



Fairfax County, Virginia

BOARD OF SUPERVISORS

DRAFT AGENDA

Monday
October 23, 2006

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/gov/bos/bdagenda/schedule.htm> by the Friday prior to each Monday meeting.

9:00 Presentations
10:00 Presentation of the Environmental Excellence Awards
10:15 Presentation of the Barbara Varon Award
10:30 Appointments
10:30 Items Presented by the County Executive
11:00 Matters Presented by Board Members
11:50 Closed Session

3:00 p.m. Public Hearing on PCA 2006-MV-005 (Pace-Boswell Associates, LLC) PCA Appl. to establish proffers on the site and approve waivers and modifications in a Commercial Revitalization District (CRD) with an overall Floor Area Ratio (FAR) of 0.22. Located in the N.E. quadrant of the intersection of Boswell Ave. and Richmond Hwy. on approx. 2.01 ac. of land zoned C-8, R-2, HC and CRD. Comp. Plan Rec: Office use up to .50 FAR Mt. Vernon District. Tax Map 102-1 ((7)) (4) 26, 28 and 30. (Concurrent with SE 2006-MV-001 and SE 2006-MV-013).

3:00 p.m. Public Hearing on SE 2006-MV-001 (Pace-Boswell Associates, LLC) SE Appl. under Sect(s). 4-804, 9-610, 9-612 and 9-622 of the Zoning Ordinance to permit a drive-thru pharmacy, waiver of minimum open space and lot width requirements and waivers and modifications in a Commercial Revitalization District, (CRD). Located at 7629 and 7635 Richmond Hwy. on approx. 1.49 ac. of land zoned C-8, HC and CRD. Mt. Vernon District. Tax Map 102-1 ((7)) (4) 26 and 28. (Concurrent with PCA 2006-MV-005 and SE 2006-MV-013).

3:00 p.m. Public Hearing on SE 2006-MV-013 (Pace-Boswell Associates, LLC) SE Appl. under Sect(s). 9-616 of the Zoning Ordinance to permit a driveway for uses in a commercial district. Located at 2908 Boswell Ave. on approx. 22,500 sq. ft. of land zoned R-2 and HC. Mt. Vernon District. Tax Map 102-1 ((7)) (4) 30. (Concurrent with PCA 2006-MV-005 and SE 2006-MV-001).

3:30 p.m. Public Hearing on RZ 2006-SP-011 (Habitat For Humanity Of Northern Virginia, Inc.) RZ Appl. to rezone from R-1 and WS to R-20 and WS to permit residential development at a density of 17.7 dwelling units per acre (du/ac) and a waiver of minimum district size. Located in the N.W. quadrant of the intersection of Lee Hwy. and Stevenson St. on approx. 22,338 sq. ft. of land. Comp. Plan Rec: Fairfax Center Area: 20 du/ac (at the overlay level). Springfield District. Tax Map 56-2 ((3)) 2.

3:30 p.m. Public Hearing on PCA 82-L-087-02 (Willow Creek Community Association) PCA Appl. to amend the proffers for RZ 82-L-087 previously approved for residential development at a density of 7.55 dwelling units per acre (du/ac) to permit the conversion of a public street to a private street. Located on the E. side of Van Dorn St. approx. 1,600 ft. N. of Franconia Rd. (Bent Willow Dr., right-of-way) on approx. 17,293 sq. ft. of land zoned R-8. Comp. Plan Rec: 5-8 du/ac. Lee District. Tax Map 81-4 ((33)) B and a portion the right-of-way for Bent Willow Dr. to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of right-of-way for Bent Willow Dr. to proceed under Section 33.1-151 of the Code of Virginia).

3:30 p.m. Public Hearing on AR 97-D-002 (Charles E. Jenkins, Trustees) Local A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Located at 10509 Beach Mill Rd. on approx. 21.4 ac. of land zoned R-E. A&F District Advisory Committee Rec.: Approve. Planning Commission Rec.: Not available. Please call the Zoning Evaluation Division at 703-324-1290 after October 5, 2006 to obtain the recommendation. Dranesville District. Tax Map 3-4 ((1)) 44Z, 45Z and 46Z.

3:30 p.m. Public Hearing on AR 89-S-002-02 (MA Properties) Local A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Located on the E. side of Union Mill Rd. approx. 600 ft. S. of its intersection with Compton Rd. on approx. 68.1 ac. of land zoned R-C. A&F District Advisory Committee Rec.: Approve. Planning Commission Rec.: Not available. Please call the Zoning Evaluation Division at 703-324-1290 after October 5, 2006 to obtain the recommendation. Springfield District. Tax Map 74-2 ((1)) 14Z and 75-1 ((1)) 11Z.

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: (1) Allow the Board of Zoning Appeals (BZA) to approve a special permit to allow for an increase in height for a fence and/or wall in any front yard subject to the following: (a) The maximum fence and/or wall height shall not exceed 6 feet and shall be ineligible for an administrative height increase; (b) The sight distance requirements must be met; (c) The height increase shall be based upon such factors to include the orientation and location of the principal structure, the orientation and location of nearby off-site structures, topography, presence of multiple front yards, and concerns related to safety and/or noise; (d) The proposed fence and/or wall shall be in character with the existing on-site development, harmonious with the surrounding off-site uses and structures, and shall not adversely impact the use and/or enjoyment of any adjacent property in terms of location, height, bulk, scale and any historic designations; (e) The BZA may impose such conditions it deems necessary to ensure compliance with these criteria; and (f) Special permit plat and architectural submission requirements are established; (2) Allow the Zoning Administrator to administratively approve up to a 10% increase in fence and/or wall height for an existing structure provided that: (a) The sight distance requirements are met; (b) The increase in height is due to variations in topography on the site or of the fence materials; (c) Any existing noncompliance was done in good faith and through no fault of the property owner; (d) Such fence and/or wall height increase shall not be detrimental to the use and enjoyment of other properties in the vicinity; and (e) All such requests shall be accompanied by illustrations supporting the need for the height increase and identifying the location(s) for which relief is sought; (3) Provide that fence posts not wider than 6 inches by 6 inches, finials, post caps, lighting fixtures, or similar features as determined by the Zoning Administrator, may exceed the maximum height of any fence and/or wall by not more than 9 inches provided they are spaced an average distance of 6 feet apart and a minimum distance of 3 feet apart; and (4) Pursuant to authority granted by the Sect. 15.2-2286(A)(6) of the *Code of Virginia*, establish special permit applications fees of \$295 for an increase in fence and/or wall height for a single family dwelling lot and \$2,645 for an increase in fence and/or wall height for all other uses, and for amendments to previously approved proffered conditions, development plans, final development plans, conceptual development plans, concurrent conceptual/final development plans, special permits, and special exceptions establish an application fee of \$295 for an increase in

fence and/or wall height for a single family dwelling lot and \$2,645 for an increase in fence and/or wall height for all other uses. 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 on the matter of an amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Add an Archaeological Survey Data Form submission requirement for all rezoning, development plan, special exception, special permit, special exception and variance applications located wholly or partially within, or contiguous to, a Historic Overlay District and resulting in 2500 square feet or more of land disturbing activity; and add a Phase I Archaeological Survey submission requirement for such application properties determined to have a low or medium to high probability to yield significant archaeological resources. 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 on the matter of an amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Clarify who may file a special permit, special exception, rezoning, development plan, variance, sign permit, Building Permit and Non-Residential/Residential Use Permit application, submit a site plan, sign proffered conditions in condominium developments as follows: (1) During the time period the declarant (developer) has a right to create additional units or to complete the common elements, the declarant has the authority to execute, file and process any site plan, parking tabulation, application for special permit, special exception, variance or rezoning, to include a development plan, conceptual development plan, final development plan, generalized development plan or proffered conditions with respect to the common elements or a plan/application affecting more than one unit. (2) Once the declarant no longer has the right to create additional units or to complete common elements, the unit owners' association, as defined in the Virginia Condominium Act, has the authority to execute, file and process any site plan, parking tabulation, application for special permit, special exception, variance or rezoning, to include a development plan, conceptual development plan, final development plan, generalized development plan or proffered conditions with respect to the common elements or a plan/application affecting more than one unit. (3) A site plan, application for special permit, special exception, variance or rezoning to include a development plan, conceptual development plan, final development plan, generalized development plan or proffered conditions affecting only one unit may be filed by the unit owner. (4) For purposes of obtaining Building Permits, Residential Use Permits or Non-Residential Use Permits and sign permits, the unit owner, including the declarant if the declarant is the unit owner, shall apply for permits for the unit, and the unit owners' association must apply for permits for common elements. 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 on the matter of an amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Revise the residential minimum parking requirements to allow (1) an increase in the minimum parking requirement for single family detached dwelling units from the current rate of 2.0 spaces per dwelling unit up to 4.0 spaces per dwelling unit, with an opportunity for different rates for lots located on public streets and lots located on private streets; (2) an increase in the minimum parking requirement for single family attached dwelling units from the current rate of 2.3 spaces per dwelling unit up to 3.2 parking spaces per dwelling unit; and (3) an increase in the minimum parking requirement for multiple family dwelling units from the current rate 1.6 spaces per unit up to 1.8 spaces per dwelling unit. 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 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). The proposed amendments are related to extending the allowable timing for pre-construction conferences; codifying the requirement for a certification by a surveyor that subdivision monuments have been installed; implementing stricter bond requirements for developers that are in default; requiring a notification and replacement agreement when a developer's surety falls below the minimum rating standard and eliminating the processing fee for the replacement agreement. In addition, editorial changes are being made including adjusting an inspection fee for consistency between the Zoning, Subdivision and Erosion and Sediment Control Ordinances. Pursuant to authority granted by Virginia Code Sections 15.2-107, 15.2-2204, 15.2-2286(A)(6), the amendment proposes to decrease a fee charged by Land Development Services, Department of Public Works and Environmental Services, which is charged under Chapter 112, Art. 17-109 (Zoning Ordinance) of the County Code of Virginia related to inspections. The proposed amendment decreases the fee from \$215 to \$210 for each inspection following a violation.

4:30 p.m. Public Hearing on RZ 2006-HM-001 (Heritage Fellowship United Church Of Christ) RZ Appl. to rezone from R-1 to R-2 to permit a place of worship with an overall Floor Area Ratio (FAR) of 0.2. Located E. of Fox Mill Rd., approx. 400 ft. N. of its intersection with Pinecrest Rd. on approx. 5.08 ac. of land. Comp. Plan Rec: 1-2 du/ac. Hunter Mill District. Tax Map 25-2 ((5)) 51 and 52.

4:30 p.m. Public Hearing on PCA 83-C-021 (Atlantic Realty Companies, Inc.) PCA Appl. to amend the proffers for RZ 83-C-021 previously approved for commercial development to permit mixed use development with an overall Floor Area Ratio (FAR) of 0.25 (including electric substation). Located at the N.W. corner of the intersection of Lee Jackson Memorial Hwy. and Fair Ridge Dr. on approx. 35.39 ac. of land zoned PDC, HC and WS. Comp. Plan Rec: Mixed Use at 0.25 FAR. Sully District. Tax Map 46-3 ((1)) 15A and 15B.

4:30 p.m. Public Hearing on Proposed Area Plans Review (APR) Item 05-IV-5MV, Located West of Central Avenue and North of Maury Place (Mount Vernon District)

4:30 p.m. A 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 Sully Station II Community Parking District (CPD). The proposed CPD establishment would encompass Belle Plains Drive; Cub Stream Drive; Deer Pond Court; Deer Pond Road; Flagler Court; Flagler Drive; Gordon Drive; Gulliver Road; Hartlaub Court; Kamputa Drive from Cranoke Street to Sully Park Drive; Knoughton Way; Linden Creek Court; Locust Grove Court; Muddy Creek Court; North Slope Street; Round Lick Lane; Schoolfield Court; Sequoia Farms Drive; Stone Creek Court; Stone Creek Drive; Sully Park Drive from Stone Road to Braddock Road and Village Center 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, Sully District. 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 ordinance to amend Chapter 4 (Taxation and Finance) of *The Code of the County of Fairfax, Virginia*, that proposes to add a new article numbered 26 to implement the enabling authority provided by Virginia Code § 58.1-3651, relating to the designation of entities that are exempt from property taxation. More specifically, pursuant to Virginia Code § 58.1-3651, the Board hereby gives notice that it will consider an ordinance, at the time and place stated above, that proposes to add Sections 4-26-1, 4-26-2, 4-26-3, 4-26-4, 4-26-5, 4-26-6, and 4-26-7 to the Fairfax County Code. These sections will provide a framework for considering future requests from certain entities that may want to request that the Board of Supervisors designate them as being exempt from paying the County real and personal property taxes. More specifically, these sections propose: (1) to establish a set of defined terms for considering such requests; (2) to continue those property tax exemption classifications and designations previously established by the Virginia Constitution and by the Virginia General Assembly; (3) to request the Director of the Department of Tax Administration to prepare application forms, to accept completed application forms from certain entities who may want to request consideration for designation as being exempt from the County real and personal property taxes, and to summon taxpayers and make other inquiries concerning any such request; (4) to specify minimum criteria for designation as exempt from County real and personal property taxes; (5) to specify the disclosures of information that any entity seeking such a tax exemption must provide with its request for tax exemption, including, but not limited to, (i) copies of the charter and bylaws, (ii) a statement describing the property and the value of the property for which an exemption is sought, (iii) documentation that any such organization has been designated by the federal government as exempt from federal income taxation pursuant to 26 U.S.C. §§ 501(c)(3), 501(c)(4), or 501(c)(7), (iv) copies of federal income tax returns filed by any such organization; (v) a statement of whether any such organization holds an annual alcoholic beverage license; and (vi) any other information required by Virginia Code § 58.1-3651 and any other information that may be required by the Director of the Department of Tax Administration. If adopted, this ordinance would become effective upon adoption, but requests for designation for an exemption from County real and personal property taxes would not be considered until the spring of 2007 in conjunction with the adoption of the annual budget for Fiscal Year 2008. All requests for such an exemption should be made by no later than December 1, 2006. All requests for subsequent years would have to be submitted by December 1st of each calendar year, and those requests would be considered in the following spring in conjunction with the adoption of the annual budget for the following fiscal year.

5:00 p.m. A public hearing regarding the proposed restriction of through truck traffic on Georgetown Pike between the Capital Beltway (I-495) and Leesburg Pike (State Route 7), as part of the County's Residential Traffic Administration Program (R-TAP), and in accordance with Section 46.2-809 of *The Code of Virginia*. A possible alternate route for trucks is via the Capital Beltway to the Dulles Toll Road to Leesburg Pike. Questions regarding this proposed restriction may be directed to the Fairfax County Department of Transportation at 703-324-1100.

5:00 p.m. A public hearing regarding a proposed cut-through traffic mitigation plan for Fordson Road, Schelhorn Road, Boswell Avenue, and Frances Drive, Mount Vernon District, as part of the County's Residential Traffic Administration Program (R-TAP). The plan consists of traffic calming measures to include eight speed tables and one multi-way stop. An available alternate route is via Sherwood Hall Lane to U.S. Route 1. Questions regarding this proposed restriction may be directed to the Fairfax County Department of Transportation at 703-324-1100.

5:00 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 establish the

Daventry Community Parking District (CPD). The proposed CPD establishment would encompass Hunter Village Drive from Gerardia Court to the southern boundary of parcel 90-1((16)) 30G; 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, Springfield District. 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)

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.

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.