

9/27/93

4:00 p.m. Item - SE-93-L-014 - BURGUNDY FARM COUNTRY DAY SCHOOL, INC.
Lee District

On Wednesday, September 22, 1993, the Planning Commission voted unanimously (Commissioners Byers and Strickland not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Supervisors approval of SE-93-L-014, subject to the development conditions dated September 14, 1993, with the following changes:

- in Condition #3, in the last line, the date of the special exception plat revision shall be September 13, 1993;
- in Condition #5, the hours of operation shall be 7:30 a.m. until 6:00 p.m.;
- Condition #9 would read: "The right-of-way depicted on special exception plat Note 15 shall be dedicated to the Board of Supervisors in fee simple within 60 days upon demand by DEM or VDOT at such time as the extension and improvement of Burgundy Road is necessary to allow public street access to Parcel 4A. All ancillary easements along the extended Burgundy Road frontage of the site shall be conveyed to the Board of Supervisors at the time of the dedication."

The Commission also voted unanimously (Commissioners Byers and Strickland not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Supervisors that it modify the transitional screening and barrier along the entire periphery of the site to that shown on the SE/SP plat and as further specified in the proposed development conditions.

The Commission further voted unanimously (Commissioners Byers and Strickland not present for the vote; Commissioner Thomas absent from the meeting) to recommend to the Board of Zoning Appeals that it approve SP-93-L-015, subject to the conditions in Appendix 1A of the staff report, with the following changes:

- revise the fifth bullet under Condition #11 to read: "The three existing asphalt speed bumps on the entrance drive from Burgundy Drive shall remain. If, after one year, the speed bumps prove not to be effective in controlling dust, the applicant shall provide pavement to a point 25 feet into the entrance drive from Burgundy Road."
- add a new sixth bullet under Condition #11 to read: "The applicant shall provide pavement to a point 140 feet into the entrance drive from Elmwood Drive to inhibit the transfer of gravel off the site."

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Verbatim Excerpts

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After Close of the Public Hearing

Chairman Murphy: I'll close the public hearing and recognize Mr. Sell.

Commissioner Sell: Thank you, Mr. Chairman. As I said, the Burgundy Farm Country Day School has been an excellent neighbor in this community for a long time. It's still a country farm -- a farm country day school that's turned into an oasis, if you will, rather than a country. It used to be in the country, but now it's an oasis within a developed area, although it be low density residential. There were some concerns by neighbors along Norton Road, about dust, and some traffic on the road into the school. The applicant has met with the folks and I think we've got it all worked out. The Lee District Land Use Advisory Committee has recommended approval with the changes that the applicant agreed to before we closed the public hearing. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SPECIAL EXCEPTION 93-L-014, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 14, 1993, WITH THE FOLLOWING CHANGES:

IN #3, IN THE LAST LINE, THE DATE OF THE SPECIAL EXCEPTION PLAT REVISION SHALL BE SEPTEMBER 13, 1993;

IN #5, THE HOURS OF OPERATION SHALL BE 7:30 A.M. UNTIL 6:00 P.M., changing 8:30 to 7:30;

AND IN #9, IT WOULD BE: "THE RIGHT-OF-WAY DEPICTED ON SPECIAL EXCEPTION PLAT NOTE 15 SHALL BE DEDICATED TO THE BOARD OF SUPERVISORS IN FEE SIMPLE WITHIN 60 DAYS UPON DEMAND BY DEM OR VDOT AT SUCH TIME AS THE EXTENSION AND IMPROVEMENT OF BURGUNDY ROAD IS NECESSARY TO ALLOW PUBLIC STREET ACCESS TO PARCEL 4A. ALL ANCILLARY EASEMENTS ALONG THE EXTENDED BURGUNDY ROAD FRONTAGE OF THE SITE SHALL BE CONVEYED TO THE BOARD OF SUPERVISORS AT THE TIME OF THE DEDICATION."

Commissioner Hartwell: Second, Mr. Chairman.

Chairman Murphy: Seconded by Mr. Hartwell. Is there discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE-93-L-014, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Did you want to vote against it, Mr. Moore?

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Mr. James Moore: No, sir. Mr. Chairman, I needed to point out one typographical error.

Commissioner Sell: We got that.

Mr. Moore: Item #4. That needs to be addressed.

Commissioner Sell: We got that. Take out the "not"?

Mr. Moore: Yes, sir.

Commissioner Sell: It's gone in these -- in this September 14th, thanks to Ms. Murray.

Mr. Moore: Thank you, sir.

Chairman Murphy: All right?

Commissioner Hartwell: Mr. Chairman?

Chairman Murphy: Mr. Hartwell.

Commissioner Hartwell: I just wanted to thank Ms. Cook for coming out to testify. We're sorry we didn't give you that opportunity, but I assume you're eager to get on the road and get back home as well. And I want to echo Mr. Sell's comments. I've walked over there, met with the citizens, attended the Lee District Land Use Committee meeting, and any questions that were raised about this project have been alleviated. And every neighbor around that school really recognizes that it is a local treasure.

Commissioner Sell: Absolutely.

Commissioner Hartwell: Thank you, Mr. Chairman.

Chairman Murphy: All right.

Commissioner Sell: There are several other motions that are required in this application. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT IT MODIFY THE TRANSITIONAL SCREENING AND BARRIER ALONG THE ENTIRE PERIPHERY OF THE SITE TO THAT SHOWN ON THE SE/SP PLAT AND AS FURTHER SPECIFIED IN THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioner Hartwell: Second.

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

Commissioners: Aye.

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Chairman Murphy: Opposed? Motion carries. Mr. Sell.

Commissioner Sell: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF ZONING APPEALS THAT IT APPROVE THE SPECIAL PERMIT, SUBJECT TO THE CONDITIONS IN APPENDIX 1B (sic) OF THE STAFF REPORT, WITH ONE MODIFICATION -- and I had it here a minute ago.

Mr. Moore: I believe that's Appendix 1A, Item #11.

Commissioner Sell: Okay. 1A. There would be a -- it has to do with a waiver of the dustless surface and under #11, there are five bullets there. I wish to make it six.

AND THE NEW #5 WOULD READ: "THE THREE EXISTING ASPHALT SPEED BUMPS ON THE ENTRANCE DRIVE FROM BURGUNDY DRIVE SHALL REMAIN. IF, AFTER ONE YEAR, THE SPEED BUMPS PROVE NOT TO BE EFFECTIVE IN CONTROLLING DUST, THE APPLICANT SHALL PROVIDE PAVEMENT TO A POINT 25 FEET INTO THE ENTRANCE DRIVE FROM BURGUNDY ROAD."

AND A NEW BULLET #6 THAT WOULD READ: "THE APPLICANT SHALL PROVIDE PAVEMENT TO A POINT 140 FEET INTO THE ENTRANCE DRIVE FROM ELMWOOD DRIVE TO INHIBIT THE TRANSFER OF GRAVEL OFF THE SITE."

These are conditions that were worked out with the neighbors.

Commissioner Hartwell: Second.

Chairman Murphy: Seconded by Mr. Hartwell. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Zoning Appeals that it approve SP-93-L-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Sell.

Commissioner Sell: I think that's it.

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(All motions carried unanimously with Commissioners Byers and Strickland not present for the vote; Commissioner Thomas absent from the meeting.)

GLW