

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
WEDNESDAY, FEBRUARY 27, 2008**

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
Rodney Lusk, Lee District

COMMITTEE MEMBER ABSENT:

Suzanne F. Harsel, Braddock District

OTHER COMMISSIONERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Timothy Sargeant, At-Large

STAFF PRESENT:

Eileen McLane, Zoning Administrator, Zoning Administration Division (ZAD),
Department of Planning and Zoning (DPZ)
Lorrie Kirst, Deputy Zoning Administrator, ZAD, DPZ
Michelle O'Hare, Deputy Zoning Administrator, ZAD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
S. Robin Hardy, Assistant Director, Planning Commission Office
Linda B. Rodeffer, Clerk, Planning Commission

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Chairman Janet R. Hall called the meeting to order at 7:30 p.m. in the Board Conference Room at 12000 Government Center Parkway, Fairfax, Virginia.

Commissioner Lawrence MOVED THAT THE MINUTES OF THE NOVEMBER 7, 2007 POLICY AND PROCEDURES COMMITTEE MEETING BE APPROVED.

Commissioner Hart seconded the motion which carried unanimously.

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2008 ZONING ORDINANCE AMENDMENT WORK PROGRAM

Eileen McLane, Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), noted that a memorandum dated February 20, 2008, from James Zook, Director, Department of Planning and Zoning, had been distributed with the following attachments:

- Attachment 1 – 2007 Priority 1 Zoning Ordinance Amendment Work Program Status
- Attachment 2 – Proposed 2008 Priority 1 Zoning Ordinance Amendment Work Program Status
- Attachment 3 – Proposed 2008 Priority 1 Zoning Ordinance Amendment Work Program
- Attachment 4 – Proposed 2008 Priority 2 Zoning Ordinance Amendment Work Program
- Attachment 5 – New amendment requests since April 2007 endorsement of the Zoning Ordinance Work Program.

Ms. McLane explained that of a total of 33 items, 17 had been addressed, 7 adopted, 5 authorized, 1 scheduled for authorization, and 4 addressed without amendment. She said significant amendments adopted in 2007 included workforce housing, large retail establishments, residential portable storage pods, and an increase in P-District recreation fees. She indicated that a total of 28 items were being proposed for 2008: 7 new items; 6 authorized items; and 15 carryover items which included:

- Residential Compatibility – to address the size of new residential development in existing residential areas.
- Residential Studio Units – to permit units in appropriate zoning districts.
- PDC and PRM District FAR – to consider increasing the maximum allowable floor area ratio (FAR) to facilitate implementation of Comprehensive Plan recommendations.
- Affordable Dwelling Units/Work Force Housing Units Parking – to consider a reduction of minimum parking requirements.
- P-District Development – to strengthen submission requirements and combine a CDP and FDP into one plan.
- Open Space – to review provisions and discourage the use of dry ponds and encourage the use of innovative BMPs.
- Yards – to review lot definitions, i.e., corner lots, through lots.
- Outdoor Lighting – to review standards adopted in 2003.
- Roll-Off Dumpsters in residential districts – to review allowable placement.
- Commercial Portable Storage – to review accessory use limitations.

Ms. McLane and Lorrie Kirst, Deputy Zoning Administrator, ZAD, DPZ, responded to questions from Commissioner Lawrence about the possibility of including provisions for stream protection in a Zoning Ordinance amendment concerning P-District development. Commissioner Alcorn commented that this issue might be better addressed in the PFM.

Responding to a question from Commissioner Sargeant, Ms. Kirst reviewed the background concerning the establishment of one or more historic overlay districts for Mason Neck, shown on the Priority 1 list, item number 11. She said that limited archeology research of the area had been done and that Linda Blank, the County Historian, was actively involved in this issue.

Referring to Outdoor Lighting, Priority 1 list, item 14, Commissioner Sargeant pointed out that the implications of the Energy Policy Act of 2005 should be considered in any proposed amendment on this topic.

In response to a question from Commissioner Sargeant about Item 15 on the Priority 1 list concerning PDC and PRM Districts, Ms. McLane explained that an amendment would allow for a higher FAR than permitted in the Comprehensive Plan in an area such as Tysons.

Ms. McLane and Ms. Kirst responded to a question from Commissioner Lusk about Item 32 on the Priority 2 list, allowing affordable/workforce housing in commercial and industrial districts. They explained that a first step to consideration of such an amendment would be allowing residential studio units in these districts which was a carryover item to the 2008 Priority list.

Commissioner Hart pointed out that stream protection could be addressed in both Items 15 and 16, Priority 1, PDC and PRM District FAR and P-District Development.

Commissioner Hart also noted that "Review of regulations related to adult uses" had been moved from the 2007 Priority 1 list to the 2008 Priority 2 list, Item 73.

In response to a question from Commissioner Flanagan, Ms. McLane said Item 10 on the 2008 Priority 1 List, Secondary Kitchens, did not refer to "granny flats" which were actually apartments but to second or third kitchens for family use. She said sometimes additional kitchens were used to establish multiple dwelling units and a Zoning Ordinance amendment would help clarify application of regulations.

Commissioner Flanagan commented another problem which needed to be addressed was housing additions that did not conform to yard requirements established at the time a subdivision was built.

Commissioner de la Fe commented that the Tysons study would probably have a number of recommendations that would affect the proposed PDC and PRM Districts' amendment, such as parking and setback requirements. He also pointed out conflicts between P-District and PRC proposals should be addressed.

Robin Hardy, Assistant Director, Planning Commission Office, suggested that Items 7 and 8 on the 2008 Priority 2 list, concerning costs for re-notification and re-advertisement of public hearings either caused by the applicant or due to inclement weather, be referred to the recently established Planning Commission Land Use Process Review Committee.

Commissioner Alcorn MOVED THAT THE COMMITTEE RECOMMEND APPROVAL OF THE PROPOSED 2008 WORK PROGRAM TO THE PLANNING COMMISSION.

Commissioner Flanagan seconded the motion which carried unanimously.

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BYLAWS

Ms. Hardy stated most of the proposed changes to the Bylaws were minor in nature. (A copy of the Bylaws with the proposed revisions are in the date file.)

Chairman Hall and Ms. Hardy responded to a question from Commissioner Sargeant about Article 5-101, Standing Committees, Number 2, "Alternates may only vote on an issue when attending in place of a primary member."

Responding to questions from Commissioners Sargeant and de la Fe about Article 5-101, Standing Committees, Number 6, Barbara Lippa, Executive Director of the Planning Commission, said that the intent of this revision was to have the chair of a committee review and approve the report prepared by staff summarizing a committee's activities for the year. Commissioner de la Fe indicated that his only concern about this was that it be done "no later than the last Commission meeting of the year."

Commissioner Alcorn suggested that the wording in Article 5-101, Number 5, and Article 5-102, Number 3, concerning the Freedom of Information Act, be changed from "to the extent required" to "as provided for", consistent with that in Article 6-101, Number 5

Referring to Article 6-101, Meetings, Chairman Hall requested that the first word, "Regular" in Number 1 be deleted, consistent with the deletion of the same word in the heading.

In response to a comment by Commissioner Sargeant concerning Article 6-101, Number 6, about the possibility of using other methods to advertise public hearings to reach a larger audience, several committee members pointed out that the *Code of Virginia* required notice of public hearings be provided in a "newspaper of general circulation."

Commissioner Flanagan commented that Article 6-104, Quorums and Actions, Number 3: "No action of the Commission or its standing and special committee shall be valid unless authorized by a majority vote of those present and voting." addressed the issue raised earlier about annual committee reports. Commissioner Hart disagreed. Chairman Hall asked staff to clarify this issue.

Responding to a question from Commissioner Lawrence, Ms. Lippa said the purpose of the voting restriction for alternate members of a committee was to make sure an alternate voted in place of a named person and also to help constitute a quorum.

Referring to Article 7, Public Hearings, 7-101, Decorum, Number 1, Commissioner Hart said he had never heard any “disruptive private conversations during meetings.”

In response to a question from Chairman Hall about deletion of “Out-of-Turn Plan Amendment in Article 7-103, Ms. Hardy said the Board of Supervisors wanted Out-of-Turn Plan Amendments simply referred to as “Plan Amendments.”

Responding to a question from Commissioner Alcorn, Ms. Lippa explained that Article 8-101, Approval of Agenda, Number 1 had been deleted to reflect current administrative practices and Numbers 2 and 3 had been moved to Article 6, Meetings.

Chairman Hall requested that proposed Article 9 (formerly Article 10), Official Records, Number 1, be revised to state that “The Planning Commission Office shall maintain audio and video records and keep minutes of all proceedings....”.

Ms. Hardy explained that Article 10, Administrative Policies/Procedures, was new and would allow policies to be appended to the Bylaws.

A committee meeting was scheduled for March 5, 2007 to review the suggested policies and take action on the Bylaws.

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The meeting was adjourned at 8:20 p.m.
Peter F. Murphy, Jr., Chairman

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

Minutes by: Linda B. Rodeffer

Approved on: March 5, 2008

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission