



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 20, 2015**

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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, October 20, 2015, at 9:35 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 Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Elizabeth Teare, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Ekuia Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Hyland asked everyone to remember in thoughts and prayers Ms. Dorothy Spencer, a resident of Mount Vernon District, who is seriously ill.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO STUDENTS FROM LYCÉE JEAN ROSTAND, CHANTILLY, FRANCE** (9:37 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition welcoming students from Lycée Jean Rostand, Chantilly, France, to the County, wishing them well in their research, and looking forward to continuing the exchange of ideas and friendship. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Following discussion on the motion, the question was called and it carried by unanimous vote.

The students shared stories about the different projects they have been working on while in the United States.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE McLEAN LITTLE LEAGUE 10–11 SOFTBALL ALL-STARS TEAM** (10:01 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the McLean Little League 10–11 Softball All-Stars team for winning the State championship. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

4. **RESOLUTION OF RECOGNITION PRESENTED TO NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC)** (10:08 a.m.)

Chairman Bulova recognized the presence of Dr. Scott Ralls, the new President of NVCC, and former Lee District Supervisor Dana Kauffman, and warmly welcomed them to the Board Auditorium.

Supervisor Cook moved approval of the Resolution of Recognition presented to NVCC for its fiftieth anniversary. Supervisor Gross and Supervisor Herrity jointly seconded the motion. Following comments regarding the role NVCC plays in the County, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Dr. Scott Ralls made a brief presentation to the Board.

5. **PROCLAMATION DESIGNATING NOVEMBER 2015 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Cook moved approval of the Proclamation to designate November 2015 as "*American Indian Heritage Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

6. **PROCLAMATION DESIGNATING OCTOBER 2015 AS "DYSAUTONOMIA AWARENESS MONTH" IN FAIRFAX COUNTY** (10:42 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate October 2015 as "*Dysautonomia Awareness Month*" in Fairfax County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

7. **PROCLAMATION DESIGNATING OCTOBER 24, 2015, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:56 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 24, 2015, as "*VolunteerFest Day*" in Fairfax County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

8. **10:30 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (11:06 a.m.)

Gretchen Bulova, Immediate Past Chairman, History Commission, introduced the following members of the History Commission who were present in the Board Auditorium:

- Carole Herrick, Current Chair
- Anne Stuntz, Vice Chair

Ms. Bulova noted that copies of the History Commission annual report had been distributed to Board Members and she proceeded with her presentation, noting some of the Commission's endeavors as follows:

- Monitoring and review of cellphone tower applications and Route One Improvements at Fort Belvoir
- The resident curator program
- 51 historical markers have been approved and installed through the work of the Marker Committee. The complete list of markers can

be found on the History Commission's website: <http://www.fairfaxcounty.gov/histcomm/> through the historical markers database: <http://www.hmdb.org>.

- Commemoration of the 150th anniversary of the American Civil War as well as the bicentennial of the War of 1812 are wrapping up in 2015. As part of the 1812 commemoration, the Commission will install two historical markers devoted to the County's role in the British invasion of Washington: one at Colvin Run Mill; and the other at River Bend Park.
- The tenth annual history conference featured the events of the War of 1812. The eleventh annual conference is scheduled for November 7, 2015, and the topic is "Fairfax's Founding Fathers."

Supervisor Herrity asked unanimous consent that the Board direct staff to provide an estimate on when the first property will be put into the resident curator program. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Gretchen Bulova, regarding:

- How to integrate the history of Native American Indians into the work of the History Commission
- Historical markers and the need to have a complete list located in a central database

Chairman Bulova thanked the Commission for its work.

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9. **10:40 A.M. – PRESENTATION OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION RECOMMENDATIONS** (11:20 a.m.)

Michael Hershman, Chair of the Ad Hoc Police Practices Review Commission, presented the Commission's recommendations.

Chairman Bulova announced that a Public Safety Committee meeting is scheduled for Tuesday, October 27 at 3 p.m. She said that at that time the Board will go through the report and have the opportunity to ask questions.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Chairs of the committees be present to answer questions about the recommendations. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion ensued, with input from Edward L. Long Jr, County Executive, regarding the need to consider all of the recommendations, best practices, and budget implications. The Board commended the Commission on its report and wide-ranging recommendations.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Receive the report of the Ad Hoc Police Practices Review Commission
- Direct the County Executive working with Deputy County Executive Rohrer and Police Chief Roessler to develop a work plan for the Board to consider as it moves into the implementation phase of this effort
- Direct staff to invite members of the Commission to appear before the Board at the meeting on November 17 to be thanked and recognized for its good work

Supervisor Cook and Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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11:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (12:03 p.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard October 20, 2015,” as distributed around the dais. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mount Vernon District Representative.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Braddock, Lee, and Providence District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family), Citizen, and Lending Institution Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #4 Representative.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason District Representative.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Mr. Jason D. Sutphin as the Related Professional Group #6 Representative

The Board deferred the appointment of the Related Professional Group #3 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Chip Chidester as the Member-At-Large Alternate Representative

The Board deferred the appointment of the Mason District Alternate and Sully District Principal Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #3, #4, and Design Professional #2 Representatives.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Reappointment of:

- Mr. Peter F. Murphy, Jr. as the At-Large #4 Representative

The Board deferred the appointment of the At-Large #3 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Reappointment of:

- Ms. Anne Kanter as the At-Large #1 Representative

Appointment of:

- Ms. Sherry L. Fisher as the Braddock District Representative

The Board deferred the appointment of the Lee, Providence, and the Sully District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Lee and Mount Vernon District Representatives.

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Mattie Palmore as the At-Large Minority Representative
- Ms. Robin Brown as the Braddock District Representative
- Dr. Bing T. Nguyen as the Dranesville District Representative

The Board deferred the appointment of the Hunter Mill District Representative.

COMMISSION ON AGING

The Board deferred the appointment of the Mason District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPORTATION

The Board deferred the appointment of the Lee, Mount Vernon, and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Sully District Representative.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #7 and #12 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Mr. Howard Foard, III as the At-Large Representative

The Board deferred the appointment of the Braddock, Springfield, and Sully District Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large Fairfax County, Lee, Mason, Mount Vernon, and Sully District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Appointment of:

- Ms. Holly Williamson as the Sully District Representative

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- Mr. John M. Yeatman as the Elected Representative
- Ms. De Hawley Brown as the Fairfax County Public Schools Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Chairman's and Mason District Representatives.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #3, #4, and the #6 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #1, #3, and #10 Representatives.

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Mr. Joseph Heastie as the At-Large #6 Representative
- Ms. Leigh Anne Arnold as the At-Large #2 Representative

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

The Board deferred the appointment of the Sully District Representative.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Reappointment of:

- Ms. Laura Grape as the Fairfax County #1 Representative

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large Chairman's, Braddock, Dranesville, Hunter Mill, Lee, and Providence District Representatives.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Confirmation of:

- PFC Richard Barron as Staff Police Representative
(Appointment effective December 1, 2015)
- Mr. James R. Dooley, Jr. as the Trustee Elected from Retirees Representative

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1 and #4 Representatives.

SMALL BUSINESS COMMISSION

Appointment of:

- Ms. April S. Tan as the At-Large #2 Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #5, #7, and #8 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Condo Owner and the Tenant Member #2 and #3 Representatives.

TRANSPORTATION ADVISORY COMMISSION

Confirmation of:

- Mr. Donald J. Kissinger, Jr. as the Disability Services Representative

TREE COMMISSION

Reappointment of:

- Ms. Jeanne Kadet as the Braddock District Representative
- Mr. Robert Vickers as the Dranesville District Representative
- Mr. Dragan Momcilovic as the Hunter Mill District Representative

The Board deferred the appointment of the Lee, Mason, and Springfield District Representatives.

TRESPASS TOWING ADVISORY BOARD

Confirmation of:

- PFC Harold E. Morris as the Law Enforcement #2 Representative

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Residential Owners and HOA/Civic Association #1 Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen appointed by BOS #2 Representative.

WETLANDS BOARD

The Board deferred the appointment of the At-Large #1 and Mount Vernon District #3 Representatives.

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11. **ADMINISTRATIVE ITEMS** (12:04 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity and Supervisor Hyland being out of the room.

ADMIN 1 – APPROVAL OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of "\$200 Additional Fine for Speeding" signs on the following street:
 - Huntsman Boulevard between Old Keene Mill Road and Spelman Drive (Springfield District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved "\$200 Additional Fine for Speeding" signs as soon as possible.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE TWINBROOK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Twinbrook CPD (Braddock District).

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON PORT ROYAL ROAD, WOODRUFF COURT, AND FORBES PLACE (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on Port Royal Road, Woodruff Court, and Forbes Place (Braddock District).

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LONDON TOWNE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2015, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the London Towne CPD (Sully District).

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON SULLYFIELD CIRCLE AND PARKE LONG COURT (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2015, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on Sullyfield Circle and Parke Long Court (Sully District).

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON LEWINSVILLE ROAD - WESTERN PORTION (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2015, at 4:30 p.m.**, regarding a proposal to prohibit through truck traffic on the western portion of Lewinsville Road (Dranesville District).

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON LEWINSVILLE ROAD - EASTERN PORTION (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2015, at 4 p.m.**, regarding a proposal to prohibit through truck traffic on the eastern portion of Lewinsville Road (Dranesville District).

ADMIN 8 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATIONS (DRANESVILLE AND SPRINGFIELD DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S15-14	Verizon Wireless c/o Network Building and Consulting, LLC 13000 Fair Lakes Shopping Center Circle Fairfax, VA Springfield District	November 13, 2015
FS-D15-19	Fairfax County Department of Public Works and Environmental Services 1234 Ingleside Avenue (McLean Community Center) McLean, VA Dranesville District	January 29, 2016

12. **ORDERS OF THE DAY** (12:04 p.m.)

Chairman Bulova announced that a revised Action Item: **A-5 – Endorsement of the Recommended Design Concept (Preferred Alternative) for Transforming I-66 Outside the Beltway (Braddock, Hunter Mill, Providence, Springfield, and Sully Districts)**, which had been distributed around the dais.

13. **A-1 – ADOPTION OF A RESOLUTION TO AUTHORIZE THE UPPER OCCOQUAN SERVICE AUTHORITY (UOSA) TO PARTICIPATE IN THE VIRGINIA POOLED TRUST FUND** (12:05 p.m.)

- (R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing UOSA to participate in the Virginia Pooled Trust Fund. Supervisor Foust seconded the motion.

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, informed the Board that there was an error in the Resolution and asked that the Board authorize it with a correction of the error. Noting the correction, the question was called on the motion, as corrected, and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland, being out of the room.

14. **A-2 – APPROVAL OF A RESOLUTION TO APPLY FOR FISCAL YEAR (FY) 2017 REVENUE SHARING FUNDS TO FUND ROUTE 28 WIDENING FROM THE PRINCE WILLIAM COUNTY LINE (BULL RUN BRIDGE) TO ROUTE 29 AND ROUTE 1 WIDENING FROM MOUNT VERNON MEMORIAL HIGHWAY TO NAPPER ROAD (LEE, MOUNT VERNON, SPRINGFIELD AND SULLY DISTRICTS)** (12:06 p.m.)

(R) On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and:

- Authorized the Department of Transportation to apply for FY 2017 Virginia Department of Transportation (VDOT) Revenue Sharing Funds
- Adopted the Resolution designating a maximum of \$10 million in FY 2017 VDOT Revenue Sharing Program funds for the following roadway widening projects:
 - Route 28 from the Prince William County Line (Bull Run Bridge) to Route 29 in Fairfax County
 - Route 1 from Mount Vernon Memorial Highway (south) to Napper Road

A local cash match of \$10 million is required for these funds.

15. **A-3 – ENDORSEMENT OF APPLICATIONS FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR (FY) 2017 TRANSPORTATION ALTERNATIVES GRANT APPLICATION (LEE, PROVIDENCE, AND HUNTER MILL DISTRICTS)** (12:07 p.m.)

(Rs) Supervisor McKay moved that the Board concur in the recommendation of staff and endorse the proposed list of applications and adopt the respective Resolutions for the FY 2017 Transportation Alternatives Program with one change: strike the Vienna Metrorail Bicycle Access Improvements from the list. Supervisor Smyth

seconded the motion with an explanation. The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room. The list of approved applications and Resolutions is listed below:

- ~~Vienna Metrorail Bicycle Access Improvements~~
- Cinder Bed Bikeway
- Van Dorn Street Bicycle and Pedestrian Improvements
- Reston Bike Share Capital Equipment

16. **A-4 – APPROVAL OF A PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) AND THE COUNTY TO PROVIDE FEDERAL HIGHWAY ADMINISTRATION (FHWA) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) PROGRAM FUNDS FOR OPERATION OF THE CONNECTOR STORE PROJECT** (12:08 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and:

- Approved the Project Agreement with VDRPT
- Authorized the Director of the Department of Transportation to execute the finalized agreement on behalf of the County

17. **A-5 – ENDORSEMENT OF THE RECOMMENDED DESIGN CONCEPT (PREFERRED ALTERNATIVE) FOR TRANSFORMING I-66 OUTSIDE THE BELTWAY (BRADDOCK, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (12:09 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and endorse the Recommended Design Concept (Preferred Alternative) for Transforming I-66 Outside the Beltway, generally as presented at the Commonwealth Transportation Board (CTB) meeting on September 15, 2015, and reviewed by the Board's Transportation Committee on October 13, 2015. This recommendation is contingent upon the Virginia Department of Transportation's (VDOT) continued progress towards addressing the modifications, comments, and requests for additional coordination as outlined in the Board Agenda Item. It is described in more detail in a letter, attached to the Board Agenda Item, to ensure that the project remains fully in conformance with

the County Comprehensive Plan and that impacts to County residents are minimized. Supervisor Herrity seconded the motion.

Chairman Bulova noted that the specifics are outlined on the County's website and pointed out that this minimizes the impact of the project on residents and businesses while ensuring that the median is reserved for future rail; and, transit is a major component of the project.

Discussion ensued concerning the parallel I-66 regional trail and right-of-way requirements. Tom Biesiadny, Director, Department of Transportation, stated that "predominately" could be inserted for additional clarification; this was accepted.

Discussion continued, with input from Mr. Biesiadny, concerning:

- Inclusion of language contingent on VDOT's continued progress addressing County issues/concerns
- Stormwater management and post Phase 1 which will need to be addressed by VDOT in cooperation with the County and the community
- An update of the website and tomorrow's Council of Governments' (COG) Transportation Planning Board (TPB) vote on the project's inclusion in the Constrained Long-Range Transportation Plan (CLRTP)

Supervisor Smyth asked unanimous consent that the Board direct staff to provide a clean copy of the letter to present at tomorrow's meeting. Without objection, it was so ordered.

Following additional discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTERS

18. **REQUESTS FOR RECOGNITION** (12:21 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the Fairfax County Commission for Women to appear before the Board to be recognized as follows:

- To accept a proclamation recognizing January 2016 as "*Human Trafficking Awareness Month*" to be presented at the Board's December 8, 2015, meeting

- To accept a proclamation recognizing March 2016 as “*Women’s History Month*” to be presented at a Board meeting in February

Without objection, it was so ordered. Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **ORDERS OF THE DAY** (12:22 p.m.)

Chairman Bulova announced that Supervisor McKay would be presenting Supervisor Hyland’s Board Matters.

20. **BILLINGS FOR CERTAIN WATER INTENSIVE COMMERCIAL OPERATIONS** (12:23 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay stated that a business owner in the Mount Vernon District recently contacted Supervisor Hyland’s office to seek assistance with a wastewater billing problem. Commercial businesses are billed for sewer use based on water consumption. However, there are some water intensive businesses whose water consumption does not reflect the amount of wastewater going down the drain. This business owner operates a brewery. After consulting with staff there are likely several other businesses whose water intensive operations from the tap do not contribute a similar quantity of water into the County’s wastewater system. Several breweries, one winery, and a water bottling plant all fall into this category. Some businesses separately meter their water for use in cooling towers or for agricultural uses. However, the cost of a dedicated separate water meter can be prohibitive for some smaller businesses. Given that the County’s billing methodology should be accurate, fair, and consistent, staff should explore this matter.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Executive and the Director of Public Works and Environmental Services to explore this issue and present recommendations to the Board. Without objection, it was so ordered.

21. **REQUEST TO COMMEND THE WORK OF TWO ANIMAL CONTROL OFFICERS (ACOs) (MOUNT VERNON DISTRICT)** (12:24 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay announced that an email had been received from a resident of the Mount Vernon District who commended the professionalism and patience of two ACOs for their efforts to capture a very sick feral kitten from under the property owner’s shed so that it could receive veterinary care. ACO Lugo and ACO Salzano’s conduct so impressed Supervisor Hyland’s constituent that she took the time to write in about it. The County’s public safety personnel, including ACOs, are put in dangerous situations every day and comport themselves in such a way that serves to be an example to residents and is in keeping with the highest standards of the County.

Therefore, Supervisor McKay asked unanimous consent that the email contained in Supervisor Hyland's Board Matter and a letter of commendation be placed in the officers' personnel file. Without objection, it was so ordered.

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22. **EMERGENCY VEHICLE PREEMPTION** (12:25 p.m.)

Supervisor McKay reminded the Board that last week, during the Transportation Committee meeting, it heard that emergency vehicle preemption will help reduce the risk of accidents at intersections and improve the response times of first responders.

He stated that this strategic initiative would be extremely beneficial to the County, especially as it continues to see a growing population, heavier traffic, and increased densities in developments Countywide.

Therefore, Supervisor McKay moved that the Board direct staff to develop an implementation plan with phasing options for emergency vehicle preemption, to include financial implications and a ranked list of priority corridors in the County to be presented to the Board for consideration. Supervisor Hudgins seconded the motion.

Discussion ensued, regarding:

- Financial implications associated with the technology
- The positive impacts on transit
- Opportunities to include emergency vehicle preemption in the rezoning and proffer process

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

23. **STATE DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (DMAS)** (12:32 p.m.)

Jointly with Supervisor Hudgins, Supervisor McKay said that last Tuesday at the Legislative Committee the Board received information from staff about a proposal by DMAS seeking federal approval to redesign the benefits package for Medicaid recipients with substance use disorders to include recognized best practices in the field.

This proposal will not increase the number of people who qualify for services, but will expand the number of services Medicaid will cover, such as inpatient, residential, and peer recovery services for adults. Enhancing this coverage would

be a benefit to those who suffer from substance abuse, a significant and growing problem in the State as evidenced by recent reports that more Virginians died from drug-related causes in 2011 than in motor vehicle accidents. Improving this coverage could also benefit County operations by allowing the Community Services Board to be reimbursed through Medicaid for services it currently provides.

DMAS is currently soliciting public comment on this proposal; the public comment period closes tomorrow at 5 p.m. At the Legislative Committee meeting last week, staff was directed to draft proposed comments and circulate them to the Board. This proposal is consistent with the Board's past advocacy for State support of treatment and prevention programs.

Therefore, Supervisor McKay moved approval of the comments included in his written Board Matter for submission to DMAS. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

24. **PROPOSED PLAN AMENDMENT FOR KINGSTOWNE AREA (LEE DISTRICT)** (12:33 p.m.)

Supervisor McKay said that the owners of 6625 South Van Dorn Street in the Kingstowne area have decided to end their lease with Topgolf, a recreational facility with a high-tech driving range and supporting eating establishment.

For the last few years, due to Topgolf's growth, Supervisor McKay said that he has received complaint after complaint about the noise, parking problems, and the negative impact on the adjacent Kingstowne neighborhoods. With the addition of live music on weekends, Topgolf has grown beyond a driving range and can sometimes look more like a nightclub. As a result, Topgolf needs a bigger facility but cannot expand on the heavily constrained current site.

This decision creates an opportunity to re-plan the property with uses that are compatible to the established communities to the east of the property and a strengthened connection to the Kingstowne Towne Center.

The property is split-zoned R-1 and PDH-4 and is planned for 3-4 dwelling units per acre, as detailed in the Lehigh Community Planning Sector within the Rose Hill Planning District of the Comprehensive Plan.

This 17 acre property has substantial redevelopment potential and its future use is critical to the success of the surrounding community. Supervisor McKay expressed concern that by-right, the site could be permitted for automobile-oriented uses, dry cleaners, drive-through pharmacies and banks, or repair service establishments. To provide the community with a lever of control in the planning process, Supervisor McKay expressed his opinion that it is a good idea to review the Comprehensive Plan's recommendation for the site.

Therefore, to facilitate the re-planning effort of this approximately 17.4-acre property, and in recognition of the opportunity to contribute to the success of Kingstowne, Supervisor McKay moved that the Board authorize an amendment to the Comprehensive Plan for tax map parcels 91-2 ((1)) 35A and 35B to consider a mix of residential uses, up to approximately 275 residential units, and up to 20,000 gross square feet of retail uses. Staff should also consider that the retail development may be increased up to 70,000 gross square feet to accommodate an appropriate retail anchor such as a grocery store.

The plan analysis should provide for attention to transportation, schools, parks, and other impacts while planning for a high-quality design and ensuring compatible transitions for this property. Approval of this motion shall in no way prejudice or affect any ongoing review and should not be construed as support by the Board for the Plan amendment or rezoning. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hudgins abstaining, Supervisor Hyland being out of the room.

25. **2015 JINX HAZEL ARTS AWARD** (12:37 p.m.)

Supervisor McKay said that the Arts Council's 2015 Jinx Hazel Arts Award will be presented to Earle C. Williams for his outstanding leadership and advocacy in the arts and in the Campaign for Wolf Trap which resulted in the development of the Center for Education at Wolf Trap.

Supervisor McKay referred to his written Board Matter which outlined Mr. Williams' accomplishments.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate for his signature to present to Mr. Williams at the 2015 Art Awards ceremony on October 30, 2015. Without objection, it was so ordered.

26. **CHANTILLY GOLF TEAM VIRGINIA 6A STATE CHAMPIONS**
(12:38 p.m.)

Supervisor Frey congratulated and recognized the Chantilly High School Golf Team for recently winning the Virginia 6A State Championship at the Magnolia Green Golf Club. This is the second time in three years that the Chantilly Golf Team captured the 6A Championship. Chantilly was 20 strokes ahead of its closest competitor and were led by Nick Antonacci, who finished in a tie for fourth, and Sam Jung who tied for sixth.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the Chantilly High School Golf Team to appear before the Board to be recognized for its superior achievement. Without objection, it was so ordered.

PMH:pmh

27. **RECOGNIZING MS. REBECCA KAMEN FOR RECEIVING THE ARTS COUNCIL OF FAIRFAX COUNTY ARTS ACHIEVEMENT AWARD** (12:39 p.m.)

Supervisor Foust said that on October 30 the Arts Council of Fairfax County will present its annual Arts Awards. These awards recognize individuals, corporations, and foundations for extraordinary contributions to the arts.

This year, the Arts Achievement Award will be presented to Dranesville resident Rebecca Kamen who is an artist, sculptor and Science, Technology, Engineering, Arts, and Mathematics (STEAM) pioneer. Her work in using art to inform the discovery process of science has led to collaborative projects with NOVA, George Mason University, the Center for Astrophysics at Harvard, the National Institutes of Health and Fairfax County Public Schools. As professor emeritus of art at NOVA, she continues to investigate how the arts and creativity can be used to enhance innovation and our understanding of science.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Certificate to be signed by the Chairman and the Dranesville District Supervisor and presented at the October 30 awards event congratulating Ms. Kamen on her award and achievements. Without objection, it was so ordered.

28. **OCTOBER 2015 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD** (12:41 p.m.)

Supervisor Foust said that the Board has received the Auditor of the Board's Quarterly Report for October 2015. The report includes the following study areas:

- Real Estate Tax Process
- County Owned Vacant Land
- Contract Renewal Process
- Golf Course Revenue
- Revenue Collection Contracts
- Fuel Pump Controls
- Cash Application Review
- Non-tax Accounts Receivable

- Records Management

Supervisor Foust referred to his written Board Matter which outlined the Auditor's recommendations and moved adoption of the Auditor of the Board's October 2015 Quarterly Report and the Audit Committee Work Plan for the upcoming quarter. Supervisor McKay seconded the motion.

Discussion ensued regarding the:

- Audit Committee Work Plan and the process for items to be included on the work plan
- Role of the Auditor and County staff

Discussion ensued regarding the issue of staff use of Administrative leave and articles that it had generated.

Supervisor Cook asked unanimous consent that the Board direct staff to provide a report prior to the Board's December meeting. Following input from Edward L. Long Jr., County Executive, without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to provide Board Members with previous news articles regarding the issue. Without objection, it was so ordered.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity voting "NAY," Supervisor Hyland being out of the room.

29. **REQUEST FOR RECOGNITION (PROVIDENCE DISTRICT)** (1 p.m.)

Supervisor Smyth asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition to be signed by Supervisor Hyland and Supervisor Smyth for Mr. Rick Hausler for his contributions to the Workhouse Arts Center. Without objection, it was so ordered.

30. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(1 p.m.)

Supervisor Gross announced that she had no Board Matters to present today.

31. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (1 p.m.)

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

32. **HUNTER MILL COUNTRY DAY SCHOOL – MRS. JUDITH BEATTIE RECOGNITION (HUNTER MILL DISTRICT)** (1 p.m.)

Supervisor Hudgins said that in 1967, Captain and Mrs. Klare established the Hunter Mill Country Day School and hired Ms. Judith Beattie as a Director. Ms. Beattie purchased the business in 1978 and moved the school to the current location at 1221 Hunter Mill Road in 1980.

Over the years, improvements have been made, in particular the renovation of the “Red Barn”, the outdoor, covered playground, and many other additions to enhance the learning experience for children. Through the years, Ms. Beattie’s devotion and her love of children has brought the feeling that everyone in attendance was Ms. Beattie’s very own child.

The school was recognized by the National Wildlife Federation as a certified Schoolyard Habitat. From the Schoolyard Habitat website: “Supporting multiple subject areas including language arts, math, and science, the Schoolyard Habitats program stimulates students’ natural curiosity, encourages community involvement, and helps students become stewards of the environment.”

In 2002, Ms. Beattie was appointed by former Governor Mark Warner to the Virginia Child Daycare Council where she help developed standards and regulations for licensed child daycare facilities in Virginia. Ms. Beattie made an enormous contribution to untold numbers of children that have come through the doors of the Hunter Mill Day School and to the child care profession.

After over 40 years, Ms. Beattie has sold her beloved school to a long-time staff member, teacher, and administrator to continue the traditions established during her tenure.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Direct staff to prepare a Certificate of Recognition to be signed by the Chairman and the Hunter Mill District Supervisor
- Invite Ms. Beattie to appear before the Board to be recognized for her outstanding contributions of 48 years of devotion to children

Without objection, it was so ordered.

33. **THE VIENNA JAMMERS (HUNTER MILL DISTRICT)** (1:03 p.m.)

Supervisor Hudgins said that every year, the Arts Council of the County recognizes the extraordinary contributions of artists and arts organizations, as well as foundations and the private sector that support the arts in the County and the Cities of Fairfax and Falls Church. One of the awards is to emerging artists. The 2015 Emerging Arts Award will be presented to the Vienna Jammers for

providing exemplary outreach to area youth and participating in community building activities in the Town of Vienna and the Washington, DC area.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to prepare a certificate with dual signatures, from the Board congratulating the Vienna Jammers for being honored by the Art Council of Fairfax Council, for presentation at the October 30 awards ceremony. Without objection, it was so ordered.

34. **COMMUNITY DIALOGUE MEETING (HUNTER MILL DISTRICT)**
(1:04 p.m.)

Supervisor Hudgins announced that on Wednesday, November 4, from 7 p.m. until 9:30 p.m., she will host a community dialogue meeting to discuss the future development plans for the Reston Regional Library and the Emery Rucker Homeless Shelter as part of the redevelopment of Reston North County. The meeting will be held at South Lakes High School.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing this event. Without objection, it was so ordered.

35. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (1:05 p.m.)

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

36. **RECESS/CLOSED SESSION** (1:06 p.m.)

Supervisor Smyth 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. *Gary S. Pisner v. Fairfax County Board of Zoning Appeals*, Case No. CL-2012-0017764 (Fx. Co. Cir. Ct.) (Springfield District)
2. *Quan Ho v. Fairfax County, Virginia, Stacey Kincaid, Stan Barry, Ayuhan Vaanjilnorov, David M. Rohrer, John Does 1-3, Jane Does 1-3, John Roes 1-3, and Jane Roes 1-3*, Case No. 1:15cv483 (E.D. Va.)
3. *Huixuan Zhou v. Matthew Marcialis*, Case No. GV15-014315 (Fx. Co. Gen. Dist. Ct.)
4. *Kaveh Sari v. Board of Supervisors of Fairfax County, Fairfax County Park Authority, et al.*, Case No. CL-2015-0012396 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2014-0001444 (Fx. Co. Cir. Ct.) (Providence District)
6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan*, Case No. CL-2013-0012453 (Fx. Co. Cir. Ct.) (Sully District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo*, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County*,

Virginia v. Mohammad Ali, Case No. CL-2015-0009648 (Fx. Co. Cir. Ct.) (Dranesville District)

12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yurie C. Chigna*, Case No. CL-2015-0012344 (Fx. Co. Cir. Ct.) (Hunter Mill District)
13. *Gilbert Rivera v. Fairfax County Board of Supervisors and Chad Crawford, Director of Maintenance and Stormwater Management*, Case No. GV15-018984 (Fx. Co. Gen. Dist. Ct.)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jubilo Incorporated*, Case No. GV15-015625 (Fx. Co. Gen. Dist. Ct.) (Sully District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar Gramajo and Miryam Gramajo*, Case No. GV15-014952 (Fx. Co. Gen. Dist. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James E. Watkins*, Case No. GV15-018998 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. James E. Watkins*, Case No. GV15-018999 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mahmud Rashid*, Case No. GV15-018997 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer L. Audibert and Joseph G. Henry*, Case Nos. GV15-019074 and GV15-019075 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jennifer C. Markley*, Case No. GV15-019382 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

And in addition:

- Zoning Inspection of 1387 and 1389 Chain Bridge Road, Zoning Map Number 030-2 ((01)) 50 A

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

DET:det

At 3:04 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

37. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:04 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. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

DAL:dal

AGENDA ITEMS

38. **3 P.M. – PH ON REZONING APPLICATION RZ 2015-SU-002 (JLB REALTY, LLC) (SULLY DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-S-071-04 (JLB REALTY, LLC) (SULLY DISTRICT) (3:05 p.m.)

- (O) The application property is located north of Lee Highway, on the south side of Trinity Parkway, Tax Map 54-4 ((15)) 12A.

Also under consideration were the applicant's Water Quality Impact Assessment Request #7265-WQ-001-1 and a Resource Protection Area (RPA) Encroachment Exception Request #7265-WRPA-002-1 under Section 118-6-9 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to

permit encroachment within a RPA for the purpose of constructing publically accessible amenities.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Looney 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, Mr. Lynskey presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 86-S-071-04. Supervisor Herrity and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2015-SU-002, from the PDC, HC, WS, and SC Districts to the PRM, HC, WS, and SC Districts, approval of the associated Conceptual Development Plan, subject to the proffers dated October 15, 2015, and the proposed CDP condition dated October 20, 2015. Supervisor Smyth seconded the motion.

Following a query by Supervisor Frey, Mr. Looney confirmed, for the record, that the applicant was in agreement with the proposed conditions dated October 20, 2015.

Following a query by Supervisor Frey, Mr. Lynskey confirmed, for the record, that the proposed condition regarding the Centreville Historic District contribution will be concurrent with the site plan.

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

Supervisor Frey moved:

- Modification of Section 2-505 of the Zoning Ordinance to allow the proposed structures, as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP), to be located within corner lot restriction areas.

- Modification of loading requirements (per Section 11-202, Paragraph 3A of the Zoning Ordinance), to allow two indoor loading docks instead of five required loading spaces.
- Modification of parking lot landscaping requirements, in lieu of landscaping shown on the CDP/FDP.
- Modification of bike trail requirements along Trinity Parkway, in favor of the cross section shown on the CDP/FDP.
- To direct the Director of the Department of Public Works and Environmental Services to approve a Public Facilities Manual deviation from the Tree Preservation Target (per Section 12-0508.3A(1)), as described on the CDP/FDP.

Supervisor Hudgins and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

Supervisor Frey moved approval of RPA Encroachment Exception Request #7265-WRPA-002-1 and Water Quality Impact Assessment Request #7265-WQ-001-1, subject to the exception conditions consistent with those contained in the staff report dated September 16, 2015. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

(NOTE: On October 15, 2015, the PC approval Final Development Plan Application FDP 2015-SU-002.)

39. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-025-02 AND CDPA 2006-SU-025 (REGENCY CENTERS ACQUISITION, LLC) (SULLY DISTRICT)**
(3:20 p.m.)

- (O) The application property is located on the northeast quadrant of the intersection of Newbrook Drive, Park Meadow Drive, and Westfields Boulevard, approximately 1,250 feet east of Sully Road, Tax Map 44-1 ((1)) 6pt.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

Supervisor Cook disclosed that he had received campaign contributions in excess of \$100 from the following:

- Francis A. McDermott, Hunton and Williams LLP
- John C. McGranham, Hunton and Williams LLP

- Thomas P. Murphy, Hunton and Williams LLP

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. McDermott 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. Abrahamson presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 2006-SU-025-02, subject to the proffers dated October 5, 2015. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

Supervisor Frey moved approval:

- Conceptual Development Plan Amendment Application CDPA 2006-SU-025.
- A deviation to the Tree Preservation Target, in favor of the alternatives as shown on the proposed plan and as conditioned.

Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

(NOTE: On October 14, 2015, the PC approved Final Development Plan Amendment Application FDPA 2006-SU-025-02, subject to development conditions dated September 30, 2015.)

40.

3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-Y-002-02 (CHANTILLY ASSOCIATES, INCORPORATED) (SULLY DISTRICT) (3:31 p.m.)

The application property is located at 5000 Westone Plaza, Chantilly, 20151, Tax Map 44-3 ((6)) 21D.

Ms. Sara Mariska reaffirmed the validity of the affidavit for the record.

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

Ms. Mariska 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.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 97-Y-002-02, subject to the development conditions dated September 15, 2015. Supervisor Cook and Supervisor Herrity jointly seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

41. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-SU-018 (CHANTILLY AUTO CARE CENTER, LLC) (SULLY DISTRICT) (3:37 p.m.)**

The application property is located at 13704 Lee Jackson Memorial Highway, Chantilly, 20151, Tax Map 34-4 ((5)) A.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

William O'Donnell, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Martin 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, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following a query by Supervisor Frey, Mr. Martin confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 30, 2015.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2015-SU-018, subject to the development conditions dated September 30, 2015.
- Modification of the transitional screening and barrier requirements to the north, west, and east, in favor of the landscaping treatments depicted on the SE Plat and as conditioned.

- Modification of the peripheral parking lot landscaping in favor of the landscaping treatment as depicted on the SE Plat and as conditioned.
- Modification of the trail requirements along Route 50, Lee Jackson Memorial Highway, in favor of the existing eight-foot wide trail and the proposed ten-foot wide trail shown on the SE Plat.

Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

42. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-DR-016 (METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND THE BOARD OF SUPERVISORS) (DRANESVILLE DISTRICT)** (3:44 p.m.)

The application property is located on the southeast side of Sunrise Valley Drive, west side of Dulles Station Boulevard, and north of Sayward Boulevard, Tax Map 15-2 ((1)) 13A pt.

Mr. Noah Kline reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed that he had received a campaign contribution in excess of \$100 from the following:

- Dexter Odin, Odin, Feldman, and Pittleman, PC

Chairman Bulova disclosed that Supervisor Hudgins is a Principal Director, serving on the WMATA Board of Directors.

William O'Donnell, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor Foust, Mr. Kline confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 16, 2015.

Supervisor Foust moved approval of Special Exception Application SE 2015-DR-016, subject to the development conditions dated September 16, 2015.

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

(NOTE: On October 1, 2015, the PC approved Public Facilities Application 2232-D15-6, noting that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia and was substantially in accord with the provisions of the Comprehensive Plan.)

43. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-SU-017 (BBCN BANK) (SULLY DISTRICT)** (3:50 p.m.)

The application property is located at 13890 Braddock Road, Centreville, 20121, Tax Map 54-4 ((1)) 87D pt.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed that she had received a campaign contribution in excess of \$100 from the following:

- Steve S. Lee, BBCN Bank

Chairman Bulova disclosed that she had received a campaign contribution in excess of \$100 from the following:

- Steve S. Lee, BBCN Bank

Sharon Williams, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Ms. Stagg 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.

Supervisor Frey moved approval of Special Exception Application SE 2015-SU-017, subject to the development conditions dated September 16, 2015. Supervisor Cook seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

Following a brief discussion, with input from Barbara Berlin, Director, ZED, DPZ, Supervisor Frey queried Ms. Stagg, who confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 16, 2015.

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-022 (TMG SOLUTIONS PLAZA LAND, LP) (PROVIDENCE DISTRICT)**
(3:56 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2010-PR-022 until **January 12, 2016, at 4:30 p.m.** Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook abstaining, Supervisor Hudgins and Supervisor Hyland being out of the room.

45. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 90-D-003-03 (JOAN LEWIS JEWETT AND JEWETT FAMILY CORPORATION, INCORPORATED) (DRANESVILLE DISTRICT)**
(3:57 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 October 2 and October 9, 2015.

The application property is located at 8700 Lewinsville Road, McLean, 22102, Tax Map 29-1 ((1)) 71 Z, 72 Z, 73 Z, 74 Z.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Foust moved approval of Agricultural Renewal Application AR 90-D-003-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Jewett Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 30, 2015. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

46. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 90-S-004-03 (JLB ASSOCIATES) (SPRINGFIELD DISTRICT)** (4:02 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 October 2 and October 9, 2015.

The application property is located on the north and south sides of Popes Head Road, Tax Map 66-4 ((1)) 19Z.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Agricultural Renewal Application AR 90-S-004-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the JLB Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 24, 2015. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

47. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 2005-DR-001 (GARY A. SIMANSON AND PRIVATE HISTORIC PRESERVATION GROUP, LLC) (DRANESVILLE DISTRICT)** (4:04 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 October 2 and October 9, 2015.

The application property is located at 840 Leigh Mill Road, Great Falls, 22066, Tax Map 13-3 ((1)) 19Z, 20Z, 24Z, 26Z, and 43Z.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Agricultural Renewal Application AR 2005-DR-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Simanson Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 24, 2015. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

48. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH AGRICULTURAL APPLICATION AF 2015-SP-001 (HEATHER SCOTT-MOLLEDA, JOSE MARIA MOLLEDA) (SPRINGFIELD DISTRICT) (4:09 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 October 2 and October 9, 2015.

The application property is located at 6500 Clifton Road, Clifton, 20124, Tax Map 75-1 ((1)) 3.

Michael Lynskey, Planner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Agricultural Renewal Application AR 2015-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Molleda Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 9, 2015. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook and Supervisor Hyland being out of the room.

49. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-LE-004 (FATMA RIAHI, FATMA’S PLAY HOUSE) (LEE DISTRICT) (4:13 p.m.)**

The application property is located at 6812 Ericka Avenue, Alexandria, 22310, Tax Map 91-2 ((13)) 56.

Ms. Fatma Riahi reaffirmed the validity of the affidavit for the record.

Bob Katai, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Supervisor McKay raised a question regarding the play area, with input from Mr. Katai.

Following the public hearing, Supervisor McKay stated that he had items for the record.

Mr. Katai presented the staff and Planning Commission recommendations.

A brief discussion ensued, with input from Mr. Katai, regarding parking issues.

Following a query by Supervisor McKay, Ms. Riahi confirmed, for the record, that she was in agreement with the proposed development conditions dated September 30, 2015.

Supervisor McKay moved approval of Special Exception Application SE 2015-LE-004, subject to the development conditions dated September 30, 2015. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Herrity, Supervisor Hyland, and Supervisor Smyth being out of the room.

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-V-083 (SEJ ASSET MANAGEMENT AND INVESTMENT COMPANY) (MOUNT VERNON DISTRICT)** (4:20 p.m.)

Chairman Bulova announced that Supervisor Hyland was under the weather.

Supervisor McKay, on behalf of Supervisor Hyland, moved to defer the public hearing on Special Exception Amendment Application SEA 83-V-083 until **January 12, 2016, at 3 p.m.** Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Herrity, Supervisor Hyland, and Supervisor Smyth being out of the room.

51. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2013-CW-4CP, CONSERVATION AREAS AND COMMUNITY IMPROVEMENT AREAS** (4:21 p.m.)

Aaron Klibaner, Planner II, Policy and Plan Development Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Klibaner presented the staff and Planning Commission recommendations.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of Plan Amendment 2013-CW-4CP, as recommended by the Planning Commission, as shown in Attachment One of the Board Agenda Item and dated September 17, 2015. Vice-Chairman Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor Smyth being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

52. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2013-I-L1 (A), LINCOLNIA PLANNING DISTRICT, PHASE I (MASON DISTRICT)** (4:25 p.m.)

Meghan Van Dam, Chief, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of Plan Amendment 2013-I-L1(A), recommended by the Planning Commission, as found on pages 5-48 of the staff report dated September 3, 2015. The recommendation reflects editorial revisions to the existing Plan guidance and changes to reflect existing conditions and more recent planning efforts, such as the Great Parks, Great Communities 2010–2020 Park Systems Plan. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

53. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2013-CW-T3, COMPLETED TRANSPORTATION FACILITIES** (4:31 p.m.)

Kristin Calkins, Transportation Planner III, Transportation Planning Division, Department of Transportation, presented the staff report.

A brief discussion ensued, with input from Ms. Calkins, regarding corrections to Attachment One of the Board Agenda Item.

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

Supervisor McKay moved approval of Plan Amendment 2013-CW-T3, as recommended by the Planning Commission, and shown on pages 5 through 20 of the staff report dated September 2, 2015. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

54. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2015-IV-MV2, LOCATED WEST OF THE HUNTINGTON METRORAIL STATION, EAST OF NORTH KINGS HIGHWAY, AND SOUTH OF HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (4:37 p.m.)

Meghan Van Dam, Chief, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, introduced new Planner, Kenneth Sorenson, who presented the staff report. On behalf of the Board, Chairman Bulova warmly welcomed him.

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

Supervisor McKay, on behalf of Supervisor Hyland, moved approval of the Planning Commission alternative for Plan Amendment 2015-IV-MV2, as recommended in Attachment One and shown in Attachment Two of the Board Agenda Item. The amendment would add text about phasing to the existing Plan option for mixed use transit-oriented development. The new language would support the sequencing of redevelopment so that such uses as office could occur at a later date. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

Supervisor McKay, on behalf of Supervisor Hyland, moved to authorize staff to consider a Plan amendment for mixed-use redevelopment up to an intensity of 4.0 floor area ratio (FAR), in Land Unit One of the Huntington Transit Station area, with a focus on an increased proportion of residential units and office use. The authorization would be subject to an analysis of the impacts to the surrounding neighborhoods; transportation networks; parks; public facilities including schools; among other considerations. This motion should not be construed as a favorable recommendation on the proposed Plan amendment or any subsequent rezoning or other applications with respect to the property. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

55. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE), REGARDING CRUELTY TO ANIMALS, INCLUDING DOG TETHERING** (4:48 p.m.)

Supervisor Frey moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 4.1 (Animal Control and Care) until **November 17, 2015, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

56. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-007-02 (PHD ASSOCIATES, LLC) (SULLY DISTRICT)** (4:49 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Air and Space Museum Parkway and Wall Road, Tax Map 24-4 ((1)) 6 B4.

Ms. Sara Mariska reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed that he had received campaign contributions in excess of \$100 from the following:

- Jeff B. Franzen, Lincoln Residential Investors, LLC

Carmen Bishop, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Mariska 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. Bishop presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 2006-SU-007-02, and the associated Conceptual Development Plan, subject to the proffers dated October 2, 2015.
- Modification of the 200 square foot minimum privacy yard requirement for single family attached dwellings in favor of the open space shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA).
- To direct the Director of the Department of Public Works and Environmental Services (DPWES) to permit a deviation from the tree preservation target pursuant to Section 12-0508.3A of the Public Facilities Manual.
- Modification of the trail requirements in favor of the existing and proposed trail network shown on the CDPA/FDPA.
- Reaffirmation of the previously approved modification and waiver, as follows:
 - Modification to permit private streets in excess of 600 linear feet.
 - Waiver of the inter-parcel access requirement to the EDS Campus to the west at Tax Map 24-4 ((1))6B.

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Hyland and Supervisor Smyth being out of the room.

(NOTE: On September 30, 2015, the PC approved Final Development Plan Amendment Application FDPA 2006-SU-007-02, subject to the development conditions dated September 15, 2015.)

57. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE HIGHLAND STREET/BACKLICK ROAD/AMHERST AVENUE PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT (LEE 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 October 2 and October 9, 2015.

Beth Shubert, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Ms. Shubert presented the staff recommendation.

Supervisor McKay moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of the Highland Street/Backlick Road/Amherst Avenue pedestrian intersection improvements. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey and Supervisor Hyland being out of the room.

58. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE BRADDOCK GREEN COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (5:03 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 October 2 and October 9, 2015.

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor McKay stated that Board Members received a copy of a letter from Steve and Mary Wright, and asked that it be made a part of the record.

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Braddock Green CPD, in accordance with current CPD restrictions. The proposed CPD encompasses Braddock Green Court from Braddock Road Frontage to the cul-de-sac end; and Braddock Road Frontage from Braddock Green Court south to the end. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor

Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

59. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-Y-035 (HAFT/EQUITIES – SULLY PLAZA LIMITED PARTNERSHIP) (SULLY DISTRICT)** (5:06 p.m.)

The application property is located at 13960 Lee Jackson Memorial Highway, Chantilly, 20151, Tax Map 34-4 ((1)) 16C pt.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

- White Flint Plaza LLC, which is not a party to this application, and it does not have any ownership interest in the application property, but it is indirectly related to the applicant/title owner, Haft/Equities – Sully Plaza Limited Partnership

Sharon Williams, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

A brief discussion ensued, with input from Kris Abrahamson, Branch Chief, ZED, DPZ, regarding signage.

Ms. Stagg 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.

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 89-Y-035, subject to the development conditions dated September 14, 2015.
- Reaffirmation of the waivers of minimum lot area and minimum lot width requirements.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

60. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-C-066-03 (HUNTER MILL COUNTRY DAY SCHOOL, INCORPORATED) (HUNTER MILL DISTRICT)** (5:15 p.m.)

The application property is located at 2021 Hunter Mill Road, Vienna, 22181, Tax Map 27-4 ((1)) 3.

Ms. Elizabeth A. Potemra reaffirmed the validity of the affidavit for the record.

Megan Duca, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Ms. Potemra 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, Supervisor Hudgins submitted an item for the record.

Ms. Duca presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Ms. Potemra confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 17, 2015.

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 86-C-066-03, subject to the development conditions dated September 17, 2015.
- Modification of the transitional screening and barrier requirements along all property lines pursuant to Section 13-305 of the Zoning Ordinance in favor of the existing vegetation and barriers depicted on the SEA Plat.
- Waiver of the stream valley trail requirement in accordance with Section 17-202 (*sic*) of the Zoning Ordinance.
- Waiver of construction of the on-road bike lane in accordance with Section 17-201 of the Zoning Ordinance.

Supervisor Frey and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Following a brief discussion, with input from Barbara Berlin, Director, ZED, DPZ, Supervisor Hudgins clarified the third bulleted item of the motion as follows:

- Waiver of the stream valley trail requirement in accordance with Section 17-201 of the Zoning Ordinance.

61. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2014-HM-066 (SPORTS AUTHORITY, INCORPORATED) (HUNTER MILL DISTRICT)**
(5:21 p.m.)

The application property is located at 8355 Leesburg Pike, Vienna, 22182, Tax Map 29-3 ((1)) 32.

Mr. Shawn Smith reaffirmed the validity of the affidavit for the record.

Bob Katai, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Smith 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, Mr. Katai presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Mr. Smith confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 16, 2015.

Supervisor Hudgins moved approval of Special Exception Application SE 2014-HM-066, subject to the development conditions dated September 16, 2015. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

62. **5 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 76-C-111 (FAIRFAX COUNTY SCHOOL BOARD) (HUNTER MILL DISTRICT)**
(5:26 p.m.)

The application property is located on the north side of South Lakes Drive, approximately 1,600 feet east of Soapstone Drive, Tax Map 26-2 ((18)) 7 and 8pt.

Megan Duca, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

John McGranaham, agent for the applicant, gave a short presentation.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins submitted items for the record.

Mr. McGranaham gave remarks, responding to issues raised by the speakers regarding stormwater management and grandfathering.

Supervisor Cook raised a question regarding whether a waiver had been granted or if a determination of compliance was attained, with input from Ms. Duca and Mohan Bastakoti, Senior Engineer III, Site Development and Inspections Division, Department of Public Works and Environmental Services (DPWES).

Supervisor Smyth raised a question regarding whether there is stormwater detention on the school site, with input from Mr. McGranaham and Mr. Bastakoti.

Discussion ensued, with input from Craig Carinci, Director, Stormwater Planning Division, DPWES, who gave a history of the project, the progress to date, stormwater management, and easements.

Ms. Duca presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Mr. McGranaham confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 15, 2015.

Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 76-C-111, subject to the development conditions dated October 15, 2015.
- Modification of the transitional screening requirements and a waiver of the barrier requirements along the southern, eastern, and western property boundaries, pursuant to Section 13-305 of the Zoning Ordinance, in favor of that shown on the PRC plans.

Supervisor Frey seconded the motion.

Following a brief discussion regarding the motion, the question was called and it carried by a vote of nine, Supervisor Hyland being out of the room.

63. **5:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2015-MV-003 (FIRST YEARS LEARNING CENTER LLC / CLAUDIA TRAMONTANA) (MOUNT VERNON DISTRICT)** (6 p.m.)

(NOTE: On June 23, 2015, the Board deferred this public hearing until July 28, 2015. On July 28, 2015, the Board deferred this public hearing until September 22, 2015. On September 22, 2015, the Board deferred this public hearing until October 6, 2015. On October 6, 2015, the Board deferred this public hearing until October 20, 2015.)

Supervisor McKay, on behalf of Supervisor Hyland, moved to defer the public hearing on Special Exception Application SE 2015-MV-003 until **January 12, 2016, at 4:30 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

64. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2014-MA-011 (SPECTRUM DEVELOPMENT, LLC) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2014-MA-013 (SPECTRUM DEVELOPMENT, LLC) (MASON DISTRICT) (6:02 p.m.)

- (O) (NOTE: On October 6, 2015, the Board deferred this public hearing until October 20, 2015.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2014-MA-011 and Special Exception Application SE 2014-MA-013 until **January 12, 2016, at 4:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

65. **5:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-016 (EXTRA SPACE STORAGE INCORPORATED) (MASON DISTRICT)** (6:03 p.m.)

(NOTE: On October 6, 2015, the Board deferred this public hearing until October 20, 2015.)

The application property is located at 5821 Seminary Road, Falls Church 22041, Tax Map 61-2 ((21)) 1.

Mr. Jack M. Wilbern Jr., reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed that he had received a campaign contribution in excess of \$100 from the following:

- Jack M. Wilbern Jr., Agent of the title owner

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

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

Supervisor Gross moved approval of Special Exception Amendment Application SEA 97-M-016, subject to the development conditions dated September 1, 2015. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTERS

66. **CONGRATULATIONS TO MASTER POLICE (MPO) OFFICER LEE NORTHROP UPON HIS RETIREMENT** (6:08 p.m.)

Chairman Bulova announced that this is MPO Lee Northrop's last Board meeting. He has been providing safety and security at Board meetings since 2004. His professionalism, experience, and demeanor, was greatly appreciated.

67. **VOTING ON NOVEMBER 3, 2015** (6:10 p.m.)

Chairman Bulova reminded everyone to vote on November 3, 2015.

68. **BOARD ADJOURNMENT** (6:10 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards.....	2-3
Presentation of the History Commission Annual Report.....	34
Presentation of the Ad Hoc Police Practices Review Commission	4-5
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	5-11
Items Presented by the County Executive	
Administrative Items	11-13
Action Items.....	13-16
Board Matters	
Chairman Bulova	16-17
Supervisor Cook.....	n/a
Supervisor Foust	21-22
Supervisor Frey	20
Supervisor Gross	n/a
Supervisor Herrity	n/a
Supervisor Hudgins	18-19, 23-24
Supervisor Hyland	17-18
Supervisor McKay	18-20
Supervisor Smyth.....	22
Actions from Closed Session	27
Public Hearings	27-47