

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JANUARY 30, 2019**

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

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The meeting was called to order at 7:32 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced Kimberly Bassarab, Deputy Director for the Planning Commission, had moved to the Park Authority. On behalf of the Commission, he wished her well in her new position.

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Commissioner Sargeant announced that the Planning Commission's Schools Committee met for a three-hour workshop on January 26, 2019, to develop recommendations in support of the Policy Plan and other non-land use recommendations with colleagues from the Fairfax County Public Schools. He also announced that the next meeting was scheduled for February 12, 2019 and was open to the public.

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Commissioner Hart announced that the Environment Committee met last week and voted to recommend to the Planning Commission a motion regarding the changes to the green buildings portion of the Policy Plan. He also announced that the next meeting was scheduled for February 21, 2019, at 7:30 p.m. during which a presentation from the Virginia Department of Environmental Quality would be given on their progress regarding salt management strategies.

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SE 2018-MA-005 - CHRISTOPHER LAND, LLC*(Start Verbatim Transcript)*

Commissioner Strandlie: Good Evening. Due to an addendum coming out to the staff report, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE 2018-MA-005, CHRISTOPHER LAND, INC [sic] TO A DATE CERTAIN OF FEBRUARY 6<sup>TH</sup>, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to continue the decision only in SE 2018-MA-005, to a date certain of February 6<sup>th</sup>, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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Commissioner Tanner stated that in an effort to allow additional time for review, he intended to defer the public hearing on PA 2018-III-DS1, Comprehensive Plan Amendment (Dulles Suburban Center, Land Unit J), which was currently scheduled for Wednesday, February 13, 2019, to a date certain of February 27, 2019.

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MINUTES APPROVAL – JUNE/JULY 2018*(Start Verbatim Transcript)*

Commissioner Migliaccio: Thank you, Mr. Chairman. I have two items tonight. The first item is move – I MOVE APPROVAL OF MINUTES FOR THE PLANNING COMMISSION, JUNE AND JULY OF 2018.

Commissioner Hart: Second.

Chairman Murphy: Seconded, Mr. Hart. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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ZONING ORDINANCE AMENDMENT SIGN ORDINANCE ARTICLE 12, SIGNS, AND  
RELATED PROVISIONS – (Decision Only)

(The public hearing on this application was held on December 5, 2018.)

*(Start Verbatim Transcript)*

Commissioner Sargeant: Thank you, Mr. Chairman. Tonight, we are having – the final vote on the Zoning Ordinance Amendment, Sign Ordinance Article 12, Signs, and Related Provisions. This will be a lengthy process, as it is complex and very detailed so please bear with me. To begin with, the proposed Sign Ordinance Amendment is a culmination of-

Chairman Murphy: Hold on.

Commissioner Niedzielski-Eichner: I – I'm sorry. Will there be an opportunity to ask staff questions related to this – I have a question of staff.

Commissioner Sargeant: Yes. I have some opening comments and then I have some questions. And then that would be an appropriate time to ask some questions.

Chairman Murphy: Okay?

Commissioner Niedzielski-Eichner: Okay.

Commissioner Sargeant: Mr. Chairman, the proposed Sign Ordinance Amendment is the culmination of nearly two years of effort by the County staff in the Department of Planning and Zoning and in the Office of the County Attorney. The amendment that we are considering tonight is part of Phase 1 of a two-part effort to amend the existing Sign Ordinance. This amendment includes a repeal and replacement of Article 12, Signs, by deleting redundant or outdated provisions, re-writing existing regulations and proposing new regulation of signs and/or their characteristics in a content-neutral manner, reorganizing existing and new provisions in a more user-friendly format to include graphics, and establishing more uniform regulation of signs in all zoning districts. In addition, related sign provisions found throughout the Zoning Ordinance are also proposed for amendment accordingly. While the second phase of amendments associated with the Zoning Ordinance Modernization Project, or ZMOD, will include a broader review of

provisions of existing sign policies, the primary purpose of this phase of the amendment is to rewrite the existing provisions found in Article 12, Signs, of the Zoning Ordinance into content-neutral language in response to the United States Supreme Court's 2015 ruling in *Reed versus Town of Gilbert*. In developing this proposed amendment, staff has conducted extensive outreach with individual Board members, the Planning Commission, effected County agencies, citizen and business groups, and other interested stakeholders. The proposed amendment was discussed at several of the Board's Development Process Committee meetings, as well as with our Land Use Process Review Committee twice last year. Additionally, DPZ has worked with staff members from Fairfax County Public Schools and the Fairfax County Park Authority, the ZMOD Citizen Advisory, and land use attorney advisory groups – and with Chamber of Commerce representatives – all to discuss the amendment and receive their feedback. The topic has been presented at four DPZ open houses in the past two years where citizens received information about the potential changes and staff responses to the proposals and questions. Throughout this process, staff has stressed that the purpose of this amendment is largely to ensure content neutrality. Since this effort required a review and significant rewrite of the entire Sign Ordinance, staff took the opportunity to streamline the text and make the regulatory document more user-friendly. To this end, every section has been rewritten in some degree, but staff's goal was to keep as much of the actual regulations – such as types of permitted signs, sizes, et cetera – all intact. However, this was not possible for certain sign types, such as those related to minor, i.e. temporary signs and electronic display or digital signs. Therefore, the proposed amendment also provides new regulations to ensure that all signage is uniform and consistent among land uses and sign types. In addition, I want to point out what this amendment does not do. It does not regulate signs displayed in public rights-of-way, which is under the authority of the Virginia Department of Transportation. In addition, while these regulations do apply to most other property in Fairfax County, staff has confirmed that they do not supersede the authority of a private homeowner or commercial owner association to further regulate signs through private covenants. This is a complex amendment with a lot of moving parts and about a topic of which is great interest to both citizens and business owners. The Zoning Administrator has prepared a draft text that represents practical approaches. In addition, like any regulation, the County has the ability to make amendments in the future, if needed. The sign regulations will also be reviewed as part of the ZMOD process in the next two years. In addition, there is a follow-on motion that I'd like to include, which requires a progress report about the regulations that will occur before that time. Now, before I introduce the motions, Mr. Chairman, I'd like to ask some staff – some – I'd like to ask staff some questions about initiatives to address questions and concerns during this process. If I could, I'd like to first ask if we could talk about the questions about the concerns about the proposed exemption for minor signs for public uses, such as signs used by the Park Authority or for advertising some concert series or other programs. What will staff be doing separate from this amendment to address these types of signs and questions?

Andrew Hushour, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ): Thanks, Commissioner Sargeant. Andrew Hushour, Deputy Zoning Administrator. So the public use exemption, as you all know, was one of the major discussion points that we've been going through. You heard about it, obviously, at the December 5<sup>th</sup> public hearing and staff's been working on this, actually, for quite a while with the effected County agencies. And so what the actual exemption does – and this was all documented in the memo that we sent out last week, which goes through all the changes that have occurred in the draft since that December 5<sup>th</sup> public hearing. What the exemption actually does is it exempts public property. It does not carry,

necessarily, to the agencies themselves, but it exempts certain public property, that being owned by the Board, the Fairfax County School Board, or the Park Authority, from specifically the minor sign provisions in Section 12-105. And so what that means, then, is that any sign – any minor sign that is displayed on County-owned property would not be subject to any of the limits that you see, as far as the sizes, despite orations or anything like that. However, though, some of the concerns that we had – and we raised this originally when we went through the process in the past year – you know, one of the reasons that we wanted to subject the County agencies to the regulations was, you know, to be able to regulate the signage. And so by granting the exception, you know, there have been some concerns about the idea that, you know, there will be a proliferation and lots of numbers in huge signs on public property. But the way that we're addressing that, as you alluded to, is there's a follow-on motion that's been – that you will get to that, you know, directs staff to work with the effected County agencies within a certain timeframe following adoption of the Amendment – to come up with a set of policy guidelines and memorialize it by way, perhaps, of a memo of understanding that the Board would approve that would actually set up some framework for – and some policy guidelines for the signs, if they're going to be displayed on public property. So that, I think, answers that question.

Commissioner Sargeant: Okay, thank you. Two more questions for me. How did staff arrive at the assignments of scale for the minor signs for non-residential uses? That was another question that-

Mr. Hushour: Yeah, so the numbers on that, as you all know, have changed quite a bit. And obviously, staff's recommendation changed since December, in large part, to the exemption for public property. You know, in the original draft in the advertising, when you look at those minor sign provisions for non-residential uses, you know, you had the ability to go to a significant amount of square-footage for the signs and that was, largely, to accommodate some of the public uses. But now with those coming out of the amendment – you know, staff's recommendation is now changed to where the numbers now will reflecting – or we're recommending that the amount, in particular, of the signage be, you know, much lower than what we originally recommended and what the ad certainly would allow you all to do. The numbers, themselves – and this is all in Section 12-105, it's Paragraph 5 – so what we're talking about are like the temporary signs that you would see for like a business – whether, you know, it's a restaurant or, you know, any non-residential use. It could be a place of worship – a child-care center. And there's two different criteria, depending on where the use is actually located – the road classification. If it's on a major thoroughfare or higher road classification, they get – we're proposing 40 square feet. And then every other use – would have get only 24 square feet. The number themselves – they do have some basis – you know, when you look at a lot of temporary sign provisions in the ordinance today. A lot of them fall around the 32 square-foot amount, which is what we're recommending for the uses when they're on the major thoroughfares. The smaller amounts at 24 square feet, again, you see evidence of that throughout the ordinance today and the amounts. You know, just on a related note too, the amounts themselves – you know, they are a function of all these other aspects of minor signage and we explain this at the December 5<sup>th</sup> hearing. You know, staff's sort of approach to this is, you know, if you – you know, pull a lever and you decide that you want to have no display duration on minor signs, which is what we're recommending – that there not be any time limit on their display. But once you do that, the sizes start to matter. The number of signs start to matter – you know, whether or not they're going to be freestanding or building-mounted, that all begins to now be interrelated and

those pieces of the provisions matter that much more. So, you know, we're looking at lower amounts because, you know, we were also looking at limits on freestanding signs, you know, because of the amounts that we're recommending.

Commissioner Sargeant: And – and concordant to a component of that and – just to highlight it – was what the – this is based on your review of the current ordinance regarding those signs, especially temporary signs. So you weren't starting from scratch. You had some baseline language to deal with.

Mr. Hushour: Right, exactly.

Commissioner Sargeant: Okay, final question from me, Mr. Chairman. As I mentioned in my opening statements, staff's planning to report back to the Planning Commission and the Board of Supervisors as to whether any changes of the amendment are warranted. Could you provide some explanation of how you're – what the process will be for this? What it will include?

Mr. Hushour: Yeah, there's a couple different ways that we would look at the provisions – like moving forward. You have a follow-up motion that you're, again, going to get to, which – you know, sets up and recommends that the staff actually collect data about the new regulations and then report back any findings – I think it's after – an 18-month period, following the adoption date. And what we would really be looking for, obviously – you know, complaint information – you know, now that we have, you know, like the minor sign provisions, in particular – now that we would have provisions in place – you know, are we seeing a lot more of that kind of signage being used throughout the County? Are we seeing a lot of complaints about it coming in? So it would be an opportunity then to, you know, reflect back on the amendment and to give you all that information, as well as the Board. The second piece of it, you've already mentioned, is – you know, we will be looking at the – the ordinance, as a whole, again as part of ZMOD. Probably – that's probably a couple years away. You know, but at that point we'll be looking at some of the issues – you know, things like signage in mixed-use development and a lot of the entitlement issues, as far as like what you can get with a CSP or an SE or an SP. We'll be looking at all that at that time. And then it'll give us another opportunity to, you know, tweak any of the amounts or any of the regulations that we're proposing now at that time if they're not working like we had – intended them to.

Commissioner Sargeant: Okay, thank you. Mr. Chairman, I'll have several motions to make after additional questions from other Commissioners.

Chairman Murphy: Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Mr. Hushour, we received a letter back in December from the company, Macerich – the operator – the owner and operator of the Tysons Corner Center Mall. And in that letter, Macerich indicated that it had a concern related to its network of roads where they focus specifically on the matter of from where a sign is visible. To my understanding, based on my reading of your recent communication to us, is that that particular matter had been incorporated into the changes? Or is it still – are there still some aspects that remain open at this point?

Leslie Johnson, ZAD, DPZ: Commissioner Niedzielski-Eichner, actually we met with Macerich today and I think – you know, we tried to add language in – into the text and you'll see – and what we were trying to accomplish there is to provide some relief, if you will, for properties and those situations where there's like an – internal drive aisles and when building space internal drive aisles – and that's the language we're using in the revised text – that they would not be deemed a sign. You know, if you could also see it from a roadway, well then – or a street – then it would be a sign, but if it's just two buildings kind of, you know, facing each other and there's like a little drive aisle that leads to parking, then – you know, that would not be considered visible from a street and you wouldn't need to come and get a sign permit for that. I think there's still some concern that that doesn't quite meet their needs and I think there's a philosophical difference of opinion between staff as to – you know, whether we should be in – even including private streets or – you know, in this they're claim – you know, Macerich has that private ring road similar to the Fair Oaks Mall, which is a private ring road. And I know that – you know, we have deemed that private ring road around Fair Oaks Mall to be most similar to a street and they – the signage is regulated, you know, from that. So, you know, what we're going to do is we're going to continue to work through as it gets to the Board. I have a – you know, a – if the Planning Commission makes a recommendation this evening, the public hearing is scheduled for the Board of Supervisors on February 5<sup>th</sup>, but I believe that they will, in all likelihood, defer decision on that. They will probably hold the hearing, but defer decision. I mean I can't speak for the Board, but I know that they want to have time to consider the Planning Commission's recommendation and, you know, the options that are out there because, as Commissioner Sargeant said, it does get a little complicated. So we've advised the Macerich representative that we will continue to work with them. And we've also talked about – you know, we are putting together some grandfather provisions for those existing signs that have been legally established. And so we're looking at that avenue also as a possibility to, you know, give them as much relief as we can because I recognize that they have a CSP and they've, you know, done business a certain way. So we are – we are trying to address that.

Commissioner Niedzielski-Eichner: Yeah, and with the – it's a heavy investment. We don't – we think of signs as being – but for a mall, it's a massive...

Ms. Johnson: Yes, and they did try to give us revised language, but they were even struggling a little bit with trying to write it in such a way that would address the concerns. So we'll continue to work on it.

Commissioner Niedzielski-Eichner: Yeah, thank you. And Mr. Chairman, I wanted to commend Commissioner Sargeant for his diligence on this effort and also, in particular staff – Mr. Hushour, I – this is an enormously complex project and you – you've stayed patient with it. You have been diligent and I really value the level that you've put into it.

Chairman Murphy: Anyone else? Mr. Ulfelder. Oh, I'm sorry, Ms. Cortina.

Commissioner Cortina: Thank you, Mr. Chairman. I also want to commend staff. This was a huge undertaking, not only to bring it up to speed with the changes of the Supreme Court, but as well – that just bringing everything up-to-date and more consistent. I did have a question, however, with regard to the electronic signs. It – it's hard to concentrate on all the different aspects of the change and I think early on, I may have missed this so I apologize for the lateness

of this question. But the two options before us for the – for the electronic signs are the freestanding electronic signs and then the monument style. And, as I understand it, the monument style – you can use the entire surface, but you have a height restriction of between six and eight feet. That's what's been advertised. And the Option 1, which the staff recommends as the freestanding style – which can be, say, up on some big posts with the – only half of the entire area used for electronic, but – but it can be much higher. There's – there's not the same height limitation. And I was trying to visualize the impacts of both of those and you – you never know the consequences. And so I just wanted to ask you – with Option 1, my impression is that it – it could be more of a billboard style presentation, being up on stilts like that, or also that it could be, say, in a shape of a coffee cup or some other kind of, you know, sign. It just says freestanding. It doesn't really say what shape or – or what it might look like. And so the visual clutter of Option 1 versus Option 2 – I'm thinking that Option 2 might actually be less of an impact and I just wanted to hear from you on that.

Mr. Hushour: Yeah, you – you – the two options, I'll quickly explain them. So the – in either option, the digital component is only allowed on a permanent freestanding sign. And so the height of any freestanding sign is going to depend on your zoning district. For a residential zoning district, that would be – we're recommending a height of eight feet for a freestanding sign. If you're in a commercial or industrial district, it could be up to 20 feet in height. So what Option 1 says is that whatever your freestanding sign is allowed, as far as the size and the height – and again, that depends on your district – half of that sign can be devoted to the digital message board. Now, when we originally – that was staff's original proposal. It was in the very first version of the draft when I wrote it. But in working with the Board through the Development Process Committee Meetings, they – they asked, "Well, give us an alternative. Show us what it would look like or, you know, what do you think it should be if it were fully digitized?" The sign – and so, you know, our view on it was that – well, if you're going to fully digitize it, you know, it's obviously brighter. It could be a bit more of a nuisance, especially in a residential district. We would expect then that the height would have to come down. And so that is why – and we would like to see it stylized a certain way, which would be a monument style sign. So that's why Option 2 – while the full amount of your freestanding sign can be now digitized, it would have to be the monument style and then we'd cap the height at six feet.

Commissioner Cortina: I think that's preferable from my point of view. I mean the new LCD – or LED, rather – signs are the full edge-to-edge – and those are really attractive and they can be very nice. But the ones that are way up on stilts and that could be, you know, 10 feet tall on top of 10 feet tall, going all the way down the road, I think, would really be – would be terrible. So I'm – I'm just as a heads up, I think I'll maybe recommend something on that.

Ms. Johnson: Commissioner Cortina – Leslie Johnson, Zoning Administrator – the other thing to keep in mind is that when we were coming up with the original Option 1, part of that was the fact that – you know, we have been approving digital signs for, probably, the last four or five years. And they have been approved at the full size that they're entitled to, under the current provisions. So – and typically, for your place of worship or your child care center, those types of uses – the sign area is 40 square feet. So there are – quite a few signs – digital signs out there that are already 40 square feet. But again, since those were more in residential districts, the height was limited to eight feet so you don't get the same height. There's a lot of those monument-style signs. There's – that you see, especially for places of worship. And so I think the thought was –

is, going forward, you know – if we limited it to half, then that really minimizes the light and the glare – what have you. Because then, you know, what – for a 40 square-foot sign, it's 20 feet. Now, you're absolutely right in that a commercial – you know, your shopping centers typically get an 80 square-foot freestanding sign. And so that would then – that's big and I – and we have a couple of examples of that right along Lee Highway here right in – right near the Government Center. But that was kind of – just to give you an idea of what those – what those numbers are. So – but I think, you know, staff is really fine with either option and we've – you know, we've kind of put that out for – you know, for you all to kind of consider.

Commissioner Cortina: Did you get any – one final question – did you get any feedback from the business community about Option 1 or 2?

Mr. Hushour: Not specifically on the digital signs, other than – I think – you know, the common users of them are usually places of worship or, you know, even a public – you know – facility. So – you know, the only feedback we've really gotten is that they're glad to see actual formal regulation in place.

Commissioner Cortina: Well, it'd be nice to have Option 1 for the residential area and Option 2 for the commercial area. I don't know that that's in the advertising, though.

Ms. Johnson: I mean – that – that is something that, if the Planning Commission feels strongly about – you know, we could come back with a follow-up amendment to kind of look at that. I mean, we want to – we really would like to move forward with getting something in place because – you know, as – as we've said before – you know, because of our – the issues, with regard to the Supreme Court decision – you know, we have not have had a real robust enforcement of signs. And so we want to at least be able to move forward with that so – but that is a, you know, something that we could look at if that's kind of the preference of the Commission.

Commissioner Cortina: Okay, thank you.

Chairman Murphy: Anyone else? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Again – appreciation for Mr. Hushour's work on this. Not only has it been a complex project, but oftentimes unpopular that everybody that you are facing said, "We hate this whole idea." But – so not only complex, but unpopular and so thanks again for all the slings and arrows of outrageous misfortune that you have been put in. But the simple question – if you can define the word "façade" – when we talk about – the school sign can take up 10 percent of the façade. Do you mean the entire front of the school, including the gym and the auditorium and the classroom wing and the admin spaces and then the theater wing? It's a very – 10 percent of all of that or do you just mean 10 percent of the block on which it's mounted?

Mr. Hushour: It would be the full – the length of the façade, even if the building is articulated – I mean, we would interpret it to be the full – the full width.

Commissioner Hurley: And can you have more than one sign since a lot of our schools are so big they are on this block and on this point – you have one on each side that's facing the road?

Mr. Hushour: The way that the – we've been asked this and I think – you know, what the regulation says is that you get 10 percent. They – you know, they're not illuminated. They have to be building-mounted.

Commissioner Hurley: On the side.

Mr. Hushour: It doesn't – it doesn't necessarily specifically – the – the front façade is what's used to actually make the calculation. But I would not necessarily interpret the provision to – as it is proposed, to state that you can only put then those signs on the front façade, meaning that if – if your 10 percent allowed you, you know, 420 square feet of that type of signage, you would have the ability, if you wanted to, to split it up. You just can't go over that amount.

Commissioner Hurley: But you would have 10 percent on the north side and 10 percent of the west side and 10 percent of the...

Mr. Hushour: No. It's only of the – the front...

Commissioner Hurley: Only one side.

Mr. Hushour: What's facing – right – of on one side.

Commissioner Hurley: Only 10 percent of one side.

Mr. Hushour: Correct. Yep.

Commissioner Hurley: It is not clear in here. Thank you.

Chairman Murphy: Anyone else? Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I have a crisp 11 motions to make, as part of this very complex Sign Ordinance Amendment. And I'll go ahead and get started from there. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT ENTITLED "ARTICLE 12, SIGNS, AND RELATED PROVISIONS", AS PROPOSED BY STAFF IN THE REVISED TEXT DATED JANUARY 22, 2019, WITH THE FOLLOWING OPTIONS FOR THE MAJOR ISSUE AREAS IDENTIFIED IN PART III OF THE STAFF COMMENT DATED NOVEMBER 19<sup>th</sup>, 2018.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Zoning Ordinance Amendment, Sign Ordinance Article 12, Signs and Related Provisions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman - some narrative to begin before the next motions. Section 12-102, the definition of the term "sign" – as discussed with the Planning Commission at the December 5<sup>th</sup> public hearing, staff received feedback that the definition, as originally proposed, would include a sign as being that which "is visible from any street," resulting in regulating signs in certain commercial areas that are currently exempt from review. This is due in large part to the broadness of the current Zoning Ordinance definition of a street. As now proposed, the clarification of visibility from those specific street types – public or a private street – with the further clarification regarding internal drive aisles, better addresses these concerns. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE REVISED LANGUAGE FOUND IN THE REVISED TEXT, WHICH DEFINES A SIGN, IN PART, AS THAT WHICH IS VISIBLE FROM, "ANY PUBLIC OR PRIVATE STREET, BUT NOT IF ONLY VISIBLE FROM AN INTERNAL DRIVE AISLE IN NON-RESIDENTIAL DEVELOPMENTS."

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion, as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 1 of Section 12-103, the exemption of signs on public property. The question of exempting signs located on public – property from the proposed sign ordinance has been the focus of significant debate and discussion throughout this amendment process. Based on staff research and consultation with the Office of the County Attorney, staff has concluded that it is possible to exempt signs located on property owned by Fairfax County, including the Park Authority and the Public Schools, from Section 12-105, entitled "Minor Signs." However, it is noted that signs on public property will be subject to all other requirements of the proposed sign ordinance – most importantly, the permanent sign provisions. In addition, I will be making a follow-on motion that seeks to set certain parameters for County agencies when displaying minor signs on public property. Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE REVISED LANGUAGE FOUND IN THE REVISED TEXT, WHICH EXEMPTS SIGNS LOCATED ON PUBLIC PROPERTY FROM SECTION 12-105, MINOR SIGNS.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski – or Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion, as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 6C of Section 12-104, related to vehicle signs. Under the current regulations, vehicle signs are allowed at their place of business or on an adjacent property, but they cannot be located any closer than 25 feet to "any public street line." The existing provision is problematic for two reasons. First, it allows signs to be located off-site, which is expressly prohibited in the draft Ordinance. Second, when parked at its place of business, a vehicle sign is subject to a 25-foot setback. As presented by staff, the setback is restrictive, given that a business, upon receiving a Non-Residential Use Permit, is certified to meet all applicable parking standards with respect to both customer parking and the parking of business vehicles. Therefore, while the minimum setback provision has been deleted, the prohibition of parking vehicle signs on an adjacent property has also been deleted, resulting in a more restrictive policy that is easier to enforce. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE STAFF RECOMMENDATION WITH NO MINIMUM SETBACK.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 6D of Section 12-104, related to the exemption of certain building-mounted signs for schools. As proposed, commemorative citations that are non-illuminated and permanently affixed to the façade of any school, college, or university would not be regulated, assuming that the display is limited to no more than 10 percent of the area of the façade on which it's placed. I concur with staff that the lower limit of 10 percent of the area of the façade is appropriate given the significant size of most school building façades. Also, this would apply to all schools, colleges, and universities, not just public institutions. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE STAFF-RECOMMENDED LANGUAGE, WHICH LIMITS THE AMOUNT OF "LETTERING AND/OR NUMBERS PERMANENTLY ATTACHED TO OR PAINTED ON THE FAÇADE OF ANY BUILDING OF ANY SCHOOL, COLLEGE, OR UNIVERSITY TO NO MORE THAN 10 PERCENT OF THE AREA OF THAT FAÇADE ON WHICH THEY ARE PLACED.

Commissioner Hurley: Second.

Chairman Murphy: Seconded by Ms. Hurley. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 4 of Section 12-105, related to yard signs. For residential land uses, a new type of sign, a "yard sign," is being proposed that allows citizens the opportunity to display a limited number of small signs, such as campaign signs during election season or a yard sale sign. It's noted that there is no display duration, so signs could be displayed on a lot at all times. Furthermore, there is also no limit on the total number of signs, although the maximum size of the sign, limited to 4 square feet, is somewhat limiting in combination with the maximum of 12 square feet. Given that there is no limit on display duration or the limit of signs allowed, I concur with staff that the proposed 12 square feet is appropriate. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE STAFF-PROPOSED LANGUAGE FOUND IN THE REVISED TEXT, WHICH LIMITS YARD SIGNS TO A MAXIMUM OF 12 SQUARE FEET IN TOTAL AREA, WITH NO SINGLE SIGN EXCEEDING 4 SQUARE FEET IN AREA AND A HEIGHT OF 4 FEET.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 5 of Section 12-105, related to minor signs for all non-residential land uses. If signs located on public property are to be exempted from the Minor Signs provisions, then staff is recommending that the allowance of minor signs for non-residential land uses be reduced since public property will no longer be included among this group. For this reason, staff revised Paragraph 5 of Section 12-105, which applies to uses with frontage on a major thoroughfare, to reduce the by-right amount of signage. However, to offer more flexibility in light of the reduction in total sign area, staff has also proposed to remove limit on the size of any one sign and to allow up to 2 freestanding signs per lot. I concur with these changes. Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF STAFF'S REVISED RECOMMENDATION, AS FOUND IN THE REVISED TEXT, WHICH SETS FORTH THE FOLLOWING:

- IN PARAGRAPH 5A, FOR NON-RESIDENTIAL USES LOCATED ON A LOT WITH FRONTAGE ON A MAJOR THOROUGHFARE, BUILDING-MOUNTED AND FREESTANDING MINOR SIGNS ARE ALLOWED, NOT TO EXCEED 32 SQUARE FEET IN TOTAL SIGN AREA PER LOT. IF FREESTANDING, NO MORE THAN 2 SUCH SIGNS ARE ALLOWED PER LOT WITH A MAXIMUM HEIGHT OF 4 FEET;
- IN PARAGRAPH 5B, FOR ALL OTHER NON-RESIDENTIAL LAND USES, THAT IS THOSE NOT LOCATED ON A LOT WITH A FRONTAGE ON A MAJOR THOROUGHFARE, ONLY BUILDING-MOUNTED MINOR SIGNS ARE ALLOWED, NOT TO EXCEED 24 SQUARE FEET IN TOTAL AREA PER LOT.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 3A of Section 12-106, the prohibition of off-premise signs. As presented in the staff comment, the Reed decision simplifies the policy debate on this topic. If one cannot regulate content on signs, then the decision to allow any off-site signage is an all-or-nothing proposition. If off-site signs continue to be allowed, it would not be possible to stop a permit holder from allowing copy on the sign that may be unrelated to its intended use. And for this reason, it is appropriate to prohibit off-premise signs. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE LANGUAGE FOUND IN THE REVISED TEXT, PROHIBITING OFF-PREMISE SIGNS, AS RECOMMENDED BY STAFF.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 5 of Section 12-202, concerning permanent freestanding signs for non-residential land uses located in residential districts. While some expressed a preference for a taller by-right height for freestanding signs, Option 1 requires a uniform sign height of 8 feet for all non-residential land uses. Staff's justification for an 8-foot maximum height is based on the potential incompatibility and negative impacts of taller illuminated signs, including digital message boards, on neighboring residential land uses. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF "OPTION 1," ALLOWING A SINGLE FREESTANDING SIGN FOR NON-RESIDENTIAL LAND USES, NOT TO EXCEED 40 SQUARE FEET IN AREA AND 8 FEET IN HEIGHT.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, Paragraph 3 of Section 12-203, and Paragraph 4 of Section 12-205, related to electronic display signs. Option 1 allows the electronic display sign on any freestanding sign, up to 50 percent of its maximum permitted area. For example, if a non-residential land use in a residential zoning district is allowed a 40 square-foot freestanding sign with a maximum height of 8 feet, then the electronic display can be up to 20 square feet, or 50 percent of the maximum area of 40 square feet. Given the predominance of electronic display signs as a preferred sign type by the land uses that are typically located in residential zoning areas, I concur with staff's recommendation that Option 1 would reduce the potential negative land use impacts, which – compared to Option 2, which would allow for a fully digitized freestanding sign, albeit at a lower height for all zoning districts.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Discussion? All those...

Commissioner Sargeant: Please, that's just the narrative, but thanks for – thanks for jumping in there.

Chairman Murphy: We're enthusiastic about all this.

Commissioner Sargeant: And we're good to go. The first 24 amendments...

Chairman Murphy: And we're thorough. You got to admit we're thorough, okay?

Commissioner Sargeant: Okay, the first 24 motions are the most important to begin with. Okay, Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF OPTION 1, ALLOWING CHANGEABLE AND ELECTRONIC DISPLAY SIGNS WITH THOSE USE LIMITATIONS SET FORTH IN PARAGRAPH 3, SECTION 12-203 AND PARAGRAPH 4, SECTION 12-105. THESE PROVISIONS ALLOW AN ELECTRONIC DISPLAY SIGN AS PART OF AN ALLOWED FREESTANDING SIGN, UP TO 50 PERCENT OF THE MAXIMUM ALLOWABLE SIGN AREA OF THE FREESTANDING SIGN.

Commissioner Tanner: Second.

Chairman Murphy: I thought you're might have changed by this time.

Commissioner Cortina: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Cortina: Mr. Chairman, I'd like to make a friendly amendment.

Chairman Murphy: Okay, seconded by Mr. Tanner. Discussion? Ms. Cortina.

Commissioner Cortina: I'd like to make a friendly amendment that selects Option Number 1 for residential and Option Number 2 for the commercial and, therefore, THE FRIENDLY AMENDMENT WILL BE TO SELECT OPTION 1 FOR SECTION 12-203 AND

PARAGRAPH 4, SECTION 12-05 [sic] OPTION 2. These provisions allow an electronic display sign as part of an allowed freestanding sign up to 50 percent of the maximum allowable sign area of that a freestanding sign in the residential area – with to allow no limit on the size of the changeable copy or electronic display sign when it is part of a freestanding monument sign with a maximum height of up to 8 feet in the other areas.

Commissioner Sargeant: Mr. Chairman, I'LL BE HAPPY TO ACCEPT THAT FRIENDLY AMENDMENT, following concurrence from staff.

Ms. Johnson: We have no objection to that. I think it addresses some of the concerns that the Commission raised earlier in the discussion.

Chairman Murphy: Yes, Mr. Clarke?

Commissioner Clarke: No, I was seconding.

Chairman Murphy: Seconded by Mr. Clarke. Is there a discussion of the friendly amendment? All those in favor, say aye.

Commissioner Hart: Mr. Chairman? Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: 50 percent is still a lot for – in a residential area and I think I'm going to abstain on this one.

Chairman Murphy: All those in favor, say aye. Yeah, Ms. Hurley.

Commissioner Hurley: I am also going to abstain because it – it's still not clear to me. We have a lot of residential areas that are across the street from commercial areas so that the residential areas would get the benefit of the all-night illumination that they might not want. So it's still not clear to me so I will also abstain.

Chairman Murphy: All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Two abstentions. Now, we'll vote on the main motion. All those in favor of the motions, as articulated by Mr. Sargeant and amended, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman...

Chairman Murphy: I can hardly wait.

Commissioner Sargeant: Furthermore, I'D LIKE TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE ZONING ORDINANCE AMENDMENT HAVE AN EFFECTIVE DATE OF 12:01 A.M. FOLLOWING THE DATE OF ITS ADOPTION. THIS CONCLUDES MY MOTION RELATED TO THIS SIGN ORDINANCE AMENDMENT.

Commissioner Niedzielski-Eichner and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of that motion – and Mr. Ulfelder – all those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I have some follow-on motions related to additional recommendations for the Board, if I may. Mr. Chairman, in addition...

Chairman Murphy: Is that a rhetorical question.

Commissioner Sargeant: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT STAFF BE DIRECTED TO THE FOLLOWING TWO ITEMS:

- ONE, WORK WITH ALL EFFECTED COUNTY AGENCIES TO DEVELOP A SET OF GUIDELINES REGARDING THE DISPLAY OF MINOR SIGNS ON PUBLIC PROPERTY. THESE GUIDELINES SHOULD BE UNIFORM IN APPLICATION TO ALL COUNTY AGENCIES AND MAY INCLUDE LIMITS ON THE SIZE, TYPE, TOTAL NUMBER, DISPLAY DURATION, LOCATION, AND DISPLAY HEIGHT OF MINOR SIGNS DISPLAYED ON PUBLIC PROPERTY. THESE GUIDELINES SHOULD BE MEMORIALIZED IN A MEMO OF UNDERSTANDING, TO BE COMPLETED WITHIN 6 MONTHS OF THE ENACTMENT – WITHIN THE ENACTMENT DATE OF THE SIGN ORDINANCE.

That would be actually my first motion, Mr. Chairman.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: And, Mr. Chairman, my final motion would be, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT STAFF BE DIRECTED TO REPORT TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS WITHIN 18 MONTHS AFTER THE ENACTMENT OF THE SIGN ORDINANCE TO RECOMMEND AMENDMENTS TO THE ORDINANCE, IF SUCH CHANGES ARE NECESSARY. THIS REPORT SHOULD INCLUDE AVAILABLE COMPLIANCE DATA, SUCH AS THE NUMBER OF COMPLAINTS RECEIVED SINCE THE ENACTMENT DATE AND OTHER INFORMATION DEEMED PERTINENT, AS DETERMINED BY THE ZONING ADMINISTRATOR.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The first nine motions carried by a vote of 12-0.

The friendly amendment for the tenth motion carried by a vote of 10-0-2. Commissioners Hart and Hurley abstained from the vote.

The eleventh, twelfth, and thirteenth motions carried by a vote of 12-0.

*(End Verbatim Transcript)*

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PA 2018-IV-BK1/PA 2018-IV-TR1 COMPREHENSIVE PLAN AMENDMENT (HUNTLEY MEADOWS PARK PATH FROM TELEPATH ROAD TO HARRISON LANE), (HUNTLEY MEADOWS PARK PATH FROM TELEGRAPH ROAD TO LOCKHEED BOULEVARD) – (Decision Only) (The public hearing on these applications was held on January 16, 2019.)

*(Start Verbatim Transcript)*

Commissioner Migliaccio: Second item is a decision only and it was for the Huntley Meadows Park plan amendments and we have a few staff members who just settled in and I don't know if any fellow Commissioners have questions to staff before I move into my motion. If they do, now is the time.

Chairman Murphy: Are there any questions? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: I don't have any questions per se but I do –

Chairman Murphy: Is your mic on?

Commissioner Niedzielski-Eichner: I just want to state that - Mr. Chairman - that I'm going to support this motion. I believe, with the assurances that Supervisor McKay's commitment has reflected in his December 18<sup>th</sup>, 2018 letter to the Trails and Sidewalks Committee will be memorialized in a follow-on motion by Commissioner Migliaccio recommending that staff be directed to begin immediately identifying connectivity alternatives in advance of the Countywide Trails and Bicycle Master Plan update. I would note, in this regard, staff indicated the public hearing that the Trails and the Bicycle Master Plan update is not yet a funded activity. My hope is that by approving Supervisor McKay's motion, the Board of Supervisors and the Park Authority Board, would also see to it that the master plan update is funded. Thank you.

Commissioner Migliaccio: I will give you my motion now.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you. Thank you, Mr. Chairman. On January 16<sup>th</sup>, we held a public hearing on the issue of whether to remove two conceptual bike trails from the Comprehensive Plan for Huntley Meadows Park. I would like to thank the citizens who spoke that evening and all the people who took the time to send in written comments. I know that the comments have been distributed to all Planning Commissioners and entered - entered into the official record for these two plan amendments. To those who do not think that this process is the preferred way to amend the Comprehensive Plan, I tend to agree. It is almost always better for us to look at items in a holistic manner, but that is not what we are presented with today. The Board of Supervisors has charged the Planning Commission to look at the two plan amendments and to make a recommendation. While this process is not perfect, it has allowed a spirited debate on this topic. Multiple public hearings were held and no less than 80 individual comments were received by the Planning Commission and that's not to mention the hundreds upon hundreds of petitions both for and against removal of the trails. Groups such as the Audubon Society, FABB, the Park Authority, the Trails Committee, the Virginia Native Plant Society, and Friends of Huntley Meadows Park all gave their opinions. We even heard from one state senator and two state delegates. I do not think that anyone can state that this issue flew under the radar. Just the opposite. In fact, I think that if this was attached to amending the 120-page Master Bike Plan, it may not have received as much attention and as many public hearings on this, or public meetings. After reading all the information found in the public comments and staff report, I am convinced that even if we had the money and capacity to build these trails as they are depicted today - excuse me, today it would not be the correct choice. The damage done to Huntley Meadows Park, a regional gem, would outweigh any benefits. The original master park plan that placed the trails on the map was done prior to any true knowledge of what existed in the park. We have since discovered rare flora and fauna that needs protection and the wetlands have been more fully mapped. Because of this, I will be making a motion to support the staff's recommendation to remove the trails from the Comprehensive Plan. That being said, I do agree with FABB that the process could be better and my follow-on motion addresses that issue. It captures what Commissioner Niedzielski-Eichner had mentioned, that Supervisor McKay had committed to the community, to FABB, and to the Trails Committee, that they will start to immediately look for alternative routes. I deferred my decision until tonight to allow time to review the information heard at the public hearing and to allow the Lee District Land Use

Committee to have a chance to vote on this item. That vote took place on Monday night after hearing from staff and hearing from the opponents and proponents of staff's recommendation, the Land Use Committee voted 15-0-2 to support staff's position. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION FOR PLAN AMENDMENTS 2018-IV-BK1 AND 2018-IV-TR1 FOUND ON PAGE 18 OF THE STAFF REPORT DATED NOVEMBER 29<sup>TH</sup>, 2018.

Commissioners Ulfelder, Sargeant, and Strandlie: Second.

Chairman Murphy: Seconded by Mr. Ulfelder, Mr. Sargeant, and Mrs. Strandlie. All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2018-IV-BK1 and PA 2018-IV-TR1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And the follow-on motion that everyone wants. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO IMMEDIATELY BEGIN BRINGING IMPACTED STAKEHOLDERS TOGETHER AND IDENTIFYING CONNECTIVITY ALTERNATIVES TO THE SUBJECT TRAILS FOUND IN THESE TWO PLAN AMENDMENTS IN ADVANCE OF THE COUNTYWIDE TRAILS AND BICYCLE MASTER PLAN UPDATE.

Commissioners Strandlie, Cortina, Tanner, and Clark: Second.

Chairman Murphy: Seconded by Mrs. Strandlie, Ms. Cortina, and Mr. Tanner. And Mr. Clarke. Why don't you just say everybody seconded the motion? Okay. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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#### ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. 2232-M18-28 DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP, BDB

2. FDPA 2006-SU-007-03/2232-Y18-15 - DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP BDB
3. FDP 2017-DR-012/ RZ 2017-DR-012/ PCA C-637-05 POMEROY COMPANIES, INC. AND POMEROY INVESTMENT, TR.

The order was accepted without objection.

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2232-M18-28 DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP, BDB – Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to consider the proposal by Fairfax County Department of Public Works and Environmental Services to develop a Permanent Facility for the Edsall Road Fire Station #26 located at 5316 Carolina Place, Springfield, VA 22151. Tax Map: 80-2 ((1)) 50. Mason District. Area I. MASON DISTRICT. PUBLIC HEARING.

David Stinson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff concluded that the proposal satisfied the *Virginia Code* 15.2-2232 and found the application substantially in accord with the provisions of the Comprehensive Plan.

There were no disclosures by Commission members.

Commissioner Strandlie expressed concerns about semi-trucks that parked along the shoulder of Edsall Road. She also shared a desire to work with the Virginia Department of Transportation to ensure the law prohibited the trucks from parking at those locations.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that closing remarks were not necessary. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Strandlie: Thank you, Mr. Chairman. I want to thank everyone for working on this – this application. Especially coming multiple times to the Land Use Committee to make sure that the community was well aware of the application and its support. And, thanks – thanks to David Stinson and staff and the Fire Department for your assistance. Therefore, Mr. Chairman, I concur with the staff's conclusion that the proposal by the Fairfax County Department of Public Works and Environmental Services to renovate and expand the permanent facility for the Edsall Road Fire Station at 5316 Carolina Place, Springfield, Virginia, satisfies the criteria of location, character, and extent, as specified in *Virginia Code* Section 15.2 -2232, as amended. Therefore

January 30, 2019

Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-M18-28, SUBSTANTIALLY IN ACCORDANCE WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to approve 2232-M18-28, say aye.

Commissioners: Aye.

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

Commissioner Strandlie: Thank you.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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FDPA 2006-SU-007-03/2232-Y18-15 - DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAP BDB – Appl. to amend the final development plans for RZ 2006-SU-007 to permit a public facility and associated changes to development conditions. Located on the N.W. corner of Air & Space Pkw. and Wall Rd. on approx. 5.0 ac. of land zoned PRM and WS. Tax Map 24-4 ((7)) (8) A. SULLY DISTRICT. PUBLIC HEARING.

Daniel Creed, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of FDPA-2006-SU-007-03 and determined that 2232-Y18-15 should be considered a feature shown and was substantially in accordance with the Comprehensive Plan.

There was a discussion between Mr. Creed; Allison Terzigni, Department of Public Works and Environmental Services, Capital Facilities; and multiple Commissioners on the following issues:

- To verify the time of development and the location of the spray ground; and
- To verify the hours of operation and the inclusion of youth overnight activities.

The discussion resulted in no changes.

Ms. Terzigni gave a presentation on the subject applications.

There was a discussion between Ms. Terzigni and multiple Commissioners on the following issues:

- The stormwater requirements for the site; and
- The possibility of expansion at a later time.

The discussion resulted in no changes.

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

Marc Abbott, representing the Fairfax Chantilly Youth Association, 13909 Pennsboro Drive, Chantilly, Virginia, spoke in support to the subject applications because the community center would provide a centralized hub of activities for the community.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Terzigni, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Tanner for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Tanner: Thank you, Mr. Chairman. I have to say that this is one of those applications that I am truly excited about. It's in the Sully District and I look forward to taking my kids there one day. And as Mr. Abbot said, this has been a true community initiative and I'm excited to move this one forward. So, with that Mr. Chairman, before we begin, I request that the applicant confirm for the record their agreement to the proposed development conditions dated January 16, 2019.

Chairman Murphy: Come on up please.

Allison Terzigni, Building Design and Construction Division, Capital Facilities, Department of Public Works and Environmental Services: Yes, I – Allison Terzigni from DPWS – confirm the development conditions.

Commissioner Tanner: Thank you. So, with that Mr. Chairman, I have one statement and two motions. As we have two applications, please bear with me. I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2006-SU-007-03, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 16, 2019.

Commissioners Hart and Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Niedzielski-Eichner. Is there a discussion? All those in favor of the motion approve FDP 2017-DR-01 – I'm sorry. I'm reading the wrong one. All those in favor of the application to approve FDPA 2006-SU-007-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Thank you, Mr. Chairman. I concur with the staff's conclusion that the proposal by Department of Public Works and Environment Services, to construct a new community center facility, the Sully Community Center, satisfies the criteria of location, character, and extent, as specified by *Virginia Code* Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-Y18-15 MEETS THE CRITERIA AS A FEATURE SHOWN AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart. Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to approve 2232-Y18-15, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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FDP 2017-DR-012 POMEROY COMPANIES, INC. AND POMEROY INVESTMENT, TR.— Appl. to approve the final development plan for RZ 2017-DR-012 to permit mixed use development with an overall Floor Area Ratio of 0.90 including bonus density associated with ADU/WDU. Located in the N.E. corner of the intersection of Sunrise Valley Dr. and Frying Pan Rd. on approx. 21.26 ac. of land zoned I-5 and R-1 to be rezoned to PRM per RZ 2017-DR-012. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((1)) 26B pt. and 24-2 ((1)) 5pt. (Concurrent with RZ 2017-DR-012 and PCA-C-637-05). DRANESVILLE DISTRICT. PUBLIC HEARING.

RZ 2017-DR-012 POMEROY COMPANIES, INC. AND POMEROY INVESTMENT, TR.— Appl. to rezone from R-1 and I-5 to PRM to permit mixed use development with an overall Floor Area Ratio (FAR) of 1.15 (including density associated with ADU/WDU). Located in the NE corner of the intersection of Sunrise Valley Dr., and Frying Pan Rd. on approx. 39.42 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((1)) 26B and 24-2 ((1)) 5. (Concurrent with FDP 2017-DR-012 and PCA-C-637-05). DRANESVILLE DISTRICT. PUBLIC HEARING.

PCA C-637-05 POMEROY COMPANIES, INC. AND POMEROY INVESTMENT, TR.– Appl. to delete land area from RZ- C-637 previously approved for industrial uses. Located in the N.E. corner of the intersection of Sunrise Valley Dr. and Frying Pan Rd. on approx. 37.20 ac. of land zoned 1-5. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((1)) 26B. (Concurrent with RZ/FDP 2017-DR-012). DRANESVILLE DISTRICT. PUBLIC HEARING.

Gregory Riegle, Applicant's Agent, McGuireWoods, reaffirmed the affidavit dated January 9, 2019.

There were no disclosures by Commission members.

Kelly Atkinson, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications FDP 2017-DR-012, RZ 2017-DR-012, and PCA C-637-05.

There was a discussion between Ms. Atkinson; Mr. Riegle; and multiple Commissioners on the following issues:

- The traffic study findings and how to address the predicted increase in traffic volume;
- The conceptual aspects of the development plan, number of units, and parking spaces;
- The removal of the on-road bike lanes;
- The resident parking and garage provisions; and
- To clarify the language on sheet C13 of the FDP regarding stormwater compliance.

The discussion resulted in no changes.

Mr. Riegle gave a presentation on the subject applications.

There was a discussion between Mr. Riegle; Peter Rinek, Applicant's Engineer, VIKA Virginia, LLC; and multiple Commissioners on the following issues:

- The height of the retaining wall;
- The pedestrian accessibility to the units from different areas of the development; and
- The proposed gates in the community and how it might impact traffic.

The discussion resulted in no changes.

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

Reverend Tom Berlin, representing the Floris United Methodist Church, 13600 Frying Pan Rd, Herndon, Virginia, spoke in support to the subject application, but expressed concerns about the proffered conditions. The primary concern was residents from the development using the parking spaces of the church during the times the building was in use, as well as the traffic generated by church visitors entering and exiting the facility.

The following speakers opposed the amendment, echoing remarks from Reverend Berlin:

- James Allred, 11707 Indian Ridge Rd, Reston, Virginia; and
- Thanhia Sanchez, 22003 Auction Barn Drive, Reston, Virginia.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegle, who acknowledged the concerns of the speakers regarding the traffic generated by the proposal and indicated that the applicant was committed to resolving those concerns during the deferral period.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Ulfelder: Thank you, Mr. Chairman. Fortunately, we don't have too much to do on this. I think we – we have, we have – I think the first half- step is going to be for staff, the applicant, and myself to get together and make sure we all have the same issues on our list that need to be addressed. So that we're...so that we can start out right away, deciding how to prioritize discussing those and working on them. Some of them are pretty straightforward, but a number of them clearly are not. So – so that will be the first step and then we'll work from there. And, I think it's been reflected. I think we're probably going to need to have a – an addendum to the staff report once – once we're in a position to bring something back to the Commission that addresses a lot of these issues and that takes a little more time. Give the staff time to draft it and have it quickly reviewed and then get it to you all with more than five minutes before the – before the decision only. So, with that Mr. Chairman, I'm going to move a deferral and I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2017-DR-012, FDP 2017-DR-012, AND PCA C-637-05, TO A DATE CERTAIN OF FEBRUARY 27<sup>th</sup>, 2019.

Commissioner Hart: Second.

Chairman Murphy: Second by Mr. Hart. Is there a discussion of the motion? All of those in favor of the motion to defer decision only on RZ/FDP 2017-ZR-012 [sic], and PCA C-637-05 to a date certain of February 27<sup>th</sup>, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the vote.

*(End Verbatim Transcript)*

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The meeting was adjourned at 10:51 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: Keisha Strand

Approved on: July 31, 2019

*Jacob Caporaletti*

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



*Teresa Marie Wang*