

Planning Commission Meeting
November 8, 2012
Verbatim Excerpt

RZ/FDP 2012-LE-005 – MUSSARAT S., ADEELA I., AND TANZEELA I. AHMAD

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. This is a fairly straightforward application that simply rezones 1.03 acres from the R-1 to the PDH-5. It is an infill development that normally brings out speakers because of various issues, but this has no speakers. This application has the support of the Lee District Land Use Committee. They voted on it Monday night. The end result for this application: when it's built out, it will mirror as closely as possible the north Hampton neighborhood next door. Our professional Planning staff also supports this application, as do I; therefore, Mr. Chairman, I have a few motions to make this evening. The first is, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-LE-005 AND THE ASSOCIATED CDP, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 7TH, 2012.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-LE-005, say –

Commissioner Lawrence: Just one point of clarification. Would the proffers include any emendation that's required to make the disclosure thing complete? Would that - is that all right?

Commissioner Migliaccio: Yes, that is my intention, and I believe it's the intention of the applicant on the record, so yes.

Commissioner Lawrence: I'll support the motion.

Chairman Murphy: All those in favor –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: The same question, about that ladder thing, between now and the Board, can - can -- because I thought the applicant was in agreement with that.

Commissioner Migliaccio: Sure.

Chairman Murphy: Mr. Riegler, do you want to just come up and put that on the record, please?

Gregory Riegler, Esquire, McGuireWoods LLP: WE WILL ENSURE THE PROFFERS REFLECT THE RECIPROCAL EASEMENTS FOR THE LADDERS AND MR. LAWRENCE'S COMMENT ABOUT THE DISCLOSURE OF THE MAINTENANCE OBLIGATIONS IN THE FORM WE DISCUSSED.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-LE-005, SUBJECT TO THE BOARD'S APPROVAL OF RZ 2012-LE-005 AND THE ASSOCIATED CDP.

Commissioners Sargeant and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2012-LE-005, subject to the Board's approval of the Rezoning, Conceptual Development Plan, and the amended proffers, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE WAIVER NUMBER 24949-WPFM-001-1 OF SECTION 6-303.8 OF THE PFM TO ALLOW AN ON-SITE UNDERGROUND STORMWATER DETENTION FACILITY IN A RESIDENTIAL DEVELOPMENT, SUBJECT TO THE WAIVER CONDITIONS DATED SEPTEMBER 20TH, 2012, IN ATTACHMENT A OF APPENDIX 13 IN THE STAFF REPORT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT SIZE FOR A PDH-5 DISTRICT FROM 2 ACRES TO 1.03 ACRES.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO APPROVE A DEVIATION OF THE TREE PRESERVATION TARGET IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioners Alcorn, de la Fe, Donahue, and Hurley absent from the meeting.)

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