



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 15, 2019**

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EA:ea

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 15, 2019, at 9:34 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTER

1. **MOMENT OF SILENCE** (9:35 a.m.)

The Board asked everyone to keep in thoughts the family and friends of:

- Mr. Randy Sales, husband of Frances Sales, who died recently
- Mr. Ray Birch, husband of Dorothy Birch, who died recently
- Mrs. Dorothy Cousineau, who died recently
- Mrs. Justine Rood, mother of Penny Rood, who died recently

AGENDA ITEMS

2. **WELCOME HOME AND THANK YOU** (9:42 a.m.)

On behalf of the Board, Chairman Bulova recognized the Virginia Task Force 1 International Search and Rescue Team for its service in the Bahamas during the aftermath of Hurricane Dorian.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the:

- Certificate of Recognition presented to Virginia Task Force 1 International Search and Rescue Team and K-9s for selfless service, exemplary efforts, and immeasurable compassion during deployment and service to assist during search and recovery in response to Hurricane Dorian

Supervisor McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **INTRODUCTION AND WELCOME** (9:54 a.m.)

On behalf of the Board, Supervisor K. Smith introduced and welcomed the students and staff from Chantilly, France, who partnered with Chantilly High School in the County.

Supervisor K. Smith moved approval of:

- A resolution welcoming the students from Lycée Jean Rostand in Chantilly, France, to Fairfax County, Virginia, and wished them well in their research as the County looks forward to continuing this exchange of ideas and friendship

Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING OCTOBER 2019 AS "HEAD START MONTH" IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor Hudgins moved approval of the Proclamation designating October 2019 as "*Head Start Month*" in Fairfax County, to promote greater understanding throughout the community, and urged all residents to recognize the accomplishments and increase their awareness of Head Start. Supervisor McKay seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING OCTOBER 2019 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor Cook moved approval of the Proclamation designating October 2019 as "*Domestic Violence Awareness Month*" in Fairfax County, and urged all residents to become involved in efforts to prevent and respond to domestic violence and recognize the impact of domestic violence in our community. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING OCTOBER 2019 AS "CYBER SECURITY MONTH" IN FAIRFAX COUNTY** (10:37 a.m.)

Supervisor Foust moved approval of the Proclamation designating October 2019 as "*Cyber Security Month*" in Fairfax County, and urged all residents and Fairfax County agencies to take the proper precautions to protect personal data and Fairfax County infrastructure. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING OCTOBER 2019 AS "FINANCIAL PLANNING MONTH" IN FAIRFAX COUNTY** (10:46 a.m.)

Supervisor Foust moved approval of the Proclamation designating October 2019 as "*Financial Planning Month*" in Fairfax County, and urged all residents to recognize the benefit of financial planning and seek the assistance of a qualified financial planner to assist them in achieving their goals, including budget, investment, retirement, taxes and home ownership. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

8. **PROCLAMATION DESIGNATING OCTOBER 26, 2019, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:52 a.m.)

Supervisor L. Smyth moved approval of the Proclamation designating October 26, 2019, as "*VolunteerFest Day*" in Fairfax County, and thanked all residents who observe this day by engaging in service that benefits our community. Supervisor K. Smith and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

EBE:ebe

9. **ADMINISTRATIVE ITEMS** (11:04 a.m.)

Supervisor Gross moved approval of Administrative Items 1-4. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND HUNTER MILL DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Wiehle Avenue Phase II	Hunter Mill	Wiehle Avenue
Wiehle Avenue Phase III	Dranesville	Wiehle Avenue

ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO CHAPTER 112 (ZONING ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: ARTICLE 11 - REGIONAL MALL PARKING RATES

(A)(R) Adopted a resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on **November 13, 2019, at 7:30 p.m.**, and before the Board on **December 3, 2019, at 4:00 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding regional mall parking rates.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF ROCK HILL ROAD / ROUTE 605 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2019, at 4:00 p.m.**, to consider the vacation and abandonment of the subject right-of-way.

ADMIN 4 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT SUPPLEMENTAL GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ASSOCIATED WITH THE HEAD START AND EARLY HEAD START GRANTS

- Authorized the Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$191,385. The 20 percent non-federal match requirement of \$47,847 will be met through in-kind contributions from Higher Horizons Day Care Center, Inc. and Fairfax County Public Schools (FCPS) for a total application amount of \$239,232. Supplemental funding is specifically being provided to address new health and safety requirements and support program quality improvement. No new grant positions are being requested with this funding
- Authorized the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

10. **A-1 – APPROVAL OF AND AUTHORIZATION TO AMEND A PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR TRANSPORTATION IMPROVEMENTS ON LEE HIGHWAY (ROUTE 29) FROM UNION MILL ROAD TO BUCKLEYS GATE DRIVE (SPRINGFIELD AND SULLY DISTRICTS)** (11:05 a.m.)

- (R) On motion by Supervisor Herrity, seconded by Supervisor K. Smith, and carried by unanimous vote, the Board concurred with the recommendation of staff and:
- Approved an additional \$18,901,164 in funding for the project
 - Adopted a resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of FCDOT to execute an amendment to the PAA with VDOT, substantially in the form of Attachment 2 of the Board Agenda Item, to continue implementation of the project

11. **A-2 – ENDORSEMENT OF DESIGN PLANS FOR ROUTE 29 (LEE HIGHWAY) PHASE II WIDENING PROJECT FROM UNION MILL ROAD TO BUCKLEYS GATE DRIVE (SPRINGFIELD AND SULLY DISTRICTS)** (11:06 a.m.)

On motion by Supervisor Herrity, seconded by Supervisor K. Smith, and carried by unanimous vote, the Board concurred with the recommendation of staff and:

- Endorsed the design plans for the Route 29 Phase II Widening project administered by the Virginia Department of Transportation (VDOT) as generally presented at the June 10, 2019, Design Public Hearing
- Authorized the Director of Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT, substantially in the form of Attachment I of the Board Agenda Item

12. **C-1 – PROFFER INTERPRETATION APPEAL A-RZ 86-C-12, RELATED TO THE PLANNING COMMISSION'S DENIAL OF CONCEPTUAL PLAN CP 86-C-121-15, FILED BY NS RESTON LLC (HUNTER MILL DISTRICT)** (11:07 a.m.)

(NOTE: On September 24, 2019, the Board deferred this item to October 15, 2019, at 5:30 p.m.)

The Board next considered an item contained in the Board Agenda regarding the Proffer Interpretation Appeal A-RZ 86-C-12, related to the Planning Commission's denial of Conceptual Plan CP 86-C-121-15, filed by NS Reston LLC.

Supervisor Hudgins moved to defer consideration of this item to **October 15, 2019, at 5:30 p.m.**, to be heard concurrently with the scheduled decision only for Planned Residential Community Application PRC 86-C-121-06. Supervisor McKay seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, this item was considered. See Clerk's Summary Item #53.)

13. **I-1 – FAIRFAX COUNTY TRANSPORTATION STATUS REPORT** (11:08 a.m.)

The Board next considered an item contained in the Board Agenda, regarding the Fairfax County Transportation Status Report.

Tom Biesiadny, Director, Department of Transportation gave a brief presentation on the item.

BOARD MATTERS

14. **2019 BEST WORKPLACES / BEST SITES FOR COMMUTERS AWARDS**
(11:10 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and stated that the Fairfax County Department of Transportation's (FCDOT) Commuter Services team continues to work with the University of South Florida's Center for Urban Transportation Research (CUTR) to identify Fairfax County employers who are potential candidates for the nationally acclaimed "Best Workplaces for Commuters" (BWC) designation. The BWC program aims to motivate Fairfax County employers by offering transportation alternatives to single-occupant vehicle commuting such as ridesharing, transit, biking, walking, teleworking, and other Transportation Demand Management (TDM) strategies to improve mobility and reduce greenhouse gas emissions in the region.

Therefore, Chairman Bulova asked unanimous consent that staff be directed to invite this year's recipients of the Best Workplaces / Best Sites for Commuters award to appear before the Board on December 3, 2019, to formally receive their awards. Without objection, it was so ordered.

15. **PRESENTATION REQUESTS** (11:11 a.m.)

Chairman Bulova asked unanimous consent that the Board approve the presentation requests listed in her Board Matter titled "October 15, 2019, Presentation Requests," and directed staff to invite:

- Representatives from the Park Authority to appear before the Board on December 3, 2019, to be recognized for being awarded the Gold Medal Award
- Representatives from Cox Communications to appear before the Board on November 19, 2019, to present grants to five non-profit organizations serving Fairfax County

Without objection, it was so ordered.

16. **AUDITOR OF THE BOARD'S OCTOBER 2019 QUARTERLY REPORT**
(11:11 a.m.)

Chairman Bulova stated that the Board received the Auditor of the Board's Quarterly Report for October 2019. The Report includes the following study areas, recommendations and managements' concurrences:

- Fairfax County Economic Development Authority Study
- Health Department Billings Study

Therefore, Chairman Bulova moved that the Board adopt the Auditor of the Board's October 2019 Quarterly Report and approve the Audit Committee's Work Plan for the upcoming quarter. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova and Supervisor Storck thanked the staff for their hard work on the report.

17. **FRIENDSHIP RELATIONSHIP BETWEEN FAIRFAX COUNTY AND THE CITY OF FAIRFAX WITH YORK AND LEEDS CASTLE IN THE U.K**
(11:13 a.m.)

Chairman Bulova stated that in May 2019, County Executive Bryan Hill, City of Fairfax Mayor David Meyer, Lt. Governor Justin Fairfax, Visit Fairfax Barry Biggar, Linda Sullivan of ARTSFairfax, GMU Provost David Wu and herself traveled to England as part of a small delegation to explore the feasibility of potential "Friendship" relationships with the City of York, Leeds Castle and Sulgrave Manor. Chairman Bulova stated that the Board received a copy of the Team Fairfax Trip Report and the purpose of her Board Matter is to bring everyone up to date on the U.K. partnership. While nothing has been confirmed, the County may have the opportunity to host a visiting U.K. delegation in next summer.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (11:16 a.m.)

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

19. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 8, 2019, AS "SMART LIFE DAY" IN FAIRFAX COUNTY** (11:16 a.m.)

Supervisor L. Smyth stated that ADAIRE, the Tysons Partnership, the Northern Virginia Chamber of Commerce and COX will be hosting a *Smart Life Tour* event on November 8, 2019, at the ADAIRE Apartments in Tysons. This interactive event will highlight innovative technologies and County residents and businesses will have an opportunity to explore new technological advancements available that have the potential to help enhance community engagement, strengthen economic development opportunities, foster more sustainable communities and improve their overall quality of life.

Therefore, Supervisor L. Smyth asked unanimous consent that the Board declare November 8, 2019, as “*Smart Life Day*” in Fairfax County and approve the proclamation attached to her Board Matter. Without objection, it was so ordered.

20. **NO BOARD MATTERS FOR SUPERVISOR STORCK (MOUNT VERNON DISTRICT)** (11:16 a.m.)

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

21. **APPOINTMENTS TO THE RESTON COMMUNITY CENTER’S BOARD OF GOVERNORS (HUNTER MILL DISTRICT)** (11:18 a.m.)

Supervisor Hudgins stated that the Reston Community Center has completed their annual preference poll election for its Board of Governors and the following individuals were elected to serve three-year terms:

- Beverly Cosham
- Laurie Dodd
- Paul Thomas

Therefore, Supervisor Hudgins moved that the Board appoint Beverly Cosham, Laurie Dodd, and Paul Thomas to serve on the Reston Community Center’s Board of Governors in time for their next Board of Governor’s meeting on November 16, 2019. Chairman Bulova seconded the motion and it carried by unanimous vote.

22. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (11:19 a.m.)

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

23. **CHURCHILL ROAD ELEMENTARY SCHOOL KIDS’ LIT QUIZ TEAM (DRANESVILLE DISTRICT)** (11:19 a.m.)

Supervisor Foust announced that the Churchill Road Elementary School Kids’ Lit Quiz Team won the 2019 Kids’ Lit Quiz World Final. He stated that the Kids’ Lit Quiz is an annual literature quiz for students aged 10 to 13 years. Quizzes are held in many countries including Australia, Canada, Indonesia, New Zealand, Nigeria, Singapore, South Africa, the UK. and the United States. The winning team from each country advances to compete in the World Final. As this year’s national champions, Churchill Road Elementary School represented the United States and competed against students from all over the world in the World Final hosted by the National Library of Singapore. The Churchill Road Elementary School team took first place in a dominating fashion by almost doubling the score of the second-place winner.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the Churchill Road Elementary School Kids' Lit Quiz Team and its supporters to come before the Board on October 29, 2019, to be recognized for their achievements. Without objection, it was so ordered.

24. **50th ANNIVERSARY OF SHARE, INC.** (11:20 a.m.)

Supervisor Foust stated that in 1969, a coalition of local faith groups established the nonprofit, Share, to help meet the emergency needs of the less fortunate in the McLean area. Share's clients are the working poor and include seriously economically distressed families and individuals, seniors living on limited pensions, immigrants, victims of spousal abuse and homeless people.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a resolution to be signed by the Chairman and Dranesville District Supervisor, recognizing Share, Inc. for its 50 years of providing extraordinary community service that will be presented on November 15, 2019, at their anniversary event being held at the McLean Community Center. Without objection, it was so ordered.

25. **800TH BROADCAST OF "COMMUNICATING TODAY"** (11:21 a.m.)

Supervisor Foust congratulated John Monsul, creator, producer and host of "Communicating Today," on his 800th broadcast of the program, which will be produced on December 16, 2019. "Communicating Today" is one of the most-produced programs in the 38-year history of Channel 10, one of the largest and most successful public access cable stations in the country. The program is dedicated to showcasing the different ways people and organizations have of communicating with one another such as through speech, action, humor, science, religion, the arts and politics. The goal of the program is to improve communications around the world.

Therefore, Supervisor Foust asked unanimous consent that the Board invite Mr. Monsul and the crew of "Communicating Today" to appear before the Board on December 3, 2019, to be honored for their achievements and service to the citizens of Fairfax County. Without objection, it was so ordered.

26. **FAIRFAX COUNTY RECYCLES DAY** (11:22 a.m.)

Jointly with Supervisor Gross, Supervisor Herrity stated that "*America Recycles Day*" takes place each year in November and is the only nationally recognized day dedicated to promoting and celebrating recycling in the United States. Nationally, thousands of organizations, including our neighboring jurisdictions, hold events to educate people about recycling resources in their community. Through recycling collection drives, demonstrations, competitions, tours, displays and other awareness-raising events, citizens are encouraged to increase their recycling at home, at school, in the office and in the community. The County's recent message

on glass recycling demonstrates its commitment to recycling through innovation and has captured our resident's attention. By declaring a "Fairfax County Recycles Day," the County could build on that momentum to further highlight the benefits of recycling and improve recycling behaviors of our citizens.

Therefore, Supervisor Herrity moved that November 15, 2019, be designated as "*Fairfax County Recycles Day*," in alignment with the national initiative to better promote our local efforts to recycle and ask staff to publicize. Furthermore, Supervisor Herrity moved that the Board invite the Director of the Solid Waste Division and members of the recycling team to appear before the Board on October 29, 2019, to be recognized for their efforts with glass recycling and for their work with the private sector on making recycling a success in the community. Supervisor Gross seconded the motion.

Supervisor Gross offered a friendly amendment to request that staff bring glass crushed by "Big Blue," located at the I-95 landfill complex in Lorton. This was accepted.

Following discussion regarding glass recycling availability in the private sector, Supervisor McKay offered a friendly amendment to request that staff provide an update on the expansion of purple-colored glass recycling bins at that meeting. This was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

27. **50+ COMMITTEE MEETING** (11:27 a.m.)

Supervisor Herrity stated that at the 50+ Committee meeting this past month, the Board was presented with the 50+ Community Action Plan's Final Summary Report and referenced his written Board Matter which highlights the discussions that occurred during that meeting.

Therefore, Supervisor Herrity moved that the Board accept the Final Summary Report of the 50+ Community Action Plan from the Commission on Aging. Furthermore, Supervisor Herrity moved that the Board accept the timeline and process by which the Committee will continue the work they have begun with 2020 SHAPE the Future of Aging Plan. Finally, Supervisor Herrity moved the Board direct the County Executive to take the actions necessary to change the name of the "50+ Committee" to the "Older Adults Committee". Supervisor Cook seconded the motion and it carried by unanimous vote.

28. **MOTION TO EXPEDITE TPC VAN DORN LC-REZONING APPLICATION RZ 2019-LE-015 AND SPECIAL EXCEPTION APPLICATION SE 2019-LE-020 (LEE DISTRICT)** (11:32 a.m.)

Supervisor McKay stated that TPC Van Dorn LC has filed Rezoning application RZ 2019-LE-015 and Special Exception Application SE 2019-LE-020 for Land Unit A of the Van Dorn TSA, situated immediately to the north and east of the I-95/I-495/South Van Dorn interchange. The application is filed on approximately 5.6 acres and the property is identified as Fairfax County Tax Map Parcels: 81-2 ((2)) 2 and 81-2 ((3)) 5, 5A, 5B, 6 and 7. Portions of Land Unit A of the Van Dorn TSA are currently zoned C-8 and R-3. The applicant seeks to rezone this consolidation of parcels in Land Unit A of the Van Dorn TSA to the C-8 district and establish a Vehicle Sales, Rental and Ancillary Service Establishment. In order to potentially relocate a business from a jurisdiction outside Fairfax County on this vacant assemblage of land, the Applicant has asked for consideration for concurrent processing of the site plan and to expedite the scheduling of the public hearings.

Therefore, Supervisor McKay moved that the Board direct the Director of the Department of Planning and Development and the Director of Land Development Services to expedite the scheduling of the public hearings and to concurrently and simultaneously process any site plans, architectural drawings or other drawings and permits as may be necessary in conjunction with the pending applications. This motion should not be construed as a favorable recommendation by the Board of Supervisors and does not relieve the Applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

29. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)**
(11:34 a.m.)

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

30. **INTENT TO DEFER THE DECISION ONLY ON GEORGELAS, LLC-REZONING APPLICATIONS RZ 2018-PR-021 AND RZ 2018-PR-022 (PROVIDENCE DISTRICT)** (11:34 a.m.)

Supervisor L. Smyth announced her intent, later in the meeting, at the appropriate time, to defer the decision only on Rezoning Applications RZ 2018-PR-021 and RZ 2018-PR-022 to December 11, 2019.

(NOTE: Later in the meeting, the decision only was formally deferred. See Clerk's Summary Item #52.)

31. **INTENT TO DEFER THE PUBLIC HEARING ON TOLL MID-ATLANTIC LP COMPANY, INC.- REZONING APPLICATION RZ 2019-PR-001 (PROVIDENCE DISTRICT)** (11:35 a.m.)

Supervisor L. Smyth announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Rezoning Application RZ 2019-PR-001 to **January 28, 2020, at 3:30 p.m.**

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #49.)

32. **INTENT TO DEFER THE PUBLIC HEARING ON NS RESTON LLC-PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-06 AND CONCEPTUAL PLAN APPLICATION CP 86-C-121-15 (HUNTER MILL DISTRICT)** (11:36 a.m.)

Supervisor Hudgins announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Planned Residential Community Application PRC 86-C-121-06 and Conceptual Plan Application CP 86-C-121-15 to October 29, 2019.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #53.)

AGENDA ITEMS

33. **RECESS/CLOSED SESSION** (11:36 a.m.)

Supervisor Gross 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. *Macy's Retail Holdings, Inc. v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2019-0012598 (Fx. Co. Cir. Ct.) (Springfield District)
 2. *Macy's Retail Holdings, Inc. v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2019-0012599 (Fx. Co. Cir. Ct.) (Springfield District)

3. *Richard D. Jurgens and Kristen B. Jurgens v. Board of Supervisors, Fairfax County, Fairfax County Department of Tax Administration, Jay Doshi, Director, and Fairfax County Department of Finance, Christopher Pietsch, Director*, Case No. CL-2019-0010551 (Fx. Co. Cir. Ct.) (Hunter Mill District)
4. *Jennie Klenner v. Fairfax County Government*, Case No. CL-2019-0005281 (Fx. Co. Cir. Ct.)
5. *Andrew Cooper, Rebecca Cooper, Blake Ratcliff, Sara Ratcliff, Cecilia Gonzalez, Cindy Reese, Donald Walker, Debra Walker, Carmen Giselle Huamani Ober, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Kevin Holley, Laura Quirk Niswander, Lori Marsengill, Gary Marsengill, Margaret Wiegenstein, Melinda Norton, Nagla Abdelhalim, Nhung Nina Luong, Quan Nguyen, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Sarah Teagle, Sofia Zapata, Svetla Borisova, Nickolas Ploutis, Melinda Galey, Travis Galey, and Victoria Spellman v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0012818 (Fx. Co. Cir. Ct.)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Dulles Professional Center Condominium Unit Owners Association, Spectrum Innovative Properties, LLC, McWhorter, LLC, and Mulpuri Properties, LLC v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, Stanley Martin Companies, LLC, and JLB Dulles Tech, LLC*, Case No. CL-2018-0011870 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Warren K. Montouri, Trustee*, Case No. CL-2019-0007481 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Dunn and Phyllis Dunn*, Case No. CL-2018-0013755 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jacob N. Griffith and Kwanchanok Phasuk Griffith*, Case No. CL-2019-0012882 (Fx. Co. Cir. Ct.) (Lee District)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Borislav Bulatovic*, Case No. GV19-018336 (Fx. Co. Gen. Dist. Ct.) (Lee District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Shahid Ahmad*, Case No. CL-2019-0012458 (Fx. Co. Cir. Ct.) (Mason District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan C. Rosell*, Case No. CL-2019-0012481 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Saul Garcia-Ramirez*, Case No. CL-2019-0010619 (Fx. Co. Cir. Ct.) (Mason District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert John Rindo*, Case No. CL-2018-0014894 (Fx. Co. Cir. Ct.) (Mason District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Khanh Nguyen*, Case No. GV19-020710 (Fx. Co. Gen. Dist. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. A.H. Ghafoor Company, LLC*, Case No. CL-2019-0012459 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cameron Enterprise Associates LLC*, Case No. CL-2019-0012576 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
20. *In re: May 1, 2019, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Nagla A. Abdelhalim v. Board of Supervisors of the County of Fairfax, Virginia*, Case No. CL-2019-0007529 (Fx. Co. Cir. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. CRA MAC Holdings, LLC*, Case No. CL-2018-0000145 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for*

Fairfax County, Virginia v. Mark Anthony Shiflette, Case Nos. GV19-024386 and GV19-024374 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chantilly Business Park, LLC, and Aquarius Supply, Inc.*, Case No. CL-2019-0002874 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.23711(A)(7) and (8):
 - a. Fairfax County Circuit Court Case Number CL-2018-1319
 - b. U.S. District Court for the Eastern District of Virginia Case No. 1:19-cv1208
 - c. Claim of Josh and Amy Lipicky
- As permitted by Virginia Code Section 2.2-3711(A)(1) annual performance evaluations of specific Board appointed officials.

Supervisor Foust seconded the motion and it carried by unanimous vote.

At 3:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:46 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. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

35. **DENIAL OF SETTLEMENT OF *BOYNE v. FAIRFAX COUNTY*** (3:46 p.m.)

Supervisor McKay moved that the Board of Supervisors reject the settlement demand made by the plaintiff in *Boyne v. Fairfax County*, Civil Action No. 2:19-cv-1208, which is pending in the United States District Court for the Eastern

District of Virginia. Chairman Bulova seconded the motion and it carried by unanimous vote.

36. **AUTHORIZATION OF SETTLEMENT OF JOSH AND AMY LIPICKY**
(3:46 p.m.)

Supervisor Herrity moved that that the Board of Supervisors settle the claim filed by Josh and Amy Lipicky on November 9, 2018, on the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Cook seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

37. **INTRODUCTION OF INTERN** (3:47 p.m.)

Chairman Bulova introduced Alex Bulova, an intern in her office.

On behalf of the Board, Chairman Bulova warmly welcomed him to the Board Auditorium.

EA:ea

AGENDA ITEMS

38. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2019-SU-002 (FAIRFAX COUNTY WATER AUTHORITY) TO PERMIT A HEAVY PUBLIC UTILITY OFFICE AND MAINTENANCE FACILITIES, LOCATED ON APPROXIMATELY 10.79 ACRES OF LAND ZONED I-5, AN, AND WS (SULLY DISTRICT)** (3:47 p.m.)

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 September 27 and October 4, 2019.

The application property is located at 14925 Willard Road, Chantilly, 22151. Tax Map 33-4 ((1)) 15B.

Mr. John McGranahan 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:

- Mr. Francis A. McDermott, Hunton and Williams LLP

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

- Mr. Francis A. McDermott, Hunton and Williams LLP

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

- Mr. Francis A. McDermott, Hunton and Williams LLP

Zachary Fountain, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. McGranahan 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. Fountain presented the staff and Planning Commission recommendations.

Following a query by Supervisor K. Smith, Mr. McGranahan confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 4, 2019.

Supervisor K. Smith moved

- Approval of Special Exception Application SE 2019-SU-002, subject to the development conditions dated September 4, 2019
- Modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance for the transitional screening yard requirements to use existing vegetation and the proposed retaining wall along the western property line, as depicted on the special exception plat
- Modification of Par. 3B of Sect. 13-203 of the Zoning Ordinance for the peripheral parking lot landscaping along the southern property boundary in favor of shrubs depicted on the Special Exception plat

Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

39.

3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2017-PR-010 (TYSONS DEVELOPMENT LLC) TO REZONE FROM C-7, I5, PTC, HC AND SC TO PTC, HC AND SC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 7.69 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 8.35 ACRES OF LAND (PROVIDENCE DISTRICT)

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-PR-014D (TYSONS DEVELOPMENT LLC) TO AMEND THE PROFFERS FOR RZ-2010-PR-014D PREVIOUSLY APPROVED FOR MIXED-USE DEVELOPMENT TO PERMIT DELETION OF LAND AREA FROM RZ 2010-PR-014D, LOCATED ON APPROXIMATELY 1.52 ACRES OF LAND ZONED PTC, SC AND HC (PROVIDENCE DISTRICT)

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2018-PR-013 (TYSONS DEVELOPMENT LLC) TO PERMIT AN INCREASE IN FLOOR AREA RATIO IN THE PTC, LOCATED ON APPROXIMATELY 8.35 ACRES OF LAND ZONED PTC, HC AND SC (PROVIDENCE 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 September 27 and October 4, 2019.

The application property is located on the southeast side of Tyco Road and the northwest quadrant of the intersection of Leesburg Pike with Spring Hill Road. Tax Map 29-3 ((1)) 53, 53A, 57A, 57K and 57M and 293 ((32)) 1.

The application property is located on the north side of Leesburg Pike, east side of Tyco Road, south side of Boyd Pointe Way and west of Spring Hill Rd. Tax Map 29-3 ((32)) 1.

The application property is located at 8536, 8546 and 8590 Leesburg Pike, Vienna, 22182 and 1568, 1570 and 1572 Spring Hill Road, McLean, 22102. Tax Map 29-3 ((32)) 1 and 29-3 ((1)) 53, 53A, 57A, 57K and 57M.

Mr. Antonio Calabrese 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:

- Mr. Dan Clemente, 8500 CDC LP

Supervisor Foust disclosed Juliann J. Clemente and his wife were both members of Menopause Pro, LLC. He noted neither his wife nor Menopause Pro, LLC were partners to this application, and the Limited Liability Company was fully unrelated to this application.

Stephen Gardner, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Calabrese 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, which included testimony by five speakers, Mr. Gardner presented the staff and Planning Commission (PC) recommendations.

Following a query by Supervisor L. Smyth, Mr. Calabrese confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 23, 2019.

Supervisor L. Smyth moved:

- Approval of PCA 2010-PR-014D
- Approval of RZ 2017-PR-010, subject to the execution of proffered conditions consistent with those dated October 7, 2019
- Modification of Section 2-505 of the Zoning Ordinance to permit structures and/or plantings on a corner lot at an intersection as shown on the CDP/FDP and as proffered
- Waiver of Section 6-506 of the Zoning Ordinance to permit a district size of less than ten acres
- Modification of Section 11-203 of the Zoning Ordinance to permit the minimum number of required loading spaces as shown on the CDP/FDP
- Waiver of Section 17-201.3.A to eliminate the service drive adjacent to a primary highway
- Approval of SE 2018-PR-013, subject to the development conditions dated September 23, 2019

Chairman Bulova seconded the motion and it carried by a unanimous vote. Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor L. Smyth further moved that:

- Staff allocate the athletic field contributions (Proffer 61) and the public facility contributions (Proffer 63) for the design and/or construction of a Tysons Community Center / affordable housing on Tax Map 29-3 ((1)) 57B

- Staff place the aforementioned Tysons Community Center / affordable housing on the Capital Improvements Plan (CIP)

Chairman Bulova seconded the motion.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Foust voting “**NAY.**”

(NOTE: On October 10, 2019, the PC approved Final Development Plan Application FDP 2017-PR-010, subject to the development conditions dated October 7, 2019, and subject to the Board’s approval of RZ 2017-PR-010.)

KK:kk

40. **3:30 – PH ON AGRICULTURAL AND FORESTAL APPLICATION AF 2019-DR-001 (MAY PROPERTIES IV LLC) TO PERMIT THE CREATION OF AN AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 68.63 ACRES OF LAND ZONED R-E (DRANESVILLE DISTRICT)** (5:14 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 September 27 and October 4, 2019.

The application property is located at 730, 734 and 820 Utterback Store Road, Great Falls, 22066. Tax Map 7-3 ((1)) 1, 7, 8, 15A and 15C.

Ellen Alster, Planner, Zoning Evaluation Division, Department of Planning and gave a presentation depicting the application and site location.

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

Supervisor Foust moved approval of Agricultural and Forestal Application AF 2019-DR-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the May Properties IV LLC Local Agricultural and Forestal District, subject to proposed ordinance provisions dated September 27, 2019. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “**AYE,**” Supervisor Cook being out of the room.

41. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-HM-020 (APA PROPERTIES NO. 6, L.P.) TO REZONE FROM I-5 TO PRM TO PERMIT MIXED USE DEVELOPMENT WITH A TOTAL INTENSITY OF 2.0 FLOOR AREA RATIO INCLUSIVE OF BONUS DENSITY, LOCATED ON**

APPROXIMATELY 32.41 ACRES OF LAND (HUNTER MILL DISTRICT)

(5:20 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 September 27 and October 4, 2019.

The application property is located on the north of Sunset Hills Road, west side of Wiehle Avenue and north side of Washington and Old Dominion Railroad Trail (Northern Virginia Regional Park Authority). Tax Map 17-4 ((5)) 3C1, 3E1, 3N1, 3W2, 6S2, 6S4, 7E2 and 7N2.

Mr. Andrew Painter 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:

- Mr. Robert J. Murphy, Mid Atlantic Realty Partners, L,LC, Development Manager

Wanda Suder, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Painter 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. Suder presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of RZ 2018-HM-020 and the associated Conceptual Development Plan (CDP), subject to the executed proffers dated September 30, 2019
- Waiver of Par. 2 of Sect. 6-407 of the Zoning Ordinance for the 200 square foot privacy yards on single family attached dwelling units
- Modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance to reduce the distance between a loading space and an intersection to less than 40 feet to that shown on the CDP
- Modification of Sect. 11-203 of the Zoning Ordinance to permit loading spaces as shown on the CDP

- Waiver of Sect. 13-202 of the Zoning Ordinance requiring interior parking lot landscaping on all parking structures and the surface parking lot found on Tax Map 17-4 ((5)) 3C1
- Modification of Sect. 13-303 and Sect. 13-304 pursuant to Sect. 13-305 of the Zoning Ordinance to provide transitional screening and barriers for uses and blocks internal to the property as shown on the CDP

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being out of the room.

42

3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-HM-018 (1900-02 CAMPUS COMMONS, LLC) TO REZONE FROM I-3 TO PRM TO PERMIT MIXED-USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 2.7 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 11.60 ACRES OF LAND (HUNTER MILL DISTRICT)

(AND)

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-023 (1900-02 CAMPUS COMMONS, LLC) TO AMEND THE PROFFERS FOR RZ 79-C-023 TO DELETE LAND AREA, LOCATED ON APPROXIMATELY 11.6 ACRES OF LAND ZONED I-3 (HUNTER MILL DISTRICT) (5:33 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 September 27 and October 4, 2019.

The application property is located on the north side of Sunrise Valley Drive and east side of Wiehle Avenue. Tax Map 17-4 ((1)) 33 and 34.

The application property is located on the north side of Sunrise Valley Drive and east side of Wiehle Avenue. Tax Map 17-4 ((1)) 33 and 34.

Mr. Brian Winterhalter reaffirmed the validity of the affidavit for the record.

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

- Mr. Bruce D. McLeod, Commonwealth Consultants of Virginia, Inc.

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

- Mr. Bruce D. McLeod, Commonwealth Consultants of Virginia, Inc.

Mary Ann Tsai, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Winterhalter 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.

Discussion ensued in reference to the frontage along Sunrise Valley Drive regarding setbacks and streetscapes with input from Mr. Winterhalter.

Further discussion ensued regarding the limited access line that runs the entirety of the Dulles Toll Road with input from Marc Dreyfuss, Transportation Planner, Fairfax County Department of Transportation.

Following the public hearing, which included testimony by seven speakers, Ms. Tsai presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins moved:

- Approval of RZ 2017-HM-018 and the associated Conceptual Development Plan, subject to the executed proffers dated October 9, 2019
- Approval of PCA 79-C-023, subject to approval of RZ 2017-HM-018 and the associated Conceptual Development Plan
- Modification of Par. 1A of Sect. 2-414 of the Zoning Ordinance for the 200-foot minimum distance from the Dulles International Airport Access Highway and the combined Dulles International Airport Access Highway and Dulles Toll Road right-of-way to permit a residential building to be located between 50 and 200 feet of the right-of-way
- Waiver of Par. 2 of Sect. 2-506 of the Zoning Ordinance to permit a parapet wall, cornice, or similar projection to exceed three feet in height and to extend more than three feet above the roof level of any building
- Modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance to permit loading spaces or berths within 40 feet of the nearest point of intersection of the edges of the travelway or the curbs of any two streets to that shown on the CDP/FDP

- Modification of Sect. 11-203 of the Zoning Ordinance for a reduction in the number of required loading spaces to that shown on the CDP/FDP
- Waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to permit a private street to exceed 600 feet in length
- Modification of Sects. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the CDP/FDP

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor L. Smyth being out of the room.

Supervisor Hudgins further moved that the Board adopt the three follow-on motions as follows:

- Direct staff to address the existing and planned bicycle and pedestrian network along Wiehle Avenue between Sunset Hills Road and Sunrise Valley Drive. Staff should identify any unfunded gaps in the network and any areas where additional connectivity opportunities such as sidewalks, trails and pedestrian crosswalks would be desirable. Consideration should be given to continuous and logical routes for bicyclists and pedestrians, appropriate facility widths, user safety, and integration within the broader design of the streetscape. The goal is to create a cohesive and safe, multimodal network for the Wiehle-Reston East Metro Station area
- Direct staff to ensure that the site plan process continues to emphasize excellence in the design of the streetscape for Campus Commons and the Wiehle-Reston Station East Metro Station area. The number of trees shown along the streets in the Development Plan should be retained to the extent feasible. Street lighting along all streets should provide adequate lighting levels to achieve safety and security for pedestrians compatible with the adjacent, existing communities. Use of high “cobra head” streetlights should be avoided, if feasible. Excellence in design and planning for Reston must be the focus
- Request that the Applicant meet with the residents and continue to have a discussion in terms of the approval, transportation and working with the development site

Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

(NOTE: On October 10, 2019, the PC approved Final Development Plan Application FDP 2017-HM-018, subject to the development conditions dated October 9, 2019, and subject to the Board's approval of RZ 2017-HM-018 and the associated Conceptual Development Plan.)

43. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2019-DR-009 (SUNRISE DEVELOPMENT, INC.) TO PERMIT USES IN A CRD (MEDICAL CARE FACILITY/ASSISTED LIVING), LOCATED ON APPROXIMATELY 2.23 ACRES OF LAND ZONED C-3, CRD AND SC (DRANESVILLE DISTRICT) (6:44 p.m.)**

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 September 27 and October 4, 2019.

The application property is located at 1515 Chain Bridge Road, McLean, 22101. Tax Map 30-4 ((1)) 14.

Mr. David Schneider reaffirmed the validity of the affidavit for the record.

Kelly Posusney, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Schneider 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, which included testimony by one speaker, Ms. Posusney presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Mr. Schneider confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 4, 2019.

Supervisor Foust moved:

- Approval of SE 2019-DR-009, subject to the proposed development conditions dated October 4, 2019
- Modification of Par. 10 of Sect. 11-103 of the Zoning Ordinance to permit parking as allowed by Par. 3A of Sect. A7-309 of the Zoning Ordinance to allow for 20 percent of the spaces in the underground parking garage to be design as tandem parking spaces

- Modifications to the streetscape contained in the McLean Open Space Design Guidelines of the Comprehensive Plan in favor of the streetscape as shown on the SE Plat and as specified in the development conditions

Supervisor L. Smyth seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor McKay, and Supervisor K. Smith being out of the room.

44. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-HM-012/CDPA 2011-HM-012 (CARS-DBI, L.L.C.) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2011-HM-012 PREVIOUSLY APPROVED FOR MIXED-USE DEVELOPMENT TO PERMIT SITE MODIFICATIONS AND ASSOCIATED MODIFICATIONS TO PROFFERS WITH AN OVERALL FLOOR AREA RATIO OF UP TO 7.25, LOCATED ON APPROXIMATELY 1.99 ACRES OF LAND ZONED PTC (HUNTER MILL DISTRICT) (6:55 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 September 27 and October 4, 2019.

The application property is located southwest of Leesburg Pike at the terminus of Spring Hill Road. Tax Map 293 ((1)) 2D.

Mr. Bernard Suchicital reaffirmed the validity of the affidavit for the record.

Daniel Creed, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Suchicital 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. Creed presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of PCA/CDPA 2011-HM-012, subject to the executed proffers dated September 4, 2019
- Waiver of Sect. 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDPA

- Modification of Par. 2 of Sect. 2-506 of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet, but not more than 12 feet
- Modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance requiring a minimum distance of forty feet (40') of a loading space in proximity to drive aisles, to that shown on the CDPA
- Modification of Par. 8 of Sect. 13-202 of the Zoning Ordinance for parking lots as shown on the CDPA
- Waiver of Section 16-403 of the Zoning Ordinance to permit a public improvement plan for public streets, interim park spaces and interim parking without the need for an FDP
- Modification of Section 17-201 of the Zoning Ordinance all trails and bike trails in favor of the streetscape and on-road bike lane system to that shown on the CDP and as proffered
- Waiver of Par. 4 of Sect. 17-201 of the Zoning Ordinance to not require any further dedication and construction (or widening) of existing roads beyond that which is indicated on the CDPA and as proffered
- Modification of Sect. 12-0508 of the PFM to allow for tree preservation target deviations as justified on Sheet C-05 of the CDPA
- Modification of Sect. 12-0510 of the PFM to permit trees located in the rights-of-way and easements to count towards the 10-year tree canopy requirement subject to the proffered replacement provisions

Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Cook, Supervisor Foust, and Supervisor K. Smith being out of the room.

45. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2010-LE-025 (COSTCO WHOLESALE CORPORATION) TO AMEND SE 2010-LE-025 PREVIOUSLY APPROVED FOR RETAIL SALES ESTABLISHMENT LARGE TO PERMIT A SERVICE STATION IN A HIGHWAY CORRIDOR OVERLAY DISTRICT AND PROVISIONS FOR MODIFICATIONS/WAIVES/INCREASES AND USES IN A COMMERCIAL REVITALIZATION DISTRICT AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT**

CONDITIONS, LOCATED ON APPROXIMATELY 11.17 ACRES OF LAND ZONED C-8, HC AND CRD (LEE DISTRICT) (7:03 p.m.)

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 September 27 and October 4, 2019.

The application property is located at 7940 Richmond Highway, Alexandria, 22306. Tax Map 101-2 ((6)) A.

Mr. David Houston reaffirmed the validity of the affidavit for the record.

Wanda Suder, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Houston 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, which included testimony by one speaker, Ms. Suder presented the staff and Planning Commission recommendations.

Following a query by Supervisor McKay, Mr. Houston confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 20, 2019.

Supervisor McKay moved:

- Approval of SEA 2010-LE-025, subject to the development conditions dated September 20, 2019
- Modification of the peripheral parking lot landscaping requirements of Sect. 13-203 of the Zoning Ordinance along the eastern, southern and western boundaries to permit the landscaping as shown on the SEA Plat
- Modification of the transitional screening and barrier requirements of Sect. 13-303 and Sect. 13-304 pursuant to Sect. 13-305 of the Zoning Ordinance along the eastern and southern boundaries to permit the landscaping and barrier shown on the SEA Plat
- Modification of streetscape recommendations of the Comprehensive Plan along the Richmond Highway frontage to permit the streetscape shown on the SEA Plat

- Waiver of the service drive requirements of Sect. 17-201 of the Zoning Ordinance along the Richmond Highway frontage
- Parking reduction amendment request #25259-PKS-001-01 pursuant to Par. 26 of Sect. 11-102 of the Zoning Ordinance, based on the unique characteristics of the proposed use, subject to the conditions recommended by staff, dated June 26, 2019, in Appendix 12 of the staff report

Supervisor Storck seconded the motion and it carried by unanimous vote.

46. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2013-HM-012 (BLUE OCEAN DEVELOPMENT, INC.) TO AMEND SE 2013-HM-012 PREVIOUSLY APPROVED FOR WAIVER OF MINIMUM LOT WIDTH TO PERMIT SITE MODIFICATIONS, LOCATED ON APPROXIMATELY 1.52 ACRES OF LAND ZONED R-1 (HUNTER MILL DISTRICT) (7:22 p.m.)**

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 September 27 and October 4, 2019.

The application property is located at 1283 Serenity Woods Lane, Vienna, 22182. Tax Map 19-1 ((1)) 27A.

Ms. Kathryn Taylor reaffirmed the validity of the affidavit for the record.

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

- Mr. Gene L. Frogale, Blue Ocean Development, Inc.
- Mr. Gene L. Frogale, partial owner of Annandale Millwork Allied Systems

Jay Rodenbeck, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Taylor 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, Mr. Rodenbeck presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Ms. Taylor confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 10, 2019.

Supervisor Hudgins moved:

- Approval of SEA 2013-HM-012, subject to the proposed development conditions dated September 10, 2019
- Reaffirmation of a waiver of Sect. 17-201 of the Zoning Ordinance for the requirement to construct a major paved trail along the Leesburg Pike frontage
- Reaffirmation of a waiver of Sect. 9-610 of the Zoning Ordinance for minimum lot size requirements

Chairman Bulova seconded the motion and it carried by unanimous vote.

47. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-7-047-02-02/CDPA 74-7-047-02-02 (INOVA HEALTH CARE SERVICES) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 74-7-047, PREVIOUSLY APPROVED FOR OFFICE DEVELOPMENT TO PERMIT A RESEARCH, ACADEMIC AND CLINICAL CAMPUS AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.70, LOCATED ON APPROXIMATELY 116.78 ACRES OF LAND ZONED PDC (PROVIDENCE DISTRICT) (7:30 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 September 27 and October 4, 2019.

The application property is located on the east side of Gallows Road, south side of Arlington Boulevard and west side of the Capital Beltway. Tax Map 49-4 ((1)) 57.

Mr. Timothy Sampson reaffirmed the validity of the affidavit for the record.

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

- Mr. Paul Saville, Trustee, Inova Health Care Services Board Member

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

- Mr. Robert Tsien, Trustee, Inova Health Care Services Board

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

- Mr. Robert Tsien, Trustee, Inova Health Care Services Board and/or his spouse

Supervisor Gross disclosed that she is a trustee on the Inova Health Systems Foundation Board, and therefore would be recusing herself.

Supervisor Cook stated that he is a trustee on the Inova Health Care Services Board, and therefore would be recusing himself.

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

- Mr. Robert Tsien, Trustee, Inova Health Care Services Board

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

Mr. Sampson 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. Williams presented the staff and Planning Commission (PC) recommendations.

Supervisor L. Smyth moved:

- Approval of PCA 74-7-047-02-02 and the associated Conceptual Development Plan, subject to the executed proffers dated October 4, 2019
- Modification of Par. 5 of Sect. 6-206 of the Zoning Ordinance to allow other secondary uses in Planned Development Commercial District (PDC) to exceed 25 percent of the principal gross floor area proposed
- Modification of County Trails Plan along Gallows Road and a portion of Interstate 495 in favor of the trails shown on the CDPA/FDPA
- Modification of Merrifield Streetscape recommendations along Gallows Road in favor of the streetscape shown on the CDPA/FDPA

- Modification of the transitional screening and waiver of the barrier requirement along the western and southeastern property boundaries pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the CDPA/FDPA

Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Cook, Supervisor Gross, and Supervisor Hudgins being out of the room.

(NOTE: On October 10, 2019, the PC approved Final Development Plan Application FDPA 74-7-047-02-02, subject to the development conditions dated September 17, 2019, and subject to the Board’s approval of PCA 74-7-047-02-02.)

48. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-BR-028 (CLASSIC COTTAGES, LLC) TO PERMIT A CLUSTER RESIDENTIAL DEVELOPMENT AND A WAIVER OF MINIMUM DISTRICT SIZE, LOCATED ON APPROXIMATELY 8.08 ACRES OF LAND ZONED R-1 (BRADDOCK DISTRICT) (7:51 p.m.)**

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 September 27 and October 4, 2019.

The application property is located at 4037, 4107 and 4111 Maple Avenue, Fairfax, 22032. Tax Map 58-3 ((6)) 37, 38 and 38A.

Mr. Scott Adams reaffirmed the validity of the affidavit for the record.

Emma Estes, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Adams 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, which included testimony by two speakers, Ms. Estes presented the staff and Planning Commission recommendations.

Supervisor Cook submitted items for the record.

Following a query by Supervisor Cook, Mr. Adams confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 15, 2019.

Supervisor Cook moved:

- Approval of SE 2018-BR-028, subject to the development conditions dated October 15, 2019
- Waiver of the minimum district size from 10 acres to 8.08 acres, pursuant to Section 9-610 of the Zoning Ordinance

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

49. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2019-PR-001 (TOLL MID-ATLANTIC LP COMPANY, INC.) TO REZONE FROM R-1 AND HC TO PDH-3 AND HC TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 2.93 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 9.55 ACRES OF LAND ZONED (PROVIDENCE DISTRICT) (8:18 p.m.)**

Supervisor L. Smyth moved to defer the public hearing on RZ 2019-PR-001 (Toll Mid-Atlantic LP Company, Inc.) until **January 28, 2020 at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

50. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2013-LE-020 (SOUTH ALEX SUBSIDIARY LLC) TO PERMIT A CARRYOUT RESTAURANT, LOCATED ON APPROXIMATELY 3.93 ACRES OF LAND ZONED PDH-40, CRD AND HC (LEE DISTRICT) (8:19 p.m.)**

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 September 27 and October 4, 2019.

The application property is located at 6226 North Kings Highway, Alexandria, 22303. Tax Map 83-3 ((1)) 7B (pt.).

Ms. Molly Novotny 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:

- Combined Properties Incorporated

Jay Rodenbeck, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Novotny 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, Mr. Rodenbeck presented the staff and Planning Commission recommendations.

Following a query by Supervisor McKay, Ms. Novotny confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 10, 2019.

Supervisor McKay moved:

- Approval of SE 2013-LE-020, subject to the proposed development conditions dated September 10, 2019
- Reaffirmation of a modification of Sect. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements along the northeastern property line
- Reaffirmation of a waiver of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the southeastern property line
- Reaffirmation of a modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirement along the northwestern property line
- Reaffirmation of a waiver of Sect. 13-305 of the Zoning Ordinance for the transitional screening requirement between the multi-family residential and single-family attached residential uses, and between the multi-family residential and retail uses
- Reaffirmation of a waiver of Sect. 13-202 of the Zoning Ordinance for dispersing of the interior parking landscaping for the surface parking lot and landscaping on the top level of the parking structure
- Reaffirmation of a modification of Sect. 17-201 of the Zoning Ordinance to permit six-foot-wide sidewalks as shown on the CDP/FDP
- Reaffirmation of a waiver of Sect. 2-505 of the Zoning Ordinance on use limitation on corner lots for a corner of a building
- Reaffirmation of a waiver of Sect. 17-201 of the Zoning Ordinance for a service drive

Supervisor Storck seconded the motion and it carried by unanimous vote.

51. **5 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 8350 RICHMOND HIGHWAY TO CLEAR WIRELESS LLC (LEE DISTRICT)**
(8:26 p.m.)

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 September 27 and October 4, 2019.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Mr. Lambert presented the staff recommendations.

Supervisor McKay moved that the Board authorize staff to lease County-owned property at 8350 Richmond Highway to Clear Wireless Mobile LLC. Supervisor Storck and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote of.

52. **5 P.M. – PH ON REZONING APPLICATION RZ 2018-PR-021 (GEORGELAS, LLC) TO REZONE FROM C-8, I-4 AND HC TO PTC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 4.05, LOCATED ON APPROXIMATELY 7.08 ACRES OF LAND (PROVIDENCE DISTRICT)**

(AND)

PH ON REZONING APPLICATION RZ 2018-PR-022 (GEORGELAS, LLC) TO REZONE FROM I-5, C-7, SC AND HC TO PTC, SC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 4.73, LOCATED ON APPROXIMATELY 7.32 ACRES OF LAND (PROVIDENCE DISTRICT) (8:29 p.m.)

Supervisor L. Smyth moved to defer the public hearing on RZ 2018-PR-021 and RZ 2018-PR-022 (Georgelas, LLC) until **January 28, 2020 at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

53. **5:30 P.M. – DECISION ONLY ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-06 (NS RESTON LLC) TO APPROVE THE PRC PLAN ASSOCIATED WITH RZ 86-C-121 TO PERMIT RESIDENTIAL DEVELOPMENT, LOCATED ON APPROXIMATELY 36,553 SQUARE FEET OF LAND ZONED PRC (HUNTER MILL DISTRICT)**

AND

DECISION ONLY ON CONCEPTUAL PLAN APPLICATION CP 86-C-121-15 (NS RESTON LLC) TO APPROVE THE CONCEPTUAL PLAN FOR RZ 86-C-121 TO PERMIT RESIDENTIAL DEVELOPMENT, LOCATED ON

APPROXIMATELY 36,553 SQUARE FEET OF LAND ZONED PRC (HUNTER MILL DISTRICT)

AND

C-1 – PROFFER INTERPRETATION APPEAL A-RZ 86-C-12, RELATED TO THE PLANNING COMMISSION’S DENIAL OF CONCEPTUAL PLAN CP 86-C-121-15, FILED BY NS RESTON LLC (HUNTER MILL DISTRICT)

(8:32 p.m.)

(NOTE: Earlier in the meeting the Consideration Item was deferred in order for it to be considered with the decision only cases. See Clerk’s Summary item #12.)

Supervisor Hudgins stated that on September 24, 2019, the Board conducted a public hearing on PRC 86-C-121-06 and CP 86-C-121-15, at the close of which the Board deferred decision to October 15, 2019. That evening, the public hearings were running close to three hours late, which may have limited the input from the public and the applicant.

Accordingly, Supervisor Hudgins moved to:

- Defer further proceedings on PRC 86-C-121-06 and CP 86-C-121-15 until October 29, 2019, when the Board will conduct a second public hearing on the applications at 3:00 p.m.
- Defer decision on Proffer Interpretation Appeal A-RZ 86-C-12 until **October 29, 2019, at 3:00 p.m.**

Chairman Bulova seconded the motion and it carried by unanimous vote.

Barbara Byron, Director, Department of Planning and Development, noted that on October 29, 2019, there would be a dually authorized public hearing to allow further testimony.

54. **5:30 P.M. – PH TO SELL BOARD-OWNED PROPERTY NORTH OF RESTON STATION BOULEVARD TO CRS SUNSET HILLS, LC AND PROPOSED AMENDMENT TO DEED OF LEASE WITH COMSTOCK RESTON STATION HOLDINGS, LC TO REMOVE LAND AREA (HUNTER MILL DISTRICT)** (8:34 p.m.)

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 September 27 and October 4, 2019.

Scott Sizer, P3/Joint-Venture Policy Coordinator, Department of Economic Initiatives, presented the staff report.

Following the public hearing, Mr. Sizer presented the staff recommendations. He noted that this is subject to the Public/Private Education Act, and requires a period of 30 days between the public hearing and any Board action. Staff recommends bringing this back to the Board at the November 19, 2019, Board meeting.

Elizabeth Teare, County Attorney, noted that there should be a motion to defer decision only on this item.

Discussion ensued with input from Mr. Sizer regarding the action to be taken. He stated that this was intended to be an Action Item.

Following the discussion, no action was taken.

55. **BOARD ADJOURNMENT** (8:41 p.m.)

The Board adjourned.