

Planning Commission Meeting
June 14, 2012
Verbatim Excerpt

RZ/FDP 2011-MA-029 - NEIGHBORHOODS VI, LLC

Decision Only During Commission Matters
(Public Hearing held on February 23, 2012)

Commissioner Hall: The moment you've all been waiting for, I'm sure. Tonight's application has to do with Neighborhoods VI, LLC. It's an application for Rezoning and a Final Development Plan 2011-MA-029. This application was first heard here at the Planning Commission on February 23, 2012. However, prior to that hearing, this application was discussed several times at the Mason District Land Use Committee. All meetings were very well-attended by the community and the community is still here. And if they want to be acknowledged, they can raise their hand and wave – only one hand. That being said, this application was not supported by the Mason District Land Use Committee. Now what happened? This piece of property is no stranger to this Planning Commission or this Planning Commissioner. There have been numerous occasions – this is a nursery and the people are no longer wishing to do business or want to retire or whatever and they're trying to figure out what to do with their property. Most recently during the Comprehensive Plan cycle, there was a modification to the language and this was done in 2011. It added an option in addition to businesses, which it had been operating as – there could be a residential development put there with zoning of three to four dwelling units per acre. And it is surrounded by R-2, a very old and established neighborhood – very much like a lot of communities in Mason District. Most of them don't have sidewalks. There's a lot of trees. People like living there. But even though there were some people who testified, they had no idea about the planning – the change to the Comprehensive Plan. There were speakers who acknowledged that they knew about the Comprehensive Plan, had supported it, but had since changed their mind. Okay. I make a point in Mason District of not being overly involved in the changes to the Comprehensive Plan. I figured this is the opportunity for the community to work with the Supervisor to get the language in the Plan that they want – not what I want, but what they want. And based on what ends up going into the Plan, I am able to work within the established language. I feel very strongly about this because I've always said the Comprehensive Plan happens to be the citizens' idea of what should be going on in Fairfax County. And if you don't take the time to get involved and to get the language in the Plan, then nothing is going to change. Well lo and behold, the language got into the Plan. And for this particular piece of property, which is less than nine acres, there was an option for three to four on these not quite nine acres. Regrettably, it is my personal opinion – and understand that I'm not an architect and I am not a landscape artist – but there was very little effort put in that initial plan. It said they could have 30-some-odd homes and they went and got every single home they could stuff in there. There was no intent to be creative. There was no intent to use landscaping. And I feel like – really, the effort was very, very poor and it really disappointed the community and really turned the community off of the entire application. I think that's a very fair statement. At Mason District and what you heard here this evening – not this evening, but back in February – and what you have read continuously is, "Forget the Comprehensive Plan. We want it to stay R-2." I wish I could do that, but I cannot. I have to follow the language that is in the Plan. Having said that, the language in the Plan is not a guarantee. It means you attempt to take into consideration what is

being prescribed and is it an improvement? And is it in keeping with the Zoning Ordinances and what the intent of the Plan is? And I think the application, which was postponed for several months to drive the message home that this had to change and it had to be improved. And I think we may be there. Now there are many people in the community that will totally disagree with me and say, "Forget it. We don't like it," even though I believe all of the different things that Mr. O'Donnell is going to explain to you right now is what they asked for. What was asked for is now included to the best of my ability and understanding. And for that, I appreciate the work of the applicant and of staff because while I was off and having a wonderful time, they weren't and they were working very hard. And when I thought reducing the number of units was going to make it easy, I found out that was not the case. Mr. O'Donnell, can you explain?

William O'Donnell, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Sure, I'm just going to give a quick summary of where we're – how we got to where we are right now. On September 13, 2011, the applicant filed the application on three parcels to rezone the property from R-2 and HC Districts to the PDH-4 and HC Districts to permit residential development with single-family detached units. On February 8, staff published a report that recommended approval of the application and concluded that the proposed residential development with 35 single-family detached dwellings and an overall density of 3.98 was in conformance with the Residential Development Criteria of the Comprehensive Plan and met the requirements of the Zoning Ordinance. The application included restoration and preservation of a headwaters area on the southern portion of the site, a 25-foot minimum wide buffer along the periphery of this site with additional buffering on the northwest and southeast and east boundaries, and included 30.2 percent open space, two pedestrian amenity areas, significant tree preservation with tree transplanting, right-of-way dedication for the future expansion of Little River Turnpike, and an underground stormwater facility with BMP facilities, which met the Public Facilities Manual requirements for detention and stormwater quality. On February 23, 2012, the Planning Commission held a public hearing for the application and deferred the decision to allow time for the applicant to revise their submissions and to address concerns about density that were identified at the hearing. Since the public hearing, the applicant has worked with staff to modify their application and proposed several changes to the proffers in the development plan. In general, the applicant reduced the total number of single-family detached dwelling units from 35 to 29, which is now 3.3 dwelling units per acre. This reduction resulted in the elimination of two single-family detached – single-family dwelling units along the western boundary, three units along the eastern boundary, and one along the center of the loop. They also modified the general configuration of the layout from a B-shaped configuration to more of an S-shape. The applicant continues to propose a private road, which would extend into the site and create a private loop with single-family detached units located on both sides of the road. The loop road is now proposed to handle two-way traffic as opposed to the previously-approved one-way. They decreased the number of guest parking spaces from 36 to 33; however, by decreasing the amount of single-family units, the ratio of guest spaces per dwelling unit actually increased. They increased the buffer depth along the southeast portion of the property from 25 feet to 30 feet. They increased the open space from 30.2 percent to 40.1 percent. They replaced the underground stormwater detention facility with an extended dry pond located to the north of the stream restoration project, which is right here and this is the pond. Additional amenity features

including ornamental landscaping and seeding are proposed to the north of the dry pond to help activate the pace for passive recreation. No changes were proposed to the stream restoration plans. The applicant continues to propose restoration – continues to propose restoration and preservation of the headwaters area on the southern portion of the site. In addition, there were several proffer edits highlighted in the staff report addendum, which was published on May 31, 2012. In summary, staff concludes that the subject application continues to be in conformance with the Residential Development Criteria of the Comprehensive Plan and continues to meet the requirements of the Zoning Ordinance. Staff feels that the proposed revisions listed in the staff report addendum significantly improve the overall layout of the site from that which was originally proposed. Staff recommends approval of the RZ and the FDP and recommends approval of all requested waivers and modifications listed in the staff report. Thank you.

Commissioner Hall: Thank you. Can you go to – one of the big issues that was raised during the public hearing and at Mason District and by a number of the neighbors had to do with some confusion about different access points – that VDOT permits other access points and the community would prefer not to have it come out on Willow Drive – Willow Run Drive. I believe – a matter of fact, I believe I'm looking at it right now. Could you talk about the memo we received on April 2?

Mr. O'Donnell: Sure. Okay, for a – during the review of the application, four access points were talked about with this application – the first being access to an existing service drive. So currently, there is a service drive right here from – there's an existing commercial shopping center here. And originally, the applicant proposed to expand – or extend this service drive all the way to here – this location. Oh, I'm off the map.

Commissioner Hall: You're off the grid.

Mr. O'Donnell: Yes. So –

Commissioner Hall: Just go like this.

Mr. O'Donnell: They wanted to – they wanted to extend the service drive from this point here all the way to Willow Run Drive and then have – pretty much their access come off at this point. However, VDOT had a problem with the spacing between where this access and this intersection is. There would be way too many conflicts at this point. The next – the next alternative that we looked at was trying to have an access point basically just come right through up into Little River Turnpike – right through here. The problem with that is that it's only a right-in, right-out. So the opportunity is better on this side because there's opportunity for a traffic signal up here. And it also – yes, and also there's spacing between the entrance from this road off the grid and this road here. There is not enough distance so that we can – it meets the Access Management Standards of VDOT. And then another alternative that was discussed was coming to the south, which would basically go right through the stream restoration project. However, there are a lot of issues with that. VDOT doesn't have a problem, but Fairfax County has a problem because of the Chesapeake Bay Preservation Ordinance, which has a provision in it that says that there cannot

be any viable – other viable alternative. And in fact – you know, coming up with the last alternative actually is a viable alternative because it comes off of Willow Run Drive at this point. It's also set back far enough from the intersection with Little River Turnpike and – so that's basically how we came to our decision that staff determined that the proposed access from Willow Run Drive as shown on the plan is the preferred alternative because it's not temporary, it does not traverse an RPA, and it would give the community access to a signal.

Commissioner Hall: Okay, have I forgotten anything? Or are all that – that, I believe, is all the points that were raised – stormwater management, access, and density. Correct?

Mr. O'Donnell: Correct.

Commissioner Hall: Okay, and the stormwater will not – it will go into a pond. It will not go into anything underground or anything exotic, which had been a request of the community.

Mr. O'Donnell: Yes.

Commissioner Hall: Correct?

Mr. O'Donnell: Correct.

Commissioner Hall: All right, thank you very much. Again, I left and had a good time and I had left Mr. O'Donnell with a number of marching orders, which was to get something in writing from VDOT – because there's a lot of misinformation floating around here. And having the documentation in the addendum, I thought, went a long way to making sure that everybody was on the same page. With that, Mr. Chairman, I can see no reason to continue to discuss this issue. I think we've done the very best we can. I think we've addressed all the issues which were raised by the community. I think the community continues to be dissatisfied that this property will be developed, but I doubt that nine acres of – not quite nine acres – in Mason District is going to sit vacant. Whether it's done by-right or whether it's done by this particular application, something is going to happen. I think it is the very best that can be done with it at this point. I want to thank Lisa Chiblow, who did yeoman's work trying to work with the community. The community is still split. I think it's fair to say the majority of the people don't want this. However, a majority of the people do want it. The people who abut it, I think, are more supportive than the people who don't. And as far as traffic, there's going to be traffic. Welcome to Fairfax County. I mean, that's the bottom line. That's not going to change. With that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REZONING 2011-MA-029, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 14, 2012.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion?

Commissioners Flanagan and Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes.

Chairman Murphy: We're on verbatim.

Commissioner Flanagan: I would like to first ask staff a question. The plat that you showed this evening – I was unable to judge the ratio of land use adjacent versus the ratio that you gave us of 3.3 dwelling units per acre. The surrounding properties – are those all on one-acre lots? Or is that a half-acre lot on the surrounding? What's the density –

Commissioner Hall: R-2.

Commissioner Flanagan: Of the parcels around this site?

Mr. O'Donnell: Surrounding it is R-2, which are basically half-acre lots – half-acre lots or more. Here, you basically have a PDH-4 in the middle of the R-2.

Commissioner Flanagan: So the ratio of the FAR is 0.5 versus 3.3?

Mr. O'Donnell: No – no the – it's mixing apples and oranges here. You're –

Commissioner Flanagan: I'm just trying to figure out what the density of – is, you know, the ratio. It looks to me like all of those sites are almost an acre each.

Mr. O'Donnell: Well, we would need to – you would have to count all the houses in the R-2, which – this whole area is R-2. And then you would have to calculate how much land area that is. It's a very old subdivision. We have the benefit with this application knowing that it's – you know, a little over eight acres and we know how many units are planned for that spot. So it would kind of be arbitrary to – you know, pick – pick spots around this property and try to determine the density ratio. I mean we could do it, but you would have to draw a circle around it.

Commissioner Flanagan: But is it – just as a guesstimate, was it closer to 2.0 or is it closer to 1.0?

Kristen Abrahamson, ZED, DPZ: It's closer to 2.0. It's consistent with an R-2 zoning and we don't have –

Commissioner Flanagan: So it's closer to 2.0. So the ratio of the area would be 2.0 versus 2.3.

Ms. Abrahamson: If you look at it at a density equation, I suppose that would be it.

Commissioner Flanagan: Yes.

Ms. Abrahamson: It's not really a ratio, but you know it's – the issue is more – is it consistent with the Comp Plan, which allows for – you know, the redevelopment? And this is actually below the Comp Plan at this point.

Commissioner Flanagan: Well, I realize that, but when we're considering the rezoning, of course, I mean we are interested in how compatible – you know, what's being rezoned is with the adjacent neighborhood.

Ms. Abrahamson: I understand. It's just there's –

Commissioner Flanagan: And from that standpoint, I'm trying to get some handle on that.

Ms. Abrahamson: There are other measures than just the straight numbers is what we're trying to say.

Chairman Murphy: Ms. Hall.

Commissioner Hall: Mr. Chairman, as I indicated, this is a very old community. And like the community, I live not very far from here. It's zoned R-2. Some of those houses are on less than a quarter of an acre even though it's R-2. And then some of those houses are on almost an acre and it's all considered R-2. Way back when land was inexpensive in Fairfax County – not anymore – we all should have been here when that happened, but we weren't – and building houses was very expensive. That's why you typically see very small houses with lots of land. But they are zoned R-2. So you would have to average it as opposed to doing a – so it's R-2 surrounded by R-3 – and R-3, R-4.

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I'll be as brief as I can. I cannot support this application, with all the greatest respect to staff and the efforts of the applicant. I cannot find it in myself to feel that the Residential Development Criteria in terms of impact are met. I will not oppose this application, but I will not support it. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-MA-29, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Flanagan: Abstain.

Chairman Murphy: Mr. Flanagan, Mr. Lawrence –

Commissioner Lawrence: Abstain.

Chairman Murphy: And the Chair abstains. I was not present for the public hearing.

Commissioner Hall: Lucky. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN 2011-MA-029, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 31, 2012.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion to approve the FDP, subject – FDP 2011-MA-029, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same division.

Commissioner Hall: Yes.

Chairman Murphy: You've got a waiver.

Commissioner Hall: I have a waiver. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF A PRIVATE STREET.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same division. One more.

Commissioner Hall: I do?

Ms. Abrahamson: No.

Mr. O'Donnell: No, she's got them.

Commissioner Hall: I'm good?

Chairman Murphy: That's okay?

Mr. O'Donnell: Yes.

Chairman Murphy: I'm sorry. All right.

Commissioner Hall: He says I'm okay.

Chairman Murphy: Okay, if he says you're okay – if you're okay, I'm okay.

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(The motions carried by votes of 8-0-3 with Commissioners Flanagan, Lawrence, and Murphy abstaining; Commissioner Hart absent from the meeting.)

JLC