Planning Commission Meeting
March 7, 1990
Verbatim Excerpt

FDPA-80-P-073-3-2 - PARK WEST/FAIRVIEW ASSOCIATES, A DELAWARE JOINT VENTURE

Decision Only During Commission Matters

Commissioner Hanlon: We have before us tonight, a relatively recent decision only in the Providence District. As those of you who like to tease, this has been deferred only once.

Commissioner Harsel: That is a record.

Chairman Murphy: That is a record. Ms. Huber, we were commenting on your fifteen months is a long period of time to discuss an application, and we didn't want to bring up any of the Providence cases.

Commissioner Hanlon: I -- I at least -- I hope we're not yet on verbatim, but I at least am one of the few who manage to make a practice in our district to have fifteen months of discussion after the hearing. Nevertheless, we have had a hearing on FDPA-80-P-073-3-2, which is a development plan amendment that is whose principal purpose is to -- is to reduce the -- is to take advantage of the reduction in the parking requirements in the Zoning Ordinance as we've done it a while back. We originally had a staff report for denial, which has focused on two issues, one of which was the specificity of the Plan, and the other was seeking to a -- to cite any parking outside of any archaeologically sensitive area. Since then we have had an addendum before the hearing that indicated that in staff's judgement those issues have been resolved. I deferred decision on this for the principal reason that I was concerned with the environmental proffer -- or excuse me, development condition it seemed to me to be vague and the applicant had taken the position that it was not necessary because of other provisions that had been made on the site to deal with hydro carbon removal. It is my understanding that in the intervening period the applicant has discussed this matter with the staff and it is staff's judgment as well that it is not necessary to have the oil and grit separator. There are other ways of dealing with hydro carbon removal in light of the other provisions that were made in the proffers to this project when they were originally done. One remaining issue, really, is the concern that the applicant has that the requirement that secondary uses shown on the FDPA should all be entirely inside an enclosed building so as to allow no direct access to the uses from outside the building. There is a provision that has already been approved by the Zoning Administrator, as I understand it, that would allow an accessory use in a parking structure and the applicant has requested that we add a development condition saying that the first development condition should not be deemed to preclude the accessary use in the parking structure adjacent to Building g, as previously approved by the Director of Zoning Evaluation Division, in a letter dated October 5, 1989. I have been informed by staff that they don't care about that development condition, staff doesn't think it's necessary, but doesn't think it's harmful. On the other hand it will make Ms. Strobel sleep more soundly if we

deal with this noise problem all the time and Ms. Strobel needs to do -- well this is fortunately not one that needs to go on to the Board of Supervisors. As I understand it, we have no proffers here and so our policy of deferring matters that require some decision on proffers does not apply to this. Is that correct?

Ms. Hooper: That's correct.

Commissioner Hanlon: Because of the reasons stated in the staff report and in the addendum, and in order to preserve Ms. Strobel's and her client's piece of mind, I MOVE THAT THE PLANNING COMMISSION ADOPT -- OR APPROVE FDPA-80-P-073-3-2, AS REVISED, DATED MARCH 7, 1990, WITH THE ADDITION OF A DEVELOPMENT CONDITION 2, AND THE RENUMBERING OF ALL SUBSEQUENT DEVELOPMENT CONDITIONS. THE DEVELOPMENT CONDITION #2 SHOULD READ: "DEVELOPMENT CONDITION 1 SHALL NOT BE DEEMED TO PRECLUDE THE ACCESSORY USE IN THE PARKING STRUCTURE ADJACENT TO BUILDING G, AS PREVIOUSLY APPROVED BY THE DIRECTOR OF THE ZONING EVALUATION DIVISION IN A LETTER DATED OCTOBER 5, 1989.

Commissioner Bobzien: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries. Thank you very much.

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(The motion passed unanimously with Commissioners Byers and Sell not present for the vote.)

SLS