

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 11, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
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: John R. Byers, Mount Vernon District

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The meeting was called to order at 7:35 p.m. by Chairman Peter F. Murphy, Jr.

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**RESIDENTIAL DEVELOPMENT COMPATIBILITY AND INFILL
STUDY** - The Planning Commission will hold a Residential
Development Compatibility and Infill Study workshop to receive
comments from the public on this document prepared by the
Department of Planning and Zoning. **WORKSHOP AND PUBLIC
HEARING**

Chairman Murphy welcomed everyone attending this evening's meeting and recognized Commissioner Alcorn, Chairman of the Residential Development and Infill Committee, to begin the proceedings.

Commissioner Alcorn stated that the Board of Supervisors had tasked the Planning Commission with reviewing County policies and procedures with respect to residential development and infill. Commissioner Alcorn noted that meetings had been held in each Magisterial District. He called attention to the information contained in the "Infill & Residential Development Study, Draft Staff Recommendations Report" dated July 26, 2000, and gave an overview of how the Committee process worked. (A copy of the draft report is in the date file.)

Chairman Murphy thanked Commissioner Alcorn, members of the Committee, Mr. James Zook, Director, Department of Planning and Zoning (DPZ), and other County staff for their work in preparing the draft study and keeping citizens informed of its progress.

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Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Mr. Stuart Finley, Operations Director, Lake Barcroft Watershed Improvement District (WID), 3428 Mansfield Road, Falls Church, complimented staff on the study. He noted that the major stormwater management section of the study was of great interest to the WID. Mr. Finley submitted a document containing information on innovative urban best management practices (BMPs), watershed pollution interception, street sweeping water quality BMPs, and inundation area protection. (A copy of the document is in the date file.)

Mr. J. C. Richards, Board of Directors, Northern Virginia Association of Realtors (NVAR), 8411 Arlington Boulevard, Fairfax, explained that the Association considered some of the proposed regulations to be intrusive and/or counterproductive. He referenced certain portions of the "Site Compatibility (SC)," "Transportation (TR)," and "Stormwater (SW)" sections of the Study. (Copies of Mr. Richards' statement, and a letter from Ms. Julia Kriss, Chairman of the Board, NVAR, dated October 6, 2000, with attached commentary, are in the date file.)

Mr. Richards responded to questions from Commissioner Hall concerning NVAR's issues with the information contained in the study concerning infill development, traffic calming and citizen calming.

Chairman Murphy, responding to NVAR's comment on connectivity, expressed concern about misrepresentations made by real estate agents in a sales trailer or model home concerning how stub streets would be connected to an undeveloped parcel down the street. Mr. Richards said NVAR was in support of the proposal contained in the study concerning a public posting. He assured the Chairman that NVAR would support the Commission on that issue.

Commissioner Alcorn and Mr. Richards discussed the need to educate citizens on how the Comprehensive Plan (CP) and the Zoning Ordinance (ZO) are used in the application of land use. Commissioner Alcorn, referring to Mr. Richards' comment on item SC3, Review Impact Analysis Methodology, with respect to amendments to the CP, on page 29, said he was worried there could be confusion between zoning and planning. Commissioner Alcorn, Mr. Zook, and Mr. Richards discussed cumulative impacts on public facilities and when and how they should be addressed.

Mr. Mark Trostle, Edgemoore Homes, 2925 Old Lee Highway, Fairfax, complimented County Staff on its preparation of the study. He said he was concerned that the approach of the Study was mostly regulatory, and that there was not enough information on incentives or broad based education efforts. He recommended that the Planning Commission take a broader approach. Mr. Trostle aligned himself with the comments made by Mr. Finley with respect to adoption of the stormwater utility program. He encouraged approval of innovative land planning, supported cluster by right, urged the County to require islands in cul-de-sacs, and remove existing obstacles in the Public Facilities Manual (PFM) and ZO.

Ms. Rebecca Cate, 8119 Westchester Drive, Vienna, stated her support of the action set forth in the Study with respect to stormwater management; the County staff's recommendation to add a residential compatibility index to the land use element of the policy, and the removal of stormwater management ponds from the calculation of open space. Ms. Cate did not support deletion of SC3 in the assignment for the appropriate residential development density; and, suggested that SC8, to allow bonus density for affordable dwelling units, should be revisited. She was in favor of promoting an expansion of the Exceptional Design Award Program to recognize developers who demonstrate creative design features. (A copy of Ms. Cate's comments is in the date file.)

Mr. Mike Cavin, 8119 Westchester Drive, Vienna, commented on SC2, 3, 4, 13, open space, stormwater management ponds, waivers for cluster subdivisions, and community notification. (A copy of Mr. Cavin's remarks is in the date file.)

Mr. Jim Stevens, President, Hill Road Civic Association, 2800 Glade Vale Way, Vienna, commended County staff on producing a worthwhile Study. He expressed concern about SC5, Cluster Subdivisions, and TR3, Reduced Cut-through Mitigation Standards.

Commissioner Koch questioned Mr. Stevens about his opposition to a proposed requirement that housing developments have two entrances. Commissioner Koch pointed out the adverse affect one entrance could pose with respect to emergency vehicle access. Mr. Stevens advised that he had lived in his community many years and so far there had been no problems of that nature because the road was wide enough to allow easy access.

Ms. Mary Holbeck, 1608 Colonial Lane, McLean, a resident of the Hunting Ridge community, commended staff on its outstanding presentation to citizen groups in Dranesville and Providence Districts. She encouraged better communication with respect to notifying citizens of rezoning applications that would impact their communities. She also encouraged addressing tree save and stormwater management from the inception of development. Ms. Holbeck recommended that "infill" be defined more clearly and urged that a mandatory regulation be designed to hold developers accountable for any adverse actions affecting a community.

Mr. Jim Ketcham, President, Western Fairfax County Citizens Association (WFCCA), 6410 Suttlers Store Court, Centreville, advised that the WFCCA did not concur with staff's recommendation on SC5, Allow Cluster Development By Right. He said they did concur with the basic issues in some of the transportation and site compatibility portions of the study. (A copy of Mr. Ketcham's statement is in the date file.)

Mr. Brian Gordon, Manager, Government Affairs, Fairfax County Chamber of Commerce, 8230 Courthouse Road, #350, Vienna, stated that the Chamber commended County staff for delivering an excellent report and the County for taking the initiative in addressing this important issue. Mr. Gordon discussed the many aspects of infill development and advised that the Chamber did not think there was a suitable definition. He said the Chamber opposed some of the recommendations and supported others in the four categories subject

to study. Mr. Gordon encouraged the Commission to review the Chamber's statement in its review of staff proposals. (A copy of Mr. Gordon's testimony and the Chamber's recommendations are in the date file.)

Mr. C. Flint Webb, 8308 Westchester Drive, Vienna, commented on all four categories in the Report itemizing those he was not in agreement with and those he supported. Mr. Webb stated that he found the recommendations comprehensive, but somewhat vague on specifics and encouraged the County to seek outside advice. (A copy of Mr. Webb's statement is in the date file.)

Commissioner Harsel suggested that, prior to October 25, 2000, Mr. Webb e-mail any additional comments to the address listed in the Report.

Mr. Clark Massie, First Vice President, Northern Virginia Building Industry Association (NVBIA), listed three factors that NVBIA believed caused community anxiety. He also made comments regarding the Residential Compatibility Appendix, suggested revisions to the PDH standards, tree save, stormwater management, erosion and sediment control, and traffic and transportation. (Copies Mr. Massie's statement and handouts are in the date file.)

Commissioner Wilson, Mr. Massie, and NVBIA's tree expert, discussed his comment concerning NVBIA's reason for not endorsing the County's tree save ideas. (See item 3 in Mr. Massie's statement.)

Commissioner Palatiello questioned Mr. Massie about NVBIA's voluntary "Good Neighbor Practices." Mr. Massie agreed to provide a copy of the Association's policy statement to the full Commission. Commissioner Palatiello suggested that the Good Neighbor Practices be incorporated into NVBIA's Code of Conduct which he thought would help many of the communication problems addressed in his statement. Mr. Massie said he would inform the Association of the Commissioners' comments.

Commissioner Alcorn commended the NVBIA and Mr. Massie on the implementation of its Good Neighbor Program which he thought was a major step forward.

In response to Commissioner Harsel's request, Mr. Massie agreed to provide the Commission with copies of the Association's guidelines.

Mr. James Davis, Chairman, Mt. Vernon Council of Citizens Associations, Environment and Recreation Committee, presented his arguments for and against the draft report of the study. (A copy of Mr. Davis' statement is in the date file.)

Commissioner Smyth commented on Mr. Davis' statement that County citizens felt helpless. Commissioner Smyth advised that in Fairfax County any citizen who was actively involved in his/her neighborhood was automatically empowered and should not feel helpless.

There being no additional listed speakers, Chairman Murphy called for speakers from the audience.

Mr. Robert McLaren, Chairman, Environmental Quality Advisory Council (EQAC), commented on public transportation, increased pedestrian access, tree preservation, and stormwater management. He stated that EQAC was concerned that the County's recommendations did not go far enough. He noted that EQAC thought that the County's streams and watersheds continued to be impacted by the failure of comprehensive land use planning and site design that adequately incorporated watershed and stream protection requirements and, failed to consider the cumulative effects of land use decisions. (A copy of Mr. McLaren's statement is in the date file.)

Chairman Murphy thanked Mr. McLaren for working closely with the Commission's Environmental Committee.

Commissioner Alcorn acknowledged Mr. McLaren's and EQAC's efforts in providing their knowledge and expertise on matters concerning tree preservation and stream protection.

Mr. Pete Rigby, Paciulli Simmons & Associates, Environmental Engineers, 11212 Waples Mill Road, Fairfax, suggested that recommendations be added to the draft report that would include recommendations on industrial and commercial developments, especially in the area of stormwater management and erosion control. Mr. Rigby stated that he was not in favor of item SC6; but was in favor of TR1 and TR4. He said he was not in favor of putting sidewalks on both sides of the streets and recommended that the County look at putting utility corridors on the other side of the street.

Mr. Michael Rolband, Wetland Studies and Solutions, 14088-M Sullyfield Circle, Chantilly, requested that the study not become an anti-growth, anti-development paper. He recommended that the Commission study the Chesapeake Executive Agreement, signed by The Honorable James S. Gilmore, III, Governor of the Commonwealth of Virginia, which suggested that sprawl be reduced by 30 per cent. In order to do that, Mr. Rolband said, infill development should be encouraged. He also suggested that stormwater easement problems in all circumstances, not just those outlined in the Study, were caused by existing development that occurred prior to today's requirements and asked that the stormwater utilities system be looked at before regulations were put on paper.

Mr. John Byrne, 10509 Hunters Valley Road, Vienna, commended County staff on their efforts to encourage and promote infill development. He recommended that the Commission's decisions assure that the Comprehensive Plan recognize the roles played by the County in the region; protect the rights of private citizens; provide for growth that will be desirable for our children; and, adopt the principles of smart growth as a County policy. He also recommended adoption of a new recommendation to preserve trees and open space; adoption of TP3, expanded to request conservation of common open space; adoption of TR4, expanded to identify all roads in residential and commercial areas to request sidewalks; and adoption of SC11, expanded to create a model program for citizen involvement in land use planning. (A copy of Mr. Byrne's statement is in the date file.)

Ms. Molly Harbin, Planner, McGuire, Woods, Battle and Boothe, commended County staff for the effort and time they put into the Study. She said her main concern was that County staff ensure balance when addressing infill development. She said flexibility was needed to allow infill development to be compatible with the surrounding development. Ms. Harbin opposed options of SC1, Create a Residential Compatibility Appendix.

In response to Commissioner Alcorn's question, Ms. Harbin said she was a resident of Arlington County.

Ms. Bernice Smith, Fairfax Coalition for Smarter Growth, advised that the Coalition recommended that the County address the following issues: the need for open space preservation; the design of a land use seminar, education video, and user friendly booklet to improve the public's understanding of planning and zoning processes and issues; expand the definition of infill development to include commercial and industrial development; take into account equity in green and open space in each district; and, include a cumulative impact analysis on how zoning changes and similar actions contribute to overall growth in the County. (A copy of Ms. Smith's statement is in the date file.)

Mr. Stuart Schwartz, Director, Regional Coalition for Smarter Growth, stated that at the present time there were many studies being conducted throughout the County and land use should be planned more wisely in the future in order to accommodate increased population and traffic. He recommended that the Study be expanded to commercial and industrial areas, to the acres of parking lots and all the land office campuses use, and have the County reclaim some of the open space by using good reuse of those locations.

Commissioner Kelso urged the speakers who had referred to the Richmond Highway Corridor as a problem area to look at a recently completed study that had incorporated open space, tree preservation, pedestrian walkways, and bicycle trails.

Commissioner Alcorn and Mr. Schwartz discussed the possibility of converting impervious parking lot surfaces into reusable land in the future.

Chairman Murphy advised that many tough political and budget decisions would have to be made because many of the suggestions presented by citizens and County staff this evening would be very expensive. He suggested that each of the speakers present their statements to the Board of Supervisors at its budget hearings which will be held next spring.

Mr. Stan Reid, address unknown, commented on stormwater management controls and said developers should be required to communicate not only with homeowners downstream but also with current homeowners associations. He indicated that he supported TR5, parking spaces increase. With respect to TR1, traffic calming features, Mr. Reid suggested the County install larger street name signs for new developments and older developments, where the signs were designated for replacement, to aid drivers unfamiliar with an area.

Mr. James Hart, 13947 Baton Rouge Court, Centreville, requested that the County discontinue monitoring data that is used for determining how parking spaces are currently being counted in townhouse parking areas. He called attention to a recent Virginia Supreme Court decision (Sully Station vs. Die), stating that an association could not prefer the non-garage owners in the assignment of parking spaces in townhouse areas. Mr. Hart advised that that decision would place greater pressure on people seeking parking spaces in common areas and would contribute to the competition for those spaces.

Commissioner Downer and Mr. Hart discussed older communities where assigned parking had been designated and how the court's ruling would affect them. Mr. Hart suggested ways in which to ameliorate any problems.

Commissioner Smyth asked if there would be an impact on persons owning affordable dwelling units (ADUs). Mr. Hart said he assumed there would be a problem and suggested that garages be provided for ADUs.

In answer to Commissioner Wilson's question, Mr. Hart said he would not recommend eliminating figures pertaining to garages in townhouse developments and suggested that perhaps other jurisdictions should be consulted to determine how they addressed the situation.

Commissioner Hall indicated that she did not think this was the time to study the parking problem. In response to Commissioner Hall's query as to whether County staff could draft a recommendation instead of doing a study, Robert Moore, Chief, Transportation Planning Division, Department of Transportation, indicated that staff had previously recommended a sliding scale to the Board of Supervisors and it was deemed unacceptable at the time. He indicated that the cost of the study would be high and said he thought something could be done for less money; e.g., counting fractional percentages.

Chairman Murphy noted that in many cases the extreme was the rule and not the exception and cited the number of vehicles owned by individuals and families throughout this County.

Mr. Zook, commenting on the Chairman's and Mr. Moore's remarks indicated that County staff would be working with the Commission on setting priorities. In response to Commissioner Hall's question he said the answer was "no" within the timeframe. He noted that it was an important issue to the community and the Commission and County staff would provide an opportunity to express that by suggesting to the Board that it was one of the Priority 1 items.

Chairman Murphy pointed out that some years ago, recreational vehicle (RV) parking lots were provided for some townhouse developments and noted that since the Board had just recently passed an Ordinance removing RVs from the streets, more problems would be encountered.

Commissioner Downer commented on the problems automobiles had with visibility and the problems that were caused when RVs were parked on either side of them.

Commissioner Alcorn noted the Residential Development and Infill Committee would be meeting on October 25, 2000, November 1, 2000, and November 15, 2000, to discuss the issues raised this evening. He also advised that Markup on the Study would take place on November 29, 2000. He said the Committee would begin developing a priority list of recommendations that would be presented to the full Commission for action and recommendation to the Board in November, 2000.

Mr. Jim Walton, address unknown, commented on Item #8, SC2, page 24 of the study, and suggested that the County waive its ADU requirement in areas that already have a high concentration of ADUs or Section 8-type housing. He said the County should not allow cash or land contributions for any area that didn't have a fair share of the ADU population. He said that would provide a better spread of ADUs throughout the County.

Commissioner Kelso advised Mr. Walton that ADUs were mandated by state law and Section 8 housing certificates were an option that an owner used to rent their property. He stressed that they were two entirely different programs.

Commissioner Alcorn asked his fellow Commissioners to provide the Committee with any suggestions or recommendations concerning the study prior to its next meeting on Wednesday, October 25, 2000.

Mr. Zook said he and County staff appreciated the positive comments made this evening concerning their professionalism and the quality of the study. He responded to comments made by some of the speakers concerning notification of citizen meetings; the DPZ web site; balance; stormwater management and sedimentation control; improving staff's focus on residential development rather than non-residential development; consideration of "smart growth" in terms of residential infill; and maximizing the use of the public infrastructure.

Commissioner Hall, referring to Mr. Finley's comments concerning best management practices (BMPs) in stormwater management, suggested that staff contact him to review the information he had and to discuss his ideas.

Commissioner Alcorn suggested that County staff obtain a copy of the BMP book and make it available at the Planning Commission Office. He asked that staff consider some of the issues raised this evening and report back to the Committee with recommendations about broadening or modifying the subject of how infill residential development related to the County's revitalization areas.

In answer to Commissioner Alcorn's suggestion, Mr. Zook advised that for over three years staff had focused on commercial revitalization areas and had modified its community planning and Zoning Ordinance to encourage the redevelopment/reutilization of commercial infill.

Commissioner Wilson reminded staff that the Committee had asked them to determine if there were any proposed changes to the PFM that would encourage tree save areas.

Chairman Murphy expressed his concern that the definition of "compatibility" would be subject to many interpretations and suggested that it should be made more clear and concise. He said he did not want citizens to be lulled into a false sense of security.

Commissioner Alcorn agreed and suggested that staff review his comments and report their findings to the Committee at its next meeting. Commissioner Alcorn indicated that he did not want to see "compatibility" used as an argument to do things that would result in less desirable development either from a market or environmental standpoint.

Commissioner Smyth suggested that historic preservation be addressed more clearly. She said she would like to see something done within infill development that would encourage more preservation and determine what could be done to incorporate older homes into new developments.

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Chairman Murphy thanked everyone for their participation and particularly County staff for their hard work.

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The meeting was adjourned at 10:30 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 21, 2001

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