MINUTES OF
PLANNING COMMISSION MEETING
APRIL 15, 1992

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
David P. Bobzien, Centreville District
John R. Byers, Mount Vernon District
Patrick M. Hanlon, Providence 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: Suzanne F. Harsel, Braddock District

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The meeting was called to order at 7:42 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Koch referred to the architectural elevations for the Fair Oaks Hospital, submitted to the Planning Commission for review in accordance with the proffers associated with RZ-87-C-042. He noted that the elevations were in conformance with the proffers and should be approved. He therefore SO MOVED.

Commissioner Bobzien seconded the motion which carried unanimously with Commissioners Hanlon and Hubbard not present for the vote; Commissioner Harsel absent from the meeting.

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Commissioner Koch announced his intention to defer RZ-87-Y-074 from the April 22, 1992 agenda.

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RZ-90-V-026 – GEORGE H. NEALL, II, TRUSTEE (Decision Only)
(The public hearing on this application was held on April 2, 1992. A complete verbatim transcript of the decision made on this item is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-90-V-026, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN ATTACHMENT 1 OF ADDENDUM II, AND THOSE PROFFERS ARE DATED APRIL 8, 1992.

Commissioner Koch seconded the motion which carried by a vote of 6-2-1, with Commissioners Baldwin and Huber opposed; Commissioner Strickland abstaining; Commissioners Hanlon and Hubbard not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Byers then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING REQUIREMENTS BE WAIVED ALONG THE SOUTHERN, WESTERN, AND NORTHERN BOUNDARIES ADJACENT TO THE D. C. DEPARTMENT OF CORRECTIONS PROPERTY, AND MODIFIED ALONG THE PORTION OF THE WESTERN BOUNDARY ADJACENT TO LOT 1 AS SHOWN ON THE GDP, AND MODIFIED ALONG THE BOUNDARY OF LOT 2 IN FAVOR OF THE EXISTING VEGETATION AND THE TREE PRESERVATION AREAS SHOWN ON THE GDP.

Commissioners Koch and Sell seconded the motion which carried by a vote of 6-1-2 with Commissioner Huber opposed; Commissioners Baldwin and Strickland abstaining; Commissioners Hanlon and Hubbard not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Byers further MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT MODIFY THE BARRIER REQUIREMENT ALONG THE EASTERN AND SOUTHERN BOUNDARIES IN FAVOR OF THE BARRIER SHOWN ON THE GDP.

Commissioners Koch and Sell seconded the motion which carried by a vote of 6-2-1, with Commissioners Baldwin and Huber opposed; Commissioner Strickland abstaining; Commissioners Hanlon and Hubbard not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Byers also MOVED THAT THE PLANNING COMMISSION REQUEST THE BOARD OF SUPERVISORS DIRECT THAT THE SITE PLAN FOR THIS DEVELOPMENT, THE INDUSTRIAL DEVELOPMENT, AS WELL AS THE SITE PLAN FOR SP-92-V-065 BE RETURNED TO THE PLANNING COMMISSION PRIOR TO THEIR FINAL APPROVAL BY THE DIRECTOR OF DEM.

Commissioners Bobzien and Koch seconded the motion which carried by a vote of 8-0-1 with Commissioner Strickland abstaining; Commissioners Hanlon and Hubbard not present for the vote; Commissioner Harsel absent from the meeting.

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CHAPTER 118 – CHESAPEAKE BAY PRESERVATION ORDINANCE – WORK SESSION

Mr. Bruce Douglas, Planning Division, Office of Comprehensive Planning, noted that he had made a presentation before the Planning Commission Environment Committee concerning the resource paper on this subject, a copy of which is in the date file. He said that he would be happy to repeat that presentation or simply go directly to a question and answer session.

Chairman Murphy said that it was his understanding that there would be presentations tonight by Mr. Michael Rolband and Ms. Winifred Shapiro.

Mr. Rolband began a synopsis of his study done in January, 1992, entitled: "Fairfax County Chesapeake Bay Preservation Ordinance Projected Economic and Fiscal Impacts and a Comparative Cost-Benefit Analysis." (A copy of Mr. Rolband's study is in the date file.) He presented a slide show depicting the land areas in Fairfax County most affected by the proposed Ordinance.

In response to a question from Commissioner Byers, Mr. Rolband acknowledged that he had not subtracted land, such as floodplain, which could not be built upon regardless of the new Ordinance. He added, however, that sometimes developers were given density credit for floodplain areas even though they could not build on the floodplain itself.

Mr. Rolband responded to questions from Commissioner Huber regarding his calculations and percentages of hydric soils, the County's environmental quality corridor (EQC) policy, and density credits. He responded to questions from Commissioner Strickland concerning real estate taxes, resource protection areas (RPAs), floodplains, and steep slopes. He responded to questions from Commissioner Baldwin regarding RPAs and resource management areas (RMAs).

Mr. Rolband continued with his presentation, further detailing the results of his study. He then responded to more questions from Commissioner Huber concerning RMAs, best management practices (BMPs), and costs involved in complying with the proposed Ordinance.

In conclusion, Mr. Rolband said that expansion of RPAs would be ineffective.

Mr. Rolband then responded to questions from Commissioner Strickland regarding impervious surfaces; from Commissioner Hanlon regarding absorption rates; from Commissioner Byers regarding economic impacts in other jurisdictions; from Commissioner Huber regarding maintenance of open spaces; and from Commissioner Strickland regarding quality of life and cost effectiveness.

Chairman Murphy asked Mr. Rolband to provide the Commission with copies of the slides he presented tonight that were not contained in his study. Mr. Rolband said he would. (Note: The Planning Commission Office did not receive copies of the slides.)

Mr. Rolband then responded to questions from Commissioner Huber concerning phosphorous runoff and sedimentation.

Chairman Murphy called upon Mrs. Shapiro for her presentation.

Mrs. Shapiro spoke about the benefits to the community that would be provided by the Ordinance provisions and the importance of protecting the environment. She maintained that costs in the future would be greater if the proposed Ordinance was not adopted now. She said that Mr. Rolband had a vested interest and that his summary was misleading. Mrs. Shapiro refuted Mr. Rolband's assessment of the impact on the tax rate, explaining that much of the loss in property value he cited was unrealistic since a lot of the land involved was in the EQC and could not be developed anyway. She further refuted Mr. Rolband's claim that RPA land had no value, citing the County's density credit program as support. She noted that on page 9 of Mr. Rolband's study he discussed his perception of the difference between applying the EQC system and having land designated as an RPA. She said that his statement: "When a landowner seeks to rezone property, the extent of the EQC is negotiated" implied that the amount of EQC land could be adjusted by agreement, which she said was not true. Regarding Mr. Rolband's contention that development costs would increase, she quoted from a study on the cost of complying with the new Ordinance published by the Chesapeake Bay Local Assistance Department (CBLAD) in February 1992 which listed the Michael Rolband Company as a participating consultant: "These criteria tend to affect how a project is planned and need not result in increased project costs. In fact, careful application of the criteria can lead to reduced costs." She explained the methodology used by CBLAD to reach its conclusions. She commented on Table 3 in Mr. Rolband's study entitled "Cost/Benefit Evaluation of Four Pollutant Removal Approaches," pointing out that the first two columns, used in contrast to each other, were actually two components of a single approach and should not have been divided into separate categories. Mrs. Shapiro stressed that pollution removal was not the only purpose of the RPA. In conclusion, she stated that Mr. Rolband's study was fatally flawed, based on erroneous and misleading assumptions, and that its conclusions should be soundly rejected. Mrs. Shapiro acknowledged assistance from Mary Dunn, Roy Hogan, Barbara Cohen, John DeNoyer, and Mary Nightlinger.

In response to a request from Commissioner Hubbard, Mrs. Shapiro said her presentation was not in typewritten form at this time, but that she would be happy to provide the Commission with a copy of it tomorrow. (Note: The Planning Commission Office did not receive a copy of Mrs. Shapiro's statement.)

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During Chairman Murphy's temporary absence from the room, Vice Chairman Hanlon noted that further discussion of the Chesapeake Bay Preservation Ordinance would be suspended until the Commission had taken action on the Zoning Ordinance Amendment regarding commercial and industrial districts.

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ZONING ORDINANCE AMENDMENT – Commercial & Industrial Districts) – MARKUP
(The public hearing on this item was held on March 11 and 18, 1992. A complete verbatim transcript of the discussion and action taken on this item is included in the date file. Also, copies of all supporting documents are contained in the date file.)

Following summary remarks, Commissioner Bobzien MOVED THAT, IN THE EVENT THAT THE BOARD ELECTS TO ADOPT THE COMMISSION'S RECOMMENDATION FOR MODIFICATIONS TO THE C AND I DISTRICTS, THAT THE BOARD ALSO ENDORSE AN EXPEDITED REZONING/ SPECIAL EXCEPTION PROCESS TO ASSIST IN RESOLVING LITIGATION.

Commissioners Hanlon and Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Bobzien then MOVED THAT THE BOARD CONSIDER CREATING NEW ZONING DISTRICTS; IT APPEARS THAT THE ORDINANCE COULD BENEFIT BY CREATING MULTIPLE USE DISTRICTS. ONE DISTRICT COULD ALLOW A MIXTURE OF USES INCLUDING RETAIL, LIGHT INDUSTRIAL AND OFFICE. THE OTHER DISTRICT COULD ALLOW A MIXTURE OF LIGHT INDUSTRIAL, RESEARCH, AND DEVELOPMENT AND OFFICE USES. CONSIDERATION SHOULD BE GIVEN TO FACILITATE DEVELOPMENTS WHICH WOULD INCLUDE A MIXTURE OF COMPATIBLE USES AT MANAGEABLE INTENSITIES. SUCH FLEXIBILITY WOULD BE DESIRABLE TO THE INDUSTRY AND OF VALUE TO THE COUNTY.

Commissioner Strickland seconded the motion.

Following discussion, Chairman Murphy called for a vote and the motion carried by a vote of 9-2 with Commissioners Hubbard and Huber opposed; Commissioner Harsel absent from the meeting.

Regarding the grandfathering provisions, Commissioner Huber MOVED TO TAKE IT OFF THE TABLE.

Commissioner Hubbard seconded the motion which carried by a vote of 10-1 with Commissioner Sell opposed; Commissioner Harsel absent from the meeting.

Following discussion, Commissioner Huber referred to her proposal for a grandfathering provision, entitled "4/15/92, Grandfather for PC recommended amendment" (a copy of which is attached to the Summary in the date file) and SO MOVED THAT WE RECOMMEND THIS GRANDFATHERING PROVISION TO THE BOARD OF SUPERVISORS FOR ADOPTION.

Commissioners Strickland and Baldwin seconded the motion which carried, after further discussion, by a vote of 9-1-1 with Commissioner Byers opposed; Commissioner Bobzien abstaining; Commissioner Harsel absent from the meeting.

Regarding the proposed C-9 District, Commissioner Bobzien MOVED THAT WE APPROVE C-9 AS ARTICULATED IN "PROPOSED AMENDMENT, BOBZIEN PROPOSAL," THAT PORTION THAT DEALS WITH (THE RECOMMENDATION FOR THE) C-9 (DISTRICT) WITH THE FOLLOWING CHANGE: ON PAGE 12, UNDER 4-907, BULK REGULATIONS, SUBPARAGRAPH 1, THE MAXIMUM BUILDING HEIGHT, CHANGE THAT FROM 90 FEET BY RIGHT TO 60 FEET BY RIGHT, SUBJECT TO INCREASES AS MAY BE PERMITTED BY THE BOARD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9-607.

Commissioners Hanlon and Hubbard seconded the motion which carried, after discussion, by a vote of 8-1-2 with Commissioner Baldwin opposed; Commissioners Byers and Sell abstaining; Commissioner Harsel absent from the meeting.

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At the conclusion of action on the Zoning Ordinance Amendment, the Commission went into recess at 9:58 p.m., reconvened at 10:15 p.m., and returned to its work session on the Chesapeake Bay Preservation Ordinance.

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CHAPTER 118 – CHESAPEAKE BAY PRESERVATION ORDINANCE – WORK SESSION
(Continued)

Chairman Murphy announced that the workshop would end at 10:45 p.m.

Mr. Douglas briefly outlined the issues as staff perceived them, and as outlined in the resource paper on the proposed Ordinance. He noted that the advertisement for the public hearings on the proposed Ordinance included a version in accord with the Commonwealth of Virginia minimum requirements. Mr. Douglas added that the resource paper contained options for designating RPAs and RMAs. He noted that CBLAD had endorsed the County's previous version of the Ordinance.

In response to questions from Commissioner Baldwin, Mr. Douglas explained that a beaver pond that increased or decreased in size depending on the weather and seasonal activity would have to be reviewed on an individual basis.

In response to an inquiry from Commissioner Huber, Mr. Douglas said that staff had only recently received the February report from CBLAD referred to by Ms. Shapiro and had not had an opportunity to review it. He added that staff would be happy to see that the Commission also received copies.

Mr. Douglas responded to questions from Commissioner Strickland concerning the options outlined in Table 1 entitled "EPA Designation Options" in staff's resource paper.

In response to a question from Commissioner Baldwin, Mr. Douglas confirmed that, under the current Ordinance, 70 acres was the starting point at which a watershed could be designated as an RPA. He added that he was not in a position at this time to say whether a five percent increase or decrease in that size would have a significant impact. Mr. Douglas said that the 70-acre point was chosen because it was consistent with the County's floodplain and EQC policy. Commissioner Baldwin commented he was hoping there was some way for the starting point to be a range rather than a definite figure.

In response to questions from Commissioner Huber, Mr. Douglas replied that it was impossible at this time to determine exactly how much of the affected RPA would be in the floodplain. He pointed out that there was currently no exact data regarding the amount of floodplain in Fairfax County. He said that his best estimate would be that approximately one half of the proposed RPA was floodplain.

Commissioner Strickland and Mr. Douglas discussed the existing regulations in the Zoning Ordinance and the Comprehensive Plan governing floodplains and steep slopes.

There being no further comments or questions regarding this matter, Chairman Murphy turned to Commissioner Hubbard who announced an Environmental Committee meeting on Wednesday, April 22, 1992 in the Board Conference Room at 7:00 p.m.

Chairman Murphy then adjourned the meeting.

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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: February 11, 1993

Mary A. Pascoe

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