

**MINUTES OF
PLANNING COMMISSION MEETING
APRIL 9, 1992**

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
David P. Bobzien, Centreville District
John R. Byers, Mount Vernon District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Stephen J. Hubbard, Dranesville District
Maya A. Huber, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Carl L. Sell, Jr., Lee District

ABSENT: Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

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The meeting was called to order at 7:40 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy referred to a memorandum from Ms. Barbara Lippa , Deputy Director to the Planning Commission Office, dated April 9, 1992 , regarding the purchase of new business cards for Commission members and staff. He asked that anyone desiring new business cards with the new Government Center address should notify Ms. Lippa on or before April 15, 1992.

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ZONING ORDINANCE AMENDMENTS – COMMERCIAL &
INDUSTRIAL DISTRICTS – MARK-UP – The Planning
Commission will hold a markup session & make recommendations
on the proposed Commercial & Industrial Ordinance Amendments
to Articles 1, 4, 5, 7, 8, 9, 12, 15, 17, & 20 & consideration to
revisions of grandfather provisions of Zoning Ord. Amendment
Number 89-185. While no public testimony will be allowed at this
session, the meeting is open to all interested observers.

Chairman Murphy announced that the sole purpose of this meeting was to markup the proposed C & I Ordinance Amendments to Articles 1, 4, 5, 7, 8, 9, 12, 15, 17, and 20. He noted that the public hearing on this case had been held on March 11 and 18, 1992, at which time 54 individuals addressed the proposed amendments. He recognized Commissioner Bobzien for

action on this case. (A complete verbatim of the action taken on this case this evening may be found in the date file.)

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Commissioner Bobzien referred to his Memorandum to the Planning Commissioners, dated April 6, 1992, on this subject. He stated that on February 10, 1992, the Board of Supervisors had authorized for advertisement consideration, proposed amendments which would revise the provisions of Zoning Ordinance Amendment 89-185 and reenact the Zoning Ordinance provisions in effect prior to those amendments. Commissioner Bobzien said he believed that his proposal, with some modifications, reflected worthwhile changes to the 1989 amendments within the parameters of the Comprehensive Plan. He then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE TEXT ENTITLED, FOR PURPOSES OF IDENTIFICATION, "PROPOSED AMENDMENT, BOBZIEN PROPOSAL" AND "BOBZIEN PROPOSAL 2" WHICH DEALS WITH GRAND-FATHERING OF SUBSTANTIAL PROFFERS, WITH THE FOLLOWING CHANGES:

- WITH DISTRICTS C-7 AND C-8 TO LIMIT TO FIFTY PERCENT THE AMOUNT OF OFFICE USE AS A PERCENTAGE OF TOTAL PERMITTED FAR WHICH CAN BE OBTAINED THROUGH THE SPECIAL EXCEPTION PROCESS.

Commissioner Byers seconded the motion, excluding the C-9 and Grandfather Clause, which carried by a vote of 8-2, with Commissioners Baldwin, Bobzien, Byers, Hanlon, Huber, Koch, Murphy, and Sell in favor; Commissioners Harsel and Hubbard opposed; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Hanlon MOVED A SUBSTITUTE FOR MR. BOBZIEN'S PROPOSAL THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS RETAINING THE CURRENT ORDINANCE.

Commissioners Baldwin and Harsel seconded the motion which failed by a vote of 4-6, with Commissioners Baldwin, Harsel, Hanlon, and Huber in favor; Commissioners Bobzien, Byers, Hubbard, Koch, Murphy, and Sell opposed; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Harsel MOVED A SUBSTITUTE MOTION THAT WE SEVER THE C-9 DISTRICT.

Commissioner Huber seconded the motion which carried by a vote of 7-3, with Commissioners Baldwin, Byers, Harsel, Huber, Hubbard, Koch, and Sell in favor; Commissioners Bobzien, Hanlon, and Murphy opposed; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Bobzien then MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS C-9, ACCORDING TO THE TEXT THAT IS CONTAINED IN MY PROPOSAL ENTITLED, "PROPOSED AMENDMENT, BOBZIEN PROPOSAL."

Commissioner Hanlon seconded the motion which failed by a vote of 4-6, with Commissioners Bobzien, Hanlon, Hubbard, and Murphy in favor; Commissioners Baldwin, Byers, Harsel, Huber, Koch, and Sell opposed; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Huber made a MOTION THAT C-9 BE TABLED FOR THE TIME BEING AND THAT WE BRING IT BACK UP AT A TIME DETERMINED BY STAFF.

There was no second to this motion and after much discussion was withdrawn by Commissioner Huber.

Commissioner Hanlon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT SEVER THE C-9 FOR SEPARATE ACTION AND ADVERTISE MR. BOBZIEN'S PROPOSAL FOR PUBLIC HEARINGS AS AN AMENDMENT TO THE ZONING ORDINANCE.

Commissioner Huber seconded the motion which after a long discussion was withdrawn by Commissioner Hanlon.

Commissioner Hanlon MOVED THAT WE DEFER CONSIDERATION OF THE C-9 TO A DATE CERTAIN OF APRIL 15th.

Commissioner Bobzien seconded the motion which carried by a vote of 7-3, with Commissioners Baldwin, Bobzien, Byers, Hanlon, Huber, Murphy, and Koch, in favor; Commissioners Harsel, Hubbard, and Sell opposed; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Huber MOVED THAT WE ASK OUR CHAIRMAN TO CONSULT WITH THE BOARD OF SUPERVISORS AND THAT ON THE 15TH WE RECONSIDER C-9. OUR RECOMMENDATION TO THE BOARD, AT THIS POINT, IS THAT THE PLANNING COMMISSION WOULD LIKE TO HAVE THE TIME TO HOLD SEPARATE HEARINGS ON THE C-9 PROPOSAL AS EVOLVED BY MR. BOBZIEN AND THAT THE BOARD WOULD HEAR FROM US AFTER WE HAVE SEPARATE PUBLIC HEARINGS ON THAT SUBJECT.

Commissioner Baldwin seconded the motion which was never voted on nor was it withdrawn.

Commissioner Bobzien MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PORTION OF THE TEXT ENTITLED, "PROPOSED AMENDMENT, BOBZIEN PROPOSAL" DEALING WITH GRAND-FATHERING WITH THE SUBSTITUTION OF "BOBZIEN PROPOSAL 2" FOR PARAGRAPH 5.

Commissioner Byers seconded the motion which failed by a vote of 4-5-1, with Commissioners Bobzien, Byers, Koch, and Murphy in favor; Commissioners Baldwin, Hanlon, Harsel, Hubbard, and Huber opposed; Commissioner Sell abstaining; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Huber MOVED THAT WE APPROVE THE GRANDFATHERING PROVISIONS, AS ORIGINALLY PROPOSED BY MR. BOBZIEN, AS SHOWN ON PAGES 23, 24, AND 25 OF HIS SUGGESTIONS.

Commissioner Baldwin seconded the motion which failed by a vote of 4-6, with Commissioners Baldwin, Harsel, Hanlon, and Huber in favor; Commissioners Bobzien, Byers, Hubbard, Koch, Murphy, and Sell opposed; Commissioners Strickland and Thomas absent from the meeting.

Commissioner Hanlon MOVED THAT WE DEFER CONSIDERATION OF THE GRANDFATHERING PROVISION OF THE ORDINANCE TO A DATE CERTAIN OF APRIL 15, 1992.

Commissioner Koch seconded the motion which carried by a vote of 9-1, with Commissioners Baldwin, Bobzien, Byers, Hanlon, Hubbard, Huber, Koch, Murphy, and Sell in favor; Commissioner Harsel opposed; Commissioners Strickland and Thomas absent from the meeting.

Chairman Murphy thanked Commissioner Bobzien for an excellent job accomplished from a difficult assignment. He also requested that Commissioner Byers' statement, which he read prior to going on verbatim, be included with the verbatim in the Board Report of this meeting. WITHOUT OBJECTION, it was so ordered. (A copy of Commissioner Byers' statement is located in the date file.)

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The meeting was adjourned at 9:33 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Dorothy E. Brittingham

Approved on: October 14, 1992


Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission