

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
WEDNESDAY, FEBRUARY 18, 2009**

COMMITTEE MEMBERS PRESENT:

Walter L. Alcorn, At-Large
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, At-Large
Kenneth Lawrence, Providence District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBER ABSENT:

Suzanne F. Harsel, Braddock District

PLANNING COMMISSION OFFICE STAFF PRESENT:

Barbara J. Lippa, Executive Director
S. Robin Ransom, Assistant Director
Kara A. DeArrastia, Deputy Clerk

STAFF PRESENT:

Regina Coyle, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Kevin Guinaw, ZED, DPZ
Donna McNeally, ZED, DPZ
Eileen McLane, Zoning Administrator, Zoning Administration Division (ZAD), DPZ
Lorrie Kirst, Deputy Zoning Administrator, ZAD, DPZ
Leslie Johnson, ZAD, DPZ
Michelle O'Hare, ZAD, DPZ
Marianne Gardner, Planning Division, Department of Planning and Zoning (DPZ)
James Patteson, Land Development Services, Department of Public Works and Environmental Services

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Planning Commission Vice Chairman Walter L. Alcorn, constituted the meeting at 7:04 p.m. in the Board Conference Room at 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Section 4-102 of the Commission's *Bylaws & Procedure* and indicated that the first order of business was to elect a committee chair.

Commissioner Litzenberger MOVED TO ELECT JANET R. HALL AS CHAIRMAN OF THE 2009 POLICY AND PROCEDURES COMMITTEE.

Without objection, it was so ordered.

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Commissioner Flanagan MOVED THAT THE MINUTES OF SEPTEMBER 24, 2008 BE APPROVED.

Commissioner Hart seconded the motion which carried unanimously.

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DISCONTINUATION OF THE AREA PLANS REVIEW TABLOID

Marianne Gardner, Planning Division, Department of Planning and Zoning, noted that two memos had been distributed, dated January 22, 2009 and February 11, 2009, explaining staff's rationale for discontinuing the publication of the Area Plans Review (APR) tabloid. (Copies of the memos are in the date file.) She explained that the two primary reasons for this recommendation were: (1) an increased presence on the Internet; and (2) budgetary constraints.

In response to questions from Commissioner Alcorn, Ms. Gardner discussed alternative outreach strategies, including information that would be posted on the web. She added that a clickable map would be available to allow users to locate nominated properties.

Commissioner Litzenberger expressed concern about a possible negative reaction of citizens.

Referring to the second bullet of the February 11, 2009 memo, Commissioner Flanagan suggested that community organizations, along with selected property owners, be notified of nearby nominations and associated task force meeting dates via individually addressed letters.

Responding to a question from Commissioner Hart, Ms. Gardner said she would confirm with the County Attorney's Office that there was no legal requirement for publication of the tabloid.

Commissioner Sargeant expressed support for the demise of the tabloid and said electronic communications were more effective than newspapers.

In response to questions from Commissioner Sargeant, Ms. Gardner said the Planning Commission Office would still send letters to affected and adjacent property owners and that she would ask the Office of Public Affairs if information could be posted on the County's homepage during the process. Ms. Gardner also pointed out that electronic bulletins would be sent to DPZ's listserv.

Responding to a question from Commissioner Lawrence, Ms. Gardner said information about APR cycles was sent to district supervisors' office for publication in their newsletters. Commissioner Lawrence suggested including information about the website as well.

Commissioner Alcorn supported discontinuing the tabloid. He requested that committee members be given an opportunity to review the format and content of information that would be posted on the website before it became operational.

Robin Ransom, Assistant Director, Planning Commission Office, suggested that the Planning Commission's website announce the discontinuation of the tabloid and that APR information be available at Planning Commission meetings. Chairman Hall thought these were excellent ideas.

Commissioner Hart suggested that a less expensive community newspaper might meet the legal notification requirements.

Commissioner Litzenberger MOVED THAT THE COMMITTEE RECOMMEND TO THE PLANNING COMMISSION THAT THE APR TABLOID BE SUSPENDED FOR TWO YEARS, SUBJECT TO THE COMMITTEE'S REVIEW OF INFORMATION TO BE POSTED ON THE COUNTY'S WEBSITE.

Commissioner Lawrence seconded the motion which carried unanimously.

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ZONING ORDINANCE AMENDMENT WORK PROGRAM

Eileen McLane, Zoning Administrator, said a memorandum dated February 12, 2009 had been distributed to committee members on the Zoning Ordinance Work Program, a copy of which is in the date file.

Ms. McLane stated that 34 items were on the 2008 Priority 1 Work Program; 8 had added by the Board of Supervisors during the year; 8 had been adopted; 4 authorized; and 2 addressed without requiring amendment.

Responding to a question from Chairman Hall, James Patteson, Land Development Services, Department of Public Works and Environmental Services (DPWES), said most "shovel-ready" projects qualifying for federal stimulus funds were transportation projects with a few wastewater and stormwater projects. Chairman Hall asked Mr. Patteson to provide her with a list of the projects.

In response to a question from Commissioner Alcorn, Ms. McLane said no consideration had been given to suspending the Work Program due to budgetary constraints, even though there were three vacant positions and the number of appeals had increased.

Ms. McLane discussed the status of the amendments on maintaining neighborhood character, including angle of bulk plane and grade, and residential studios, formerly known as single room occupancy.

Responding to a question from Commissioner Flanagan about the amendment on maintaining neighborhood character, Ms. McLane said the Board of Supervisors wanted to concentrate on the setback ratio and grade height at this time. Commissioner Flanagan said the citizens did not feel the bulk plane approach adequately addressed the issue of maintaining neighborhood character and said this should be addressed at the public hearing.

Ms. McLane responded to a question from Commissioner Sargeant about Zoning Ordinance Amendments regarding wind turbines and solar panels and from Commissioner Hart about secondary kitchens.

Commissioner Lusk and Ms. McLane discussed including No. 26 on the 2009 Priority 2 list, to consider allowing affordable dwelling units and/or workforce housing units in commercial and/or industrial districts, with No. 6, Housing – Residential Studios.

Commissioner Lusk recommended that No. 1, on the proposed 2009 Priority 1 list, Adult Video Stores, be moved to the Priority 2 list.

Commissioner Alcorn recommended that No. 38, on the 2009 Priority 2 list, concerning reducing the minimum parking requirement for all retail and retail mixed projects and not only those projects located near mass transit, be moved to the Priority 1 list and that No. 15 on the 2009 Priority 1 list, commercial portable storage, be moved to the Priority 2 list for one year.

Commissioner Alcorn **MOVED THAT THE COMMITTEE ENDORSE THE PROPOSED WORK PROGRAM WITH THE FOLLOWING CHANGES:**

MOVE NO. 15 ON THE 2009 PRIORITY 1 LIST, COMMERCIAL PORTABLE STORAGE, TO THE PRIORITY 2 LIST FOR ONE YEAR;

MOVE NO. 38 ON THE 2009 PRIORITY 2 LIST, TO CONSIDER REDUCING THE MINIMUM REQUIREMENT PARKING REQUIREMENT FOR RETAIL AND RETAIL-MIXED PROJECTS, TO THE PRIORITY 1 LIST;

CONSIDER COMBINING NO. 26 ON THE 2009 PRIORITY 2 LIST, TO ALLOW ADUS AND/OR WORKFORCE HOUSING UNITS IN COMMERCIAL AND/OR INDUSTRIAL DISTRICTS, WITH NO. 6, HOUSING – RESIDENTIAL STUDIOS.

Commissioner Hart seconded the motion which carried unanimously.

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PROPOSED ZONING ORDINANCE AMENDMENT ON ZONING FEE SCHEDULE

Regina Coyle, Director, Zoning Evaluation Division, DPZ, explained that the staff report on a proposed Zoning Ordinance Amendment on Zoning Fee Schedule recommended providing up to a 75 percent recovery rate for zoning application fees, including Board of Zoning Appeals (BZA) cases. She noted that the attachments in the staff report summarized the proposed fee increases. (A copy of the staff report is in the date file.) She said the proposal also recommended establishment of three new fees in the Zoning Evaluation Division:

- Establish a fee for conceptual plans and conceptual plan amendments that affect areas within the Reston Town Center.

- Establish a fee for processing proffer interpretations of up to \$500 for each request.
- Establish a fee for applicants requesting deferrals of Board of Supervisors and Planning Commission public hearings of \$1,000, and \$130 for BZA deferrals that occur after ads have been published in newspapers.

Responding to a question from Commissioner Hall, Barbara Lippa, Executive Director, Planning Commission, said that deadlines for postponing cases to avoid readvertising had not yet been established. Donna McNeally, ZED, DPZ, said letters and websites could contain deadline dates for deferral after which a fee of \$1,000 would be charged for rescheduling.

In response to a question from Chairman Hall, Ms. Coyle said if a Planning Commissioner or District Supervisor wanted to defer an application, there would be no cost.

Ms. Coyle noted that the public hearing on this amendment was scheduled for March 12, 2009.

Leslie Johnson, ZAD, DPZ, said ZAD charged permit fees for appeals, compliance letters, non-residential use permits, sign permits, and temporary special permits. She reviewed the following permit fee increases:

- Home occupation permits – currently no fee; proposed fee \$50; 100 percent recovery fee.
- Appeals – current fee of \$375; proposed fee \$2,455 for a 75 percent recovery rate; or \$1,635 for a 50 percent recovery rate.

Responding to a question from Commissioner Litzenberger, Ms. Johnson said if an appellant prevailed, the fee would not be refunded.

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DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES' FEES

James Patteson, Land Development Services, DPWES, reviewed the following proposed fee increases:

- Waivers and inserts – 0 percent increase
- All site plans and inspection fees – 39 percent increase
- Infill lot – 100 percent increase
- All commercial and residential alteration permit fees – 27 percent increase
- New residential permit fees – 50 percent

Mr. Patteson compared the County's site review fees with other jurisdictions. He said the Northern Virginia Building Industry Association and the National Association of Industrial and Office Properties had indicated that they could not support the increase in fees due to the state of

the economy and wanted detailed cost analyses of the impacts of regulatory amendments. (A copy of Mr. Patten's handout is in the date file.)

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The meeting was adjourned at 8:17 p.m.
Janet R. Hall, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Meeting attended by: Kara A. DeArrastia
Minutes by: Linda B. Rodeffer

Approved on: March 25, 2009

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission