

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 5, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: None

//

The meeting was called to order at 7:43 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Chairman Murphy announced December 5, 2018 and December 6, 2018 were the last two meetings for the Planning Commission for the year. The Planning Commission will resume its public hearing schedule on January 9, 2019.

//

Chairman Murphy announced the National Day of Mourning for President, George Herbert Walker Bush, 41st President of the United States of America who died on November 30, 2018. A moment of silence was held in honor of former President Bush.

//

Commissioner Sargeant announced the Schools Committee met on Wednesday, December 5, 2018, at 6:00 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. Commissioner Sargeant announced the Schools Committee would meet on Thursday, January 17, 2019, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

Commissioner Hurley announced that James Hunter, a member of the Boy Scouts of America in the Braddock District, was in the audience for the meeting. She welcomed Mr. Hunter on behalf of the Commission.

//

ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. RZ 2018-MV-012/2232-V18-1 – FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP BDCD
2. SE 2018-LE-009 – BILA MAWARDI HAMDAEL/BILA'S CHILD CARE
3. Z.O. AMENDMENT PFM/CODE AMENDMENT – PROPOSED AMENDMENTS TO CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 112 (ZONING ORDINANCE), AND CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX CODE, AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CODIFYING THE DELINEATION OF BUILDABLE AREAS ON PLANS OF DEVELOPMENT, ADDING RUNNING BAMBOO TO NOXIOUS WEEDS AND OTHER EDITORIAL CHANGES
4. Z.O. AMENDMENT – SIGN ORDINANCE ARTICLE 12, SIGNS, AND RELATED PROVISIONS

The order was accepted without objection.

//

RZ 2018-MV-012 – FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP BDCD – Appl. to rezone from R-2, R-20 and HC to R-20 and HC to permit a public use with an overall Floor Area Ratio (FAR) of 0.39. Located on the E. side of Lukens Ln. approx. 600 ft. S. of its intersection with Richmond Hwy. on approx. 1.5 ac. of land. Comp. Plan Rec: Public Facilities. Tax Map 110-1 ((1)) 28A and 29. (Concurrent with 2232-V18-1) MOUNT VERNON DISTRICT. PUBLIC HEARING.

2232-V18-1 – FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP BDCD – Appl. under Sect(s). 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a public use on the E. side of Lukens Ln. approx. 600 ft. S. of its intersection with Richmond Hwy. on approx. 1.5 ac. of land. Comp. Plan Rec: Public Facilities. Tax Map 110-1 ((1)) 28A and 29. (Concurrent with RZ 2018-MV-012) MOUNT VERNON DISTRICT. PUBLIC HEARING.

Maire Bourque, Applicant's Agent, Building Design and Construction Division, Department of Public Works and Environmental services, reaffirmed the affidavit dated September 10, 2018. There were no disclosures by Commission members.

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

(Start Verbatim Transcript)

//

Commissioner Clarke: Yes, sir. Thank you, Mr. Chairman. I'd like to thank the – the Department of Public Works for the numerous community meetings that they held. This is a state-of-the-art fire station that – that we're gonna have down in the Woodlawn area and we're very satisfied. And we did have a letter and comment from a constituent in our Mount Vernon District, Ms. Cathy Ledec. And I would like to call on Ms. Bourque – if she would address some of the concerns in that letter. Ms. Ledec was supportive of this application, but at the same time, there were some other questions that I think Ms. Bourque can answer a little better for us and clarify.

Maire Bourque, Building Design and Construction Division, Department of Public Works and Environmental Services: Good evening. So, there were five different aspects that she wanted us to address and, for the most part, we've addressed all of these. The first comment was about stormwater and we currently have all the stormwater from the roof, as she points out, going into a detention system. And she would like us to run the surface water to that, which we are actually already doing. And we are – we also have some street water running to that too. In the landscaping section, she requested minimal turf and we do have some grassy areas, but there's not a lot of it. And all of our plants are either native or adaptive and they've – we've worked with the Arborist and they – all the plants meet the County requirements, the list of approved plants. Her third point was about bird-friendly design and we actually made the windows smaller and made them clear glass and reduced the number of windows in order to accommodate the birds. The fourth thing she wanted us to look out – look at was an outdoor space for the fire fighters and we do have an outdoor space. There's a small patio off the dayroom and kitchen space. And the fifth item is solar panels and we have reinforced the structure so that it's adequate for the solar panels and we are analyzing putting them in.

Chairman Murphy: Okay. Thank you very much.

Commissioner Clark: Thank you. Thank you, Ms. Wright (sic) – appreciate that. So...

Chairman Murphy: Ms. Hurley?

December 5, 2018

FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL
SERVICES, CAP BDCD

Commissioner Clarke: So – I'm sorry question.

Commissioner Hurley: I...I have a quick...

Chairman Murphy: Ms. Ledec (sic).

Commissioner Hurley: Yes, two quick questions. The – the bird-friendly design you're aware there's other things to do other than make smaller, fewer windows. I mean, you can have windows with special glass and we do it – I don't want you to – don't start building a cage or something.

Ms. Bourque: No. It's still gonna be a nice building.

Commissioner Hurley: And the outdoor space you said is for fire fighters? I thought her letter was looking more for some sort of community space...

Chairman Murphy: Oh, I'm sorry. Yeah.

Commissioner Hurley: The outdoor recreation.

Ms. Bourque: We took it to mean for the fire fighters only. If we tried to do an outdoor space for the public, I think there would be a conflict between the apparatus vehicles returning and that doesn't sound like – operational.

Commissioner Hurley: I'm not arguing. I'm just trying to be clear.

Ms. Bourque: Okay.

Commissioner Hurley: Alright. Thank you.

Chairman Murphy: And before you leave, would you just identify yourself for the record one more time please?

Ms. Bourque: My name is Maire Bourque and I'm with the Department of Public Works and Environmental Services, Building Design and Construction Division.

Chairman Murphy: Thank you very much. Okay. Mr. Clarke.

Commissioner Clarke: Thank you. Thank you, Ms. Bourque. With that, Mr. Chairman, I would like to move our motion for tonight and I MOVE THAT THE PLANNING COMMISSION FIND 2232-V118 – I'M SORRY, 2232-V18-1 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS ADOPTED IN THE COMPREHENSIVE PLAN AND SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT OF THE SPECIFIC *VIRGINIA CODE* 15-2-2232, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-V18-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: And second motion, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-MV-012.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-MV-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: Mr. Chairman, third motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS OF THE FOLLOWING MODIFICATIONS AND WAIVERS, AS ARTICULATED IN THE STAFF REPORT, sir.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: Thank you.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

//

SE 2018-LE-009 – BILA MAWARDI HAMDAEL/BILA'S CHILD CARE –
Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 6508 Wynema Ct., Alexandria, 22315 on approx. 9,224 sq. ft.

of land zoned PDH-4 and NR. Tax Map 99-2 ((10)) (2) 94. LEE DISTRICT.
PUBLIC HEARING.

Bila Mawardi Hamdael, Applicant, reaffirmed the affidavit dated August 24, 2018. There were no disclosures by Commission members.

Commissioner Migliaccio announced his intent to defer the decision only for SE 2018-LE-009, Bila Mawardi Hamdael/Bila’s Child Care, to a date certain of January 16, 2019. The deferral would allow the Island Creek Community Association and the Lee District Land Use Committee time to review the application and offer recommendations.

Daniel Creed, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of SE 2018-LE-009.

There was a discussion between Mr. Creed and multiple Commissioners regarding the following:

- Concerns regarding direct access to the neighborhood from Island Creek Court to Morning View Drive;
- Square-footage of the dwelling allotted for the child care area;
- Total number of children and employees at the facility, the facility’s schedule, and whether there was adequate space to accommodate the requested number of children and employees;
- Location of the fire lane and whether that lane had visible markings;
- The Virginia Department of Social Services child care license transfer and approval process and the inspection requirements contingent on the number of children at the facility; and
- Installation timeframe of the backyard fence and the location of the outside play area for the child care facility.

The discussion resulted in no changes to the subject application.

Ms. Hamdael gave a presentation on the subject application.

There was a discussion between Mr. Creed; William O’Donnell, ZED, DPZ; Ms. Hamdael; and multiple Commissioners regarding the following:

- Parking for the two non-resident assistants and the length of their employment;
- Installation timeframe of the backyard fence; and
- Location of the area’s school bus stops.

The discussion resulted in no changes to the subject application.

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

Frederick Latrash, 7720 Island Creek Court, Alexandria, representing Island Creek Homeowners Association, spoke in opposition of the subject application because the application had not been reviewed by the association to ensure it aligned with their covenants. The homeowners association also had concerns regarding the maximum number of children allowed. A recommendation was made for 10 children instead of the previously-approved number of 12.

There was a discussion between Mr. Latrash and multiple Commissioners regarding the homeowners association’s covenants for home child care facilities and the Planning Commission’s recommendations for land use cases to include child care facilities. The square-footage dedicated to the child care area was also discussed.

Julie Thomas, 6506 Wynema Court, Alexandria, spoke in opposition of the subject application because of the impact of increased traffic, noise, and change in the overall character of the community. The maximum number of children allowed was also a concern.

Jerry Thomas, 6506 Wynema Court, Alexandria, spoke in opposition of the subject application and concurred with Ms. Thomas’ statement.

John Hishta, 7712 Island Creek Court, Alexandria, spoke in opposition of the subject application, concurring with the previous speakers’ statements. The lack of interaction by the proposed applicant with the community and the homeowners association was also a concern.

Susie LaCava, 7715 Sullivan Circle, Alexandria, spoke in support of the subject application because her children attended the child care facility. The increase in noise would be as a result of neighboring children playing outside and not from the home child care. Parking has not been an issue. There were no delays or issues with pick-up and drop-off of the children. The applicant had been concerned about the neighbors and had addressed any concerns. There was a slight increase in traffic and the neighbors had not been inconvenienced as a result.

Wazir Shpoon, 6508 Wynema Court, Alexandria, spoke in support of the subject application. Mr. Shpoon addressed the square-footage for the previous child care facility versus that of the proposed. There has been an increase in square-footage moving from the townhome to a single-family home. Mr. Shpoon stated the home child care facility was not a commercial business, there were no signs, nor was it being advertised.

There was a discussion between Mr. Shpoon and Commissioner Migliaccio regarding lack of outreach to the community. The applicant agreed to reach out to the neighboring properties.

The discussion resulted in no changes to the subject application.

Andrew Lee, 7712 Effingham Square, Alexandria, spoke in support of the subject application because his daughter attended the current home child care facility. Mr. Lee shared a personal story regarding the decision to have a family, the birth of his daughter, and why he trusted the services provided by Ms. Hamdael.

Carol Fay, 6509 Wynema Court, Alexandria, spoke in opposition of the subject application because the home child care facility would negatively affect the character of the neighborhood. Mr. Fay stated the proposed facility would become a business and not a home. The impact of having a home child care with 12 children within close proximity of neighboring properties would affect the value of properties.

Maranda Lee, 9912 East Hill Drive, Lorton, spoke in support of the subject application because her daughter attended the current home child care facility. Ms. Lee stated she was not aware of any noise complaints from the child care facility and was satisfied with the services provided by Ms. Hamdael.

There was a discussion between Ms. Hamdael and multiple Commissioners regarding the age range of the 12 children, additional outreach to the neighboring properties, and consideration of a required development package with the maximum number of children versus that of a by-right operation, which was not regulated.

The discussion resulted in no changes to the subject application.

There being no additional speakers, comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this application.

(Start Verbatim Transcript)

//

Commissioner Migliaccio: Thank you, Mr. Chairman. As I mentioned earlier, I will be deferring the decision only on this application. The applicant has committed to reaching out to the neighbors to continue to a dialogue. The Lee District Land Use Committee has yet to take a vote on this, so I have no recommendation from the community there and Island Creek is going through their own process. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2018-LE-009, TO A DATE CERTAIN OF JANUARY 16TH, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer the decision only on SE 2018-LE-009, to a date certain of January 16th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

//

Z.O. AMENDMENT PFM/CODE AMENDMENT—PROPOSED AMENDMENTS
TO CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 112 (ZONING
ORDINANCE), AND CHAPTER 118 (CHESAPEAKE BAY PRESERVATION
ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX CODE, AND
THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CODIFYING THE
DELINEATION OF BUILDABLE AREAS ON PLANS OF DEVELOPMENT,
ADDING RUNNING BAMBOO TO NOXIOUS WEEDS AND OTHER

EDITORIAL CHANGES. – The proposed amendments to Chapters 101, 112, and 118 and the PFM revise the submission requirements for plans of development: Site Plans, Minor Site Plans, Preliminary Plans, Subdivision Plans, Infill Lot Grading Plans, Conservation Plans, Rough Grading Plans and Public Improvement Plans to require a delineation of the buildable area on each lot, based on the performance criteria in the Chesapeake Bay Preservation Ordinance, minimum required yards in accordance with the Zoning Ordinance, and other relevant easements and limitations regarding lot coverage.

There are also other amendments to the Chesapeake Bay Preservation Ordinance to add running bamboo to the list of noxious weeds, delete an extraneous sentence, and update the references to the National Soil Survey Handbook, Virginia Administrative Code and the Virginia Department of Forestry Best Management Practices for Water Quality Technical Manual. In addition, the term “shall” is changed to “must” within the sections included in the amendment, as well as other editorial changes.

COUNTYWIDE. PUBLIC HEARING.

Jerry Stonefield, Code Development and Compliance Division, Land Development Services, presented the staff report, a copy of which is in the date file. He stated that staff recommended adoption of these items in the Zoning Ordinance Amendment.

Multiple Commissioners stated that they agreed with changes made to the proposed amendment.

There being no listed speakers, further comments, or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Sargeant for action on these items.

(Start Verbatim Transcript)

//

Commissioner Sargeant: Thank you, Mr. Chairman. And I, for one, am very glad I did not step out for coffee during the staff report. Mr. Chairman, these are proposed amendments, as we've heard, to the Subdivision Ordinance, Zoning Ordinance, Chesapeake Bay Preservation Ordinance, and the Public Facilities Manual. I'd like to thank Mr. Stonefield for coordinating the efforts to pull of these updates together. And with that, I would like to make a motion. I MOVE

THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE, ZONING ORDINANCE, CHESAPEAKE BAY PRESERVATION ORDINANCE, AND THE PUBLIC FACILITIES MANUAL, AS SET FORTH IN THE STAFF REPORT DATED OCTOBER 30TH, 2018.

Commissioners Ulfelder and Hart: Second.

Chairman Murphy: Seconded by Mr. Sargeant – Mr. Ulfelder and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to do exactly what Mr. Sargeant recommended, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

//

Z.O. AMENDMENT – SIGN ORDINANCE ARTICLE 12, SIGNS, AND RELATED PROVISIONS. - NOTICE is hereby given that the Fairfax County Planning Commission will hold a PUBLIC HEARING on December 5, 2018 at 7:30 p.m. in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of an amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

Repeal and replace Article 12, Signs, by deleting redundant or outdated provisions; proposing new regulation of signs and/or their characteristics in a content-neutral manner as outlined below; establishing more uniform regulation of signs in all zoning districts; and reorganizing existing and new provisions in a more user-friendly format to include graphics. The proposed Article 12, Signs, is divided into three parts with the following substantive changes contained in each part:

1. Part 1, General Provisions (12-100), to include the following provisions:
 - A. A new section of Definitions (12-102), which includes:
 - (1) The newly defined terms A-FRAME SIGN; CHANGEABLE COPY SIGN; ELECTRONIC DISPLAY SIGN; FLAG; MINOR SIGN; MONUMENT SIGN; MOVING OR WINDBLOWN SIGN; OFF-PREMISE SIGN; ROOF SIGN; SIGN FACE; TENANT; VEHICLE SIGN; WINDOW SIGN; and YARD SIGN. (12-102)
 - (2) Revised definitions of the terms BUILDING-MOUNTED SIGN and FREESTANDING SIGN, which are currently found in Part 3 of Article 20 of the Zoning Ordinance. (12-102)

(3) Revised definition of the term SIGN, which is currently found in Part 3 of Article 20 of the Zoning Ordinance. (*Advertised to include optional language relating to the visibility of signs based on specific streets types.*) (12-102)

B. A new Applicability section (12-103), which includes:

(1) A provision stating that the regulations apply to all signs in Fairfax County but, unless otherwise stated, exempts those signs on property owned by, or those signs required or sponsored by, Fairfax County; the Commonwealth of Virginia or any of its political subdivisions; or the United States. (*Advertised to include the option to exempt all signs sponsored or required by, or located on property owned by, Fairfax County, or to require regulation of identified Fairfax County sign types erected by a public use as defined in Article 20.*) (12-103(1))

(2) A provision stating that the proposed regulations do not regulate or restrict signs based on content. (12-103(2))

(3) A provision clarifying that the regulations do not apply to, authorize, or prohibit signs placed in a public right-of-way. (12-103(5))

C. A section of Administrative Provisions (12-104), which includes:

(1) Adding the changing of the message on an electronic display sign to the list actions that is deemed not to be a sign. (12-104(5)(A))

(2) Changes the provision that certain flags are deemed not to be a sign, by deleting reference to specific flags for exemption. (12-104(5)(C))

(3) Changes to the provisions exempting signs displaying address numbers in accordance with the County Code, by uniformly allowing 2 square feet for such purposes regardless of use and requiring only that such signs associated with a residential building be building mounted. (12-104(5)(D))

(4) Revised provisions regulating vehicle signs, which allow such signs only when located on a vehicle that is operable, parked at its associated place of business and within a parking space. (*Advertised to allow consideration of a minimum setback for vehicle signs, up to 25 feet from a front property line.*) (12-104(6)(C))

(5) A new provision that exempts non-illuminated lettering or numbers permanently attached or painted on the façade of a building of any school, college, or university, up to 10% of the façade on which they are placed. (*Advertised to be allowed up to 25% of the area of the façade on which they are placed.*) (12-104(6)(D))

(6) Changes to the provision allowing signs erected in a Commercial Revitalization District by a public agency or an appropriate organization, by deleting limits on sign type, size, and mounting height, and allowing such signs to also be erected within activity centers as shown on the adopted Comprehensive Plan. (12-104(6)(E))

D. A new section for Minor Signs (12-105), previously referred to as “Temporary Signs,” which includes:

(1) An increase in the maximum size of a sign located on a property that is actively marketed for sale, rent or lease, and is developed with or planned for development of, a single-family detached or attached dwelling unit, from 4 square feet to 6 square feet. (12-105(2)(B))

(2) A reduction in the minimum required setback of any sign for a new residential, commercial, or industrial development that is under construction or existing

buildings in such developments that are being altered, from 10 feet to 5 feet from any lot line. (12-105(3)(A))

(3) A reduction in the number of signs permitted for a new residential, commercial, or industrial development that is under construction or existing buildings in such developments that are being altered, from 2 signs to a 1 sign, except for those lots containing multiple road frontages. (12-105(3)(A))

(4) An increase in the maximum height for any sign for an individual single-family dwelling unit that is undergoing construction, improvement or renovation, from 3.5 feet to 4 feet. (12-105(3)(B))

(5) A new sign type identified as a “yard sign,” for any lot developed with a residential use. Yard signs are proposed up to 12 square feet in total area, with a maximum sign size of 4 square feet for any individual sign and a maximum height of 4 feet. (*Advertised to allow up to 16 square feet in total area.*) (12-105(4))

(6) Provisions and regulations allowing for Minor Signs for all non-residential land uses based on road classification. For uses located on a lot with frontage on a major thoroughfare, Minor Signs up to 40 square in total area are allowed per lot, with a maximum sign size of 24 square feet. A single freestanding sign would be allowed as part of this total area, with a maximum height of 4 feet. (*To be advertised to allow up to 60 square feet in total sign area with the possibility of no limitations on the maximum size of any one sign and no limit on the number of freestanding signs, and a maximum freestanding sign height of up to 6 feet.*)

For all other non-residential land uses, building minor signs are allowed up to 24 square in total area per lot. (*To be advertised to allow up to 60 square feet in total sign area with the possibility of some or no limitation on the maximum size of any one sign; and to allow a single or unlimited freestanding signs with a maximum sign height of up to 6 feet.*) (12-105(5))

(7) A new sign type, an A-frame sign, for all non-residential land uses, limited to a maximum of 16 square feet, 4 feet in height, and a requirement that the sign must be located within 25 feet of a building or site entrance that provides access to the use. (12-105(7))

E. A section identifying Prohibited Sign types (12-106) based on general standards; materials or design; or location, and including:

a prohibition on roof signs as defined. (12-106(3)(B))

F. A section for Nonconforming Signs (12-107), which includes:

(1) A new provision requiring that the property owner bears all responsibility to establish the nonconforming status of a sign and/or of the existing physical characteristics and location of such sign. (12-107(2))

(2) Increase in the maximum number of days' notice, from 15 to 30 days, that the Zoning Administrator must give a property owner to remove a nonconforming sign that has been demolished or destroyed by more than 50 percent of its appraised value, or is located on a property that becomes vacant and is unoccupied for at least 2 years. (12-107(8) and (9))

2. Part 2, Sign Regulations by Use and District (12-200), to include the following provisions:

- A. A section explaining the Calculation of Sign Area (12-201), which includes:
a change in how freestanding sign height is calculated by measuring the vertical distance from the uppermost extremity of the sign to the lowest point of adjacent grade, rather than to the average ground level at the base. (12-201(3)(C))
- B. A section setting forth uniform regulations for Signs in Residential Districts (12-202), which includes:
new provisions containing uniform regulations allowing for permanent building-mounted and freestanding signs for all non-residential land uses when located in a residential district (except for agricultural uses and hospitals, which will continue to be regulated separately). As proposed, a total of 50 square feet of building-mounted sign area is allowed, and a single freestanding sign is allowed, up to 40 square feet in area and 8 feet in height. (*Advertised to include an alternative option for freestanding signs, with maximum size and height based on lot size, as follows: for a use on a lot smaller than 5 acres, a freestanding sign up to 16 square feet in area and 4 feet in height would be permitted; for a use on a lot of at least 5 acres but less than 20 acres, a freestanding sign up to 32 square feet in area and 6 feet in height would be permitted; for a use on a lot of at least 20 acres or more, a freestanding sign up to 40 square feet in area and 8 feet in height would be permitted. In addition, advertising for both options allows the possibility of an increase in freestanding sign height up to 20 feet.*) (12-202)
- C. A section setting forth the Performance Standards for Signs in Residential Districts (12-203), which includes:
 - (1) A new uniform regulation for the minimum setback for all freestanding signs located in a residential district, which has generally been reduced from either 5, 10 or 50 feet (for most land uses) to 5 feet. (12-203(2))
 - (2) Proposed performance regulations for changeable copy or electronic display signs when located as part of a freestanding sign in a residential district. As proposed, one such sign is allowed per lot, with no more than 50% of the maximum allowable area of a freestanding sign devoted to changeable copy or electronic display. Specific use limitations for electronic display signs also include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits. (*Advertised to include an alternative option, to allow no limit on the size of the changeable copy or electronic display sign when it is part of freestanding monument sign, with a maximum height up to 8 feet. Specific use limitations for electronic display signs as part of this option also include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.*) (12-203(3))
 - (3) Modification of the illumination standard for all signs in a residential district by removing the limit that illumination must be white and not colored. (12-203(4))

D. A section setting forth uniform regulations for Signs in Commercial and Industrial Districts (12-204), which includes:

- (1) An increase in the permitted amount of building-mounted sign area for industrial uses, from 1 square foot of sign area for each linear foot of building frontage, up to 1.5 square feet of sign area for each linear foot of building frontage. (12-204(1))
- (2) An increase in the size of a freestanding sign for each detached building that houses a principal use within an office park, from 20 square feet to 30 square feet. (12-204(2)(E)(2))

E. A section setting forth the Performance Standards for Signs in Commercial and Industrial Districts (12-205), which includes:

- (1) A uniform minimum setback of 5 feet from any curb of a service drive, travel lane, or adjoining street, for all freestanding signs in a commercial or industrial district; this results in a reduction of the minimum setback for freestanding signs located in an office or industrial park, from 10 feet to 5 feet. (12-205(3))
- (2) Proposed performance regulations for changeable copy or electronic display signs when located as part of a freestanding sign in a commercial or industrial district. As proposed, one such sign is allowed per lot, with no more than 50% of the maximum allowable area of a freestanding sign devoted to changeable copy or electronic display. Specific use limitations for electronic display signs also include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits. (Advertised to include an alternative option, to allow no limit on the size of the changeable copy or electronic display sign when it is part of freestanding monument sign, with a maximum height up to 8 feet. Specific use limitations for electronic display signs as part of this option also include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.) (12-205(4))

F. A section for Other Permitted Signs (12-206), which:

clarifies that accessory service uses are allowed a single 15 square foot building-mounted sign per individual use, and not a total of 15 square feet for all such accessory service uses located in a building. (12-206(2))

3. Part 3, Special Approvals (12-300), to include the following provisions:

A. A new section for an Administrative Comprehensive Sign Plan (12-301), which includes:

- (1) The relocation of the existing provisions that allow the Zoning Administrator to approve an alternative method of calculating building frontage to authorize a different allotment of building-mounted signs for uses in a multi-tenant building, and the formal codification of this process as an “Administrative Comprehensive Sign Plan.” (12-301)

(2) Establishment of a fee for an Administrative Comprehensive Sign Plan, in accordance with Section 18-106 of the Ordinance. (12-301(1))

4. In addition to the repeal and replacement of Article 12, Signs, there are proposed changes to related provisions found throughout other Articles of the Zoning Ordinance. These changes are proposed with similar intent and scope as those proposed for Article 12. Specific changes include the following:

A. Deleting the sign requirement for quasi-public athletic fields in the C-1 through C-8 Districts (4-105(5)(G); 4-205(5)(G); 4-305(5)(G); 4-405(5)(G); 4-505(9)(G); 4-605(8)(G); 4-705(9)(G); and 4-805(11)(G)), and the I-1 through I-6 Districts (5-105(6)(G); 5-205(5)(G); 5-305(5)(G); 5-405(6)(G); 5-505(8)(G); and 5-605(7)(G)).

B. Deleting the requirement for signs near the stacking area for drive-through pharmacies in the C-5 through C-8 Districts (4-505(10); 4-605(9); 4-705(10); and 4-805(12)), and in the PDH (6-106(11)), PDC (6-206(11)), and PRC (6-305(12)) Districts, and the corresponding special exception standard (9-505(1)(E)).

C. Deleting the reference to temporary signs for temporary farmers' markets and open-air produce stands. (8-810(7) and 8-909(6))

D. Deleting the sign provision for wayside stands. (10-102(28)(E))

E. Amending the Application and Zoning Compliance Letter Fees section, to include a new specific reference to the Sign Permit and Administrative Comprehensive Sign Plan fee of \$95.00. (18-106)

F. Deleting the definition of RACEWAY, SIGN, BUILDING MOUNTED SIGN, FREESTANDING SIGN, and PORTABLE SIGN, and all references thereto. (20-300)

G. Deleting the provision that currently allows for certain signage within or in proximity to any commercial revitalization district boundary. (A7-109(4)(B); A7-209(4)(B); A7-309(4)(B); A7-409(4)(B); and A7-509(4)(B)). COUNTYWIDE. PUBLIC HEARING.

Andrew Hushour, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He stated that staff recommended adoption of Zoning Ordinance Amendment, Sign Ordinance Article 12, Signs and Related Provisions.

There was a discussion between Mr. Hushour; Leslie Johnson, Zoning Administrator, ZAD, DPZ; and multiple Commissioners on the following issues:

- Reasons that prompted revisions to the Sign Ordinance Amendment;
- Relationships between the proposed Sign Ordinance Amendment to existing signs;
- Setback requirements for minor signs;
- Examples of signage that was considered part of the Sign Ordinance Phase II of the Fairfax County Zoning Ordinance Modernization Project;

- The Letter received by the Planning Commission from the Northern Virginia Association of Realtors and feedback received from other jurisdictions;
- Definition of the signage being proposed, locations that prohibited signage, and conditions that limited the types of signs being installed;
- Whether or not sign content was regulated;
- Complaints received regarding signs being pushed into the right-of-way;
- Whether or not signage on school fences was permissible;
- Exemptions for schools, parks, and public facilities, and recommendation for regulation of permanent signs;
- Agreement with Virginia Department of Transportation for the regulation of political signs in the right-of-way of major roadways; and
- Impact the proposed amendment would have on sign overlay districts.

The discussion resulted in no changes to the subject amendment.

Chairman Murphy called the first listed speaker.

Brian Clifford, 11911 Freedom Drive, Reston, representing DLA Piper Global Law Firm on behalf of Macerich, requested a deferral of the amendment. (A copy of Macerich's statement is in the date file.)

Jim Zook, 13853 Springstone Drive, Clifton, At-Large Park Authority Board member, representing the Park Authority, addressed previously-articulated concerns with the amendment and requested the exemption of public and government uses. (A copy of Mr. Zook's statement is in the date file.)

There was a discussion between Mr. Hushour, Ms. Johnson, Mr. Zook, and multiple Commissioners regarding the Park Authority providing specific language to staff and the Commission that addressed the *Clyde Reed, et al., Petitioners versus Town of Gilbert, Arizona, et al* issue, which determined whether municipalities could impose content-based restrictions on off-site signage and whether the public uses were exempt from regulation.

Josh Veverka, 8407 Pennell Street, Fairfax, representing Northern Virginia Association of Realtors, addressed concerns regarding the off-site sign provisions, wayfinding temporary signs for homes for sale, and restriction of signs into the right-of-way. (A copy of the association's statement is in the date file.)

Z.O. AMENDMENT – SIGN ORDINANCE ARTICLE 12,
SIGNS, AND RELATED PROVISIONS

December 5, 2018

Commissioner Niedzielski-Eichner associated his prior comments with the exemption status of signs for public uses and was open to regulatory context of the size and nature of signs. He added the behavior of government entities should be consistent with the requirements for the public and private sector.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Sargeant for action on these items.

(Start Verbatim Transcript)

//

Commissioner Sargeant: Thank you, Mr. Chairman. Well, I think the signs all point to more discussion before I [inaudible] the vote. Thank you very much. It's never too late.

Chairman Murphy: It's getting late.

Commissioner Sargeant: Thanks very much to all. To Mr. Hushour, Ms. Johnson for – for all the input and comment tonight. And, to my fellow colleagues on the Planning Commission and to our – our people testifying from the public, you're very much appreciated. Good input. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING ARTICLE 12, SIGNS, AND RELATED PROVISIONS TO A DATE CERTAIN OF JANUARY 16TH, 2019 AND THAT THE RECORD SHALL REMAIN OPEN UNTIL SUCH TIME.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to defer decision only on the Zoning Ordinance Amendment, Sign Ordinance Article 12, Signs, and Related Provisions, to a date certain of January 16th, with the record remaining open for comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

//

Commissioner Migliaccio announced the Planning Commission received minutes for June and July 2018, and he intended to move the approval of those minutes at the January 30, 2019 public hearing.

Z.O. AMENDMENT – SIGN ORDINANCE ARTICLE 12,
SIGNS, AND RELATED PROVISIONS

December 5, 2018

//

The meeting was adjourned at 10:24 p.m.

Peter F. Murphy, Chairman

James T. Migliaccio, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: June 26, 2019



Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

Toni Michele Denson
NOTARY PUBLIC
Howard County, Maryland
My Commission Expires 6/14/2022