Planning Commission Meeting
September 17, 2015
Verbatim Excerpt

SEA 84-M-012-02 – QUAN Q. NGUYEN AND NGAN T. NGUYEN

After Close of the Public Hearing

Chairman Murphy: Ms. Strandlie, go ahead.

Commissioner Strandlie: Okay, thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 84-M-012-02 SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE CONTAINED IN THE STAFF REPORT WHICH ARE DATED SEPTEMBER 2ND, 2015, AND I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS LISTED IN THE STAFF REPORT WHICH ARE ALSO, WHICH HAVE ALSO BEEN DISTRIBUTED TO YOU ON A SHEET DATED SEPTEMBER 17TH, 2015.

Commissioner Litzenberger: Second.

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

Commissioner Ulfelder: Oh, there it is. I wasn't saying that it had a traffic impact on the local streets. I was saying that it acts differently than a normal residential building does in terms of the amount of cars that are going in and out. And there will be a residential building next to it and therefore, it has some impact. That's what I was, the point I was trying to make about the difference in the number of vehicle trips. I struggle with this because of the plan language therefore, I'm going to plan to abstain on this.

Chairman Murphy: Further discussion? Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. We have tension between creeping commercial and older residential neighborhoods in many areas and the-the pitch is made to us sometimes that the plan is obsolete or that the way things have kind of been transitioning it would be appropriate to allow commercial or non-residential uses at the edges of residential areas. Maybe the first lot or the second lot and sometimes we see, when we saw plan amendments, we would see amendments for a lot or two lots to do that sort of thing. There are places in the county where I think the citizens would hope that we would tread very carefully when there is planned text that says absolutely not and then we have an application that seems attractive and reasonable. It seems like a very worthwhile use a positive for the community as Mr. Litzenberger has talked about with an attractive building. But I think we would draw the line at a lot of places and say yeah, it's a good use we'll support a plan amendment and when we amend the plan then come in

and it's in conformance with the plan. I can't, I can't conclude this is in conformance with the plan. It's an- it's an attractive use, it's a good case but it's not what the plan calls for and we ought not to be casually rationalizing, disregarding plan text when we know there are other places throughout the county where there are these problems at the edges and it's so easy to be pushed over. Now the Board can do that, maybe the Board will do that but I don't- I don't believe, I can't support staff's conclusion on that and I think we need to go very carefully. I'll point out one other unique thing about this application. If I understand what's proposed and Commissioner Litzenberger touched on this a little bit, the new building is almost five times the size of the existing building. The plan text talks about the office use being allowed in the existing building. The new building will generate vehicle trips between four, a multiple of four and five times of what is currently there and I think if you are on the task force setting the plan language you might looking at things like that. You might not be looking at so much the age of the building but the size of the building and the number of trips that would be generated or other impacts generated from people coming and going and car doors slamming at whatever hours. Or the amount of parking that now is going to be required for a larger building with more employees and more patients and everything else. Those types of changes ought not be taken lightly when we're disregarding the Comprehensive Plan. I don't mean to be filibustering this. This is- this is a very difficult situation but we ought not just be laughing it off and I think for the same reason that Commissioner Ulfelder's articulated I can't support doing it this way and just disregarding the plan text. Thank you.

Chairman Murphy: We're on verbatim. Further discussion? Mr. Litzenberger.

Commissioner Litzenberger: Well, I think that Mr. Ulfelder and Mr. Hart missed my point. It's already been done on that street a number of times, staff pointed that out. This is the last house that this has not been done to. So why would we hold up this benefit to the community over some outdated language in the plan.

Commissioner Ulfelder: Because the other houses that are being replaced are being used for residential use, which is an allowed use under the plan language. This one is going to be used as a professional office replacing the existing building that's a professional office, that's different.

Commissioner Litzenberger: I have to disagree because of the office across the street is a commercial enterprise, they said so right in the staff report.

Commissioner Ulfelder: Commercially zoned, we're talking about the east side.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. The problem is that we have a case before us and situation that if we go back and look at correcting the base of this argument we

might be months into the process and I think that does a disservice to the applicant and to the intent of the staff in trying to address this for us and bring it to our attention. But I think Mr. Hart and Mr. Ulfelder are very right in terms of the need to correct the Comprehensive Plan language. I just don't think this is the place for us to be arguing it out.

Chairman Murphy: If not here, where? And if not here, when? I mean I've never quite seen one like this before. It's definitely- this language, in my opinion, is not subject to interpretation. It flatly states the obvious. And because it states the obvious this application unfortunately, take all the goodness, the medical practice aside, it's not in conformance with the Comprehensive Plan. Flatly not in conformance, bottom line, with the Comprehensive Plan. All those in favor of the motion to recommend to the Board of Supervisor…

Commissioner Strandlie: If -actually…

Chairman Murphy: Do you have something?

Commissioner Strandlie: Can I take that motion off the table. I'd like to just defer it as I originally decided.

Chairman Murphy: All right, we have an alternate motion to defer the application. Do you want to state it, please?

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 84-M-012-02 TO A DATE CERTAIN OF THURSDAY, SEPTEMBER 24TH.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SEA 84-M-012-02 to a date certain of September 24th with the record remaining open for comments say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.)

TMW