MINUTES OF
PLANNING COMMISSION MEETING
MARCH 24, 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, Annandale 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
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:38 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Huber reminded everyone that there would be an Environmental Committee meeting on March 25, 1992 at 7:15 p.m. in the Board Conference Room to discuss the Chesapeake Bay Preservation Ordinance. She noted that the meeting would be open to the public.

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ORDER OF THE AGENDA ITEMS

Chairman Murphy noted that tonight's meeting would consist of a work session on the Zoning Ordinance Amendment concerning commercial and industrial districts.

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ZONING ORDINANCE AMENDMENT (Commercial & Industrial Districts) - WORK SESSION

Mr. James Zook, Director of the Office of Comprehensive Planning, referred to the memorandum dated March 11, 1992 from himself to the Planning Commission, which had ten

attachments. (A copy of the memo with attachments is in the date file.) He explained that it was his intention to review Attachments 1, 3, 5, 6, and 9 only, to be followed by a discussion of the proposed new C-9 District and the proposed grandfathering provisions. Mr. Zook added that staff would entertain questions from the Commission at any point during the presentations.

Mr. Zook then reviewed Attachment 1 which presented the total acreage of land in commercial and industrial districts that were affected by the 1989 Zoning Ordinance Amendment concerning those districts (Z0A-89-185). During his presentation, he responded to questions from Commissioners Strickland, Sell, Harsel, Huber, and Hanlon concerning the effect on the Route 28 tax district. Mr. Zook and Commissioner Sell held a discussion concerning the possibility of a new mixed uses Ordinance.

Mr. Zook noted that the next attachment to be reviewed was Attachment 3 which presented acreage by status in pending litigation, showing total affected land area involved, acres pending consent decrees based on proffers, additional acres in the Route 28 area that would be eliminated if that area were exempted from ZOA-89-185, and additional proffered acres which would be grandfathered if all proffered rezonings were grandfathered.

Ms. Jane Gwinn, Zoning Administrator, reviewed the chart in Attachment 3, following which both she and Mr. Zook responded to questions from Commissioners Harsel, Sell, Hanlon and Strickland concerning the number of acres involved in the pending lawsuits and how they might be affected by grandfathering.

Mr. Zook proceeded to review Attachment 5 entitled "Planned Land Use Acreage for Non-residential Zoning Districts" containing both Countywide and subarea data. In response to questions from Commissioners Hanlon and Harsel, Mr. Zook explained why the Tysons Corner area had been omitted and the amount of acreage in that area. Mr. Zook also responded to questions from Commissioners Murphy, Baldwin, Hanlon, Strickland, and Huber regarding the charts and statistics presented in Attachment 5.

Mr. Zook pointed out that Attachment 6 was basically a summary of the details contained in Attachment 7. He added that Attachment 6 was entitled "Summary of Pending Suits – Comparison with Zoning Ordinance and Plan" and that Attachment 7 was entitled "Summary of Plan Recommendations and Existing Use for Active Commercial and Industrial Suits Outside of Route 28." During his discussion of Attachment 6, Mr. Zook responded to questions from Commissioners Harsel, Hanlon, Huber, Sell, and Strickland concerning the pending litigation, the Amicus proposal (Alternative 3 of the proposed ZOA), and the proposed expedited rezoning process.

In response to a request from Commissioner Hanlon, Ms. Sally Ormsby, representing the Citizens Committee on Land Use and Transportation, briefly explained the expedited rezoning process recommended by the Committee. She then responded to questions from Commissioner Hanlon concerning the process. In response to a request from Commissioner Hanlon, Ms. Ormsby said that more specific details of how the process could work could be submitted.

Chairman Murphy pointed out that the record was still open for the submission of written materials. Commissioner Huber and Commissioner Hanlon discussed whether the Route 28 corridor should be included.

Mr. Zook began his review of Attachment 9 which consisted of charts depicting various options for zoning districts I and C-5 through C-8. He explained the columns on the right side under the heading "FAR/Height" as follows:

Orig. - the Zoning Ordinance regulations prior to ZOA-89-185

C & I - the current Zoning Ordinance regulations

Lit. - the litigants' suggestion

Ami. - the Amicus proposal (Alternative 3)

Mr. Zook discussed the three options listed on the bottom half of each chart and responded to questions from Commissioner Harsel regarding building heights.

Commissioner Sell commented that, except for the I-5 and I-6 Districts, the current proposal was very close to what was proposed but never approved in the mid-1980s.

Mr. Zook continued, explaining that there was general agreement on proposals for the C-5 and C-6 Districts, but that discussions broke off during consideration of the C-7 District. He spoke about the options and responded to questions from Commissioner Hanlon specifically regarding office options. Commissioner Hanlon asked staff to provide further information regarding which zoning districts had more flexibility in terms of preserving the integrity of the Comprehensive Plan. Mr. Zook agreed.

In response to a question from Commissioner Harsel, Mr. Zook said that transportation projections had not been made to determine the effect if ZOA-89-185 were repealed, and that such projections would be costly and time consuming and probably could not be done prior to the completion of the current process.

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The Commission went into recess at 9:35 p.m. and reconvened in the Board Room at 9:50 p.m.

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Ms. Gwinn reviewed the charts (copies of which are in the date file) showing a comparison of the C-7 District and the proposed new C-9 District. She stated that the most notable difference was at the top of page 1 which indicated that the C-9 District would have to include a super-regional shopping center having in excess of 1,400,000 square feet of gross floor area.

Ms. Gwinn and Mr. Zook responded to questions from Commissioner Harsel concerning why the word "existing", as in ". . . have to include an existing super-regional shopping center . . . ." had been omitted from the requirement. Ms. Gwinn, Mr. Zook, and Commissioner Harsel discussed this issue further and commented on the amount of land needed for development at the C-9 level.

Commissioner Byers questioned whether the public had been adequately informed of this proposal for a new zoning district. Mr. Zook explained that the ZOA itself had been properly advertised and that the C-9 proposal was part of the ZOA. He added that a separate public hearing could be held on the C-9 District, but the Board of Supervisors would have to authorize it.

In response to questions from Commissioner Strickland, Mr. Zook explained that modification of the present C-7 District would not be sufficient to resolve the issues regarding super-regional shopping centers.

Commissioners Hanlon, Strickland, Harsel, Mr. Zook, and Ms. Gwinn discussed the Tysons Corner/Route 7 area.

In response to a question from Commissioner Huber, Ms. Gwinn pointed out that the full text of the proposed C-9 District began on page 18 of Alternative 1.

In response to a question from Commissioner Baldwin, Ms. Gwinn noted that there was not much difference between special exception and special permit uses in the proposed regulations for the C-9 District.

Ms. Gwinn responded to questions from Commissioners Hubbard, Baldwin, Byers, and Hanlon concerning conference centers which would be permitted as a use by-right in the new C-9 District.

Commissioners Harsel and Hanlon and Ms. Gwinn discussed the current C-7 District and the minimum lot sizes required for that District and the proposed C-9 District.

Ms. Gwinn, Mr. Zook and Commissioner Sell discussed FAR and height limitations, specifically mentioning Springfield Mall.

In reply to a question from Commissioner Strickland, Ms. Gwinn said that the proposal for a C-9 District was separate from, and would not conflict with, any proposal for a mixed use ordinance. She elaborated upon this issue.

In response to a request from Commissioner Huber regarding the amount of open space at the Tysons I shopping center, Commissioner Hanlon replied that it was his understanding that that development met the 15 percent requirement at the time the center was built.

Ms. Gwinn responded to questions from Commissioners Byers and Baldwin concerning special exception uses in the proposed C-9 District, specifically minimum lot sizes and bulk plane requirements.

There being no further comments or questions, Chairman Murphy noted that markup was scheduled for April 9, 1992.

A discussion was held concerning the Commission's schedule in the next few weeks, following which it was decided to hold a second workshop to address grandfathering provisions and other issues. Chairman Murphy suggested Monday, March 30, 1992 as a tentative date, but noted that a definite date and time would be announced as soon as possible.

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The meeting was adjourned at 10:44 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 Gloria L. Watkins

Approved on: September 23, 1992

Mary A. Pascoe

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