7/24/00

4:30 p.m. Item – RZ-1999-PR-026 – ALD GROUP, INC.
Providence District

On Wednesday, June 21, 2000, the Planning Commission voted 9-0-3 (Commissioners Byers, Downer and Harsel abstaining) to recommend that the Board of Supervisors approve RZ-1999-PR-026 and the conceptual development plan, subject to execution of proffers consistent with those dated June 20, 2000.

The Planning Commission then voted 9-1-2 (Commissioner Byers opposed Commissioners Downer and Harsel abstaining) to recommend that the Board of Supervisors take the following actions:

waiver of the 200 foot setback requirement from the right-of-way of an interstate highway for the existing dwelliing only; and

waiver of the limitation on fence height for the proposed noise wall, pursuant to paragraph 8 of Section 16-401 of the Zoning Ordinance.

Planning Commission Meeting
June 21, 2000
Verbatim Excerpts

RZ-1999-PR-026 - ALD GROUP, INC.
FDP-1999-PR-026 - ALD GROUP, INC.

Decision Only During During Commission Matters
(Public Hearing held on June 1, 2000)

Commissioner Smyth: Back in the beginning of June we had a public hearing on a case, the ALD Group, Sandburg South. At that time the applicant was still working out some details on landscaping -- additional landscaping with the neighbors, and I believe that revised proffers were distributed last week. We have another set of proffers tonight. There is only one very minor change -- that is some of the neighbors prefer a board-on-board fence adjoining their property as opposed to wrought iron. There had been a question about the existing house that will be remaining inside the 200 foot setback. I have a picture of the house. The house, as you can see from the picture, was built in 1978. It's a split foyer, five bedrooms, three baths, in good repair. It is not likely to be taken when the Beltway is widened. Looking at the worse case scenario, it will stay. Under the proffers it will be retrofitted with more soundproofing for the interior of the house. With the waiver -- for the house to stay, there has to be a waiver of the 200 foot setback because the lot is being resubdivided. In this particular case, the question had come up whether this would become a non-conforming use. It will not. The only thing that we have are proffers regarding what would happen in case of a fire or some other casualty that would damage or destroy the house. These proffers are clearly defined and what we are talking about is a situation in which the house could be rebuilt as long as it did not extend any closer to the Beltway and as long as the house was still being used as a residence at that time. If there are any other questions on this -- if not, I will go on with my motions.

Chairman Murphy: Please.

Commissioner Smyth: Okay. Thank you. All right, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1999-PR-026 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 20, 2000.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to approve -- to recommend that the Board of Supervisors approve RZ-1999-PR-026, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Byers, Harsel and Downer: Abstain.

Chairman Murphy: Mr. Byers, Ms. Harsel and Ms. Downer abstain.

Commissioner Smyth: Thank you.

Chairman Murphy: Ms. Smyth.

Commissioner Smyth: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1999-PR-026, SUBJECT TO THE BOARD'S APPROVAL OF RZ-1999-PR-026 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of that motion? All those in favor of the motion to approve RZ-1999-PR-026, subject to the Board's approval of the rezoning and the conceptual development plan, say aye.

Commissioners: Aye.

Commissioner Byers: No.

Commissioners Harsel and Downer: Abstain.

Chairman Murphy: Motion carries. Ms. Harsel and Ms. Downer abstain. Mr. Byers votes no.

Commissioner Smyth: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE 200 FOOT SETBACK FROM THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, INTERSTATE 495 TO BE EXACT, BE WAIVED FOR THE EXISTING DWELLING ONLY.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Harsel and Downer: Abstain.

Commissioner Byers: No.

Chairman Murphy: Motion carries. Ms. Downer abstains, Ms. Harsel abstains, Mr. Byers votes no.

Commissioner Smyth: One more. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE LIMITATION ON FENCE HEIGHT FOR THE PROPOSED NOISE WALL BE WAIVED PURSUANT TO PARAGRAPH 8 OF SECTION 16-401.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Byers: No.

Commissioners Downer and Harsel: Abstain.

Chairman Murphy: Motion carries. Ms. Downer and Ms. Harsel abstain. Mr. Byers votes no.

//

(The first motion carried by a vote of 9-0-3 with Commissioners Byers, Downer and Harsel abstaining.)

(The second, third and fourth motions carried by a vote of 9-1-2 with Commissioner Byers opposed; Commissioners Downer and Harsel abstaining.)

LBR