

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 30, 2014**

PRESENT: Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Peter F. Murphy, Springfield District
John L. Litzenberger, Jr., Sully District

The meeting was called to order at 8:15 p.m. by Vice Chairman Frank A. de la Fe in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

COMMISSION MATTERS

PA 2013-I-B1 – COMPREHENSIVE PLAN AMENDMENT (REVITALIZATION OF BAILEY’S CROSSROADS) (Decision Only) (The public hearing on this application was held on July 17, 2014.)

Commissioner Hall: Thank you, Mr. Chairman. This evening we were supposed to have a decision on a Comprehensive Plan Amendment and that old saying, “this fish ain’t ready to fry,” is rather apropos. It is not ready to move forward and I will be deferring this application until September. So, Mr. Chairman, I MOVE THAT PA 2013-I-B1, COMPREHENSIVE PLAN AMENDMENT, REVITALIZATION OF BAILEY’S CROSSROADS, IN MASON DISTRICT, BE MOVED TO A DATE CERTAIN OF SEPTEMBER 10, 2014, WITH THE RECORD TO REMAIN OPEN FOR ANY WRITTEN COMMENT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Hart. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 10-0. Commissioners Litzenberger and Murphy were absent from the meeting.

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MINUTES APPROVAL FOR NOVEMBER 2013 AND DECEMBER 2013

Commissioner Hall: I MOVE THAT WE APPROVE THE MEETING MINUTES FROM NOVEMBER AND DECEMBER OF 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: Abstain, Mr. Chairman. I was absent for one of the meetings.

Chairman Murphy: Okay, Mr. Lawrence abstains because of absenteeism from one of the meetings.

Commissioner Ulfelder: And I abstain because I wasn't a member of the Commission.

Chairman Murphy: Okay. Mr. Ulfelder abstains.

The motion carried by a vote of 8-0. Commissioners Lawrence and Ulfelder abstained. Commissioners Litzenberger and Murphy were absent from the meeting.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening and discussed with county staff the upcoming Noise Ordinance changes. He added that two additional meetings would be held on the following dates, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center:

- Thursday, October 2, 2014
- Thursday, October 23, 2014

He added that all would be welcome to attend.

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Commissioner Lawrence announced that the Planning Commission's Tysons Committee would meet on Thursday, July 31, 2014, from 7:00 to 9:30 p.m., in the Board Conference Room and stated that all were welcome to attend.

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FS-P14-15 – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, 8133 Leesburg Pike

Commissioner Lawrence: I have a “feature shown.” It’s FS-P14-15. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY CELLCO PARTNERSHIP DOING BUSINESS AS VERIZON WIRELESS, LOCATED AT 8133 LEESBURG PIKE, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 10-0. Commissioners Litzenberger and Murphy were absent from the meeting.

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RECOMMENDATION OF THE RESIDENTIAL STUDIO UNIT (RSU) COMMITTEE TO THE PLANNING COMMISSION

Commissioner Sargeant: Mr. Chairman. In July of 2013, the Board of Supervisors authorized a proposed Zoning Ordinance Amendment for Residential Studios, with a directive that additional outreach be conducted to receive more public input on the topic prior to conducting public hearings. The Residential Studio Committee of the Planning Commission has considered the Proposed Amendment for the new Residential Studio Use since October of 2013. Through the efforts of staff and the Planning Commission, more than fifteen public meetings were held in a wide variety of locations and venues across the county, and the Planning Commission’s Residential Studio Committee conducted seven committee meetings to consider the proposal; however, it was unlikely that the Residential Studio Committee would reach consensus about the proposed use. There were several unresolved issues, such as the districts in which RSUs should be permitted, the potential scale of the use, potential modifications and waivers under the Special Exception process, and the potential for impacts on surrounding properties. In addition, it became apparent that additional dialogue is necessary regarding affordable housing. As a result, on June 9th of 2014, the Residential Studio Committee voted to report back to the Planning Commission with a recommendation to adjourn the Committee and its review of the currently proposed Zoning Ordinance Amendment regarding residential studios. The Committee also voted to direct staff to prepare for the Committee a report to the Planning Commission and the

Board that summarizes the public outreach and the issues raised by the community and the Commission. The staff report has been completed and adopted by the RSU Committee. I would very much like to thank Donna Pesto, who has served so well as our subject matter expert regarding the proposed Zoning Ordinance Amendment and affordable housing. Her guidance, diligence, and support have been invaluable. Along with Donna, Leslie Johnson and Michelle O'Hare served as the foundation of our efforts to engage citizens across the county with information sharing and dialogue. Several other members of county staff have contributed to the process as well. It has been a challenging and, at times, contentious process and Donna, Leslie, and Michelle have met the challenge with professionalism and grace. I also would like to thank the many citizens who participated in the dialogue regarding the Residential Studio Amendment. Whether you supported or opposed the Amendment, it was important for us to hear from you. While the end result is a recommendation to discontinue the process, each meeting has contributed to a better understanding of the issues surrounding affordable housing. It is not an easy decision, but it is necessary. Our region and county population continues to increase and our workforce economy continues to change. The discussion of affordable housing is likely to come up again as we continue to look for ways to manage growth and meet the housing needs of future generations. And with that, Mr. Chairman, I would like to make the following motion. On June 9th, 2014, the Residential Studio Committee voted to forward a recommendation to the Planning Commission to discontinue the consideration of the proposed Zoning Ordinance Amendment Regarding Residential Studios, citing the unlikelihood that the Residential Studio Committee will reach consensus on the proposed use, as there remain a number of concerns about the districts in which the use should be permitted, the potential scale of the use, the special exception process and the potential for modifications and waivers of the standards, the nature of services which may be provided at the development, and the potential for impacts on surrounding properties. In addition, it was recommended that there be broader community dialogue about affordable housing, including a discussion on how best to provide for a range of housing opportunities, including residential studios that will serve the county's current and future residents at all income levels. Based on the Summary Report dated July 30th, 2014, and the June 9th, 2014, recommendation of the Committee, I MOVE THAT THE PLANNING COMMISSION ENDORSE THE RECOMMENDATION OF THE RESIDENTIAL STUDIO COMMITTEE TO DISCONTINUE CONSIDERATION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING RESIDENTIAL STUDIOS.

Vice Chairman de la Fe: Is there a second?

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? I would just like to comment. I didn't know whether to do it after the first motion or the last motion, but I want to commend Mr. Sargeant and all of the members of the Committee as well as the staff. This has been a long and arduous process and we – we thank you on behalf of the Commission and the citizens for the work you have done.

Commissioner Sargeant: Well, thank you, sir. Let me thank my fellow committee members who have served so ably and patiently and provided great input.

Vice Chairman de la Fe: Any further discussion? Commissioner Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I – I just wanted to say that this is a beginning, not an end. It's an important discussion; it's a critical topic for the county for your professionals and for people of limited income. And I hope that we will not just allow the report to languish, but we will somehow or other find a way to make these concepts reality. Thank you.

Vice Chairman de la Fe: Thank you. Further discussion? Hearing and seeing none, all those in favor of the motion, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries unanimously.

Commissioner Sargeant: Thank you, Mr. Chairman.

Vice Chairman de la Fe: Do you have a motion to do?

Commissioner Hart: That's it.

Vice Chairman de la Fe: That was it? Okay, there were – what we had gotten, there were different draft motions, but –

Commissioner Hart: That would be it.

Commissioner Sargeant: Hold on a second. Do I need to do all of these?

Vice Chairman de la Fe: We do need one to disband the Committee.

Commissioner Hart: Okay, I guess we have to do all three motions.

Commissioner Sargeant: We're on a roll. Let's do another one. Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION DISBAND THE RESIDENTIAL STUDIO COMMITTEE.

Commissioner Hall: Second.

Vice Chairman de la Fe: Seconded by – seconded by Mrs. Hall. Any discussion? I would just like to comment that if this passes, for those of you who don't think the government doesn't end things, this will end a committee. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Number three.

Commissioner Sargeant: Mr. Chairman, based on the Summary Report dated July 30th, 2014, and the recommendation of the Residential Studio Committee, I MOVE THAT THE PLANNING COMMISSION FORWARD A RECOMMENDATION TO THE BOARD OF

SUPERVISORS TO DISCONTINUE CONSIDERATION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING RESIDENTIAL STUDIOS. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THERE BE A BROADER COMMUNITY DIALOGUE ABOUT AFFORDABLE HOUSING, INCLUDING A DISCUSSION ON HOW BEST TO PROVIDE FOR A RANGE OF HOUSING OPPORTUNITIES, INCLUDING RESIDENTIAL STUDIOS, THAT WILL SERVE THE COUNTY’S CURRENT AND FUTURE RESIDENTS AT ALL INCOME LEVELS.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Litzenberger and Murphy were absent from the meeting.

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ORDER OF THE AGENDA

On behalf of Secretary Hall, Vice Chairman de la Fe established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (FOOD TRUCKS)

This agenda was accepted without objection.

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ZONING ORDINANCE AMENDMENT (FOOD TRUCKS) –
 To consider revisions to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, which defines a food truck as any readily movable mobile food service establishment, to include vehicles that are self-propelled, pushed or pulled to a specific location. Revises Sect. 2-510 to (a) permit food trucks as an accessory use in any commercial or industrial district, in the commercial portions of a P District, or at any construction site with an active building permit and on-going construction activity, subject to compliance with applicable regulations; (b) requires the submission of a one-time food truck location permit by property owners who wish to have food trucks on their property and annually by food truck operators; (c) requires that the Zoning

Administrator approves such permits provided that use limitations including the location of the food truck, hours of operation, number of food trucks and property owner consent are met, and provided that such food truck is associated with a principal use consisting of a building with a minimum gross floor area which could range from a minimum of 25,000 square feet to a maximum of 35,000 square feet, or on a construction site with an active building permit and on-going construction activity. Notwithstanding the above, revises Sect. 2-510 to permit food trucks on County or Park Authority owned and controlled property or in conjunction with the approval of temporary special permit, provided that such food trucks comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Service requirements. Revises Sect 10-102 to add food trucks as a permitted accessory use and to clarify that food trucks are not permitted to be parked in residential districts. Pursuant to authority granted by Sections 15.2-107 and 15.2-2286(A)(6), of the *Code of Virginia*, establishes a \$100 food truck permit application fee, which shall be issued to property owners on a one-time basis and to food truck vendors annually.

COUNTYWIDE. PUBLIC HEARING.

Commissioner Hedetniemi announced her intent to defer the decision on this application to September 10, 2014.

Mavis Stanfield, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the Zoning Ordinance Amendment for Food Trucks.

Vice Chairman de la Fe acknowledged that food trucks would not be permitted on public streets in Fairfax County since they were owned by the Virginia Department of Transportation (VDOT), and asked if vendors would be permitted to use private streets. Ms. Stanfield said that it was an option.

Commissioner Hart asked where a food truck might be parked overnight. Ms. Stanfield explained that the proposal precluded them from being parked in residential districts, noting that Fairfax County Health Department requirements necessitated their being parked in commercial or retail areas overnight. Commissioner Hart asked whether pushcart food vehicles would also be prohibited in residential areas, Ms. Stanfield replied yes. Commissioner Hart pointed out that pushcarts were smaller than food trucks and could fit inside a garage. He suggested that these vehicles be allowed in residential areas. Ms. Stanfield agreed. Commissioner Hart asked if VDOT would allow a vendor to occupy a parking space on a public street. Leslie Johnson, ZAD, DPZ, explained that vendors were not allowed to vend on a public street, adding that they must be parked in a commercial area with commercial zoning. When Commissioner Hart noted that he had seen vendors selling food on public streets in Arlington, Ms. Stanfield pointed out that Arlington County owned its public streets, whereas VDOT owned all of the public streets in

Fairfax County. Commissioner Hart asked what the process would be for a vendor to work at a church picnic. Ms. Stanfield said that if the vendor did not already have a permit, he could obtain a Temporary Special Permit.

Commissioner Sargeant asked how the vendor permit fee schedule was developed. Ms. Stanfield explained that staff calculated the amount of time that would be spent on it and the cost for that time. When he asked if other jurisdictions did the same thing, Ms. Stanfield stated that she had not discussed the issue with them. Commissioner Sargeant expressed concern about competition and asked whether the minimum amount of commercial square footage should be raised to 30,000. Ms. Stanfield acknowledged that there had been instances where vendors could not obtain permission from property owners because of limited competition. When Commissioner Sargeant asked if requiring permission from property owners might not create more challenges for staff, Ms. Stanfield stated that it would help enforcement because of its site specificity.

Commissioner Migliaccio asked for staff's confirmation that a vendor would need not only a permit to vend but also a letter of permission from a property owner to work on his property. Ms. Stanfield confirmed that both would be required. Commissioner Migliaccio asked what would happen if a property owner revoked the permission to vend on the property. Ms. Stanfield explained that the vendor would retain his vending permit, which lasted for a year; however, he must obtain a letter of permission from another property owner to work on another site.

Commissioner Hurley noted her concern with regard to parking pushcarts in residential garages and said that it might violate existing proffers prohibiting such use of garages. Ms. Johnson said that while the pushcarts might be different than food trucks, staff would review the language during the deferral period. Noting that church fairs were commonly held in residential communities, Commissioner Hurley asked if vendors would be able to work at them. Ms. Johnson stated that vendors were typically given special permits, adding that the same held for school events. In addition, Ms. Johnson stated that vendors could also work at farmers' markets in public parks as well as on public properties such as the Fairfax County Government Center.

Commissioner Flanagan noted that there were small outdoor cafés, such as Starbucks, throughout the Mount Vernon District, and asked if the four-hour time period would be imposed on a small food cart placed outside such a use to augment sales by the restaurant. Ms. Kirst explained that the cart would be considered accessory to the original use and therefore no time limits would be imposed.

Commissioner Ulfelder noted that he had read the 2013 report by the National League of Cities referenced in the proposal and pointed out that the report recommended between four and five hours for vendors to be at a site, as opposed to the proposed Zoning Ordinance's maximum of four hours including set up and breakdown. He then asked how much time a vendor would be permitted to be on a site if he owned more than one food truck. Ms. Stanfield stated that each food truck would be permitted four hours. Commissioner Ulfelder asked how specific the landowner's permit would be. Ms. Stanfield explained that the permit would specify the hours, location, and the number of food trucks allowed on the property. When Commissioner Ulfelder asked how a vendor would find out about possible locations, Ms. Stanfield said that the county would have a list of available sites, but also noted that vendors and property owners often

approached one another for services and/or agreements. Commissioner Ulfelder noted that the Park Authority had its own program for food trucks and asked how that program would work with the county's, if at all. Ms. Stanfield stated that the Park Authority had a separate permitting process and pointed out that vendors often chose to operate solely on parkland without working anywhere else in the county. In addition, she noted that vendors paid a \$150 filing fee, plus a monthly fee to work on county parkland.

Commissioner Ulfelder asked for confirmation that property owners could withdraw a vendor's permission to work on their property unilaterally and without notice. Ms. Stanfield confirmed that the owners could do so, adding that the owners' permits were permanent.

Commissioner Hedetniemi reiterated that she would defer the decision, adding that the ordinance needed clarification with regard to hours, square footage of allowable sites, and procedure. She added that the ordinance would help a new and growing industry that would provide more food choices in an easier and more accessible manner. She stated that staff and industry would find a way to resolve the issues and clarify the language during the deferral period.

Vice Chairman de la Fe called the first listed speaker and recited the rules for testimony.

Che Ruddell-Tabisola, 1110 Congress Street NE, Washington, DC, Executive Director, DMV (DC/Maryland/Virginia) Food Truck Association, noted that the Food Truck Association was formed in 2011 by 17 small business entrepreneurs and added that it had since grown to nearly 70 members, with several members either living or based in Fairfax County. Addressing Commissioner Hart's question, he stated that every food truck was required to operate out of a brick and mortar kitchen which was inspected, depending on the jurisdiction, once or twice a year, by the local department of health. He noted that the food truck industry generated millions in revenue, adding that the average food truck created four full-time jobs. He pointed out that food safety handling was paramount, adding that every food truck had a certified food safety manager. He added that the DMV supported the proposed amendment because it would change the definition of a food truck, allow for vendors to operate on Park Authority-owned property, and require permission from property owners. He expressed concern about the minimum square footage required for vendors to operate at a site and said that Fairfax County had the highest square footage requirement in the country. He stated that it was prohibitive to small business and particularly to the food truck industry. Additionally, Mr. Tabisola pointed out that the county required that owners not only provide a letter of permission for vendors, but also a site plan showing the lot with parking spaces and ingress and egress. He added that no other jurisdiction required more than a letter and said that the site plan requirement seemed to make food trucks equivalent to permanent structures. He further added that the cap of three food trucks per site should be reconsidered and acknowledged the need for the county to monitor commercial activity and stated that the proposal was a good start; however, property owners would likely not provide space to vendors because of the permitting process. He stated that the policy as written did not support small business because it limited opportunities to vend and requested more time to resolve outstanding issues.

Commissioner Flanagan asked how the number of food trucks was regulated in other jurisdictions if property owners were required to submit only a letter of permission. Mr. Tabisola

explained that it was the owners' prerogative to say how many trucks they might want or need on their property. He added that it would not be in the owners' interest to disrupt traffic with an excess number and said that while there might be more than one, there was never more than three.

Commissioner Migliaccio asked Mr. Tabisola what was the least amount of required square footage he had found in his search. Mr. Tabisola stated that he was still looking, but as of yet had found no required square footage in any of the major cities in the country. When Commissioner Migliaccio asked Mr. Tabisola if he preferred no square footage, Mr. Tabisola stated that the property owner should have the right to decide whether or not he wanted food trucks or not, saying that a one-size-fits-all approach might be too limiting in this case. He pointed out that a car dealership could be ideal for a food truck, yet would not meet the square footage requirement.

Commissioner Hart asked if Mr. Tabisola had encountered other constraints or variables in other jurisdictions. Mr. Tabisola said that there was a requirement for the parks in Alexandria, Virginia, where there must be at least ten parking spaces for a truck to vend. Referencing the earlier car dealership example, Commissioner Hart suggested that the 30,000 square foot requirement might not be the only method of measurement, and asked whether the request for the site plan was to ensure staff that there would be sufficient parking as well as safe access to a site. Ms. Stanfield said yes and added that it was also to ensure that there was no obstruction to the site's circulation. She pointed out that there was no requirement for a site plan and said that staff had aerial photos that showed the sites' parking and access points. Commissioner Hart and Mr. Tabisola briefly discussed the size of the food trucks and their locations in parking lots, after which Commissioner Hart asked what Mr. Tabisola's objections were. Mr. Tabisola pointed out that he knew of a property owner who had submitted a site plan and was denied. In addition, he said that the regulations specified a process to identify a site plan. Ms. Stanfield said that she would follow up with Mr. Tabisola.

Commissioner Lawrence said that the market would decide the locations for the food trucks and stated that the county needed to find a way, other than square footage, to assure that the food truck was an accessory use. He added that it would be up to the food truck industry to assure landowners that using their property would be viable and worthwhile.

Commissioner Hurley asked Mr. Tabisola if four hours was an acceptable time period. Mr. Tabisola said that the market should decide. He also noted that because of the diversity in the industry, it would be difficult to say what time period would be ideal.

Commissioner Sargeant noted the numerous federal agencies and security requirements in the Washington Metropolitan region and expressed surprise that only a letter of permission, along with an aerial shot of the property, would be acceptable. Mr. Tabisola explained that this proposal discussed a very narrow ordinance on private property, whereas other nearby jurisdictions allowed vending in the public right-of-way for longer hours. He added that vendors currently worked outside of federal buildings, such as the State Department, the Office of Personnel Management, and the Federal Aviation Administration, and were used to serving federal and congressional clientele. He added that DMV members were accustomed to

background checks and, with a little management ahead of time, security issues could easily be resolved.

Doug Maheu, 5527 Eastbourne Drive, Springfield, expressed concern about the vendors' intended customers and the intent of the language in the proposed amendment regarding minimum square footage. He pointed out that the two-hour vending period in parts of Arlington existed because vendors often used parking spaces where the meters lasted only two hours. In addition, he stated that the filing fees were higher in Arlington and Washington, DC because the food trucks could go out on public streets and for longer periods of time.

Commissioner Ulfelder pointed out that Tysons Corner would be expanding into a large urban center and asked Mr. Maheu how his business would thrive, given the prohibition to sell on a public street. Mr. Maheu pointed out that food trucks were often used to activate space, adding that Tysons was ideal for them. In addition, he pointed out that the new Metro station nearby would provide increased pedestrian traffic.

Gabriela Febres, 4476 Oakdale Crescent Court, Fairfax, owner of ArepaZone, said that she was a Fairfax County resident with a growing business that she wanted to bring into Fairfax County. She stated that while she worked in Washington, DC, ArepaZone and its commercial kitchen were based in the Fairfax County. She noted that she had six-employee team and added that Fairfax was ideal for her food truck because of its diversity and opportunities.

Commissioner Flanagan asked Ms. Febres where she parked her food truck overnight. She said that it was parked at a commercial kitchen, which was located in an industrial zone in Chantilly, Virginia.

Uyen Gnuyen, 5119 Bebe Court, Centreville, owner of Lemongrass Truck, stated that she had been a federal professional before quitting and opening Lemongrass Truck. She explained that she now had two successful food trucks and visited sites throughout the Washington Metropolitan Area. She noted that she had recently begun visiting business parks in Fairfax County and said they were more successful than in Washington, DC. She further noted that the food truck industry was a growing business that could be built upon.

Commissioner Hart asked Ms. Nguyen what time of day Lemongrass Food Truck served its meals. Ms. Nguyen said the trucks typically served lunch for four hours. She added that she had a weekly schedule in which the trucks went somewhere different each day.

Commissioner Flanagan asked Ms. Nguyen if people drove to visit her facilities. She confirmed that they did, noting that customers would park nearby, line up to get lunch, and then take it back to their offices. When Commissioner Flanagan asked her where she parked her truck overnight, she stated that it was parked at a depot in Chantilly, Virginia, in an industrial area, adding that the truck could not be parked in a residential garage because it was too tall.

Jon Clark, 7227 Auburn Street, Annandale, spoke in opposition to the amendment, saying that it was incomplete and failed to address enforcement issues properly. He stated that a neighbor had

been parking a food truck in a nearby driveway without penalty for well over a year. He said that without an enforcement strategy, this amendment would be of no consequence.

Commissioner Migliaccio asked Ms. Stanfield if there was any place on the permit application where a food truck owner could identify where the truck would be parked overnight. Ms. Stanfield said there was not and added that staff would look into it during the deferral period.

Kathleen McDermott, 4936 Sunset Lane, Annandale, concurred with Mr. Clark's remarks and said that enforcement was of the utmost importance. She also suggested that the food truck owner's permit should be revoked once it was discovered that the food truck was parked in a residential neighborhood overnight.

Commissioner Hart referenced page 9, paragraph 18A, which would add "food truck" to the language in the paragraph for vehicles currently prohibited to be parked in any R district, and asked Ms. McDermott if that was satisfactory. Ms. McDermott explained that it failed to resolve the issue of enforcement, pointing out that the proposal needed to address after-hours enforcement.

There being no more speakers, Vice Chairman de la Fe called for comments from staff.

Referencing the vendor whose truck was parked in the residential driveway, Ms. Stanfield explained that it would be difficult to determine where the truck should be parked overnight because staff did not know if the vendor operated in Fairfax County. In addition, she emphasized that the amendment addressed private streets, which was why the square footage provision was proposed. With regard to the car dealership example, she pointed out that a Special Exception Amendment application would be required for a food truck to operate at a dealership.

Commissioner Hall questioned Ms. Stanfield's remark regarding the food truck parked in the private driveway and said that where a vendor operated was immaterial, adding that the important point was that the vendor was in violation because the food truck was parked in a residential area in Fairfax County. Ms. Stanfield agreed and clarified that it was difficult to determine where the truck actually was, as opposed to where it was supposed to be parked.

Commissioner Flanagan said that the speakers wanted more immediate action than a zoning violation, such as a ticket on the vehicle. Ms. Stanfield said that ticketing would not be appropriate for vehicle parked on private property, adding that food trucks were typically addressed through the Zoning Ordinance process. Commissioner Flanagan asked if food trucks would need a Special Exception to work at a shopping center site as part of a farmer's market. Ms. Johnson said that as long as no development conditions precluded food trucks, there would be no issue with having them.

Commissioner Hart asked Ms. Johnson to address speaker comments that overnight enforcement was impossible. Ms. Johnson explained that while staff was not present after normal business hours, if a citizen called and filed a complaint then plans would be made to address it during those hours. Commissioner Hart noted the recent opening of the Wiehle Avenue Metro station and asked who arranged the food trucks for it. Vice Chairman de la Fe noted that it was part of

the Comstock Company development, which contained proffers that included the food trucks. Commissioner Hart asked if the \$100 dollar fee was required for the vendors. Ms. Kirst said it was not and explained that depending on the approval, particularly in planned districts ("P" Districts), a lot of flexibility could be built in as part of the approval of that P District rezoning, such as longer operating hours and additional food trucks; however, that must be reviewed in the context of the original rezoning. She further added that when reviewing sites such as Tysons as applicants come through, it was important to look at food trucks upfront in terms of good locations.

Commissioner Hurley asked if the four-hour time limit would be exempted for emergency situations. Ms. Stanfield said yes. When Commissioner Hurley asked if vendors would have extended hours for festivals, Ms. Stanfield confirmed that they would.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Hedetniemi for action on this case.

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Vice Chairman de la Fe: I will close the public hearing and then let you make your motion.

Commissioner Hedetniemi: Thank you, everybody and thank you for the staff and all your patience. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING FOOD TRUCKS TO A DATE CERTAIN OF SEPTEMBER 10 AND THAT THE RECORD SHALL REMAIN OPEN UNTIL SUCH TIME FOR WRITTEN COMMENTS ONLY.

Commissioner Lawrence: Second.

Vice Chairman de la Fe: It's been moved and seconded, and I assume that you would have as part of that MOTION THAT WE REQUEST THAT THE BOARD OF SUPERVISORS – Commissioner Hedetniemi: – it would be moved – changed to –

Vice Chairman de la Fe: – CHANGE ITS DATE OF PUBLIC HEARING UNTIL A DATE AFTER the –

Commissioner Hedetniemi: – September 10th.

Vice Chairman de la Fe: – after WE ACT.

Commissioner Hedetniemi: Thank you.

Vice Chairman de la Fe: Moved and seconded as – with the friendly amendment I just made. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 10-0. Commissioners Litzenberger and Murphy were absent from the meeting.

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The meeting was adjourned at 10:20 p.m.

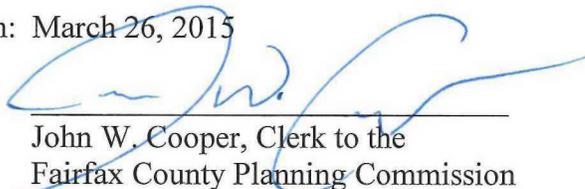
Peter F. Murphy, Chairman

Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: March 26, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission