

Planning Commission Meeting
November 21, 2013
Verbatim Excerpt

RZ/FDP 2012-BR-020 – EASTWOOD PROPERTIES, INC.

Decision Only During Commission Matters
(Public Hearing held on October 16, 2013)

Commissioner Hurley: Thank you, Mr. Chairman. The application under discussion is RD/FDP 2012-020 [sic], Eastwood Properties, or the Ox Road Estates. In response to considerable neighborhood interest in this project, including the very well prepared remarks presented at the public hearing by the Middleridge Civic Association President, Rick Jones, my remarks this evening will be rather lengthy, but I hope, in time, will save time by addressing most of the outstanding questions. First, I mention the letter that was distributed this evening that was from the landowner. Mr. Thompson's family has lived in Fairfax County for 425 years and has lived on this – his family has lived on this particular land for only 56 years. Mr. Thompson points out this parcel was treeless farmland in the early 70s – make that the early 1970s. Earlier this week, the Braddock Land Use Committee Chair transmitted to this Commission a detailed chronology of its review of this application. The analysis delineates the many community concerns that have been expressed over the last year and highlights many changes, including smaller and fewer houses that the applicant has submitted to the original plans in response to community input. The first major recurring concern of the neighbors is density. The design yields 2.5 houses per acre, midway in the Comp Plan recommended range of two to three and compatible with the adjoining neighborhoods. In view of existing stormwater issues, the unusual parcel shape, and to create useful open space, the proposed PDH-3 zoning is appropriate for this site. A related concern is preservation of trees and open space. One of the features of and reasons for this P-District is the creation of common open space, including tree save areas and the resultant smaller individual lots. The 30-percent ten-year tree canopy in the proposal exceeds the requirement of 25 percent. The target of preserving existing trees, as required by Ordinance standards, is exceeded by 1,000 square feet. The 40-percent open space is double the amount required in a P-District. When the commonly-owned open space areas are added to the private yard spaces, then the lot coverage and the effective setbacks around houses would be similar or greater than neighboring properties, and thus the proposal is compatible with the surrounding neighborhood. As with all new developments, traffic is a concern. The traffic impact analysis indicates no significant cut-through traffic problem at this specific location. The applicant has proffered to request VDOT to examine during the subdivision phase the perceived need to extend the green light time on Adare Drive to clear traffic queues. Cycle and pedestrian crossing of Adare would be made safer by the new "Stop Here on Red" sign on Adare that will also alert cars not to block the service road. Regarding the existing trail along Ox Road and located on the public right of way, it will remain eight feet wide and will continue to be maintained by the County until the road is widened, at which time the state would widen and assume responsibility for trail maintenance, as well as address any new stormwater and noise concerns – occasioned by widening Ox Road. While the private roads will need to be maintained by the HOA, they consume less space. It is noted that the developer will initiate funding for this HOA to begin building a reserve for this future expense. The specific concern of one resident pertains to the use of the existing sewer easement on her land, between Lots 259 and 260. The Public Facilities Manual states, "Generally,

proposed sanitary sewers shall not be located closer than 15 feet from existing or proposed buildings.” However, as shown in the sketch in the attachment at the end of the staff Addendum, the existing easement begins less than 4 feet from the corner of the house on Lot 260. And because the easement is only 10 feet wide, the word “generally” applies and the sewer line must be placed closer than 15 feet from the corner of this house. The applicant will be required to place the new sewer line so that the exterior will be at least six feet from the exterior of an existing stormwater line. The sketch indicates the 8-inch sewer line is planned to be located about 10 feet from the house on Lot 260 and 6 feet below ground, which is below the 2-foot deep foundation of the closest corner of the house. DPWES' sanitary sewer personnel have indicated the proposed placement of this sewer line is appropriate. An overarching issue on this site, even without development, is that of managing the stormwater that not only falls directly onto the property but also drains from the neighboring yards to the south and from Ox Road to the west. Existing issues include ponding in yards downhill from this parcel, downstream stream erosion, and Woodglen – Woodglen Lake siltation. In these latest revised plans, the applicant would access the existing stormwater easement on Lot 261 only to connect the new lines under the manhole in the northwest corner of their property. As indicated at the bottom of page 2 of the staff Addendum, the underground storage area and rain gardens will detain and treat 2-year and 10-year storms and will retain a proportion of 100-year storms. In a significant storm event, delaying a portion of untreated stormwater flowing overland from offsite will improve the downstream situation. This proportional improvement will prevent exasperating the existing drainage problems downstream. The current 27-inch stormwater line that eventually conveys much of this water off property has been inspected by Maintenance and Stormwater staff using a pole camera. No blockages or other operation or structural issues were found. The lines are functioning adequately and are appropriately sized. Additional flow elsewhere on the property would be controlled by channeling sheet flow through a network of pipes that would carry water to other existing storm drains. Earlier versions of the proposal indicated a small drainage diversion that would require additional overland relief, but that diversion has been eliminated. Therefore, the proposal has been revised to meet overland relief and adequate outfall requirements entirely on-site. The plan continues to exceed the standards required for phosphorous removal by 5 percent. The new Proffer 39 was added at my request and that of the County staff in recognizing the ongoing stormwater concerns of the residents in Lots 261 and 262. To alleviate existing drainage issues, the applicant is offering to assist in the re-grading of land on Lots 261 and 262, if requested to do so by the neighbors in writing. However, the staff Addendum indicates the application fully complies with stormwater regulations and such re-grading is not needed for the applicant to meet any and all requirements. Also at my request, and at the recommendation of DPWES Site Review staff, the applicant has further engineered its stormwater management design to demonstrate that it can fully detain 2- and 10-year storms onsite and create a proportional improvement for 100-year storms that will greatly improve the current situation because it would remove a majority of the stormwater runoff that currently flows overland to the inlet on the southwest corner of Lot 261. The applicant has completed stormwater calculations extensive enough for site plan review, at which time a thorough and rigorous analysis, including review of the rain garden facility, will be conducted by County engineers. Because the applicant has performed these calculations much earlier than usual in the

development process, the community has more months in which to review these computations. I do have a question for the applicant.

Chairman Murphy: Please come forward and identify yourself for the record.

Lori Greenlief, Land Use Planner, McGuireWoods LLP: Good evening. Lori Greenlief with McGuireWoods.

Commissioner Hurley: Thank you. I refer you to Sheets 6 and 7 of the staff Addendum and in these, they are talking about saving the trees directly south of Lot 259, especially trees 46 and 47. On one chart, they're shown as being saved, but on the spreadsheet, they're shown as being removed. Could you clarify this discrepancy?

Ms. Greenlief: Yes, both of those trees will be preserved, and that Sheet 7 will be changed to indicate preservation rather than removal.

Commissioner Hurley: Okay, and any other comments on the tree save near Lot 259?

Ms. Greenlief: There is also another tree, I think Lot 39, that was in question. That is on the subject property. It is shown on Sheet 6 as half-shaded because half of its canopy is on the property, half of its canopy is off of the property, and we can only take credit for that part of the canopy that is on the property.

Commissioner Hurley: Thank you. And I also have a question for staff. And Mr. Krasner, can you show – these questions about traffic and cut-through traffic – can you indicate the possible routes of the cut-through traffic that would arrive from this neighborhood?

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning: During the public hearing, there was a member of the public who lives on Kipp Court, who came to testify about cut-through traffic concerns. Staff reviewed that issue. Kipp Court is located a circuitous one and four tenths of a mile away from the subject site and, while we don't doubt there is existing cut-through traffic in this large subdivision of Middleridge, it was staff's opinion that the impact of this site was not going to create a tangible effect on that gentleman's situation, which perhaps could be pursued through other means other than through this application.

Commissioner Hurley: And could you also clarify why staff considers the rain garden, which is not supposed to be played on by little kids, etcetera – why is that considered usable open space?

Mr. Krasner: Well, stormwater facilities are accounted in the 40 percent open space calculation. And in this particular case, you have the situation where there are walking trails that are provided that also – is also a tot lot. And so that portion of the site is certainly considered usable open space in our opinion, as contrasted with a wooded area that, with no facilities, it would be considered unusable.

Commissioner Hurley: Thank you. And one more question about the driveway length. There was a question from the neighbors about whether 20 feet is sufficient for a driveway.

Mr. Krasner: The County standard is 18 feet to be considered a parking space. This is 20 feet. So in staff's opinion, it's more than adequate.

Commissioner Hurley: So again, they're exceeding the County standards.

Mr. Krasner: Correct.

Commissioner Hurley: Thank you. I have no further questions. Would the rest of the Commission?

Chairman Murphy: Go ahead. I don't think so. Oh you do? I'm sorry. I can't hear. Ms. Hedetniemi.

Commissioner Hedetniemi: I had been critical of the tree preservation plan in this original presentation and I'm now satisfied that they indeed have identified trees that are not healthy enough to be retained and that their offer of planting new growth is a good solution. So I just wanted to clarify that in terms of my original position.

Chairman Murphy: Thank you. Ms. Hurley.

Commissioner Hurley: Thank you. I mentioned at the beginning of my remarks the extensive analysis of this project that has been conducted by the Braddock Land Use Committee. I applaud their efforts and that of the community, who have been extremely involved, and especially the ongoing expert advice of staff, most notably Brent Krasner, Kris Abrahamson and, from Supervisor John Cook's office, Rosemary Ryan. That being said, no further deferral by the Commission is appropriate and therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2012-BR-020, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED 13 NOVEMBER, 2013, CONTAINED IN THE STAFF REPORT ADDENDUM.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. 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-BR-020, say aye.

Commissioners: Aye.

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

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-BR-020, CONTINGENT ON BOARD APPROVAL OF RZ 2012-BR-020.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2012-BR-020, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE space – of the SERVICE DRIVE REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE TRAIL REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE EIGHT-FOOT WIDE ASPHALT TRAIL SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE ON-ROAD BIKE TRAIL REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE ASPHALT PATH SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE PARALLEL CRUSHED STONE PATH ALONG ROUTE 123 IN FAVOR OF THE ASPHALT TRAIL SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE SIGHT DISTANCE REQUIREMENT FOR CORNER LOTS TO ALLOW THE ENTRY FEATURE AND SOUND WALL TO BE LOCATED AS SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Thank you, Mr. Chairman.

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(Each motion carried by a vote of 11-0. Commissioner Hall was absent from the meeting.)

JLC