



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
March 15, 2004**

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06-04

DS:ds

The meeting was called to order at 9:32 a.m., with all Members being present, and with Chairman Connolly presiding.

Supervisor Frey arrived at 9:40 a.m.

Supervisor DuBois arrived at 10:30 a.m.

Supervisor McConnell was absent from the entire meeting.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **ABSENCE OF SUPERVISOR McCONNELL** (9:32 a.m.)

Chairman Connolly announced that Supervisor McConnell had an appointment and may be arriving later in the day.

(NOTE: Supervisor McConnell was absent from the entire meeting.)

2. **MOMENT OF SILENCE** (9:33 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Winifred "Winnie" Clore, who died last week. She was a Mason District resident, and was active in the Glen Forest Civic Association and the Mason District Council Civic Association.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE HONORABLE MARK SICKLES** (9:33 a.m.)

Chairman Connolly announced that the presentation of this certificate will be rescheduled.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SHARON KELSO** (9:34 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Ms. Sharon Kelso for her work on behalf of the residents of Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Dubois not yet having arrived, Supervisor McConnell being absent.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JOHN SHUGHRUE, JR.** (9:48 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. John Shughrue, Jr. for his years of service to the A. Heath Onthank Award Selection Committee. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois not yet having arrived, Supervisor McConnell being absent.

6. **PROCLAMATION DESIGNATING MARCH 24, 2004, AS "TUBERCULOSIS AWARENESS DAY" IN FAIRFAX COUNTY** (9:52 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March 24, 2004, as "*Tuberculosis Awareness Day*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor DuBois not yet having arrived, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **CERTIFICATE RECOGNIZING THE FIFTIETH ANNIVERSARY OF THE THOMAS JEFFERSON LIBRARY** (10 a.m.)

Supervisor Gross moved approval of the Certificate recognizing the fiftieth anniversary of the Thomas Jefferson Library. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Kauffman being out of the room, Supervisor DuBois not yet having arrived, Supervisor McConnell being absent.

8. **PROCLAMATION DESIGNATING MARCH AS “ALTERNATIVE DISPUTE RESOLUTION MONTH” IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March as “*Alternative Dispute Resolution Month*” in Fairfax County. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor DuBois not yet having arrived, Supervisor McConnell being absent.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. ALICIA HARDER AND *MS. ALEXIS KUIPER** (10:13 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Alicia Harder for being named in the Prudential Spirit of Community Awards program as a 2004 top youth volunteer in Virginia. Supervisor Bulova and Supervisor Gross jointly seconded the motion and it carried by a vote of eight, Supervisor DuBois not yet having arrived, Supervisor McConnell being absent.

*Ms. Alexis Kuiper was not present. The presentation of this certificate will be rescheduled.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ELIZABETH HIGH** (10:17 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Elizabeth High for her commitment to the community. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois not yet having arrived, Supervisor McConnell being absent.

11. **10 A.M. – PRESENTATION BY THE NORTHERN VIRGINIA CONSERVATION TRUST** (10:22 a.m.)

Chairman Connolly recognized the presence of Jean Packard, former Chairman of the Board, and warmly welcomed her to the Board Auditorium.

Following discussion, with input from Tom Smith, Director, Division of National Heritage, Paul Gilbert, President, Northern Virginia Conservation Trust, presented the County with a check for \$729,250 from the Northern Virginia Conservation Trust to offset some of the cost involved with the purchase of two parcels.

12. **10:05 A.M. – PRESENTATION OF THE HOMELESS OVERSIGHT COMMITTEE ANNUAL REPORT** (10:29 a.m.)

Peyton Whiteley, Chairman, Homeless Oversight Committee, and Jewell Mikula, Vice-Chairman, presented the annual report of the committee.

Following discussion, Supervisor Hudgins moved that the Board accept the report, including the recommendation of a letter to Members of Congress with respect to the impact on Section 8 housing. Supervisor Bulova and Supervisor Hyland jointly seconded the motion.

Supervisor Hudgins amended her motion to include in the letter the impact this has on the local community, and this was accepted.

Following additional discussion, the question was called on the motion, amended, and it carried by a vote of nine, Supervisor McConnell being absent.

13. **10:20 A.M. – PRESENTATION OF THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) ANNUAL REPORT** (10:53 a.m.)

(BACs) Chairman Connolly called the Board Members' attention to their red folders and noted that they contained a copy of EDA's 2003 Annual Report.

Harry N. Doyle, Jr., Chairman, EDA, gave the annual report of the EDA.

Discussion ensued with input from Gerald L. Gordon, President and Chief Executive Officer, EDA.

14. **10:35 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:19 a.m.)

Chairman Connolly called Board Members' attention to their red folders and noted that they contained a full report of the General Assembly activities.

Chairman Connolly, Chair, Board's Legislative Committee, presented a report on the General Assembly activities.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a response to the following budget question: What are the implications, if any, to the County's Triple A Bond rating if the State loses its Triple A Bond rating? Without objection, the request was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Legislative Report dated March 15, 2004. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

PW:pw

15. 10:50 A.M. – APPOINTMENTS TO PHASE I DULLES RAIL
TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD
(11:24 a.m.)

(APPTS)
(BACs)

Supervisor Smyth moved the following appointments to the Phase I Dulles Rail Transportation Improvement District Advisory Board for a four year term:

- Mr. Rich Casale, representing Tysons Corner Hotel Company (Sheraton Tysons)
- Mr. Peter Rosen, representing Lerner Enterprises
- Mr. Laurie Millspaugh, representing B.F. Saul Real Estate Investment Trust

Supervisor Smyth further moved the following appointments to the Phase I Dulles Rail Transportation Improvement District Advisory Board for an initial two year term:

- Mr. Mark Foerster, representing Wilmorite Properties, Incorporated, owners of Tysons Corner Center
- Mr. Gerald Halpin, representing the West*Group
- Mr. Mike Cooper, representing Prentiss Properties, landowners at Wiehle Avenue

Supervisor DuBois seconded the motion.

A brief discussion ensued with input from Nancy Vehrs, Clerk to the Board.

Supervisor Hudgins noted for the record that Whittington W. Clement, Chairman, Commonwealth Transportation Board, designated Karen J. Rae, Executive Director, Virginia Department of Rail and Public Transportation, as his designee to the Phase I Dulles Rail Transportation Improvement District Commission.

Following additional discussion, with input from James V. McGettrick, Assistant County Attorney, Supervisor Hyland asked unanimous consent that the Board defer decision until staff could circulate a list of all nominees. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on the pending motion. See Clerk's Summary Item CL#20.)

DMB:dmb

16. **ADMINISTRATIVE ITEMS** (11:30 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Supervisor Smyth called the Board's attention to Admin 4 – Approval of Zoning Ordinance Amendment Work Program for 2004 and asked to amend the motion to move this item to the Priority One Zoning Ordinance Amendment Work Program. This was accepted.

Following discussion, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR PUBLIC FACILITY REVIEW APPLICATION 2232-P04-1 (PROVIDENCE DISTRICT)

Authorized the extension of review period for Public Facility (2232) Review Application 2232-P04-1 to September 13, 2004.

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-P-034, TYSONS PARK PLACE ASSOCIATES LIMITED PARTNERSHIP (PROVIDENCE DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 99-P-034 to March 13, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE DISTRICT)

- (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>
Merrifield – Gatehouse Road	Providence	Gatehouse Road Route 4037 Gallows Road Route 650 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Oakton Crossing	Providence	Oakton Crossing Court Hibbard Street Route 784 Additional ROW Only

ADMIN 4 – APPROVAL OF ZONING ORDINANCE AMENDMENT WORK PROGRAM FOR 2004

(NOTE: Earlier in the meeting, action was taken regarding this item. See page 6.)

Endorsed the Zoning Ordinance Amendment Work Program for 2004 as recommended by the Development Process Committee, as set forth in Attachments One and Two of the Board Agenda Item dated March 15, 2004.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2004 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 29 and 30, 2004, at 7:30 p.m., and March 31, 2004, at 7 p.m.** to consider increasing the FY 2004 appropriation level.

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY TO THE VIRGINIA TOBACCO SETTLEMENT FOUNDATION FOR GRANT FUNDS FOR YOUTH SMOKING PREVENTION

Authorized CRS to apply for Tobacco Use Prevention Programs for Youth grant funds from the Virginia Tobacco Settlement Foundation in the amount of \$85,390. No local cash match is required.

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR VIRGINIA TOBACCO SETTLEMENT FOUNDATION FUNDS FOR A REGIONAL YOUTH TOBACCO PREVENTION INITIATIVE

Approved CSB's grant application to the Virginia Tobacco Settlement Foundation for a grant designed to build capacity and partnerships across the region with youth-serving organizations and faith communities to provide evidence-based tobacco prevention programming.

17. **A-1 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND AUTHORIZATION OF CORRESPONDING RATE ADJUSTMENTS IN THE CENTREVILLE AND TYSONS CORNER FUND AREAS** (11:32 p.m.)

On motion of Supervisor Frey, the second to which was inaudible, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and:

- Adopted the revised Procedural Guidelines for the Annual Review Process including a 2 percent adjustment of the existing contribution rate in the Fairfax Center Area from \$4.39 to \$4.48 per gross square foot on non-residential building structure and from \$974 to \$993 per residential unit, with the new rate to become effective March 24, 2004.
- Authorized a rate increase of 2 percent in other areas of the County for similar purposes (e.g. Centreville and Tysons) to become effective March 15, 2004.

18. **A-2 – SALE OF GENERAL OBLIGATION BONDS AND REFUNDING BONDS, SERIES 2004A** (11:33 a.m.)

(BONDS)

(R)

Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Adopt the Resolution authorizing the issuance of the General Obligation Bonds and General Obligation Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement. This resolution also:
 - Delegates the County Executive or the Chief Financial Officer authority to award the bonds to the best bidder.
 - Approves the form of the notices of sale and the Official Statement.
 - Authorizes the Chairman to sign the Official Statement.
- Approve the form of the Escrow Agreement for the General Obligation Refunding Bonds.

Supervisor Bulova seconded the motion.

Chairman Connolly called the Board's and the press's attention to page 36 of the Board Agenda Item, paragraph two, that says, "The anticipated savings in FY 2004 from the refunding is expected to be a minimum of \$1.4 million, and approximately \$1.3 million per year thereafter through 2017." He cited the cumulative refunding savings to present, not including the additional savings that were projected, and said that the Triple A Bond Rating and refunding of the lower interest rates has saved the County and taxpayers \$255 million since 1989.

The question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

19. **A-3 – AUTHORIZATION TO REVISE THE TERMS AND CONDITIONS OF A LOAN FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM (AHPP) HOUSING TRUST FUND, AND A LOAN FROM THE HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) TO ISLAND WALK LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)**
(11:33 a.m.)

On motion of Supervisor Hudgins, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and authorized modifications to the terms and conditions of a loan from:

- AHPP in the amount of \$500,000.
- HOME in the amount of \$1 million to Island Walk Limited Partnership.

20. **ACTION REGARDING APPOINTMENTS TO PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD**
(11:34 a.m.)

(APPTS)

(BACs)

(NOTE: Earlier in the meeting, the Board discussed this item and deferred action. See Clerk's Summary Item CL#15.)

Chairman Connolly reviewed a list of nominees distributed by staff.

The question was called on the pending motion to appoint representatives to the Phase I Dulles Rail Transportation Improvement District Advisory Board and it carried by a vote of nine, Supervisor McConnell being absent.

21. **I-1 – CONTRACT AWARD – GREENMONT COURT STORM DRAINAGE IMPROVEMENT (HUNTER MILL DISTRICT)** (11:35 a.m.)

The Board next considered an item contained in the Board Agenda dated March 15, 2004, requesting authorization for staff to award a contract to Tessa Construction and Tech Company, LLC in the amount of \$152,000 for the construction of Greenmont Court Storm Drainage Improvement, in Project Z00018-Z1110, in Fund 308, Public Works Construction.

The staff was directed administratively to proceed as proposed.

22. **I-2 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON CHANTILLY MEWS APARTMENTS (SULLY DISTRICT)** (11:36 a.m.)

The Board next considered an item contained in the Board Agenda dated March 15, 2004, requesting authorization for staff to sign a letter of support for the Chantilly Mews Apartments and forward it to VHDA for consideration with the tax credit application.

Discussion ensued with input from Anthony H. Griffin, County Executive, and Kay Robertson, staff, Department of Housing and Community Development.

Following additional discussion, Supervisor Frey asked unanimous consent that the Board direct staff to reschedule this item before the Board on March 29, 2004. Without objection, it was so ordered.

ADDITIONAL BOARD MATTERS

NV:nv

23. **RESIDENTIAL DEVELOPMENT CRITERIA REVIEW** (11:37 a.m.)

Chairman Connolly reminded the Board that on September 9, 2002, it amended the residential development criteria, as recommended by the Planning Commission, by implementing a cash proffer system among other changes. That action stipulated that the methodology of this implementation was to be reviewed for applicability and relevance and adjusted as necessary after 18 months by the Board and annually thereafter. He noted that the 18-month review point is rapidly approaching.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to report with that matter for review as soon as the schedule permits.

Following a brief discussion, without objection, it was so ordered.

24. **STATUS OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS** (11:38 a.m.)

Chairman Connolly stated that the federal budget may severely impact the CDBG Programs. He distributed copies of a draft letter to the County's Congressional delegation and key members of the appropriate Senate committees expressing the Board's concern.

Accordingly, Chairman Connolly moved that the Board approve the letter. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

25. **REQUEST FOR INFORMATION REGARDING FEDERAL COPS GRANTS** (11:39 a.m.)

Chairman Connolly noted his understanding that President Bush's budget recommends the elimination of the federal COPS grants. The Police Department has been a recipient of this funding for several years. Accordingly, he asked unanimous consent that the Board direct staff to report with the impact of the status of this program--the impact on both existing police positions funded under the COPS program as well as the County's ability to expand its policing in the future. Without objection, it was so ordered.

26. **PRORATION OF TAX RELIEF BENEFITS** (11:40 a.m.)

With reference to his written Board Matters, which he had distributed to the Board, Chairman Connolly announced that Supervisor Gross would present later in the meeting a Board Matter on the proration of tax relief benefits for senior citizens.

(NOTE: Later in the meeting, this item was presented. See Clerk's Summary Item CL#36.)

27. **CHILD ABUSE PREVENTION MONTH** (11:40 a.m.)

Chairman Connolly moved that the Board proclaim April 2004 as "*Child Abuse Prevention Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Advisory Social Services Board to receive the proclamation at the March 29, 2004, meeting. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

28. **NO BOARD MATTERS FOR SUPERVISOR DUBOIS (DRANESVILLE DISTRICT)** (11:40 a.m.)

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

29. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (11:41 a.m.)

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

30. **RICHMOND HIGHWAY AT KINGS CROSSING (LEE AND MOUNT VERNON DISTRICTS)** (11:41 a.m.)

Jointly with Supervisor Kauffman, Supervisor Hyland presented a Board Matter regarding the Kings Crossing area at the intersection of North and South Kings Highway with Richmond Highway. The area is within the Richmond Highway Commercial Revitalization District and has been proposed for a mixed-use project that will serve as the focal point and core area for the Penn Daw Community Business Center.

Supervisor Hyland said that this area is a building block for future development in this portion of the corridor. He said that the interchange design that was proposed by the Virginia Department of Transportation (VDOT) as part of the Route One Location Study would have a significant impact to the area, thus compromising the County's desire for revitalization in the corridor. There was strong citizen opposition at the VDOT public hearing to VDOT's proposed design. The Route One Steering Committee, of which he and Supervisor Kauffman are members, determined that the design as shown at the public hearing was too intrusive and, therefore, not feasible.

To help develop a concept for improvements to this area, Supervisor Hyland said that he and Supervisor Kauffman established a working group with representatives of citizen groups, business groups, the Transportation Advisory Commission, and County and VDOT staff. It held meetings to determine the issues and needs for the area, and a total of seven concepts were developed and analyzed. Throughout the process, the group used methods to build consensus, allowing for comments on the various alternatives, until a single concept was recommended. Supervisor Hyland distributed copies of the concept and said that it provides for additional capacity for current and future traffic and improved access to properties along Richmond Highway, including the redevelopment of the adjacent parcels without building a grade-separated interchange. The overall proposal also includes additional connecting roads and inter-parcel access to provide better traffic flow through and around the area.

To allow VDOT to proceed with its location study, Supervisor Hyland, jointly with Supervisor Kauffman, moved that the Board:

- Endorse the working group's recommended design concept (C-2) as the Board's preferred design at Kings Crossing.
- Direct staff to proceed with developing the necessary modifications to the Comprehensive Plan to reflect this design concept.

Supervisor Kauffman seconded the motion and asked to amend the motion to extend commendations to Kenneth Disselkoe of the Office of Human Services Systems Management for his efforts with this project. This was accepted.

Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to provide copies of the other six design concepts and defer action on this item until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#49.)

31. **ALTERNATIVE TO WOODLAWN ROAD AT FORT BELVOIR (LEE AND MOUNT VERNON DISTRICTS)** (11:45 a.m.)

Supervisor Hyland announced that the Department of the Army issued a news release on Saturday regarding an alternative to Woodlawn Road, which was closed to traffic through Fort Belvoir. The Army prefers the Old Mill Road alignment of the several alternatives. Supervisor Hyland went on to explain that he, Supervisor Kauffman, and County Department of Transportation staff met with Senator Warner and other elected officials regarding the Army's decision.

Supervisor Kauffman noted that this road alignment would not be next to the Hayfield community and would be on the other side of the Army Corps of Engineers' property.

Chairman Connolly noted that the Army recognized that it has an obligation to find alternative means of promoting mobility in the southern part of the County when it closed Woodlawn Road. He applauded the hard work and leadership of Supervisor Kauffman and Supervisor Hyland on this issue.

DMB:dmb

32. **CITY OF ALEXANDRIA'S NEW PROGRAM DESIGNED TO PROVIDE TAX RELIEF TO LOW AND MODERATE-INCOME CITY RESIDENTS**
(11:50 a.m.)

Supervisor Hudgins said that last week she read with great interest about a new program included in the City of Alexandria's Proposed Fiscal Year 2005 Budget designed to provide tax relief to low and moderate-income city residents. The program would provide a grant of \$250 to homeowners whose incomes are below 50 percent of the Alexandria median household income for a family of four and whose homes are assessed at less than the city's mean assessed residential value. She said that the City's item goes on to give the income and assessed value that the City of Alexandria was using.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to include the following as a budget question for consideration providing what the cost is to Fairfax County to:

- Initiate a similar homeowner protection program that would provide \$250 in grant relief to homeowners earning less than 50 percent of the County median family income (in 2002, 50 percent was \$47,800) and owning homes assessed at less than the County's 2004 mean assessed value of \$357,506.
- Provide this program at a grant level of \$200 or \$150 per residence.

Without objection, it was so ordered.

33. **RETIREE HEALTH BENEFIT SUBSIDIES** (11:52 a.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to add the following to the list of budget questions for discussion at the next Budget Committee meeting:

- The cost to the County to increase the retiree health benefit subsidies to \$175 for all retirees age 55 and over with 20 or more years of service.
- Include separately the cost of expansion of benefits to those grandfathered in at \$100 in the Fiscal Year 2004 Adopted Budget.

Without objection, it was so ordered.

34. **DELEGATION LETTER** (11:53 a.m.)

Supervisor Hudgins referenced the Board's Legislative Committee discussions regarding what is happening at the Federal level regarding transit in the bills and asked unanimous consent that the Board direct staff to draft a letter to the Federal delegation pointing out the higher transit numbers and strongly urging its support for the higher levels of transit in the Senate and House Bills over the current administration's bill. Without objection, it was so ordered.

35. **PUBLIC BROADCASTING SERVICE (PBS) (MASON DISTRICT)**
(11:53 a.m.)

Supervisor Gross said that PBS filed Special Exception Amendment Application SEA 85-L-022-2 to add about 25,000 square feet of office space to the existing satellite operations center at 6544 Stephenson Way. Through this application, PBS is upgrading its technology and consolidating technical and operations personnel. To facilitate the process, the applicant has requested that the public hearing be expedited and the site plan be reviewed concurrently.

Therefore, Supervisor Gross moved that the Board direct staff to schedule the Planning Commission and Board's public hearings as soon as possible, and to process the site plan associated with this application concurrently. This motion should not be construed as a favorable recommendation on the special exception application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

36. **PRORATION OF TAX RELIEF BENEFITS** (11:55 a.m.)

(NOTE: Earlier in the meeting, Chairman Connolly deferred to Supervisor Gross on the issue. See Clerk's Summary Item CL#26.)

Supervisor Gross referenced County Executive Anthony H. Griffin's memorandum dated February 23, 2004, regarding proration of tax relief benefits. A Mason District constituent made an inquiry regarding senior citizen tax relief for those who may not turn 65 years old until later in the year and would miss the opportunity to qualify for senior citizen tax relief. Supervisor Gross said that the estimate for a tax relief change would be approximately \$100,000 in Fiscal Year 2004.

Therefore, Supervisor Gross, on behalf of Chairman Connolly and herself, moved that the Board put the issue of proration of the tax rate for senior citizens on the consideration list for the FY 2005 Budget. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to determine how many senior citizens would benefit by the proration of the tax rate. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

37. **MASON DISTRICT SPRING TOWN MEETING** (11:56 a.m.)

Supervisor Gross announced that the Mason District Spring Town Meeting will be held on Tuesday, March 16, 2004, at 7:30 p.m., at the Weyanoke Elementary School on Braddock Road, regarding the Fiscal Year 2005 Budget. The panelists will be Anthony H. Griffin, County Executive, and Edward L. Long, Jr., Chief Financial Officer.

PMH:pmh

38. **FIFTH ANNUAL ENVIRONMENTAL WORKSHOP (PROVIDENCE DISTRICT)** (11:56 a.m.)

Supervisor Smyth announced that the fifth annual environmental workshop in Providence District will take place on Saturday, March 20, 2004.

39. **AUTHORIZATION FOR BOARD CONCURRENCE IN THE FILING OF A SPECIAL EXCEPTION TO PERMIT ADDITION OF A GREYHOUND BUS TICKET KIOSK AT THE VIENNA METRO STATION (HUNTER MILL DISTRICT)** (11:57 a.m.)

Supervisor Smyth said that the Washington Metropolitan Area Transit Authority (WMATA) is proposing to install a staffed ticket kiosk on the south side of the Vienna Metro Station for Greyhound Lines, Incorporated which requires filing an amendment to the approved special exception for the Vienna Metro Station. Because the County owns a portion of the Vienna Metro property, Tax Map 48-2 ((1)) 1, the applicant is requesting Board concurrence in the filing of the application.

Therefore, Supervisor Smyth moved that the Board indicate its concurrence of the inclusion of Tax Map 48-2 ((1)) 1 in the special exception application to be filed by WMATA. This action in no way relieves the applicant of any County regulations and requirements or indicates Board support for the pending special exception application. Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being absent.

40. **RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (LEE AND MOUNT VERNON DISTRICTS)** (11:59 a.m.)

Jointly with Supervisor Hyland, Supervisor Kauffman said that on February 9, 2004, the Board approved a request to the Virginia Department of Transportation (VDOT) for \$100,000 in Fiscal Year (FY) 2004 Supplemental Revenue Sharing funds for the Richmond Highway Public Transportation Initiative. The Board also approved matching this grant with \$100,000 in Northern Virginia Transportation Commission (NVTC) funds. Typically, \$100,000 is the maximum available in supplemental revenue sharing funds.

Supervisor Kauffman noted that VDOT informed staff that there is an additional \$10,022 available in FY 2004 Supplemental Revenue Sharing funds, if the County is able to match it by March 19, 2004. Since the total cost of the Richmond Highway Public Transportation Initiative is estimated at \$55 million, it would be helpful to have these additional funds for the program.

Therefore, jointly with Supervisor Hyland, Supervisor Kauffman moved that the Board direct staff to inform VDOT that the County would like to apply for the additional \$10,022 in FY 2004 Supplemental Revenue Sharing funds, to be matched with \$10,022 in available NVTC funds. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

41. **SPRINGFIELD DAYS (LEE AND SPRINGFIELD DISTRICTS)** (noon)

Supervisor Kauffman said that this year will be the sixteenth annual Springfield Days celebration, running from June 3-6, 2004.

Supervisor Kauffman said that each year the celebration, which is sponsored by the Greater Springfield Chamber of Commerce and the Fairfax County Park Authority, grows bigger and better, and this year is no exception.

Therefore, in concurrence with Supervisor McConnell, Supervisor Kauffman moved that the Board direct staff to:

- Prepare a proclamation declaring June 3-6 as "*Springfield Days*" in Fairfax County.
- Invite Ms. Darcey Whalen and her Springfield Days committee to appear before the Board on May 24 to be recognized and to receive the proclamation.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

42. **MOUNT VERNON-LEE CHAMBER OF COMMERCE** (12:01 p.m.)

Jointly with Supervisor Hyland, Supervisor Kauffman announced that the Mount Vernon-Lee Chamber of Commerce is celebrating 50 years of service to the businesses and communities in the southeastern portion of the County in 2004.

Supervisor Kauffman said that on April 22, 2004, the Chamber will hold a gala celebration at the Fort Belvoir Officers Club.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare a proclamation with three signature lines to be presented at the gala. Without objection, it was so ordered.

43. **APPOINTMENT TO THE LIBRARY BOARD** (12:02 p.m.)

(APPT) Supervisor Kauffman moved the appointment of Mr. Will Jasper as the Lee District Representative to the Library Board. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

44. **BUDGET PRESENTATION (LEE DISTRICT)** (12:03 p.m.)

Supervisor Kauffman announced a joint presentation on the budget by County and School staff on Saturday, March 27, 2004, from 9 a.m. until noon at the Franconia Governmental Center.

Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

45. **EZ BUS SHUTTLE SERVICE** (12:04 p.m.)

Supervisor Bulova said that at a recent meeting, Virginia Railway Express (VRE) staff met with Department of Transportation staff and discussed the progress of the EZ Bus Shuttle Service.

Supervisor Bulova noted that the EZ Bus began in December 2003 and that the proposal was to take cars out of the VRE Burke Centre lot (which was at 130 percent capacity) through the use of a free, hybrid shuttle bus. The bus reached its 90-day service mark and is currently exceeding the expectations of the Fairfax County/VRE team. EZ Bus is carrying more than 100 people daily. She added that boardings at this station have also increased by more than 40 people per day.

A brief discussion ensued.

46. **RECESS/CLOSED SESSION** (12:05 p.m.)

At 12:05 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 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. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.), Record No. 030982 (Sup. Ct. Va.) (Dranesville District)
 - 2. *Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Record No. 032390 (Sup. Ct. Va.) (Providence District)
 - 3. *William E. Shoup, Fairfax County Zoning Administrator v. Land Master Corp.*, In Chancery No. 169957 (Fx. Co. Cir. Ct.) (Springfield District)
 - 4. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al.*, In Chancery No. 184232 (Fx. Co. Cir. Ct.) (Dranesville District)

5. *William E. Shoup, Fairfax County Zoning Administrator v. Haji M. Ahmad, et al.*, In Chancery No. 188637 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. The Grievance Appeal of Major E. Clemens; Fairfax County Civil Service Commission

And in addition:

- Citizens of the District of Columbia, et al. versus the United States of America, et al.; Civil Action Number: 1:03CV01587 (United States District Court for the District of Columbia).
- Arkansas Chronicle, a Division of sienna Broadcasting Corporation, et al. versus R. Mark Easley, et al., C.A. Number 04-110-A (United States District Court for the eastern District of Virginia).
- Bill Beck, et al. versus Gordon Shelton, et al.; Record Number 030723, Supreme Court of Virginia.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

DS:ds

At 3:24 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

47. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:24 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

ADDITIONAL BOARD MATTERS48. **REQUEST FOR BUDGET ANSWERS** (3:25 p.m.)

Supervisor Gross asked unanimous consent that the Board direct staff to provide answers to the first round of budget questions by Thursday, March 18, 2004, so that Board Members can review them prior to the Budget Workshop scheduled for Monday, March 22, 2004. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board circulated the agenda for the workshop. See Clerk's Summary Item CL#64.)

49. **PENDING MOTION FOR RICHMOND HIGHWAY AT KINGS CROSSING (LEE AND MOUNT VERNON DISTRICTS)** (3:27 p.m.)

(NOTE: Earlier in the meeting, a motion was made regarding this item. See Clerk's Summary Item CL#30.)

The question was called on the pending motion regarding Kings Crossing and it carried by a vote of nine, Supervisor McConnell being absent.

50. **HAPPY BIRTHDAY TO ANTHONY H. GRIFFIN, COUNTY EXECUTIVE** (3:28 p.m.)

Chairman Connolly announced that today is Anthony Griffin's birthday. On behalf of the Board, he wished Mr. Griffin a happy birthday.

AGENDA ITEMS51. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-032 (WHITE PEARL INVESTMENT COMPANY) (PROVIDENCE DISTRICT)** (3:29 p.m.)

(NOTE: At its February 23, 2004, meeting the Board took action on this application which became null and void due to advertising problems.)

The application property is located at 7918 Jones Branch Drive, Tax Map 29-4 ((7)) 7C.

Ms. Michelle Rosati-Leggett reaffirmed the validity of the affidavit for the record.

Ms. Rosati-Leggett 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, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Application SE 2003-PR-032, subject to the development conditions dated February 5, 2004. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

52. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-040, PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-4, AND SPECIAL EXCEPTION APPLICATION SE 2003-SU-025 (LWL, LLC) (SULLY DISTRICT) (3:32 p.m.)**

(O) The application property is located in the southwest quadrant of the intersection of Westfields Boulevard and Sully Road (Route 28), Tax Map 44-3 ((6)) 21A pt.

Mr. C. Lee Fifer, Jr., reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contributions which he had received:

- In excess of \$200 from Mr. Brian J. Selfe
- In excess of \$200 from Mr. Henry A. Long
- In excess of \$200 from Ms. Elissa Long White
- In excess of \$200 from Ms. Judy L. Lerner

Supervisor DuBois disclosed the following campaign contributions which she had received:

- In excess of \$200 from Dascho, Incorporated
- In excess of \$200 from Mr. William L. Walde

Supervisor Frey disclosed the following campaign contributions which he had received:

- In excess of \$200 from Mr. John T. DeBell
- In excess of \$200 from Burgess and Niple, Incorporated of Virginia

Supervisor Hyland disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Leonard Adler

Mr. Fifer 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, Aaron L. Shriber, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SU-040, from the I-3, AN, and WS Districts to the C-6, AN, and WS Districts, subject to the proffers dated March 15, 2004. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 78-S-063-4. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

Supervisor Frey moved approval of Special Exception Application SE 2003-SU-025, subject to the development conditions dated March 15, 2004. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

PW:pw

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-037 (JAMES S. AUDIA AND MANUEL G. SERRA, TRUSTEE) AND THE CONVEYANCE OF COUNTY-OWNED PROPERTY, TAX MAP NUMBER 48-3 ((25)) LOT A, TO JAMES S. AUDIA AND MANUAL G. SERRA (PROVIDENCE DISTRICT)** (No time)

(NOTE: This public hearing was deferred until **March 29, 2004, at 4 p.m.**)

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-006 (BANK OF AMERICA, NA) (MASON DISTRICT)** (3:47 p.m.)

The application property is located at 6307 Arlington Boulevard, Tax Map 51-3 ((1)) 8A.

Ms. Hillary Zahm reaffirmed the validity of the affidavit for the record.

Ms. Zahm 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, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Amendment Application SEA 01-M-006, subject to the development conditions dated March 10, 2004. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

54a. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-042 (H. BRADFORD GLASSMAN AND FAIRFAX COUNTY BOARD OF SUPERVISORS) (MOUNT VERNON DISTRICT)** (3:52 p.m.)

The application property is located at 6428 Potomac Avenue, Tax Map 93-2 ((8)) (27) 31 and 32.

Mr. H. Bradford Glassman reaffirmed the validity of the affidavit for the record.

Mr. Glassman 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, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Barbara Byron, Director, ZED, DPZ, and Valerie Tucker, Chief Stormwater Engineer, Environmental and Facilities Review Division, Department of Public Works and Environmental Services.

Supervisor Hyland moved to defer decision until later in the meeting. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey

and Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#59.)

55. **3:30 P.M. – PH REGARDING THE LEASING OF COUNTY-OWNED PROPERTY AT JEFFERSON FIRE STATION TO OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC ("T-MOBILE") (MASON DISTRICT)** (4:03 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 February 26 and March 4, 2004.

A brief discussion ensued with input from Robert L. Morgan, Leasing Manager, Facilities Management Division, Department of Public Works and Environmental Services.

Following the public hearing, Supervisor Gross moved authorization to staff to execute a lease, substantially in accordance with the proposed lease, with Omnipoint Communications Cap Operations, LLC ("T-Mobile") for the leasing of County-owned property at Jefferson Fire Station, 3101 Hodge Place, Tax Map Number 50-3 ((04)) B, for the purpose of installing a telecommunications base station. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

56. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-LE-037 (FEDERAL REALTY PARTNERS, LP) (LEE DISTRICT)** (4:05 p.m.)

The application property is located on the southwest side of the intersection of Fordson Road and Richmond Highway within Mount Vernon Plaza Shopping Center, Tax Map 101-2 ((1)) 12A pt. and 12D pt.

Mr. Martin Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh 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, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Special Exception Application SE 2003-LE-037, subject to the development conditions dated March 15, 2004.
- Modification of the minimum rear yard setback requirements to permit the canopy over the drive-in windows to be located 5 1/2 feet from the rear lot line, as shown on the SE plat.
- Modification of the Richmond Highway streetscape to that shown on the SE plat and as set forth in the development conditions, as revised.
- Waiver of the service drive along Richmond Highway.
- Waiver of the peripheral parking lot landscaping requirement to that shown on the SE plat.

Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, the Board clarified the development conditions. See Clerk's Summary Item CL#58.)

57. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-LE-040 (FEDERAL REALTY PARTNERS, LP) (LEE DISTRICT)** (4:14 p.m.)

The application property is located on the west corner of Mount Vernon Plaza Shopping Center, north of South Valley Shopping Center, Tax Map 101-2 ((1)) 12A pt.

Mr. Martin Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh 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, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of Special Exception Application SE 2003-LE-040, subject to the development conditions dated February 11, 2004. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

58. **ADDITIONAL ACTION REGARDING SPECIAL EXCEPTION APPLICATION SE 2003-LE-037 (FEDERAL REALTY PARTNERS, LP) (LEE DISTRICT)** (4:17 p.m.)

(NOTE: Earlier in the meeting, the Board took action on this item. See Clerk's Summary Item CL#56.)

Supervisor Kauffman asked unanimous consent to clarify the previously provided development conditions dated March 15, 2004, as follows:

Amend the conditions of February 26, 2004, with the deletion of conditions Number 4 and Number 15 resulting in a new Number 4 stating: The applicant shall continue to coordinate with the Fairfax County Department of Transportation and the Virginia Department of Transportation on developing design alternatives for the Route One Location Study (Project #001-96-A-103PE-100). At the time of site plan approval, the applicant shall reserve for future dedication right-of-way along Richmond Highway and Fordson Road in conformance with the Steering Committee's recommendations for the Route One Location Study. At such time as previously reserved right-of-way is needed for improvements to Richmond Highway, that portion shall be dedicated to the Board of Supervisors in fee simple.

Without objection, it was so ordered.

59. **PENDING ACTION ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-042 (H. BRADFORD GLASSMAN AND FAIRFAX COUNTY BOARD OF SUPERVISORS) (MOUNT VERNON DISTRICT)** (4:22 p.m.)

(NOTE: Earlier in the meeting, the Board held the public hearing on this item and deferred action. See Clerk's Summary Item CL#54a.)

Supervisor Hyland moved approval of the following:

- Special Exception Application SE 2003-MV-042, subject to the development conditions dated March 10, 2004.
- An amendment to Special Exception Condition Number 7 to add the following sentence at the end thereof: "The vegetated buffer provided pursuant to Exception Request Number 026134 shall be retained and any vegetation that dies shall be replaced."

Supervisor Hyland said that Mr. Glassman requested an exception to the criteria and requirements of the Chesapeake Bay Preservation Ordinance under Section 118-6-9, General Resource Protection Area Encroachment Exception, to

permit encroachment into the Resource Protection Area for the reconstruction of a dwelling with an addition. He said that the application has been properly filed in accordance with the requirements of all applicable State and County Codes.

Therefore, Supervisor Hyland moved approval of Exception Request Number 026134 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance to permit the encroachments into the Resource Protection Area depicted on Special Exception Plat, subject to the revised conditions dated March 15, 2004. He said that this approval shall be valid for as long as SE 2003-MV-042 remains valid. Additional amendments to the approved final development plans may be approved as long as the amendment does not aggravate conflicts with the provisions of the Ordinance.

Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

60. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-BR-029 (ATLANTIC COAST HOMES, INCORPORATED) (BRADDOCK DISTRICT)** (4:25 p.m.)

- (O) The application property is located on the west side of Clara Barton Drive approximately 600 feet south of its intersection with Ox Road, Tax Map 77-1 ((1)) 51A.

Mr. Martin Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh 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, Kristen Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-BR-029, from the R-C and WS Districts to the R-3 and WS Districts, subject to the proffers dated March 3, 2004.
- Waiver of the requirement for a service drive along the Ox Road/Route 123 frontage.
- Waiver of the fence height requirement, pursuant to Paragraph 3 of Section 10-104 of the Zoning Ordinance, to permit a six-foot high fence along Ox Road/Route 123.

Supervisor DuBois seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Gross, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

61. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-SP-044 (GURHAN DEMIRKAN) (SPRINGFIELD DISTRICT)** (4:30 p.m.)

(O) The application property is located on the north side of Silverbrook Road 500 feet west of Bayberry Ridge Road, Tax Map 97-4 ((2)) 7.

Mr. Matt Marshall reaffirmed the validity of the affidavit for the record.

Mr. Marshall 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, Kristen Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SP-044, from the R-1 District to the R-3 District, subject to the proffers dated February 10, 2004.
- Modification of the requirement for a sidewalk along Silverbrook Road to permit an eight-foot wide asphalt trail.

Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, Chairman Connolly, and Vice-Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTER

62. **DISCLOSURE BY CHAIRMAN CONNOLLY REGARDING REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (PROVIDENCE DISTRICT)** (4:33 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and said that the next two applications on the agenda involve property owned by Campus Point Realty Corporation II, a closely related business affiliate of his employer, Science Applications International Corporation. He said that because consideration of the applications will constitute a transaction having application solely to a property or business in which he has a personal interest, he will disqualify himself and shall not vote or in any manner act on behalf of the Board in this transaction, including participation in these hearings.

(NOTE: Later in the meeting, the Board held this public hearing. See Clerk's Summary Item CL#63.)

AGENDA ITEMS

63. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (LINCOLN PROPERTY COMPANY SOUTHWEST, INCORPORATED) (PROVIDENCE DISTRICT)** (4:34 p.m.)

- (O) (NOTE: Earlier in the meeting, Chairman Connolly recused himself from this case. See Clerk's Summary Item CL#62.)

The applications are located on the east side of Gallows Road and on the north and south sides of Science Applications Court, Tax Map 39-2 ((1)) 13 pt.

Ms. Elizabeth Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker 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, which included testimony by seven speakers, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 75-7-004-2, subject to the proffers dated March 11, 2004. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Hyland and Chairman Connolly being out of the room, Supervisor McConnell being absent.

Supervisor Smyth further moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-008, from the I-3 and HC Districts to the PDH-30 and HC Districts, subject to the proffers dated March 14, 2004.
- Modification of the transitional screening requirement along the southeastern and southern boundaries where the multi-family units abuts the Courts of Tysons and Tysons Executive Village communities in favor of that shown on the CDP/FDP.
- Waiver of the barrier requirement along the southeastern and southern boundaries where the multi-family housing abuts the Courts of Tysons and Tysons Executive Village communities in favor of that shown on the CDP/FDP.
- Modification of the non-core streetscape design along Gallows Road for the Tysons Urban Center in favor of that shown on the CDP/FDP.
- Waiver of the 200 square foot privacy yard requirement for single family attached homes.
- Modification of the loading space requirement for multi-family dwellings in favor of one loading space provided for each of the buildings (two total spaces).
- Waiver of the 600-foot maximum private street length requirement.

Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

64. **AGENDA FOR BUDGET WORKSHOP** (5:42 p.m.)

Vice-Chairman Bulova distributed the agenda for the Budget Workshop scheduled for March 22, 2004.

AGENDA ITEMS

65. **BOARD ADJOURNMENT** (5:42 p.m.)

At 5:42 p.m., the Board adjourned.

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