

**MINUTES OF
PLANNING COMMISSION MEETING
APRIL 1, 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, Braddock District
Ronald W. Koch, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Carl L. Sell, Jr., Lee District
Alvin L. Thomas, Commissioner At-Large
Stephen J. Hubbard, Dranesville District
Maya A. Huber, Commissioner At-Large
Henry E. Strickland, Mason District

ABSENT: Stephen J. Hubbard, Dranesville District
Maya A. Huber, Commissioner At-Large
Henry E. Strickland, Mason District

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The meeting was convened at 7:40 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Secretary Harsel MOVED FOR APPROVAL OF MINUTES FOR APRIL 19, 1990; MAY 3, 1990; MAY 15, 1990; MAY 17, 1990; JUNE 12, 1990; OCTOBER 18, 1990; AND NOVEMBER 15, 1990.

Commissioner Bobzien seconded the motion which passed by a vote of 6-0-3 with Commissioners Baldwin, Hanlon, and Koch abstaining; Commissioners Hubbard, Huber and Strickland absent from the meeting.

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Commissioner Bobzien announced that tomorrow evening, April 2, 1992, he would bring forward the Conceptual Development Plans for the Reston Towne Center as an administrative item. He noted that Ms. Cathy Chianese, from the Office of Comprehensive Planning, would be distributing a report this evening and noted his intent to act on that item.

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Commissioner Byers noted that RZ-90-V-026, George M. Neall, II, Trustee, was scheduled for public hearing tomorrow evening, April 2, 1992. He added that he had been informed that an addendum to the staff report was being prepared and would be distributed this evening. Commissioner Byers then announced his intention to hold the public hearing as scheduled, and defer the decision only.

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ZONING ORDINANCE – CURRENT & PROPOSED FILING FEES – The Planning Commission will hold a public hearing on the matter of an amendment to Chapt. 112, Zoning Ord. of the 1976 Code of the County of Fairfax. Pursuant to the authority granted by Virginia Code §15.1-491(f), the amendment proposes to amend Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, Sect. 18-106, Application Fees, to establish and/or increase fees for variances, appeals, special permits, special exceptions, rezonings, comprehensive sign plans, or amendments thereto, as shown on the table of current and proposed fees. In addition, the amendment proposes to revise Article 12, Sect. 12210, to reference the fees associated with Comprehensive Sign Plans. Copies of the full text and the proposed list of fees may be reviewed at the County Public Libraries and the Office of the Clerk to the Planning Commission, 7th Floor, Massey Building, 4100 Chain Bridge Road, Fairfax, VA.

All persons wishing to speak on this subject may call the Planning Commission Office at 246-2865 to be placed on the Speaker's List or may appear and be heard. PUBLIC HEARING.

Mr. Stephen Kerr, Assistant Division Director, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is contained in the date file. He explained that the proposed Zoning Ordinance Amendment was prepared in response to a request from the Acting County Executive to have the OCP examine whether the current zoning fee schedules met the Board's goal of recovering approximately fifty percent (50%) of the OCP's cost of reviewing land use applications. Mr. Kerr said that the proposed amendment would meet the Board of Supervisors' policy and that the proposed revised fee schedule maintained the current policy of relatively lower fee categories for certain variance, special permit, and appeals applications. Therefore, if it was the Board of Supervisors' intent to recover approximately fifty percent (50%) of OCP's costs, staff would recommend approval of the proposed amendment with an effective date of 12:01 a.m. on July 1, 1992.

Chairman Murphy called attention to a memorandum to Mr. James Zook, Director of the Office of Comprehensive Planning, from Mr. John di Zerega, Director of the Department of Public

Works, regarding the proposed Zoning Ordinance Amendment, Zoning Application Fee Schedule.

Chairman Murphy explained the Planning Commission's rules for speakers and then called the first listed speaker.

The first listed speaker, Mr. David Stroh, representing the Fairfax County Chamber of Commerce, was not present to speak.

Mr. Embry Rucker, Chairman, Comprehensive Housing Affordability Strategy Citizens Committee (CHAS), introduced committee members who were present. Mr. Rucker pointed out that in the 1930's the Empire State Building was completed in a little more than a year. He added that today it takes developers two to five years to get permits for subdivision homes. Mr. Rucker said that he had read that the first \$30,000 of the cost of a new home was directly attributable to government permits and fees. He then requested that the Commission help CHAS to fulfill their mandate to remove barriers to the affordable housing. Mr. Rucker then introduced Priscilla Ames.

Ms. Priscilla Ames, 11400 Washington Plaza, Reston, suggested that the non-profit developers, who were willing to build permanent affordable housing, be exempt from Fairfax County's filing fees so that when the recession ends CHAS could give incentives to the public/private partnerships to get housing for families in dire need in Fairfax County. Ms. Ames said that the Federal Government had told all CHAS citizen committees throughout the United States to see the people in the community who made the decisions to try to eliminate the barrier. She then submitted a report which had been presented to President George Bush and Jack Kemp, Secretary, U.S. Department of Housing and Urban Development, by the Advisory Commission on Regulatory Barriers to Affordable Housing entitled: "Not In My Back Yard." (See date file for report.)

Commissioner Byers commented that he did not know of any developer who built affordable housing in Fairfax County who did not expect to make a profit. He then asked Ms. Ames who would pay the cost of processing the application and reviewing the blueprints that the staff at OCP had to do if the developers were exempt?

Ms. Ames responded that the community would have to decide that it was part of their moral duty to house people properly in this nation.

Chairman Murphy commented that Ms. Ames point was well taken; however, if the Zoning Ordinance were approved the way it was stated tonight, every house in Fairfax County would increase in price, making them less affordable.

Chairman Murphy said that Mr. Zook just pointed out that if there were a true non-profit situation and there was a good cause, the Board of Supervisors had the authority to waive the

fees. Ms. Ames said that she wanted to see it locked in, because the Board changes every four years.

Ms. Gail Bjorkland, 11004 Oakton Woods Way, Oakton, represented the Fairfax County Office for Children. She said the Office for Children was concerned that the increase in fees for special permits and special exceptions would jeopardize the expansion and further development of both existing and new child care centers in Fairfax County. She added that the proposed amendment had its greatest impact on the large segment of child care centers in Fairfax County who served between twenty and ninety-nine children. She noted that the special use application fees would be increased from \$120.00 to \$3,600.00. She added that the Office for Children was also concerned about the increase for family day care providers in licensed home child care centers. The Office for Children requested that the Commission seriously consider the impact that these extraordinary fees would have on the child care resources in the County. Ms. Bjorkland said that it was their hope that the Commission would restore the original fee or significantly reduce the amount of the proposed increases.

Ms. Sheri Sheridan, President of PKI Corporate Child Care, 14800 Conference Center Drive, Chantilly, said that they currently cared for three hundred (300) children and had established four corporately-sponsored child care centers in Fairfax County. She explained that all costs incurred by the developer, including filing fees, were included in the rent payment, which in turn was passed on to the parents in tuition fees. Ms. Sheridan said that child care centers were needed in Fairfax County as more parents were going into the work force.

Commissioner Byers asked if PKI was a non-profit organization. Ms. Sheridan said that play and learn centers were non-profit, and PKI was a consulting and management company. She said that in their centers every staff member had access to health benefits and compensation well above that; however, the parents absorbed the cost when they paid their tuition.

Ms. Alice Chessnoe, 9701 Glenway Court, Burke, also spoke against the proposed filing fees. She noted that she was a family day care provider and had to go through a special use permit to get permission to increase the number of children in her care to nine. She requested that the family day care providers be allowed to take care of children by right and save the County some money.

Mr. Roger Snyder, Chief Executive Officer, Northern Virginia Building Industry Association (NVBIA) said there were some compelling reasons not to recommend the total package that was before the Commission this evening. He noted that there was more than one effort underway at the present time in the Fairfax County Government to assess the whole development review process, both administrative and legislative, of rezonings and special exceptions, to see if they could be done more efficiently and whether the whole effort could be streamlined, saving time and money. Mr. Snyder also said that a 100% increase was too big a step to take at one time. He said that a step increase would be more palatable. In closing, Mr. Snyder said that he agreed that some increase in fees would be justified; however, he said that the amount and timing of the fee increases should be the subject of further debate. Mr. Snyder urged the Commission to

recommend to the Board of Supervisors that a 100% fee increase in a short period of time, based on the data from a period that does not reflect the future, was unsupportable at this time. He added that there were still some outstanding issues that needed to be resolved. Mr. Snyder suggested that if the Commission had to reach a decision this evening, they recommend to the Board a 25% increase now and hold the other 75% in abeyance until more information could be obtained.

Mr. Kerr, Mr. Zook, and Ms. Byron had no closing staff comments.

In response to Commissioner Byers' question on setting up a graduating scale for day care centers, Ms. Byron said that there would be no problem with setting one up; however, she noted that the concern was that there could be some problems basing it on a per student ratio. She added that if there were several tiers, rather than two tiers, it could be done. Mr. Kerr said that the projected revenue figure was from the FY'92 adopted budget which was based on taking the average revenue received from the different applications filed the previous year and applying that to the projected number of applications OCP anticipated being filed this fiscal year. He added that it was difficult to predict but was the best estimate OCP could come up with at the time.

Chairman Murphy closed the public hearing and recognized Commissioner Thomas for action on the case. (Verbatim excerpts are contained in the date file.)

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Commissioner Thomas MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DENY THE PROPOSED ZONING ORDINANCE AMENDMENT, ARTICLES 12 AND 18, ZONING APPLICATION FEE SCHEDULE, AS PRESENTED IN THE STAFF REPORT DATED FEBRUARY 18, 1992.

Commissioner Bobzien seconded the motion which passed unanimously with Commissioners Hubbard, Huber, and Strickland absent from the meeting.

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Chairman Murphy announced that the decision only on this Zoning Ordinance Amendment had been previously scheduled for tomorrow evening, April 2, 1992. He added that since the Commission had completed action on this case this evening, tomorrow evening's meeting would begin at 8:15 p.m. instead of 7:30 p.m., as noted in the Weekly Agenda.

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ADJOURNMENT

April 1, 1992

The meeting adjourned at 9:11 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Minutes by: Sandra L. Stever

Approved on: September 23, 1992

Mary A. Pascoe

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