Planning Commission Meeting
July 28, 2010
Verbatim Excerpt

APR Item #09-IV-8LP – Mount Vernon District

Markup Session (Public Hearing held on July 14, 2010)

Chairman Murphy: All right. APR 09-IV-8LP.

Commissioner Flanagan: Thank you, Mr. Chairman. The APR Item 09-IV-8LP is generally located east of the Groom Cottage Drive, south of the Lorton Station Shopping Center, and north of the Thomas Baxter Place. APR Item 09-IV-8LP proposes to amend the Plan by adding text stating effort should be made to maintain the nominated area as open space, but if it is developed that special care should be taken to ensure that the development does not have a negative impact on the adjacent residential community. The recommendation to maintain the subject area as open space is an attempt to influence development that can occur under the existing I-5 industrial zoning designation of the subject property. And I'd like to just point out here that this is the only I-5 property, it's all residential or planned community business area. The staff is concerned that the recommendation for open space gives the impression that the Comprehensive Plan could prohibit permitted uses from being developed. In general, open space is achieved through a larger coordinated development plan or is recommended to protect environmentally sensitive land, neither of which is the case for the subject area. With regard to residential impacts, the adopted Plan already notes substantial buffering and screening is strongly encouraged if non-residential uses are developed next to residential use. Screening between the industrial uses permitted by the existing zoning and residential uses is set forth in the Zoning Ordinance. The existing Plan guidance and the requirements in the Zoning Ordinance fulfill the underlying intent of the nomination, which is to minimize impacts to the adjacent residential communities and encourage compatibility with existing uses. The proposed text addressing impacts to the adjacent residential community would not provide additional meaningful guidance over and above the language in the adopted Plan. For these staff recommended retaining the adopted Plan. The Task Force however recommended the nomination be adopted as submitted. Testimony by the nominator pointed out that the two-plus acres are now open space and the only thing the nomination asks is that an effort be made to maintain the land as open space before it is developed if it is to be developed other than as zoned. Therefore, Mr. Chairman, FOR SOUTH COUNTY APR ITEM 09-IV-8LP, I support the nomination as a means to address future development of the site and possible effects on its neighbors. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE TASK FORCE RECOMMENDATION TO APPROVE THE NOMINATION AS SUBMITTED, AS SHOWN ON PAGE 185 OF THE STAFF REPORT BOOK DATED JULY 14, 2010, ON PAGE 5 OF THE STAFF REPORT. And Mr. Chairman, I have some further comments on this.

Chairman Murphy: Go ahead.

Commissioner Flanagan: Yes. The reason why I'm doing that is because one of the things that I think the staff did not take into consideration in their recommendation is there's a shopping

center right adjacent to this. And the shopping center has a certain open space commitment in their SE - - in their PR - - PCA. And so consequently, if they want to increase the density in the shopping center, they may wish to purchase this site if it is - - if it's stated that this is desirable if it be open space. And so this is right next to the shopping center so therefore it could become - - the community wants it to be evident - - you know - - to the shopping center that they might want to consider purchasing this site so that they could have higher density than on the shopping site itself.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: I have a question for staff. Does any language about maintaining this land as open space place the landowner in an adverse position as compared to no language as is presently the case?

Marianne Gardner, Planning Divisions, Department of Planning and Zoning: Marianne Gardner. I believe that having a recommendation that this should be open space could possibly place - - disadvantage the property owner if they were seeking a land use other than what is permitted by their current zoning. Right now that land unit is incorporated into the larger Lorton Town Center area that has recommendations for mixed use. And so, it would be interesting to see how a proposal might be reviewed given that there seems to be a preference for open space.

Commissioner Lawrence: Or such guidance to be present.

Ms. Gardner: Yes.

Commissioner Flanagan: Mr. Chairman?

Commissioner Lawrence: Thank you very much.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes. It's good to understand the peculiarities of this site. This site has residential townhouses on both sides of it, and in the past the property has been advanced for development as a storage facility using its I - - by-right I-5 uses. And so, the community is most anxious that if it's - - they figure that this text that's in the - - that they're proposing will encourage it to be developed either as residential like the residential on both sides of this site. And the - - I would have moved this as including the open space language if it did as Marianne said, if it planned this - - said it was planned as open space. The language that's being proposed here is that only that it be considered as open space.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: I don't have a motion on this, but could I ask that we vote on this one separately? Not in the omnibus. I didn't - - I didn't - - I don't have a motion, but are we allowed to vote on this?

Chairman Murphy: Well, if I say, "without objection" and then someone votes "no" then - -

Commissioner Alcorn: Yes. We can record it.

Chairman Murphy: We can record the vote "no."

Commissioner Hart: I'd like to - - I'd like to do that. I don't have a motion, but if we can vote on this separate from the others, I'd like to.

Chairman Murphy: All right. Without objection. All those in favor of this APR nomination, as articulated by Mr. Flanagan, say aye.

Commissioners Migliaccio, Sargeant, Litzenberger, Flanagan, and Donahue: Aye.

Chairman Murphy: Opposed?

Commissioner Hart: Nay.

Chairman Murphy: All right.

Commissioners de la Fe and Alcorn: Abstain.

Chairman Murphy: I abstain too.

Commissioner Hall: Abstain.

Chairman Murphy: All right. We have one vote for? Who voted for? Earl? We had three. Okay. Four. Did you get that, Kara? All right, Mr. - -

Commissioner Hart: Division, I guess.

Chairman Murphy: Mr. Migliaccio, Mr. Sargeant, Mr. Litzenberger, and Mr. Flanagan voted "aye." Who voted no?

Commissioner Hart: I did.

Commissioner Donahue: Mr. Chairman, I also voted "aye."

Chairman Murphy: And Mr. Donahue and Mr. Lawrence [sic].

Commissioner Lawrence: I voted "no."

Chairman Murphy: Oh, I'm sorry. Mr. Lawrence voted "no."

Commissioner Hart: I voted "no."

Chairman Murphy: And Mr. Hart voted "no." And the rest of us voted with the Commission as abstained.

Commissioner Flanagan: Thank you.

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(The motion carried by a vote of 5-2-4 with Commissioners Donahue, Flanagan, Litzenberger Migliaccio, and Sargeant in favor; Commissioners Hart and Lawrence opposed; Commissioners Alcorn, de la Fe, Hall, and Murphy abstaining; Commissioner Harsel not present for the vote.)

KAD