

Commissioner Alcorn: No.

Commissioner Coan: Abstain.

Chairman Murphy: Motion carries. Mrs. Hall votes no; Mr. Coan abstains. I'm sorry, let me get that. The motion carries. Mr. Alcorn, Mr. Coan, Ms. Hall and Mr. Byers abstain.

Commissioner Coan: No; Mr. Alcorn is no.

Chairman Murphy: Wait a minute. We have to speak out a little bit. Mr. Coan?

Commissioner Coan: Abstain.

Chairman Murphy: Abstains? Who abstains?

Commissioner Coan: I abstain.

Commissioner Hall: Abstain.

Chairman Murphy: Okay. And -- motion carries. Ms. Hall and Mr. Coan abstain; Mr. Alcorn and Mr. Byers vote no. Thank you very much.

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(The first and second motions carried by a vote of 5-3, with Commissioners Alcorn, Byers, and Coan opposed; Commissioners Downer, Harsel, Hunter and Kelso absent from the meeting.)

(The third motion carried by a vote of 5-0-3, with Commissioners Alcorn, Byers and Coan abstaining; Commissioners Downer, Harsel, Hunter and Kelso absent from the meeting.)

(The fourth motion carried by a vote of 4-2-2, with Commissioners Alcorn and Byers opposed; Commissioner Coan and Hall abstaining; Commissioners Downer, Harsel, Hunter and Kelso absent from the meeting.)

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Commissioner Alcorn: No.

Commissioner Byers: No.

Chairman Murphy: Motion carries, the same division. Mr. Koch?

Commissioner Koch: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE 600 FOOT LIMITATION OF THE LENGTH OF PRIVATE STREETS.

Commissioner Thomas: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Alcorn: Abstain.

Commissioner Coan: Abstain.

Commissioner Byers: Abstain.

Chairman Murphy: Motion carries. Mr. Alcorn, Mr. Coan and Mr. Byers abstain.

Commissioner Koch: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHEASTERN PROPERTY BOUNDARY WHICH ABUTS THE SINGLE FAMILY ATTACHED UNITS.

Commissioner Thomas: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Byers: No.

Commissioner Koch: Aye.

Chairman Murphy: Mr. Byers?

Commissioner Byers: No.

Chairman Murphy: Mr. Thomas?

Commissioner Thomas: Aye.

Chairman Murphy: Mr. Palatiello?

Commissioner Palatiello? Aye.

Chairman Murphy: And the Chair votes aye and the motion carries. Mr. Koch?

Commissioner Coan: I'd like to address --

Chairman Murphy: Mr. Coan?

Commissioner Coan: I am concerned about the location of all the ADU units in one place. I am concerned about the very technical perhaps -- meeting the Ordinance with respect -- I say perhaps -- with respect to the noise levels, so therefore I do not think this matter should be approved in this condition.

Chairman Murphy: Mr. Koch?

Commissioner Koch: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-95-Y-003, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT, AND SUBJECT TO THE BOARD APPROVAL OF RZ-95-Y-003 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Discussion of the motion? All those in favor of the motion to approve FDP-95-Y-003, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Coan: No.

interpretation and staff saying that the units have to be outside, but it's okay for the recreational -- is that just based because that -- when the last case went through without being questioned, or was that because you did the research? Or you don't know?

Ms. Leslie Johnson: I don't know what -- I don't -- I have to check with Noel Kaplan, who staffed the airport noise regulation, the Zoning Ordinance and the Comprehensive Plan amendment. He is the staff person that worked on the environmental issues with this case and the one adjacent to it, and that was not an issue. So I'm assuming that that determination --

Commissioner Hall: So you don't know that they've looked into it? I mean it is a tot lot.

Ms. Johnson: As I said before, there are other recreation areas that are outside the 60. We've got institutional uses that are permitted, such as schools, day care --

Commissioner Hall: Schools are permitted?

Ms. Johnson: Yes, within the 60. It's just residential development.

Commissioner Hall: Schools are permitted? Elementary schools?

Ms. Johnson, That's right. That's correct.

Commissioner Hall: Okay. That answers that question. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors it approve RZ-95-Y-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Alcorn: No.

Commissioner Byers: No.

Chairman Murphy: Mr. Alcorn? Mr. Alcorn votes no. Mr. Coan?

Commissioner Coan: No.

Chairman Murphy: Ms. Hall?

Commissioner Hall: Aye.

Chairman Murphy: Mr. Koch?

Planning Commission Meeting
October 29, 1997
Verbatim Excerpts

RZ-95-Y-003 - M/I SCHOTTENSTEIN HOMES, INC.
FDP-95-Y-003 - M/I SCHOTTENSTEIN HOMES, INC.

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Koch.

Commissioner Koch: Thank you, Mr. Chairman. This request to rezone 22.28 acres from the R-1 and I-3 districts to the PDH-8 district is to allow development of 33 single family detached and 135 single family attached units, for a total of 168 units, including 21 affordable dwelling units at an overlay density -- or overall density of 7.54 units per acre. Thirty-three percent of this site will be left in open space. The plan before us tonight is a result of negotiations with the adjacent single family detached development, Walney Crossing. The applicant asks staff's favorable recommendation. The applicant has successfully addressed the conditions set forth in the Comprehensive Plan to permit residential development on a subject property, and that the application is in conformance with the Comprehensive Plan and meets all applicable Zoning Ordinance provisions. I appreciate the citizens from the surrounding community coming out and expressing their feelings. I can appreciate how they feel; they didn't know that this land was planned for a higher density than their community. I appreciate their desire to have like units over there, but the fact is, this was planned for this density and we can't very well at this point turn around and say "Well, we're going to take another look at it." The applicant has come in; he's met all the criteria and we will have to make a decision on it tonight. It should be noted that this land is in the Route 28 tax district, and that approval of this application is contingent upon the application -- applicant's payment of funds according to the Board of Supervisors policy and formula regulating rezoning and residential -- of residential in the Route 28 tax district. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-95-Y-003 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN THE STAFF REPORT WITH ONE CHANGE, ON PAGE SEVEN, I believe it is, PARAGRAPH 12, SUBPARAGRAPH 2, THE WORD "PERIODIC" WILL BE REMOVED FROM THAT PROFFER, AND SUBJECT TO THE APPLICANT'S PAYMENT OF FUNDS ACCORDING TO THE BOARD'S POLICY AND FORMULA REGARDING THE REZONING AND COMMERCIAL AND INDUSTRIALLY ZONED LAND TO RESIDENTIAL USE WITHIN THE ROUTE 28 TAX DISTRICT.

Commissioner Thomas: Second.

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

Commissioner Hall: I'm sorry, Mr. Chairman, I want to follow up with staff just to make sure I'm very clear about something. And it was Commissioner Alcorn's question about his

11/24/97

3:30 p.m. Item - RZ-95-Y-003 - M/I SCHOTTENSTEIN HOMES, INC.
Sully District

On Wednesday, October 29, 1997, the Planning Commission voted 5-3 (Commissioners Alcorn, Byers, and Coan opposed; Commissioners Downer, Harsel, Hunter, and Kelso absent from the meeting) to recommend to the Board of Supervisors approval of RZ-95-Y-003 and the conceptual development plan, subject to the execution of proffers consistent with those contained in the staff report, modified to delete "periodic" from paragraph 12, subparagraph 2, on page 7; and subject to the applicant's payment of funds according to the Board's policy and formula regarding the rezoning of commercially and industrially zoned land to residential use within the Route 28 Tax District.

The Commission vote 5-0-3 (Commissioners Alcorn, Byers, and Coan abstaining, Commissioners Downer, Harsel, Hunter, and Kelso absent from the meeting) to recommend to the Board of Supervisors approval of the waiver of the 600-foot limitation on the length of private streets.

The Commission also voted 4-2-2 (Commissioners Alcorn and Byers opposed; Commissioners Coan and Hall abstaining; Commissioners Downer, Harsel, Hunter, and Kelso absent from the meeting) to recommend to the Board of Supervisors approval of the modification of the transitional screening requirement and a waiver of the barrier requirement along the northeastern property boundary which abuts the single family attached units.

The Commission further voted 5-3 (Commissioners Alcorn, Byers, and Coan opposed; Commissioner Downer, Harsel, Hunter, and Kelso absent from the meeting) to approve FDP-95-Y-003, subject to the development conditions contained in the staff report, and subject to the Board's approval of RZ-95-Y-003 and the conceptual development plan.