQUIREMENT IN A COMMERCIAL REVITALIZATION DISTRICT, IN FAVOR OF WHAT IS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion? All those in favor of recommending that the front yard requirements in a Commercial Revitalization District be modified, in favor of what is shown on the SE plat, please say aye.

Commissioners: Aye.

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

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE SERVICE DRIVE REQUIREMENT ALONG DOLLEY MADISON BOULEVARD.

Commissioner Lusk: Aye. I mean second.

Commissioner Hall: A little anxious there?

Commissioner Harsel: Are you real excited?

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion on that motion? All in favor of recommending approval of a waiver of the service drive requirement along Dolley Madison Boulevard, please say aye.

Commissioners: Aye.

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

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE REQUIRED PERIPHERAL PARKING LOT LANDSCAPING, IN FAVOR OF THAT SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion? All those in favor of recommending approval of a modification of the required peripheral parking lot landscaping, in favor of that shown on the SE plat, please say aye.

Commissioners: Aye.

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

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE CONSTRUCTION OF THE REQUIRED

ON-ROAD BIKE LANE, IN FAVOR OF AN APPLICANT-ESTABLISHED ESCROW FUNDS FOR FUTURE CONSIDERATION.

Commissioner Lusk: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lusk. Any discussion? All those in favor of the motion - - oh, Commissioner Lawrence.

Commissioner Lawrence: One point. I align myself with Commissioner Hart.

Vice Chairman Alcorn: Okay. All those in favor of the motion to - - can you restate that, Commissioner Donahue?

Commissioner Donahue: PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE CONSTRUCTION OF THE REQUIRED ON-ROAD BIKE LANE, IN FAVOR OF AN APPLICANT-ESTABLISHED ESCROW FUNDS FOR FUTURE CONSTRUCTION.

Vice Chairman Alcorn: Thank you very much. All in favor of that motion, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed?

Commissioner Litzenberger: Nay.

Vice Chairman Alcorn: Division. Okay, Commissioner Litzenberger votes nay. That motion carries.

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(The first through third motions carried unanimously with Commissioners Murphy and Sargeant absent from the meeting.)

(The fourth motion carried by a vote of 8-1-1 with Commissioner Harsel opposed; Commissioner Hart abstaining; Commissioners Murphy and Sargeant absent from the meeting.)

(The fifth through seventh motions carried unanimously with Commissioners Murphy and Sargeant absent from the meeting.)

(The eighth motion carried by a vote of 9-1 with Commissioner Litzenberger opposed; Commissioners Murphy and Sargeant absent from the meeting.)

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