

2:30 P.M. Item - RZ-80-P-102 - GERALD WALDMAN
Providence District

On Thursday, May 28, 1981 the Planning Commission voted unanimously to recommend to the Board of Supervisors that RZ-80-P-102 be approved for the R-12 District subject to the proffers as amended by the applicant on 5-28-81.

The Commission further voted unanimously to recommend to the Board of Supervisors that a waiver of the minimum district size be granted for the reasons specified in the Staff Report.

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Planning Commission Meeting
May 28, 1981
Verbatim Excerpts

RZ-80-P-102 - GERALD WALDMAN

After close of the public hearing.

Mr. Gurski: If there are not other comments or questions I'll close the public hearing and again recognize Commissioner Annunziata, Commissioner of the Providence District.

Mrs. Annunziata: Thank you Mr. Chairman. The applicant in this case requests that .33508 acres of land be rezoned from the R-1 to the R-12 district. The purpose of seeking this application is to develop 3 unit townhouse and 3 unit townhouse subdivision. As has already been indicated in some of the comments by the other Commission members we are first of all, as in all our cases guided by the Plan, and the Plan in this case does indeed indicate that the application property is planned for residential use at 8-12 units per acre. There is also more specific language which suggests that the development of the vacant land in this parcel should not exceed 10 units an acre in order to be compatible with existing development. And, indeed this application conforms to the guidance that the Plan provides and as you can see from the staff report the development with the maximum of 3 townhouse units will be, will result in a density of 9 units to the acre so it is well within the Plan language. In addition to the specific language that relates to this particular parcel in the Plan there have been some other considerations that staff has properly raised and which we have had some testimony tonight including the transportation issues. The proffers by the applicant do address those considerations. The widening of the, of Blake Lane and the face of the curb requirements from, at 35-feet from centerline have been already addressed by staff, I would just simply also point out that the applicant has proffered to preserve existing vegetation wherever possible and that a waiver of minimum district size seems to be acceptable in this case, one because this particular parcel is contiguous to a larger tract of land already zoned at R-12 and also because an adjacent piece was granted a similar waiver in 1980 on the 16th of June on the same rationale that, of its contiguity with the adjacent land. The additional proffer related to noise attenuation has, has increased I think if any increase was necessary because we are already close to the standard required for noise attenuation measures and increased the acceptability of this application. For these reasons Mr. Chairman, I WOULD MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT REZONING APPLICATION 80-P-102 BE APPROVED FOR THE R-12 DISTRICT.

Mr. Merrell: Second.

Mr. Gurski: Seconded by Mr. Merrell. If you're ready for that question....

Mrs. Fasteau: Mr. Chairman.

Mr. Gurski: Mrs. Fasteau:

Mrs. Fasteau: I wondered whether on Appendix 3, number 4, the proffer statement, whether Mrs. Annunziata would be willing to insert an additional phrase on number 4, by in some way indicating that the trees and shrubbery would be preserved after consultation with the County Arborist and clearly indicated on the site plan. Because, wherever possible it's so wide open that sometimes not in this case perhaps, we get trees simply wiped off and the applicant or builder can say, well, that's all we could possibly do. So that, in all cases like this I'd rather have a more definite phrase. I'm simply suggesting that to you if you find that acceptable.

Mrs. Annunziata: I am in full agreement with Mrs. Fasteau but, I think procedurally we are constrained under the new proffer procedures that have been adopted by the Board from imposing any additional language to the proffers. If I'm not correct on that I'd be happy to incorporate that language.

Mr. Gurski: Mr. Waldman.

Mrs. Annunziata: You're going to simplify the issue.

Mr. Waldman: I'd be pleased to, to I guess review the application with the engineer indicate specifically what trees and shrubbery we can preserve... if we could just make the motion ...

Mrs. Annunziata: County Arborist.

Mr. Waldman: ... so I don't have to go to the engineer and come back again.

Mrs. Annunziata: In other words for us to incorporate the language that Mrs. Fasteau recommended, that you would confer with the County Arborist in selecting the... trees to be preserved.

Mr. Waldman: I think that was mentioned somewhere in the staff report anyway....

Mrs. Annunziata: Yes, it was...

Mr. Waldman: ... I'm not sure why we didn't get it in the proffers. Thank you.

Mrs. Annunziata: Now, with regard to the motion then shall I just accept Mrs. Fasteau's amended language..... and incorporate it in the motion proffer....

Mr. Gurski: I think that would be fine. I don't know how that will ever come about but, Mr. Waldman has made it very conciliatory statement, we're talking about a piece of property here that is about as big as the back of my cigarette pack. He's going to probably have to take down everything on the property to develop it and that ought to be a consideration when we recommend rezoning or not. Mr. O'Brien.

Mrs. Annunziata: Excuse me, Mr. Chairman. Just one last point, I don't think an amendment to the motion is in order since it has been proffered I think the main motion clearly speaks to whats on the floor then. We can just, we can just move approval of the rezoning as proffered, with the oral proffer from the applicant, is that not correct.

Mr. Gurski: You may move in any fashion that you choose, Mrs. Annunziata, you are the maker of the motion and it is for you to decide and I will not sit in this chair and advise you what to put in your motion. If you wish to put in the language that Mrs. Fasteau thinks should be there and if Mr. Waldman has agreed to consider, put it in. If not let's drop it.

Mrs. Fasteau: Mr. Chairman.

Mr. Gurski: Mrs. Fasteau.

Mrs. Fasteau: The person to my left has suggested proffers as amended by the applicant, and that would cover it because that is in the record now.

Mr. Gurski: And, I think that was the intent of your motion wasn't it Mrs. Annunziata.

Mrs. Annunziata: Yes it was Mr. Chairman.

Mr. Gurski: Alright before we go on Mr. O'Brien has a point to make.

Mr. O'Brien: Thank you Mr. Chairman. Mr. Duffy, did you indicate that there was some improvement to Sutton Lane in response to a question from Mr. Lovelace, and if you have is it shown up somewhere in this, is it on the development plan itself?

Mr. Duffy: Sutton Road, transportation analysis does not indicate that a, any major improvements are required along Sutton Road, just that the access be sited in accordance with County standards, based on the transportation analysis it was adequate. There is existing curb right now along Sutton Road as shown on the generalized development plan.

Mr. O'Brien: So there will be no changes to Sutton Road.

Mr. Duffy: That's correct.

Mr. O'Brien: And the improved access is achieved how, by improving Blake Lane?

Mr. Duffy: The improvement of Blake Lane is recommended as part of the Countywide Transportation Plan and the applicant has agreed to do that.

Mr. O'Brien: But, there will be no change to Sutton Road.

Mr. Duffy: That's correct.

Mr. O'Brien: Thank you.

Mr. Gurski: Any other comments or questions? If not then we have the motion by Mrs. Annunziata that this Commission recommend to the Board of Supervisors approval of the requested change to the R-12 zoning district, all those in favor of the motion please respond by saying aye.

Commissioners: Aye.

Mr. Gurski: Opposed. The motion passes unanimously. Thank you Mr. Waldman. Do we have anything else to do on this case John?

Mr. Duffy: No further comments.

Mrs. Annunziata: There is one other motion, Mr. Chairman. I WOULD MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT A WAIVER OF THE MINIMUM DISTRICT SIZE BE GRANTED FOR THE REASONS SPECIFIED IN THE STAFF REPORT.

Mr. Merrell: ;Second.

Mr. Gurski: Second by Mr. Merrell. If you're ready for that question, all those in favor of the motion by Mrs. Annunziata please respond by saying aye.

Commissioners: Aye.

Mr. Gurski: Opposed. The motion passes unanimously. That concludes the business of the Commission this evening.

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