

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 27, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:34 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Hall reminded the members of the Personnel & Budget Committee that there would be a Committee meeting to review the budget submission immediately following the regular session.

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Commissioner Hall advised that she had received a letter this evening from the Leewood Nursing Home requesting a six-month deferral so that they could have additional time to address various issues raised during Commission Matters on September 20, 2000.

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Commissioner Alcorn reminded the Planning Commission that the citizen's workshop on the Infill & Residential Development Study would be held on Wednesday, October 11, 2000 at 7:30 p.m., in the Board Auditorium.

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Chairman Murphy expressed appreciation to all members of the Department of Planning and Zoning staff who participated in the Planning Commission Seminar held in September of this year. He requested that members of the Commission and County staff submit any follow-up ideas to Barbara Lipka, Executive Director, Planning Commission Office.

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INFILL & RESIDENTIAL DEVELOPMENT STUDY - The Planning Commission will hold a special briefing on the Infill & Residential Development Study. No public testimony will be allowed at the time; however, the public may testify as the October 11, 2000 workshop on this subject. STAFF BRIEFING.

Chairman Murphy welcomed everyone and explained that the briefing this evening was the result of a request by the Board of Supervisors that the Planning Commission look at infill and residential development in Fairfax County. He stated that County staff had been working with the Planning Commission and its Residential Development and Infill (RDI) Committee, chaired by Commissioner At-large, Walter L. Alcorn. He then turned the proceedings over to Commissioner Alcorn.

Commissioner Alcorn referred to the draft report that had been given to Planning Commission members and noted that a workshop and public hearing would be held on Wednesday, October 11, 2000 at 7:30 p.m. in the Board Auditorium when citizens would be provided with an opportunity to comment on the recommendations contained in the Study. Commissioner Alcorn called upon James P. Zook, Director, Department of Planning & Zoning (DPZ) for opening remarks. (A copy of the study entitled "Infill & Residential Development Study," dated July 26, 2000, is in the date file.)

Mr. Zook thanked the members of the RDI Committee and Commissioner Alcorn for the leadership provided to staff. He also thanked County staff for their efforts in putting the study together and for their comprehensive presentations to the citizens of each Supervisory District and to members of the industry.

Multiple staff members gave synopses on four aspects of the draft Study report with specific references to information the RDI Committee had requested.

Site Compatibility (SC)

Fred Selden, Director, Planning Division, Department of Planning & Zoning (DPZ)

Jane Gwinn, Director, Zoning Administration Division, DPZ

- SC1 -- Create a Residential Compatibility Appendix, pages 9-16;
- SC2 -- Revise the Criteria for the Assignment of Residential Development Density (Appendix 9 in the Policy Plan), pages 17-28;
- SC4 -- Revise the PDH District, pages 31-39;
- SC5 -- Allow cluster development by right, pages 41-43;

- SC6 -- Review the Zoning Ordinance and Comprehensive Plan provisions related to open space, pages 45-49;
- SC8 -- Establish a neighborhood conservation overlay district, pages 55-57;
- SC9 -- Modify bulk regulation provisions in the Zoning Ordinance, pages 59-62;
- SC10 -- Notify community of new development proposals, pages 63-65.

Commissioner Kelso referred to SC2, Criterion #7 on page 24 and asked if it was feasible to ask a developer to commit to a 80 percent tree cover requirement through tree preservation if a site was 80 percent wooded prior to development. He also asked if an applicant would be given an opportunity to commit to transferring tree cover to other sites such as street frontages. Mr. Selden said the statement was used as an example only. He stated that staff had not looked at the different ways tree preservation could be integrated into the development criteria. He cautioned that before making a decision, the Commission would have to pay particular attention to determining whether or not an element was covered and whether it had been given sufficient weight as it applied to appropriate density. Commissioners Alcorn, Kelso, Byers, Harsel, Hall and Wilson, Mr. Selden and Ms. Gwinn, discussed tree preservation, tree replacement, transplantation, cluster subdivisions, cluster by right, setback requirements, calculation of open space, private streets, development criteria, and the role of the Urban Forester with respect to tree preservation.

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Traffic & Transportation (TR)

Katherine Ichter, Chief, Highway Operations Division, Department of Transportation (DOT)

- TR1 -- Modify the Public Facilities Manual (PFM) to facilitate the use of traffic calming features and promote flexibility in street design, pages 75-80
- TR3 -- Reduce cut-through mitigation standards, pages 83-84
- TR4 -- Improve pedestrian facilities, pages 85-87
- TR5 -- Increase townhouse parking requirements, page 89

Commissioner Byers, referring to TR3 and DOT's plan to reduce cut-through traffic on residential streets by implementing traffic calming strategies, advised that most of the streets in the Mount Vernon District were residential. When asked by Commissioner Byers if DOT was going to consider traffic calming on those streets, Ms. Ichter said "no."

Referring to TR4, part b), page 73, Commissioner Byers and Ms. Ichter discussed DOT's recommendation that the Zoning Ordinance and Public Facilities Manual (PFM) be modified to require sidewalks on roads within a quarter mile of community facilities; e.g., schools. Commissioner Byers suggested that DOT change its recommendation to 1 mile to accommodate children having to walk to school. Ms. Ichter indicated that because of Virginia Department of Transportation's (VDOT) 1980 decision to no longer be responsible for the maintenance of street/sidewalk improvements if the County did not meet their

criteria, the County was concerned about assuming liability and maintenance obligations. (See pages 86 & 87.) Ms. Ichter agreed with Chairman Murphy's comment that if sidewalk capability were to be increased outside of VDOT's parameters, there was a distinct possibility that the Board of Supervisors would have to raise taxes.

Commissioner Alcorn asked DOT staff to provide additional information on all aspects of maintaining sidewalks.

At Commissioner Smyth's request, Ms. Ichter agreed to involve the Department of Fire & Rescue in future discussions.

Commissioner Hall concurred with Commissioner Byers that decisions would have to be made concerning maintenance of sidewalks especially in older communities where landscaping was growing out of control and blind spots were of major concern.

With reference to DOT's recommendation that owners of townhouses not be allowed to convert their garage spaces to rooms, Commissioner Hall said she knew of no condition requiring those owners to park in their garages. She suggested that DOT take a look at requiring increased parking in townhouse developments.

Commissioner Palatiello pointed out what he considered to be inconsistencies between TR3, on page 83, that recommended reducing cut-through traffic, and TR6, on page 91, that recommended promoting interconnections of local residential streets. Commissioner Palatiello and Ms. Ichter discussed citizen opposition to interconnectivity and their preference for cul-de-sacs. Ms. Ichter explained the methods DOT was utilizing to provide a workable transportation network and how the agency was responding to concerns expressed by the community with respect to DOT's proposals. She said the Comprehensive Plan contained language that spoke to the need to connect roadways within the County and advised that that was currently a part of DOT's policy plan.

Commissioner Palatiello and Ms. Ichter discussed the difficulty the Planning Commission had dealing with the many requests to waive the 600-foot length of private streets requirement and asked how DOT planned to address the issue.

Commissioner Harsel, referring to TR1 a), page 78, paragraph 1, line 7, which indicated that because the private street standard was waived frequently there were potential safety problems. Commissioner Harsel advised that the Planning Commission had never been advised of any safety problems and asked Ms. Ichter to explain what they were. Ms. Ichter replied that the main issue dealt with having single-ended access. She said one of the potential problems was having a downed tree or vehicle blocking access to the property and preventing residents from leaving or entering.

Ms. Ichter, replying to Commissioner Harsel's query on TR3, page 83, Cut-through Mitigation Standards and traffic calming, said that people living on private streets could

install traffic calming devices now; so, the only place the issue would come into play was when it affected a public street.

Commissioner Harsel called attention to TR4, page 85, paragraph 4, line 5, item 3, that suggested ensuring that turning radii are sufficient to accommodate buses traversing residential streets. She noted that comments had been made this evening urging DOT to allow smaller streets in order to alleviate problems of runoff from impervious surfaces. She asked Ms. Ichter if DOT staff was at cross purposes on the two recommendations. Ms. Ichter pointed out that DOT was referring to those streets on which public transportation would be running. She explained that those vehicles needed to get around corners and some standards would have to be kept in place so the buses could use them; however, that left many streets that could have lower standards. In response to another question posed by Commissioner Harsel concerning the use of smaller buses, Ms. Ichter advised that there was a mix in the fleet and smaller vehicles were used in some areas.

Commissioner Harsel, noting that her grandchildren walked to school on sidewalks consisting of concrete and asphalt, asked why both were used. Ms. Ichter explained that typically concrete was used for sidewalks and asphalt for trails; however, she did not think the type of material used was the issue and asked Commissioner Harsel to call her office if she heard of any safety issues related to a school.

Commissioner Moon, referring to parking requirements for townhouse developments, asked if DOT had any information, to include the year 1998, showing the percentage of households that used their parking garages for something other than parking. Ms. Ichter replied in the negative, she said DOT had no plans to conduct a survey any time in the future. Commissioner Moon suggested that it might be prudent to have that type of information. Chairman Murphy advised that the Planning Commission had looked into the possibility of creating a townhouse and multifamily unit parking standard based on bedrooms, as opposed to unit numbers, but decided that it was not feasible. Commissioner Alcorn pointed out that household size was going down but the number of vehicles were going up and he thought it would be very difficult to develop that type of ordinance.

Commissioner Alcorn, referring to Commissioner Palatiello's suggestion, asked staff to review the private streets provisions and return to the Commission with information on a proposed strategy. When that information was available, he said the Commission would have a policy discussion concerning next steps. Mr. Zook said staff could put a report together based on information they currently had. He suggested that the RDI Committee and the Commission address the staff recommendations, make any modifications that might be needed, and submit them to the Board of Supervisors. He also suggested sending a separate list of concerns to the Board that would include citizen comments and then the Commission could address those issues after the Board had acted on the entire package.

Commissioner Wilson, referring to private streets, said it was her opinion that the developers were requesting waivers because it cost them less to do so. She indicated that

if waivers were granted consistently, the standards set forth by the County and the State for public safety and health would be eroded. She stressed that if the Commission continued to grant those waivers she didn't think it was fulfilling its role in planning for public safety which, in her opinion, went hand in hand with land use.

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Tree Preservation (TP)

Mark Busciano, Urban Forester, Department of Public Works & Environmental Services (DPWES)

TP1 -- Reduce grading to increase tree preservation, pages 97-99

TP3 -- Conservation easements, pages 103-104

Commissioner Wilson and Mr. Busciano discussed vegetated forest areas, possible retention of individual trees on individual lots, and engineering and Public Facilities Manual (PFM) requirements. Mr. Busciano indicated that many of the issues raised by Commissioner Wilson were cross over topics and some were being addressed by the site compatibility team and some would be referred to in the stormwater management and erosion and control presentation this evening. He said DPWES was working under the state enabling legislation, which required only 20 per cent tree cover on residential developments. He also noted that tree cover requirements could be met through planting as well as preservation.

Commissioner Alcorn, referring to Mr. Busciano's presentation, said that he understood the reasons for withdrawing TP1; however, everyone on the Commission recognized that grading was one of the main reasons that they saw a lot of tree loss on new sites. He then asked Mr. Busciano if he had other ideas on how grading could be reduced.

Mr. Busciano said he did have some other ideas but would prefer to wait until the next RDI Committee meeting to express them.

Commissioner Alcorn asked why the conservation easements recommendation was specific to common open space as opposed to any privately or commonly owned lot. Mr. Busciano said one of the main problems with conservation easements was enforcement and the main thrust was to attempt to get the easements to span larger areas. In response to Commissioner Alcorn's comment that DPWES was assuming that a public body held easements, Mr. Busciano replied that easements could be held either by the County or by certain other institutions, which resulted in a tradeoff. He contended that easements were a great thing and should continue to be pursued even if there was an enforcement issue.

Commissioner Alcorn advised the Commission that easements were used in other parts of the country for more reasons than just stormwater and tree preservation. He said private property owners who gave away their development rights and then made a charitable contribution to a public body or non-profit land trust usually used them for tax purposes. He noted that for the first time this area had a non-profit land trust that was accepting

easements. Commissioner Alcorn indicated that this may not be something the County would become directly involved with, but it was something that the Commission would be looking at as the process moved forward.

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Stormwater Management and Erosion & Sediment Control (SW)

Kambiz Agazi, Environmental Coordinator, DPWES

- SW2 -- Enhance the enforcement of violations including, in certain egregious instances, revoking of land disturbing permits, pages 113-115
- SW4 -- Improve the design and installation of erosion and sedimentation control silt fences and super silt fences by improving the design standards in the County's regulations, page 119
- SW9 -- Continue the policy of requiring additional conditions associated with stormwater detention/water quality waivers to address potential problems associated with land disturbance, page 127
- SW11 -- Water quality controls - best management practices (BMPs), pages 133-145
- SW13 -- Consideration of stormwater management during the zoning process, pages 155-162

Commissioner Byers, referring to SW9, stated that citizens living in older communities were complaining that the granting of stormwater management waivers several years ago and inadequate stormwater management now, were causing massive erosion on their property and they were concerned about new developments exacerbating that problem. Commissioner Byers asked DPWES staff why the County could not alleviate those problems. Dr. Agazi explained that any time a new development was proposed the new site would have to control its stormwater to the point that there was no net increase in erosion and DPWES staff would ensure that there would be no worsening of erosion. He stressed that it was not permitted within the Public Facilities Manual (PFM). He noted out that the developer was responsible for doing an analysis on paper and then going into the field and documenting some cross sections during and after the development process.

Mr. Scott St. Clair, Director, Maintenance and Stormwater Management Division, and Acting Director of the Stormwater Planning Division, DPWES, indicated that at the present time the County had a large backlog of projects associated with stream bank erosion. He said funding sources were very limited and DPWES currently listed house and yard flooding as their first priorities. Mr. St. Clair advised that erosion was at the lower end of the project list. Commissioner Byers expressed dissatisfaction with Mr. St. Clair's comments. In answer to another question posed by Commissioner Byers, Mr. St. Clair said DPWES maintained a list of complaints and the complainant could call to ask where they were on the list, which now contained approximately 200 to 300 complaints.

Commissioner Byers said he had heard many citizen complaints concerning dry ponds. He noted that it was the County's responsibility to maintain dry ponds and asked why they

weren't doing it. Mr. St. Clair said DPWES had enough staff to inspect the dry ponds and mow the embankments once a year and, depending upon the type of debris collected, DPWES would respond to specific complaints. He noted the funding limitations on that program as well.

Donald Demetrius, Engineer, DPWES, responded to a question posed by Commissioner Downer concerning natural versus manufactured rain gardens (SW11). He said rain gardens were not manufactured but were designed and constructed in the field. However, there were manufactured ultra-urban devices such as storm ceptors and filtration systems, but rain gardens were nothing more than an infiltration type facility with plantings on top of it. Commissioner Downer said she was pleased to have new and innovative techniques written into the PFM.

In answer to Commissioner Downer's queries, Dr. Agazi said it was anticipated that there would be staffing requirements for the Stormwater Management Division of DPWES to assist DPZ staff and the Planning Commissioners during the zoning process (see SW13). He also said that an engineer would be required to work with the planners and make site visits to aid in making their determinations. Dr. Agazi explained that a specific engineer would not be assigned to every magisterial district.

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Commissioner Alcorn thanked Mr. Zook and County staff for excellent presentations. Chairman Murphy concurred.

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The meeting was adjourned at 10:40 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: Mary A. Pascoe

Approved on: June 14, 2001

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