



Fairfax County, Virginia

BOARD OF SUPERVISORS

DRAFT AGENDA

Monday
April 28, 2008

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, in regional libraries and at <http://www.fairfaxcounty.gov/government/board/meetings/2008.htm> by the Friday prior to each Monday meeting.

- 9:00 Presentations
- 10:00 Board Decision on Sewer Ordinance Amendment to revised the Sewer Service charges and Availability Fees
- 10:00 Board Adoption of the CIP
- 10:00 Board Adoption of the FY 2009 Budget Plan
- 10:15 Appointments
- 10:15 Items Presented by the County Executive
- 10:45 Matters Presented by Board Members
- 11:35 Closed Session
- 3:30 p.m. Public Hearing on SEA 01-M-010 - Skyline Amoco, LLC Trading As Discount Gas, SEA Appl. under Sect(s). 4-504, 7-607 and 9-622 of the Zoning Ordinance to amend SE 01-M-010 previously approved for a service station, mini mart and car wash in a Highway Corridor Overlay District to permit addition of a fast food restaurant, waivers and modifications in a CRD; and associated modifications to site design and conditions. Located at 5842 Columbia Pi. on approx. 29,070 sq. ft. of land zoned C-5, CRD, HC and SC. Mason District. Tax Map 61-2 ((17)) (A) 17A.
- 3:30 p.m. Public Hearing on RZ 2007-LE-012 (Lee Village at Silver Lake, LLC) RZ Appl. to permit the development of a public library (up to 45,900 sq. ft.), 900 sq. ft. fast food restaurant within building, workforce housing (up to 111 multi-family dwelling units) and independent living units (up to 89 units) at an overall FAR of 1.0 on the 6.64 acres previously approved for a public library (3.72 acres in the PDH-8 District and 2.82 acres in the PRM District). The applicant is also seeking approval of the respective conceptual and final development plans. RZ 2007-LE-012 proposes to rezone 2.82 acres from PDH-8 to PRM. Located in the N.E. quadrant of the intersection of Silver Lake Blvd., and Beulah St. Comp. Plan Rec: elderly housing, workforce housing, public and quasi-public uses. Lee District. Located at Tax Map 91-3 ((9)) 8B pt. (Concurrent with PCA 1996-LE-034-02 and PCA 82-L-030-12)
- 3:30 p.m. Public Hearing on PCA 1996-LE-034-02 (Lee Village at Silver Lake, LLC) PCA Appl. to permit the development of a public library (up to 45,900 sq. ft.), 900 sq. ft. fast food restaurant within

building, workforce housing (up to 111 multi-family dwelling units) and independent living units (up to 89 units) at an overall FAR of 1.0 on the 6.64 acres previously approved for a public library (3.72 acres in the PDH-8 District and 2.82 acres in the PRM District). The applicant is also seeking approval of the respective conceptual and final development plans. PCA 1996-LE-034-02 (2.19 acres zoned PDH-8) proposes to amend proffers and conceptual development plans for RZ 1996-LE-034 previously approved for residential development to permit site modifications. Located in the N.E. quadrant of the intersection of Silver Lake Blvd. and Beulah St. Comp. Plan Rec: elderly housing, workforce housing, public and quasi-public use. Lee District. Located at Tax Map 91-3 ((9)) 8B pt. (Concurrent with RZ 2007-LE-012 and PCA 82-L-030-12)

3:30 p.m. Public Hearing on PCA 82-L-030-12 (Lee Village at Silver Lake) LLC, PCA Appl. to permit the development of a public library (up to 45,900 sq. ft.), 900 sq. ft. fast food restaurant within building, workforce housing (up to 111 multi-family dwelling units) and independent living units (up to 89 units) at an overall FAR of 1.0 on the 6.64 acres previously approved for a public library (3.72 acres in the PDH-8 District and 2.82 acres in the PRM District). The applicant is also seeking approval of the respective conceptual and final development plans. PCA 82-L-030-12 (4.45 acres zoned PDH-8) proposes to amend proffers and conceptual development plans for RZ 82-L-030 to permit modifications to site design. FDPA 82-L-030-9 (1.63 acres zoned PDH-8) proposes to amend the final development plan to permit modifications to the site design and conditions. Located in the N.E. quadrant of the intersection of Silver Lake Blvd. and Beulah St. Comp. Plan Rec: elderly housing, workforce housing, public and quasi-public use. Lee District. Located at Tax Map 91-3 ((9)) 8B pt. (Concurrent with RZ 2007-LE-012 and PCA 1996-LE-034-02)

3:30 p.m. Public Hearing on SE 2007-LE-030 (Springfield Post 7327, Veterans of Foreign Wars of The United States, Inc.) SE Appl. under Sect(s). 3-104 of the Zoning Ordinance to permit private club and public benefit association. Located at 7711, 7713, 7715, 7717 and 7719 Beulah St. on approx. 2.52 ac. of land zoned R-1 and NR. Lee District. Tax Map 99-2 ((1)) 44-49.

4:00 p.m. Public Hearing on PCA 87-P-020-02 (Oakton Grove LLC, and Debra Knisley and Scott Knisley) PCA Appl. to amend the proffers for RZ 87-P-020 previously approved for residential development to permit existing structures to be replaced or modified at a density of 1.82 dwelling units per acre (du/ac) with associated modifications to site design. Located at the terminus of Powdermill La. on approx. 1.46 ac. of land zoned R-2. Comp. Plan Rec: 1-2 du/ac. Providence District. Tax Map 48-1 ((40)) 15 and 16.

4:00 p.m. A public hearing on the matter on the matter of amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code). Proposed amendments to the PFM, Subdivision Ordinance, and Zoning Ordinance revise the provisions related to trash and recycling to align them with Chapter 109.1 (Solid Waste Management) of the County Code. The proposed amendment to Zoning Ordinance § 17-106 requires that all site plans include the location of solid waste and recycling containers. The proposed PFM amendment establishes standards for the size of proposed trash and recycling containers and requires that they be located on the site plan to avoid open space, tree save areas, floodplains and resource protection areas. The PFM amendments also provide standards for access to recycling and solid waste collection and storage areas. Proposed amendments to the PFM revise the provisions related to storm drainage to permit the use of high density polyethylene pipe (HDPE) for certain storm drainage applications and to incorporate standards, including the American Association of State and Highway Transportation Official's (AASHTO's) recommendations, pertaining to the field inspection of HDPE, concrete, and corrugated metal pipe installations. Proposed amendments to the PFM, Subdivision Ordinance, and Zoning Ordinance revise the provisions for the conveyance of shared utility easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable

television, gas, telephone and electric service to proposed subdivisions to align them with § 15.2-2241(6) of the *Code of Virginia*. The revisions to the shared utility easement provisions of the PMF, Subdivision Ordinance and Zoning Ordinance eliminate the existing requirement for shared utility easements to be shown on plats and plans as a prerequisite to the approval of such plats and plans by the County and replace it with a requirement that a note be placed on plats and plans that the future conveyance of shared utility easements must comply with § 15.2-2241(6) of the *Code of Virginia*. Proposed amendments to the PFM and Zoning Ordinance clarify that primary roadways do not have assigned numbers greater than 7000. Editorial changes to the PFM are also proposed. Specifically, changes to PFM Table 6.31 (Vegetated Channel Sizing) make the values in the table match the values in the Virginia Stormwater Management Handbook, Volume 1, and changes to Plate 81-6 (Reforested Area, Bioretention, or Vegetated Swale Sign) will make the minimum distance between signs consistent with the distance in the PFM text.

4:00 p.m. A 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: Revises the WMATA non-rail transit facilities definition to reflect the more generic term of “regional non-rail transit facilities” and replaces all references to “WMATA non-rail transit facilities” with references to “regional non-rail transit facilities”. 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. A public hearing regarding 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 expand the Landsdowne Community Parking District (CPD). The proposed CPD expansion would encompass: Morning View Lane from the north boundary of parcel 99-2((7))I to Tassia Drive; and prohibit the parking of watercraft, boat trailers, motor homes, and 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 Community Parking District 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 District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Questions regarding this proposed amendment may be directed to the Fairfax County Department of Transportation at 703-324-1100. (Lee District)

4:30 p.m. A public hearing to establish the Sully Station Community Parking District (CPD). The proposed CPD would encompass Braywood Drive from Sequoia Farms Drive to cul-de-sac inclusive; Brookmere Drive from Sequoia Farms Drive to cul-de-sac inclusive; Cat Tail Court from Hunting Path Place to cul-de-sac inclusive; Glen Meadow Road from Sully Station Drive to Sully Station Drive; Harvest Court from Sully Station Drive to cul-de-sac inclusive; Honeysuckle Court from Sun Meadow Court to cul-de-sac inclusive; Hunting Path Place from Sully Station Drive to cul-de-sac inclusive; Kimanna Drive from Glen Meadow Road to the northern boundary of 44-3((03)) 0018; Lilva Drive from Glen Meadow Road to the northern boundary of 44-3((03)) 0011; Rabbit Run Court from Glen Meadow Road to cul-de-sac inclusive; South Hills Court from Glen Meadow Road to cul-de-sac inclusive; Sully Station Drive from Braddock Road to the intersection of Westfields Boulevard and Poplar Tree Road; Sun Meadow Court from Sully Station Drive to cul-de-sac inclusive; Wildflower Court from Glen Meadow Road to cul-de-sac inclusive; Windrift Court from Sully Station Drive to cul-

de-sac inclusive; Woodleaf Court from Brookmere Drive to cul-de-sac inclusive; and prohibit the parking of watercraft, boat trailers, motor homes, and 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 Community Parking District 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 District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Questions regarding this proposed amendment may be directed to the Fairfax County Department of Transportation at 703-324-1100. (Sully District)

4:30 p.m. A public hearing regarding 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 Somerset Community Parking District (CPD). The proposed CPD would encompass Valleyfield Drive from Hooes Road to Scott Street; and prohibit the parking of watercraft, boat trailers, motor homes, and 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 Community Parking District 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 District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Questions regarding this proposed amendment may be directed to the Fairfax County Department of Transportation at 703-324-1100. (Springfield District)

4:30 p.m. A public hearing on the matter of amendments to Chapter 119 (Grass or Lawn Area) of *The Code of the County of Fairfax, Virginia* (County Code). The proposed change to Section 119-2-1 (Definitions) clarifies that the exceptions to the definition of "grass or lawn area" regarding ornamental grasses, ferns, fruits, vegetables, herbs, spices, flowers, or wildflowers are intended to be in cultivated areas. Section 119-3-1 updates the ordinance to reflect that complaints are now being filed with the Code Enforcement Branch of the Department of Public Works and Environmental Services (DPWES). The proposed amendments to Section 119-3-3 allow for the posting of a Notice of Violation in a conspicuous place upon the land or premises in violation and require that unoccupied properties or properties occupied by one other than the owner also be served with the Notice of Violation by registered mail. The revised Section 119-3-3 specifies that the grass or lawn area must be cut within 14 days of receipt of the Notice of Violation. Section 119-3-3 is revised to allow the Director of DPWES to proceed with cutting the overgrown grass or lawn area within 14 days of service of the Notice of Violation unless the party files an appeal. Proposed amendments to Section 119-3-4 delete the requirement for a separate notice of the Director of DPWES's intent to cut the overgrown grass or lawn area. Proposed amendments to Section 119-3-6 allow for appeals to the County Executive from the determination of the Director in the Notice of Violation that the grass or lawn area is in violation and/or the Director intends to cut the overgrown grass or lawn area. The last

proposed amendment to Section 119-3-6 deletes the appeal to the Board of Supervisors of the County Executive's decision.

4:30 p.m. A public hearing on proposed alterations to the following small and local sanitary districts for refuse/recycling and/or leaf collection service:

1. Enlarge Local District 1E within Small District 1 within Dranesville District for the purpose of adding County Leaf Collection Service to 701, 703 and 707 N. West Street.
2. Enlarge Local District 1A11 within Small District 1 within Dranesville District for the purpose of adding County Leaf Collection Service to the Crescent Lane Area
3. De-Create/Re-Create Small District 14 Dranesville District for the purpose of removing 6450 Orland Street from County Refuse and Recycling Collection Service.
4. Enlarge Small District 7 within Dranesville District for the purpose of adding County Leaf Collection Service to 6524, 6526 and 6528 Roosevelt Street.

Questions regarding these proposed alterations may be directed to the Department of Public Works and Environmental Services, Division of Solid Waste Collection and Recycling, 703-324-5230.

4:30 p.m. A public hearing on the matter of an amendment to Chapter 112 (the Zoning Ordinance) and Chapter 101 (the Subdivision Ordinance) of the 1976 Code of the County of Fairfax, as follows: Pursuant to authority granted by Sections 15.2-2286.A.6 and 15.2-2241.9 of the *Code of Virginia*, the proposed amendments revise the Fire Marshal site plan and subdivision plan review fees from a rate of \$96 per hour to a rate not to exceed \$135 per hour per reviewer for all types of plans, and increases the hourly inspection rate from \$96 to a rate not to exceed \$135. In addition, payment of the Fire Marshal fees would be required upon completion of the review process or site inspection. 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.

5:00 p.m. A public hearing on a proposal to amend Section 62-2-8 of *The Code of the County of Fairfax, Virginia*, to require a 120 day lead time for requested firework sample submission and to require minors be accompanied by a parent or legal guardian when purchasing fireworks.

5:00 p.m. A public hearing pursuant to Virginia Code Ann. § 15.2-2204 to consider the proposed abandonment of a portion of a public road known as Poplar Tree Road (Route 4831), pursuant to Virginia Code §33.1-151. That portion of the road, consisting of 14,977 square feet, is located on Tax Map 44-2, and is described and shown on the metes and bounds description dated April 13, 2007 and plat dated March, 2007, each prepared by Urban Engineering & Associates, Inc., both of which are on file with the Fairfax County Department of Transportation, Suite 1034, 12055 Government Center Parkway, Fairfax, Virginia 22035. Telephone No. 703-324-1100. A public hearing will also be held on the same date, at the same time, and at the same location, pursuant to Virginia Code Ann. § 15.2-2204, proposed adoption of an ordinance, pursuant to Virginia Code Section 15.2-2272(2), vacating a part of the Plat Brookfield Section 4-A Being a Resubdivision of Lots 290 thru 295 and Lots 315 thru 321 of a Resubdivision of a Portion of Brookfield, Section 4 and a Subdivision of the Land of Thomas A. Cary, Inc., recorded in Deed Book 3057 at Page 486, on which is shown an area dedicated for streets, consisting of 1.558 acres and vacating a part of the Plat Showing Section 11 Brookfield, recorded in Deed Book 4959 at page 510, on which is shown an area dedicated for public street purposes, consisting of 2.36289 acres and located on Tax Map 44-2, and is described and shown on a metes and bounds description, dated July 10, 2006 and plat titled "Plat of Vacation of Poplar Tree Road Route #4831," dated March 2007, each of which were prepared by Urban Engineering & Associates, Inc., and are on file in the Fairfax County Office of Transportation, 12055 Government Center Parkway, Suite 1034, Fairfax, Virginia 22035, telephone 703-324-1135. (Sully District)

5:00 p.m. A public hearing on the proposed adoption of certain amendments to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management. Several areas of the Chapter require revision including: requiring that collectors who use refuse vehicles to also collect recyclables clearly identify refuse vehicles when they are being used for recycling; editorial changes to clarify intent, terminology and applicability of various provisions; and changes to maintain conformance with relevant State and Federal regulations and applicable legal precedents concerning solid waste disposal facility designation. The modifications to Chapter 109 include:

- Simplifying the definition of, and clarifying collection requirements for, brush - The change simplifies the more detailed definition of brush and moves the more detailed description to Section 109.1-5-3 (d) (3), which describes the materials to be collected by material type.
- Clarifying the applicability of certain recycling requirements to owners of multi-family dwellings - The change makes the "existing vs. built after July 1, 2007" requirement language consistent with the existing practice and nomenclature of other County regulations related to housing development.
- Clarifying that mixing refuse with any source-separated recyclables set out for collection is prohibited - This is not a new requirement, as the mixing of refuse and recyclables has always been considered a violation of the Code, however it is now being highlighted.
- Clarifying certain requirements related to permit applications and the expiration dates for temporary permits - The change makes it clear that all customers shall be given a Statement of Service and deletes duplicative requirements elsewhere in the Code. Specific to temporary permits, the Code is being amended to allow temporary permits to expire according to a schedule specified by the Director, rather than a specific maximum of 10 days.
- Deleting redundant language related to hazardous and unacceptable wastes - The provision found at Section 109.1-5-3 (g) is redundant to those already established in Section 109.1-7-2 and Section 109.1-7-4, which in concert define which materials can be disposed at County facilities and prohibit the disposal of hazardous waste.
- Adding a provision regarding the use of refuse collection vehicles to collect recyclables - This change will require refuse vehicles used to collect recyclables to use readily-visible signage or other means of identification, acceptable to the County, when being used to collect recyclables. . Deleting the provision which exempted waste bound for out-of-state disposal from the County's authority to designate disposal sites - The specific change will delete Section 109.1-7-1 (c) (4).
- General editorial changes - Modifications to correct spelling and clarify existing language when intent was unclear.

Questions regarding these proposed changes may be directed to the Department of Public Works and Environmental Services, Solid Waste Management Program, 703-324-5230, TTY 711.

5:00 p.m. Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Speakers may address the Board only once during a six-month period. 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 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, at least five days in advance of the public hearing. Assistive listening devices are available at the meeting.

Fairfax County is committed to a policy of nondiscrimination in all County programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations call the Office of the Clerk to the Board, (703) 324-3151 (VOICE) or (703) 324-3903 (TTY). Please allow seven working days in advance of the event in order to make the necessary arrangements.