



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 14, 2020**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <https://www.fairfaxcounty.gov/bosclerk/>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 711 (TTY).

01-20

EBE:ebe

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 14, 2020, at 9:32 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:32 a.m.)

The Board asked everyone to keep in thoughts the family and friends of:

- Brigadier General Benton Kirk Partin, who died recently
- Mr. Mohammad “Mo” Adenwalla, who died recently
- Mr. Ulysses Thomas “UT” Brown, who died recently
- Ms. Edith Probus, who died recently
- Ms. Elizabeth Hall, who died recently

AGENDA ITEMS2. **PROCLAMATION DESIGNATING JANUARY 20-26, 2020, AS “COMMUNITY RISK REDUCTION WEEK” IN FAIRFAX COUNTY**
(9:40 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of a Proclamation designating January 20-26, 2020, as “*Community Risk Reduction Week*” in Fairfax County and urged all residents to educate themselves and take steps to reduce risks in their homes, neighborhoods and communities. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

3. **PROCLAMATION DESIGNATING JANUARY 2020 AS “HUMAN TRAFFICKING AWARENESS MONTH” IN FAIRFAX COUNTY**
(9:48 a.m.)

Jointly with Chairman McKay, Supervisor Herrity moved approval of a Proclamation designating January 2020 as “*Human Trafficking Awareness Month*” in Fairfax County to raise awareness of this crime, support the rights of human trafficking victims and to recognized the efforts to end human trafficking and its effects on the community. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO HOMESTRETCH FOR ITS THIRTIETH ANNIVERSARY** (10:01 a.m.)

Supervisor Palchik moved approval of the Resolution of Recognition presented to Homestretch for its thirtieth anniversary. Supervisor Herrity and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING JANUARY 19-25, 2020, AS “TEEN CANCER AWARENESS WEEK” IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor Smith moved approval of a Proclamation designating January 19-25, 2020, as “Teen Cancer Awareness Week” in Fairfax County and urged all residents to increase their awareness about teenage cancer, including research, early detection, causes and effective treatments. Supervisor Herrity and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO JOHN MONSUL AND THE CREW OF “COMMUNICATING TODAY”** (10:19 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to John Monsul and the crew of “Communicating Today” for their achievements and service to the community. The motion was multiply seconded and carried by a vote of nine, Supervisor Walkinshaw being out of the room.

7. **10:00 A.M. – BOARD ORGANIZATION AND APPOINTMENTS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (10:29 a.m.)

Chairman McKay announced that the list of Appointments for Board Members to Various Interjurisdictional Committees and Inter-/Intra-Governmental Boards and Committees for Calendar Year 2020 had been distributed. He noted that the Successful Children and Youth Police Team and Joint Environmental Task Force were added to the list, an additional seat was added on the Virginia Railway Express Board as well as other updates were also made to the list.

Chairman McKay stated that later in the meeting, at the appropriate time, he will present a Board Matter regarding changes to the Committee structure.

(NOTE: Later in the meeting, Chairman McKay presented a Board Matter regarding changes to the Board’s Committee structure. See Clerk’s Summary Item #14.)

Chairman McKay noted that the Vice-Chairman of the Board is elected among his/her colleagues.

Supervisor Smith moved the re-appointment of Supervisor Gross as Vice-Chairman of the Board. Supervisor Foust and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Daniel Storck, Chairman
Jeffrey McKay
Penelope Gross
Rodney Lusk

ARLINGTON

Penelope Gross, Chairman
Jeffrey McKay
John Foust
Dalia Palchik

DISTRICT OF COLUMBIA

Jeffrey McKay, Chairman
James Walkinshaw
Dalia Palchik
Daniel Storck

FAIRFAX CITY

James Walkinshaw, Chairman
Jeffrey McKay
Dalia Palchik

FALLS CHURCH

Penelope Gross, Chairman
Jeffrey McKay
John Foust
Dalia Palchik

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Jeffrey McKay
Patrick Herrity
Rodney Lusk
Daniel Storck

HERNDON

John Foust, Chairman
Jeffrey McKay
Walter Alcorn

LOUDOUN COUNTY

Kathy Smith, Chairman
Jeffrey McKay
John Foust
Walter Alcorn

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

Kathy Smith, Chairman
Jeffrey McKay
Patrick Herrity
Daniel Storck

VIENNA

Walter Alcorn, Chairman
Jeffrey McKay
John Foust
Dalia Palchik

INTERGOVERNMENTAL BOARDS AND COMMITTEES
(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Dalia Palchik

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Jeffrey McKay, Principal
Rodney Lusk, Principal
Penelope Gross, Principal
James Walkinshaw, Alternate
Daniel Storck, Alternate
Walter Alcorn, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Daniel Storck, Principal
Penelope Gross, Principal
James Walkinshaw, Principal
Kambiz Agazi (staff), Alternate (for any member)

COG CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Penelope Gross, Principal
Daniel Storck, Principal

COG CLIMATE, ENERGY AND ENVIRONMENTAL POLICY COMMITTEE

Penelope Gross, Principal
Kambiz Agazi (staff), Principal

COG EMERGENCY PREPAREDNESS COUNCIL

Rodney Lusk, Principal

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

Penelope Gross
Rodney Lusk

COG REGION FORWARD COMMITTEE

Jeffrey McKay, Principal
Penelope Gross, Principal
James Walkinshaw, Principal

**COG TASK FORCE ON REGIONAL WATER SUPPLY
ISSUES**

Penelope Gross

**COG NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD**

Walter Alcorn, Principal
James Walkinshaw, Principal
Jeffrey McKay, Alternate
Rodney Lusk, Alternate

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY
BOARD**

James Walkinshaw
Patrick Herrity
Jim Zook (Chairman's designee)

INOVA HEALTH CARE SERVICES BOARD

James Walkinshaw

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Patrick Herrity
James Walkinshaw
Penelope Gross
Dalia Palchik
Walter Alcorn
Rodney Lusk
Kathy Smith

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)

Walter Alcorn, Principal, VRE Operation; Alternate, WMATA
James Walkinshaw, Principal VRE Operation
John Foust
Dalia Palchik
Jeffrey McKay; Alternate, VRE
Daniel Storck, Alternate; Principal, VRE Operation

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Jeffrey McKay
John Foust
Walter Alcorn
Dalia Palchik

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Jeffrey McKay
John Foust
Walter Alcorn
Kathy Smith

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross
Randy Bartlett, Alternate

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Jeffrey McKay
John Foust
Walter Alcorn
Kathy Smith

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

(Recommendations. The Board of Supervisors makes recommendations to VACo for consideration.)

Jeffrey McKay
Penelope Gross
Kathy Smith
James Walkinshaw
Rodney Lusk
Daniel Storck

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Walter Alcorn, Alternate

INTRAGOVERNMENTAL AND OTHER COMMITTEES

AUDIT COMMITTEE

Daniel Storck, Chairman
Dalia Palchik, Vice-Chairman
Rodney Lusk
Patrick Herrity

BUDGET POLICY COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman
John Foust, Vice-Chairman
Kathy Smith, 2nd Vice-Chairman

ECONOMIC ADVISORY COMMISSION

(Committee of the Whole)
John Foust, Chairman
Daniel Storck, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)
Daniel Storck, Chairman
Penelope Gross, Vice-Chairman

HEALTH AND HUMAN SERVICES COMMITTEE

(Committee of the Whole)
Dalia Palchik, Chairman
John Foust, Vice-Chairman

HOUSING COMMITTEE

(Committee of the Whole)
John Foust, Chairman
Dalia Palchik, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
Walter Alcorn, Chairman
Patrick Herrity, Vice-Chairman

JOINT ENVIRONMENTAL TASK FORCE

Daniel Storck
Penelope Gross

LAND USE POLICY COMMITTEE

(Committee of the Whole)
Kathy Smith, Chairman

Walter Alcorn, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)

James Walkinshaw, Chairman

Jeffrey McKay, Vice-Chairman

OLDER ADULTS COMMITTEE

(Committee of the Whole)

Patrick Herrity, Chairman

James Walkinshaw, Vice-Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

Rodney Lusk, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

Rodney Lusk, Chairman

James Walkinshaw, Vice-Chairman

SUCCESSFUL CHILDREN AND YOUTH POLICY TEAM

Dalia Palchik

Rodney Lusk

TRANSPORTATION COMMITTEE

(Committee of the Whole)

Walter Alcorn, Chairman

Kathy Smith, Vice-Chairman

8. **ADMINISTRATIVE ITEMS** (10:33 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Smith seconded the motion and it carried by unanimous vote. Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor L. Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

(R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
---------------------------	------------------------	----------------------

Fairwood Estates – Barney Road	Sully	Barney Road
Fairwood Estates – Barney Road	Sully	Murdock Street

ADMIN 2 – ADDITIONAL TIME TO ESTABLISH USE OR COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 2016-HM-007, SCIMORES ACADEMY, LLC (HUNTER MILL DISTRICT)

- (AT) Approved twenty-four (24) months additional time for SE 2016-HM-007 to December 6, 2021.

ADMIN 3– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE UNIFORMED RETIREMENT SYSTEM (URS) ORDINANCE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 11, 2020, at 3:30 p.m.**, regarding the proposed amendments to the URS ordinance for the purpose of changing certain provisions with respect to severe service-connected disabilities.

9. **A-1 – APPROVAL OF THE BOARD OF SUPERVISORS’ MEETING SCHEDULE FOR CALENDAR YEAR 2020 AND AUTHORIZATION FOR THE CHAIRMAN TO POSTPONE A SCHEDULED MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS CONDITIONS**
(10:34 a.m.)

- (R) On motion by Supervisor Gross, seconded by Supervisor Alcorn, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Board meeting schedule for January through December 2020 and adopted a Resolution authorizing the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, or the Vice Chairman, if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for members to attend.

10. **A-2 – APPROVAL OF FENCE HEIGHT MODIFICATION FOR THE POLICE HELIPORT PROJECT (SPRINGFIELD DISTRICT)** (10:34 a.m.)

On motion by Supervisor Herrity, multiply seconded, and carried by unanimous vote, pursuant to Paragraph 3G of Section 10-104 of the Zoning Ordinance, the Board concurred in the recommendation of staff and approved the additional height of the proposed security fence that will surround the secured police operations area of the Police heliport. The increase will be from four feet to eight feet in the front yard, and from seven feet to eight feet in all other yards.

11. **I-1– FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD FEE SCHEDULE** (10:35 a.m.)

The Board next considered an item contained in the Board Agenda, pertaining to the Fairfax-Falls Church Community Services Board Fee Schedule.

DMS:dms

BOARD MATTERS

12. **RESOLUTION FOR EQUAL TAKING AUTHORITY** (10:35 a.m.)

(R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and stated that the local tax structure in Virginia has become outdated, and limitations on counties' ability to raise revenues from diverse sources has resulted in an over-reliance on property taxes to fund core local government programs and services.

Under the Code of Virginia, county governments have less authority to raise revenues to meet their responsibilities than do cities and towns (including meals, cigarette, and transient occupancy). This is true even though county governments have the same responsibilities as cities for the funding of core services, such as K-12 education, public safety, social services, and public health.

Virginia relies more on local taxes and revenues for funding government services than most other states. Relying too heavily on one source of revenue leaves counties vulnerable to downturns in the real estate market and population shifts. Unfortunately, it has also been the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services.

Additional tools to raise revenues would provide counties with options for investing additional funds in critical areas, including K-12 education, transportation, public safety, human services, and economic success. Support for equal taxing authority between cities and counties has long been included in the County's legislative program, as each locality is best positioned to determine the appropriate mix of revenue sources to meet local needs. The Virginia Association of Counties (VACo) has made support for equal taxing authority a top priority for the 2020 General Assembly session which began last week.

Therefore, jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board approve the resolution attached to his Board Matter, calling on the state to provide equal taxing authority for counties and cities, and direct staff to transmit the resolution to the Fairfax County General Assembly delegation. Jointly with Supervisor Walkinshaw, Chairman McKay further moved that the resolution also be provided to the Executive Director of VACo. Supervisor Lusk seconded the motion.

Following discussion regarding the need to limit spending and reduce the reliance on real estate property taxes, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting in opposition.

13. **REGIONALISM SUPPORT RESOLUTION FOR THE NATIONAL CAPITAL REGION** (10:49 a.m.)

(R) Jointly with Supervisor Gross, Chairman McKay stated that following last November's elections, many Northern Virginia jurisdictions saw changes in the leadership and makeup of their respective Boards and Councils.

Despite these changes, the importance of regionalism and the need to work alongside area localities remains critical to achieving our goals and planning the future of Fairfax County.

The resolution attached to his Board Matter, which has been passed by others in the region, reaffirms Fairfax County's commitment to regionalism and pledges the county's best efforts and faithful cooperation in working with other jurisdictions and regional bodies to address issues and design and implement policies and plans.

It also urges other jurisdictions within the National Capital Region to adopt similar resolutions and take actions showing their support for regionalism.

Therefore, jointly with Supervisor Gross, Chairman McKay moved that that the Board adopt the resolution to express its support for regionalism. Supervisor Foust seconded the motion and it carried by unanimous vote.

14. **REORGANIZATION OF BOARD COMMITTEES** (10:57 a.m.)

(NOTE: Earlier in the meeting, Chairman McKay announced that he would be presenting a Board Matter regarding changes to the Board's Committee structure. See Clerk's Summary Item #7.)

Chairman McKay stated that the Board recently approved the new Board Organization and Appointments and appointed Board members to various regional and internal Boards and Committees. However, official Board action is still needed to recognize four changes he made to the Board's internal Committee structure.

The first change is the dividing of what was formerly the Health, Housing, and Human Services Committee into two separate Committees: the Health and Human Services Committee and the Housing Committee. This will give the Board more time to discuss policies and plans for topics in each subject area, as well as permit longer, in-depth conversations.

The second change is the renaming of what was formerly the Development Process Committee to the Land Use Policy Committee.

The third change is the reclassifying of the Board's Community Revitalization and Reinvestment Committee. Rather than serve as a standalone Committee of the Whole, that committee will fold into the Economic Advisory Commission. The fourth and final change is the elimination of the Board's Procedures Committee.

Therefore, Chairman McKay moved that the Board adopt the four changes listed above, effective immediately. Supervisor Smith seconded the motion and it carried by unanimous vote.

15. **REVIEW OF BOARD PROCEDURES** (10:59 a.m.)

Chairman McKay announced that in recognition that today is the first Board meeting of their respective terms, it is an opportune time to review and update the Board of Supervisor's procedures. In reviewing them, Chairman McKay realized there are administrative updates that are likely needed.

This review is not meant to drastically change the way the Board does business. Rather, it's meant to inform our work here, identify any additional efficiencies, and ensure our procedures are up to date.

Therefore, Chairman McKay moved that the Board direct appropriate County staff members, in coordination with the Chairman and Vice-Chairman of the Board, to conduct a review and identify any recommended procedural updates, as well as any proposed modernizations. Upon completion of this review, any and all recommended updates and other proposed changes will be distributed to all Board members for further feedback. Supervisor Foust seconded the motion and it carried by unanimous vote.

16. **CENSUS INFORMATION FLYER WITH THE DEPARTMENT OF TAX ADMINISTRATION'S (DTA) NOTICE OF ASSESSMENT CHANGE (NOAC) FOR REAL ESTATE** (10:59 a.m.)

Chairman McKay stated that in preparation for the 2020 census, the County needs to do its part to ensure that public participation is maximized. For the sake of efficiency and prudent use of County funds, it's a good idea to add census information flyers with another County mailing already scheduled to be sent out to Fairfax County property owners.

There is precedent for this effort. In 2010, the Board authorized adding a census insert with its NOAC for Real Estate. This notice, which is not a tax bill, is sent to each property owner annually, informing them of the assessed value of their property for the current tax year.

On February 25, 2020, approximately 350,000 NOAC's will be sent out. Understanding that this notice will reach a large cross section of the Fairfax County population, adding census information to the NOAC mailing only makes sense.

Therefore, Chairman McKay asked unanimous consent that the Board direct staff to add a census information flyer with the DTA's NOAC for Real Estate. Without objection, it was so ordered.

Discussion ensued regarding the available options for outreach into the community and ensuring all represented groups have access to the information.

17. **APPOINTMENT TO THE PLANNING COORDINATION ADVISORY COMMITTEE** (11:02 a.m.)

(APPTS)
(BACs)

Chairman McKay stated that the Northern Virginia Transportation Authority (NVTA), which was created by the Virginia General Assembly in 2002, conducts transportation project planning, prioritization and funding for the Northern Virginia region.

NVTA's enacting legislation provides that the Authority have a Planning Coordination Advisory Committee (PCAC). Meetings include, but are not limited to, at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments. The towns meeting these criteria are Herndon, Vienna, Leesburg, Purcellville, and Dumfries. The membership also includes an elected official from each of NVTA's nine member counties and cities.

The PCAC provides recommendations to the Authority on broad policy issues related to the periodic update of NVTA's Long Range Transportation Plan (TransAction) and the rolling extension of NVTA's Six Year Program (SYP). Previously, Supervisor Foust and I both served on this committee. It may offer advice on regional transportation issues and advise on NVTA's annual legislative program.

The Committee met regularly during the preparation of the TransAction Update (adopted in October 2017) and the FY 2018-2023 SYP (approved in June 2018). Members of the Board attended the meetings and participated in these efforts. The Committee has not met since the adoption of the SYP, but meetings will commence this February as the Authority undertakes the processes of preparing the FY 2024-2025 SYP and updating TransAction.

Therefore, Chairman McKay moved that Board appoint Supervisor Walter Alcorn to serve on the Planning Coordination Advisory Committee to ensure that Fairfax County continues to have representation on the Committee. Supervisor Lusk seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

18. **COMPREHENSIVE PLAN AMENDMENT FOR RESTON (HUNTER MILL DISTRICT)** (11:11 a.m.)

Supervisor Alcorn stated that on February 11, 2014, the Board adopted an amendment to the Comprehensive Plan for the Transit Station Areas in Reston. This act was the culmination of a multi-year effort that included a Task Force and other forms of citizen outreach and engagement.

Following that, on June 2, 2015, the Reston Phase II Plan amendment (for Village Centers and Residential areas) was adopted by the Board. That second Plan Amendment sought to align the recommendations in the Comprehensive Plan with the existing development in Reston.

Since that time, more than 30 rezonings have been approved including millions of square feet of development in Reston's transit station areas. And there has been a lot of discussion in the community about how Reston is changing, and how Reston should and should not change in the future. In reviewing the existing Comprehensive Plan, he stated that he believes there are a few areas that would benefit from additional study and community input.

Therefore, Supervisor Alcorn moved that the Board authorize a Plan amendment for Reston that focuses on the following areas:

- Projected population thresholds for Reston, and how to ensure that population, infrastructure and the environment are all in balance
- Land use in the village centers (Hunters Woods, South Lakes and North Point) – including clarification of what type of future redevelopment proposals might require an amendment to the Comprehensive Plan
- The adequacy of existing plan language to generate additional affordable housing, and improvements to plan language to encourage preservation and enhancement of existing communities that now provide affordable housing
- The adequacy of existing and planned pedestrian and bicycle infrastructure for accessing Silver Line stations
- The adequacy of existing Comprehensive Plan guidance to facilitate urban-scale mobility and development design in the TSAs while protecting the stability of nearby neighborhoods
- Existing Comprehensive Plan transportation improvements to ensure that they are aligned with planned development

- How the Comprehensive Plan could better facilitate enhancement of Reston's natural environment, encourage energy efficiency and support sustainable green neighborhoods
- How the Comprehensive Plan could address concerns about monopolization of ownership in Reston, and ways to encourage diverse ownership and/or management over the long term
- Whether the historic practice of promoting privately-owned and managed open space sufficiently addresses public needs during the next 50 years of Reston

Supervisor Foust seconded the motion and it carried by unanimous vote.

Following discussion with input from Barbara Byron, Director, Department of Planning and Development, regarding the proposed timeline for completion, burden on staff, and fiscal implications, Supervisor Alcorn asked unanimous consent that the Board direct staff to work closely with the Hunter Mill District Supervisor to develop an approach and timeline for the Plan Amendment. Without objection, it was so ordered.

19. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2016-HM-035/CDPA 2016-HM-035 CRS SUNSET HILLS, LC (HUNTER MILL DISTRICT)**
(11:20 a.m.)

Supervisor Alcorn announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 2016-HM-035/CDPA 2016-HM-035.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #43.)

20. **STUDY AUTHORIZATION FOR POTENTIAL ESTABLISHMENT OF A HOLMES RUN ACRES HISTORIC OVERLAY DISTRICT (PROVIDENCE DISTRICT)** (11:21 a.m.)

Supervisor Palchik stated that the Holmes Run Acres Subdivision in the Providence District is approximately 140 acres and comprised of over 300 modern style suburban single-family dwellings constructed between 1951 and 1958. The developers, Gerald and Eli Luria, designed the dwellings to be affordable, quick to construct and sited in harmony with the natural topography and landscaping. The modern design of the dwellings includes large windows on the primary façade, shed or gable roofs and brick chimneys. The dwellings were sited to provide maximum privacy for the homeowner by being angled on the lots. The subdivision was listed on the Fairfax County Inventory of Historic Sites on

February 2, 1977. Further, the Holmes Run Acres subdivision was listed as a district on the National Register of Historic Places on March 22, 2007.

Over seventy percent of residents of the neighborhood have expressed interest in the consideration of the establishment of a Historic Overlay District for Holmes Run Acres and it is appropriate for the County to consider this, due to its historic, architectural and design significance to the character of Fairfax County. She stated that a map of the properties to be analyzed for inclusion within the potential Holmes Run Acres Historic Overlay District has been included with her Board Matter. The potential boundary consists of the entirety of the existing National Register Historic District, which includes Woodburn Elementary School, the Holmes Run Acres Recreation Center and Luria Park

Both a map and text amendment to the Zoning Ordinance will be required to establish a Holmes Run Acres Historic Overlay District. As part of the establishment of the overlay district, it will also be necessary to develop design guidelines. These guidelines will enable the Architectural Review Board to effectively review and make recommendations on any proposed development or land disturbance within the potential historic overlay district, if adopted.

As set forth in Section 7-203 of the Zoning Ordinance, to establish a Historic Overlay District, the Board must determine that the district possesses historic, architectural, archaeological or cultural significance and meets certain criteria such as “have significant character, interest or value as part of the development, heritage, or cultural characteristics of the County, State or Nation and/or embody the distinctive characteristics of a type, period, or method of construction, among other criteria.

Therefore, Supervisor Palchik moved that the Board direct staff to evaluate the potential establishment of a Historic Overlay District for Holmes Run Acres, which will include, but is not limited to the following:

- Preparation of a written report that will analyze and provide recommendations on the historic and architectural significance, as well as the boundaries for the potential creation of a historic overlay district. This report will be coordinated with all appropriate Boards, Authorities, and Commissions
- Initiate an amendment to the Zoning Ordinance to establish the Historic Overlay District, if recommend by the report. This Zoning Ordinance amendment should be added to the Zoning Ordinance Amendment Work Program with timing to be determined as part of the Work Program update in late Spring 2020
- Prepare an amendment to the Comprehensive Plan for any map and text changes that may result from this process

- Initiate a Board's own rezoning to create the boundaries of the district, if such is recommended by the report
- Identify and allocate funding for the creation of any proposed historic overlay district design guidelines

This motion should not be construed as a favorable recommendation by the Board or the Planning Commission for the establishment of the proposed Historic Overlay District. Chairman McKay seconded the motion.

Following discussion with input from Barbara Byron, Director, Department of Planning and Development, regarding the proposed timeline for completion, burden on staff, and fiscal implications, the question was called on the motion and it carried by unanimous vote.

21. **DEFERRAL OF THE PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-021 AND RZ/FDP 2018-PR-022 GEORGELAS, LLC (PROVIDENCE DISTRICT)** (11:20 a.m.)

Supervisor Palchik moved to defer the public hearing on Rezoning Application RZ 2018-PR-021 and RZ/FDP 2018-PR-022, originally scheduled for January 28, 2020, until **March 24, 2020, at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by unanimous vote.

22. **DEFERRAL OF THE PUBLIC HEARING ON REZONING APPLICATION RZ 2019-PR-001 TOLL MID-ATLANTIC LP COMPANY, INC. (PROVIDENCE DISTRICT)** (11:34 a.m.)

Supervisor Palchik moved to defer the public hearing on Rezoning Application RZ 2019-PR-001, originally scheduled for January 28, 2020, until **February 25, 2020, at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by unanimous vote.

23. **RECOVERING COUNTY FUNDS FOR METROBUS SERVICE WMATA** (11:36 a.m.)

Jointly with Chairman McKay, Supervisor Walkinshaw stated that as of January 14, 2020, bus operators and mechanics at WMATA's Cinder Bed Road facility have been on strike for 80 days. Riders on the 17B, 17G, 17H, 17K, 17L, 17M, 18G, 18H, 18J, 18P, 29C, 29G, 29W, 29N, 29K have all been negatively affected, with many having no Metrobus service for 80 days. WMATA, its General Manager, and private contractor Transdev have not been able to resolve the strike.

Unlike in Maryland, Northern Virginia's local governments are the primary source of operating funds for the Metro system, including Metrobus. In Fiscal Year 2020, Fairfax County's operating contribution to Metro through Fund 30000

totaled \$159 million. Fairfax County taxpayers recognize the immense value the Metro system provides in terms of economic development, shorter commute times, and improved air quality. But the operating funds provided to Metro are based on an expectation of service. This fiscal year, due to the prolonged work stoppage, Metro did not provide the service promised.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board direct the Director of the Department of Transportation to prepare a memorandum for the Board outlining the process whereby Fairfax County will recover the funds for the Metrobus service the County has not received. Chairman McKay seconded the motion.

Supervisor Gross moved to amend the motion to direct staff to provide the Board with possible recommendations to utilize when requesting to recover the funds. Chairman McKay seconded the motion.

Following discussion regarding possibly converting the routes to Fairfax Connector bus routes and the need for the Board to obtain the existing contract with WMATA, the question was called on the motion, as amended, and it carried by unanimous vote.

24. **MOTION FOR CONCURRENT PROCESSING FOR TPC VAN DORN LC (LEE DISTRICT)** (11:46 a.m.)

Supervisor Lusk stated that Rezoning Application RZ 2019-LE-015 and Special Exception Application No. SE 2019-LE-020 involves a request by TPC Van Dorn LC for the development of a vehicle sales establishment in the Lee District. Under the proposed site layout, the applicant is seeking to include right-of-way owned by the Board that would be vacated.

County requirements specify that applications on property owned by a party other than the applicant require the endorsement of the property owner before such an application can be heard. Because the County owns this parcel, the applicant is requesting Board concurrence in the filing of the application.

Therefore, Supervisor Lusk moved that the Board indicate its concurrence of the inclusion of County owned right-of-way between Interstate 495 and McGuin Drive in RZ 2019-LE-015 and SE 2019-LE-020. He further moved that the Board authorize the County Executive and/or his designees to act as agent of the Board in connection with this application, subject to the execution of an agreement indemnifying the Board as to any proffered conditions associated with the rezoning application. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. Supervisor Gross seconded the motion and it carried by unanimous vote.

25. **APPOINTMENTS TO THE BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD** (11:48 a.m.)

(APPTS)
(BACs)

Supervisor Lusk stated that each year since 1998, residents and homeowners in the Burgundy Village community have elected candidates to the Burgundy Village Community Center Operations Board by means of a preference poll.

As directed in its bylaws, the Operations Board holds its elections with assistance from the Department of Neighborhood and Community Services and the League of Women Voters of the Fairfax Area.

The Burgundy Village Community Center recently conducted a preference poll to select three members to serve on its Operations Board.

Therefore, in accordance with the results of the preference poll and without objection, Supervisor Lusk moved the confirmation of the following appointments, all of which are for four-year terms:

- Ms. Eleanor "Joyce" Hearst
- Mr. Robert Reece
- Ms. Carole Shazer

Chairman McKay seconded the motion and it carried by unanimous vote.

26. **ALTERNATIVE PAYMENT METHODS** (11:50 a.m.)

Supervisor Lusk stated that the use of new electronic payment methods, electronic wallets, block-chain technologies, and crypto-currencies is poised to markedly increase in the coming decade, especially in emerging technology sectors and financial services.

In the County, there are twenty-eight thousand financial services jobs in the banking, credit and insurance sectors; with another fifty-two thousand financial services jobs in the areas of accounting, consulting, and advisory services.

Given these growing and emerging trends, Supervisor Lusk moved that the Board of Supervisors direct the County Executive to investigate and report back on the establishment of new methodologies that enable the county to process the currencies and electronic payment options in current use, and those of the future.

The County Executive should specifically explore the viability of implementing the necessary infrastructure needed to accept existing alternative electronic payment methods. Additionally, study should be undertaken to identify partnership opportunities with a vendor entity that specializes in the conversion of crypto-currencies to U.S. dollars.

In the course of this analysis, special care should be taken to principally identify new systems that carry zero liability for the County, and that in instances when a surcharge or processing fee would be assessed, that fee would be minimal and incumbent upon the payee.

Additionally, consultation should be initiated with state regulators to ensure that such undertakings would be in accordance with state laws, rules and regulations.

The intent of this board matter is to, if practicable, place the County ahead of the curve in terms of accepting the alternative payment methods of the future. Such a posture will not only benefit the financial service firms already operating in our jurisdiction, such as Navy Federal and Capitol One, but also signal to other financial service industry leaders and innovators that Fairfax County is the type of forward leaning jurisdiction where their businesses and operations could easily integrate and thrive.

Supervisor Lusk further moved that this matter be brought back to the Board at the appropriate time. Supervisor Herrity seconded the motion.

Supervisor Gross moved to amend the motion to direct staff in Government Relations be directed to address and report back to the Board. Supervisor Herrity seconded the motion.

Following discussion regarding emerging technology and possible implantation, the question was called on the motion and it carried by unanimous vote.

27. **WILDLIFE REHABILITATION PERMITTING** (12:00 p.m.)

Jointly with Chairman McKay and Supervisor Lusk, Supervisor Herrity stated that on Sunday he was at Burke Lake Park to participate in the release of a bald eagle that was found on the ground unable to fly and was rescued by the Fairfax County Animal Protection Police on December 14, 2019. It was an amazing event attended by hundreds of people with parking lots full throughout the park

Wildlife rehabilitators throughout Fairfax County have and continue to play an important part in our community as they successfully care for and rehabilitate animals that have been injured for multiple reasons and prepare them for release back into the wild. In addition, these rehabilitators play an important role in outreach, showcasing, and education within our community.

He stated that it was his understanding that the Virginia Department of Game and Inland Fisheries (DGIF) regulates these individuals and facilities using very strict guidelines, including regular inspections. Unfortunately, DGIF has become aware that these individuals and facilities are not compliant with the County's zoning ordinance and has been considering revoking permits because they violate County Code. Within Fairfax County, there are about 50 individuals who possess state and/or federal permits for live wildlife, including rehabilitators and also park

nature center facilities that exhibit wildlife, many of whom share my concern about what impacts these potential loss of state permits and closures would have. This is similar to the issue the County had with Child Care Centers recently where the state began ensuring compliance with our zoning ordinance before they would approve permits.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Herrity moved that the Board review Chapter 41.1 Animal Control and Care ordinances and it be added to the agenda at the next available Public Safety meeting to discuss how the Board might address this issue, including what implications would occur should multiple individuals or facilities be restricted from possessing wildlife due to this discrepancy between our local ordinances and the state and federal permitting. Supervisor Gross seconded the motion and it carried by unanimous vote.

28. **2020 FAIRFAX COUNTY TEEN JOB FAIRS** (12:04 p.m.)

Jointly with Chairman McKay and Supervisors Lusk, Palchik, Smith, Storck, and Walkinshaw, Supervisor Herrity stated that his office and *Connection Newspapers*, along with a variety of Supervisor's offices, businesses, and community organizations, have hosted very successful teen job fairs and career-building workshops for the past few years. These events focused on students and younger job seekers looking for a variety of employment opportunities; full time, after-school, seasonal positions, internship opportunities, and volunteer positions. The fairs have provided thousands of teenagers the opportunity to get in front of employers and for employers to find talented Fairfax County students to fill their positions.

This year he stated that once again he will be teaming up with *Connection Newspapers*, Fairfax County Government, Fairfax County Public Schools (FCPS), Chairman McKay, and Supervisors Lusk, Palchik, Smith, Storck, and Walkinshaw to bring the community five Fairfax County Teen Job Fairs and Career-Building Workshops. They will be open to all teens in Fairfax County looking for employment, or tips on career-building skills like networking, building a resume or LinkedIn profile, and interviewing. Free booth space will be provided to any business or organization to advertise their available positions. Both teenagers and businesses or organizations may register to attend by visiting the following link: <https://www.fairfaxcounty.gov/springfield/teenjobfairs>

Therefore, jointly with Chairman McKay and Supervisors Lusk, Palchik, Smith, Storck, and Walkinshaw, Supervisor Herrity moved that the Board ask the Office of Public Affairs to help publicize the 2020 Fairfax County Teen Job Fairs and Career-Building Workshops to the local community and to work with FCPS to publicize the fairs to the County students as they have in prior years. Chairman McKay seconded the motion.

Following discussion regarding the possibility of partnering with other high schools and whether the job fair would include opportunities for volunteer service hours, the question was called on the motion and it carried by unanimous vote.

29. **MOTION FOR CONCURRENT PROCESSING FOR ELM STREET COMMUNITIES, INC. (SULLY DISTRICT)** (12:10 p.m.)

Supervisor Smith stated that on May 21, 2019, applications for a Rezoning, Conceptual and Final Development Plan, as well as three concurrent Proffer Condition Amendments, were accepted for review and comment by the County. The applicant, Elm Street Communities, Inc., requests approval to rezone from the I-3 to PDH-8 District to develop 157 single family attached dwelling units at a density of 7.88 dwelling units per acre. In addition, three PCAs are requested concurrently to remove certain portions of the property from previous rezonings. The 19.92-acre subject property is located on Fairfax County Tax Map Number 43-4 ((1)) 16 in Westfields.

A formal public hearing is scheduled before the Planning Commission on January 15, 2020. The Board's public hearing is not yet scheduled. The applicant has requested authorization to process concurrent site and building plans for the project in advance of the public hearings.

Therefore, Supervisor Smith moved that the Board direct staff to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits and other materials as may be necessary in conjunction with the pending Rezoning, CDP/FDP, and PCAs for the property on Tax Map Number 43-4 ((1)) 16. This motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Chairman McKay seconded the motion and it carried by unanimous vote.

30. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-S-038-02 DOMINION ELECTRIC SUPPLY COMPANY, INC. (SULLY DISTRICT)** (12:12 p.m.)

Supervisor Smith announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 84-S-038-02.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #44.)

31. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:12 p.m.)

Supervisor Foust announced that he had no Board Matters to present today.

32. **MOTION FOR CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-058-03 (MASON DISTRICT)** (12:10 p.m.)

Supervisor Gross stated that the applicant has filed a Special Exception Amendment to renovate an existing McDonald's restaurant located at 4803 Leesburg Pike, on the property identified as Fairfax County Tax Map Reference 0623 ((1)) 0034. The restaurant is located on the south side of Leesburg Pike (Rt. 7), approximately 800 feet east of its intersection with South George Mason Drive (Rt. 3449) in the Mason Magisterial District of Fairfax County, Virginia. The proposed changes are necessary to modernize the restaurant and increase efficiency. The application is scheduled for a Planning Commission hearing on February 12, 2020. In order to address the needs of the restaurant and patrons as soon as possible, the Applicant has asked for consideration for concurrent processing of the site plan and scheduling of a public hearing before the Board on February 25, 2020.

Therefore, Supervisor Gross moved that the Board direct staff to schedule SEA 81-M-058-03 for a public hearing before the Board on February 25, 2020. She further moved that the Board direct the Director of Land Development Services to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other drawings as may be necessary in conjunction with the pending application. This motion should not be construed as a favorable recommendation by the Board of Supervisors and does not relieve the Applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Lusk seconded the motion and it carried by unanimous vote.

33. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-MV-017 SEMIA YUSUF D/B/A PANDA CHILD CARE (MOUNT VERNON DISTRICT)** (12:15 p.m.)

Supervisor Storck announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Application SE 2019-MV-017.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #46.)

34. **RECOGNITION OF THE SOUTH COUNTY FOOTBALL TEAM AS CLASS 6 VHSL STATE CHAMPIONS (MOUNT VERNON DISTRICT)** (12:15 p.m.)

Jointly with Chairman McKay and Supervisor Herrity, Supervisor Storck stated that the South County Varsity Football team entered the state championship game on December 14, 2019, undefeated with a record of 14-0; including beating Westfield High School 28-21 in the Class 6 semifinals to clinch their spot in the state championship game.

The team was led by 40-year veteran Coach Gerry Pannoni, and the Stallions went onto defeat perennial powerhouse Oscar Smith High School of Chesapeake, 14-13 in an intense defensive game. Oscar Smith struck first with a rushing touchdown to give the Tigers the lead in the first quarter; however a touchdown pass from South County's quarterback, Matt Dzerski, to Zion Dayne would tie the game and a rushing touchdown by Keyshawn Toran eventually gave South County the lead. Oscar Smith would score again but missed an extra point that would be the difference in the game. A scoreless second half led by the stout Stallion defense would give them their first state championship in school history.

The South County Football team's journey to the championship brought together the Stallion nation, which was incredibly supported by their community, families, and amazing hype squad, and their alumni association.

Therefore, jointly with Chairman McKay and Supervisor Herrity, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to invite the South County Boys Varsity Football team to come before the Board to be recognized on March 10, 2020. Without objection, it was so ordered.

35. **RECOGNITION OF SOUTH COUNTY VARSITY FOOTBALL COACH GERRY PANNONI** (12:18 p.m.)

Jointly with Chairman McKay and Supervisor Herrity, Supervisor Storck stated that Coach Gerry Pannoni has been a dedicated FCPS employee since he began his career in 1980 at Groveton High School. Throughout his 40 years of serving students, he has worked at the following high schools: West Potomac, West Springfield, Lee, Woodson, Centreville, and South County. However, if you ask Coach Pannoni, he has never worked a day in his life because he has such a passion and joy for what he does. He often sees former students who have graduated college who thank him for seeing their potential and pushing them to work hard whether in class or on the field. They often credit a reason for their successes (going to college, staying off the streets, working in their family businesses) in part to Coach Pannoni. He has served as a father figure to many of his students and athletes by providing them mentorship, food, transportation and more. His successes were not just as a teacher and football coach, but also as a baseball and swim and dive coach, as well being an active member in his community and the Fellowship of Christian Athletes.

Most recently, Coach Pannoni won his first state championship in December 2019, with the South County Varsity Football team beating Oscar Smith, 14-13.

He has been a servant leader throughout his 40 years, going above and beyond the classroom to give of himself for his students and communities.

Therefore, jointly with Chairman McKay and Supervisor Herrity, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to invite the Coach Gerry Pannoni and his family to come before the Board to be recognized on March 10, 2020. Without objection, it was so ordered.

36. **MOUNT VERNON DISTRICT'S 33RD ANNUAL TOWN MEETING**
(12:19 p.m.)

Supervisor Storck stated that he has the opportunity to continue a Mount Vernon tradition established by his predecessor in 1988, the annual Mount Vernon Town Meeting. The Town Meeting provides a forum to inform the Mount Vernon community about what its government is doing for them, and even more importantly, listen to the people discuss and debate the County's future. He stated that he is pleased that Chairman Jeff McKay, County Executive Bryan Hill, School Board Chair and Representative Karen Corbett Sanders, Economic Development Authority President and CEO Victor Hoskins, and Fort Belvoir Garrison Commander Colonel Michael Greenberg will be presenting to the residents. The meeting will take place on February 1, 2020, at Mount Vernon High School, from 7:45 am - noon. This year's Town Meeting will include a special tribute to "The Year of the Woman" (as TEAM MVD has coined 2020), in celebration of the opening of the Lucy Burns Museum at the Workhouse Arts Center, the Turning Point Suffragist Memorial at Occoquan Regional Park, and the 100th anniversary of the 19th Amendment. Supervisor Storck invite the Board to join him for this annual event.

Therefore, Supervisor Storck asked unanimous consent, that the Board direct the Office of Public Affairs to advertise the Town Meeting on its various communications platforms. Without objection, it was so ordered.

37. **MOUNT VERNON ADVISOR** (12:21 p.m.)

Supervisor Storck announced that the winter 2020 edition is currently available and encouraged the community to read the newsletter.

AGENDA ITEMS

38. **RECESS/CLOSED SESSION** (12:23 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).

- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
 - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Biscayne Contractors, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0014893 (Fx. Co. Cir. Ct.)
 2. *Richard D. Jurgens and Kristen B. Jurgens v. Board of Supervisors, Fairfax County, Fairfax County Department of Tax Administration, Jay Doshi, Director, and Fairfax County Department of Finance, Christopher Pietsch, Director*, Case No. CL-2019-0010551 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 3. *Laboratory Corporation of America v. County of Fairfax, Virginia*, Case Nos. CL-2018-0018274; CL-2019-0006739 (Fx. Co. Cir. Ct.)
 4. Application of Washington Gas Light Company to Increase Rates, PUE-2018-00080 (Va. State Corp. Comm'n) (All Districts)
 5. *Farid Saleh and Miraj Bibi v. Officer Imran Farooq and Fairfax County*, Case No. 1:19-cv-01546 (E.D.Va.)
 6. *Mateusz Fijalkowski v. M. Wheeler, S. Adcock, S. Blakely, R. Bronte-Tinkew, C. Clark, J. Grande, R. Jakowicz, L. Labarca, L. McNaught, W. Mulhern, M. Zesk, Sean Brooks, and American Pool, Inc.*, Appeal No. 19-1262 (U.S. Ct. of App. for the Fourth Cir.)
 7. *Curtiss Davis v. Edwin C. Roessler Jr.*, Case No. 1:19-cv-1254 (E.D. Va.)
 8. *Glenn Myer v. Uriah Kennedy, Gentox Medical Services, Chris Seymour, Matt Riddle, Sharon Bulova, OFC I.L. Palencia, PFC Tajweer Beaufort, SGT Mike Porter, and Fairfax County*, Case No. 1:18-cv-547 (E.D. Va.)
 9. *Richard Miller v. Douglas A. Comfort, Amanda Skowronski, and Jason Friedman*, Case No. 1:19-cv-1252 (E.D.Va.)

10. *Brett A. Payne v. Officer Adalikwu*, Case No.: GV19-026437 (Fx. Co. Gen. Dist. Ct.)
11. *Viola Laird v. County of Fairfax, Virginia*, Appeal No. 18-2511 (U.S. Ct. of App. for the Fourth Cir.)
12. *Willie A. McCallum v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:19-cv-724 (E.D.Va.)
13. *Zhijua He v. George Robbins*, Case No. CL-2018-0011920 (Fx. Co. Cir. Ct.)
14. *Mary Ann Johnson v. Elizabeth Ann Proper*, Case No. GV19-003053 (Fx. Co. Gen. Dist. Ct.)
15. *Linda Owens v. Jennifer Svites and the County of Fairfax, Virginia*, Case No. CL-2018-0011036 (Fx. Co. Cir. Ct.)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory S. Souders*, Case No. GV19-041522 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Walter R. Mahler and Shyamala K. Mahler*, Case No. CL-2019-0015999 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. FSI Properties, LLC*, Case No. CL-2019-0011149 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. N Edgewood, LLC*, Case No. CL-2019-0017069 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven D. Brown and Beth K. Brown*, Case No. GV19-042121 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lecia A. Reeve*, Case No. GV19-017467 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case No. CL-2019-0005679 (Fx. Co. Cir. Ct.) (Hunter Mill District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hunter Mill Vista II, LLC, Prestige Lawn & Landscapes, LLC, and Timothy J. Badillo*, Case No. CL-2019-0017204 (Fx. Co. Cir. Ct.) (Hunter Mill District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Harry Marshall Studds*, Case No. CL-2018-0007593 (Fx. Co. Cir. Ct.) (Lee District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Borislav Bulatovic*, Case No. CL-2019-16611 (Fx. Co. Cir. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Byron G. Yuman*, Case No. CL-2019-0016808 (Fx. Co. Cir. Ct.) (Lee District)
29. *David L. Clayton v. Board of Supervisors of Fairfax County, Virginia; County of Fairfax, Virginia; White Horse Four, LLC; FW-VA Festival at Manchester, LLC; and Lucy Elizabeth Arrington*, Case No. CL-2018-0012862 (Fx. Co. Cir. Ct.) (Lee District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Alwadi, LLC*, Case No. CL-2019-017284 (Fx. Co. Cir. Ct.) (Lee District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zabiullah Ahmed*, Case No. CL-2019-0014187 (Fx. Co. Cir. Ct.) (Lee District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jacob N. Griffith and Kwanchanok Phasuk Griffith*, Case No. CL-2019-0012882 (Fx. Co. Cir. Ct.) (Lee District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Walter J. Grandjean and Mary A. Grandjean*; Case No. GV19-027230 (Fx. Co. Gen. Dist. Ct.) (Lee District)

34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lou Ann Ogden Warner*, Case No. GV19-026358 (Fx. Co. Gen. Dist. Ct.) (Lee District)
35. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Shahid Ahmad*, Case No. CL-2019-0012458 (Fx. Co. Cir. Ct.) (Mason District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William L. Stewart*, Case No. CL-2019-0016177 (Fx. Co. Cir. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Cadima*, Case No. CL-2018-0012765 (Fx. Co. Cir. Ct.) (Mason District)
38. *Zaaki Restaurant and Cafe, LLC v. County of Fairfax, Virginia and Brian F. Foley, Building Official*, Case No. CL-2019-0015682 (Fx. Co. Cir. Ct.) (Mason District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Annette W. Baker*, Case No. CL-2018-0015211 (Fx. Co. Cir. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan C. Rosell*, Case No. CL-2019-0012481 (Fx. Co. Cir. Ct.) (Mason District)
41. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Joyce Saltess*, Case No. CL-2019-0001906 (Fx. Co. Cir. Ct.) (Mount Vernon District)
42. *Elizabeth Perry, Fairfax County Property Maintenance Code Official v. Jeffrey D. Holt*, Case No. CL-2019-0017203 (Fx. Co. Cir. Ct.) (Mount Vernon District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. ABC Properties, Inc.*, Case No. CL-2019-0017286 (Fx. Co. Cir. Ct.) (Mount Vernon District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2019-0014360 (Fx. Co. Cir. Ct.) (Mount Vernon District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard R. Stone*, Case No. CL-2019-0009487 (Fx. Co. Cir. Ct.) (Mount Vernon District)

46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. McEwan and Mary Lou McEwan*, Case No. CL-2019-0008365 (Fx. Co. Cir. Ct.) (Mount Vernon District)
47. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Hausenfleck and Susan Brassfield-Hausenfleck*, Case No. CL-2019-0014369 (Fx. Co. Cir. Ct.) (Mount Vernon District)
48. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Holly P. Fay and John Willoughby*; Case No. GV19-027231 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
49. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Vivian A. Lingenfield*, Case No. GV19-017073 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cecilio Marchante*, Case No. GV18-029284 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Faical Rihane*, Case No. CL-2019-0007204 (Fx. Co. Cir. Ct.) (Providence District)
52. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Milestone Properties in Fairfax, LLC, and Armstrong, Green, and Embrey, Inc.*, Case No. CL-2019-0016759 (Fx. Co. Cir. Ct.) (Providence District)
53. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Steven Sherman*, Case No. CL-2019-0016948 (Fx. Co. Cir. Ct.) (Providence District)
54. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Leo S. Morrison, Jr. and Marquerita S. Morrison*, Case No. CL-2019-0015807 (Fx. Co. Cir. Ct.) (Springfield District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. CRA MAC Holdings, LLC*, Case No. CL-2018-0000145 (Fx. Co. Cir. Ct.) (Springfield District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Humayun Khalid and Bilkis Ansari*, Case No. GV19-041511 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

57. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Anthony Shiflette*, Case Nos. GV19-024386 and GV19-024374 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
58. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lois Foley, William F. Foley, David L. Foley and G&C Fleet Service, L.L.C.*, Case No. CL-20190016449 (Fx. Co. Cir. Ct.) (Sully District)
59. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Loren W. Hershey and Birgit Hershey*, Case No. CL-2019-0016688 (Fx. Co. Cir. Ct.) (Sully District)
60. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Peyton Properties, LLC*, Case No. GV19-041794 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code § 2.2 3711(A) (8), legal analysis of (a) filing requirements for statements of economic interest; and (b) procedures for closed session.
- As permitted by Virginia Code § 2.2 3711(A) (19), discussion of tactical plans for maintaining public safety and security in the Government Center.

Chairman McKay seconded the motion and it carried by unanimous vote.

At 3:49 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:49 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith,

Supervisor L. Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

40. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2018-DR-018 (L&F FRYING PAN, LLC) TO REZONE FROM R-1 TO PDH-5 TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 4.76 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 7.35 ACRES OF LAND (DRANESVILLE DISTRICT) (3:49 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

The application property is located on the south side of Frying Pan Road, east of the intersection with Sunrise Valley Drive. Tax Map 24-2 ((1)) 2, 3 and 4.

Ms. Lori Greenlief, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

Chairman McKay disclosed that he received campaign contributions in excess of \$100 from:

- Land Design Consultants, Inc.

Sharon Williams, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Greenlief had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Ms. Williams presented the staff and Planning Commission (PC) recommendations.

Supervisor Foust moved:

- Approval of RZ 2018-DR-018 and its associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated December 17, 2019
- Waiver of Sect. 11-302(2) of the Zoning Ordinance to allow private streets to be in excess of 600 feet in length
- Modification of Sect. 17-201 of the Zoning Ordinance to allow a shared use path in lieu of an on-road bike facility

The motion was multiply seconded and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor L. Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: On November 20, 2019, the PC approved Final Development Plan Application FDP 2018-DR-018, subject to the development conditions dated November 18, 2019.)

41. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-MA-004 (CHICK-FIL-A, INC.) TO PERMIT A RESTAURANT WITH DRIVE-THROUGH IN A HIGHWAY CORRIDOR OVERLAY DISTRICT, LOCATED ON APPROXIMATELY 1.12 ACRES OF LAND ZONED C-6, CRD, SC AND HC (MASON DISTRICT)**
(4:01 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

The application property is located at 7120 Little River Turnpike, Annandale, 22003. Tax Map 71-1 ((1)) 110, 111 and 112.

Ms. Sheri Akin, McGuireWoods LLP, reaffirmed the validity of the affidavit for the record.

Sharon Williams, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Akin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Ms. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Ms. Akin confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 13, 2020.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2019-MA-004, subject to the development conditions dated January 13, 2020

- Waiver of the Loading Space Requirements of Section 11-203 of the Zoning Ordinance in favor of that shown on the SE Plat
- Modification of the parking requirements to allow a parking reduction on-site of up to 15 percent, per section A7-109 (3)(A) of the Zoning Ordinance for the Annandale Commercial Revitalization District

The motion was multiply seconded and it carried by unanimous vote.

42. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SP-006 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-1, R-3 AND HC TO R-3, PDH-3 AND HC TO PERMIT RESIDENTIAL DEVELOPMENT AND A PRIVATE SCHOOL OF SPECIAL EDUCATION WITH A TOTAL DENSITY OF 2.97 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 12.32 ACRES OF LAND (SPRINGFIELD DISTRICT)**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-S-001 (CHRISTOPHER LAND, LLC) TO AMEND SE 97-S-001 PREVIOUSLY APPROVED FOR A PRIVATE SCHOOL OF SPECIAL EDUCATION AND PARKING IN R DISTRICTS TO MODIFY THE LAND AREA AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 3.91 ACRES OF LAND ZONED R-1, R-3 AND HC (SPRINGFIELD DISTRICT) (4:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

The application property is located on the south side of Tuttle Road and east side of Louis Edmond Court. Tax Map 79-3 ((4)) 26A, 27A1, 27B and 31B.

The application property is located at 8519 and 8533 Tuttle Road, Springfield, 22152. Tax Map 79-3 ((4)) 26A (pt.), 27A1 (pt.) and 31B (pt.).

Mr. John Regan, Christopher Land, LLC, reaffirmed the validity of the affidavit for the record.

Chairman McKay disclosed that he received campaign contributions in excess of \$100 from:

- E. John Regan, Jr.
- Christopher Management, Inc.

Supervisor Herrity disclosed that he received campaign contributions in excess of \$100 from:

- W. Craig Havenner
- Christopher Management, Inc.

Wanda Suder, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Regan had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by two speakers, Ms. Suder presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Herrity, Mr. Regan confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 1, 2019.

Supervisor Herrity moved:

- Approval of RZ 2019-SP-006, subject to the execution of proffered conditions consistent with those dated October 10, 2019
- Waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to exceed the maximum length of 600 feet for the private street for the PDH-3 District
- Approval of SEA 97-S-001, subject to the proposed development conditions dated October 1, 2019
- Waiver of Par. 1 of Sect. 17-201 of the Zoning Ordinance for interparcel pedestrian walkways between the private school of special education and the residential development
- Reaffirmation of a waiver of Sect. 13-203 of the Zoning Ordinance for the 10-foot peripheral parking lot landscaping strip along Tuttle Road
- Reaffirmation of the modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirements
- Reaffirmation of a waiver of Sect. 13-304 of the Zoning Ordinance for the barrier requirement for the school of special education.

The second to this motion was inaudible and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor L. Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

(NOTE: On October 24, 2019, the PC approved Final Development Plan Application FDP 2019-SP-006, subject to the final development conditions dated October 1, 2019.)

43. **3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2016-HM-035/CDPA 2016-HM-035 (CRS SUNSET HILLS, LC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2016-HM-035, PREVIOUSLY APPROVED FOR A MIXED-USE DEVELOPMENT TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 3.68 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 8.44 ACRES OF LAND ZONED PDC (HUNTER MILL DISTRICT)) (4:43 p.m.)**

Supervisor Alcorn moved to defer Proffered Condition Amendment Application PCA 2016-HM-035/CDPA 2016-HM-035 until **January 28, 2020, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

KK:kk

44. **4:00 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-S-038-02 (DOMINION ELECTRIC SUPPLY COMPANY, INC.) TO AMEND RZ 84-S-038 PREVIOUSLY APPROVED FOR WAREHOUSE WITH ASSOCIATED OFFICE AND RETAIL USES TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.22, LOCATED ON APPROXIMATELY 3.59 ACRES OF LAND ZONED I-5, WS, AN AND HC (SULLY DISTRICT) (4:44 p.m.)**

Supervisor Smith moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-S-038-02 to **January 28, 2020, at 4:00 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

45. **4:00 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-LE-009/CDPA 2010-LE-009 (MR LIBERTY VIEW ONE, LLC AND MR LIBERTY VIEW WEST, LLC C/O MONUMENT REALTY) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2010-LE-009, PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT WITH A FLOOR AREA RATIO OF 1.5 TO PERMIT A RESIDENTIAL BUILDING AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN**

AT A FLOOR AREA RATIO OF 1.5, LOCATED ON APPROXIMATELY 12.94 ACRES OF LAND ZONED PDC (LEE DISTRICT) (4:45 p.m.)

(NOTE: On October 29, 2019, the Board deferred the public hearing until January 14, 2020.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

The application property is located in the northwest quadrant of the intersection of Franconia-Springfield Parkway and Beulah Street. Tax Map 91-1 ((4)) 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A, 8, 8A, 9, 9A 10, 10A, 11, 11A, 13, 13A, 14, 14A, 15, 15A, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 20A, 21, 21A, 22, 22A, 23, 23A, 24, 24A, 25, 500, 500A, and 501.

Mr. David R. Gill, Wire Gill LLP, reaffirmed the validity of the affidavit for the record.

Chairman McKay disclosed that he had received campaign contribution in excess of \$100 from the following:

- Francis Russell Hines

Kelly Posusney, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Gill had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Posusney presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Lusk, Mr. Gill confirmed for the record that the applicant was in agreement with the Conceptual Development Plan Amendment Conditions dated January 14, 2020.

Supervisor Lusk moved:

- Approval of PCA 2010-LE-009, subject to the executed proffers dated October 22, 2019
- Approval of CDPA 2010-LE-009, subject to the development condition dated January 14, 2020

- Modification of the loading requirements for a residential use per Sect. 11-201 and Sect. 11-203 of the Zoning Ordinance in favor of the loading as shown on the CDPA/FDPA
- Reaffirmation of the modification of the loading space requirement for the hotel and office uses to that shown on the CDPA/FDPA
- Reaffirmation of the waiver of the transitional screening and barrier requirements between uses within the PDC District
- Reaffirmation of the waiver of the 600-foot private street length requirement
- Reaffirmation of the modification of the transitional screening requirement and waiver of the barrier requirement along the southern and eastern boundaries of the site in favor of that shown on the CDPA/FDPA
- Reaffirmation of the waiver of the peripheral parking lot landscaping requirements for the subject site in favor of that shown on the CDPA/FDPA

Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor L. Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: On October 17, 2019, the PC approved Final Development Plan Amendment Application FDPA 2010-LE-009, subject to the development conditions dated October 2, 2019.)

46. **4:00 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-MV-017 (SEMIA YUSUF D/B/A PANDA CHILD CARE) TO PERMIT A HOME CHILD CARE FACILITY, LOCATED ON APPROXIMATELY 3,442 SQUARE FEET OF LAND ZONED PDH-5 (MOUNT VERNON DISTRICT)** (4:57 p.m.)

Supervisor Storck moved to defer the public hearing on Special Exception Application SE 2019-MV-017 to **January 28, 2020, at 3:30 p.m.** Supervisor Palchik seconded the motion and it carried by unanimous vote.

47. **4:00 P.M. – PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTIES ON FAIR RIDGE DRIVE TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SULLY DISTRICT)** (4:58 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

Natalie Knight, Property Manager, Facilities Management Division, presented the staff report.

Following the public hearing, Supervisor Smith moved adoption of the Resolution authorizing the conveyance of Board-owned properties on Fair Ridge Drive to the FCRHA. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

48. **4:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2018-DR-020 (FAIR LIGHT LLC) TO PERMIT A WAIVER OF MINIMUM LOT SIZE REQUIREMENTS, LOCATED ON APPROXIMATELY 2.54 ACRES OF LAND ZONED R-1 (DRANESVILLE DISTRICT)** (5:03 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

The application property is located at 8514 Lewinsville Road, McLean, 22102. Tax Map 29-1 ((3)) 13.

Mr. Babak Razjouyan, Fair Light LLC, reaffirmed the validity of the affidavit for the record.

Katelyn Quinn, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Razjouyan had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Ms. Quinn presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Mr. Razjouyan confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated December 4, 2019.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2018-DR-020, subject to the development conditions dated December 4, 2019

Supervisor Alcorn seconded the motion and it carried by unanimous vote.

49. **4:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-V-028-03 (9360 RICHMOND HWY LLC) TO AMEND THE PROFFERS FOR RZ 93-V-028 PREVIOUSLY APPROVED FOR DRIVE-IN FINANCIAL INSTITUTION TO PERMIT AN OFFICE USE AND ASSOCIATED MODIFICATION TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.128, LOCATED ON APPROXIMATELY 3.55 ACRES OF LAND ZONED C-5 (MOUNT VERNON DISTRICT)**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2007-MV-031 (9360 RICHMOND HWY LLC) TO AMEND SE 2007-MV-031 PREVIOUSLY APPROVED FOR A DRIVE-THROUGH PHARMACY AND DRIVE-IN FINANCIAL INSTITUTION TO PERMIT DELETION OF LAND AREA AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 1.25 ACRES OF LAND ZONED C-5 (MOUNT VERNON DISTRICT) (5:14 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 27, 2019 and January 3, 2020.

The application property is located on the north side of Lorton Road and west side of Richmond Highway. Tax Map 108-3 ((2)) 2A and 2B.

The application property is located at 9360 Richmond Highway, Lorton, 22079. Tax Map 108-3 ((2)) 2B.

Mr. Bernard S. Suchicital, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

Joseph Onyebuchi, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Suchicital had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Mr. Onyebuchi, presented the staff and Planning Commission recommendations.

Discussion ensued regarding traffic counts and the impact on the level of service for this development, with input from Mr. Onyebuchi.

Further discussion ensued regarding the affect of the additional right-of-way being offered as part of this property in terms of increasing the existing turn lane with input from Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, and Mr. Suchicital.

Supervisor Storck moved:

- Approval of PCA 93-V-028-03 and the associated Generalized Development Plan, subject to the executed proffers dated December 11, 2019
- Approval of SEA 2007-MV-031

Supervisor Smith seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor L. Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

50. **4:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-SU-016 (SADAF AZHAR RASHID KHAN) TO PERMIT A HOME CHILD CARE FACILITY, LOCATED ON APPROXIMATELY 1,267 SQUARE FEET OF LAND ZONED PRM AND WS (SULLY DISTRICT)** (5:35 p.m.)

Supervisor Smith moved to defer the public hearing on Special Exception Application SE 2019-SU-016 to **January 28, 2020, at 4:00 p.m.** Supervisor Gross seconded the motion and it carried by unanimous vote.

51. **BOARD ADJOURNMENT** (5:36 p.m.)

The Board adjourned.