

Planning Commission Meeting
November 21, 2013
Verbatim Excerpt

SE 2013-HM-012 – BLUE OCEAN DEVELOPMENT, INC.

Decision Only During Commission Matters
(Public Hearing held on November 14, 2013)

Commissioner de la Fe: Thank you, Mr. Chairman. The public hearing on this case was held last week and it really was not a controversial case; however, there – I deferred decision only because the Hunter Mill Land Use Committee had not had a chance to make its final recommendation to us. And they met earlier this week and they did unanimously recommend approval for this. I might add that, although, it really was not raised by anyone except me in the – in my comments – the applicant had an issue with one of the Development Conditions requiring an easement for tree preservation. And during the deferral period, staff and the applicant hadve worked to attempt to resolve the issue to everyone’s satisfaction. Unfortunately, that has not happened. You received by email and then by hardcopy tonight a change to the easement provision on Development Condition 8J. And I had characterized the easement as perhaps part of Fairfax County’s desire to have “belts and suspenders” because there were an awful lot of tree preservation things for a one-lot case. However, I will, at this time, side with staff because I believe, ultimately, the applicant would rather not have an easement placed at all. And I – staff actually believes that – and I agree – that having the easement does make it more enforceable than otherwise. But if the applicants and staff want to continue to work during the period between our recommendation and the Board of Supervisors’ date, which has not been scheduled yet, then they can do so and I would not object to that to see if they can come up with a solution to this case. This is a small case and I commend the applicant for doing an awful lot to meet everything that was requested, and perhaps even more than is usually requested. So with that, Mr. Chairman, as I said, the Land Use Committee did recommend unanimously approval of this case and I MOVE THAT THE PLANNING COMMISSIONER RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-HM-012, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 21ST, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-HM-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Litzenberger: Mr. Chairman? Mr. Chairman?

Chairman Murphy: Motion carries.

Commissioner Litzenberger: Not present for the public hearing.

Chairman Murphy: Okay, Mr. Litzenberger is –

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Lawrence: Not present for the public hearing.

Chairman Murphy: Mr. Litzenberger and Mr. Lawrence abstain. They were not –

Commissioner de la Fe: Mr. Donahue wasn't here.

Commissioner Donahue: Also Mr. Chairman.

Chairman Murphy: And Mr. Donahue. Is anybody –

Commissioner de la Fe: There were a lot of people – there were a lot of people that were not here.

Chairman Murphy: A really popular application, I might add. Mr. Donahue, Mr. Litzenberger, and Mr. Lawrence are not – okay, here we go.

Commissioner de la Fe: Okay. And second motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 17-201 OF THE ZONING ORDINANCE AND SECTION 8-0201 OF THE Facilities – PUBLIC FACILITIES MANUAL REQUIRING A TRAIL ALONG LEESBURG PIKE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

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(Each motion carried by a vote of 8-0-3. Commissioners Donahue, Lawrence, and Litzenberger abstained. Commissioner Hall was absent from the meeting.)

JLC