

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 10, 2014**

PRESENT: Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
John C. Ulfelder, Dranesville District

ABSENT: Earl L. Flanagan, Mount Vernon District
John L. Litzenger, Jr., Sully District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:16 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that Regina Stewart, Communications Specialist for the Planning Commission, passed away on Saturday, August 9, 2014, due to complications from cancer. He said that she was a valued employee and commended the work she did for the Commission. Chairman Murphy stated that Ms. Stewart began her career with Fairfax County in 1995 and during her career she worked for the Department of Planning and Zoning, the Fairfax County Department of Transportation, and the Office of the County Executive before joining the Planning Commission in 2013. On behalf of the Planning Commission, Chairman Murphy expressed condolences to Ms. Stewart's family and said she would be missed by her colleagues and friends.

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Commissioner Hall announced that the minutes for January 2014 and February 2014 had been distributed to Commissioners by John W. Cooper, Clerk to the Planning Commission. She said that all comments and corrections should be provided prior to the Planning Commission's meeting on Thursday, September 18, 2014, where she would make a motion to approve these sets.

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Chairman Murphy pointed out that a public hearing for a Comprehensive Plan Amendment regarding telecommunications was scheduled for Wednesday, September 17, 2014, but noted that this hearing had not been advertised; therefore, the public hearing could not be heard on this date. Subsequently, he indicated that the Planning Commission's Telecommunications Committee would meet on Thursday, September 18, 2014 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to receive a briefing from staff on the revised language for this amendment. In addition, Chairman Murphy announced at the public hearing for this Comprehensive Plan Amendment would occur on Wednesday, October 1, 2014.

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Commissioner Hedetniemi announced that the Planning Commission's Transportation Committee met earlier this evening to review the transportation plan for the completed projects that were scheduled for implementation.

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Chairman Murphy announced that he and Commissioner Hedetniemi would conduct a Planning Commission Roundtable on the Food Truck Zoning Ordinance Amendment on Tuesday, September 16, 2014.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP SP-2014-SP-005, CHRISTOPHER LAND, LLC, FROM THURSDAY, OCTOBER 23, 2014 TO A DATE CERTAIN OF THURSDAY, NOVEMBER 6, 2014.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0. Commissioners Flanagan, Litzenberger, and Sargeant were absent from the meeting.

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Chairman Murphy announced his intent to defer the public hearing for PA 2013-III-FC1 (A) and S13-III-FC1, which were two Comprehensive Plan Amendments for the Fairfax Center area that pertained to Fairfax Forward, from Thursday, September 18, 2014 to a date certain Wednesday, October 22, 2014. He added that he met with Commissioner Hedetniemi on these amendments and they agreed that they were not ready for a public hearing, saying that additional meetings with citizens, staff, and the task force were necessary.

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FSA-H00-100-1 – SIRIUS XM RADIO INC. C/O HPC WIRELESS SERVICES, 2340 Dulles Corner Boulevard

Commissioner Ulfelder: But I have a "feature shown" that's for a minor modification and modernization of equipment for Sirius XM Radio on the rooftop of the AT&T building in Dulles

Corners in Herndon. Therefore, I WOULD MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION FSA-H00-100-1, THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY SIRUS XM RADIO INC. C/O HPC WIRELESS SERVICES AT 2340 DULLES CORNER BOULEVARD IN HERNDON, 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.

Commissioners de la Fe and Lawrence: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FSA-H00-100-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Litzenger, and Sargeant were absent from the meeting.)

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ZONING ORDINANCE AMENDMENT (FOOD TRUCKS) (Decision Only)

(The public hearing on this item was held on July 30, 2014.)

Commissioner Hedetniemi: Mr. Chairman, members of the Planning Commission, last Thursday, staff and I met with representatives from the food truck industry in response to their written testimony provided, subsequent to our public hearing for this amendment on July 30th. Attending that meeting were Supervisor Linda Smyth, Planning Commissioner Ken Lawrence, and Clayton Medford from Chairman Bulova's office. While the food truck industry appreciates the steps County staff has taken to accommodate food trucks within Fairfax County, there still is concern on the part of the industry that the proposed amendment would limit locations for food trucks. There also is concern on the part of the industry representatives regarding changes to the proposed minimum building size threshold. I would like especially to note, however, that a positive point from that meeting was the success that food trucks have experienced in Reston. I've encouraged the food truck industry to more aggressively advocate for themselves so that others know how successful they have been in Reston. And also at the meeting, we urged the industry to work closely with property owners to identify appropriate sites for the location of food trucks. I want to remind you that the current Zoning Ordinance regulates food trucks as fast food restaurants, which would, in most cases, require Special Exception approval. With this amendment, we have moved significantly in the right direction to accommodate and encourage food trucks in Fairfax County. Therefore, Mr. Chairman, I will be making a motion to approve this amendment as advertised, but with a minimum threshold of 25,000 square feet for the size of a building where food trucks may locate by-right. This is a lower number in the advertised range

of 25,000 to 35,000 square feet and is less than the staff recommended 30,000 square feet. The industry, however, would prefer that there to be no minimum square foot threshold at all. Therefore, some industry concerns remain with these proposed regulations, but we have to work within the scope of advertising and re-advertising is required to address the majority of concerns noted in the industry letter. I believe that staff has addressed many of the questions raised by the industry and has further clarified and simplified the approval process and I refer you to the memorandum we received from Ms. Stanfield dated September 8, 2014. It is my opinion that the food truck industry will be best served with the adoption of this amendment at this time, as it facilitates the location of food trucks within the County. Adoption, however, should come with recognition that the provisions could be changed in the future if they are found to not be working or as encouraging for the industry as we would like them to be. Lastly, I intend to add a follow-on motion to the Board to request that they reconvene the food truck work group in a year to evaluate the process and to determine if any changes to the food truck regulations are necessary. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED FOOD TRUCK ZONING ORDINANCE AMENDMENT, AS ADVERTISED, WITH A MINIMUM BUILDING SIZE THRESHOLD OF 25,000 SQUARE FEET, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. One is a clarification that the – the Amendment discusses allowing food trucks in construction zones, but not in residential areas. I'd like if you could clarify – if you're doing construction in a residential area, are food trucks permitted?

Commissioner Hedetniemi: I'll let staff answer that question.

Mavis Stanfield, Zoning Administration Division, Department of Planning and Zoning: Yes, Ms. Hurley. That's correct.

Commissioner Hurley: Thank you. That's a simple clarification. Second, along with the minimum size, as you've mentioned – Commissioner Hedetniemi mentioned several times, it's also – the hours per day was – confusion. I know that at least one other Commissioner had that same – I was under the impression a single food truck could be in a place for four hours, but perhaps another food truck could come in a different four hours. Now it's – others are saying no. It's a total of four hours. It would be two hours in the morning and two hours in the afternoon, but a total four hours in one day. Just – again, I need a clarification.

Ms. Stanfield: Yes ma'am, that's correct. It would be four hours, regardless of the number of trucks that you have for the entire day.

Commissioner Hurley: And – just a little one – we want to make sure that the ice cream trucks are still permitted to go around the neighborhoods.

Ms. Stanfield: They are.

Commissioner Hurley: Thank you.

Chairman Murphy: Further discussion? Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I intend to support this motion, particularly in light of the follow-on motion in a provision for a review after a year. I'm very hopeful that we can encourage food trucks in places like Tysons Corner. And I'm highly sensitive to what Commissioner Hedetniemi has set up in having us look carefully at what the criteria are. On the other hand, I do appreciate that we need to get this within the discipline of the Zoning Ordinance for enforceability and if we can make it into an administrative review – so much the better. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Food Truck Zoning Ordinance, as articulated by Ms. Hedetniemi this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The Chair abstains. I was not present for the public hearing.

Commissioner Hedetniemi: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hedetniemi: I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE FOOD TRUCK WORK GROUP INITIATED BY CHAIRMAN BULOVA AND SUPERVISOR SMYTH BE RECONVENED IN ONE YEAR FOLLOWING THE ADOPTION OF THIS AMENDMENT TO EVALUATE HOW WELL THE PROCESS ESTABLISHED BY THE AMENDMENT IS WORKING AND TO PROVIDE RECOMMENDATIONS FOR POSSIBLE CHANGE.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, as articulated by Ms. Hedetniemi, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Hedetniemi: I'd like especially to thank Mavis Stanfield and staff for thorough and positive work with the industry. It is a new industry. It is passionate about its work. And their passion and the commitment on the part of the staff meshed very well.

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(Each motion carried by a vote of 8-0-1. Commissioner Murphy abstained. Commissioners Flanagan, Litzenberger, and Sargeant were absent from the meeting.)

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PA 2013-I-B1 – COMPREHENSIVE PLAN AMENDMENT (CHARLES STREET/BAILEYS CROSSROADS CBC) (Mason District) (Decision Only)

(The public hearing on this item was held on July 17, 2014.)

Commissioner Hall: Thank you, Mr. Chairman. You all received an addendum to this proposed Comprehensive Plan Amendment for Mason District – excuse me – and I would ask that staff make a brief presentation of what is included in the addendum.

Bernard Suchicital, Planning Division, Department of Planning and Zoning: Yes, thank you, Mr. Chairman. I'm Bernie Suchicital with the Department of Planning and Zoning. I'm accompanied by Pam Nee, also with the Department of Planning and Zoning and Leonard Wolfenstein with the Fairfax County Department of Transportation. Plan Amendment 2013-I-B1 involves 9 parcels totaling 2.72 acres, located south of Leesburg Pike, east of Charles Street, and west of Washington Drive. This Plan Amendment will allow for additional retail uses and will also expand the CBC boundary to include three residential properties that front onto Charles Street and Washington Drive. Since the July 17th Planning Commission meeting, additional discussions were held with the community and staff that led to some modifications that are now being recommended, which are as follows:

- Emphasizing the desirability of additional screening and buffering adjacent to existing residential properties – it is the intent of this expansion of the sub-unit that the additional land be used to substantially screen and buffer the non-residential use in order to protect neighborhood stability;
- Highlight that drive-thru fast food restaurants are not appropriate; and
- To clarify how the realignment of the Charles Street with Glen Forest Drive at Leesburg Pike should occur.

Thank you, Mr. Chairman.

Chairman Murphy: Okay, thank you. Ms. Hall.

Commissioner Hall: Thank you Mr. Chairman. I just want to make a very brief statement. I know that this particular piece of property – this whole area – has been vacant for a number of years

and people do get tired at looking at vacant property. I think the language, as it is now crafted, will produce a quality development on this site. During the public hearing, there was mention that this area really doesn't count as the revitalization zone, but – because it is southeast and northeast of the other quadrants where the larger shopping centers are. But these quadrants are very important and they need to be developed with care. That's why it took so long for this addendum to be issued because we wanted to make sure we had the protection for the community and the language – if you recall during the hearing, there was confusion between the staff and speakers – but it's been ironed out now and it's crystal clear of what's supposed to happen. And I would hope that this language would be approved as written. And with that, Mr. Chairman, I move that – I find my motion – thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PLANNING COMMISSION RECOMMENDATION, AS FOUNDED IN THE ADDENDUM DATED AUGUST 26, 2014. THE ADDENDUM INCLUDES THE PROPOSED PLAN TEXT THAT WAS REVISED SINCE THE JULY 17TH, 2014 PUBLIC HEARING, WITH THE CHANGES I'VE JUST RECOMMENDED. Thank you, Mr. Chairman.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment 2013-I-B1, as articulated by Ms. Hall, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Thank you, Mr. Chairman.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Litzenberger, and Sargeant were absent from the meeting.)

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. AR 2006-DR-001 – JOHN H. AND BARBARA WHITNEY
2. AR 89-S-003-03 – THOMAS E. REED, MADELEINE S. REED
3. AR 89-S-005-03 – WILLIAM G. MURRAY, TRUSTEE OF TRUST U/W OF JONES D. JASPER

This order was accepted without objection.

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AR 2006-DR-001 – JOHN H. AND BARBARA WHITNEY –
Appl. Renewal authorized by Chapter 115 (County Code),
effective June 30, 1983, to permit renewal of a previously
approved agricultural and forestal district. Located at 10607 Beach
Mill Road, Great Falls, on approx. 21.75 ac. of land zoned R E.
Tax Map 3-3 ((1)) 32Z. DRANESVILLE DISTRICT. PUBLIC
HEARING

Commissioner Ulfelder asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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Chairman Murphy: Without objection, the public hearing is closed – Mr. Ulfelder.

Commissioner Ulfelder: Yes, thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 2006-DR-001 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE WHITNEY LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED JUNE 13, 2014.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 2006-DR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Litzenberger, and Sargeant were absent from the meeting.)

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The next two public hearings were in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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AR 89-S-003-03 – THOMAS E. REED, MADELEINE S. REED –
Appl. Renewal authorized by Chapter 115 (County Code),

effective June 30, 1983, to permit renewal of a previously approved agricultural and forestal district. Located at 12801 Popes Head Road, Clifton, on approx. 43.44 ac. of land zoned R-C and WS. Tax Map 66-4 ((1)) 11Z, 17Z, and 18Z. SPRINGFIELD DISTRICT. PUBLIC HEARING

Commissioner Murphy asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

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Vice Chairman de la Fe: I would close the public hearing and – Mr. Murphy.

Commissioner Murphy: Thank you very much. This is a renewal of a 43-plus acre parcel on Popes Head Road and we're glad to see Reeds are up here sitting in the cheap seats. Thank you very much for renewing your Agricultural and Forestal District. Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 89-S-003-03 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE REED LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED JUNE 16, 2014.

Commissioners Hall, Hart, and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by –

Commissioner Hall: All of us.

Vice Chairman de la Fe: -Ms. Hall –

Commissioner Murphy: Una voce.

Vice Chairman de la Fe: -Mr. Hart and Ms. Hedetniemi – I think everybody. 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. Thank you very much.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Litzenberger, and Sargeant were absent from the meeting.)

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AR 89-S-005-03 – WILLIAM G. MURRAY, TRUSTEE OF
TRUST U/W OF JONES D. JASPER – Appl. Renewal authorized
by Chapter 115 (County Code), effective June 30, 1983 to permit
renewal of a previously approved agricultural and forestal district.
Located at 6712 Wolf Run Shoals Road, Fairfax Station, on
approx. 80.84 ac. of land zoned R-C and WS. Tax Map 86-2 ((1))
20Z and 21Z. SPRINGFIELD DISTRICT. PUBLIC HEARING

Commissioner Murphy asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

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Vice Chairman de la Fe: The public hearing is closed – Mr. Murphy.

Commissioner Murphy: Thank you very much. Eighty-plus acres on Wolf Run Shoals Road to be renewed and I WOULD MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 89-S-005-03 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE JASPER LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED JUNE 13, 2014.

Commissioners Hall and Hart: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall and Mr. Hart. I got the names right.

Commissioner Murphy: That is great. We're starting of-

Commissioner Hall: Yes.

Vice Chairman de la Fe: Any – 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.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Litzenberger, and Sargeant were absent from the meeting.)

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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The meeting was adjourned at 8:42 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: Jacob Caporaletti

Approved on: March 26, 2015



John Cooper, Clerk to the
Fairfax County Planning Commission