



Fairfax County, Virginia

BOARD OF SUPERVISORS

DRAFT AGENDA

Tuesday
September 15, 2020

Note: This draft agenda is produced two weeks prior to the Board Meeting and is subject to change. A final agenda is available for review in the Office of the Clerk for the Board and at <https://www.fairfaxcounty.gov/boardofsupervisors/board-supervisors-meetings> by the Friday prior to each Tuesday meeting.

12:00 p.m. Matters Presented by Board Members

12:00 p.m. Items Presented by the County Executive

3:30 p.m. – 4:30 p.m. Public Hearings (see listings below for times and Public Hearings)

3:30 p.m. PCA 89-D-007-02 - MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD, PCA Appl. to amend the proffers for RZ 89-D-007 previously approved for public uses to permit a telecommunications facility and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.24. Located on the N. side of Bennett St. and E. side of Dranesville Rd. on approx. 40.68 ac. of land zoned R-3. Comp. Plan Rec: Public Facilities, Governmental and Institutional. Dranesville District. Tax Map 10-2 ((1)) 6A. (Concurrent with SE 2019-DR-012).

3:30 p.m. SE 2019-DR-012 - MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD, SE Appl. under Sects. 3-302 and 3-304 of the Zoning Ordinance to permit a telecommunications facility. Located at 700 Bennett St., Herndon, 20170 on approx. 40.68 ac. of land zoned R-3. Dranesville District. Tax Map 10-2 ((1)) 6A. (Concurrent with PCA 89-D-007-02).

3:30 p.m. SE 2020-PR-006 - MOHAMED ELRAFAEI/D/B/A MINT CAFE, SE Appl. under Sect. 4-204 of the Zoning Ordinance to permit a restaurant. Located at 7787 Leesburg Pike, Falls Church, 22043 on approx. 25,287 sq. ft. of land zoned C-2 and HC. Providence District. Tax Map 39-2 ((1)) 42.

3:30 p.m. RZ 2019-HM-016 - CHRISTOPHER LAND, LLC, RZ Appl. to rezone from R-1 to PDH-2 to permit development of up to 26 single family detached units with an overall density of 1.97 dwelling units per acre (du/ac) and approval of the conceptual development plan. Located at the terminus of Floris Lane approx. 800 ft. S. of West Ox Rd. and 1,300 ft. E. of Centerville Rd. on approx. 13.2 ac. of land. Comp. Plan Rec: Residential 1-2 du/ac. Hunter Mill District. Tax Map 25-1 ((4)) 8B, 9A and 14C.

3:30 p.m. SEA 93-Y-006-02 - PM PLUS, LLC, SEA Appl. under Sects. 4-804 and 7-607 of the Zoning Ordinance to amend SE 93-Y-006 previously approved for a service station, quick service food store and vehicle light service establishment to permit modifications to the development conditions. Located at 13612 and 13616 Lee Hwy. and 13603 and 13607 Johnson Ave., Centerville, 20120 on approx. 1.41 ac. of land zoned C-8, WS and HC. Sully District. Tax Map 54-4 ((6)) 21A, 22A, 29 and 30.

3:30 p.m. RZ 2019-DR-013 - MARGARET F. AHBE, TRUSTEE, RZ Appl. to rezone from R-1 to PDH-2 to permit residential development with an overall density of 1.75 dwelling units per acre (du/ac). Located on the S. side of Jarrett Valley Dr. and W. side of Leesburg Pike on approx. 1.72 ac. of land. Comp. Plan Rec: 1-2 du/ac. Dranesville District. Tax Map 29-1 ((1)) 10.

4:00 p.m. Public hearing regarding the proposed restriction of through truck traffic on Bull Run Post Office Road between Lee Highway (Route 29) and Braddock Road, as part of the County's Residential Traffic Administration Program (RTAP), and in accordance with Section 46.2-809 of the *Code of Virginia*. A possible alternate route has been identified for Bull Run Post Office Road starting at the intersection of Bull Run Post Office Road and Lee Highway (Route 29) to the intersection of Lee Highway and Sudley Road, and from the intersection of Lee Highway and Sudley Road to the intersection of Sudley Road and Gum Spring Road, and from the intersection of Sudley Road and Gum Spring Road to the intersection of Gum Spring Road and Braddock Road, and from the intersection of Gum Spring Road and Braddock Road to the intersection of Braddock Road and Bull Run Post Office Road. Questions regarding this proposed restriction may be directed to the Fairfax County Department of Transportation at 703-877-5600.

4:00 p.m. Public hearing on the proposed vacation of a portion of the public road known as Westbranch Drive pursuant to Virginia Code § 15.2-2006 consisting of the following area: approximately 1,464 square feet in the location as shown on that certain plat entitled "Plat Showing Vacation and of a Portion of Westbranch Drive – Route 5457 Deed Book 4040 Page 333", dated April 23, 2020 and prepared by VIKA Virginia LLC (the "Plat"). The road is located on Tax Map 029-4, and is described and shown on the metes and bounds schedule and plat prepared by VIKA Virginia LLC, dated March 20, 2020 and April 23, 2020 respectively, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

4:00 p.m. Public hearing on the matter of proposing to adopt a new Article 29 of Chapter 4 of The Code of the County of Fairfax, Virginia, as follows. Pursuant to the authority granted by Virginia Code §§ 15.2-1232.2 and 58.1-3219.4, the amendment to Chapter 4 proposes to add Article 29, An Ordinance to Amend the Fairfax County Code Relating to Incentives to Encourage Economic Growth. The amendment to add Article 29 to Chapter 4 (Taxation and Finance) establishes up to seven Economic Incentive Areas within the County, each established for a 10-year period, offering partial real estate tax exemptions and regulatory and financial incentives to private entities to encourage the purchase, assemblage, revitalization, and redevelopment of real property suitable for economic development that is consistent with the vision contained in the Comprehensive Plan adopted by Fairfax County. The proposed program may apply to areas within the Dranesville, Hunter Mill, Lee, Mason, Mount Vernon and Providence Districts. The Board will also consider whether to include any increase or decrease in fair market value on the tax-exempt portion of the qualifying property to the total tax incentive provided to the applicant. The proposed amendment would be adopted on September 15, 2020, but the effective dates for each of the Economic Incentive Areas will be determined individually to begin between January 1, 2021 and January 1, 2026, at 12:01 am and expire exactly 10 years after the effective dates adopted at the public hearing at 11:59 pm.

4:00 p.m. **DECISION ONLY** - PCA-C-052-09/ CDPA-C-052-02 - KIW SKYLINE 1, LLC, KIW SKYLINE 2, LLC AND KIW SKYLINE 3, LLC, PCA and CDPA Appl(s). to amend the proffers and conceptual development plan for RZ-C-052 previously approved for office use, to permit the repurposing of office buildings to accommodate live/work units and associated modifications to proffers and site design at a 2.98 Floor Area Ratio (FAR). Located on the E. side of Seminary Rd., S. of Leesburg Pike and N. of

South George Mason Dr. on approx. 6.45 ac. of land zoned PDC, CRD, SC and HC. Comp. Plan Rec: Mixed Uses. Mason District. Tax Map 62-3 ((1)) 30, 33,35, 35A and 45. **PUBLIC HEARING HELD 7/28/20.**

4:00 p.m. Public hearing to consider proposed amendments to the Code of the County of Fairfax, Chapter 11, Human Rights Ordinance, Article 1, In General, and Article 2, Fairfax County Fair Housing Act. The proposed amendments are required as a result of SB 868 and HB 6, which were passed by the 2020 session of the Virginia General Assembly, signed by the Governor, and became effective July 1, 2020. SB 868 explicitly prohibits discrimination in private employment on the basis of sexual orientation and gender identity. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. HB 6 adds discrimination on the basis of a person's source of funds to the list of unlawful discriminatory housing practices. The bill creates an exemption for an owner or owner's managing agent, provided that such owner does not own more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice. HB 6 allows an owner or owner's managing agent to deny or limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval. The bill defines "source of funds" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

4:30 p.m. Public hearing on the proposed abandonment of a portion of the public frontage road (FR 953) pursuant to Virginia Code § 33.2-909 and § 33.2-913 consisting of the following area: approximately 4,696 square feet in the location as shown on that certain plat entitled "Plat Showing the Abandonment & Conveyance of a Section of Public Right of Way and Dedication of Various Easements Section Seven-A Evermay D.B. 5236 Page 218", dated March 19, 2020 and prepared by De Lashmutt Associates, Ltd. (the "Plat"); and the proposed conveyance of a portion of the public frontage road (FR 953) to the Dunaway Racquet Club, Inc, a Virginian non-stock corporation, consisting of approximately 4,696 square feet, in the location as shown on the above-referenced Plat. The road is located on Tax Map 031-1, and is described and shown on the metes and bounds schedule and plat prepared by De Lashmutt Associates, Ltd., dated March 19, 2020, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

4:30 p.m. Public hearing on the the proposed abandonment of a portion of the public road known as Brecknock Street pursuant to Virginia Code § 33.2-909 consisting of the following areas: approximately 6,105 square feet in the location as shown on that certain plat entitled "Plat Showing Vacation and Abandonment of a Portion of Brecknock Street (D.B. 3893 Page 545)", dated February 21, 2019 and prepared by Charles P. Johnson & Associates, Inc. (the "Plat"); approximately 5,740 square feet in the location as shown on the above-referenced Plat; and the proposed vacation of a portion of Brecknock Street pursuant to Virginia Codes § 15.2-2270; § 15.2-2272(2), consisting of approximately 6,105 square feet, and approximately 5,740 square feet, in the locations as shown on the above-referenced Plat. The road is located on Tax Map 046-1-010, and is described and shown on the metes and bounds schedule and plat prepared by Charles P. Johnson & Associates, Inc., dated September 13, 2019, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

4:30 p.m. Public hearing to consider the potential removal, relocation, contextualization, or covering of any or all of the publicly owned Civil War related monuments or memorials located at the Fairfax County Judicial Complex, owned by the Board of Supervisors and identified on the Fairfax County Real Property Identification Map as Tax Map Numbers 57-4((1)) parcel 14 and 57-3((1)) parcel 17. The Civil War related monuments or memorials include the granite obelisk commemorating the death of John Quincy Marr, installed in 1904 on the lawn of the courthouse near the intersection of Routes 123 and 236, where it currently remains; two howitzer cannons donated to the County by the federal government in 1910; and a Virginia Department of Historic Resources memorial in the form of a marker, which is entitled "First Confederate Officer Killed," located at the Judicial Complex.

4:30 p.m. Public hearing on a proposed ordinance that would prohibit the possession, carrying and transportation of firearms, ammunition, components or combination thereof in the following areas: (i) in any building, or part thereof, owned or used by the County, or by any authority or local governmental entity created or controlled by the County, for governmental purposes; (ii) in any public park owned or operated by the County, or by any authority or local governmental entity created or controlled by the locality, such as the Fairfax County Park Authority; (iii) in any recreation or community center facility operated by the County, or by any authority or local governmental entity created or controlled by the County; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. The ordinance will also apply to parks located in the County that are owned by a park authority created or controlled by the County in conjunction with other localities, such as the Northern Virginia Regional Park Authority, if certain conditions are met. The proposed ordinance is authorized by state law effective on July 1, 2020. State law requires a locality enacting such an ordinance to exempt certain persons and activities from the prohibitions. Accordingly, the proposed ordinance would exempt Reserve Officer Training Corps programs and intercollegiate programs or club sport teams that use firearms. State law allows a locality enacting such an ordinance to exempt other persons and activities from the prohibitions. The current proposal exempts sworn law enforcement; security personnel who are authorized to carry firearms as part of their job duties; educational programs or events conducted or permitted by the County or an authority or local government entity created or controlled by the locality; wildlife management activities, including the County's Deer Management Program; and the Bull Run Public Shooting Center, which is operated by NOVA Parks; the Board of Supervisors may create additional exemptions from the prohibitions.

The public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online below or by calling the Department of Clerk Services at 703-324-3151, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified. In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, 22035 or by email at ClerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at <https://www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony>.

As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and available for review at the Office of the Clerk for the Board of Supervisors and on the County's website at

www.fairfaxcounty.gov. To make arrangements to view the documents, please contact the Office of the Clerk for the Board of Supervisors at 703-324-3151.

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities and supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. All televised government meetings are closed captioned. Reasonable accommodation is available upon 48 hours advance notice by calling 703-324-3151 or TTY 711.