

Planning Commission Meeting
October 21, 2015
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (ALTERNATIVE LENDING INSTITUTIONS)
(Countywide)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, I am prepared to move on this Zoning Ordinance Amendment this evening. I think this has been a very, very candid – very helpful and useful discussion. I want to thank both witnesses who attended, who contributed tremendously to this discussion. I think I still continue to support the hours of operation we are proposing within this Zoning Ordinance Amendment, simply because it does not prevent current – the 32 current car title lender operations from operating beyond those hours for the foreseeable future. So I'm going to go ahead and – but if you want to propose that as a separate amendment or not, so be it – but thank you. Let me begin by thanking Drew Hushour and Leslie Johnson for their very meticulous research and preparation for this Zoning Ordinance Amendment. And many thanks as well to Beth Teare in the County Attorney's office for contributing to a very thorough review of the legal and regulatory issues surrounding this proposed Amendment. Let me also thank those citizens and organizations who have participated in this process through letters and public comment. As Planning Commissioners, we do not have the authority to determine whether a particular use should be outlawed or banned. That authority rests, at least, with the General Assembly. What we can do is define and establish alternative lending institutions as a distinct land use in certain commercial zoning districts with recommended use limitations. That is what this proposed Zoning Ordinance Amendment does and, I believe, does well. The proposed Amendment distinguishes alternative lending establishments from more common financial institutions for the purposes of zoning and charts a regulatory course that reflects the experience of other jurisdictions. As highlighted in the staff report and presentation, there has been a proliferation of alternative lending institutions in Fairfax County. And as academic studies referenced in the staff report suggest, these types of use can be a financial drain on the local economies in which they operate. That is certainly contrary to the vision that the County for its Commercial Revitalization Districts and Commercial Revitalization Areas. As such, I support this Zoning Ordinance Amendment to prohibit these uses in CRDs and CRAs. I believe this is a positive step forward as we plan for the future of Fairfax County. And with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT ENTITLED "ALTERNATIVE LENDING INSTITUTIONS," AS ADVERTISED.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by –

Commissioner Strandlie: Second. I'd like to second –

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Chairman Murphy: Pardon?

Commissioner Strandlie: Second.

Commissioner Hedetniemi: She wants to second it.

Chairman Murphy: Seconded by Mr. Migliaccio and Ms. Strandlie. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the proposed Zoning Ordinance Amendment Articles 4 and 20, Alternative Lending Institutions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Chair abstains, as I said before. I said I didn't know enough about it. Now I know too much about it and I'm still going to abstain.

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(The motion carried by a vote of 9-0-1. Commissioner Murphy abstained. Commissioners Flanagan and Lawrence were absent from the meeting.)

JLC