Planning Commission Meeting
November 3, 2010
Verbatim Excerpt

RZ 2010-BR-003 – CHRISTOPHER LAND, LLC
(Public Hearing held on October 20, 2010)

After the Close of the Public Hearing

Commissioner Harsel: Mr. Chairman, in the application Rezoning 2010-BR-003, Bryce – it's in the Braddock District. It's an application by Christopher Land to develop the 3.4 acres of the Bryce property. If – I hope you brought your staff reports because then you can locate it. And I want to say upfront that change is not pleasant. We all, I think, resist change at one time or another. You can go down Burke Road where this is located, and you will find all sorts of changes. I think Mr. Murphy and myself remember where the Heatherwood Healthcare Facility came in. It used to be Mr. Smith and he sold the best impatiens that I've ever been able to plant – but it's now Heatherwood – at the time. The north of this property was part of Mr. Bryce's farm. It was Lincolnwood property. And what I am leading up to, we have had many letters come in this week of surrounding property owners commenting that they object, that they feel, that this application is not in character with their property. One of the very first comments that I made, when we heard the case, to staff was could they develop it with full-sized lots. And staff said yes; and Mr. Braham has said he, you know, he roughly figured it out. Well, today the applicant has submitted to us a map where he has drawn it. And could you put it up please, and – I don't know. Do we have extra copies or not of this? Oh, you've got big ones. Good, because I want my fellow commissioners to look alive because there will be a test. Is that an extra one? Are they all the same?

Commissioner Flanagan: They're all the same.

Commissioner Harsel: Oh, good, because I have the write-up on mine. Okay, if you look here you will see that Lot 1 has gone from the 6,000 square feet to 14,000 square feet. Lot 2 has gone to 8,000. Lot 3 – I mean, you can all read it, and everything. The lot lines go right back to the adjoining property. Will you put on please, Ms. Zottl, what the applicant is proposing; what the thing that we're being asked to vote on tonight, because I can't –

Ms. Zottl: You should see on your screen now – and the outlines are in red to demonstrate what the lots would look like.

Commissioner Harsel: No, if we could have what we're seeing in the staff report. Because it – oh, it's a penny. For those that did – all right. Who can tell – look at this very briefly. All of those little trees stamps and everything are – well, that's supplemental landscaping that we're being asked to propose on 6,000 square foot lots. Because all of this is now – the land – the tree saves and the supplemental plantings will belong to the homeowners association. And thanks to Mr. Lawrence, the new proffers read that everyone that comes and signs a deed here – it's 14 – will be told, as, where their lot ends, and that this is tree save owned by the homeowners and cannot be touched. You'll find it on page 4; it's Proffer 14 that has been added. The second

paragraph is thanks to Mr. Hart, which says that people will know upfront when they buy it, those lots are how far back they can go in their lots. So right now we have a decision before us. The complaints that have come in on the letters is that the lots are small and they're not in conformance, and that you're not buffering it. This is single family homes to single family homes. When the – Lincolnwood came in, they did not put a buffer in, or a fence, to protect Mr. Bryce. When Wood Edge came in, they did not protect Mr. Bryce. The density is the same, whether we can put the landscaping and turn it over to the homeowners, or whether we give it to the individual lot owners. Myself, I think that I would prefer to keep as much buffering and landscaping between these homes and the adjoining neighbors since this development cannot go into Burke Center. Burke Center took no position; they were notified. We had two community meetings. I have the list of everyone that was invited to the community meetings before we had the public hearing. Everyone on this list – and it was all the homes in Lincolnwood, all the homes in Wood Edge, were sent out – the proffers in the letter saying that the public hearing was going to be held on the date it was held, October 20th; did they have any problems with it. We had – three people came. They testified. I want those who testified, they gave us a written comment, to be part of the record. I want every letter that we received this week to become part of the record. I also want the petition that I received today from Mrs. Kady as part of the record. I think – like I said, I – at this point, I'm making the decision that I prefer to have the buffering, the landscaping, in control of the Homeowners' and not in control of individual homeowners. If you read your staff report thoroughly, you'll see there isn't that much difference in the backyard. I know that we have had a citizen that commented on the road. The road, yes. But the road is determined by the stop light. There is a stoplight. I also want to comment that this development is right there, as far as density, and it would be the same density if the lots were 14,000 square feet without, you know, the nice landscaping and protection, without the fence that we have by the road. It would still be the same density, which is right in between Lincolnwood and Wood Edge. This development has no – and I'm thinking – what is… pipestems. If you look at your map you will see multiple pipestems in both of the other developments. This has no pipestems at all. I think this is a good application. As I said, we have had two County community-wide meetings. Mr. Murphy and the Springfield people attended one. Their concern was the road, and would it back up and deny their people ways to get out. We had four people that lived across the street come from Springfield. We've not heard from them again. We have had three onsite meetings where we have gone – I will say, originally the application had 10 homes and Lots 7, 8, 9, and 10 sat right on the hill. And all those gorgeous blue spruces that Mr. Bryce planted would come down and those houses were going to front on Burke Road. Now, why anyone wants to front and look over all the traffic, I don't know. Except those people, Mr. Murphy, in your district, that came out and said they sit on the front porch and watch the accidents on Sunday happen. I don't want that anyway. Without further ado, like I said, change is hard. I know what it is to go along with something and then to have it change. I had, you know, I had a lovely big field behind me when we first moved here, and townhouses went up. By the same token, we had a developer that put in buffering. He wasn't supposed to, but he put in buffering. This one doesn't have to put in one single thing. So our decision is, do we want the big lots, or do we want the smaller lots. And I really think people don't want big lots anymore. They don't want to mow their grass. You know, let the Homeowners' take care of all those trees and everything. Without

further ado, Mr. Chairman. I've rambled too long, but there's been a lot of energy and effort put into this particular development. I think the surrounding neighbors would be better served with the buffering and the landscaping. I also want to bring in that the applicant sent letters to all of the abutting property owners and said, "We will give you a fence or we will give you landscaping." I have the responses with me. I love the one woman who even told us what we wanted, like the dogwoods, the weeping cherries, and all that. I thought that was very nice. But anyway, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING 2010-BR-03 (*sic*), SUBJECT TO THE EXECUTED PROFFERS DATED OCTOBER 28TH, 2010, AND THE CONCEPTUAL DEVELOPMENT PLAN ALONG WITH THOSE PROFFERS.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall, and the Chair also seconds the motion. Is there a discussion of the motion? I would just like to add an addendum to Ms. Harsel's remarks and thank her for including the Springfield folks and myself and Marlae Schnare from Supervisor Herrity's office to the community meeting. Again, I will just mention one of our big concerns, which is more than adequately addressed in Proffer 23, is going to really help the road situation at that intersection which, in and of itself right now, is pretty tricky. And there have been many accidents in this intersection. And if and when the Board approves this application you will have two members of the Board – Supervisors from the Springfield and Braddock District – who are going to make sure that if you have any problems with VDOT getting any of this done, I'm sure they're going to be foursquare behind you to make sure that this proffer is executed as quickly as possible.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. I'd like to ask the commissioner, how did – we got this drawing here. How does this drawing differ from the one that you had on – the original drawing? The one that we got in front of us – is this the original drawing?

Commissioner Harsel: No. This is the one with the lot sizes becoming the same size as… Here is the original one. Look on your screen.

Commissioner Flanagan: Right, yes, I see that.

Commissioner Harsel: You see the trees and the landscaping and the tree save and the landscaping on the left? And see the trees there –

Commissioner Flanagan: Right.

Commissioner Harsel: – and all the – all right. That is what's being proposed with 6,000 square lot (*sic*) – about 6,000 square foot. If you go with the one we received tonight –

Commissioner Flanagan: Yes.

Commissioner Harsel: Do you see any trees? Any landscaping?

Commissioner Flanagan: No. No.

Commissioner Harsel: But the lot sizes are comparable to the adjoining things. So our choice tonight is, do we save – agree to this landscaping and buffering to Wood Edge and to Lincolnwood? Or do we give them the same size lots and do away with the buffer?

Commissioner Flanagan: Very nice clarification. 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 2010-BR-03 (*sic*), say aye.

Commissioners: Aye.

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

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE FDP 2010-BR-003, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE REZONING 2010-BR-003 AND THE PROFFERS.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor of the motion to approve FDP 2010-BR-003, subject to the Board's approval of the rezoning and the conceptual development plan, say aye.

Commissioners: Aye.

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

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY WAIVE the online (*sic*) THE ON-ROAD BIKE LANE REQUIREMENT AND A MODIFICATION OF THE 8 FOOT-WIDE MAJOR PAVED TRAIL REQUIREMENT FOR BURKE LAKE ROAD IN FAVOR OF THE EXISTING five foot (*sic*) – 5.5 FOOT-WIDE PAVED SIDEWALK that's already there, and people can walk up and down Burke Road.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF THE PRIVATE STREET.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 10-104(3)B AND C OF THE ZONING ORDINANCE TO PERMIT AN INCREASE IN FENCE HEIGHT TO A MAXIMUM 8 FOOT-TALL FENCE ALONG A PORTION OF THE NORTHERN PROPERTY LINE. And that was explained to us. And the reason it has to be big is because we've got glass and it is –

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: And finally, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DIRECT THE DIRECTOR OF DPWES TO GRANT A DEVIATION – minor deviation – FROM THE TREE PRESERVATION TARGET AREA REQUIREMENT IN PFM SECTION 12-0507-1 (*sic*) IN FAVOR OF THAT PROPOSED ON THE CDP/FDP.

Commissioner Hall: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Alcorn absent from the meeting.)

JN