4:30 p.m. Items - RZ-87-C-042 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
PCA-85-C-091-2 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
PCA-78-C-079 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
SEA-84-C-076-3 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
Centreville District

On Wednesday, November 14, 1990, the Planning Commission voted 6-3-1 (Commissioners Huber, Lockwood and Strickland opposed; Commissioner Harsel abstaining; Commissioner Byers absent from the meeting) to recommend to the Board of Supervisors the following:

1) approval of RZ-87-C-042, subject to the execution of draft proffers dated November 8, 1990 modified as follows:

   -- Add to Proffer #15: "Architectural elevations for the proposed administration building will be submitted to the Planning Commission for review and approval."

   -- On page #9 of the proffers, subparagraph 2, clarify to read: "An independent appraisal, by an appraiser not an employee of the County, of the value of land taken."

   -- Proffer #25 to read: "All proposed dumpsters will be screened by a combination of brick walls, a gate, and evergreen plantings as may be approved by the County Arborist."

2) approval of PCA-85-C-091-2, subject to the execution of the draft proffers dated November 8, 1990, as modified above;

3) approval of PCA-78-C-079, subject to the execution of the draft proffers dated November 8, 1990, as modified to include the term "public natural" before the term "open space";

4) approval of SEA-84-C-076-3, subject to the proposed development conditions contained in Attachment 3 of Addendum IV to the staff report.

The Commission also voted 6-3-1 (Commissioners Hubbard, Huber, Lockwood opposed; Commissioner Harsel abstaining; Commissioner Byers absent from the meeting) to recommend to the Board of Supervisors that the transitional screening yard requirement for all four applications be modified along all boundaries, in accordance with Section 13-104 of the Zoning Ordinance, and that the barrier requirement be modified in accordance with the September 27, 1990 proffer statement.

Planning Commission Meeting
November 14, 1990
Verbatim Excerpts

RZ-87-C-042 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
PCA-85-C-091-2 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
PCA-78-C-079 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS
SEA-84-C-076-3 - FAIRFAX HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH SYSTEMS

Decision Only During Commission Matters

Commissioner Bobzien: Mr. Chairman, I think that all the parties are here now, and I think that we can go forward on the decision on the hospital rezoning application. Before I go on verbatim, however, I would like to ask the clerk to enter into the record some communication that I have received in the past few days. One letter from Hettie Hervey, another from Barbara Coen, a letter from Mr. & Mrs. Caroll, a letter from Marsha Stanley of the Oakton Estates Homeowners Association, there was a second letter from Barbara Coen which actually -- well, there was another letter from Barbara Coen that informs us, and I will discuss this during the motion of the results of a Task Force -- a Centreville Task Force vote concerning their proposal for a change in the Comprehensive Plan concerning the hospital. And then I had several letters all in support, those were in opposition to the proposal, and then I had several letters from various physicians who are in support of the application. And, as I said, I will give those to the clerk to enter into the record. Mr. Chairman, I first want to thank the citizens, Mr. Don Harris from the hospital; Mr. Walsh, the hospital's counsel; and Mr. Peter Braham from the staff for all of the work and the untold hours that they have put into this application. This application has been around for a very long time. The first staff report was released on August the 30th, 1989 and we are now dealing with the fourth addendum. And I think that that gives a good indication of the complexity of the many issues that have surrounded this application. Citizen opposition to this application has been substantial. The hospital sits squarely in the middle of a residential neighborhood and many citizens see any expansion, especially insofar as it entails the construction of the second medical office building as a threat to the character of their neighborhood. It is also clear that the citizens are somewhat skeptical of the promises of the hospital. The hospital has had difficulty in the past in living up to its promises regarding the maintenance of the grounds and an absense of soil erosion. And the citizens, for good cause, wonder if the proffers accompanying this application will be honored. That skepticism has only been increased by the unfortunate circumstances surrounding the hospital and the County's handling of the 1984 development condition that the hospital would offer the Park Authority the seven and a half acre open space area at the southern portion of the site. But, Mr. Chairman, what this case really boils down to is whether an owner of property is entitled to put it to a particular use, even if that use is unpopular, if the particular use is permitted under the existing Comprehensive Plan. No one seems to have serious difficulty with the portion of the application dealing with the expansion of the hospital to permit the installation of the MRI unit or with the construction of an administration building. The unpopular use is

the proposed construction of a second medical office building. On October 28, 1985, the Board of Supervisors adopted a site specific amendment to the Comprehensive Plan that provided that this site would be "apropriate for hospital and related low intensity ancillary medical service use," and capped the permissible floor area ration for the entire site, including the seven and a half acre open space area, at point two FAR. Now, we have heard it argued that a second medical office building on this site is not an appropriate ancillary use. The full text of the Plan amendment package, however, directly contradicts that argument. At the time of the amendment, the Comprehensive Plan Map was modified to show "commercial office use" on the northern portion of the site. Additionally, and perhaps more importantly, the supporting staff analysis stated that although the site is located within an area planned for residential use, "in order to ensure the success of the hospital, it is important to co-locate certain hospital related medical uses with the hospital. The uses may include medical office and laboratory facilities and support medical retail as a secondary use." I am fully aware that the Centreville Task Force recently voted 18 to 0, with one abstention, to recommend that the Comprehensive Plan be changed to prohibit further expansion of commercial medical office uses on this site and to reserve available FAR for hospital expansion only. And as much as I respect the tremendous work that group has done and their collective wisdom, the Task Force recommendation points out that we are bound to judge the merits of an application on the existing Comprehensive Plan. We have also heard argument that regardless of the legal right this applicant may have to develop a second medical office building, given the high vacancy rate of office buildings relatively close-by, it is "inappropriate" to construct the proposed building in this residentail area. But we have also heard counter-arguments advanced by the doctors. Primary care providers have particular needs that make them unwelcomed in office buildings not specifically reserved for health care providers. Specialists today are routinely performing a variety of sophisticated procedures in their offices that require the critical backup which a fully staffed and maintained hospital only seconds away can provide. We have also heard that the very economic viability of the not-for-profit Fairfax Hospital System depends on its ability to construct the second MOB. As to the argument that the second medical office building will "eat-up" available density, I think it should be remembered that if this application is approved, the hospital will still be able to construct, within the point two FAR limitation, an additional 43,000 square feet of hospital space. That figure is significant when compared with the existing square footage of the hospital, approximately 170,000 square feet. Over twenty-five percent of buildable hospital square footage will remain. Obviously, conformance to the existing Comprehensive Plan, as critical as that factor is, only gets the applicant part of the way toward a favorable recommendation. The applicant must satisfy that the execution of its proposed use -- the applicant must satisfy that the execution of its proposed use will take care of the myriad other requirements that are imposed by the County. Now it cannot be stressed enough that from the County's staff perspective, since August 30, 1989, the application has

been worthy of approval from every aspect: design, environment, transportation, trails, public facilities, and compliance with the Zoning Ordinance. Staff has analyzed the application and has determined that it complies with County requirements and has mitigated its impacts to a level sufficient to receive a recommendation of approval. Since August of 1989, the applicant has worked to further lessen its impact on the neighborhood and to strengthen its proffers. In that regard, I especially want to thank Hettie Hervey, who while opposed to the application, has come forward with many suggested proffer revisions, the majority of which have been adopted by the applicant. At the risk of understatement, I recognize that the application is not perfect. Although the sizing of the existing wet pond and the proposed underground detention facility meet the existing County standards and peak runoff will be shaved, the volume will increase because of this application and that will result, as in all development in this area, with an impact downstream. But there are some pluses to the application as well, the most notable of which is the parkland that the County will acquire. Because of the controversy that has arisen over the seven and a half acres on the southern portion of the site and the mistaken belief that the applicant somehow backed out on a prior commitment, the County will now get those seven and a half acres plus the five point four acres near the Fairfax County Parkway, which the Park Authority has always considered more desirable for its active recreation needs. As is often the case, we are not at perfection, but we are at a point that compels approval of the application, and I intend to do so recommend. Now you have before you tonight proffers dated November the 8th attached to Addendum IV, and I have made a few minor pen and ink modifications, and I have also distributed those tonight. Accordingly, Mr. Chairman, for the above stated reasons, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-87-C-042, SUBJECT TO THE EXECUTION OF DRAFT PROFFERS DATED NOVEMBER 8, 1990, AS MODIFIED TO INCLUDE THE FOLLOWING CHANGES:

> ON PAGE 6 OF THE PROFFERS RELATING TO RZ-87-C-042, THAT NUMBER 15, I HAVE ADDED THE FOLLOWING SENTENCE: "ARCHITECTURAL ELEVATIIONS FOR THE PROPOSED ADMINISTRATION BUILDING WILL BE SUBMITTED TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL."
>
> ON PAGE 9, FOR CLARIFICATION IN THE MIDDLE OF THE PAGE, STARTING WITH SUBPARAGRAPH 2, IT SHOULD READ: "AN INDEPENDENT APPRAISAL, BY AN APPRAISER NOT AN EMPLOYEE OF THE COUNTY, OF THE VALUE OF LAND TAKEN."
>
> AND LASTLY, MR. CHAIRMAN, ON PAGE 12, NUMBER 25, OF THE PROFFERS RELATING TO RZ-87-C-042, IT SHOULD READ: "ALL PROPOSED DUMPSTERS WILL BE SCREENED BY A COMBINATION OF BRICK WALLS, A GATE, AND EVERGREEN PLANTINGS AS MAY BE APPROVED BY THE COUNTY ARBORIST."

Commissioner Huber: Mr. Chairman?

Chairman Murphy: Is there a second to the motion?

Commissioner Hanlon: Second.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Hanlon and Mr. Thomas. Discussion of the motion?

Commissioner Hanlon: Mr. Chairman?

Commissioner Huber: Mr. Chairman?

Commissioner Strickland: Mr. Chairman?

Chairman Murphy: Mr. Hanlon, then Mrs. Huber, then Mr. Strickland.

Commissioner Hanlon: I wonder if it would be appropriate, in light of the changes that have been made, for the applicant to state on the record that these are agreeable to the applicant?

Chairman Murphy: Is there a representative of the applicant here, please? While he's working his way down, on number 1 on the front page, did you add public natural to your?

Commissioner Bobzien: Mr. Chairman, that proffer relates to the next motion, which will be for PCA-78-C-079-1.

Chairman Murphy: Certainly does. Thank you very much for clarifying that point. Mr. Walsh.

Mr. Martin Walsh: Mr. Murphy, the changes as -- the one you just raised, and also the changes that Mr. Bobzien just mentioned are satisfactory to the applicant.

Chairman Murphy: Thank you very much.

Mr. Walsh: Thank you.

Chairman Murphy: Mrs. Huber.

Commissioner Huber: I have a question as to the five point four acres.

Chairman Murphy: Mr. Walsh, you might stick up here in case you're called back for some reason or another. I hate to see you waste all that energy.

Commissioner Huber: Is density credit going to acrue from this? Is it going to stay in residential zoning? Where is this --

Mr. Walsh: Mrs. Huber, the five point four acres, we will get no density credit for that property and that will remained zoned in residential district to which it is zoned today.

Commissioner Huber: Is that reflected in the proffers anywhere? I do not see it.

Mr. Walsh: Well, we have not asked for density credit, and we have not asked for rezoning of that property. So in that respect, it speaks for itself. If you'd like to have some affirmative statement made, we would be willing to do so.

Commissioner Huber: Well, a lot of the heartache in this application came, at least on the part of the citizens, from the retroactively acquiring density credit and rezoning land that had been proffered to the Park Authority.

Mr. Walsh: Ms. Huber, we --

Commissioner Huber: I should think you'd want to avoid any kind of such a thing and to be up front about it. Whether you need density credit at some future time or whether you will not.

Mr. Walsh: We will not be able to receive density credit from the five point four acres and I will state that for the record. And if the Planning Commission would like to put something in the proffered condition amendment that says that the applicant will receive no density credit for this property we'd be willing to agree to that.

Commissioner Huber: Now and in the future?

Mr. Walsh: Now and in the future.

Chairman Murphy: Amen.

Commissioner Huber: For ever and ever?

Chairman Murphy: For ever and ever, amen? Okay.

Mr. Walsh: Under oath.

Chairman Murphy: Mr. Strickland.

Commissioner Strickland: Thank you, Mr. Chairman. I have some troubles with this application. The problem that I have is that most of the changes that

were made early on, and in fact this one here, also is titled Fair Oaks Hospital. I think that the citizens, maybe the Board, Planning Commission, in previous decisions has always taken -- given maximum weight to the fact that we were dealing with a hospital. And now, I will say that decision minus one, which was presumably when the initial portion was rezoned to C-3, the Board presumably made that -- made that decision to prevent the additional office building. But now we're in a case where it seems to be we're sort of exacerbating the commercial aspects of the site and if that were known initially when the Comprehensive Plan was originally applied for, modification, or in the original zoning, or when it was first germinated the idea that they were going to have a hospital in a residential area I don't think it would have been -- received the support of the citizens groups, nor perhaps the Planning Commission, or the Board of Supervisors. The argument that -- that the doctors would like to be in an administration building near the hospital I don't think is really supportable. They cited from a position of emergency. And without getting too precise in numbers, but let me just say that perhaps you have an emergency in the office building that's right on the hospital site, and it takes you fifteen minutes to get an ambulance. Let's assume that it takes you one minute to drive to the hospital, which is just a stone's throw away. And then may be five minutes to process through the emergency system. All right, if you take the same similar scenario and you move it to the medical office building that is presently under construction or others that are possible potential sites for office building, in the Fair Oaks area, you still have the fifteen minutes to get the ambulance, and probably longer. You still have perhaps only three minutes of driving time, and may be you have five minutes of processing in the emergency. So if you add all these numbers up, what it amounts to is that if he's -- if the emergency occurs in the medical building on the hospital site it may take you twenty-one minutes to get to the place of destination. If it occurs at another hospital medical office building at Fair Oaks, you may be talking about twenty-three or twenty-four minutes. So the difference in time is insignificant, in my view. I will say that if a doctor has a desire to go to the hospital he can probably make the trip himself in shorter period of time, certainly if he's located on the hospital site. But I think -- it doesn't bother me that the so-called land swaping, I think that the County and the -- and the citizens are well served by the exchange of property. I think that on balance it's a plus for the County. The main problem that I have, as I say, is with the commercialization of a site within a residential area through the addition of a medical office building. I think it was mentioned by Mr. Bobzien, referring to a previous statement that had been made, that it would be sort of viable -- or necessary for the viable continuation in operation of the hospital. But further testimony indicated that Fairfax Hospital does not have a medical building on its site. So I really can't buy that argument. I think that the fact that the hospital has one office building already on site certainly is more than sufficient to accommodate the needs that doctors may have who have a real honest bona fide need to be close to the emergency facilities. It seems to me that the second office building just is a proliferation of office

development within a residential area and it certainly is a departure in my view from the original intent of all of these applications going all the way back to '84 when the intent was to build a hospital to serve the community. So therefore, I don't think I can support this.

Chairman Murphy: Mr. Lockwood, then Mrs. Huber.

Commissioner Lockwood: Mr. Chairman, first I commend Mr. Bobzien for a very thorough and complete summation on this case. I know that it represents just the tip of the iceburg for all the work he's done on this and I'm sure he's done a lot of agonizing as well. But, on balance, I have to agree with the remarks made by Mr. Strickland. And it's been rather difficult because there's much to merit this case, but my main concern does revolve around this ancillary aspect of the medical office building here. This is an institutional use, not a commercial use and constructing this additional medical office building makes it more of a 50/50 split, which I don't think was appropriate. As to the rather telling testimony by doctors as to the need to be close to a hospital, I would submit that if it's appropriate if not necessary for doctors to be within three minutes of a hospital rather than a five to ten minutes, then it might be that much better if doctors in these certain categories were forty-five seconds to two minutes from where ever they have to go in a hospital. And may be we need a new concept in the construction of our hospital facilites of having a certain percentage of that space for use by doctors. They would rent it from the government, or whatever, if it's that critical. And I would submit that being that close in certain emergencies has certain amount of merit. But on balance, I find it difficult to support this motion and will have to vote against it.

Chairman Murphy: Ms. Huber.

Commissioner Huber: Thank you, Mr. Chairman. I too would like to congrat -- or com -- or compliment Mr. Bobzien on a very thoughtful presentation and I think he's right. None of us have any problem with the MRA facility or with the MRI -- or with the administration building. Those are legitimate uses for a hospital. My problem comes with the question of balance. At what point is ancillary still ancillary? At what point does it out balance over -- overwhelm the major use? And Mrs. Coen's letter brought it home, that there are 160 beds in the hospital. Now for 160 beds, the original plans were to have 75 physicians offices, and as I understand, that's filled. That makes two beds for each doctors office, or a doctor office for each two patients. Now if 50 more doctors -- doctor offices are being added under this, I should think that the ratio is almost going to approach a doctor, with office and staff, for each bed. At that point, an ancillary is a little more than -- or the doctors offices become a little more than ancillary in my mind. And probably to my thinking do not fulfill the -- it doesn't fit the Comprehensive Plan anymore. So regret -- regretfully, I will vote against it.

Chairman Murphy: Further discussion of the motion?

Commissioner Hanlon: Mr. Chairman?

Chairman Murphy: Mr. Hanlon.

Commissioner Hanlon: I too would like to compliment Mr. Bobzien on his presentation. But unlike the others who have complimented him on it, I will announce that I am pursuaded by it. And I am pursuaded by one-half of it more than the other. I think that it gets to be a little dangerous to -- for us to get involved in figuring out how useful office buildings are. Those are not essentially land use considerations. It seems to me that when this plan was adopted in the form that it was, the contemplation was that you were going to have a hospital, and you were going to have medical offices near it, and ancillary from that point of view seems to me, and I know that Mrs. Coen's made a very powerful argument to the contrary, but on balance, I think that that -- the single concept here was the functional relationship. We were dealing with medical offices and not accountant's offices, although I suppose that hospitals need accountants. And it seems to me that the plan has essentially foreclosed the objections that Mrs. Coen and others have very forcefully presented. It may be that that was a mistake or it may not be that that was a mistake but that's the guide that we have to follow. And I believe that the message that the Plan gives to us here is exactly the one that Mr. Bobzien said. So I will support the motion. Mr. Chairman, I would also like to note that, though I was not here at the public hearing, I have gone up and reviewed all of the tapes so that I could vote appropriately with this application.

Chairman Murphy: And I can attest to that fact. Further discussion of the motion?

Commissioner Harsel: Mr. Chairman?

Chairman Murphy: Mrs. Harsel.

Commissioner Harsel: Everyone has made very good comments, and I think Mr. Bobzien had a difficult situation. Unfortunately, I have a problem that has not been addressed, and we are not getting as much with this application as we got with the original application. And that was with the original application the seven point five acres was dedicated to the Park Authority. It is no longer dedicated to the Park Authority, it is going to the Board of Supervisors. We had a lot of problem with that on the Planning Commission. So the Park Authority is not getting this seven point five acres. Umm, the other hand -- and I get to the point -- I'm almost feel -- and I'm not quite as old as Mr. Sell as far as tenure on this Commission, I was here when the original hearing was done and the reason given for the original office building was to keep the commercial infringement to hit the residential area.

And they told us this would be so much better and there's a part up on West Ox Road -- or Oxon Road, where the pressure is very great. And if we treated this like we did Fairfax Hospital with adjoining offices, like they are on 50 and such, would bring it into the neighborhood because the pressure is very great for some of those parcels, which was true, and I can sympathize with that. So as far as the office building going on site, I remember the reason given for it. And that's all I'm gonna say, at this point. But my original concern was the park land and that is not going to the Park Authority at this time the way the proffers are written.

Commissioner Sell: Mr. Chairman?

Chairman Murphy: Mr. Sell.

Commissioner Sell: Well, I certainly am concerned about that too, but it doesn't change my opinion in this particular case. The issue in this case is does it meet the intent of the adopted Comprehensive Plan that we have to deal with? And I think from Mr. Bobzien's summation there is no question, at least in my mind, that it does. As far as utilization of the -- of the property, it certainly has never been unknown to me, at least in my thinking, that this particular facility, that we would have medical office space involved with this. In fact, that was one of the things that was clear from the get go in this particular case, unlike -- unlike some others in the County that we have not done that and we continue to suffer for it. I think, certainly, the impact on the community is considerable. There is no question about that, but we need to take a look at the service area of this entire hospital, in the Comprehensive Plan and what is the good that comes out of the whole process. And let me tell you, friends that live in this section of Fairfax County, a hospital that's utilized is better than one that isn't. 'Cause all of us, no matter where we live in the County, will pay for it if it isn't. And one of the ways to make sure that it's utilized is through proper planning, which I believe was done in this particular case, who will make sure that those beds were used and hospital costs, which have been skyrocketing in recent years, hopefully will level off. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-87-C-042, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Strickland: No.

Commissioner Lockwood: No.

Commissioner Huber: No.

Commissioner Harsel: I abstain.

Chairman Murphy: Motion carries. Mr. Strickland, Mr. Lockwood, and Mrs. Huber vote no; Mrs. Harsel abstains. Mr. Bobzien.

Commissioner Bobzien: Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA-85-C-091-2, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS DATED NOVEMBER THE 8TH, 1990, AS MODIFIED IN THE PREVIOUS MOTION.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-85-C-091-2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Strickland: No.

Commissioner Lockwood: No.

Commissioner Huber: No.

Commissioner Harsel: I abstain.

Chairman Murphy: The motion carries. Mr. Strickland, Mr. Lockwood, and Mrs. Huber vote no; Mrs. Harsel abstains. Mr. Bobzien.

Commissioner Bobzien: Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PROFFERED CONDITION AMENDMENT 78-C-079, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS DATED NOVEMBER THE 8TH, 1990, AS MODIFIED TO INCLUDE THE TERM "PUBLIC NATURAL" BEFORE THE TERM "OPEN SPACE".

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors to approve PCA-78-C-079, say aye.

Commissioners: Aye.

Chairman Murphy; Opposed?

Commissioner Strickland: No.

Commissioner Huber: No.

Commissioner Lockwood: No.

Commissioner Harsel: Abstain.

Chairman Murphy: The motion carries. Mr. Strickland, Mrs. Huber, and Mr. Lockwood vote no; Mrs. Harsel abstains.

Commissioner Huber: Mr. Chairman?

Chairman Murphy: Mrs. Huber.

Commissioner Huber: But it's my understanding that there, notwithstanding my vote tonight, that there will be an addition to that stating density credit. That there will be a letter forthcoming from the applicants before the Board hearing stating --

Commissioner Bobzien: Mrs. Huber, that's --

Commissioner Huber: -- the relationship to density credits.

Commissioner Bobzien: -- that is certainly my understanding from the representations that have been made by Mr. Walsh.

Chairman Murphy: It wasn't riding on your vote, I guess, is what he is saying. Or may be it was, I (unintelligible). Mr. Bobzien.

Commissioner Bobzien: Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SPECIAL EXCEPTION AMENDMENT 84-C-076-3, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 3 OF ADDENDUM IV TO THE STAFF REPORT.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Discussion of that motion? All those in favor of the motion that the Planning Commission recommend to the Board of Supervisors that it approve SEA-84-C-076-3, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Lockwood: No.

Commissioner Strickland: No.

Commissioner Huber: No.

Commissioner Harsel: I abstain.

Chairman Murphy: The motion carries: Mr. Lockwood, Mr. Strickland, and Ms. Huber vote no; Mrs. Harsel abstains. Mr. Bobzien.

Commissioner Bobzien: Mr. Chairman, I think this is lastly. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING YARD REQUIREMENT FOR ALL FOUR APPLICATIONS BE MODIFIED ALONG ALL BOUNDARIES, IN ACCORDANCE WITH SECTION 13-104 OF THE ZONING ORDINANCE, AND THAT THE BARRIER REQUIREMENT BE MODIFIED WITH THE REQUIREMENT OF THE SEPTEMBER 27TH, 1990 PROFFER STATEMENT.

Commissioner Thomas: Second.

Chairman Murphy: Seconded by Mr. Thomas. Discussion of that motion? All those in favor of the motion for the waivers, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Lockwood: No.

Commissioner Huber: No.

Commissioner Hubbard: No.

Commissioner Harsel: I abstain.

Chairman Murphy: Let's -- do we have a change? Mrs. Huber votes no, Mr. Lockwood votes no, --

Commissioner Strickland: Aye.

Chairman Murphy: Mrs. Harsel votes aye. The motion --

Commissioner Harsel: No, I'm not.

Chairman Murphy: Mrs. Harsel abstains, the motion carries.

Commissioner Harsel: Mr. Strickland voted yes.

Chairman Murphy: Mr. Strickland changed his vote to yes. And Mr. Hubbard voted no. The no votes: Mrs. Huber, Mr. Lockwood, and Mr. Hubbard. One abstention, Mrs. Harsel, the motion carries. Mr. Braham.

Mr. Peter Braham: Mr. Bobzien, there is a typo in that last motion that you made. It should reference the proffers dated November 8th, which the rest of the actions have taken place under.

Commissioner Bobzien: All right. Can we --

Chairman Murphy: The motion is amended. Mr. Thomas agrees. Is there further business on this application? Thank you very much.

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(The first four motions passed by a vote of 6-3-1 with Commissioners Huber, Lockwood and Strickland opposed; Commissioner Harsel abstaining; Commissioner Byers absent from the meeting.)

(The last motion passed by a vote of 6-3-1 with Commissioners Hubbard, Huber, and Lockwood opposed; Commissioner Harsel abstaining; Commissioner Byers absent from the meeting.)

SLS