

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 3, 2021**

PRESENT: Peter F. Murphy, Chairman, Springfield District
John C. Ulfelder, Vice Chairman, Dranesville District
Timothy J. Sargeant, Secretary, Commission At-Large
Julie M. Strandlie, Parliamentarian, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Lee District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: None

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The Planning Commission conducted a wholly electronic meeting due to the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was conducted by way of video conferencing and the public was able to view the meeting on Channel 16, livestreaming on the Fairfax County website, or live audio over the phone. Testimony from the public could be provided through a phone call, recorded video, or submission of written testimony by mail or electronic means.

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The meeting was called to order at 7:30 p.m., by Chairman Peter F. Murphy. from Conference Room 11 in the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax, VA 22035.

The attending Commissioners attended the meeting from the following locations:

- John C. Ulfelder participated from the Dranesville District office, 397 Herndon Parkway, Suite 110, Herndon, VA 20170;
- Timothy J. Sargeant participated from the Mount Vernon District office, 2511 Parkers Lane, Mount Vernon, VA 22306;
- Julie M. Strandlie participated from Mason District office, 6507 Columbia Pike, Annandale, VA 22003;
- Mary D. Cortina participated from her residence in the Braddock District office, 9002 Burke Lake Road, Burke, VA 22015;

- John A. Carter participated from the Hunter Mill District office, 1801 Cameron Glen Drive, Reston, VA 20190;
- Daniel G. Lagana participated from the participated from the Lee District office, 6121 Franconia Road, Alexandria, VA 22310;
- Walter C. Clarke participated from the Mount Vernon District office, 2511 Parkers Lane, Mount Vernon, VA 22306;
- Phillip A. Niedzielski-Eichner participated from his residence in the Providence District;
- Evelyn S. Spain participated from the Sully District office, 4900 Stonecroft Boulevard, Chantilly, VA 20151;
- Andres Jimenez participated from Mason District office, 6507 Columbia Pike, Annandale, VA 22003; and
- Candice Bennett participated from Lee District office, 6121 Franconia Road, Alexandria, VA 22310.

Upon verifying the attendance of each Commissioner from their respective location, the meeting proceeded with Commission matters.

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Chairman Murphy relinquished duties of the virtual Chair and the virtual gavel to Vice Chairman Ulfelder.

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PRELIMINARY MOTIONS FOR CONDUCTING ELECTRONIC MEETING

Commissioner Murphy MOVED THE FOLLOWING:

- THE PLANNING COMMISSION CERTIFY FOR THE RECORD THAT EACH MEMBER'S VOICE MAY BE ADEQUATELY HEARD BY EACH OTHER MEMBER OF THIS COMMISSION AND THAT A QUORUM HAS BEEN ACHIEVED;
- THE PLANNING COMMISSION CERTIFY THAT THE STATE OF EMERGENCY CAUSED THE COVID-19 PANDEMIC MAKES IT UNSAFE FOR THE PLANNING COMMISSION TO PHYSICALLY ASSEMBLE AND UNSAFE FOR APPLICANTS, AND THE PUBLIC TO PHYSICAL ATTEND ANY SUCH MEETING IN PERSON. AND THAT AS SUCH, AN IN-PERSON MEETING CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY. FURTHER MOVE THAT THE PLANNING COMMISSION CONDUCT THIS MEETING ELECTRONICALLY THROUGH THE

COUNTY'S VIDEO CONFERENCE SYSTEM, AND THAT THE PUBLIC MAY ACCESS THIS MEETING BY WATCHING CHANNEL 16 OR ITS LIVE STREAMING, MAY LISTEN TO LIVE AUDIO OF THIS MEETING AT 703-324-5300, AND MAY PARTICIPATE IN PUBLIC HEARINGS BY TELEPHONE, BY YOUTUBE VIDEO SUBMISSION, OR BY WRITTEN TESTIMONY; AND

- THE PLANNING COMMISSION CERTIFY THAT ALL MATTERS ADDRESSED ON THE AGENDA CONCERN THE EMERGENCY AND ARE NECESSARY FOR CONTINUITY IN FAIRFAX COUNTY GOVERNMENT, AND THE ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS ON MAY 12, 2020. AND/OR ARE WITHIN THE PURVIEW OF AMENDMENT 28 OF HOUSE BILL 29, AS APPROVED BY GOVERNOR RALPH NORTHAM ON APRIL 24, 2020.

Commissioners Sargeant seconded the motions, which carried by a vote of 11-0. Commissioner Strandlie was absent from the vote.

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Chairman Murphy resumed duties of the virtual Chair and the virtual gavel.

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COMMISSION MATTERS

Chairman Murphy announced that two Fairfax County Government employees passed away due to COVID-19. Erin Haley passed on February 25, 2021. She was a Planner III with the Environment Review Branch of the Department of Planning and Development. Ms. Haley started her career with the Board of Zoning Administration.

Marco Felder passed on February 13, 2021. He was a video journalist who worked with at Fairfax County's Channel 16. Mr. Felder provided support for the broadcast of Planning Commission meetings. The Commission observed a moment of silence.

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Chairman Murphy announced that the scheduled public hearings would be heard prior to the cases for decision only.

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. SE 2020-SU-005 – SHEETZ, INC.
2. SE 2020-DR-012 - TRI-STATE CHAIN BRIDGE, LLC

This order was accepted without objection.

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SE 2020-SU-005 - SHEETZ, INC – Appl. under Sect. 5-504 of the Zoning Ordinance to permit a service station, quick service food store and restaurant with drive through. Located at 13850 McLearen Rd., Herndon, 20171 on approx. 2.7 ac. of land zoned I-5 and WS. Sully District. Tax Map 24-4 ((1)) 1(pt.).
SULLY DISTRICT. PUBLIC HEARING.

Bernard S. Suchicital, Agent to the Applicant, Walsh, Colucci, Lubeley, & Walsh, P.C., reaffirmed the affidavit dated January 12, 2021.

There were no disclosures from the Commission.

Kelly Atkinson, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2020-SU-005.

Mr. Suchicital gave a presentation on the subject application, a copy of which is in the date file.

There was a discussion between Ms. Atkinson and Commissioner Carter on the following

- Confirmation that the shape and boundaries of the property line were accurately depicted in the site plan;
- Clarification on the process for leasing existing parcels of land to the applicant to accommodate the proposed development; and
- Clarification on the number of electric vehicle charging stations that would be included with the proposal and whether such commitments were consistent with County policy.

The discussion resulted in no changes to the subject application.

There was a discussion between Mr. Suchicital; Elizabeth Baker, Agent to the Applicant, Walsh, Colucci, Lubeley, & Walsh, P.C.; Ms. Atkinson; William O'Donnell, ZED, DPD; and multiple Commissioners on the following:

- Explanation of the applicant's objection to committing to an independent third-party LEED certification process for green buildings;
- Explanation of how the commitments stated in the development conditions compared to traditional LEED certification and the green building commitments of other developments in the area;
- Concerns regarding the potential impact of alternatives certification programs on future applications;
- Clarification on staff and the County's preference for utilizing LEED certification; and

- Clarification on the applicant's commitment to include LEED personnel in their design team, implement soft commitments, and include an escrow to comply the intent of the green policy.

The discussion resulted in no changes to the subject application.

There being no listed speakers, Chairman Murphy called for speakers from the audience, but received no response.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Spain for action on this case.

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Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2020-SU-005, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 16, 2021.

Commissioner Spain MOVED THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS TO APPROVE A WAIVER OF THE REQUIREMENT TO CONSTRUCT A VEHICULAR TRAVEL LANE SERVICE DRIVE OR OTHER ACCESS CONNECTION TO AND FROM ADJACENT PROPERTY TO THE SOUTH, AS FAR AS SET FORTH PARAGRAPH 3 OF SECTION 17-201 OF THE ZONING ORDINANCE.

Commissioner Bennett seconded each motion, which carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

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SE 2020-DR-012 - TRI-STATE CHAIN BRIDGE, LLC, - Appl.
under Sect. 3-304, 9--301, and 9-306 of the Zoning Ordinance to permit an independent living facility. Located at 1638 and 1642 Chain Bridge Rd., McLean, 22101 on approx. 3.23 ac. of land zoned R-3. Tax Map 30-3 ((1)) 53A and 53B.
DRANESVILLE DISTRICT. PUBLIC HEARING.

Gregory A. Riegle, Applicant's Agent, McGuire Woods, LLP, reaffirmed the affidavit dated February 9, 2021.

There were no disclosures from the Commission.

Kelly Posusney, Department of Planning and Development presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2020-DR-012.

Mr. Riegler gave a presentation on the subject application.

There was a discussion between Mr. Riegler, Ms. Posusney, and multiple Commissioners on the following:

- Concerns regarding height standard for attached dwelling units and the additional standards for independent living facilities;
- Concerns regarding the applicant's commitment to comply the transitional screening requirements;
- Clarification on the applicant's request for a reduction for the stormwater management facility portion of the transitional screening requirement;
- Explanation of the Zoning Ordinance's multiplier calculation for density;
- Explanation of the additional standards in the Zoning Ordinance pertaining to independent living facilities; and
- Concerns regarding the building height, setbacks, and density of the proposed development compared to adjacent neighborhoods.

The discussion resulted in no changes to the subject application.

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

Bobbi Bowman, 1505 Audmar Drive, McLean, VA, spoke in opposition of the subject application. A copy of Ms. Bowman's written statement is in the date file.

Elizabeth Yu, 1916 Kenbar Court, McLean, VA, spoke in opposition of the subject application. A copy of Ms. Yu's written statement is in the date file.

Ramez Andrawis, 1408 Pathfinder Lane, McLean, VA, spoke in opposition to the proposed development due concerns regarding traffic congestion, insufficient parking, and impact on the character of the surrounding neighborhoods.

Brad Macomber, 1503 Wasp Lane, McLean, VA, provided a YouTube video testimony, wherein he spoke in opposition to the proposed development. Mr. Macomber voiced the following concerns:

- The excessive density, traffic impact, and design of the proposal compared to traditional independent living facilities;
- The adequacy of the parking provisions for the proposed development;
- The impact of the development on existing trees and environment features; and
- The impact on pedestrian safety for students attending McLean High school.

Melissa Ann Johnson and Steve Johnson, 1426 Fern Oak Court, McLean, VA, voiced their concerns about the stormwater management plan for the proposed development and requested that the applicant provide more information on this matter.

Katie Zimmerman, 1502 Wasp Lane McLean, VA, representing McLean Broyhill Estates Civics Association, voiced the association's opposition to the subject application. She expressed following concerns:

- The excessive building heights and inadequate setbacks of the proposed development
- The impact the development and construction would have the environment and existing wildlife;
- The impact on affordable housing options;
- The impact of noise and light pollution from the; and
- The impact of the development on parking and traffic throughout the surrounding area.

John Apinis, 1524 Pathfinder Lane, McLean, VA, spoke in opposition to the proposal and voiced the following concerns:

- The impact of increased traffic congestion generated by the density of the development;
- The inadequacy of the applicant's commitment to transitional screening; and
- The inadequacy of the setbacks for the proposed development.

Ann Seaman, 1225 Providence Terrace, McLean, VA, spoke in support of the subject application. A copy of Ms. Seaman's written statement is in the date file.

Lola C. Reinsch, 1299 Ballantrae Farm Drive, McLean, VA, spoke in support of the subject application because it provided quality amenities, offered multiple transportation options, and served the growing needs of the aging population.

Eric West, 1447 Cedar Ave, McLean, VA, spoke in support of the subject application. A copy of Mr. West's written statement is in the date file.

Erik Kloster, 1402 Audmar Drive, McLean, VA, spoke in opposition to the subject application. A copy of Mr. Kloster's written statement is in the date file.

Winnie Pizzano, 1540 Bruton Court, McLean, VA, representing Stoneleigh Homeowners Association, voiced the association's support for the subject application. A copy of Ms. Pizzano's written statement is in the date file.

Scott Shawkey, 1567 Forest Villa Lane, McLean, VA, spoke in support of the subject application. A copy of Mr. Shawkey's written statement is in the date file.

Chairman Murphy called for speakers from the audience.

Mike Chadwell, 1550 Red Twig Lane, McLean, VA, spoke in opposition to the subject application. A copy of Mr. Chadwell's written statement is in the date file.

Scott Nearing, 1432 Audmar Drive, McLean, VA, spoke in opposition to the subject application. A copy of Mr. Nearing's written statement is in the date file.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Rigel, who responded to the testimony from the speakers as follows:

- The proposed height of the buildings were consistent with the standards for an independent living facility;
- The applicant's commitment to green building was included in a development condition;
- The site was not located within the McLean CBC;
- The proposal would not negatively impact pedestrian paths and access to nearby amenities;
- The inter-parcel access arrangement from the previously approved by-right subdivision plan was to the adjacent McLean Broyhill Community and not Chain Bridge Road;
- The ingress/egress for vehicular traffic did not favor one direction over the other;
- The applicant did not object to limiting pedestrian access to address pedestrian safety concerns raised by neighbors;
- The need for a deferral of the decision only for the subject applications to coordinate with residents of neighboring properties to adequately address their concerns;
- The applicant had coordinated with the County to determine whether a traffic signal at the intersection of Chain Bridge Road and Davidson Road was warranted, but the results of such a signal was not necessary;
- The proposal included stormwater management commitments that would detain runoff on-site and reduce the stormwater runoff on neighboring sites; and
- The County's enforcement mechanisms for ensuring that the proposed development exclusively accommodated senior residents was adequate.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSIONER DEFER THE DECISION ONLY FOR SE 2020-DR-012, TRI-STATE CHAIN BRIDGE, LLC, TO A DATE CERTAIN OF MARCH 17, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Sargeant seconded the motion, which carried by a vote of 12-0.

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Chairman Murphy proceeded with additional Commission Matters to address the two items on the agenda, Zoning Ordinance Modernization Project, and Zoning Ordinance Modernization Project (Flags and Flagpoles), scheduled for decision only.

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zMOD –ZONING ORDINANCE MODERNIZATION PROJECT (FLAGS AND FLAGPOLES)
(Decision Only) (Public Hearing on this application was held on February 10, 2021; Decision Only from February 24, 2021)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF THE PROPOSED REVISIONS FOR FLAGS AND FLAGPOLES PORTION OF THE ZONING ORDINANCE MODERNIZATION PROJECT.

Commissioner Murphy and Commissioner Clarke seconded the motion, which carried by a vote of 11-0. Commissioner Strandlie was not present for the vote.

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zMOD –ZONING ORDINANCE MODERNIZATION PROJECT
(Public Hearing on these applications was held on January 28, 2021; Q&A Session on February 3, 2021; Decision only from February 10, 2021; Decision Only from February 24, 2021)

Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE REPEAL OF CHAPTER 112 OF THE COUNTY CODE AND THE ADOPTION OF THE NEW AND MODERNIZED ZONING ORDINANCE AS CHAPTER 112.1, AS SET FORTH IN THE PUBLIC HEARING DRAFT OF THE ORDINANCE DATED FEBRUARY 17, 2021, WITH THE FOLLOWING:

- WHERE OPTIONS ARE PRESENTED, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF RECOMMENDATION, EXCEPT THAT I MOVE THAT THE PLANNING COMMISSION ADOPT THE FOLLOWING CHANGES, AS SET FORTH IN THE ATTACHED TEXT, TITLED OPTION 1, PREVIOUSLY DISTRIBUTED TO THE COMMISSION:
 - 1: FOR ACCESSORY LIVING UNITS, I MOVE THAT THE PLANNING COMMISSION RECOMMEND:
 - (A) REMOVING THE AGE OR DISABILITY REQUIREMENT; AND
 - (B) ALLOWING THE ALU TO OCCUPY THE ENTIRE BASEMENT OR CELLAR, BUT ONLY UP TO THE SIZE OF THE BASEMENT OR CELLAR EXISTING AS OF THE EFFECTIVE DATE OF THIS NEW ORDINANCE; AND
 - 2: FOR HOME-BASED BUSINESSES, I MOVE THAT THE PLANNING COMMISSION RECOMMEND:
 - (A) ALLOWING ZERO CUSTOMERS AT A TIME AND ZERO CUSTOMERS PER DAY WITH AN ADMINISTRATIVE PERMIT, EXCEPT WITH RESPECT TO INSTRUCTIONAL ACTIVITIES

ASSOCIATED WITH A SPECIALIZED INSTRUCTION CENTER OR A HEALTH AND EXERCISE FACILITY, FOR WHICH UP TO FOUR STUDENTS AT A TIME AND EIGHT IN A DAY WOULD BE ALLOWED, BUT OTHERWISE REQUIRING SPECIAL PERMIT APPROVAL TO ALLOW CUSTOMERS; AND

- (B) REQUIRING APPROVAL OF THE FAIRFAX COUNTY HEALTH DEPARTMENT PRIOR TO APPROVAL OF AN ADMINISTRATIVE PERMIT OR SPECIAL PERMIT IF THE PROPERTY IS SERVED BY A WELL OR SEPTIC SYSTEM.

I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 AM, ON JULY 1, 2021.

In addition, Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING RECOMMEND REMOVING THE AGE OR DISABILITY REQUIREMENT AND ALLOWING THE ALU TO OCCUPY THE ENTIRE BASEMENT OR CELLAR, BUT ONLY TO THE SIZE OF THE BASEMENT AND THAT P-3 DISTRICT AND ABOVE WILL CONTINUE TO BE SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT.

In addition, Commissioner Strandlie MOVED TO AMEND THE MAIN MOTION BY EXEMPTING P-DISTRICTS FROM THE ADMINISTRATIVE PROCESS AND RETAIN THE SPECIAL PERMIT PROCESS.

Commissioner Lagana seconded the motion, which failed by a vote of 5-7 with Commissioners Ulfelder, Strandlie, Carter, Clarke, Niedzielski-Eichner, Sargeant, and Murphy voting in opposition.

Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE REPEAL OF CHAPTER 112 OF THE COUNTY CODE AND THE ADOPTION OF THE NEW AND MODERNIZED ZONING ORDINANCE AS CHAPTER 112.1, AS SET FORTH IN THE PUBLIC HEARING DRAFT OF THE ORDINANCE DATED FEBRUARY 17, 2021, WITH THE FOLLOWING:

- WHERE OPTIONS ARE PRESENTED, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF RECOMMENDATION, EXCEPT AS FOLLOWS:
 - (1), FOR ACCESSORY LIVING UNITS, I MOVE THAT THE PLANNING COMMISSION RECOMMEND:
 - (A) RETAINING THE SPECIAL PERMIT REVIEW PROCESS FOR ALL ACCESSORY LIVING UNITS, EXCEPT FOR INTERIOR UNITS WHERE AN OCCUPANT OF EITHER THE PRINCIPAL UNIT OR THE ALU MEETS THE AGE OR DISABILITY REQUIREMENT;

- (B) REMOVING THE AGE OR DISABILITY REQUIREMENT WHEN AN ALU IS APPROVED BY SPECIAL PERMIT; AND
- (C) ALLOWING THE ALU TO OCCUPY THE ENTIRE BASEMENT OR CELLAR, BUT ONLY UP TO THE SIZE OF THE BASEMENT OR CELLAR EXISTING AS OF THE EFFECTIVE DATE OF THIS ORDINANCE; AND
- (2), FOR HOME-BASED BUSINESSES, I MOVE THAT THE PLANNING COMMISSION RECOMMEND:
 - (A) ALLOWING ZERO CUSTOMERS AT A TIME AND ZERO CUSTOMERS PER DAY WITH AN ADMINISTRATIVE PERMIT, EXCEPT WITH RESPECT TO INSTRUCTIONAL ACTIVITIES ASSOCIATED WITH A SPECIALIZED INSTRUCTION CENTER OR A HEALTH AND EXERCISE FACILITY, FOR WHICH UP TO FOUR STUDENTS AT A TIME AND EIGHT IN A DAY WOULD BE ALLOWED, BUT OTHERWISE REQUIRING SPECIAL PERMIT APPROVAL TO ALLOW CUSTOMERS; AND
 - (B) REQUIRING APPROVAL OF THE FAIRFAX COUNTY HEALTH DEPARTMENT PRIOR TO APPROVAL OF AN ADMINISTRATIVE PERMIT OR SPECIAL PERMIT IF THE PROPERTY IS SERVED BY A WELL OR SEPTIC SYSTEM.

THESE CHANGES ARE AS SHOWN IN THE ATTACHED TEXT, TITLED OPTION 2, PREVIOUSLY DISTRIBUTED TO THE COMMISSION. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 AM, ON JULY 1, 2021.

Commissioner Lagana seconded the motion, which failed by a vote of 5-7 with Commissioners Ulfelder, Strandlie, Carter, Clarke, Sargeant, Spain, and Murphy voting in opposition.

Commissioner Sargeant MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE REPEAL OF CHAPTER 112 OF THE COUNTY CODE AND THE ADOPTION OF THE NEW AND MODERNIZED ZONING ORDINANCE AS CHAPTER 112.1, AS SET FORTH IN THE PUBLIC HEARING DRAFT OF THE ORDINANCE DATED FEBRUARY 17, 2021, WITH THE FOLLOWING:

- WHERE OPTIONS ARE PRESENTED, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF RECOMMENDATION, EXCEPT AS FOLLOWS:
 - FOR ACCESSORY LIVING UNITS, I MOVE THAT THE PLANNING COMMISSION RECOMMEND:

- (A) RETAINING THE SPECIAL PERMIT REVIEW PROCESS FOR ALL ACCESSORY LIVING UNITS;
 - (B) REMOVING THE AGE OR DISABILITY REQUIREMENT; AND
 - (C) ALLOWING THE ALU TO OCCUPY THE ENTIRE BASEMENT OR CELLAR, BUT ONLY UP TO THE SIZE OF THE BASEMENT OR CELLAR EXISTING, AS OF THE EFFECTIVE DATE OF THIS ORDINANCE; AND NUMBER TWO
- FOR HOME-BASED BUSINESSES, I MOVE THAT THE PLANNING COMMISSION RECOMMEND:
 - (A) ALLOWING ZERO CUSTOMERS AT A TIME AND ZERO CUSTOMERS PER DAY WITH AN ADMINISTRATIVE PERMIT, EXCEPT WITH RESPECT TO INSTRUCTIONAL ACTIVITIES ASSOCIATED WITH A SPECIALIZED INSTRUCTION CENTER OR A HEALTH AND EXERCISE FACILITY, FOR WHICH UP TO FOUR STUDENTS AT A TIME AND EIGHT IN A DAY WOULD BE ALLOWED, BUT OTHERWISE REQUIRING SPECIAL PERMIT APPROVAL TO ALLOW CUSTOMERS; AND
 - (B) REQUIRING APPROVAL OF THE FAIRFAX COUNTY HEALTH DEPARTMENT PRIOR TO APPROVAL OF AN ADMINISTRATIVE PERMIT OR SPECIAL PERMIT IF THE PROPERTY IS SERVED BY A WELL OR SEPTIC SYSTEM.

THESE CHANGES ARE AS SHOWN IN THE ATTACHED TEXT, TITLED OPTION 3, PREVIOUSLY DISTRIBUTED TO THE COMMISSION. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 AM, ON JULY 1, 2021.

Commissioner Clarke and Commissioner Bennett seconded the motion, which carried by a vote of 12-0.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO ESTABLISH A PROCESS BY WHICH ACCESSORY LIVING UNIT AND HOME-BASED BUSINESS PROVIDERS OF THE REVISED ZONING ORDINANCE CAN BE MONITORED AND EVALUATED. THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD DIRECT THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO:

- A: PROVIDE A REPORT ON ACCESSORY LIVING UNITS AND HOME-BASED BUSINESSES TO THE BOARD OF SUPERVISORS WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THE NEW ORDINANCE OR WHEN 25 SPECIAL PERMITS HAVE BEEN APPROVED, WHICHEVER IS SOONER;

- B: INCLUDE IN THE REPORTS INFORMATION ON THE NUMBER, TYPE, GENERAL GEOGRAPHIC LOCATION AND DISTRIBUTION, AND STATUS OF APPLICATIONS RECEIVED, THE PROCESSING TIME, INFORMATION ON ANY RELATED SUBMITTED COMPLAINTS, VIOLATIONS, AND RESOLUTIONS BY THE DEPARTMENT OF CODE COMPLIANCE, AND ANY OTHER RELEVANT INFORMATION IN THESE REPORTS;
- C: ESTABLISH AN ACCESSORY LIVING UNIT AND HOME-BASED BUSINESS COMMUNITY TASK FORCE TO REVIEW AND EXPLORE WITH STAFF, BASED ON THE DATA AND IMPLEMENTATION EXPERIENCE, RECOMMENDED CHANGES TO THE ZONING ORDINANCE, IF ANY, THAT WOULD IMPROVE THE COUNTY'S APPROACH TO ACCESSORY LIVING UNITS AND HOME-BASED BUSINESSES, DESIGNED TO ENCOURAGE POSITIVE IMPACTS AND MITIGATE ANY NEGATIVE IMPACTS OF IMPLEMENTING THE REVISED USE PROVISIONS.

Commissioner Clarke and Commissioner Bennett seconded the motion, which carried by a vote of 12-0.

Commissioner Sargeant MOVED THAT THE BOARD DIRECT THE DEPARTMENT OF CODE COMPLIANCE TO CONTINUE TO PROVIDE EDUCATION AND OUTREACH TO THE PUBLIC ON THE DCC COMPLAINT-BASED ENFORCEMENT PROCESS, INCLUDING PROTOCOLS AND TIMELINES, AND HOW COMMUNITY MEMBERS CAN IDENTIFY CODE VIOLATIONS AND FILE A COMPLAINT.

Commissioner Clarke seconded the motion, which carried by a vote of 12-0.

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF A FOLLOW-ON MOTION THAT DIRECTS STAFF TO ESTABLISH A STAKEHOLDER GROUP OF LANDSCAPE PROFESSIONALS AND CONTRACTORS TO DISCUSS TOPICS RELATED TO THEIR OPERATIONS THAT MIGHT MAKE IT DIFFICULT FOR THEM TO FIND APPROPRIATE LOCATIONS WITHIN THE COUNTY TO ESTABLISH THEIR BUSINESSES AND WHETHER THE USE STANDARDS RELATED TO THE TYPES OF VEHICLES STORED ON THE SITE COULD BE MODIFIED TO BE LESS RESTRICTIVE AND OPEN UP OPPORTUNITIES FOR FINDING SUITABLE LOCATIONS.

Commissioner Bennett and Commissioner Cortina seconded the motion, which carried by a vote of 12-0.

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO ADD A STANDARD FOR THE HOME-BASED BUSINESS USE THAT ESTABLISHES LIMITS ON THE QUANTITY OF FLAMMABLE OR COMBUSTIBLE LIQUIDS, EXPLOSIVES, OR HAZARDOUS MATERIALS THAT MAY BE USED OR STORED IN ASSOCIATION WITH A HOME-BASED BUSINESS AND INCORPORATE APPROPRIATE SUBMISSION REQUIREMENTS ON THE APPLICATION TO EFFECTUATE THIS STANDARD.

Commissioner Bennett and Commissioner Lagana seconded the motion, which carried by a vote of 12-0.

Commissioner Strandlie MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS CHANGES TO THE COUNTY WEBSITE AND PROCESSES THAT WILL IMMEDIATELY INCREASE ACCESS TO COUNTY PERMITTING AND APPROVAL PROCESSES, INCLUDING:

- CONTINUING TO IMPROVE THE ONLINE PERMIT APPLICATIONS SYSTEM;
- IMPROVING THE FAIRFAX COUNTY WEBSITE TO CREATE A CLEAR PATH – PATHWAY TO INFORMATION CONSUMERS ARE – AND CUSTOMERS ARE SEEKING, ESPECIALLY REGARDING ALU’S AND OTHER IMPORTANT MATTERS;
- UPDATING THE BZA SITE AND THE SPECIAL PERMIT APPLICATION PACKET TO MAKE IT ACCESSIBLE; AND
- TO CONTINUE VIRTUAL TESTIMONY AFTER COVID TO INCREASE CITIZEN ACCESS.

Commissioner Bennett seconded the motion, which carried by a vote of 12-0.

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The meeting was adjourned at 11:09 p.m.
Peter F. Murphy, Chairman
Timothy J. Sargeant, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

Minutes by Satabdi Samaddar

Approved on: September 29, 2021

Jacob Caporaletti

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

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 12 day of October 2021, by
Jacob Caporaletti.

Dorothy Maudsott

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

