



# Planning Communicator

A Publication of the Fairfax County Planning Commission Office

August 2009

## Inside this issue:

South County APR Preview	2
Roundtable Update	2
North County APR Update	5
BRAC APR Update	6
Second Quarter Land Use Update	7
Committee Meetings	8
Announcements	11

## Commissioner Spotlight

The focus of this issue's spotlight is on Jay Donahue, Dranesville District representative, who has served on the Planning Commission since February 2008.



Donahue was appointed in January 2008 by the Board of Supervisors on a motion by Supervisor John W. Foust to replace Nancy Hopkins, who resigned before her term was set to expire in December 2008. Donahue was reappointed in December 2008 for his first four-year term to expire in December 2012.

As the Commission "rookie", Donahue notes that his experience thus far has been challenging and educational. He has been very pleased with the excellence and efficiency of staff at all levels, highlighting that calls are returned promptly, items needed are found quickly and individuals are extremely knowledgeable, efficient and experienced. "The Planning Commission staff, Barbara Lippa, and the various zoning and administrative departments

the Commission deals with are just terrific at getting us the information and items we need to make land use decisions," he added.

Donahue commented that when initially appointed, he "literally arrived to a huge stack of paper, a labyrinth of initially confusing, substantive and procedural ordinances and rules." He notes that the need to learn as he proceeds through each case is compelling and can be difficult sometimes. "Even though I tried to anticipate how much there would be to learn and how steep the learning curve would be, it has been and continues to be a challenge - an enjoyable challenge and certainly a worthwhile and rewarding one - but a challenge nevertheless," Donahue explained. He points out that he is "expected as a new Commissioner to spend the necessary time to conduct the research required to get up to speed, but to also recognize that help is there when it is needed." Donahue notes that "the collegiality of the Commission itself - Chairman Murphy and all the members of the Commission - has been very rewarding

...they will go out of their way to give advice and counsel on different issues to help with some of the nuances and subtleties of the tougher cases, and that can be very comforting to a new Commissioner."

### Memorable Cases to Date

Donahue considers his most memorable case thus far as SEA 83-D-030-08, an application by the Madeira School to replace its sewage treatment facility, waive the trail requirement along the Potomac River and permit other site modifications. He explained that the case "involved two groups, both of which have been highly beneficial to the interests and quality of life in the Dranesville District, in opposition to one another and yet both with very legitimate interests to advance and objectives to achieve." One group encompassed "the various trail organizations and those people who have worked tirelessly and selflessly to advance the recreation opportunities of the citizens throughout Fairfax County while at the same time championing environmental stewardship." This group was adamantly opposed to

(Continued on page 3)

# South County APR Preview

From August 3 - September 16, 2009, the Fairfax County Planning Commission will accept nominations to amend the Comprehensive Plan for property located in the southern part of the county. The five districts included in the 2009-2010 South County Area Plans Review (APR) are: Braddock, Lee, Mason, Mount Vernon and Springfield.



The purpose of the APR process is to review proposed site-specific changes to the land use recommendations found in the Area Plans and on the Comprehensive Plan Map. An explanation of the process, a step-by-step guide to submission requirements and a downloadable nomination form is contained in the *2009-2010 South County Area Plans Review Guide*, which is available online at <http://www.fairfaxcounty.gov/dpz/apr/2009southcounty/aprguide.pdf>.

All completed forms must be submitted to the Planning Commission Office at the following address:

**12000 Government Center Parkway  
Suite 330  
Fairfax, VA 22035**

Following initial processing of nominations by the Commission staff and by the Planning Division staff of the Department of Planning and Zoning during September and October 2009, the Planning Commission will hold a screening session on December 9, 2009, to determine which nominations meet applicable criteria for inclusion in the process. Public hearings before the Planning Commission and the Board of Supervisors will be held during the summer of 2010. For additional information about the APR process, link to <http://www.fairfaxcounty.gov/dpz/apr>.

## Roundtable Update

The *Planning Commission Roundtable*, a 30-minute panel discussion on Cox Cable Channel 16, is broadcast every Thursday at 6:30 p.m. and Wednesday at 10:30 p.m. (if the Commission is not in session) and features various "experts" on land use-related issues of interest to Fairfax County residents. The *PC Roundtable* has covered approximately 50 topics since its inception in 2003. A summary of each broadcast is included on the Planning Commission Web site. All previous broadcasts can be viewed at the Planning Commission Office, Suite 330, 12000 Government Center Parkway, Fairfax, VA 22035.

The programs described below were broadcast from May 2009 – August 2009, with the most recent edition available via live video streaming during the scheduled Channel 16 broadcast times. The August telecast is also available anytime via Video on Demand on the county's Web site at: [www.fairfaxcounty.gov/cable/channel16/pc\\_roundtable.htm](http://www.fairfaxcounty.gov/cable/channel16/pc_roundtable.htm). Beginning with the July/August 2009 broadcast, DVD copies can also be borrowed from our office "video lending library." If interested, call the Commission Office at 703-324-2865.

### PC Mailbag Responses – May 2009

This broadcast of the *Planning Commission Roundtable* responded to some of the questions that had been received in the PC Roundtable mailbag about previous programs or land use in general. Joining Planning Commission Chairman Pete Murphy were Walter Alcorn, At-Large Planning Commissioner; Frank de la Fe, Planning Commission Vice Chairman and Hunter Mill District Commissioner; and Ken Lawrence, Providence District Commissioner.



and citizens play in land use decisions.

### The County's Enhanced Strike Team – July/August 2009

The current *Planning Commission Roundtable* broadcast focuses on Fairfax County's Enhanced Strike Team, a program to protect against unsafe living conditions in local neighborhoods. Joining Planning Commission Chairman Pete Murphy are Jeff Blackford, Strike Team's Operations Chief, and Rachael Perrott, Environmental Health Specialist and Strike Team Leader. The group discusses how the county is maintaining the health, safety and welfare of local neighborhoods and what residents can do to help.

### The Land Use Application Process – June 2009

This edition of the *Planning Commission Roundtable* focused on Fairfax County's land use application review process and how it works. Planning Commission Chairman Pete Murphy was joined by Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning; Jay Donahue, Dranesville District Commissioner; and Ken Lawrence, Providence District Commissioner. The panel discussed the process for application review as well as the role government

**Upcoming programs** in September and October will focus on the Tysons Demonstration Project submitted by the Georgelas Group and activities of the Sully District Land Use Committees.

For information on previous *PC Roundtable* programs, visit [www.fairfaxcounty.gov/planning/roundtable.pdf](http://www.fairfaxcounty.gov/planning/roundtable.pdf).

# Commissioner Donahue Spotlight

*(Continued from page 1)*

the requested waiver of the County Trails Plan requirement, and "found itself at odds with the Madeira School, which has been an outstanding educational institution and very good institutional citizen over 50 years." Donahue notes that achieving a solution that "respected the primary needs and interests of both entities was a major task." He credits Supervisor Foust's Office with spending "countless hours bringing those two groups together, listening to their concerns and trying to bring about a fair solution that was satisfactory for both groups."

Another case Donahue cites as significant was the Zoning Ordinance Amendment regarding storage facilities in commercial development districts. "Although this amendment applied to the county as a whole, it was going to impact various districts in different ways," he said. He explained that it was challenging to achieve a solution that would satisfy both the countywide need to allow for these facilities and at the same time ensure a sufficient degree of local control that each district could manage and determine design and use preferences and considerations.

Donahue said each land use case is interesting in various ways, noting that "there are very few just average cases" and most cases require additional thinking. "The job of the Commissioner is, of course, to look at them all closely, weigh the merits of each and then vote," he added.

## **Committee Memberships**

Donahue is a member of the Planning Commission's Tysons Corner Committee. He believes that general urbanization will be a main focus in Fairfax County land use over the next 30 years. He notes that the Tysons Corner Committee has been dealing with the challenges and problems associated with urbanization to make sure that the replanning effort addresses the need to develop and grow while protecting the environment and providing for adequate public transportation.

Donahue expects that "serving on the Tysons Corner Committee is likely to turn out to be the mother of all memorable and significant land use planning experiences." He notes that the planning horizon of this effort spans about 50 years. "In effect, we are trying to build a city from the ground up, which will be an immense improvement to Tysons Corner," he said. Donahue believes that it is absolutely crucial that future growth in Tysons avoid negative impacts in bordering jurisdictions. "Roads, schools and recreation facilities in the Dranesville District currently experience very heavy usage and cannot be relied upon to accommodate the additional needs of 100,000 new residents anticipated for Tysons in the next 30-50 years," he explained. He further notes that one of the Tysons goals is to significantly increase residents in the area, via workforce and affordable housing, to reduce the number commuting by vehicle for employment.

Donahue is also a member of the Commission's Environment Committee. "The Commission is determined, as I believe the Board of Supervisors is, that development and growth necessary to sustain a healthy and viable economy must be managed in a way that will protect environmental imperatives," he explained. Donahue noted that the Committee's efforts to protect riparian buffers and minimize encroachment into Environmental Quality Corridors should result in appropriate resolutions to "balance the interests of growth and protecting the environment."

Donahue also serves as the Commission representative on the Board-appointed Airports Advisory Committee. That Committee advises the Board on all airports and aircraft operations affecting Fairfax County. Recently, the committee members were tasked with investigating "Cell Phone Waiting Area" signage to determine whether it sufficiently directs people to the appropriate area or if improvements need to be made. Donahue added that another potential project is examination of the check-in process at the Dulles

*"Each land use case is interesting in various ways...there are very few just average cases and most cases require additional thinking."*

International Airport for people returning from international travel.

## **Community Activities**

Donahue was a member of the Herndon Planning Commission from 1995 to 2007, serving the last five years of his tenure as Vice Chairman. When asked how that experience had helped in his current role as a Fairfax County Planning Commissioner, Donahue replied, "It certainly allowed me to get off the mark, so to speak, a bit more quickly than if I had had no planning experience at all. I think it's safe to say that an essential element to performing the job of a planning commissioner is to understand the roles of the Zoning Ordinance and the Comprehensive Plan and the way each relates to the other." He also notes that his experience on the Herndon Planning Commission was invaluable since it allowed him "to hit the ground trotting" and taught him "the overall importance of land use planning as a crucial aspect of local government in Virginia and how important it is to do planning that is comprehensive and at the same time, well balanced."

Donahue has been a longtime participant in community service for Fairfax County, especially in Herndon. He has served on the Board of Directors of the Dulles Regional Chamber of Commerce (2003-2008), the Herndon Board of Zoning Appeals (1993-1995) and the Board of Directors of the Virginia Hospitality and Travel Association (1993-2007). Donahue has also been a member of the Fairfax County Convention and Visitors Corporation Board of Directors since 2005. He said his experience on the Chamber of Commerce gave him insight into the development and operations of local businesses as well as the business aspect of planning. Donahue explained

*(Continued on page 4)*

# Commissioner Donahue Spotlight

(Continued from page 3)

that the Convention and Visitors Corporation Board of Directors supports Visit Fairfax, a marketing corporation designed to draw more tourists to the county, earn their business and encourage them to return. He commented that tourism is a "very fruitful way of bringing additional tax revenue into the county, which helps pay for schools, road improvements and various other services and infrastructure that county residents need."

In 2007, the Herndon Town Council unanimously approved a resolution recognizing Donahue's diligent service to Herndon. He notes that this was "a humbling and certainly very satisfying" experience which reminded him of all the activities he had been involved in over the years, some of which he had actually forgotten.

Donahue became involved in his community because "it just seemed to be the thing to do at the time." He believes that "people who are in public service enjoy that atmosphere and the tasks and challenges that they run up against." He notes that one reason people commit to public service is to continue their quality of life and very often the best way to do so is to actively participate and offer their talents to organizations that will use them to further improve their community. "I would encourage all people to at least try to participate in public service so they can experience the satisfaction you get from witnessing ways in which you have helped improve your community," Donahue said.

Donahue ran unsuccessfully against incumbent Republican Tom Rust for the 86th district (Herndon/Sterling) seat in the Virginia House of Delegates in the November 2007 election. He said that was an enjoyable experience and that there is "no better, comprehensive way to learn about the electoral process than to actually take part in it as a candidate." He notes that he spent almost every day of his campaign knocking on doors,

*"I would encourage all people to at least try to participate in public service so they can experience the satisfaction you get from witnessing ways in which you have helped improve your community."*

distributing materials and talking to voters about the issues of most concern to them and about the upcoming election. Donahue said that he was astounded by how most people he had visited were very hospitable and eager to talk to him. He said he was also encouraged by the fact that the voters in the 86th district exhibited "a real interest in the workings of our democracy" and "are still very energetic and enthused with taking part in democracy."

## **Background**

Born in Naugatuck, Connecticut, Donahue met his wife Joanne at a friend's wedding in New Jersey where he was the best man and she was the maid of honor. They celebrated their 37th anniversary in July. Donahue and his family moved to Fairfax County in 1982 when he accepted a management position with the American Automobile Association (AAA), which had its corporate office in Falls Church. Donahue considered living in Burke, Reston, and Herndon but ultimately chose Herndon because he "loved the town from the minute he drove through it." He also notes that Herndon most represented the type of upbringing he had in Naugatuck with the "same small town kind of atmosphere."

Donahue and his wife have two married sons in their 30s. Their youngest, Ryan, attends the University of North Carolina at Asheville and their oldest, Chris, owns a landscaping business in the Herndon/Reston area.

Completing a 32-year career in sales and management with AAA, Donahue retired in March 2007. He spent the first 15 years of his career in the

Approved Accommodations Department where he traveled all over the United States evaluating hotels and restaurants for inclusion in the AAA Tour Book. The main perk of this job was having the opportunity to stay at some of the best hotels and eat at some of the best restaurants in the country. Donahue has stayed at the Four Seasons Hotel in New York City and eaten at the Windows on the World restaurant on the top floors of the North Tower of the World Trade Center, before it was so tragically destroyed on September 11, 2001. He described this job as "fun" and noted that he met numerous people in the hotel, restaurant and travel industries who were very outgoing, dedicated and enthusiastic about their work. He also met the people who run the small "mom and pop" hotels and restaurants in the U.S., whom he says have very terrific imaginations and creativity, the ability to run a successful business, many diverse talents, tremendous energy and resilience. Donahue spent the rest of his career selling advertisements in AAA tour books, which required far less travel as his job was more concentrated in Virginia and Washington, DC, and although "more lucrative, it was not as much fun," he added.

## **Future Land Use in Fairfax County**

Anticipating "an endless inventory of changes in Fairfax County land use over the next several years," Donahue notes that "the county has changed from being somewhat rural to now mostly suburban and is going in many ways now into even a more urban nature." He explains that the Dulles Metrorail Project and other planned improvements to the county have to be accomplished in a way that respects environmental considerations; mitigates traffic congestion; provides for sufficient workforce housing to support new jobs, industries and developments in the county; and continues to advance green building. Donahue also believes that "workforce housing is going to be an essential item for the county in the future to help make it possible for teachers, firefighters, police officers and any other member of the civil service to live in the county."

# North County APR Update



The current process to review the Comprehensive Plan is divided into two cycles by Supervisor Districts. The North County APR covered the Dranesville, Hunter Mill, Providence and Sully Districts. The upcoming South County APR will review nominations in the Braddock, Lee, Mason, Mount Vernon and Springfield Districts. (See related article on page 2)

## Status of 2008-2009 North County APR Nominations

As reported previously, 62 nominations to amend the Comprehensive Plan were submitted during the 2008-2009 North County APR and two Sully District Out-of-Turn Plan amendments were authorized by the Board of Supervisors. At the screening session held September 25, 2008, the Planning Commission deferred 21 nominations to a special study, rejected one nomination and determined that the remaining active items (that had not been withdrawn) were eligible for public hearing. Thirteen of the nominations originally submitted were withdrawn.

On May 20, 2009, the Planning Commission held public hearings on the following 19 North County APR nominations not subject to Virginia Department of Transportation (VDOT) review. The markup session was held on June 10, 2009. The Planning Commission endorsed these nominations and forwarded them to the Board of Supervisors for public hearing on July 13, 2009 (with the exception of APR 08-III-1DS, which was approved by the Commission on July 30, 2009, and APR-08-III-16UP, 17UP and 18UP, which are currently scheduled for Planning Commission action on September 9, 2009). The Board concurred with the recommendations of the Planning Commission.

<i>Dranesville District</i>	<i>Hunter Mill District</i>	<i>Providence District</i>	<i>Sully District</i>
APR-08-III-13UP	APR-08-III-4UP	APR-08-II-4V	APR-08-III-1DS
APR-08-III-15UP	APR-08-III-5UP		APR-08-III-3DS
APR-08-III-16UP, 17UP, 18UP	APR-08-III-14UP		APR-08-III-4DS
APR-08-III-19UP			APR-08-III-5DS
APR-08-III-20UP			APR-08-III-7DS
APR-08-III-21UP			APR-08-III-2BR
			OTPA S08-III-FC1

## Nominations Requiring VDOT Review

Of the active nominations, nine were determined by the Planning Commission and staff to have the potential to add 5,000-plus vehicle trips per day to the road network, thus requiring VDOT review of a traffic analysis (per Chapter 527 of the 2006 Acts of Assembly and §15.2-2222.1 of the *Code of Virginia*) prior to public hearing by the Planning Commission. Three of those items have been deferred (APR 08-III-7UP, APR 08-III-11UP and APR 08-III-12UP). On January 14, 2010, the Planning Commission anticipates holding public hearings on the following six nominations:

APR 08-III-3UP	Sully District
APR 08-III-6UP	Dranesville District
APR 08-III-10UP	Hunter Mill & Dranesville Districts
APR 08-III-25UP	Hunter Mill District
APR 08-III-DS1	Sully District
APR-08-III-6DS	Sully & Hunter Mill Districts

For more information on the North County APR process and/or to review the staff report for a specific nomination, link to <http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/nominations>.

# BRAC APR Update



As reported in previous issues of the *PC Communicator*, in late 2008 the Planning Commission held public hearings and took action on eight BRAC-related Area Plans Review (APR) nominations under Phase 1 of the review process. Phase 1 addressed those nominations not requiring a traffic analysis and review by the Virginia Department of Transportation (VDOT). The Commission denied one nomination and the remaining seven nominations were forwarded to the Board of Supervisors, who concurred with the Commission's recommendations for approval on January 26, 2009.

Phase 2 nominations were those determined by staff and the Commission to have the potential to add 5,000-plus vehicle trips per day to the road network – thus requiring VDOT review under Chapter 527 of the 2006 Acts of Assembly and §15.2-2222.1 of the *Code of Virginia* - prior to public hearings by the Planning Commission and Board of Supervisors. Fifteen nominations were determined by staff and the Commission to require submission of a traffic analysis for review by VDOT. Following completion of the VDOT review process, the Planning Commission held public hearings on 11 nominations (three of the 15 VDOT-reviewed nominations had been withdrawn by the nominators) on June 17 and June 24, 2009.

The Planning Commission markup session was held on July 15, 2009. The Commission denied five nominations and deferred one nomination (08-IV-4MV). Six nominations were forwarded to the Board of Supervisors. Following public hearings on August 3, 2009, the Board of Supervisors concurred with the recommendations of the Planning Commission.

The following chart details the final disposition of the 38 BRAC-Related APR nominations by district.

(NOTE: One nomination was withdrawn prior to assignment of an official APR number.)

	Lee District	Mount Vernon District
Withdrawn	08-IV-2MV, 08-IV-2S, 08-IV-3FS, 08-IV-10FS	08-IV-1LP, 08-IV-2LP, 08-IV-3LP, 08-IV-4LP, 08-IV-5MV, 08-IV-6MV, 08-IV-8MV, 08-IV-6S, 08-IV-7S
Denied	08-IV-4S, 08-IV-5S, 08-IV-6FS, 08-IV-8S, 08-IV-7MV	08-IV-1MV
Deferred	To Loisdale Road Study: 08-IV-1S, 08-IV-3S To Springfield Connectivity Study: 08-IV-5FS, 08-IV-7FS, 08-IV-9FS	At request of PC: 08-IV-4MV
Adopted	08-IV-1FS, 08-IV-2FS, 08-IV-4FS, 08-IV-8FS, 08-IV-11FS, 08-IV-10S	08-IV-3MV, 08-IV-9MV, 08-IV-10MV, 08-IV-11MV, 08-IV-12MV, 08-IV-13MV;08-IV-9S

To view information about a specific BRAC APR nomination, determine the general location of a proposal, or to see the staff report, link to [http://www.fairfaxcounty.gov/dpz/apr/brac/brac\\_apr\\_map\\_table\\_2008.htm](http://www.fairfaxcounty.gov/dpz/apr/brac/brac_apr_map_table_2008.htm).

# Land Use Actions

## Overview of 2009 Second Quarter Activity

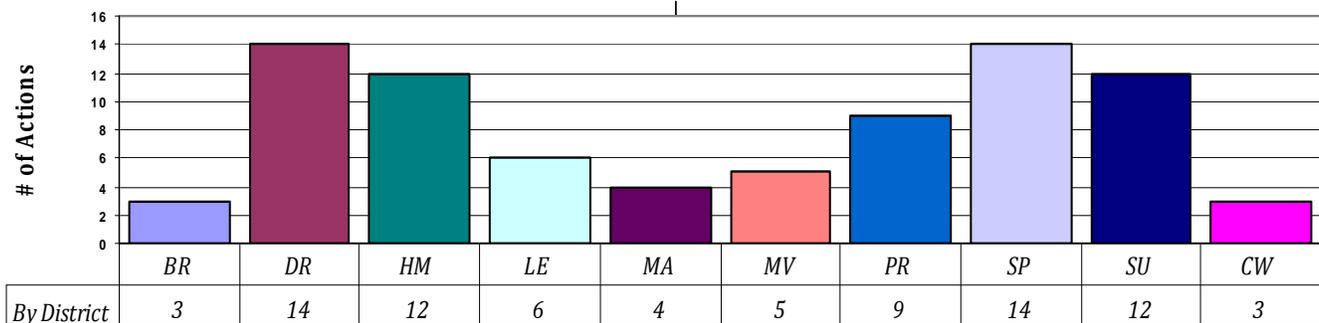
The Planning Commission held a total of 25 meetings during the second quarter of 2009, (12 regular and 13 committee meetings) including one briefing session on the processing of telecommunication applications. Overall, the 2009 second quarter workload increased over that same time period in 2008. The higher volume of speakers and actions during 2005 and 2006 was due to the North and South County Area Plans Review processes held during those years.

Second Quarter Planning Commission Land Use Activity 2005 - 2009					
	2005	2006	2007	2008	2009
<b>Committee Meetings</b>	7	6	13	6	13
<b>Regular Meetings</b>	15	16	13	13	12
<b>Speakers</b>	190	209	45	70	71
<b>Actions</b>	97	93	73	73	82

### District Breakdown

As illustrated below, almost two-thirds of the land use actions taken by the Planning Commission during the second quarter of 2009 were on items in the Dranesville, Hunter Mill, Springfield and Sully Districts. The least active districts were Braddock and Mason, along with countywide action items. The figure below depicts second quarter activity for each district.

**2009 Second Quarter  
Actions by District**



### Types of Applications

Of the 82 land use actions taken during the second quarter of 2009, the most prevalent were "feature shown" applications (items determined by the Commission to be a "feature shown" of the Comprehensive Plan). Below, in ascending order, is a list of the number of actions (by application type) taken by the Planning Commission during the months of April through June, 2009.

Code Amendments.....	1
Development plans, amendments & signage plans.....	2
Administrative actions.....	2
Proffered Condition Amendments.....	5
Public Facility (2232) applications & amendments.....	5
Rezoning, PRC applications, and A&F applications.....	11
Special Exception applications & amendments.....	15
Comprehensive Plan & APR Amendments.....	17
"Feature shown" applications & amendments.....	24

# Committee Updates: May-July 2009

## **Tyson's Corner Committee**

*Members:* Walter Alcorn, Frank de la Fe, Jay Donahue, Ken Lawrence, Rodney Lusk

Continuing work on Strawman I over five meetings, the Committee covered a number of issues that will be reflected in a second version of the Strawman, expected to be released by the end of August.

At its May 13th meeting the group agreed that language incorporating the retention of existing storage, repair and service facilities in the Tysons area should be included in the revised strawman document. The Committee also continued discussion on the proposed criteria for demonstration projects and asked that revisions be made and returned for its review.

The Tysons Corner Committee met again on May 27th to discuss stormwater management, urban design, coordinating redevelopment, parcel consolidation, and concurrent rezoning applications, as well as revised language for the demonstration project criteria. Noel Kaplan, PD, DPZ, told the committee that an informal workgroup had been set up with the Audubon Naturalist Society to develop Plan text that would set the stage for the Task Force's stormwater management vision.

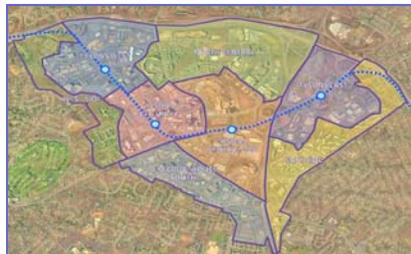
George Barker, Chair, Draft Review Committee, Tysons Land Use Task Force, and Brenda Krieger, member of an informal work group of local design professionals, commented on Urban Design issues. Ms. Krieger pointed out the importance of having language that was not too specific to allow flexibility in design.

Mr. Barker pointed out that the Task Force had envisioned eight proposed districts within Tysons as unique entities with different focuses. Sterling Wheeler, PD, DPZ, added that more time was needed to plan individual districts, but due to time constraints the issue would be dealt with broadly.

Regarding the Demonstration Project

criteria, Jim Zook, Director, DPZ, said that he had asked the County Attorney's Office if special entitlements could be awarded. Although the response was negative, he indicated that expectations discussed during the rezoning process could transfer into proffer language if a demonstration project was actually developed. Following its discussion, the Committee endorsed the proposed demonstration project process, as revised, and agreed to forward to the full Commission at its first June meeting.

The committee also held a discussion on consolidation and coordinated development plans, noting that the challenge of redeveloping Tysons Corner hinged on retrofitting a suburban area with city blocks, which would necessitate consolidation.



The June 18th meeting covered an initial discussion of draft District text, green buildings and affordable/workforce housing.

Comparing recommendations of staff and the Tysons Task Force Draft Review Committee, the Committee discussed Leadership in Energy and Environmental Design (LEED) requirements, incentives and language for the development plans.

The committee next compared staff and Task Force recommendations for affordable and workforce housing text, noting the number of affordable units that would be required in both transit-oriented development (TOD) and non-TOD districts. It was noted that affordable units could be located off-site as long as they are located within Tysons and built concurrently with market-rate units. Cash contributions in lieu of affordable units would not be allowed.

At the July 1st meeting the Committee reviewed the letters of intent for a

demonstration project from The Georgelas Group, Clemente Development Company, and JBG Rosenfield Retail. While all submissions contained some interesting aspects, DPZ staff indicated that The Georgelas Group proposal best met the established criteria and recommended approval by the committee. The Committee concurred.

Discussing the planning horizon and development intensity for Tysons Corner, DPZ recommended targeting the mid-high forecast for 2050, as detailed in the George Mason University study, namely between 105 and 124 million square feet. However, staff also noted that the cost of the proposed transportation infrastructure would likely only be known near the end of the Plan Amendment adoption process.

Transportation was the major focus of the July 16th meeting with Daniel Rathbone and Leonard Wolfenstein, Fairfax County Department of Transportation (FCDOT), discussing long term overall planning, analysis and design projects, the functional assessment and alignment of Boone Boulevard and Greensboro Drive, and the neighborhood traffic impact study.

At its last meeting in July, the Committee heard presentations from DOT and DPZ staff on the results of the TDM and parking study, and reviewed staff and task force recommendations on intensities of development, as well as phasing.

## **Land Use Review Committee**

*Members:* Tim Sargeant, Peter Murphy, Ken Lawrence, Frank de la Fe, Earl Flanagan

*Alternates:* Jim Hart, John Litzenberger

On May 6th, Jim Zook, Director, Department of Planning and Zoning (DPZ) and Regina Coyle, Director, Zoning Evaluation Division, DPZ, updated the committee on the 527 Traffic Impact Analysis Procedures and timing issues for application review. They noted that the Department of Transportation was working on new procedures which

*(Continued on page 9)*

# Committee Updates: May-July 2009

(Continued from page 8)

would be subject to Committee review to address impacts of the VDOT review standards.

The Committee briefly addressed technology updates by DPZ. Ms. Coyle indicated that a weekly report was now available on the Land Development System (LDSnet) listing all applications that had been received. She also noted that staff was working to upgrade graphics and legibility of maps in staff reports that would be available at a future meeting.

The Committee also focused on public hearing deferral fees that would be charged following deferral of a case that had already been advertised. Staff noted that the proposed new fees would go into effect July 1, 2009.

The Committee continued discussion of deferral fees during the June 10 meeting. Ms. Coyle assured that there was language in the proposed ZO amendment regarding waiving fees for good cause. She also said that if the deferral fee were imposed, it would only be for cases with deficient affidavits.

Proposed fees were \$250 for Planning Commission and Board of Supervisors deferrals plus the actual cost of advertising. These fees, Ms. Coyle stated, represented DPZ's average costs and did not include costs incurred by either the Planning Commission or the County Attorney's Office. She noted that there would be no charge for Board of Zoning Appeals deferrals because affidavit problems were rare. It was also noted that staff would be able to track all deferrals and provide status reports to the Board every other year.

On July 8th, the committee discussed modifications to the process of handling cases that involved a Traffic Impact Analysis (TIA) in Fairfax County. Michael Davis, Transportation Planner, FCDOT, told the committee that the proposed procedures required that TIAs be submitted to FCDOT with the initial filing of the application, which would enable

VDOT and DPZ reviews to occur at the same time.

Mr. Davis pointed out that an applicant would know whether a TIA would be required for an application based on trip generation for the proposed development. VDOT would review a submitted TIA within 45 days of receipt and determine whether the application complied with the regulations. The Planning Commission public hearing date could then be set after VDOT notified FCDOT and DPZ staff that the application met requirements. He noted however, that each time a revised TIA was submitted, the 45-day VDOT review cycle would start over.

It was pointed out that the Chapter 527 regulations addressed three kinds of applications: rezoning, site plans and proposed amendments to the Comprehensive Plan.

## Environment Committee

*Members:* Jim Hart, Earl Flanagan, Tim Sargeant, Jay Donahue, Ken Lawrence  
*Alternates:* Walter Alcorn, Frank de la Fe

Since the last issue of the *PC Communicator*, the PC Environment Committee met five times (April 16th, April 30th, May 28th, June 11th, and July 30th) to discuss four issues: riparian buffers upstream of Resource Protection Areas (RPAs); the proposed Ordinance amendment regarding adjustments to the height and grade of residential structures; recent *Code of Virginia* legislation regarding variances; and development of a policy regarding disturbances to EQCs (Environmental Quality Corridors).

### Riparian Buffers

At the two meetings of April 30th and May 28th, the Committee reviewed the staff recommendation and finalized its own position concerning the protection of riparian buffers upstream of RPAs. The Committee forwarded its recommendations to the Planning Commission. On June 11, 2009, the

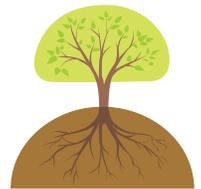
Planning Commission unanimously voted to forward the following five recommendations to the Board's Environment Committee:

(1) *The Planning Commission recommends that Fairfax County remain strongly committed to the protection of headwaters and riparian buffers upstream of RPAs, even if new regulations are not implemented at this time. The Planning Commission agrees with county staff on the importance of utilizing both the adopted policy plan on development applications, and the tree preservation ordinance where applicable, to minimize development impacts on headwaters and riparian buffers.*

(2) *The Planning Commission is aware of Fairfax County's current budget situation and has been alerted by county staff to the significant financial and staffing implications associated with mapping, implementation, and enforcement of additional regulation. The Planning Commission has also been made aware of potentially problematic limitations on regulatory scope in the absence of express legislative authority from the General Assembly.*

(3) *Although a regulatory approach may not be feasible at this time, the Planning Commission recommends that the Board of Supervisors direct staff to revisit the issue of additional regulation of upstream riparian buffers at such time as the Fairfax County budget may permit sufficient funding for staff necessary for mapping, implementation, and enforcement, and also after the board has had the opportunity to evaluate whether to pursue any appropriate legislative initiatives with the General Assembly.*

(4) *The Planning Commission further recommends that the Board of Supervisors refer the topic of upstream headwaters and riparian buffers to the board's legislative committee to review with county staff any desired legislative action*



(Continued on page 10)

# Committee Updates: May-July 2009

(Continued from page 9)

by the General Assembly, to facilitate implementation of future local regulation for protection of riparian buffers.

(5) The Planning Commission further recommends that in the meantime, Fairfax County staff be directed to continue with a phased action plan for protection of headwaters and riparian buffers, with the first phase, including promoting education and awareness for affected property owners, together with continued fact-finding and research on what other jurisdictions are doing. When circumstances warrant, the second phase should include reevaluation of the feasibility of additional regulation, after possible General Assembly action, and as the Fairfax County budget may allow.

## Zoning Ordinance Amendment on Residential Grade/Height Adjustments

On May 28th, the Committee was briefed by staff of the Zoning Administration Division of DPZ on the proposed Zoning Ordinance Amendment on Residential Building Height and Fill. Chairman Hart said that DPWES and DPZ staff had held several stakeholder meetings and public workshops to discuss changes to the definition of building height. He noted that staff was recommending a setback ratio regulation as a simpler and more cost effective alternative.

Jack Reale, Planner IV, ZAD, DPZ, distributed the draft ZOA text and explained that citizens and building industry representatives generally agreed to measure the grade at the pre-existing or finished grade, whichever was lower. He noted that the proposed amendment would restrict artificial placement of



fill and close a loophole regarding building height. Mr. Reale explained that there were three typical cases where an exception could be made to allow additional fill: a residential dwelling in a floodplain that needed to be elevated, a dwelling located in a lot that was topographically lower than the adjacent

properties and sewer lines that needed elevation.

The Planning Commission public hearing was held on July 23rd and on July 30th the Commission unanimously voted to recommend that the Board of Supervisors approve the amendment, as set forth in the staff report dated June 22, 2009, and that the following be grandfathered from the proposed building height measurement change as it pertains to grade:

- All special permit, special exception and proffered rezoning applications and amendments thereto that set forth building heights for single family detached dwelling units, when approved prior to the effective date of this amendment.
- Building and grading plans submitted on or before the effective date of the amendment, provided:
  - The grading plan and building permit are approved within 12 months of the return of the initial submission to applicant/agent;
  - The plan or permit does not expire;
  - A building permit for the structure shown on the approved plan is issued;
  - The structure is constructed in accordance with the approved permit; and/or
  - Any other circumstances giving rise to a vested right as set forth in Va. Code Ann. § 15.2-2307 (2008).

## Amendment to the Code of Virginia Concerning Variances

The committee received a briefing from Eileen McLane, Zoning Administrator, on the recent amendment to the Code of Virginia involving variances. She explained that Sect. 15.2-2309 had been amended to remove "approaching confiscation" language for granting a variance that would help staff deal with grade exceptions. Lorrie Kirst, Deputy Zoning Administrator, explained that a special exception or special permit could be granted to allow a grade elevation for a dwelling located outside of a flood plain and that an option for a variance

application would also be available.

## Policy on EQC Disturbances

As noted in the April 2009 issue, the Board of Supervisors directed staff, the Planning Commission and EQAC to conduct a thorough review of the EQC policy to ensure that application "tradeoffs" (such as occurred with the Aerospace applications approved by the Board on February 23rd) adhered to the County's environmental preservation and restoration objectives. Chairman Hart noted that the intent of this effort was to improve how similar cases would be handled in the future so as to not allow encroachments into EQC areas without clearly identified criteria and expectations for tradeoffs.

This issue was discussed by the Committee at its meetings of April 16th, June 11th, and July 30th. Noel Kaplan, Planner IV, Planning Division, DPZ, provided the Committee with a matrix listing the potential EQC functions/values as follows: habitat, hydrologic, water quality, air quality/climate, and land use values.

At the April 16th meeting, the Committee concurred with the draft timeline proposed by Mr. Kaplan as follows:

- April-May: Review of encroachment policies in other Washington DC area jurisdictions and finalization of stakeholder list
- June-July: Discussion and formulation of a draft conceptual recommendation and review of a strawman policy document
- September: Discussion of strawman document
- September or later: Stakeholder meeting

After review of the various protection regulations and encroachment policies of neighboring counties, the Committee began discussing the draft strawman policy document. The next meeting of the Environment Committee will be held on September 24th to continue discussion of the strawman document.



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**2009  
Planning Commission**

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The following staff contributed to this issue of the **Planning Communicator**:

**Kara DeArrastia**  
**Barbara Lippa**  
**Sara Robin Ransom**  
**Christopher Remer**



This publication will be made available in alternative formats upon request. Please call 703-324-2865 (V), 703-324-7951 (TTY). Please allow seven days for the preparation of material.

# Congratulations

Congratulations to Kara DeArrastia, Deputy Clerk to the Planning Commission, for earning a Bachelor of Science in Business/Communications on April 20, 2009, from the University of Phoenix, with a 3.96 GPA. Kara first joined the Planning Commission Office in July 2004 as an Associate Clerk (Administrative Assistant III). In September 2006 she was promoted to Deputy Clerk (Administrative Assistant IV). Prior to her employment with the Planning Commission, Kara worked as an administrative assistant with the Fairfax County Department of Finance as well as the Fairfax County Department of Tax Administration. Kara plans to pursue a Masters of Arts in Political Science from Virginia Tech, beginning in spring 2010.



Kudos also to the following Department of Planning and Zoning (DPZ) and Department of Public Works and Environmental Services (DPWES) staff who merited recent Outstanding Performance Awards. Each works closely with the Planning Commission and/or its committees.



*(left to right) Fairfax County Executive Anthony Griffin; Tracy Strunk, Planner IV, DPZ; and Board of Supervisors' Chairman Sharon Bulova.*

*(left to right) Griffin; Meghan Van Dam, Planner III, DPZ; and Bulova.*



*(left to right) Griffin; Judy Cronauer, Engineer IV, DPWES; and Bulova.*



## ATTENTION SPRINGFIELD RESIDENTS!

The Planning Commission Office will host its next Neighborhood Outreach program on **Tuesday, November 10th** in the Government Center, Conference Rooms 4/5, from 7-9 pm. Come learn about the land use decision-making process, Area Plan review, the notification process and resources available on the Fairfax County's Web site.