

Planning Commission Meeting  
January 23, 2014  
Verbatim Excerpt

RZ 2013-SP-005 – MHI-SPRING LAKE, LLC

Decision Only During Commission Matters  
(Public Hearing held on October 9, 2013)

Commissioner Murphy: I also have a decision only this evening and it's a little more complicated and probably a little more lengthy than Mr. de la Fe's. This is a decision only on RZ 2013-SP-005. And before I begin my rationale for the motion, I want to take this opportunity, first of all, to thank members of the staff who participated in this process – in particular, the staff coordinator, Joe Gorney, from the Department of Planning and Zoning, who – and I said to him earlier – weathered this ship through some choppy waters. And I just want to compliment him on his – really his dedication, his tenacity, and the way he responded to the citizens' concerns at our community meetings – his professionalism and his responsiveness. I want to thank you, Joe. You did a wonderful job. We did get some comments at a couple of our community meetings. The people were not sure as to how the staff operates in relationship to the rezoning and do they in fact receive a rigorous evaluation? Well, let me tell you there are about 28 staff members from various agencies in Fairfax County, including Mr. Gorney, who participated in this process by either analyzing and putting input in for the Appendices, contributing to the final recommendation that the staff is recommending to the Planning Commission, and also on some various issues that came up during the community meetings. In particular – I'm not going to read all their names – but in particular, I want to thank Michelle Guthrie from the Department of Transportation and Michael Davis from the same agency, Durga Kharel from the Department of Environmental Services – who worked on the issues regarding stormwater management – Judy Cronauer – I'm sure we remember Judy – she is also of the Department of Public Works. Judy came to our first community meeting and it was on the eve of her retirement. Now that's a dedicated staff member, right? I don't think I would have done that, but I want to thank Judy for doing that – and Hugh Whitehead from the Department of Public Works and Environmental Services. We had a lot of citizen participation in this application. And we had two community meetings and we had several meetings with smaller groups and the citizens. And I asked Rich Miserendino, a member of the Spring Lake Community, to chair or be the point of contact for the civilian input and he arranged to have two or three meetings with smaller groups with me and the Supervisors office to look into the issues that were bothering the citizens. And last and by no means least, I want to thank Marlae Schnare from Supervisor Pat Herry's office. She is in charge of his land use part of his Supervisorship. And I can't tell you – if there's a job description for what Marlae does, you can't put it into words because she is there for everything, especially for the time she spends talking with the citizens on the phone, scheduling meetings, and contributing to the overall effectiveness of the application. And I want to take this opportunity to thank Marlae. I also want to remind everyone that all letters, either email or snail mail if you will, that we received either directly here at the Planning Commission or addressed to me and went to Supervisor Herry's office have been entered into the record. It is a very – it was a very controversial application. I think most of the issues have been resolved, but I'm not sure all of them have. But I've always said when you have a – when you have an application that is controversial, you got to go back to the basics and look at, first, the citizen's input and the – and

then the Comprehensive Plan, the Zoning Ordinance, and the Residential Development Criteria. Let me just give you a little background. RZ 2013-SP-005 – it also has an SPA 76-S-200-02 – are associated applications filed by MHI-Spring Lake, LLC, and trustees of Calvary Christian Church to permit the deletion of 5.28 acres from Parcel 8 from the existing 9.67 acre church site with – that’s on Parcel 8, I’m sorry – which leaves 4.39 acres. The staff report was published on September 25<sup>th</sup> and recommended approval of the rezoning based on a development plan for 13 single-family detached houses on Parcel 8 at a density of 2.46 dwelling units per acre. Additionally, the staff report recommended approval of the Special Permit Amendment based on the deletion of Parcel 8 from the Special Permit area and the enlargement of a stormwater management facility on Parcel 10 to serve both parcels. So now originally accepted before it went to public hearing, it was – it was put in for 15 dwelling units per acre. After the first community meeting, it went down to 13 single family detached units at a density, as I mentioned before, of 2.46 dwelling units per acre. The applicant has since revised the proposal to address the concerns of the citizens. And now on Parcel 8, the applicant now proposes 12 single-family detached houses at a density of 2.27 dwelling units per acre. The applicant now proposes no changes to Parcel 10. Okay, the applicant now requests approval of rezoning of one parcel of approximately 5.28 acres from the R-1 District to the R-3 District to permit the development of 12 single-family houses at a density, as I said before, of 2.7 – 2.27. The smallest of the 12 proposed lots would be 10,500 square feet, with an average lot size of 14,144 square feet. Two of the lots would access Spring Lake Drive through a shared driveway. The remaining 10 lots would access a proposed public cul-de-sac, which would connect Spring Lake Drive. Now the elimination of the lots with a density of 2.27 dwelling units per acre, is in conformance with the Comprehensive Plan and the Comprehensive Plan range. And these changes were made from 15 to 13 now to 12 because of the comments from the citizens and in response to the community. Before we go on – rather than going into all these in detail, let me hit what we hit what we call a couple bullet points that deal with the issues. Number one, the proposed density is squarely within the Comprehensive Plan recommendation of residential at two to three dwelling units per acre. Currently, this application, again, proposes 2.27 dwelling units per acre. The applicant has modified layout several times in response to community concerns. The original staff report was based on an iteration of the plan depicting 13 single-family units at a density of 2.45 per acre. Responding to community input, the applicant revised the plan and now proposes a total of 12 units, changing – a change at the community’s request – reduce the lot size to approximately 10,000 square feet on average, and brought all stormwater management facilities on-site. Currently proposed density, again, is 2.27 per acre. The R-3 zoning and the 2.27 dwelling units per acre density is compatible. Westwood Manor to the north is zoned R-3 and proffered for a maximum density of 2.3 units. Four Oaks Estate to the east is zoned to the R-3 and proffered at 2.5 dwelling units per acre. Honey Tree to the west is zoned to the R-3 with an overall density of 1.5 dwelling units per acre. Lot sizes range from approximately 11,000 square feet, comparable to the lot sizes currently proposed for this development, to 87,120 feet – 20 square-foot – square feet. The larger lots are an anomaly and appear to have been designed to provide a transition to the R-1 areas west of Honey Tree. Spring Lake Woods to the east is zoned R-2 and proffered at 1.86 dwelling units per acre. There is only a relatively small area of the remaining R-1 in the immediate area abutted the application property. Existence of R-3 zoning and comparable densities in the immediate area, coupled with the Plan recommendation for two to three dwelling

units per acre make currently proposed R-3 zoning and the 2.27 dwelling units per acre quite reasonable. The revised plan proposes access for two lots onto Spring Lake Drive through a shared driveway. Ten lots access Spring Lake Drive via a single cul-de-sac. Changes made in response to neighborhood concerns about the number of driveways intersecting Spring Lake Drive in their location, relative to a hill on the road, and that issue was resolved. At the community's request, revised – the revised plan eliminates any stormwater management facility on the church property, which is Parcel 10 which would have improved, unfortunately, water quality in the community. Now underground gravel detention facilities, rain gardens, and conservation easements serve the stormwater management needs on-site. So this community concern is resolved. Now parking – and this ties in with one of the issues about a sidewalk. The community requested parking on one side of Spring Lake Drive. Traffic studies reflect feasibility of parking and a sidewalk along the west side of Spring Lake Drive. Have you got that – can we show that chart please? You will notice that the dotted line in orange, I guess, is the proposed sidewalk. The neighbors have been calling that the sidewalk to nowhere. I think that's slightly exaggerated because if you look at the dotted line – if you could just run your pencil along the lines above Westwood Manor Court and on the other side – there are – there are sidewalks through this community. And initially, if memory serves, when we had our first community meeting, a lot of the citizens were supporting the sidewalk that's proposed at the proposed subject property. But things change. And I'm not going to deal with that and resolve it this evening. Unfortunately, we can't do it. But I'm going to make two motions tonight. And my second motion will deal with this proposed sidewalk and the action that I'm proposing to occur. So in general, the revised plan is fully consistent with the Comprehensive Plan and the Zoning Ordinance and requested zoning. And density is compatible with the community. So therefore, Mr. Chairman, I AM GOING TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2013-SP-005, SUBJECT TO THE PROPOSED PROFFERS DATED JANUARY 15<sup>TH</sup>, 2014.

Commissioners Hall and Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Ms. Hall and Mr. Litzenberger. Is there any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed?

Commissioner Ulfelder: I will abstain because I was not present for the hearing.

Vice Chairman de la Fe: Right, Mr. Ulfelder abstains because he was not here at that time.

Commissioner Lawrence: Mr. Chairman, same for me.

Vice Chairman de la Fe: And you were not – you were not at the public hearing.

Commissioner Lawrence: Not present at the public hearing.

Vice Chairman de la Fe: So with those two abstentions, the motion carries.

Commissioner Murphy: Thank you very much. One of the things I would like to mention before I go into the motion on the sidewalk. There were some comments about what happens after we have these citizen meetings. And I am going to enter into the record a couple sheets of paper that delineate 39 revision – were made by the applicant following the meetings we had, both the community meetings and the separate meetings with a smaller group. It's my job – when we finish these hearings – with the community – community meetings and smaller meetings, which were chaired Mr. Miserendino – on each occasion, I either telephonically or personally dealt with the applicant on the suggestions the citizens made. And from the outset when they came in with 15 dwelling units per acre right through the last iteration, which is down to 12 dwelling units per acre, 39 revisions were made to the plan and to the proffers to address the citizens' concerns. So I think that's a land use process in action. Now let me get to my second motion. The applicant has committed to install curb gutter and a 5-foot sidewalk with an existing right-of-way along the property's Spring Lake Drive frontage and extend this to Westwood Manor Court. This is subject, of course, to VDOT approval. Although the road width will be increased to 26 feet, VDOT will require parking restrictions on one side of Spring Lake Drive. The existing homeowners currently utilize their shoulder of the road for parking and would prefer that this privilege continue. Decisions about which side of the road will be restricted and location of any parking signs is usually made during site plan review processes. However, in this case I would like to move also that, Mr. Chairman, I MOVE THAT THE STAFF WORK WITH SUPERVISOR HERRITY, VDOT, OUR OWN DEPARTMENT OF TRANSPORTATION AND FIND A RESOLUTION FOR THE HOMEOWNERS ALONG SPRING LAKE DRIVE WITH REGARD TO THE ISSUES SO THEY CAN CONTINUE TO ENJOY THE PARKING AMENITIES THAT EXIST TODAY.

Vice Chairman de la Fe: Is there a second?

Commissioner Litzenberger: Second.

Commissioner Hall: Oh, sorry – second.

Vice Chairman de la Fe: Seconded by Mr. Litzenberger. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Same abstentions as in the previous motion.

Commissioner Murphy: Thank you very much. And again, thank you, Mr. Gorney. I appreciate all your hard work.

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(Each motion carried by a vote of 10-0. Commissioners Lawrence and Ulfelder abstained.)

JLC