



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS

OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

This does not represent an official transcript of the Board Meeting, and is subject to minor change.

TUESDAY

APRIL 17, 1990

(RECESSED)

Board Package

DL:dl

The recessed meeting was called to order at 2:50 p.m. with all members being present, with the exception of Supervisor Alexander and Supervisor Richards, and with Chairman Moore presiding.

Supervisor Alexander was absent from the entire meeting.

Supervisor Richards arrived at 3:30 p.m.

(NOTE: At the Board of Supervisors' meeting held on April 16, 1990, Supervisor Alexander announced that he would be absent from the entire Board meeting today because of a previous commitment to participate on a panel discussion on commuter rail in New York with the American Public Transit Association. He stated that he would be present at the meeting scheduled for the remainder of the budget proceedings scheduled for Wednesday, April 18, 1990 and Saturday, April 21, 1990.)

Others present were J. Hamilton Lambert, County Executive; David T. Stitt, County Attorney; Theodore Austell, III, Executive Assistant to the County Executive; William Howland, Assistant to the County Executive; Viki L. Lester, Deputy Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

2. 2:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT ITEM S90-II-F1
REGARDING DISPLACEMENT OF MOBILE HOME PARKS DUE TO REDEVELOPMENT
(COUNTYWIDE) (Tape 1)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that said notice of public hearing had been duly advertised in those Newspapers in the issues of March 30 and April 6, 1990.

Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), introduced to Board Members new staff member Lynda L. Stanley, Chief, Plan Development Branch, OCP.

Following the public hearing, which included testimony by six speakers, Supervisor Bulova moved approval Out-of-Turn Plan Amendment Item S90-II-F1 in accordance with the Planning Commission recommendation contained in the Memorandum to the Board dated April 17, 1990 regarding the displacement of mobile home parks due to redevelopment. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

3. 2:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-021 (CAPITAL SUN CORPORATION) (PROVIDENCE DISTRICT) (TAPE 1)

Supervisor Hanley moved to defer the public hearing on Proffered Condition Amendment Application PCA 87-P-021 until June 25, 1990 at 4:30 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

4. 2:30 P.M. - PH ON REZONING APPLICATION RZ 88-S-056 (MARTIN E. TURK, TRUSTEE) (SPRINGFIELD DISTRICT) (TAPE 1)

Supervisor McConnell moved to defer the public hearing on Rezoning Application RZ 88-S-056 until June 25, 1990 at 4:30 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

5. 2:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 88-V-047 (MARTIN B. JARVIS, JR. AND JUDITH A. JARVIS) (MOUNT VERNON DISTRICT) (TAPE 1)

Mr. T. Farrell Egge reaffirmed the validity of the affidavit for the record.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hanley being out of the room, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

Supervisor Hyland moved approval of Special Exception Application SE 88-V-047 subject to the development conditions dated March 19, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hanley being out of the room, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

6. 2:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-021 (CAPITAL SUN CORPORATION) (PROVIDENCE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Proffered Condition Amendment Application PCA 87-P-021 until June 25, 1990 at 4:30 p.m. See Clerk's Summary Item CL#3.)

7. 3:00 P.M. - PH ON REZONING APPLICATION RZ 89-C-031 (OAKTON LAND CORPORATION) (CENTREVILLE DISTRICT) (TAPE 1)

Supervisor Pennino moved to defer the public hearing on Rezoning Application RZ 89-C-031 until July 9, 1990 at 3:30 p.m. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

8. 3:00 P.M. - PH ON REZONING APPLICATION RZ 89-S-054 (R.W. CLEMENT, INCORPORATED, A VIRGINIA CORPORATION) (SPRINGFIELD DISTRICT) (TAPE 1)

Supervisor McConnell moved to defer the public hearing on Rezoning Application RZ 89-S-054 until June 25, 1990 at 5:30 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

9. 3:00 P.M. - PH ON REZONING APPLICATION RZ 89-A-018 (NV HOMES, LIMITED PARTNERSHIP) (ANNANDALE DISTRICT) (TAPE 1)

Supervisor Bulova moved to defer the public hearing on Rezoning Application RZ 89-A-018 until June 25, 1990 at 5:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards not yet having arrived, Supervisor Alexander being absent.

10. 3:00 P.M. - PH ON REZONING APPLICATION RZ 89-C-031 (OAKTON LAND CORPORATION) (CENTREVILLE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 89-C-031 until July 9, 1990 at 3:30 p.m. See Clerk's Summary Item CL#7.)

11. BOARD RECESS (TAPE 1)

At 3:25 p.m., the Board recessed briefly and, at 3:30 p.m., reconvened in the Board Room with all Members being present with the exception of Supervisor Alexander, and with Chairman Moore presiding.

12. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 89-P-066 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 77-P-146-2 (FAIRFAX HOSPITAL SYSTEM) (PROVIDENCE DISTRICT) (TAPE 1)

Supervisor Hanley moved to defer the public hearing on Special Exception Application SE 89-P-066 and Proffered Condition Amendment Application PCA 77-P-146-2 until July 9, 1990 at 4:00 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

13. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-S-078 (LARRY E. AND MARY G. EDWARDS) (SPRINGFIELD DISTRICT) (TAPE 1)

Supervisor McConnell moved to defer the public hearing on Proffered Condition Amendment Application PCA 80-S-078 until May 21, 1990 at 4:30 p.m. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

14. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 89-P-066 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 77-P-146-2 (FAIRFAX HOSPITAL SYSTEM) (PROVIDENCE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Application SE 89-P-066 and Proffered Condition Amendment Application PCA 77-P-146-2 until July 9, 1990 at 4:00 p.m. See Clerk's Summary Item CL#12.)

15. BIRTHDAY WISHES EXPRESSED TO SUPERVISOR LILLA RICHARDS, DRANESVILLE DISTRICT (TAPE 1)

Board Members warmly wished Supervisor Richards a very happy birthday.

16. BOARD RECESS (TAPE 1)

At 3:35 p.m., the Board recessed briefly and, at 4:30 p.m., reconvened in the Board Room with all Members being present with the exception of Supervisor Alexander, Supervisor Davis, and Supervisor Hanley, and with Chairman Moore presiding.

17. 4:00 P.M. - PH ON REZONING APPLICATION RZ 89-A-044 (EAGLE DEVELOPMENT LIMITED PARTNERSHIP) (ANNANDALE DISTRICT) (TAPE 1)

Supervisor Bulova announced, for the record, that on January 24, 1990, Rezoning Application RZ 89-A-044 for R-3 Cluster, 15 lots and buffer areas, the public hearing was held before the Planning Commission which unanimously voted denial of this request. She stated that since that hearing, the applicant has submitted a revised Generalized Development

Plan (GPP) showing a 15 lot conventional design. Because of the differences in the two GDPs, Supervisor Bulova moved that the Board remand Rezoning Application RZ 89-A-044 to the Planning Commission for rehearing on July 19, 1990. This motion was jointly seconded by Supervisor Hyland and Supervisor Pennino and carried by a vote of six, Supervisor Davis and Supervisor Hanley being out of the room, Supervisor Alexander being absent.

18. 4:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT NOMINATION 90-CW-T1, DELETION OF A DESIGNATION ON THE COMPREHENSIVE PLAN FOR A NEW ROADWAY IN THE CENTREVILLE AREA KNOWN AS "ABANDONED ROAD" (SPRINGFIELD DISTRICT) (TAPES 1-2)

Following the public hearing, which included testimony by 19 speakers, Supervisor McConnell moved approval of Out-of-Turn Plan Amendment Nomination S90-CW-T1 subject to the staff recommendation contained in the Memorandum to the Board dated March 12, 1990 to delete a new roadway designated in the Comprehensive Plan. This motion was seconded by Supervisor Davis and carried by a vote of four, Supervisor Alexander being absent, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room and Chairman Moore abstaining.

(NOTE: Later in the meeting, Supervisor Pennino asked unanimous consent to be recorded as voting "AYE," and without objection, it was so ordered. See Clerk's Summary Item CL#21.)

19. 4:00 P.M. - PH ON REZONING APPLICATION RZ 89-A-044 (EAGLE DEVELOPMENT LIMITED PARTNERSHIP) (ANNANDALE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to remand Rezoning Application RZ 89-A-044 to the Planning Commission for rehearing on July 19, 1990. See Clerk's Summary Item CL#17.)

20. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATIONS SE 89-D-076 AND SE 90-D-004 (SMC-MCLEAN LIMITED PARTNERSHIP) (DRANESVILLE DISTRICT) (TAPE 2)

Supervisor Richards moved to defer Special Exception Application SE 90-D-004 until June 4, 1990 at 4:00 p.m. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor McConnell and Supervisor Pennino being out of the room, Supervisor Alexander being absent.

Mr. Robert Lawrence reaffirmed the validity of the affidavit for the record.

Following the public hearing, Supervisor Richards moved to waive the reading of staff recommendations. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved approval of Special Exception Application SE 89-D-076 subject to the development conditions dated April 11, 1990, modified as follows:

- Condition Number One: Add the following sentence; "the term applicant is used here and includes the applicant's successor and title of interest";
- Condition Number Three: The second reference to Gordon and Associates should be changed to BC Consultants;
- Condition Number Five: Qualified Pleasant Grove Methodist Church, Incorporated, as the owner of the property;
- Condition Number Six: Add the following phrase at the end; "and structures permitted by right may be installed therein";
- Condition Number Nine: Add the following words in the second to the last line so that it reads; "the related maintenance and access easements";
- Condition Number 16: Deleting after the \$19,000 it shows in parenthesis the words "applicant shall post with the County within 14 working days of receipt of a request by the Director of the Department of Environmental Management an additional replacement Letter of Credit payable to the County." Add at the end of that paragraph, "the applicant shall have the option to post a cash bond in lieu of a Letter of Credit, in which case the cash bond shall be replenished as provided above";
- Condition Number 25: Substitute the language (as an attachment), "the applicant shall dedicate right-of-way thirty feet from centerline along Lewinsville Road frontage of the site. In addition, the applicant shall grant all necessary ancilliary easements as determined by the Virginia Department of Transportation and the Department of Environmental Management to allow for

reconstruction of a one half section of an improved two lane roadway from Lewinsville Road under current highway safety standards. The dedication and conveyance referenced here will be made upon the request of the Board of Supervisors"; and

- Condition Number 30: This references that both trails that they are willing to build, one along Lewinsville Road and one along Route 7, but it would delete the phrase "a trail connection shall be provided on the western side of the street, connecting the trail to be built, et cetera. It would read; "west of the interchange to the most western property line and along the Lewinsville Road frontage of the subject property."

This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors waive the open space requirement pursuant to Section 9-612 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors waive the setback requirements for interest, amenities, and structures pursuant to Section 3-105 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors direct the Director of the Department of Environmental Management to waive the standard pavement section on pipestem drives, pursuant to Section 7-903.2 of the Public Facilities Manual. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors direct the Director of the Department of Environmental Management to waive the stormwater detention requirements of 42 acres pursuant to Section 6-01.3 of the Public Facilities Manual. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors waive the service drive along Route 7. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors waive the 200' setback requirement from the Dulles Airport Road pursuant to Section 2-414.1 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Board of Supervisors waive the public access trail paralleling the Dulles Airport Access Toll Road through proposed lots 44, 61, 59, and 58. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards expressed her appreciation to the Representatives of Stanley-Martin Communities for their outstanding cooperation on this matter.

In response to a query by Supervisor Richards regarding pending legal action, Mr. Lawrence responded, for the record, that he would submit to the County Attorney's office sometime this week a motion for dismissal of the case subject to it being entered after appeal time for this case (30 days following this action).

ADDITIONAL BOARD MATTER

21. REQUEST TO RECORD VOTE ON OUT-OF-TURN PLAN AMENDMENT NOMINATION 90-CW-T1, DELETION OF A DESIGNATION ON THE COMPREHENSIVE PLAN FOR A NEW ROADWAY IN THE CENTREVILLE AREA KNOW AS "ABANDONED ROAD" (SPRINGFIELD DISTRICT) (TAPE 3)

(NOTE: Earlier in the meeting, the public hearing was held and action taken to approve Out-of-Turn Plan Amendment Nomination S90-CW-T1 subject to the staff recommendation contained in the Memorandum to the Board dated March 12, 1990 to delete a new roadway designated in the Comprehensive Plan. See Clerk's Summary Item CL#18.)

Because she was not present in the Board Room when action was taken, Supervisor Pennino asked unanimous consent to be recorded as voting "AYE" on the action taken to approve Out-of-Turn Plan Amendment Nomination S90-CW-T1. Without objection, this was so ordered.

22. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-D-098 (NATIONAL WILDLIFE FEDERATION/FAIRFAX COUNTY BOARD OF SUPERVISORS) (DRANESVILLE DISTRICT) (TAPE 3)

Following the public hearing, Kul Sandhu, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Richards moved approval of Special Exception Amendment Application SEA 78-D-098 subject to the development conditions contained in the staff report. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Davis and Supervisor McConnell being out of the room, Supervisor Alexander being absent.

23. BOARD RECESS (TAPE 3)

At 6:40 p.m., the Board recessed briefly.

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At 7:50 p.m., the Board reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, and with Chairman Moore presiding.

24. 7:30 P.M. - CONTINUATION OF PUBLIC HEARINGS ON:
THE PROPOSED ADOPTION OF THE COUNTY EXECUTIVE'S
FISCAL YEAR (FY) 1991 ADVERTISED BUDGET PLAN AND
THE COUNTY SCHOOLS' FY 1990 THIRD QUARTER REVIEW;
PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE),
ARTICLE 6 (UTILITY TAX), SECTIONS 4-6-1 AND
4-6-2 TO RAISE THE LIMIT AND THE RATE FOR
THE COMMERCIAL UTILITY TAX; AND PROPOSED
AMENDMENT TO CHAPTER 67 (SANITARY SEWERS
AND SEWAGE DISPOSAL), SECTIONS 67-4-2
TO ENACT THESE RATES (TAPES 4-8)

(NOTE: The public hearings on the above-stated issues commenced on Monday, April 16, 1990, and were continued until April 17, 18, and 21, 1990. Board decisions on these issues have been scheduled for Monday, April 30, 1990.)

Certificates of Publication were filed from the Editors of the Journal, Northern Virginia Sun, and the Washington Post showing that said notice of the public hearings had been duly advertised in those Newspapers in the issues of:

- Proposed Consumer Utility Tax Increase: Journal and Post, March 23 and March 30, 1990;
- Proposed Sewer Charge Increase: Journal and Post, March 23 and March 30, 1990;
- Proposed Tax Increase: Journal and Post, March 30, 1990;

- Proposed Budget: Journal and Post, March 30, 1990;
- Brief Form: Journal and Sun, March 30 and April 6, 1990; and
- Third Quarter Review: Journal and Post, April 6, 1990.

The public hearing was held and 66 speakers presented testimony.

25. BOARD RECESS (TAPE 8)

At 12:25 a.m., the Board recessed until Wednesday, April 18, 1990, at 7:00 p.m. for the following:

- Presentation by the School Board on the School Board's Fiscal Year (FY) 1991 Advertised Budget; and
- Continuation of public hearings on:
 - A) The proposed adoption of the County Executive's FY 1991 Advertised Budget Plan and the County Schools' FY 1990 Third Quarter Review;
 - B) Proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 6 (Utility Tax), Sections 4-6-1 and 4-6-2 to raise the limit and the rate for the commercial utility tax; and
 - C) Proposed amendment to Chapter 67 (Sanitary Sewers and Sewage Disposal), Sections 67-4-2 to enact these rates.