

Planning Commission Meeting
May 27, 2010
Verbatim Excerpt

ST05-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (TYSONS CORNER) AND ZONING ORDINANCE AMENDMENT (PTC - PLANNED TYSONS CORNER URBAN DISTRICT)

During Commission Matters

Chairman Murphy: Okay, now we're going to have a motion on the markup of the Tysons Corner proposed Comprehensive Plan Amendment, ST05-CW-1CP. And I'll recognize the Chairman of the Planning Commission Tysons Committee, Walter Alcorn. Mr. Alcorn.

Commissioner Alcorn: Thank you very much, Mr. Chairman. On behalf of myself, Commissioners de la Fe and Commissioners (*sic*) Lawrence – Commissioner Lawrence, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE COMPREHENSIVE PLAN AMENDMENT FOR THE TYSONS CORNER URBAN CENTER, ST05-CW-1CP, AS SET FORTH IN THE DRAFT DATED MARCH 24TH, 2010, WITH THE REVISIONS SPECIFIC TO INTENSITY ALTERNATIVE 3A, AS PRESENTED IN THE MAY 27, 2010 DOCUMENT ENTITLED, "TRANSFORMING TYSONS, JOINT MOTION TO MARK UP THE MARCH 24TH DRAFT."

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe.

Commissioner Lawrence: Third.

Chairman Murphy: And seconded by Mr. Lawrence. Is there a discussion of the motion?

Commissioner de la Fe: Mr. Chairman?

Commissioner de la Fe: Is there -- we make amendments to --

Chairman Murphy: Yes.

Commissioner de la Fe: Thank you very much. It was Mr. Lusk's suggestion, so --

Commissioner Lusk: If you're inclined, Mr. Chairman, I'll go through, I think there are going to be three that I'll propose at this point. So, as the amendment to follow on motion number 4 --

Chairman Murphy: No, no. We'll don't do that until the follow-on motions.

Commissioner Lusk: Oh, I'm sorry.

Chairman Murphy: This is only the motions to the main text. For example –

Commissioner de la Fe: Mr. Chairman? Mr. Chairman, I would MOVE THAT ON PAGE – the first sentences – THE FIRST PARAGRAPH ON PAGE 49 –

Chairman Murphy: Right.

Commissioner de la Fe: – SHOULD READ, “NON-RESIDENTIAL DEVELOPMENT THROUGHOUT TYSONS SHOULD CONTRIBUTE A MINIMUM OF \$3 PER NON-RESIDENTIAL SQUARE FOOT, ADJUSTED ANNUALLY BASED ON THE CONSUMER PRICE INDEX, OR AT LEAST 25 CENTS PER NON-RESIDENTIAL SQUARE FOOT, OVER A PERIOD OF TIME TO BE DETERMINED AT THE TIME OF REZONING, TO A HOUSING TRUST FUND THAT WILL BE USED TO CREATE AFFORDABLE AND WORKFORCE HOUSING OPPORTUNITIES IN TYSONS. And I would MAKE THAT AS A FRIENDLY AMENDMENT.

Commissioner Lusk: And Mr. Chairman, may I also request a friendly amendment to that motion?

Chairman Murphy: Go ahead. Hold on. Go ahead.

Commissioner Lusk: I RECOMMEND THAT THE BOARD OF SUPERVISORS EXPEDITE THE DEVELOPMENT OF A COUNTYWIDE PROGRAM THAT SECURES A HOUSING CONTRIBUTION FROM NON-RESIDENTIAL DEVELOPMENT PROJECTS THROUGHOUT FAIRFAX COUNTY.

Commissioner Alcorn: That’s a follow-on.

Commissioner de la Fe: I don’t believe that that belongs in the Plan itself.

Commissioner Alcorn: Okay.

Chairman Murphy: Hold on. On Mr. de la Fe’s –

Commissioner de la Fe: – motion, would that be – I think a friendly amendment –

Commissioner Alcorn: Yes, and I want to check on a friendly amendment to the, possibly, friendly amendment. Just, could there – could the 25 cents also be adjusted for inflation or escalated over time?

Commissioner de la Fe: It says “at least” to be negotiated, so –

Commissioner Alcorn: Okay. It’s friendly.

Chairman Murphy: All right. Maker of the motion –

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: – accepts – hold on.

Commissioner Harsel: Now, wait a minute. He seconded the main motion. He can't second his own motion.

Chairman Murphy: That's why I'm asking Mr. Lawrence.

Commissioner Hart: Ken seconded it.

Chairman Murphy: Do you accept that?

Commissioner Lawrence: I do.

Chairman Murphy: Okay. Without objection. Okay. Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman? Thank you. I have an amendment to offer based on the comments; on page 25, a footnote to add after the sentence that – that states, I think, this iteration. THE AMENDED SENTENCE WOULD STATE: “THIS ITERATION OF THE TYSONS PLAN FOCUSES ON A 20-YEAR PERIOD OF REDEVELOPMENT WHILE PROVIDING A FRAMEWORK FOR GROWTH BEYOND THE YEAR 2030,” WITH A letter number – SMALLER NUMBER 1, FOOTNOTE TO BE ADDED AT THE BOTTOM OF THAT PAGE and a letter (*sic*) IT WOULD SAY: “IT IS ESTIMATED THAT BY THE YEAR 2030 TYSONS COULD HAVE APPROXIMATELY 167,000 JOBS AND 44,000 RESIDENTS.”

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: That's a friendly –

Chairman Murphy: No objection. Mr. Lawrence –

Commissioner Lawrence: No objections.

Chairman Murphy: – de la Fe.

Commissioner de la Fe: No problems.

Chairman Murphy: Without objection. Anyone else?

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: In the body of the motion. Yes, Mr. Donahue.

Commissioner Donahue: Going to page 99 again. I've spent a lot of time on page 99, so I may as well go back to it one more time. The one, two, I guess the third paragraph – I would like to change some wording. I don't know if this is a friendly amendment or not – where it starts to say “a goal of 20 new athletic fields...” I would like to have wording changed as follows: “A GOAL OF 20 NEW ATHLETIC FIELDS WITHIN TYSONS SHOULD BE ACHIEVED THROUGH DEVELOPMENT CONTRIBUTIONS OF LAND AND FACILITIES. Enhancements to – ENHANCEMENTS TO AND REDESIGN OF NEARBY SCHOOL AND PARK FIELDS TO INCREASE CAPACITY COULD ALSO BE STRATEGIES FOR SERVING INCREASED SPORTS NEEDS IN TYSONS.”

Chairman Murphy: What do you think?

Commissioner Alcorn: I don't know. What do you think?

Chairman Murphy: The problem I have is it says: “within Tysons.” If you don't – if you have a proposal that is outside Tysons, it may not be in conformance with the Comprehensive Plan.

Commissioner Donahue: Mr. Chairman, if I could, I see your problem, but it's somewhat transcendent. We're talking about a goal, number 1, okay. And we're using words like “should.” So there are outs there. This is the language that I feel is needed to show the commitment to have these facilities, at least foundationally, within Tysons. That's why –

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: I have a suggestion. Maybe, maybe if it says instead of “within,” it says “for” Tysons. So it's, “A GOAL OF 20 NEW ATHLETIC FIELDS FOR TYSONS SHOULD BE ACHIEVED THROUGH DEVELOPMENT CONTRIBUTIONS OF LAND AND FACILITIES.” I think that pretty much gets to the same place. Because the contribution of land and facilities, I would think, would be within Tysons. So, I mean –

Commissioner Donahue: I hate to be tough about this but, in that case, why don't we just say “within Tysons?”

Commissioner de la Fe: Mr. Chairman.

Commissioner Alcorn: Well, because he's shaking his head.

Commissioner de la Fe: Mr. Chairman, during the discussion we had before, this is – this issue's addressed also on page 105. And I think it makes it very clear what the, you know – makes it very clear what the intent is. And I would not consider this necessarily a friendly amendment, mainly because I'm not clear what it means.

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Donahue: Just, again, the one comment. The language on page 105, while it is – it is helpful – adjusted need should be addressed through onsite development of needed facilities and/or through equivalent monetary or in-kind contributions. I'm not – I do not know that equivalent monetary or in-kind contributions to the Park Authority for a facility development at nearby parks or other sites is appropriate for park facilities. That's the – it's not there for me. I almost feel like apologizing for that. I'm obviously picking a point here. But this is an extremely important issue.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: On this point, on this amendment, my recollection – and I think this was in a committee meeting – it was suggested that there may be practical limitations on how many athletic fields can be provided with any given application, because it's got to be of a certain size and there may not be room to do it, and that the best that could be had occasionally might be something where – and maybe not everyone would support this – but that something has to be done in nearby McLean or in nearby Vienna. And it would serve maybe Tysons and those areas or something like that. But there would be a net increase in the Fairfax County inventory, but that it would not be objectionable necessarily to be adding another athletic field that happens to be in McLean or in Vienna or somewhere else nearby – not within the boundaries of the Tysons Plan Amendment – but a benefit to the County that's obtained as part of the package. And if I'm understanding Commissioner de la Fe's position with respect to the amendment, the text would be saying the 20 fields have to occur within the boundaries circumscribed in this diagram. And I don't think that necessarily is what staff wanted or it would be the best outcome. We want the 20 fields. What's wrong with them being nearby as opposed to strictly within this boundary?

Commissioner de la Fe: So long as they're a net addition.

Commissioner Hart: Yes, if we're getting it and it serves the area, what – why is it, why is it objectionable to put another field in McLean or Vienna?

Commissioner Alcorn: Mr. Chairman? Mr. Chairman, let me just jump in.

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Yes, and to go to Mr. Hart's point, I believe the example was Marshall High School – wasn't it? – that there might –

Commissioner Hart: There may have been many examples. And I can't remember after midnight, but that was the thrust of it.

Commissioner Alcorn: It's just outside the boundaries of Tysons by a few hundred feet, but yet there might be, you know, at some point, you know, a facility put there.

Commissioner Hart: Where collocation or land acquisition may be more feasible.

Chairman Murphy: All right. Obviously, this is not going to be accepted as a friendly motion. Is there a second to Mr. Donahue's motion?

Commissioner Harsel: Second.

Chairman Murphy: Seconded by Mrs. Harsel. Is there a discussion of the motion?

Commissioner Donahue: One point, if I could, Mr. Chairman, very, very quickly. I appreciate Commissioner Hart's comments. But that – in getting an answer to that is precisely the reason why we have the "could" clause. Enhancements to design nearby school and park fields to increase capacity could also be a strategy. So again, I go back to comments that I made earlier in the evening. Sorry to bore you. The foundation, the foundational language, the foundational intent, the foundational determination should be to have fields in Tysons and, if need be, to increase capacity could also be established somewhere else. Or other facilities in other areas could be improved. I think we have a real problem with the possibility of not having enough fields in Tysons and thereby overtaxing facilities in other places. It's an argument I've been making since I first got here, and I continue to be very concerned about it. Thank you.

Chairman Murphy: Further discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: The – I think I would have preferred referencing on page 99 the phasing text on page 45 that calls for a plan for complying with the park needs that must be in place before we act on the first rezoning. In other words, this issue's going to come back to us on the very first rezoning. We're going to see, you know, whether the plans are part of an overall Plan proposal that addresses that. I would prefer, you know, an amendment that just referenced what's already in the Plan on page 45. But – do you have any – does Commissioner Donahue have any problem with that?

Commissioner Donahue: Yes. Because again I – what I'm concerned about is the language that is also on page 99.

Commissioner Flanagan: Forty-five?

Commissioner Donahue: No.

Commissioner Flanagan: How about the text on 45?

Commissioner Harsel: Mr. Chairman?

Chairman Murphy: Further discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Ms. Harsel.

Commissioner Harsel: The text on 45 refers to a district or a sub-district. Mr. Donahue's motion refers to all of Tysons.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman.

Commissioner Flanagan: It says area-wide.

Commissioner Lawrence: Mr. Chairman, I could support this motion if it were worded, "a goal of so many." I note here that – that we have agreement that staff is going to re-check the number with the Park Authority – a goal of 20 new athletic fields for Tysons should be achieved and so on. Enhancements too could also be strategies. I could support that. I cannot support the amendment as worded.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: All right. Further discussion? Mr. Alcorn.

Commissioner Alcorn: Yes, I agree with Commissioner Lawrence. I could support the change of "should" to "could" in that sentence.

Commissioner Lawrence: And serving to –

Commissioner Alcorn: Yes, that –

Chairman Murphy: Do you accept that Mr. Donahue?

Commissioner Donahue: No, that's where the problem is. We just have a basic disagreement here, Mr. Chairman.

Chairman Murphy: Okay. Then, all those in favor of the motion as articulated by Mr. Donahue, say aye.

Commissioners Donahue, Harsel, Sargeant: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn, de la Fe, Flanagan, Hart, Lawrence, Litzenger, Lusk, and Murphy: Nay.

Chairman Murphy: Motion fails. Okay, let's go on with the further discussion of the main motion.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I have just plain old discussion on the main motion, if there's no more amendments.

Chairman Murphy: There are. Hold on.

Jim Zook, Director, Department of Planning and Zoning (DPZ): Mr. Chairman, there are a couple of amendments.

Commissioner Hart: All right.

Chairman Murphy: Yes.

Commissioner Hart: I'll wait.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Mr. Zook: Mr. Chairman, why not, while this is being passed out, as part of the motion, I assume the Commission's including the editorial changes that were made several times throughout.

Chairman Murphy: Yes.

Mr. Zook: And we would put those up; whether they be a – an exit or an existing or a – well, I don't know about that one.

Chairman Murphy: They formalized it and we did it without objection, so it's done.

Commissioner de la Fe: Editorial and –

Chairman Murphy: Yes, all the editorial. Mr. Alcorn.

Commissioner Alcorn: Mr. Chairman, I would look to amend my motion – our motion. On page 30, the third bullet: I PROPOSE THAT SOME LANGUAGE BE ADDED AT THE END OF THAT BULLET SO IT WOULD NOW READ: “BALANCE BETWEEN LAND USE AND TRANSPORTATION, INCLUDING THE PROVISION OF INFRASTRUCTURE AND ACHIEVEMENT OF vehicle trip reductions levels – VEHICLE TRIP REDUCTION LEVELS IDENTIFIED FOR THE YEAR 2030 AND TDM PERFORMANCE THAT EXCEEDS THE TARGETS OUTLINED IN TABLE 6.

Chairman Murphy: Without objection.

Commissioner de la Fe: That would be a friendly amendment.

Chairman Murphy: Okay, friendly amendment. No problem. Okay, without objection.

Commissioner Alcorn: Okay. And actually, I think – yes, Commissioner Litzenberger’s got one.

Chairman Murphy and Commissioner Hart: Your mic.

Commissioner Litzenberger: Thank you, Mr. Chairman. I have one – one proposal, one recommendation, PAGE 49, TO ADD A SEVENTH BULLET UNDER ‘AFFORDABLE HOUSING’ WHICH WOULD STATE: “FACILITIES FOR POPULATIONS WITH SPECIAL NEEDS, INCLUDING THOSE WHO ARE HOMELESS, SHOULD ALSO BE CONSIDERED.”

Chairman Murphy: Without objection. Okay. Are there any more amendments other than the amendments we will hear on the 14 or so follow-on amendments?

Commissioner Alcorn: Follow-on motions.

Chairman Murphy: Following motions, sorry about that. Okay, Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This morning we voted on perhaps the largest magnitude Plan Amendment any of us may have considered. It has taken more long meetings than I can count. But finally something more specific is taking shape out of the mist. Although not everyone will agree with the Commission’s recommendation on every issue, I believe Commissioners Alcorn, Lawrence, and de la Fe have developed as close to a consensus--

Commissioner Harsel: We haven’t voted.

Commissioner Hart: --in their motion, they've developed as close to a consensus as anyone could have hoped to have achieved. I intend to support the motion and I look forward to its implementation. This morning's vote also exemplifies how our land use process is supposed to work, maybe a little faster than this but -- we have benefited tremendously from the extensive and unprecedented input from stakeholders and the community. The Task Force, staff, the committee, and the Commission were pulled in many conflicting directions along the way. But even if this recommendation does not incorporate all the suggestions received, nobody can say that the Commission didn't listen to those suggestions. The contributions of countless citizens and groups were fully vetted and have shaped and improved the text. The motion represents Fairfax County's collective best effort on a very difficult project. I still share some concerns expressed about financial uncertainties but I believe there are enough safeguards in the process, including the Special Exception component, that it is appropriate to move forward. I also so sympathize with those who want more assurances that the infrastructure will match the pace of development, but I'm confident that as the development applications come in those issues will be carefully evaluated. As recognized in follow-on Motion Number 4, the availability of some tools to manage growth still remain in the hands of the General Assembly, which has not yet authorized counties to adopt adequate public facilities ordinances. Even so, I believe this package represents the very best we can do to balance development with infrastructure with the limited powers Fairfax County has in 2010. Future commissions and Fairfax County citizens should be grateful for the outstanding efforts of Commissioner Alcorn, all the staff people who have contributed to this, Clark Tyler, Senator Barker, and all the citizens who collaborated in this multi-year process. Tysons, I think, will come to represent excellence in planned urban redevelopment, creating a livable and sustainable city out of automobile oriented suburban congestion. Our blueprint is finished and now it is time to implement this vision. Thank you.

Chairman Murphy: Thank you very much. Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I have something to say. What I'd like to do while we're still on verbatim is to ask that my remarks, which are going to be made after we finish the votes and the votes on the follow-on motions, be made a part of the record. Can I get permission for that to happen?

Chairman Murphy: It's all part of the record. Do you want it on verbatim or not?

Commissioner Lawrence: No. I don't need it on verbatim, as long as it's in the record.

Chairman Murphy: Okay, we'll just wait until the end.

Commissioner Lawrence: Thank you.

Chairman Murphy: Now, who's going to make these motions -- motion?

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: Second paragraph on page 30.

Commissioner de la Fe: We did that.

Chairman Murphy: We did that? I'm sorry. What was that? I'm sorry.

Commissioner Donahue: Mr. Chairman, if I could – thank you. I could make one comment very – very quickly. I think I'm probably not going to be able to support this motion this evening. It has been the immense concern of Dranesville; the impact on Dranesville facilities that might be had if we weren't fairly certain that the fields were going to be in Tysons. Having said that, I want to associate myself with – with Commissioner Hart's comments. And I particularly – I was placed on this Committee a very few months after I became a Commissioner. And to watch and learn from the three primary Commissioners, that being Walter and Frank and Ken, the way they dealt with these issues, I was for the most part a very quiet observer. I learned an awful lot. And I just want to thank particularly those three gentlemen for all the things I learned. Thank you.

Chairman Murphy: Further discussion of the motion?

Commissioners de la Fe and Flanagan: Mr. Chairman?

Commissioner Flanagan: Thank you, Mr. Chairman. I had previously raised the issue about possibly modifying the last bullet on page 48 in regard to workforce units being 100 percent of a project essentially. And the staff has – I think – is going to be working on some language, so I'd like to join Commissioner Lawrence in working with the staff to see what we can come up with in that regard in bringing it back to the Commission at a later date.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I just want to say that I appreciate all of the nice things that have been said about the three commissioners that worked a lot. But in order not to have illegal meetings, much – most of the detailed work on this was done by Commissioners Lawrence and Alcorn. And I thank them for it. I was consulted and I, you know, had input into it. And I appreciate my name being there. And I read everything. But we did not have illegal meetings.

Chairman Murphy: All right. Last call. All right. All those in favor of the motion to recommend to the Board of Supervisors that it adopt Out-of-Turn Plan Amendment ST05-CW-1CP, as amended this evening by the members of the Fairfax County Planning Commission, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Donahue: No.

Chairman Murphy: Motion carries; Mr. Donahue votes no. Follow-on motions first, before –

Commissioner Lawrence: Yes, Mr. Chairman, if you will. I have a number of follow-on motions. And please bear with me because I'm – I'll be fiddling with additions and amendments as we go. Here we go. THE PLANNING COMMISSION STRONGLY BELIEVES THAT PUBLIC AND PRIVATE REINVESTMENT INTO TYSONS IS BOTH CRITICAL AND RESPONSIBLE FOR ENSURING THAT TYSONS CONTINUES TO BE THE ECONOMIC ENGINE FOR THE COUNTY. THE PORTION OF REVENUE STEMMING FROM GROWTH AT TYSONS THAT IS APPLIED IN TYSONS SHOULD TAKE INTO ACCOUNT THE PAST AND CONTINUING CONTRIBUTION OF TYSONS TO THE COUNTY'S ECONOMY.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO PREPARE A PLAN FOR BOARD CONSIDERATION TO IMPLEMENT THE NECESSARY ARRANGEMENTS FOR FINANCING THE PUBLIC SHARE OF TYSONS INFRASTRUCTURE IMPROVEMENTS, TO FACILITATE COOPERATIVE FUNDING AGREEMENTS WITH THE PRIVATE SECTOR.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO WORK WITH STAKEHOLDERS TO PRODUCE THE NECESSARY ORGANIZATIONAL AND RESOURCE REQUIREMENTS FOR THE TYSONS PARTNERSHIP SO THAT IT IS POSITIONED TO BE IN PLACE PRIOR TO ANY REDEVELOPMENT ACTIVITY IN TYSONS. THIS SHOULD INCLUDE THE ASPECTS OF THE PARTNERSHIP PRESENTED PREVIOUSLY, SUCH AS B.I.D.- LIKE FUNCTIONS, TRANSPORTATION MANAGEMENT ASSOCIATION FUNCTIONS, AND DEVELOPMENT ADVISORY SERVICES.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS CONSIDER INCLUDING ON ITS LEGISLATIVE AGENDA ITEMS RELATED TO THE IMPLEMENTATION OF THE TYSONS PLAN. The Planning Commission – THE PLANNING COMMISSION FURTHER RECOMMENDS THAT THE BOARD OF SUPERVISORS CONSIDER OTHER TYPES OF FINANCIAL INCENTIVES THAT CAN OFFSET THE COST AND HELP TO ENCOURAGE GREEN BUILDINGS, ESPECIALLY AT THE LEED OR EQUIVALENT GOLD AND PLATINUM LEVELS.

Commissioners de la Fe and de la Fe: Second.

Chairman Murphy: Seconded by Mr. Lusk –

Commissioner Lawrence: Stand by please. I've got a little bit more to go.

Chairman Murphy: Sorry.

Commissioner Lawrence: THESE INCLUDE THE ABILITY TO USE TAX ABATEMENT AS A POSSIBLE INCENTIVE TO DEVELOP GREEN BUILDINGS AND, SIMILAR TO THE REQUEST MADE BY FAIRFAX COUNTY OVER THE PAST DECADES, THE AUTHORITY TO REQUIRE ADEQUATE PUBLIC FACILITIES AS A CONDITION FOR DEVELOPMENT IN URBAN AREAS LIKE TYSONS.

Commissioner de la Fe and Hart: Second.

Chairman Murphy: Seconded by Mr. Lusk (*sic*) and Mr. de la Fe. Discussion?

Commissioner de la Fe: Mr. Hart.

Chairman Murphy: Oh, Mr. Hart. I'm sorry. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Number five: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS PROVIDE STAFF WITH ADEQUATE RESOURCES TO TRACK AND MONITOR THE TYSONS PLAN. THE PLANNING COMMISSION FURTHER RECOMMENDS THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO REPORT ANNUALLY OR AS REQUESTED TO THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION. THIS MONITORING WILL PROVIDE BOTH BODIES WITH THE INFORMATION NEEDED TO DETERMINE WHEN IT IS APPROPRIATE TO INCREASE THE INITIAL DEVELOPMENT LEVELS FOR OFFICE USES SET FORTH IN THE COMPREHENSIVE PLAN. THIS DETERMINATION SHOULD BE BASED ON THE CRITERIA OUTLINED IN THE PLAN AS WELL AS THE PACE OF ACTUAL REDEVELOPMENT. IT IS HOPED THAT ANY REPLANNING WOULD BE DONE ON AN EXPEDITED BASIS SO AS NOT TO HAMPER FUTURE REDEVELOPMENT.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS SEEK AND SECURE FUNDING FOR TRANSIT SYSTEMS, PARTICULARLY FUNDING FOR METRORAIL SINCE THIS COMPREHENSIVE PLAN AMENDMENT DEPENDS ON A FUNCTIONING METRORAIL SYSTEM.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DIRECT STAFF AND PROVIDE THE NECESSARY RESOURCES TO BEGIN WORK IMMEDIATELY ON THE PLANNING OF THE TRANSIT FACILITIES LISTED IN TABLE 8 OF THE DRAFT PLAN REQUIRED TO SUPPORT THE GROWTH OF TYSONS BEYOND THE YEAR 2030.

Commissioners Alcorn and de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Alcorn. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, as our enthusiasm dwindles.

Commissioner Lawrence: I just hope my voice holds out. THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO WORK WITH REPRESENTATIVES OF COMMUNITIES ADJACENT TO TYSONS TO FORMULATE POLICIES AND PROCEDURES FOR ADDRESSING TRAFFIC CONGESTION WITH MEASURABLE STRATEGIES TO BE INCLUDED AS PART OF THE OVERALL PLAN MONITOR. IN ADDITION, THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS PROVIDE STAFF WITH RESOURCES TO APPLY THESE POLICIES AND PROCEDURES ON AN AS-NEEDED BASIS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION APPLAUDS THE WORK ALREADY BEGUN ON STUDIES OF A TRANSIT CIRCULATOR SYSTEM AND ADDITIONAL ACCESS TO THE DULLES TOLL ROAD. THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS CONTINUE TO SUPPORT THE CRITICAL ANALYSIS AND CONCEPTUAL DESIGN NECESSARY TO DETERMINE FUTURE ACCESS INTO AND WITHIN TYSONS.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: The Planning Commission – my hands are getting tired. THE PLANNING COMMISSION APPLAUDS THE WORK ALREADY BEGUN ON OPERATIONAL ANALYSIS OF THE GRID OF STREETS AND RECOMMENDS THAT THE BOARD OF SUPERVISORS CONTINUE TO SUPPORT THIS EFFORT, PARTICULARLY IN THE VICINITY OF THE INTERSECTION OF GREENSBORO DRIVE AND SPRING HILL ROAD.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS ADOPT AN OFFICIAL MAP OF STREETS CONCURRENTLY WITH THE FIRST REZONING TO THE PLANNED TYSONS CORNER URBAN CENTER (PTC) DISTRICT. THE OFFICIAL MAP SHOULD INCLUDE EXISTING STREETS AND FUTURE STREET ALIGNMENTS THAT HAVE BEEN CONCEPTUALLY ENGINEERED. THE OFFICIAL MAP SHOULD BE AMENDED WITH SUBSEQUENT REZONINGS TO INCLUDE THE ALIGNMENTS OF NEW OR MODIFIED STREETS THAT HAVE BEEN CONCEPTUALLY ENGINEERED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS ADOPT AN OFFICIAL MAP OF PUBLIC FACILITIES CONCURRENTLY WITH THE FIRST REZONING TO THE PLANNED TYSONS CORNER URBAN CENTER, PTC, DISTRICT. THE OFFICIAL MAP SHOULD INCLUDE THE LOCATIONS OF EXISTING AND PLANNED PUBLIC FACILITIES, INCLUDING PARKS AND ATHLETIC FIELDS, THAT HAVE BEEN IDENTIFIED WITHIN THE DISTRICT OR SUB-DISTRICT OF THE REZONING APPLICATION. THE OFFICIAL MAP SHOULD BE AMENDED WITH SUBSEQUENT REZONINGS AS THE LOCATIONS OF ADDITIONAL PUBLIC FACILITIES ARE IDENTIFIED.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO EVALUATE TWO POSSIBLE CHANGES TO THE POLICY PLAN. ONE WOULD MODIFY THE COUNTY'S WORKFORCE HOUSING POLICY TO ENCOURAGE MONETARY CONTRIBUTIONS TO AFFORDABLE AND WORKFORCE HOUSING FROM FUTURE NON-RESIDENTIAL DEVELOPMENT. THE OTHER WOULD MODIFY THE TRANSIT-ORIENTED DEVELOPMENT POLICY TO INCORPORATE SPECIFIC CONDITIONS RELATED TO WALKING DISTANCE FROM STATION ENTRANCES RATHER THAN STATION PLATFORMS.

Commissioners de la Fe and Lusk: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Lusk. Is there a discussion?

Commissioner Flanagan: Yes.

Commissioner Lusk: Mr. Chairman?

Chairman Murphy: Hold on. Mr. Lusk, then Mr. Flanagan.

Commissioner Lusk: Mr. Chairman, I would like to offer also a friendly amendment, if I may to this motion. I WOULD RECOMMEND THAT THE BOARD OF SUPERVISORS EXPEDITE THE DEVELOPMENT OF A COUNTYWIDE PROGRAM THAT SECURES A FUNDING CONTRIBUTION FOR HOUSING FROM NONRESIDENTIAL DEVELOPMENT PROJECTS THROUGHOUT FAIRFAX COUNTY.

Commissioner Lawrence: Mr. Chairman, I believe that's what the motion says. It's going to modify the County's workforce housing policy. That is a Countywide policy.

Commissioner Lusk: I'm asking to expedite the development of that policy because that's not identified clearly in this motion.

Commissioner Lawrence: So would we modify it on an expedited basis? Is that the idea?

Commissioner Harsel: Yes. So [*inaudible*] quickly.

Commissioner Lusk: Yes.

Commissioner Lawrence: I can – I can support that.

Chairman Murphy: Okay. All those in favor of the motion – oh yes.

Commissioner Lawrence: Almost.

Chairman Murphy: Mr. Flanagan

Commissioner Flanagan: Thank you, Mr. Chairman. Yes, this is a question for staff. I take it that this – that no change is needed to the Policy Plan in our motion to bring about the criteria for the third bedrooms.

Mr. Zook: That's correct.

Commissioner Flanagan: You're able to make those changes without –

Mr. Zook: Well, there's a policy – excuse me. There's going to be a policy that goes along with the proposal to the Board. And –

Chairman Murphy: If you can get one these –

Mr. Zook: It's not an amendment to the Policy Plan, per se, but it will be a policy that guides that particular issue subordinate with that.

Commissioner Flanagan: Okay. I wanted that reassurance.

Chairman Murphy: All right. Further discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: And last, Mr. Chairman, THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DEVELOP A PROCESS FOR CONSIDERING CONCURRENT COMPREHENSIVE PLAN AMENDMENTS AND REZONINGS FOR REDEVELOPMENT PROPOSALS THAT MAY HAVE MERIT BUT ARE NOT CONSISTENT WITH THE PLAN. THE PLANNING COMMISSION SUGGESTS THAT SUCH A PROCESS SPECIFICALLY ADDRESS THE PUBLIC AND PRIVATE SECTOR'S ABILITY TO FUND THE INFRASTRUCTURE NECESSARY TO SUPPORT SUCH PROPOSALS.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And Mr. Alcorn.

Commissioner Alcorn: Mr. Chairman, I do have one more follow-on motion that I wrote out here on the fly. So bear with me. The Planning Commission recommends – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE TYSONS PARTNERSHIP INITIATE A PROCESS TO REVIEW AND POTENTIALLY CHANGE DISTRICT NAMES TO ENHANCE COMMUNITY CHARACTER AND IDENTITY.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners de la Fe: Second.

Chairman Murphy? Seconded by who?

Commissioner de la Fe: Me.

Chairman Murphy: Oh, Mr. de la Fe. All right.

Mr. Zook: Can I vote for that one too?

Commissioner Alcorn: Yes, we never got around to that but –

Commissioner Lawrence: Brandy-new. Brand new.

Commissioner Alcorn: Somebody needs to look at that.

Chairman Murphy: Zookville. Thank you for the motion – say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Mr. Chairman, we're – we're about done. I've got something I want to get off my chest.

Commissioner Hart: We've got the Zoning Ordinance Amendment to do.

Chairman Murphy: Hold on. Let him finish. Okay. I'm sorry, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, tonight is of some significance to our County and this Commission. I think we can all agree that there has been a lot of press about our work on Tysons. For example, in today's morning paper was an article about our markup motion of this evening. The Plan we recommend for Tysons is, again, characterized as scaling back. Now, this is powerful word imagery. It can give an impression of diminution and loss. At its extreme it might evoke a mental picture of us hacking away at Tysons growth like a bunch of manic woodsmen in an Amazon rainforest. With respect, I disagree with that imagery. In my view we have not been cutting back. Instead, we have been building up. Our struggle has been to find the point at which the most growth in Tysons can still be balanced by the supporting infrastructure, the point at which urban life can be enjoyed without shortfalls in schools, or public safety, or parks and recreation, or mobility. In short, Mr. Chairman, our goal is to right-size Tysons. We think we've found the balance point for that goal. We want to monitor and assess the growth as it develops and adjust the Plan accordingly. We think the 20-year horizon is an appropriate first step in transforming Tysons Corner. Thank you.

Chairman Murphy: Thank you very much. And I know the planning staff and folks probably want to ditch because we just had the Zoning Ordinance left, which is not a part of planning staff. But I just think the Planning Commission, we should give the staff a big round of applause.

Commissioner Lawrence: Hear, hear.

Mr. Zook: Thank you.

Chairman Murphy: And all those folks on the Task Force, Clark Tyler and his folks, and everybody that participated in all the deliberations. Really – we said it from the beginning – this was going to be a herculean exercise. And that's what it turned out to be. I think the end result is extremely beneficial. Again, I want to thank the Planning Commission Tysons Corner Committee, with Ken Lawrence and Rodney Lusk, Frank de la Fe, Walter Alcorn, and Jay Donahue, and especially I would have to single out Walter Alcorn for his leadership during this whole process. You can now return to – can now return to be a father and husband. Okay, could we have a staff report, please, very quickly.

Leslie Johnson, Zoning Administration Division, DPZ: Thank you, Mr. Chairman.

Chairman Murphy: We're not going to go through it page by page, are we?

Ms. Johnson: No. Thank you, Mr. Chairman. Leslie Johnson, Department of Planning and Zoning. Last but not least, we handed out earlier to you – this evening or yesterday morning, or yesterday evening – revised alternative text from that which was given to you at the public hearing on March 23rd (*sic*) in the staff report. We have four revisions plus one other one. And just quickly, we've added some language to the cellar space use limitation that basically exempts

the area specifically identified and used for primarily unmanned data center equipment. That was at the request of Commissioner Lawrence to add that language. The inoperative vehicles was changed at the request of Supervisor Smyth at the time of authorization, just for clarifying. So we reworded that language. The parking revision implements what's in the Comprehensive Plan and it also was recommended by staff to change the percentage currently in the CRDs as a 20 percent reduction, which equates to 80 percent of the minimum. And in Tysons given the fact that there's rail and transit we felt that going down to 75 percent was appropriate. The last revision in the handout deals with the FAR increase that is to implement the 20-year horizon that was just adopted by the Planning – recommended by the Planning Commission. And I won't go through all that language as set forth specifically in that handout, unless you have any questions. There was one last revision that's – we're recommending that's not in this handout. And it deals with a concern raised by the Park Authority dealing with the open space. It's on – it's in Paragraph 1 of Section 6-508 lines 44 through 45, and it's on page 19 of the staff report – that sentence states, “not more than one half of the publicly accessible open space shall be accommodated above the street level.” There was concern that that could have an unintended consequence of restricting the provision of rooftop fields. So we are going – we are recommending that we add language that says – to the end of that sentence that says, “unless otherwise modified by the Board for the purposes of accommodating active recreation facilities.” I'll be happy to answer questions.

Chairman Murphy: Thank you very much. Are there any questions? Mr. Alcorn.

Commissioner Alcorn: Mr. Chairman, if there are no questions, I'd like to make a motion.

Commissioner de la Fe: Mr. Chairman, before we make the motion I just want to make sure. We made a lot of changes tonight, and so on, to the Plan. So I just want to make sure that whatever we approve of this Ordinance reflects the changes that we have made. I just, you know, want to make sure. Because I don't think we had a chance to –

Ms. Johnson: We've been tracking it.

Commissioner de la Fe: Okay.

Commissioner Alcorn: And there are no changes beyond what we've got in front of us. Is that correct?

Ms. Johnson: That's correct.

Commissioner Alcorn: Okay.

Chairman Murphy: All right, Mr. Alcorn.

Commissioner Alcorn: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE

PROPOSED ZONING ORDINANCE AMENDMENT TO ESTABLISH THE PTC, PLANNED TYSONS CORNER URBAN DISTRICT, AS SET FORTH IN THE STAFF REPORT DATED MARCH 23RD, 2010, WITH THE FOLLOWING REVISIONS AS PRESENTED IN THE MAY 27, 2010 DOCUMENT ENTITLED, “TYSONS ZONING ORDINANCE AMENDMENT ALTERNATE TEXT.”

- FIRST, REVISE PARAGRAPH 5, LINES 39-45 ON PAGE 14, AND LINES 1-5 ON PAGE 15 OF THE STAFF REPORT WITH REVISION 1, OPTION 2, REGARDING CELLAR SPACE.
- REVISE PARAGRAPH 9B, LINES 36-41, ON PAGE 16 OF THE STAFF REPORT WITH revision – REVISION 2 REGARDING CLARIFYING TEXT FOR INOPERATIVE VEHICLES.
- REVISE PARAGRAPH 1B(2), LINES 4-10 ON PAGE 22 OF THE STAFF REPORT WITH REVISION 3 REGARDING MINIMUM NUMBER OF PARKING SPACES.
- And REVISE THE TEXT AS SET FORTH IN THE STAFF REPORT AND THE ZONING ORDINANCE IN ACCORDANCE WITH REVISION 4 TO ESTABLISH A SPECIAL EXCEPTION FOR INCREASE IN FAR IN THE PTC DISTRICT.

Commissioners de la Fe and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. de la Fe. Is there –

Commissioner Alcorn: Yes, and Mr. Chairman I need to make one further movement. I FURTHER MOVE THAT THE FOLLOWING REVISION TO PARAGRAPH 1 OF SECTION 6-508, LINE 45, PAGE 19 OF THE MARCH 23RD STAFF REPORT REGARDING OPEN SPACE BY ADDING THE FOLLOWING PHRASE TO THE LAST SENTENCE OF PARAGRAPH 1: “,UNLESS OTHERWISE MODIFIED BY THE BOARD FOR THE PURPOSES OF ACCOMMODATING ACTIVE RECREATION FACILITIES.”

Commissioners de la Fe and Hart: Second.

Ms. Johnson: Mr. Chairman?

Chairman Murphy: Hello.

Ms. Johnson: Just want to make one point of clarification that the title of the May 27th, 2010 document that we handed – is Version 2.

Chairman Murphy: There you go.

Ms. Johnson: I just want Commissioner Alcorn to make sure that it –

Commissioner Alcorn: So noted. VERSION 2.

Chairman Murphy: Seconded by Mr. Hart and Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt amendment to Articles 2, 6, 8, 9, 11, 12, 13, 16, and 18 to establish the PTC, Planned Tysons Corner Urban District, as amended this evening, or this morning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. We have arrived.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Just 30 seconds. First I want to thank the Commission for everyone working on this and working together and coming through at the end. And I think – I think it's obvious that at least 11 minds working together really can do the job. And I just want to say – also for the folks that have been here through the whole thing. I see your very, very familiar faces. Thank you very, very, very much for all your input and your participation. The County thanks you. This is a much better product because you have been engaged. And just want to thank staff. Mr. Zook, you and your team came through and you basically helped get us across the finish line at least here at the Planning Commission. So – so we are in great debt for your service. So thank you very much. And we can't forget our staff, the ones that –

Commissioner Harsel: Linda, who attended all those meetings.

Commissioner Alcorn: Yes, that's right, Linda and Barbara, who attended all those meetings, and Jeanette, who gets to write up the verbatim, and Robin, who was here the whole time. So we – this has truly been a team effort. So I really appreciate everybody that pitched in to help make this happen. Thank you.

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The main motion for ST05-CW-1CP and five of six amendments carried by a vote of 10-1, with Commissioner Donahue opposed; Commissioner Hall absent from the meeting.

The fourth amendment (to locate 20 new athletic fields within Tysons) failed by a vote of 3-8, with Commissioners Donahue, Harsel, and Sargeant in favor; Commissioners Alcorn, de la Fe,

Flanagan, Hart, Lawrence, Litzenberger, Lusk, and Murphy opposed; Commissioner Hall absent from the meeting.

Follow-on motions 1 through 15 carried unanimously with Commissioner Hall absent from the meeting.

The motion to adopt the Zoning Ordinance Amendment for Tysons carried unanimously with Commissioner Hall absent from the meeting.)

JN