

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 30, 2013**

PRESENT: Jay P. Donahue, Dranesville District
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janyce Hedetniemi, At-Large
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District

ABSENT: Janet R. Hall, Mason District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center, on the following dates:

- Thursday, February 7, 2013 (Regional efforts on electric vehicle charging infrastructure)
- Thursday, March 7, 2013 (Perspectives from private sector providers of electric vehicle supply equipment)
- Thursday, April 4, 2013 (Proposed changes to Fairfax County Stormwater Management Ordinance)

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Chairman Murphy reminded Commissioners to submit their 2013 Preference Form for Planning Commission Committees to Barbara Lipa, Executive Director of the Planning Commission Office.

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WEDNESDAY, JANUARY 30, 2013**

FSA-P96-54-1 – SPRINT, Greensboro Park Office Building, 8200 Greensboro Drive

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEM.
Without objection, the motion carried unanimously with Commissioner Hedetniemi not present for the vote; Commissioners Hall and Sargeant absent from the meeting.

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SE 2012-SU-002 – NADEEM P. MALIK (Decision Only) (Public Hearing held on January 24, 2013)

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2012-SU-002, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 30, 2013.

Commissioners Flanagan and Lawrence seconded the motion which carried by a vote of 6-0-2 with Commissioner Hart having recused himself; Commissioners de la Fe and Migliaccio abstaining; Commissioner Hedetniemi not present for the vote; Commissioners Hall and Sargeant absent from the meeting.

Commissioner Litzenberger also MOVED THAT DEVELOPMENT CONDITION NUMBER 27 BE AMENDED AS FOLLOWS: "IN LIEU OF CONSTRUCTING A TRAIL ALONG ASHBURTON AVENUE, THE APPLICANT SHALL MAKE A CONTRIBUTION IN AN AMOUNT EQUIVALENT TO THE COST OF CONSTRUCTING THIS TRAIL SEGMENT, AS DETERMINED BY DPWES, TO THE SULLY DISTRICT TRAIL/SIDEWALK FUND."

Commissioner Flanagan seconded the motion which carried by a vote of 6-0-2 with Commissioner Hart having recused himself; Commissioners de la Fe and Migliaccio abstaining; Commissioner Hedetniemi not present for the vote; Commissioners Hall and Sargeant absent from the meeting.

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ORDER OF THE AGENDA

In Secretary Hall's absence, Chairman Murphy set the agenda:

1. RZ/FDP 2010-PR-014D AND RZ 2010-PR-014E – GEORGELAS GROUP LLC

This order was accepted without objection.

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RZ 2010-PR-014D – GEORGELAS GROUP, LLC – Appl. to rezone from C-7, I-5, HC, and SC to PTC, HC, and SC to permit mixed-use development with an overall Floor Area Ratio (FAR) of 6.44 and Waiver #8158-WPFM-002-1 to permit the location of underground stormwater management facilities in a residential area. Located in the N.E. quadrant of the intersection of Leesburg Pike and Spring Hill Road and the S. side of Tyco Road at its intersection with Leesburg Pike on approx. 9.86 ac. of land. Comp. Plan Rec: Transit Station Mixed-Use and Park/Open Space. Tax Map 29-1 ((1)) 18C, 29-3 ((1)) 54A, 57, 57B, and 57G. (Concurrent with FDP 2010-PR-14D and RZ 2010-PR-014E.) PROVIDENCE DISTRICT.

FDP 2010-PR-014D – GEORGELAS GROUP, LLC – Appl. to approve a final development plan for RZ 2010-PR-014D to permit mixed-use development with an overall FAR of 2.95. Located in the E. quadrant of the intersection of Leesburg Pike and Tyco Road on approx. 3.52 ac. of land. Comp. Plan Rec: Transit Station Mixed-Use. Tax Map 29-3 ((1)) 54A. (Concurrent with RZ 2010-PR-14D and RZ 2010-PR-014E) PROVIDENCE DISTRICT.

RZ 2010-PR-014E – GEORGELAS GROUP, LLC – Appl. to rezone from C-4 and HC to PTC and HC to permit mixed-use development with an overall FAR of 3.29 and Waiver #8158-WPFM-002-1 to permit the location of underground stormwater management facilities in a residential area. Located in the S.W. quadrant of the intersection of Spring Hill Road and Greensboro Dr. on approx. 7.39 ac. of land. Comp. Plan Rec: Transit Station Mixed-Use. Tax Map 29-3 ((1)) 63C. (Concurrent with RZ 2010-PR-014D and FDP 2010-PR-014D.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, Land Use Coordinator, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavits for RZ 2010-PR-014D dated January 23, 2013, and FDP 2010-PR-014D/RZ 2010-PR-014E, dated January 4, 2013. There were no disclosures by the Commissioners.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION WAIVE ITS POLICY REGARDING AFFIDAVITS NOT RECEIVED AT LEAST SEVEN BUSINESS DAYS IN ADVANCE OF THE SCHEDULED PUBLIC HEARING, AND PROCEED WITH THE PUBLIC HEARING IN REFERENCE TO RZ 2010-PR-014D.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners Hall and Sargeant absent from the meeting.

Tracy Strunk, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, noting that the applicant had submitted a revised proposal, a copy of which is in the date file. She noted that staff recommended approval of applications RZ/FDP 2010-PR-014D and RZ 2010-PR-014E.

Commissioner Lawrence announced his intent to defer the decisions only on these applications.

Commissioner Hedetniemi disclosed that she had accepted contributions from the applicant as a candidate for public office in Fairfax County; however, it would not affect her ability to participate in this public hearing.

Commissioner de la Fe referenced page 28 of the staff report, in which the first paragraph noted staff's concern about the number of dwelling units. He asked if staff and the applicant had changed the minimum number of dwelling units. Ms. Strunk explained that while the minimum number of dwelling units would not change, the applicant had agreed to provide additional information in the proffers regarding the mix of uses. She added that there was room for flexibility, but staff would closely monitor the mix of uses during final development. Commissioner de la Fe noted that his primary concern was that the initial number of dwelling units was too low.

Commissioner Hart questioned the language in Proffer Number 23, Paragraph A., Right-of-Way. Ms. Strunk explained that staff disagreed with the applicant's requirement for a restriction of uses on a strip of land that was to be dedicated to the County and intended for streetscape development. She said that she was unaware of the County's acceptance of any such deed restriction in previous cases. She did note, however, that if the applicant intended to ensure that the Virginia Department of Transportation (VDOT) did not take land intended for streetscapes to use for transportation, then such a restriction would be unnecessary, since the County would own the land.

A brief discussion followed wherein Ms. Strunk explained the right-of-way requirements for proposed new collector streets and the possible impacts on neighboring properties. When Commissioner Hart questioned whether such condemnation would violate the recently approved Virginia Eminent Domain Amendment, Ms. Strunk said that the County Attorney's Office concurred with the proposed language. She added that there was a viable on-site alternative in the event that the applicant could not obtain dedications from the neighboring property owners.

Commissioner Hart asked about the stub streets that would eventually connect Pierpoint Street when Parcel C was developed. Ms. Strunk deferred to the applicant, but confirmed that the current proposal would not hinder future development of Parcel C. In addition, she explained that the language in Proffer Numbers 57, Arts and Entertainment (RZ 2010-PR-014-D, hereafter referred to as "014D"), and 61, Tysons Partnership (RZ 2010-PR-014-E, hereafter referred to as "014E"), was too broad and required very little of the applicant. Catherine Lewis, Branch Chief, ZED, DPZ, noted that suggestions for public art had been discussed with Commissioner Lawrence and the applicant and suggested this be addressed during the applicant's presentation.

Commissioner Litzenberger asked if the workforce/affordable dwelling units (WDU/ADU) would comply with the Americans with Disabilities Act (ADA) and/or universal design standards. Ms. Strunk again deferred to the applicant for response.

Commissioner Donahue asked for clarification regarding the applicant's request for bonus density and the fire station. Ms. Strunk explained that the applicant would receive additional office space in return for the construction of a fully-operational urban fire station. She confirmed that the proposed fire station would be constructed on County-owned land, adding that the proposed station was in conformance with the Comprehensive Plan.

Ms. Baker introduced Aaron Georgelas, Managing Partner, The Georgelas Group. Mr. Georgelas briefly detailed the project from its inception to the present and thanked staff and citizens for their contributions in bringing this application forward.

Ms. Baker detailed the proposed development, describing the construction and how the applicant would accommodate the traffic, office/residential use, ground-floor retail, arts and entertainment, parking, and Metrorail access. She explained that the Proffer Number 23, Grid of Streets, in 14D, was intended to protect the proposed streetscapes. She stated that the current proposal ensured connectivity to Parcel C and said that the grade heights had been worked out in anticipation of the development of that parcel. She also noted that the applicant would meet all requirements of the ADA as well as the Fair Housing Act. In addition, Ms. Baker requested that the language in Development Condition Number 7, regarding building heights, be eliminated since the proposed heights were depicted on the Generalized Development Plan.

When Chairman Murphy asked about the sidewalk construction, Ms. Baker stated that the sidewalks would not be constructed with brick pavers.

Commissioner Hart asked Ms. Baker to explain the rationale for the language regarding the deed restriction in Proffer Number 23. Ms. Baker explained that although VDOT could not be prevented from taking land for additional traffic lanes, the intent of the language was to make it more difficult. She added that money was not the issue, but rather the mere acceptance of such condemnations as an indisputable right. She also confirmed that the twin residential buildings proposed in 14D would be built flush with the boundary of Parcel C. She pointed out that Buildings D1, D2, and D2-B, were all designed to the property lines, with the original intent being that they would all be connected. She added, however, that with the separation of the parcels, the buildings would interconnect at grade level via an alleyway between garages.

Commissioner Hart questioned whether easements were in place to provide the connections and if such a connection was possible on the current 14D parcel. Ms. Baker confirmed that while expensive, the connection was possible with the current access easements. She noted that the twin buildings would not connect themselves, but the parking podia would be connected by incoming traffic ramps to the parking areas.

Commissioner Flanagan commended the applicant for proposing bird-friendly design proffers; however, he expressed concern about how the proffers would be measured. In addition, he asked

how the applicant would provide the sound for outdoor movie events and if consideration had been given to the building design to mitigate the noise impacts on the residents. Also, while referencing Proffer Numbers 47, Affordable Dwelling Units, and 48, Workforce Dwelling Units, Commissioner Flanagan expressed concern about the possible segregation of those units into one building.

Ms. Baker responded that the Comprehensive Plan allowed for the separation. She added that the applicant included the language in its proffer to retain flexibility to do so if the need arose. She pointed out that the applicant did not intend to locate all of the ADU/WDU units in one building, but would disperse them throughout the development.

Commissioner Lawrence pointed out that the bird-friendly design would be measured against the criteria in the guidelines set forth by the American Bird Conservancy, adding that the cost of such design was minimal.

Commissioner Hurley asked if the applicant planned to provide a childcare center. Ms. Baker noted that there was a childcare facility onsite, with access to outdoor play space, and added that another facility could be accommodated within the 14D development.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

John Bellaschi, speaking on behalf of the Cherner Family, 8550 Leesburg Pike, Vienna, noted that the Cherner property would be in the heart of the Spring Hill Station development and impacted by the proposed redevelopment. After briefly describing the Cherner family business, he pointed out that access easements were not in place for access to Parcel C. He requested the following:

- a revision to Proffer Number 6 in 14D, Final Development Plans, to ensure that the Cherners were provided written notice when the applicant filed an FDP or FDPA;
- a revision to Proffer Number 29 in 14D, Advance Access Consideration, adding the ability to assign a contract if Parcel 57 was under contract;
- a revision to Proffer Number 28D, Merchant Street, for Building D2-B to be included in the proffer; and
- the inclusion of a clear disclaimer that statements on pages 3,5, and 35, noting that the applicant's plan sheets showing site layout, buildings, and massing on the Cherner property were merely "illustrative in nature" and that a "different development pattern" might be pursued were merely illustrative and not endorsed by the Cherners.

Mr. Bellaschi, also noted that the since the Cherner property was located adjacent to the Tysons West Metro Station, it should receive a density well above a 4.99 FAR, particularly in light of the higher densities in this proposal.

Mark Zetts, 6640 Kirby Court, Falls Church, questioned the need for a waiver of the tree preservation target and said that the Zoning Ordinance should note if different standards existed for urban areas. He expressed concern about the lack of parkland and stated that careful thought

should be taken with the proposed building heights and the overall aesthetic of the fully developed site. In addition, he noted that payment to the Tysons Road Fund should take place sooner than the issuance of the residential/non-residential use permit (RUP/non-RUP), since the fund was intended to pay for off-site links as well as the internal grid.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Baker, who stated that she would review the issues brought up by Mr. Bellaschi during the deferral period. She added that the request for a waiver from the tree preservation target resulted from the restriction on including street trees in the calculations. With regard to the road fund, Ms. Baker stated that the applicant had committed to follow the timeline adopted by the Board of Supervisors and would therefore pay at the time of the issuance of the RUP/non-RUP.

In response to questions from Commissioner Lawrence, Ms. Baker described the two height alternatives for the residential building and said the parking podium would be 80 feet for the taller building alternative and 60 feet for the shorter alternative.

Commissioner Lawrence described the parking podia and stated that they would essentially become the paradigm in Tysons because underground construction could not go very deep. He stressed that it would be extremely important to bear in mind that those podia would be visible during the Tysons redevelopment.

Commissioner de la Fe pointed out that while the cost would be increased to accommodate ventilation requirements, structured parking similar to the proposed podia could be enclosed.

Commissioner Lawrence noted that during the deferral period he, staff, and the applicant would discuss the proffers and work out solutions to the issues mentioned this evening. He added that one way to bring public art to this development might be through the Workhouse Arts Center in Lorton, via displays and/or sales of artwork by local artists. He further noted that videographic art should be taken into consideration. Addressing earlier remarks about the sound/noise during an outdoor movie night, Commissioner Lawrence pointed out that smart phones now had the technology to stream audio.

Ms. Strunk noted that staff recommended approval of applications RZ/FDP 2010-PR-014D and RZ 2010-PR-014E and echoed Commissioner Lawrence's assurances that the issues would be addressed during the deferral period.

Commissioner Flanagan noted that there were several enclosed parking structures in the Mount Vernon District and suggested that further consideration be given to enclosing the proposed structures.

There were no further comments or questions from the Commission or staff; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on these items. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY ON RZ 2010-PR-014D, FDP 2010-PR-014D, AND RZ 2010-PR-014E TO A DATE CERTAIN OF FEBRUARY 7, 2013, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Hall and Sargeant absent from the meeting.

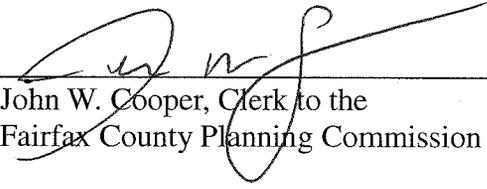
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The meeting was adjourned at 10:03 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: December 4, 2013



John W. Cooper, Clerk to the
Fairfax County Planning Commission