

Board Agenda Item
November 18, 2002

5:00 p.m. Item – RZ-2001-SU-055 – Jagdish Berry
Sully District

On Thursday, October 17, 2002, the Planning Commission voted 6-0-2 (Commissioners Alcorn, Byers, Harsel and Kelso absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ-2002-SU-055, subject to execution of proffers consistent with those dated October 15, 2002 (*Commissioner Smyth abstained from the vote*);
- Waiver of the service drive requirement along Centreville Road (*Commissioner Smyth abstained from the vote*);
- Approval of the request to allow a ten-foot high fence along Centreville Road, per paragraph 3F of Section 10-104 of the Zoning Ordinance (*Commissioners Hall and Smyth abstained from the vote*).

Planning Commission Meeting
October 17, 2002
Verbatim Excerpt

RZ-2001-SU-055 - JAGDISH BERRY

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed. Recognize Ms. Hall.

Commissioner Koch: Thank you, Mr. Chairman. First of all I want to thank the people from the adjoining community for coming out tonight and for the last speaker. The speaker and Mr. Fox are correct. This is a typical infill parcel. I had some concern when it was not included in the Compton Village rezoning. I was a little bit worried about how it was going to develop, but I think it couldn't have developed in any better way than it is here. Like the last speaker said, this makes sense and it fits well with the existing community. With the understanding that Mr. Fox will add a disclosure to the homeowners about the maintenance of the fence, I am going to recommend approval. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-SU-055 (sic), SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE REVISED OCTOBER 15, 2002.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms Hall. I believe it's 2001. Is that correct? Okay.

Commissioner Koch: No, wait a minute --

Chairman Murphy: The case is 2001.

Commissioner Koch: Oh, I thought you meant -- okay.

Chairman Murphy: All right. Is there a discussion of the motion? A comment on the disclosure -- when you said it would be the standard disclosure proffer, I'm not quite sure what a standard disclosure proffer is and that sort of scares me a little bit. I think the proffer should be pretty specific that -- you know -- you are going to be responsible to maintain this fence-- to the homeowner that goes into the sales trailer -- or model home, however you are going to market this. I've seen some standard disclosures -- proffers -- that don't mean a damn when the person goes into the sales truck.

Stephen Fox, Esquire: When I said standard, I meant that it would be contained in sales literature and also would be contained in the covenants that went to record with the subdivision.

Chairman Murphy: Okay. I understand. Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-2001-SU-055, say aye.

Commissioners: Aye

Commissioner Smyth: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Smyth abstains. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG CENTREVILLE ROAD.

Commissioner Hall: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Smyth: Abstain.

Chairman Murphy: Motion carries. Same abstention.

Commissioner Koch: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A VARIANCE TO ALLOW A TEN FOOT HIGH FENCE ALONG CENTREVILLE ROAD, ROUTE 28, PER PARAGRAPH 3F OF SECTION 10-104.

Commissioner de la Fe: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Hall and Smyth: Abstain.

Chairman Murphy: Motion carries. Same abstention. And Ms. Hall abstains on the last one. Ms. Smyth and Ms. Hall on the last motion. Thank you very much.

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(The first and second motions carried by a vote of 7-01 with Commissioner Smyth abstaining; Commissioners Alcorn, Byers, Harsel and Kelso absent from the meeting.)

