

4:00 p.m. Item - RZ-2000-SU-009 - MSW, INC.
Sully District

On Wednesday, July 12, 2000, the Planning Commission voted to forward the following recommendations to the Board of Supervisors:

- Approval of RZ-2000-SU-009, subject to execution of proffers consistent with those dated June 27, 2000 and revised by the addition of two new proffers to address fence maintenance and provision of \$500 per unit for recreation purposes (Commissioners Alcorn and Smyth abstaining; Commissioner Wilson absent from the meeting);
- Waiver of the minimum district size and waiver of the requirement for service drive construction along Route 29 in lieu of escrowing funds equal to the construction cost (Commissioners Alcorn and Smyth abstaining; Commissioner Wilson absent from the meeting);
- Waiver of the barrier requirement along the west and south boundary lines (Commissioners Alcorn, Harsel and Smyth abstaining; Commissioner Wilson absent from the meeting).

Planning Commission Meeting
July 12, 2000
Verbatim Excerpts

RZ-2000-SU-009 - MSW, INC.

After Close of Public Hearing

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

Commissioner Koch: Thank you, Mr. Chairman. This request is to rezone 2.69 acres from the R-1 District to the PDH District, in order to develop 16 single family attached units at a density of 5.95 dwelling units per acre. Forty-three percent of the site will remain in open space. A forty foot buffer is being provided on the north, adjacent to lot 42. The site is the location of the All States Motel, which was built in 1949, and has fallen into disrepair over the years. I have received 12 letters in support of the application and I would like to thank the citizens who came out tonight to express their concerns. Oftentimes I would defer decision so I could address those concerns. However, looking at those concerns, I find that there's not a whole lot that can be done. Again, I think Ms. Hall addressed the buffer issue and the applicant's representative, Mr. Sampson, did. A 25 foot buffer is required by the Ordinance. The applicant is proposing 40 feet. The citizens would like 50. I would also like to note that Mr. Hogan, who is the landowner of lot 12, adjacent to this property, supports the application and, of course, even though he doesn't live there, his property is most affected by what goes on here. Also the fence. I thank Ms. Hall for her suggestion and I can't see why the applicant wouldn't put another proffer in prior to the Board. They've already agreed to an additional proffer of 500 dollars per unit. They've met all the requirements. This is over and above. I, like Ms. Hall, do appreciate it, and Mr. Byers. It's nice to work with applicants who are willing to go that extra mile. We'll look for two new proffers prior to the Board; one for the maintenance of the fence and the second one, for the 500 dollars per unit for the recreation.

Chairman Murphy: Before we go into a motion, I think we'd better get the applicant up to address the proffer and to make sure the applicant agrees to both of those proffers on the record.

Commissioner Koch: Okay.

Timothy Sampson, Esquire: Yes, we will agree to that.

Chairman Murphy: Thank you very much. Mr. Koch, I'm sorry.

Commissioner Koch: That's okay. That's a good point. I was just going to take them at their word.

Chairman Murphy: Not after 10:00 o'clock.

Commissioner Koch: Another concern is the like units. And again, yes, there are people living in single family detached on half-acre and three-fourths of an acre lots. And this is townhouses. However, immediately to the west is a townhouse community and to the east there is a daycare center that is going to be built, and townhouses. In the future there will probably be townhouses to the north. Who knows? But the egress and ingress problem -- I wish there was another solution. I really do. But VDOT and our transportation people have made it very clear there will not be access -- and for good reasons -- there will not be access from Lee Highway. I believe that the 16 units will have a minimal impact. I think in everybody's neighborhood traffic puts children riding their bikes or playing in the street at danger. I don't know how you avoid that. We have to give these people access to their property. And VDOT will not let it be, and it would be endangering people that live in this new community. If we make them come out onto Lee Highway, I think it would be an even more dangerous situation. So there's no real reason, or no real benefit for me to defer, so I'm going to go ahead and make my decision tonight. Even though this is an R-8 request, it should be noted that the actual density will be 5.95, and of course, that is because there is not an R-6 category. So they had to come in at R-8, but they are proffering down to under six. The applicant has provided a design that conforms with the Comprehensive Plan recommendations for residential density in the vicinity and is in conformance with the applicable Zoning Ordinance provisions. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-SU-009, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 27, 2000, AS AMENDED VERBALLY BY THE APPLICANT.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of the motion?

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: I would just point out that this is a close call. There's guidance in the Comprehensive Plan with a plethora of options presented in the Plan. The one that's being exercised here says that if substantial buffering and screening is provided adjacent to any single family detached properties, as has been noted, 25 feet is required by the Ordinance. The applicant is proposing 40. Some of the speakers wanted 50. It's a close call. I would hope that something like that could be worked out, but given the uncertainty, I'm going to abstain on that motion.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-2000-SU-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn and Smyth: Abstain.

Chairman Murphy: Motion carries. Mr. Alcorn abstains. Ms. Smyth abstains. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE.

Commissioner Byers: Second.

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

Commissioners: Aye.

Commissioners Alcorn and Smyth: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Smyth and Mr. Alcorn abstain. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE REQUIREMENT OF CONSTRUCTION OF A SERVICE DRIVE ALONG 29 IN FAVOR OF AN ESCROW IN FUNDS EQUAL TO THE COST OF CONSTRUCTION.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn and Smyth: Abstain.

Chairman Murphy: Motion carries. Same abstentions. Mr. Koch.

Commissioner Koch: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE WEST AND SOUTH BOUNDARY LINES.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn, Harsel and Smyth: Abstain.

Chairman Murphy: Same abstentions with the addition of Ms. Harsel. Motion carries. Is there any other -- thank you very much.

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(The first, second and third motions carried by a vote of 9-0-2 with Commissioners Alcorn and Smyth abstaining; Commissioner Wilson absent from the meeting.)

(The fourth motion carried by a vote of 8-0-3 with Commissioners Alcorn, Harsel and Smyth abstaining; Commissioner Wilson absent from the meeting.)

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