



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
December 21, 2009**

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23-09

NV:nv

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 Monday, December 21, 2009, at 11:08 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; and Nancy Vehrs, Clerk to the Board of Supervisors.

BOARD MATTER1. **LAST MEETING ON MONDAY** (11:08 a.m.)

Chairman Bulova noted that this was the last meeting of 2009 and the last meeting to be held on a Monday. Next year's Board meetings will be held on Tuesdays beginning January 12, 2010.

AGENDA ITEMS2. **A-1 – READOPTION OF RESOLUTION TO CREATE THE PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT (DRANESVILLE AND HUNTER MILL DISTRICTS)** (11:09 a.m.)

(BACs)

(R)

Following a brief presentation by James V. McGettrick, Assistant County Attorney, Chairman Bulova acknowledged for the record the presence of Carson Lee Fifer, Jr., and members of the Western Alliance for Rail to Dulles (WARD).

Supervisor Hudgins moved that the Board readopt the Resolution to create the Phase II Dulles Rail Transportation Improvement District previously adopted by the Board on December 7, 2009. Supervisor Foust seconded the motion, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

Supervisor Hyland moved appointment of the following Members of the Board to the Phase II Dulles Rail Transportation Improvement District Commission, its governing body:

- Supervisor Hudgins
- Supervisor Foust
- Supervisor Frey
- Chairman Bulova

Supervisor Foust and Supervisor Smyth jointly seconded the motion, which carried by unanimous vote.

Chairman Bulova noted that the Herndon Town Council appointed Councilmember Dennis Husch to serve as the Herndon representative to the District Commission.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to contact the Chairman of the Commonwealth Transportation Board to:

- Inform him of the creation of the Phase II District.
- Notify him that he or his designee is an ex officio member of the commission.

Without objection, it was so ordered.

Chairman Bulova stated that section 33.1-434 of the *Code of Virginia* provides that within 30 days from today, the Board shall appoint six members of the District Advisory Board, three of whom are to be nominated by the petitioners; the Herndon Town Council shall appoint two members of the District Advisory Board, one of whom is to be nominated by the petitioners; and the Board should make its appointments at its regular meeting on January 12, 2010.

Accordingly, Chairman Bulova asked unanimous consent that the Board direct staff to:

- Determine the names of the petitioners' three nominees for appointment by the Board as soon as possible.
- Notify the Town of Herndon of the Council's responsibility to appoint two members in a timely manner.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **11 A.M. – PH ON REZONING APPLICATION RZ 2009-SU-020 (TRUSTEES OF THE LIGHT GLOBAL MISSION CHURCH) (SULLY DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-C-021-02 (TRUSTEES OF THE LIGHT GLOBAL MISSION CHURCH) (SULLY DISTRICT) (11:14 a.m.)

- (O) (NOTE: On December 7, 2009, the Board deferred the public hearing on this item until December 21, 2009.)

The application property is located in the northwest quadrant of the intersection of Fair Ridge Drive and Lee Jackson Memorial Highway, Tax Map 46-3 ((1)) 15A1, 15A2 and 15A3.

Mr. Aaron L. Shriber reaffirmed the validity of the affidavit for the record.

Supervisor Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Stanley M. Barg of Atlantic Realty Companies, Incorporated, on behalf of Atlantic Realty.

Supervisor Frey noted that Atlantic Realty is not a party to this application.

Chairman Bulova disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. Stanley M. Bard of Pender LLC and Atlantic Realty Companies, Incorporated, on behalf of Atlantic Realty.
- Mr. David A. Ross, LLC of Atlantic Realty Companies.
- Mr. Whittington W. Clement of Hunton and Williams, LLP.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a brief description of the application and site location.

Mr. Shriber 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 waived his presentation.

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

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 83-C-021-02. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-SU-020, from the PDC, HC, and WS Districts to the PDC, HC, and WS Districts, subject to the proffers dated December 15, 2009.
- Modification of the transitional screening requirements to the north and west to allow the use of existing vegetation and to that shown on the CDP/FD.
- Modification of Paragraph 5 of Section 6-206 to permit secondary uses in a PDC District to exceed 50 percent.

- Modification of Additional Standard 1 (Paragraph 1 of Section 9-306) to permit a reduction in the minimum age requirement from 62 to 55 years of age.
- Reaffirmation of a modification of transitional screening and waiver of barrier requirements to the south, in favor of that shown on the CDP/FDP.
- Reaffirmation of a waiver of the service drive along Route 50.

Supervisor Hyland seconded the motion.

A brief discussion ensued regarding the issue of the minimum age and its place on the agenda of the Board's Development Process Committee.

The question was called on the motion, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

(NOTE: On November 19, 2009, the Planning Commission approved Final Development Plan Application FDP 2009-SU-020, subject to the development conditions dated November 18, 2009, with condition number one modified to delete the words "as raised crosswalks.")

ADDITIONAL BOARD MATTERS

4. **DECLARATION OF STATE OF EMERGENCY** (11:23 a.m.)

Anthony H. Griffin, County Executive, informed the Board that the other jurisdictions in Northern Virginia had declared states of emergency (because of the record snowfall over the weekend) and he was proposing to do the same. He explained that the law requires that the Board ratify a state of emergency at its next regularly scheduled meeting or within 14 days. He also noted the financial ramifications of a declaration because it would make the County eligible for potential reimbursements should the governor declare a state of emergency.

Accordingly, Supervisor Hyland moved that the Board ratify the County Executive's declaration of a local emergency. Supervisor Herrity seconded the motion, which carried by unanimous vote.

5. **RECONSIDERATION OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-101-3 (T-MOBILE NORTHEAST LLC)**
(11:25 a.m.)

Supervisor Gross stated that on December 7, the Board approved a special exception amendment application filed by T-Mobile Northeast LLC to permit the addition of a telecommunications facility and associated equipment cabinets on the property of the Phillips School. She said that it had been called to her attention that there was an error in the first motion that referenced the wrong application number. The application should be Special Exception Amendment Application SEA 85-M-101-3 instead of the Special Exception Amendment Application SEA 85-M-103-3 mentioned in the motion.

Therefore, Supervisor Gross moved that the Board approve Special Exception Amendment Application SEA 85-M-101-3, subject to the development conditions dated November 23, 2009, and to carry forward the other four motions approved at the December 7 hearing. Supervisor Hyland seconded the motion, which carried by unanimous vote.

6. **HOLIDAY GREETINGS** (11:28 a.m.)

Supervisor Hyland wished everyone a happy holiday season. Chairman Bulova expressed appreciation to Supervisor Hyland for the gifts of jelly roll cakes and wished everyone a great holiday.

7. **BOARD ADJOURNMENT** (11:28 a.m.)

The Board adjourned.