

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
WEDNESDAY, JANUARY 14, 2004**

COMMITTEE MEMBERS PRESENT: Walter L. Alcorn, Commissioner At-large
John R. Byers, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District

STAFF PRESENT: Barbara J. Lippa, Executive Director, Planning Commission Office
Karen M. Everett, Clerk to the Commission, Planning Commission Office
Sheila Costin, Assistant County Attorney, Office of the County Attorney
Keith Cline, Urban Forestry Division, Department of Public Works and Environmental Services (DPWES)
Bruce Nassimbeni, Director, Environment and Facilities Review Division, (DPWES)
Barbara Byron, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Fred Selden, Director, Planning Division (PD), DPZ
William Shoup, Director, Zoning Administration Division (ZAD), DPZ
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, ZAD, DPZ
Regina Murray, Senior Assistant to the Zoning Administrator, ZAD, DPZ

OTHERS PRESENT: Frank A. de la Fe, Hunter Mill District Planning Commissioner
James Hart, Commissioner At-large
Rodney Lusk, Lee District Planning Commissioner
Nancy Hopkins, Dranesville District Planning Commissioner
Laurie Frost Wilson, Commissioner At-large
Gina McQuinn, *Fairfax Newsletter*

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The meeting was called to order at 7:36 p.m. by Acting Chairman Janet R. Hall.

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Acting Chairman Hall noted that the first order of business for tonight's meeting was approval of the last meeting's minutes. She called for a motion to approve the Policy and Procedures Committee minutes of December 3, 2003.

Commissioner de la Fe SO MOVED.

Commissioner Byers seconded the motion which carried unanimously.

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Acting Chairman Hall announced that on the agenda tonight was a staff briefing on revisions to the proposed Cluster Subdivision Ordinance Amendment.

Regina Murray, ZAD, DPZ, distributed the pending Cluster Subdivision Ordinance Amendments, a copy of which is in the date file. She stated the purpose of the document was to discuss options and review changes that had been made to the preliminary staff recommendations to achieve local compliance with the *Code of Virginia*.

Ms. Murray explained that currently under the Fairfax County Zoning Ordinance, cluster subdivisions were distinguished from conventional subdivisions by minimum open space requirements, minimum district sizes, reduced lot sizes, and reduced yard requirements. She noted that cluster subdivisions currently were allowed by special exception in the R-C, R-E, R-1, R-2, R-3, and R-4 Districts.

Ms. Murray next addressed the reason for the cluster subdivision change in regulations. She said that this change was prompted by new legislation adopted by the Virginia General Assembly in 2002. She explained this legislation would set forth the framework for localities to regulate cluster subdivisions, should a locality elect to permit a cluster development option. She said the new wording would provide more open space while requiring less infrastructure, such as impervious surfaces like roads and driveways. She noted that in the event a locality chose to permit residential cluster development as a means of preserving open space, then approval of the cluster subdivision would be an administrative process and developers would no longer be required to go through the public hearing process. She stated that acreage zoned R-E and environmentally sensitive areas zoned R-C would still need special exception approval before cluster housing could be built.

Responding to a question from Commissioner Alcorn, Ms. Murray stated that in comparing vacant land versus developed land, acreage zoned R-E contained more vacant land whereas acreage within the R-C District contained more acres of developed land. She distributed a chart developed with data from the Department of Tax Administration which showed the comparison of vacant and developed land with cluster subdivision potential, a copy of which is in the date file.

Responding to a question from Commissioner Harsel, Barbara Byron, ZED, DPZ, explained that if land was zoned R-1 but was planned for R-C or R-E, the cluster then became a by-right administrative process. She said if the application was for an R-C cluster, the recommendation would be reviewed through the special exception process. She explained that the Board of Supervisors could decide to lower the minimum district size.

In response to a question from Commissioner de la Fe, Ms. Byron explained that there did not need to be language included that indicated a by-right option for every district. She stated that according to the General Assembly language, zoning districts could be any mix a locality allowed.

In response to a question from Commissioner Alcorn, Fred Selden, PD, DPZ explained that if the Comprehensive Plan called for .5 dwelling units per acre but the land was zoned R-1, a cluster by-right application would be considered if appropriate, but it would be difficult to map out where these types of conflicts existed.

In response to a question from Commissioner Hall, Mr. Selden stated that his department was

currently working on digitizing the Comprehensive Plan to use as a map overlay.

Responding to a question from Commissioner Harsel, Ms. Byron said a developer could not rezone to a cluster, but a developer would have the option of either filing a conventional or planned development housing (PDH) application.

In response to a question from Commissioner Harsel, Ms. Byron stated that agricultural and farming districts were not changed in the proposed Cluster Subdivision Ordinance Amendments.

In response to a question from Commissioner Byers, Ms. Murray said the new legislation did not indicate a locality had to permit cluster by-right development. She stated the legislation was clear if a locality decided to allow cluster by-right subdivisions, that it must be by-right unless there was a bonus density provided.

Ms. Murray continued with her presentation by discussing the standards developed by staff. She said these standards include open space, tree preservation and standards that would allow for a minor lot line adjustment after a by-right subdivision was approved.

Next, Ms. Murray explained the compatibility provisions applicable to cluster subdivisions that could be approved administratively. She said each requirement was noted on the handout titled "Compatibility Provisions Applicable to Cluster Subdivisions Approved Administratively" a copy of which is in the date file. She pointed out that staff recommendations were noted in bold.

Responding to a question from Commissioner Byers, Ms. Byron stated no waivers would be allowed and that such language was already included in the proposed standards.

In response to a question from Commissioner Alcorn, Ms. Byron stated there was specific language in the legislation allowing staff to approve a cluster by-right subdivision without the approval of the Planning Commission.

Commissioner Harsel asked for clarification regarding minimum lot size and the Board of Supervisors having the option to change lot sizes. Mrs. Byron stated that would be the case for special exceptions only.

Commissioner Hart commented that the minimum lot size in the R-E District is substantially larger than the minimum lot size in the R-C District and he felt it should be the opposite. Ms. Byron stated it was specifically written that way because when R-C Zoning came into existence, staff kept the same 36,000 square foot minimum lot size as was allowed in R-1 districts.

Ms. Murray reminded the Committee that there is a deadline of July 1, 2004 for these Ordinance Amendments to be approved by the Board of Supervisors. Acting Chairman Hall noted the workshop for pending Cluster Subdivision Ordinance Amendments was scheduled for January 24, 2004 at 9:00 a.m. in the Board Conference Room.

Moving on to Plan-related matters, Mr. Selden stated that staff recommended a "sunset clause" be enacted for outstanding nominations from the last North County APR cycle. He said old nominations not acted upon would be dropped and a new nomination would need to be submitted for consideration.

Acting Chairman Hall suggested that specific language be included that made it clear old nominations would not be considered in the new cycle. This suggestion was unanimously agreed upon by the Committee.

Next, Mr. Selden discussed modifying the Citizen's Guide which would primarily update information and incorporate any changes that had been previously agreed upon. He said he would like to have the revised Citizen's Guide for the Board of Supervisors' review at their February 9, 2004 meeting. He noted this would not allow enough time to come back to the Committee with the revisions, but that he would circulate them to all Committee members and the full Commission in the coming week. He said if the Committee or the Commission found any problems that needed to be addressed, he would forward the revised Citizen's Guide to the Board of Supervisors on February 9, 2004. This suggestion was unanimously agreed upon by the Committee.

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The meeting was adjourned at 8:09 p.m.
Janet R. Hall, Acting Chairman

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

Minutes by: Karen M. Everett

Approved on: 9/9/04



Linda B. Rodeffer, Clerk
Fairfax County Planning Commission