

To: Fairfax County Board of Supervisors

From: Dan Storck, Supervisor
Mount Vernon District

Subject: **BOARD MATTERS for April 5, 2016**

For your consideration, I submit the following Board Matters accompanied by a brief explanation. Your support will be appreciated.

- 1. Aircraft Noise in Mount Vernon**
- 2. Joint Board Matter with Supervisor McKay to Request to Have the Development Process Committee Discuss and Establish Minimum Requirements for Home Child Care**
- 3. Request to Waive the Fees for JR Land, LLC; 8050 Mims Street Due to a Sixty-Four Year Old Mapping Error**
- 4. Re-Institution of SE 2011-MV-006**
- 5. Consent to Filing of Final Development Plan Amendment and Comprehensive Sign Plan**

Aircraft Noise in Mount Vernon

Background

Over ten years ago, my predecessor Supervisor Gerry Hyland along with now State Senator Favola, pushed the Federal Aviation Administration (FAA) and the Washington Metropolitan Airports Authority (MWAA) to adopt a regulation that required aircraft to fly ten nautical miles south of the airport before they turned toward their destination. Last year, without any input from local communities, the FAA adopted a new program called NextGen, a computer program designed to optimize flight routes nationwide. The effect of this has been that flights now turn after the Woodrow Wilson Bridge over Mount Vernon neighborhoods. From personal experience, the noise is deafening and unrelenting. The Chairman and Supervisor Hyland appointed community members to meet with the FAA and MWAA to try and find a solution. To date, the discussions have been about informing community groups about the adverse change and not about solving the problem.

The Villamay Community Association is beginning a door to door signature drive to try and push our Congressional delegation to take action on this matter. We all know that the most efficient solution is not always the best solution, especially since it is one that has such a negative adverse impact on residential communities. The previous rule worked for many years and should be implemented again! I hope that our Board can be partners with our Federal representatives to urge the FAA and MWAA to do the right thing and honor our past agreements.

Proposed Action

Therefore, Madam Chairman, I move that the Board of Supervisors authorize the Chairman, on behalf of the Board, to send a letter to the Washington Metropolitan Airports Authority and our Congressional delegation expressing our concern about the adverse impact on residential communities.

I further move that the Board of Supervisors direct the County Executive and the Office of Legislative Relations to assist with this endeavor.

Attachment

Joint Board Matter with Supervisor McKay to Request to Have the Development Process Committee Discuss and Establish Minimum Requirements for Home Child Care

Background

Over the last three months, Supervisor McKay and I have heard the Board of Supervisors question staff and applicants, who seek permission to operate home daycares in planned development communities, about the character, location and operations of these home businesses. The Board of Supervisors smartly retained, in my opinion, the review of home day care applications because the innovative designs and layouts of newer communities, many of which encourage the preservation of open space, provide a mix of uses, unit types and lot sizes may have an unintended negative impact to home day care uses. Supervisor McKay in particular has raised many valid concerns that relate to the size of the units, the adequacy of location and ownership of outdoor play areas, parking and traffic circulation patterns, zoning and code compliance and fire safety, which I share as a father, former Head Start administrator and former School Board member who understands that having a safe learning environment is essential to academic achievement.

As a small business owner, I also do not want to impede other business owners from opening and operating a business that has the positive externality of allowing our residents to have economic stability and rich, rewarding careers, benefits and great services to our parents and community. Having heard the concerns raised by Fairfax County residents and the Board's discussions about the number of children in smaller sized units, we think it would be prudent for this Board to discuss what the current minimum statutory standards are and whether the Board should adopt additional minimum standards to ensure the safety of our children in Fairfax County.

Proposed Action

Therefore, Madam Chairman, we move that the Board of Supervisors add an agenda item to an upcoming Development Process Committee Meeting a discussion about Home Child Care standards.

Request to Waive the Fees for JR Land, LLC; 8050 Mims Street Due to a Sixty-Four Year Old Mapping Error

Background

JR Land, LLC, is the titled owner of a parcel of property in the Mount Vernon District, which is located at 8050 Mims Street and shown on Fairfax County Tax Map No. 113-2 double circle 1 parcel 18 (part). Rezoning application number 877 was approved on July 16, 1952, to rezone this property from agricultural to industrial use. Although the application was intended to rezone the entire site to the I-6 (Heavy Industrial) District, a small strip of the site was erroneously mapped and designated as zoned to the R-1 District. The Board of Supervisors approved a zoning map with this erroneous residential designation in 1959 and again in 1978. After consultation with the County Attorney's Office and Department of Planning and Zoning staff about this matter, I believe that good cause exists pursuant to Zoning Ordinance Section 18-106 to waive the fees associated with the filing of an application to correct this mapping error.

Proposed Action

Accordingly, I move that the Board approve a waiver of the application fees for the rezoning application that has been submitted by JR Land, LLC, to correct a mapping error at 8050 Mims Street, Tax Map No. 113-2 double circle 1 parcel 18 (part).

This motion should not, of course, be construed as a favorable recommendation for this rezoning application or any other future zoning application for this property.

Re-Institution of SE 2011-MV-006

Background

On April 21, 2011, Hamdi H. Eslaquit, doing business as Hamdi's Child Care, and Selim M. Eslaquit filed an application for a special exception to permit a home child care for up to 10 children at 6606 Winstead Manor Court in the Mount Vernon District. On October 20, 2011, the Planning Commission conducted a public hearing and voted to recommend approval of the application. The Board held a public hearing on this application on February 28, 2012, and voted to indefinitely defer its decision on the application.

The applicant recently contacted my office and inquired about the process that would be employed to move this application to a final decision. In light of the fact that it has been over four years since the Board held its public hearing on this application and even longer since the Planning Commission held its hearing, I consulted with the County Attorney's Office about the procedure to be followed and concluded that we should conduct both hearings again. Of course, many things can change in a community in the course of that amount of time and essentially re-doing the hearings before the Planning Commission and Board of Supervisors appears to be the most prudent course of action so that any and all such changes may be taken into account in reaching a final decision on this application.

Proposed Action

Therefore, Madame Chairman, I move that the Board direct the Planning Commission to conduct a public hearing on SE 2011-MV-006 and report its recommendation to the Board and thereafter that the Clerk set a public hearing before the Board of Supervisors on this application.

This motion should not, of course, be construed as a favorable recommendation for this rezoning application or any other future zoning application for this property.

Consent to Filing of Final Development Plan Amendment and Comprehensive Sign Plan

Background

This is a request for the Board's consent to the filing of a Final Development Plan Amendment (FDPA) and Comprehensive Sign Plan (CSP) on Board owned property within the Laurel Hill Adaptive Reuse project which was approved pursuant to RZ/FDP 2012-MV-008. Specifically, the Board owned properties are Tax Map References 107-1((9))A, E, F, G, H, and J. RZ/FDP 2012-MV-008 was approved by the Board on June 3, 2014 to permit redevelopment of the former Lorton Reformatory and Penitentiary into a vibrant mixed-use community, including the adaptive reuse of the former prison buildings.

The redevelopment is a public private partnership between Fairfax County and its development partners, Elm Street Development and the Alexander Company. The project also involves historic tax credits that required architectural review and approval from the National Park Service and the Virginia Department of Historic Resources. Finally, the project requires review and approval by Fairfax County's Architectural Review Board pursuant to the Memorandum of Agreement, which was entered into when the County acquired the property from the Federal Government.

Subsequent to approval of RZ/FDP 2012-MV-008, the County's development partners obtained approval of a site plan for Phase 1 of the project. The property was then subdivided, and a portion was conveyed to Laurel Hill Development I, Inc., the development entity affiliated with Elm Street Development. Approval was also obtained from the National Park Service, the Virginia Department of Historic Resources, and the Architectural Review Board for the proposed townhouse architecture.

The proposed FDPA is necessary to reconcile the setbacks in the approved Final Development Plan governing the property with the architecture approved by the Fairfax County Architectural Review Board, the National Park Service and the Virginia Department of Historic Resources.

Additionally, a CSP is proposed for the entire Laurel Hill Adaptive Reuse project to provide signage appropriate for a large mixed-use project spanning 78 acres.

Proposed Action

Therefore, Madam Chairman, I move that the Board, as owner in fee simple of Tax Map References 107-1((9))A, E, F, G, H, and J, consent to the filing of a final development plan amendment and comprehensive sign plan by Laurel Hill Development I, Inc., the development entity affiliated with Elm Street Development.

I further move that the Board waive all County fees associated with the final development plan amendment.