

Planning Commission Meeting
February 5, 2014
Verbatim Excerpt

RZ/FDP 2013-SU-010 – CHRISTOPHER LAND, LLC

Decision Only During Commission Matters
(Public Hearing held on January 8, 2014)

Commissioner Litzenberger: Thank you, Mr. Chairman. I deferred an application on seven homes in the Sully District and I'd like to have Mr. Gorney give us an update on how things are coming with that.

Joseph Gorney, Staff coordinator, Zoning Evaluation Division, Department of Planning and Zoning: Thank you, Mr. Litzenberger. Yes, we did have a few changes to the plan and – done one slide to try to illustrate that to everybody. Originally at the time of the public hearing, there were some concerns from the neighboring homeowners about cut-through pedestrians and bicycles going through their backyards and one of the off-site trail options that we were considering. And in response to that comment, the applicant has taken those options – in this case the trail and the ingress/egress easement was on the east side of the development of the proposed project – and he put those to the southwest. So right now we have changed the plans and the proffers such that those options, if they were to come to fruition, would be on the southwest side. Additionally, the applicant has also put in the proffers a commitment to re-grading that ingress/egress easement, which is off-site, and replanting it so that, one, it would help the stormwater that people currently have in their neighborhoods, even without this development. And two, it would help dissuade people from going through there as a cut-through. The intent of these efforts are ultimately to get people from this portion of the neighborhood, and even points beyond, to the Rocky Run Stream Valley Park, which would then ultimately get people to either the elementary school that's on the opposite side or to EC Lawrence Park. So that is the reason for the updates to the proffers and we've had a few other minor editorial changes as well.

Commissioner Litzenberger: Thank you, Mr. Gorney. Mr. Regan, as the applicant, could you please confirm that you'll given your best effort to make sure the trail system goes in the subdivision so the residents can get from the subdivision to Ellanor C. Lawrence Park via the Rocky Run Stream Trail System.

John Regan Jr., Applicant, Contract Purchaser: Yes, I can confirm that.

Chairman Murphy: Could you identify yourself for the record just before –

Mr. Regan: John Regan for the Christopher companies.

Chairman Murphy: Thank you.

Mr. Regan: Yes, I can confirm that we met with the adjacent homeowners, Preserve at Wynmar, and we are currently working with them to try to get an easement or access to that land to make that connection.

Commissioner Litzenberger: Okay, thank. Thank you. One last question, Mr. Gorney. It has become a moot point, but there was a legal question that a number of Commissioners were interested in. And the question was if an easement for a road and sidewalk is abandoned – if the roadway's abandoned – does the easement for the sidewalk remain.

Mr. Gorney: Yes, I put that question to the County Attorney's office and essentially, unless – first of all, one point they made is that the language for an easement is usually very specific. And in our case, it talked about public street purposes. Absent a public street, they thought that it would not actually be appropriate, in our case, to put a trail – even if it's a five-foot trail or a six-foot asphalt trail. And even though we as the County would look to see a multi-modal pedestrian bicycle vehicular sort of corridor, they said that the easement language are generally very specific such that the public street, as it would be interpreted I that easement, would not allow it to be a sidewalk only or a trail only.

Commissioner Litzenberger: Okay, thank you, Mr. Gorney. With that, Mr. Chairman, I think I'm ready to move forward. Now I know a lot of the Commissioners don't like – I'm one of them – if the proffers show up the day of the hearing. So when I make the motion, if you want to defer it to tomorrow night to give you time to read it, I would entertain an amendment as such. But I'm going to go ahead and try to move it for this evening.

Chairman Murphy: Everybody happy? Go ahead.

Commissioner Litzenberger: Okay, I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2013-SU-010, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 5TH, 2014.

Commissioners de la Fe and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. de la Fe. 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 2013-SU-010, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Mr. Chairman? I would abstain since I was not here at the time of the public hearing.

Chairman Murphy: Okay, Mr. Ulfelder abstains, not present for the public hearing.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION APPROVE FDP 2013-SU-010, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 5TH, 2014.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstention.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF A DEVIATION TO THE TREE PRESERVATION TARGET IN FAVOR OF THE MEASURES SHOWN ON THE PROPOSED PLAN AS PROFFERED.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstention.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE ZONING ORDINANCE TO ALLOW A PRIVATE STREET TO EXCEED 600 FEET, AS SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstention.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL TO ALLOW CONSTRUCTION OF A CUL-DE-SAC WITH A RADIUS OF 30 FEET, AS SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: One more. To move – I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL TO ALLOW A CONSTRUCTION OF SIDEWALKS ON ONE SIDE OF THE NORTH-SOUTH SECTION OF THE PRIVATE STREET AND THE EXTENSION OF WALNEY PARK DRIVE, AS SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Chairman. I want to thank the staff and Mr. Regan, Mr. Gorney, and the Supervisor's staff for their hard work on this. Thank you.

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(Each motion carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.)

JLC