

Board of Supervisors Development Process Committee

May 8, 2018

Government Center Conference Room 11

Board of Supervisors (Board) Members Present:

Sharon Bulova, Chairman
Penelope Gross, Mason District (Vice Chairman)
John Cook, Braddock District
John Foust, Dranesville District
Pat Herrity, Springfield District
Jeff McKay, Lee District
Catherine Hudgins, Hunter Mill District
Kathy Smith, Sully District (Committee Chair)
Linda Smyth, Providence District
Dan Storck, Mount Vernon District

The Development Process Committee (Committee) meeting was called to order at 9:34 a.m.

Zoning Ordinance Modernization (zMOD) project Consultant Presentation:

Barbara Byron, Director, Office of Community Revitalization, introduced Don Elliott, Clarion Associates, for a presentation and discussion related to the proposed Zoning Ordinance structure and trends. While the PowerPoint included overall zoning trends throughout the country, time did not allow for this topic to be presented or discussed.

Mr. Elliott began with weaknesses of the current Zoning Ordinance, which included scattered information, an unnecessarily long document, lack of graphics and tables, and challenging navigation. He presented and discussed examples from four other jurisdictions, which included: Indianapolis, Indiana; Norfolk, Virginia; Philadelphia, Pennsylvania; and Prince George's County, Maryland. Following the overview of each of these jurisdictions, along with the strengths and weaknesses of each of their ordinances, Mr. Elliott proposed the recommended structure for Fairfax County. This structure incorporated the existing 20 articles and eight appendices into one document containing nine articles. Examples of a variety of tables, including land use and dimensional standards tables, were provided. The benefits of the newly proposed Zoning Ordinance structure were highlighted, which included consolidation, improvement of user-friendliness, reduction of repetitions, and the creation of an intuitive searchable document. Mr. Elliott also noted that throughout this process, all changes to the existing Ordinance would be extensively footnoted for ease in finding new, reworded, or relocated provisions.

Chairman Bulova wished to ensure that the Zoning Ordinance would be available in paper format, as well as online. Ms. Byron also added that the new format would be easily accessible from multiple platforms, including tablets and smart phones. Supervisor Smyth thought people would appreciate this effort as long as they were assured that this process would not be changing the

predictability of the zoning districts. She also wanted to make sure development standards, such as highway noise, were brought forward in the new structure. Supervisor McKay was excited about the process, as the current structure forces one to search in multiple locations to get the answer to one zoning question. He also appreciated the description of Clarion's contractual boundary, but he did think there would be topics that creep over from simple organization to improved outcome, such as the explicit use listing used in the current Ordinance. Supervisor McKay wanted to ensure these topics were not forgotten and that they would be captured as a part of this process. It was clarified by Ms. Byron that antiquated provisions or language would be removed as part of this process and within the scope, and that categorization of uses is within the scope of this Phase I effort. This effort would also consider how uses are approved, specifically when it comes to potentially permitting uses by-right with certain use limitations rather than via a special exception or special permit.

Supervisor Gross brought up vibration standards in conjunction with noise and development standards. In addition, she was glad that the modernization process was proceeding one step at a time, as citizens appreciated this approach. Supervisor Gross also wanted to keep in mind the training costs for staff once the new ordinance was adopted and ensuring these costs were built into the budget. Supervisor Foust was very encouraged by the presentation and was looking forward to the final product, but he also asked staff to consider what it would take to come up with a product that did not need to be drastically modified after this two-year effort. Ms. Byron clarified that the new format would not need to be changed at the end of this effort, but content amendments would continue in the future. Fred Selden, Director, Department of Planning and Zoning (DPZ) stated that amendments, such as parking and affordable dwelling units, could potentially be future amendments that Clarion could perhaps be contracted to tackle in conjunction with staff. Supervisor Herry asked if this was the typical process followed or if other jurisdictions mixed the content review and the structure revision. Mr. Elliott said the majority of contracts address content and format simultaneously, but most were not as complicated as Fairfax County from a standpoint of political and citizen involvement. A substantial minority of contracts take the proposed approach, which was supported by Clarion in light of input from staff and citizens. Supervisor Herry would like to see Phase II of this effort in parallel with Phase I and to have a national look at some of these topics.

Supervisor Storck asked about any documented studies or assessments on the efficiencies gained out of this process. Mr. Elliott did not know of any documented assessments, but the City of Philadelphia did issue a five-year review since they completed their ordinance modernization process. Supervisor McKay wanted to make sure that the upcoming amendments that were in-process would be updated into plain language. Chairman Bulova noted that the zMOD kick-off meeting in January was packed with citizens who were reassured to hear about the process, scope, timeline, and citizen engagement plan. She thought it would be critical to make the zoning laws understandable to better serve the community. Supervisor Cook understood not wanting to do all amendments at once, but he would like to see the consultant stay on and to work some of the amendments in a parallel effort. He thought it would be helpful to have this effort and a general schedule also laid out. Executive Hill asked Mr. Selden to put together a list of which amendments

would be in the next grouping, as well as an assessment of staff time and resources that would be needed.

Comprehensive Plan Amendment 2017-CW-6CP Non-Office Building Repurposing:

Meghan Van Dam, branch chief, Policy and Plan Development Branch, Planning Division (PD), DPZ, presented an update of progress on Plan Amendment 2017-CW-6CP, which relates to non-office building repurposing and originated with a Board of Supervisors follow-on motion to the office repurposing Plan Amendment 2016-CW-4CP approved on December 5, 2017. Also in attendance were Michael Lynskey, Planner, DPZ, and Fred Selden, Director, DPZ.

A brief presentation included the results of staff background research of national and regional retail/commercial trends, vacancy rates, and retail repurposing examples, as well as analysis of Fairfax County retail vacancy rates and trends. The potential for the Comprehensive Plan (Plan) to address retail repurposing was discussed, including the addition of general policy guidance that supports the creative reuse of existing retail properties and further definition of Plan terms related to retail and related commercial uses, to ensure that sufficient flexibility exists in the Plan to not impede such projects. Staff presented their schedule for moving forward with developing Plan language, conducting outreach, and returning to the Committee in the fall, prior to any public hearings on the amendment.

Committee members asked several questions of staff regarding aspects of the issue, and engaged in general discussion of changing retail trends. Issues focused on included the strategic location of retail properties in the County, the importance of having a diversity of retail and commercial businesses, potential over-planning of ground-floor retail uses in mixed-use developments, and trends related to “last-mile” distribution of goods to customers. Staff was encouraged to consider small professional offices, athletic uses, community centers and churches as possible retail alternatives. Committee members remained supportive of the effort and restated the urgency to proactively accommodate changing retail markets, due to the potential for retail vacancies to have significant negative impacts on communities. Staff was encouraged to keep the momentum moving forward on this issue and proceed through the process as quickly as possible.

The Committee meeting adjourned at 11:09 a.m.

The next scheduled Development Process Committee meeting is June 12, 2018, at 9:30 a.m.