



Fairfax County, Virginia
BOARD OF SUPERVISORS
DRAFT AGENDA

Tuesday
May 14, 2013

Note: This draft agenda is produced two weeks prior to the Board Meeting and is subject to change. A final agenda is available for review in the Office of the Clerk to the Board and at <http://www.fairfaxcounty.gov/government/board/meetings/> by the Friday prior to each Tuesday meeting.

9:30 Presentations
10:30 Presentation of the Volunteer Fire Commission Annual Report
10:45 Appointments
10:55 Items Presented by the County Executive
11:05 Matters Presented by Board Members
12:00 Closed Session

3:30 p.m. Public Hearing on SEA 00-H-028 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON VIRGINIA AND HIS SUCCESSORS IN OFFICE, SEA Appl. under Sect(s). 3-104 and 9-301 of the Zoning Ordinance to amend SE 00-H-028 previously approved for a place of worship with nursery school, child care center and private school of general education to permit modifications to development conditions and site design with no change in enrollment. Located at 9970 Vale Rd., Vienna, 22181, on approx. 19.22 ac. of land zoned R-1. Hunter Mill District. Tax Map 37-4 ((1)) 42.

3:30 p.m. Public Hearing on SEA 2006-MA-031 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE, SEA Appl. Under Sect(s). 3-404 of the Zoning Ordinance to amend SE 2006-MA-031 previously approved for a place of worship, private school of general education and congregate living facility to permit a nursery school, child care associated with the private school and nursery school, and associated modifications to site design and development conditions. The private school of general education and nursery school to have a combined maximum daily enrollment of 370 children. Located at 4601 Ravensworth Rd., Annandale, 22003, on approx. 45.24 ac. of land zoned R-4. Mason District. Tax Map 71-1 ((9)) 7A.

4:00 p.m. Public hearing to consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. Plan Amendment S11-CW-3CP will consider updating information in the Parks and Recreation section of the Policy Plan element in the 2011 edition of the Comprehensive Plan for Fairfax County, VA, as subsequently amended. Proposed revisions include: (1) incorporation of urban parks guidance into policies, appendices, and glossary definitions; (2) addition of the Urban Parks Framework as a

new appendix; (3) revisions to the Park Classification System appendix to better incorporate urban parks, reflect the diversification of park and recreation facilities provided within the County, and more accurately describe resource-based parks as parks within which recreation elements may be located, as is compatible with resource management goals; (4) updates to both Fairfax County Park Authority's and Northern Virginia Regional Park Authority's acquisition criteria to reflect current policies. This summary of the proposed Plan amendments under consideration does not constitute a detailed description. The text of this proposed amendment may be modified through the public hearing process. Interested persons are encouraged to obtain the relevant material listed below and to attend the public hearing. Copies of the staff report containing the proposed Plan amendment can be obtained from the Department of Planning and Zoning (DPZ), 7th floor, Herrity Building, 12055 Government Center Pkwy, Fairfax, Virginia or by accessing the County's Web Site at www.fairfaxcounty.gov/gov/dpz. Copies of the Planning Commission (PC) recommendation may be obtained from the PC, 12000 Government Center Pkwy., Suite 330, Fairfax, VA. Any questions regarding this Plan Amendment may be directed to the Park Authority at 703-324-8662 between the hours of 8 a.m. and 4:30 p.m.

4:00 p.m. Public hearing on the matter of an amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Revise Part 9 of Article 18 of the Zoning Ordinance to allow all zoning violations to be remedied by a uniform schedule of civil penalties, except for the posting of signs on public property or in the public rights-of-way, in lieu of the specified violations currently listed under Par. 1 of Sect. 18-903 and to enable the Zoning Administrator to seek the issuance of an inspection warrant as an enforcement tool for Zoning Ordinance violations. For the convenience of the public, access to the full text will also be available for review at the County's website, www.fairfaxcounty.gov/dpz under the Zoning heading by clicking on Pending Zoning Ordinance Amendments.

4:00 p.m. Public hearing on the matter of amendments to the Chesapeake Bay Preservation Areas Map (amendments), Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code), and adoption of the proposed Board Policy for the Treatment of Approved and Pending Plans of Development (Board Policy). (Dranesville District) The amendments revise the RPA boundaries and depiction of perennial streams on the adopted Chesapeake Bay Preservation Areas Map, map 30-2. The amendments will add a new perennial stream segment and associated RPA west of and generally parallel to Buchanan Street, and south of Dolley Madison Boulevard and two new stream segments and associated RPAs west of Darnell Drive, east of Kurtz Road, and north of Julia Avenue. The map depicts the general locations of RPA boundaries for planning purposes and the actual limits may be further refined by detailed field studies conducted at the time a plan is submitted to obtain a permit to develop a property. There are no proposed amendments to the text of the Chesapeake Bay Preservation Ordinance. The proposed Board Policy will mitigate the impact of the amendments on by-right development by providing that plans of development will not be subject to the exceptions review process so long as such plans have been approved or are pending approval, as long as due diligence is exercised, as of the effective date of the amendments and do not fully comply with the County Code because of encroachments resulting from the amendments. (Dranesville District)

4:00 p.m. Public hearing and propose an ordinance for passage that would amend Appendix H of the Fairfax County Code to award to CoxCom, LLC, d/b/a Cox Communications Northern Virginia ("Cox"), a new non-exclusive franchise to provide cable service. The franchise would allow Cox to continue operating its cable system in the North County and South County Franchise Areas of Fairfax County, Virginia. Cox currently provides cable television service in those Franchise Areas under a nonexclusive franchise that the Board of Supervisors granted to Cox's predecessor in 1998. That franchise expires on June 9, 2013, and the proposed ordinance would grant the new franchise effective June 9, 2013. Federal law prohibits cable operators from providing cable

service without a franchise. The Board of Supervisors has authority pursuant to Va. Code § 15.2-2108.20 and Title VI of the federal Communications Act of 1934, as amended, to grant cable franchises, to establish requirements for services, facilities, and equipment, to require cable operators to provide financial support for public, governmental and educational access facilities, and to impose requirements or charges incidental to the awarding or enforcing of the franchise. The Franchise Areas in which Cox currently operates and would continue to operate encompass all of Fairfax County except for the portion that is located in the Reston Franchise Area, which is described in the Fairfax County Code, which is available here:

<http://www.fairfaxcounty.gov/cable/regulation/ordinance/article7.pdf>. The ordinance to be considered by the Board would grant the franchise for a 10-year term according to terms and conditions specified in a Franchise Agreement that is incorporated into the proposed ordinance. The ordinance would authorize and require Cox to own, install, construct, reconstruct, operate, maintain, dismantle, test, upgrade, repair, use, and remove its cable television system in accordance with standards and requirements established in the Franchise Agreement. The ordinance would require Cox to make available channels for public, educational, and governmental access programming and to pay three percent of Cox's gross revenues to support public, educational, and governmental access, the same percentage payable under Cox's current franchise. It would require Cox to provide cable service to government buildings, including schools, designated by the County. It also would require Cox to keep in operation the County's institutional network, linking public, educational, and governmental facilities in the Franchise Area, and to maintain the institutional network at the cost to the County of \$220,500 per year, which amount shall be reviewed and adjusted periodically. The ordinance would require Cox to maintain and provide records and reports to the County about its cable operations to enable the County to effectively enforce the terms of the franchise, and it would require Cox to maintain insurance and other security instruments to protect the interests of the County. It would establish customer service standards Cox must observe and damages that Cox must pay for violations of those standards. The ordinance also would specify the violations for which the County can revoke the franchise. The full text of the proposed ordinance, including the Franchise Agreement, is available for review at the Office of the Clerk to the Board of Supervisors and on the County's website at http://fairfaxcounty.gov/cable/regulation/franchise/cox/proposed_franchise_agreement_cox_fairfax_cty_2013.pdf.

4:30 p.m. Public hearing on the matter of an amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

- (1) Increase the maximum number of children allowed to be cared for in a home child care facility by special permit from ten to twelve.
- (2) Revise the additional standards for home child care facility special permits contained in Sect. 8-305 to (a) require the home child care facility limitations for by-right uses limitations contained in Par. 6 of Sect. 10-103 be met, except for the numbers of children and non-resident employees; (b) require the Board of Zoning Appeals (BZA) to review access to the site, and (c) allow the BZA to consider the availability of on-street parking and /or alternative drop off and pick up areas located in proximity to the site.
- (3) Allow home child care facilities that have more than seven children in a single family detached dwelling and five children in all other dwelling types to be allowed in any P district with special permit approval by the BZA.
- (4) Pursuant to authority granted by § 15.2-107 and §15.2-2286 (A) (6) of the Code of Virginia, reduce the current special permit application fee of \$1,100 for home child care facilities to as low as \$435.

For the convenience of the public, access to the full text will also be available for review at the County's website, www.fairfaxcounty.gov/dpz under the Zoning heading by clicking on Pending Zoning Ordinance Amendments.

4:30 p.m. Public hearing to make determinations regarding a proposed Spot Blight Abatement Ordinance for 9713 Water Oak Drive in accordance with Virginia Code Annotated § 36-49.1:1 (I) (2011). The Blight Abatement Case concerns a blighted, single family structure located at 9713 Water Oak Drive, Fairfax, Virginia 22031, on approximately a 11,027 square feet parcel of land in the Providence District. The blight abatement plan is to demolish the structure, clear the lot and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map No. 048-3 ((34)) 0028. Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8 a.m. to 4:30 p.m.

4:30 p.m. Public hearing to make determinations regarding a proposed Spot Blight Abatement Ordinance for 4646 Holly Avenue in accordance with Virginia Code Annotated § 36-49.1:1 (I) (2011). The Blight Abatement Case concerns a blighted, single family structure located at 4646 Holly Avenue, Fairfax, in Virginia, on approximately 1 acre of land in the Braddock Magisterial District. The blight abatement plan is to demolish the structure, clear the lot and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map No. 056-3 ((02)) 0026. Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8 a.m. to 4:30 p.m.

4:30 p.m. Public hearing to consider the adoption of an amendment to The Code of the County of Fairfax, Virginia (Fairfax County Code), which will be set forth in Appendix M to establish the Reflection Community Parking District (CPD). The proposed CPD would be established in accordance with and be subject to the provisions set forth in Article 5B of Chapter 82 of the Fairfax County Code; encompass Blue Ridge Court from Maleady Drive to cul-de-sac inclusive; Bryce Court from Tamani Drive to end; Catocin Court from Tamani Drive to cul-de-sac inclusive; Farougi Court from Maleady Drive to the end; Frinks Court from Maleady Drive to cul-de-sac inclusive; Hamer Court from Maleady Drive to cul-de-sac inclusive; Herman Court from Maleady Drive to cul-de-sac inclusive; Keisler Court from cul-de-sac west to cul-de-sac east; Maleady Drive from Blue Ridge Court to end south; Parcher Avenue from the western boundary of 13195 Parcher Avenue to the end west; Pocono Court from cul-de-sac west to cul-de-sac east; Pocono Place from Parcher Avenue to Pocono Court; Saunders Drive from Parcher Avenue to cul-de-sac inclusive; Seaman Court from Maleady Drive to cul-de-sac inclusive; Springer Drive the entire length; Sugarloaf Court from Parcher Avenue to cul-de-sac inclusive; Tamani Drive from end north to cul-de-sac south; Veenendaal Court from Maleady Drive to cul-de-sac inclusive; Whisonant Court from Farougi Court to cul-de-sac inclusive; and at all times prohibit the parking of watercraft, boat trailers, motor homes, camping trailers, any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4. No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public

street within any such CPD for use by federal, state, or local public agencies to provide services. Questions regarding this proposed amendment may be directed to the Fairfax County Department of Transportation at 703-877-5600. (Dranesville District)

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities and supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodations, please call the Clerk's Office, 703 324 3151, TTY: 703-324-3903, as soon as possible but no later than 48 hours before the public hearing. Assistive listening devices are available at the meeting.