MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 21, 2010

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Sully District
Rodney L. Lusk, Lee District
Timothy J. Sargeant, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District

ABSENT: Janet R. Hall, Mason District

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The meeting was called to order at 7:31 p.m., by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Planning Commission, Chairman Murphy announced that today was Administrative Professionals Day and recognized Planning Commission Office administrative staff for their continued support and service. He also thanked Commission staff for producing an outstanding April issue of the *Planning Communicator*.

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Thursday, May 6, 2010, at 7 p.m., in Conference Rooms 2/3 of the Government Center, to discuss the public comments received at the hearing this evening. He encouraged all Commissioners to attend this meeting. Commissioner Alcorn said this would be the 38th meeting of the Tysons Corner Committee, noting that six of those meetings had been specifically for public comment.

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FS-M09-59 – CLEARWIRE, 5501 Seminary Road

Chairman Murphy MOVED THE CONSENT AGENDA ITEM FS-M09-59, CLEARWIRE, 5501 SEMINARY ROAD.

Without objection, the motion carried unanimously with Commissioner Donahue not present for the vote; Commissioner Hall absent from the meeting.

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ORDER OF THE AGENDA

Chairman Murphy noted that there was one joint item on the agenda:

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

This order was accepted without objection.

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> ST05-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (TYSONS CORNER) – Comprehensive Plan Amendment ST05-CW-1CP concerns approximately 2100 acres of land (inclusive of roads), generally located south of the Dulles Airport Access Road in the vicinity of Leesburg Pike (Rt. 7), Route 123, and the Capital Beltway (I-495) that is described in the Plan as the Tysons Urban Center. The area is bounded on the north by the Dulles Airport Access and Toll Roads, on the southeastern side by Magarity Road, and on the southwestern side generally by the limit of commercial development along Gallows and Old Courthouse Road and the natural areas of Old Courthouse Stream Branch. The residential areas on the western side of Gosnell Road flanking Old Courthouse Road are included in the Tysons Urban Center. The Tysons Corner Urban Center, located in the Hunter Mill and Providence Supervisor Districts, has been the subject of a special transportation and urban design study conducted under the direction of County staff and a Tysons Land Use Task Force appointed by the Fairfax County Board of Supervisors. The Tysons Corner Urban Center Plan Amendment sets forth a vision and implementation approach, area-wide recommendations for land use, transportation, environmental stewardship, public facilities, and urban design. The Plan Amendment contains district recommendations for the four new Metrorail stations that are part of Metrorail's Silver Line (Tysons East, Tysons Central 123, Tysons Central 7, and Tysons West) that are referred to as Transit-Oriented Development areas (TODs). Four districts are identified as Non-TOD districts with recommendations that provide a transition

between the higher intensities planned near the stations and the surrounding communities. Tysons is planned for a complementary mix of office, residential, retail, institutional, civic, and other uses. Land use categories include: Retail Mixed-use (retail centers complemented by residential, office, hotel, and arts/civic uses); Office Mixed-use (primarily office use with ground floor retail, residential, hotel, and arts/civic uses); Office (office with supporting retail and service uses); Residential Mixed-use (primarily residential use with office, hotel, arts/civic, and support retail uses); Residential (residential with supporting retail); Civic Use or Public Facility (public uses such as library, school, police/fire station, arts center, and community center); and, Parks and Open Space (parkland and open spaces such as plazas and pocket parks). Other uses, such as educational and institutional uses are planned throughout Tysons. The areas closest to the Metrorail stations should be developed primarily with office space and other non-residential uses, while areas outside the quarter-mile radius should be developed primarily with multifamily housing. The highest intensity is planned for areas near the four Metrorail stations and is organized according to distance from the Metro Station. The Planning Commission and the Board will consider Plan text that does not provide for any maximum Floor Area Ratios (FARs) throughout Tysons. As recommended by County staff, the intensity for designated TOD Districts would be 4.75 Floor Area Ratio (FAR) for Tier 1 (0-1/8 mile from Metro); 3.0 FAR for Tier 2 (1/8-1/4 mile from Metro); and, 2.0 FAR for Tier 3 (1/4-1/2 mile from Metro). Also under consideration are the following intensities recommended by the Tysons Task Force for TOD Districts: 6.0 FAR for Tier 1 (0-1/8 mile from Metro); 4.0-4.5 FAR for Tier 2 (1/8-1/4 mile from Metro); 2.0-3.0 FAR for Tier 3 (1/4-1/3 mile form Metro); and, 1.75-2.75 FAR for Tier 4 (1/3-1/2 mile from Metro). Non-TOD Districts are recommended by staff and the Task Force for varying intensities generally up to 2.0 FAR. All intensities listed as staff's recommendations in the Plan may be increased by varying amounts because of the bonus intensity that is allowed as an incentive for such things as the provision of affordable housing (20%), green buildings (2% to 10%) and land or space for public improvements or facilities (up to 20%). The amount of bonus intensity may be compounded when multiple planning objectives are being achieved. In addition, the Plan allows for density credits for land dedication and for intensity to be moved from one tier to another so long as the resulting development conforms to the goal of locating the highest intensities closest to transit and the development is consistent with the planned character and scale of the area. All of these provisions and incentives could allow for a development to be considered at up to a maximum intensity of 7.0 FAR under the staff's recommendation and up to 10.0 FAR under the recommendations of the Task Force. Alternatively, intensity may be allocated and limited by a maximum number of overall square feet of development planned for

Tysons. To provide flexibility the overall maximum number of square feet recommended in the Plan could be up to 175 million based on a 2050 planning horizon. Development under the Plan may be phased to transportation, trip reduction objectives, and public facilities/ improvements. Development under the redevelopment option set forth in the Plan is expected to rezone to the Planned Tysons Corner Urban District ("PTC"), which is advertised concurrently with the Plan amendment and hereby incorporated by reference. The proposed Plan Amendment provides guidance for urban design, i.e., pedestrian circulation, streetscape design, a street grid and block pattern, build-to lines, building frontages, recommendations for bulk and massing, step-backs, building articulation, fenestration and transparency, and building heights of up to 400 feet under the staff's recommendation, and up to 455 feet under the recommendations of the Task Force, which will be tallest in TOD areas within 1/8 mile of the Metrorail stations, moving outward to lesser heights. The Plan Amendment also calls for reductions in maximum parking throughout Tysons Corner and a variety of robust Transportation Demand Management tools to mitigate traffic impacts. The Plan Amendment also identifies transportation recommendations for transit and roadway improvements within and outside of Tysons. Amendments to the Countywide Transportation Plan are also under consideration as part of this amendment to reflect recommendations affecting the surrounding transportation network. The Countywide Transportation Plan amendments under consideration include, but are not limited to, the following transit additions and highway additions and deletions. The planned transit additions include the following: express bus/BRT routes on I-66, I-95/I-495 and Leesburg Pike east of Tysons Corner; a Circulator System serving Tysons; expanded local bus service; additional BRT routes and other supporting services including park-and-ride and feeder bus routes to rail stations; and at least two additional urban rail corridors with substantial TOD development. Planned highway improvements include the following: ramps connecting the Greensboro Drive extension to the Dulles Toll Road; ramps connecting the Boone Blvd. extension to the Dulles Toll Road; collector-distributor roads along the Dulles Toll Road; a ramp connecting Jones Branch Dr. to Scotts Crossing Road; an I-495 crossing connecting Tysons Corner Center with the Old Meadow Road area; ramps connecting Jones Branch Dr. to the Dulles Toll Road; the widening of the I-495 Outer Loop by one lane from Rt.7 to I-66; and the addition of an extensive grid network of streets, containing a mix of local streets, collector streets and avenues to increase connectivity and to better accommodate pedestrians, bicyclists, transit vehicles, and cars. Proposed highway deletions include: removal of grade-separated interchanges at Rt.7 and Westpark Drive/Gosnell Road, Rt.7 and Gallows Road/International Drive, and Rt.123 and International Drive. Through this amendment the Tysons Corner Urban Center, as identified in the

Comprehensive Plan, is designated an Urban Development Area for Fairfax County under the provisions of Section 15.2-2223.1 of the *Code of Virginia*. A map showing the boundary of the UDA is available for viewing at the office of the Department of Planning and Zoning. The recommendations under consideration are contained in the report entitled "Transforming Tysons" prepared for the Fairfax County Planning Commission's Tysons Corner Committee, dated March 24, 2010. The document contains the recommendations of Fairfax County staff as well as alternatives to these recommendations. Where the staff recommendation differs from that of the Draft Review Committee of the Tysons Task Force and where alternatives are presented, it is noted in the document and all recommendations are provided to provide the Planning Commission with flexibility to choose among the recommendations or do less than what is presented. HUNTER MILL AND PROVIDENCE DISTRICTS. PUBLIC HEARING.

ZONING ORDINANCE AMENDMENT (PTC - PLANNED TYSONS CORNER URBAN DISTRICT) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: to create a new Planned Tysons Corner Urban District (PTC), to include the following provisions:

1. A rezoning to the PTC District may only be sought in areas identified in the Comprehensive Plan as the Tysons Corner Urban Center (TCUC) area. Any applicant desiring to utilize any redevelopment option of the Comprehensive Plan may or may not rezone only to the PTC District.

2. As further qualified by the adopted Comprehensive Plan, the maximum density for a PTC District rezoning of a property within the TCUC shall not exceed 4.75 FAR. However, such density may be increased by the Board, in its sole discretion, to a maximum of 7.0 FAR when the increase is attributable to the floor area for affordable dwelling units (ADUs) and bonus market rate units provided in accordance with Part 8 of Article 2 of the Zoning Ordinance; and/or floor area for proffered bonus market rate units and/or bonus floor area, either of which is associated with the provision of workforce dwelling units; and/or bonus density or intensity obtained for incorporation of qualifying green building practices; and/or any bonus density or intensity granted by the Board for proffered public facilities and/or public infrastructure. ***[NOTE: The amendment is advertised to permit the Board to adopt a maximum density limit that falls anywhere between 3.0 FAR and 10.0 FAR or to adopt the Amendment without a specified numeric FAR limit, but staff's recommendation is a maximum density of 4.75 FAR, excluding bonuses and 7.0, including bonuses.]***

3. The PTC District allows for a mix of residential, commercial, and industrial uses that shall be permitted either by right, special permit, or special exception, depending upon use, use characteristics, and location and such uses may be subject to use limitations designed to address compatibility. The following uses are proposed as by-right when shown on an approved development plan: Accessory uses and home occupations as permitted by Article 10; Affordable dwelling unit developments; Automated teller machines; Business service and supply service establishments; Commercial and industrial uses of special impact (Category 5), limited to: Amusement arcades, Car washes, Drive-in financial institutions, Drive-through pharmacies, Fast food restaurants, Funeral chapels, Industrial/flex, Pawnshops, Mini-warehousing establishments, Quick-service food stores, Retail sales establishments-large, when located in a multiple story structure with at least one (1) other permitted use, Service stations, Service station/mini-marts, Vehicle light service establishments, Vehicle sale, rental, and ancillary service establishments; Commercial recreation uses (Group 5), limited to: Billiard and pool halls, Bowling alleys, Commercial swimming pools, tennis courts, and similar courts, Dance halls, Health clubs, Indoor archery ranges, fencing, and other similar indoor recreational uses, Miniature golf course, Skating facilities, Any other similar commercial recreation use; Community uses (Group 4); Contractors' offices and shops; Dwellings, including multiple family, single family attached and detached; Eating establishments; Establishments for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products and associated retail sales; however, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 shall not be permitted; Establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training; Exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations; Financial institutions; Garment cleaning establishments; Hotels, motels; Institutional uses (Group 3); Kennels; Light public utility uses (Category 1); New vehicle storage; Offices; Parking, commercial off-street, as a principal use; Personal service establishments; Public uses; Quasi-public uses (Category 3), limited to: Alternate uses of public facilities, Child care centers, and nursery schools, Churches, chapels, temples, synagogues, and other such places of worship with a child care center, nursery school, or private school of general or special education, Colleges, universities, Conference centers and retreat houses, operated by a religious or nonprofit organization, Congregate living facilities, Cultural centers, museums and similar facilities, Dormitories, fraternity/sorority houses, rooming/boarding

houses, or other residence halls providing off-campus residence for more than four (4) unrelated persons who are students, faculty members, or otherwise affiliated with an institution of higher learning, Independent living facilities, Medical care facilities, Private clubs and public benefit associations, Private schools of general education, Private schools of special education, Quasi-public parks, playgrounds, athletic fields and related facilities; Repair service establishments; Retail sales establishments; Theatres; Transportation facilities (Category 4), limited to: Bus or railroad stations, Electrically-powered regional rail transit facilities, Regional non-rail transit facilities; Vehicle transportation service establishments; Veterinary hospitals; and Legally established uses existing at the time of rezoning to the PTC District. The following uses are proposed to be allowed only by special permit: Group 8 – Temporary Uses; Group 9 – Uses Requiring Special Regulation, limited to: Home professional offices, Accessory dwelling units. The following uses are proposed to be allowed only by special exception: Subject to the use limitations identified herein, any use presented as a permitted use as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan; and the following shall only be permitted by special exception: Sports arenas, stadiums; Heliports and Helistops; Increase in parking in the PTC District, subject to the following standards: (a) such increase does not hinder or preclude achievement of the Transportation Demand Management goals of the Comprehensive Plan for the property, (b) the design of parking structure necessitates additional parking construction, (c) the use is unique and justifies an increase in parking, (d) the parking increase is caused by a change in previously approved shared parking, valet or shuttle arrangements, (e) the development is single phase and will precede the operation of mass transit, (f) other circumstances where the use cannot be adequately served by the maximum parking specified by the Zoning Ordinance. Such additional parking may be administered by a parking management entity and may be subject to any conditions imposed by the Board. The following use limitations are proposed: (1) All development shall conform to the standards set forth in Part 1 of Article 16 and the objectives of the PTC District. (2) All development plans shall conform to the standards set forth in Part 5 of Article 16. (3) All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties. (4) When a use presented as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide. When a use presented as a Group or Category use is being considered for approval as a special exception use the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development

plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required. In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. (5) OPTION 1: Notwithstanding the definition of gross floor area, any cellar space any cellar space shall be counted as part of GFA and shall be included in the calculation of the floor area ratio except for space used for mechanical equipment with structural headroom of less than six feet six inches. OPTION 2: Notwithstanding the definition of gross floor area, any cellar space shall be counted as part of GFA and shall be included in the calculation of the floor area ratio except for space used for mechanical equipment with structural headroom of less than six feet six inches and that area that is specifically identified and used for storage and/or for accessory uses. OPTION 3: If the Board does not adopt Option 1 or Option 2, then cellar space shall not be counted toward GFA and shall not be included in the calculation of floor area ratio. ***[NOTE: Staff recommends Option 1.]*** (6) The floor area for dwellings shall be determined in accordance with the gross floor area definition, as modified for cellar space; however, the following features associated with dwellings shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have 2 open ends. An open side or open end shall have no more than 50 percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features. (7) All uses shall be conducted entirely within an enclosed building with no outside storage, except those uses which by their nature must be conducted outside a building. Outdoor display associated with a permitted use or outdoor seating associated with a fast food restaurant, a quick-service food store or an eating establishment shall be permitted when such areas are designated on an approved development plan. (8) All uses/structures shall be designed in an integrated manner. Small scale structures with 1 or more uses shall only be permitted when demonstrated that it meets the urban design guidelines in the Comprehensive Plan. If part of a long-term phased development as an interim use, existing and new uses/structures may be permitted even though they do not fully satisfy the urban design guidelines when (a) use is identified in phasing plan and applicant demonstrates use/structure will not adversely impact purpose and intent of district, (b) urban design elements are incorporated to the extent feasible, (c) parking, loading and stacking is included in the parking plan and existing surface parking and/or new surface parking is redesigned/designed to the extent feasible to minimize pedestrian conflicts, provide interior and perimeter landscaping and screening and is oriented toward rear and side of structure. (9) Service stations, service station/mini-marts and vehicle light service

establishments shall be permitted only under the following conditions: (a) All vehicle repair and service is conducted in completely enclosed structure and (b) There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale. In addition, no more than 2 vehicles that are wrecked, inoperable or abandoned may be temporarily stored outdoors for a period in excess of 72 hours, and in no event shall any one such vehicle be stored outdoors for a period exceeding 72 hours; (10) Car washes, drive-in financial institutions, drive-through pharmacies, or any other use with a drive-through facility may only be permitted when specifically identified on the approved development plan and the use, drive through and stacking spaces are located within a multiple story building or parking structure. (11) Drive-through facilities other than those in Paragraphs 8 and 10 shall not be permitted; (12) Kennels and veterinary hospitals shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit. (13) Vehicle transportation service establishments shall be permitted in accordance with the following: (a) The total number of company vehicles permitted on site at any given time shall not exceed 5; (b) There shall be no maintenance or refueling of vehicles on site; and (c) the use is subject to the applicable transitional screening and barrier requirements; (14) Vehicle sale, rental and ancillary service establishments shall be permitted when specifically identified on the approved final development and where there is no outside display, all storage is within a parking garage or enclosed building and all ancillary service shall occur within a completely enclosed structure (15) New vehicle storage shall be permitted when located in a parking structure as a temporary use when (a) the existing parking spaces are available due to phasing or tenant vacancies, (b) layout does not hinder internal vehicle circulation and no mechanical parking lifts or fencing are utilized, (c) no signs are permitted and no sales/rental/service may occur; (16) mini-warehousing establishment shall only be permitted when specifically identified on an approved development plan and in accordance with the following: (a) Loading and unloading shall be fully enclosed and all other activities shall be conducted completely indoors in a multiple story structure, (b) The design of the storage structure shall be office-like in appearance and harmonious in color and design with that of the surrounding development so to minimize any adverse visual impact, (c) No individual storage bay doors, storage items, or lighted hallways located along the lengths of the building facades shall be visible from the outside of the storage structure, (d) The site shall be designed to facilitate safe and efficient on-site circulation and parking, (e) There shall be no incidental parking or storage of trucks, trailers, and/or moving vans except for

purposes of loading and unloading. There shall be no truck, trailer, and/or van rentals conducted from the site, (f) all signage shall be in scale and harmony with surrounding development so as not to detract from urban character of area; (17) Contractor's offices and shops and all associated operations and activities, including the storage of company vehicles shall be permitted only when located within a completely enclosed building, (18) Signs shall be permitted in accordance with Article 12, however it is encouraged that a comprehensive plan of signage be utilized, but in all cases, signs shall be harmonious in color and design and shall not detract from urban character; (19) All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403; and (20) All uses shall comply with the performance standards set forth in Article 14.

4. The minimum district size shall be 10 acres, which may be waived by the Board if the proposal is in conformance with the Comprehensive Plan. ***[NOTE: the amendment is advertised to allow the Board to adopt a minimum district size of between zero acres and 25 acres, but staff's recommendation is a minimum district size of 10 acres.]*** There is no proposed minimum requirement for lot area or lot width.

5. The maximum height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16 of the Zoning Ordinance.

6. Open space, including off-site open space, shall be determined by the Board in accordance with the Comprehensive Plan recommendations for streetscape and urban park standards, including publicly accessible parks, courtyards, plazas, trails, outdoor recreational facilities, landscaped rooftops, courtyards on structures, green roofs, and/or any rooftop recreational facilities. Not more than one-half of the publicly accessible open space shall be accommodated above street level. Recreational facilities of a minimum expenditure of $1600 per dwelling unit, which may include such features as swimming pools, exercise rooms, and/or health clubs, subject to Sect 16-604, shall also be required. Such recreational facilities shall be provided on site or the Board may approve the facilities on land that is not part of the subject PTC District rezoning. This expenditure shall not apply to any ADUs in the development.

7. An approved parking plan shall be required for all PTC rezoning applications. The minimum and maximum parking requirements shall be determined by use, type of dwelling unit, bedroom count per dwelling unit, and/or proximity to metro stations entrance(s) as set forth in intensity tiers of the Comprehensive Plan. For a use not specified in this table, the parking rates specified in Article 11 shall serve as the maximum parking

rate in TOD areas, with no minimum required parking rate. In Non-TOD areas, 85% of the rate specified shall serve as the minimum required parking rate and 110% of the rate shall serve as the maximum required parking rate. The Board may reduce the minimum required parking in both the TOD and non-TOD areas when an applicant has demonstrated that the reduction is in furtherance of the goals of the TCUC. ***[NOTE: The amendment is advertised to allow the Board to establish minimum and/or maximum parking rates for any use that falls between zero parking spaces and 5 parking spaces per unit of measure. However, staff recommends the parking rates set forth in the staff report.]*** Subject to approval of a parking redesignation plan pursuant to Par. 12 of Sect. 11-102, for an existing use located in the TCUC that is not the subject of a PTC rezoning request, the owner may voluntarily elect to comply with the PTC parking regulations such that the parking is at a rate between the minimum required by the applicable provisions of the Zoning Ordinance and the minimum rates specified for the PTC District.

8. Loading space requirements shall be determined at the time of rezoning based on the proposed uses, but shall be fully enclosed and integrated into buildings when located in TOD areas. No additional parking shall be required for a change of use that is in substantial conformance with the approved final development plan. Parking may be provided on-site or off-site, as approved by the Board, provided evidence of permission is granted for off-site parking.

9. Site plans or minor site plans may be filed concurrently with a rezoning, special exception, or special permit, but cannot be approved prior to the rezoning, special exception or special permit.

10. Landscaping and screening requirements of Article 13 shall apply as follows: Part 1 shall be applicable, Part 2 shall apply except where the Comprehensive Plan sets forth streetscape standards, Part 3 shall apply to peripheral boundary of the TCUC.

11. The following existing provisions shall also apply to the PTC District: Sect. 2-412, Par. 1A(2), 2C(3), 3A(1) and 5A(1) of Sect. 2-514; Par. 8 12. of Sect. 16-401; Par. 4A(7)(d) of Sect. 16-403; Sect. 16-404; Par. 3 of Sect. 18-211.

12. A public agency or County recognized redevelopment organization or authority may make application for a comprehensive plan of signage or off-site directional signs in the TCUC.

13. A rezoning to the PTC District shall include certain submission requirements, including a plan and additional documentation to support the requested rezoning. The proposed submission requirements reflect the need for sufficient information in order for the Board to evaluate the

proposal in the context of the Comprehensive Plan recommendations and Zoning Ordinance provisions.

14. The fee for a rezoning to the PTC District shall be $26,640 plus $885/acre when filed with a conceptual development plan or $26,640 plus $1,305/acre when filed with a concurrent conceptual and final development plan. The fee for a final development plan for an application property in the PTC District shall be $13,320 plus $420/acre. HUNTER MILL AND PROVIDENCE DISTRICTS. PUBLIC HEARING.

Matthew Ladd, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff reports, copies of which are in the date file. He noted that staff recommended approval of both the Comprehensive Plan and the Zoning Ordinance Amendments.

Clark Tyler, Chairman, Tysons Land Use Task Force, expressed support for the Task Force recommendation for a density of 86 million square feet of development by 2030 and 113 million by 2050. He stated that the staff recommendation would needlessly constrain what was needed and would likely lead to failure. He said that the third option of having no specific floor area ratios (FARs) could be implemented in ways that would help achieve the vision. Mr. Tyler stressed that traffic modeling should not drive density levels and without appropriate density, developers would resist providing workforce and affordable housing, and environmental and transportation commitments. (A copy of his remarks is in the date file.)

Chairman Murphy called the first speaker and recited rules for testimony before the Commission.

Rob Jackson, President, McLean Citizens Association (MCA), 6728 Baron Road, McLean, expressed support for additional density in transit-oriented development (TOD) areas only. He said adequate public facilities must be added concomitantly and funded largely by landowners who would benefit from increased density. He requested that enforceable triggers be added to the Plan and the Ordinance and that density be denied if it would result in transportation failure. Mr. Jackson said the MCA was not yet ready to endorse the “no-FAR” proposal but believed that it warranted further study.

Stu Mendelsohn, Chairman, Fairfax Chamber of Commerce, 8230 Old Courthouse Road, Vienna, said the staff recommendation was so limiting that vital, transit-oriented development might not occur. He objected to transportation triggers because development should not be tied to specific improvements. He stated that private sector dollars invested in Tysons would result in extraordinary tax benefits to the State and the County. Mr. Mendelsohn recommended establishing a minimum FAR to allow flexibility and to encourage transit-oriented development, rather than imposing a development cap. (A copy of his remarks is in the date file.)

Keith Turner, Senior Vice President, West*Group, 1600 Anderson Road, McLean, said while significant improvements had been made to the original proposal, two major issues remained: insufficient density in non-TOD areas and costly development conditions imposed in those areas

that would hamper redevelopment. He pointed out that non-transit-oriented development was critical to achieving the vision for Tysons. (A copy of his remarks is in the date file.)

Rob Whitfield, Dulles Corridor Users Group, 10740 Parkridge Boulevard, Suite 110, Reston, expressed concern about the cost of redevelopment to the public.

Chris Brigham, President, Dittmar Company, 8321 Old Courthouse Road, Suite 300, Vienna, said the proposed requirements for density, residential use, consolidation, affordable/workforce housing, green building, noise attenuation, phasing, and stormwater management standards would negatively affect the redevelopment of his property. (A copy of his remarks is in the date file.)

Martin D. Walsh, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, 2200 Clarendon Boulevard, Arlington, said the draft Plan Amendment contained too many "sticks" that would financially disincentivize redevelopment and not enough "carrots" to incentivize it. He said requirements for consolidation, affordable/workforce housing, private sector funding for road improvements and other public facilities, accessory uses, and public facility planning for the first zoning application in each district were "sticks."

Timothy Smith, Senior Vice President, LCOR, Inc., 6550 Rock Spring Drive, Bethesda, representing the owners of The Commons, a 33-acre, 577-unit apartment complex, said the requirement to provide 20 percent affordable/workforce housing was not economically feasible. He was opposed to downplanning part of the property from a maximum of 30 dwelling units per acre in the current Plan to 20 as recommended in the draft Plan. He said that it would be unfair to expect contributions to the Special Tax District if the property were downplanned.

Don McIlvaine, General Manager, Ravensworth Properties, LLC, 5240 Port Royal Road, Springfield, said the following requirements would negatively affect the redevelopment of his property: 20-acre consolidation; 20 percent affordable housing; building height tiers; Greensboro Drive extension; transportation improvements; and intensity. He said the proposed plan would not promote redevelopment in districts that were located one-fourth mile outside of the TOD area.

Tony Calabrese, Esquire, Cooley Godward Kronish LLP, 11951 Freedom Drive, Reston, concurred with the remarks of Mr. Mendelsohn. He supported a reinvestment goal of at least 20 percent of future Tysons real estate taxes to be used to address infrastructure challenges. Concerning the "no-FAR" proposal, he said that a 45 million square foot commercial office replanning trigger was too low. He recommended that the 1994 Plan designation for TOD sites located in Tier 3, one-quarter to one-half mile from the stations, be retained and all or most of those areas be redesignated as residential mixed-use. He said the cost of conditions for development must be reduced.

Jill Switkin Parks, Esquire, Cooley Godward Kronish LLP, 11951 Freedom Drive, Reston, noted that the impetus for replanning Tysons was the extension of rail service through Tysons to the

Dulles Airport and beyond into Loudoun County. She said the County promised to establish a feeder shuttle system and have it operational when the stations opened if landowners paid for the stations. She pointed out that the landowners had kept their end of the bargain and the County had issued debt in reliance on their commitments. Ms. Parks said while the Tysons Link Service was proposed, it was described as an initial service concept and not yet funded and requested that the County not lose sight of this concept as the process moved forward.

Stella Koch, Audubon Naturalist Society, 1056 Manning Street, Great Falls, made the following comments: the Tysons vision must be implemented as a whole; planned development intensities must be sufficient to achieve and sustain the essential elements envisioned by the Tysons Corner Land Use Task Force; new and innovative environmental expectations must be added in future years; retention of the first inch of rainfall must be supported at a minimum; Leadership in Energy and Environmental Design (LEED) requirements for the quantity and quality of stormwater detention must be required; and fear about the traffic impact on surrounding neighborhoods should not prohibit a true transit-oriented redevelopment, mandated and engineered to reduce automobile usage. (A copy of her remarks is in the date file.)

Cris Janoski, Citizens for Traffic Calming on Old Courthouse Road, 306 Old Courthouse Road, Vienna, requested language be added to the Plan Amendment that would protect Old Courthouse Road and surrounding streets from additional traffic; ensure that the County and surrounding jurisdictions would work together to create and retrofit sidewalks and trails to encourage biking and walking to collector roads to catch shuttles; and include the Town of Vienna in all future groups involved with the redevelopment process to look after the Town's best interests. (A copy of her remarks is in the date file.)

Neil Sullivan, Sunburst Hospitality Corporation, 10770 Columbia Pike, Silver Spring, Maryland, expressed concern about the 20-acre consolidation requirement because it could stymie redevelopment for decades. He said "ownership patterns" could prevent consolidation in a timely manner. (A copy of his remarks is in the date file.)

Richard Rose, speaking on behalf of SAIC, Lincoln Property Company, 200 Fairbrook Drive, Herndon, made the following recommendations: encourage higher density around Metro stations; allow buildings near stations to have a maximum height of 250 feet; encourage and provide for economically feasible public amenities; allow flexibility in design and sizing of parks and open space; allow flexibility in sizing and location of street configurations; make site consolidation a goal, not a deterrent; and reconsider affordable housing elements. (A copy of his remarks is in the date file.)

Matt McBay, McBay Tysons, LLC, 8338 Leesburg Pike, Vienna, said requirements for consolidation, affordable housing, LEED certification, stormwater management, parks and open space, public facilities, transportation infrastructure, and additional taxes would make it impossible for owners of small parcels to redevelop.

Scott Adams, Esquire, McGuire Woods LLP, 8200, 8250, and 8100 Jones Branch Drive, McLean, speaking on behalf of Freddie Mac, expressed support for the draft Plan Amendment

with the exception of a proposed ramp going through the Freddie Mac property to the Dulles Toll Road. He said, however, that he was encouraged by discussions with staff that a new map would not show a specific location.

Mark Tipton, 3018 Hickory Grove Court, Fairfax, said he supported Phasing Alternative A, phasing development to infrastructure, and Intensity Alternative 3A, no maximum FAR within one-fourth mile of Metro stations. He recommended that residential development in the office mixed-use category be raised to 40 percent or more and that the 20 percent affordable housing requirement be lowered to match the requirement in other parts of the County. (A copy of his remarks is in the date file.)

Stewart Schwartz, Coalition for Smarter Growth, 4000 Albermarle Street, NW, Washington, D.C., expressed overall support for the Plan Amendment, but said there was still too much emphasis on roads. He said he would like to see dedicated transit lanes provided on Routes 7 and 123, Transportation Demand Management (TDM) triggers, a more robust parking policy, and the use of a build-to line to get the urban form desired. He supported off-site construction to address the high cost of providing affordable units in high-rise buildings.

Ted Alexander, Greater Tysons Citizens Coalition, 7255 McLean Commons Lane, McLean, expressed support for a planning horizon of 20 years and said growth must be concurrent with transportation and other infrastructure improvements. He said infrastructure funding should be primarily provided by those who would benefit the most, the landowners. He requested that the implementation authority include not only landowners, but also residents of Tysons and surrounding communities, merchants, and County staff. (A copy of his remarks is in the date file.)

Mayor M. Jane Seeman, Town of Vienna, 127 Center Street, South, Vienna, said the Town was not willing to sacrifice its quality of life for the redevelopment of Tysons or to have property taken from its businesses to widen roads. She supported a density of 84 million square feet with no maximum FARs around transit stations and a 20-year planning horizon. She said all necessary amenities should be located within Tysons, including playing fields. (A copy of her remarks is in the date file.)

Elizabeth D. Baker, Land Use Coordinator, Walsh, Colucci, Lubeley, Emrich & Walsh, 2200 Clarendon Boulevard, Arlington, said many property owners would not be able to participate in the transformation of Tysons with a 20-acre consolidation requirement. She said Alternative 3A was intriguing but if adopted, the special exception time limit should be increased to 10-15 years. She requested that the parking requirement be increased from 1.6 spaces per 1,000 square feet to 1.8 spaces. (A copy of her remarks is in the date file.)

Matthew J. McCulloch, Dolley Madison Apartments at Tysons, 1805 Wilson Lane, McLean, stated that Dolley Madison Apartments was the largest residential property under single ownership in Tysons within a one-half mile walk of the Tysons East Metro Station. He said without an increase in density and height flexibility, transformation would be impracticable and the largest property in Tysons would remain a relic of the past. (A copy of his remarks is in the date file.)

Sally Horn, 7837 Montvale Way, McLean, expressed support for a planning horizon of 20 years. She said infrastructure funding should be in place before increased densities were implemented; development triggers should be established; highest density should be allowed only within walking distance of Metro station platforms; adequate parkland and recreation facilities should be located within Tysons; density bonuses should be granted only when they would serve the public good; and representatives of surrounding communities should serve on the implementation entity. (A copy of her remarks is in the date file.)

Mark Meana, Chairman, Fairfax County Athletic Council, 2886 Kelly Square, Vienna, strongly emphasized the importance of having parks and athletic facilities in place before the Plan Amendment was approved.

Pamela Kondé, President, Greater Tysons Green Civic Association, 173 Key West Lane, Vienna, urged that language be put in the Plan recommending that the Old Courthouse Spring Branch EQC, including Ragland Road Park, be preserved as a natural buffer zone. (A copy of her remarks is in the date file.)

Harold Leff, Vice Chairman, Fairfax County Athletic Council, 2810 Reign Street, Herndon, said athletic fields should be planned for before development took place and that they should have synthetic turf and lights to increase playing time.

Bill Szymanski, Greater Carters Green Association, 8607 Coral Gables Lane, Vienna, agreed with the position of Ms. Kondé and requested that a treed buffer for visual physical separation between Tysons and residential neighborhoods be maintained. (A copy of his remarks is in the date file.)

James McEwen, Ashgrove Estates Home Owners Association, 1627 Irvin Street, Vienna, requested that the Old Courthouse Spring Branch Stream Valley Park be maintained because it served as a sound buffer between his neighborhood and Routes 7 and 267. He expressed opposition to the Boone Boulevard/Dulles Toll Road ramp and extension because it would have a negative impact on Tysons' green network. (A copy of his remarks is in the date file.)

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The Commission recessed at 10:00 p.m. and reconvened at 10:20 p.m.

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Phyllis Lauber, Greater Tysons Green Civic Association, 1720 Paisley Blue Court, Vienna, said she supported parkland and athletic fields but not at the expense of removing natural buffers such as Ragland Road Park.

Bruce Wright, Fairfax Advocates for Better Bicycling, 2079 Cobblestone Lane, Reston, stated that the proposed Plan Amendment had good provisions for bicyclists throughout Tysons with the exception of Routes 7 and 123 where the rail stations would be located. He requested that a

bicycle plan be included in Table 8 and that the Zoning Ordinance contain guidelines for bicycle parking. (A copy of his remarks is in the date file.)

Bob Stoddard, Washington Real Estate Investment Trust (WRIT), 6110 Executive Boulevard, Rockville, Maryland, requested that the WRIT property be placed in the TOD district since it was less than one-half mile to the Tysons Central 123 Metro Station and in the Tier 2 height zone. He also requested that additional flexibility be allowed for future redevelopment given the attributes of the property. (A copy of his remarks is in the date file.)

Mark Krikstan, Artistic Director, 1st Stage Tysons, 1524 Spring Hill Road, McLean, strongly encouraged the active promotion of the establishment of cultural focal points because art facilities would be a critical ingredient in making Tysons a thriving community and should be established at the very beginning of the development. (A copy of is remarks is in the date file.)

John McGranahan, Jr., Esquire, Hunton & Williams LLP, 1751 Pinnacle Drive, McLean, representing Dolley Madison Apartments, said the 30-acre site was ideal for near term redevelopment to improve the balance between residential and non-residential uses. He explained that with increased building height, a two-acre active recreation urban park and a grid of streets could be provided.

Lawrence Medric, 1731 Key West Lane, Vienna, supported the position of Ms. Kondé.

David Lee, 1732 Key West Lane, Vienna, was opposed to athletic fields at Ragland Road Park.

Roger Diedrich, Sierra Club, Great Falls Group, 3322 Prince William Drive, Fairfax, expressed support for the broad vision and level of development advanced by staff and the Tysons Corner Committee and implementation of the shorter term planning horizon. He said the Sierra Club remained concerned that Table 8 continued to show an early reliance on road expansion that would encourage more driving. He also expressed support for mandatory green building at the LEED Silver level with bonuses for higher levels and said the implementation authority should include regional and environmental representatives. (A copy of his remarks is in the date file.)

Larry Murphy, Chairman, Public Policy Committee for the Vienna Tysons Regional Chamber of Commerce, 513 Maple Avenue, West, Vienna, said growth should be planned to maximize the use of rail and other public transportation to preserve existing neighborhoods and address current traffic concerns. (A copy of his remarks is in the date file.)

Steven Bruckner, Conservation Chairman, Sierra Club, Great Falls Group, 8620 Polk Street, McLean, recommended that strict regulatory language regarding stormwater runoff and the highest level of energy efficiency requirements be adopted. He said feeder buses to the Silver line for residents north and west of Tysons and bus transit for Maryland commuters to Tysons were needed. (A copy of his remarks is in the date file.)

Martha Harris, Rotonda Condominium's Community Liaison Committee representative, 8360 Greensboro Drive, McLean, objected to widening Greensboro Drive that would result in taking land from the Rotonda property. (A copy of her remarks is in the date file.)

Douglas Stewart, Sierra Club, Great Falls Group, 10822 Maple Street, Fairfax, said that bike lanes should be provided on Routes 7 and 123.

Mike Champness, Dranesville Representative to the Fairfax County Athletic Council, 8200 Hunting Hill Lane, McLean, recommended that athletic fields be placed on top of buildings and parking garages.

Phillip Ellis, Sustainable Metro D.C. Coordinator, Sierra Club, Great Falls Group, 718 Oronoco Street, Alexandria, endorsed a 20-year planning horizon while maintaining the long-term vision. He said the pattern of development must be concentrated within a one-half mile radius of the station areas and that Tysons must be a transportation hub, well connected in all directions to other centers. He expressed concern about the early reliance on road expansion that would contribute to more automobile transit and said priority should be give to pedestrians and bicyclists.

Ethan Sanderson, Tysons Townes Homeowners Association, 8613 Raglan Road, Vienna, said his major concern was that if fields connected Ragland Road to Key West Lane, cut-through traffic could result posing public safety risks. (A copy of his remarks is in the date file.)

Lynne Strobel, Esquire, Walsh Colucci Lubeley Emrich & Walsh, 2200 Clarendon Boulevard, Arlington, said the recommendations associated with providing affordable and workforce housing in the draft Plan Amendment would not encourage the construction of multi-family housing in Tysons Corner. (A copy of her remarks is in the date file.)

Tom Salvetti, 1734 Key West Lane, Vienna, requested that the draft Amendment include language protecting the trees in Ragland Road Park that served as a barrier between his neighborhood and Tysons. (A copy of his remarks is in the date file.)

Mike Thompson, Jr., Springfield Representative, Fairfax County Athletic Council, 6307 Buffie Court, Burke, said athletic fields should be placed on the roofs of buildings. (A copy of his remarks is in the date file.)

Evan Pritchard, Esquire, with Walsh, Colucci, speaking on behalf of The Matan Companies, 1750 Old Meadow Road, McLean, supported having no maximum FAR in TOD Districts. He said consolidation requirements were burdensome and would frustrate his client's ability to redevelop. He requested that the property be reclassified to office mixed use and the maximum height be raised to150-200 feet. (A copy of his remarks is in the date file.)

Harry Glasgow, Vice Chairman, Fairfax County Park Authority Board, 8509 Accotink Road, Lorton, strongly urged that the Park text as proposed be adopted.

Charles Hall, Land Use Chair, Providence District Council, 9577 Blake Park Court, Fairfax, supported the 20-year planning horizon. He said he did not believe limiting high density development to one-quarter mile from Metro stations was a disincentive to redevelopment and that playing fields and bike and pedestrian passageways must be provided.

Mark Zetts, 6640 Kirby Court, Falls Church, supported a planning horizon of 20 years and a maximum density of 84 million square feet. He recommended that all entering and exiting vehicles be continuously counted to monitor TDM performance; FAR bonuses not be given for green buildings; non-mechanical cellar space be classified as gross floor area; and that the Plan contain a Dulles Toll Road expansion option. (A copy of his remarks is in the date file.)

Julie Clemente, Clemente Development Company, 8500 Leesburg Pike, Vienna, said her property was located between two concentric circles in dead space between Tysons East and West and requested that its designation be reconsidered. She recommended flexible consolidation requirements and that development be allowed on an as needed basis.

Louis Freeman, 6800 Fleetwood Road, McLean, stated that walking distance to the Metro stations must be calculated to the platform, not the entrance, and that density must be tied to infrastructure. (A copy of his remarks is in the date file.)

Shane Robinson, Tysons Tomorrow, 1760 Old Meadow Road, McLean, expressed appreciation for changes made to the draft Amendment as a result of input by Tysons Tomorrow concerning increased intensity in Tier 2, modifications to building height and consolidation requirements, and bicycle provisions. He said these modifications would contribute to the economic success of Tysons redevelopment and to Fairfax County. He also expressed appreciation for the transparency and inclusiveness of the planning process. (A copy of his remarks is in the date file.)

There were no further speakers; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on the amendments. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY ON ST05-CW-1CP, COMPREHENSIVE PLAN AMENDMENT FOR TYSONS CORNER, AND THE PROPOSED ZONING ORDINANCE AMENDMENT ON PTC, PLANNED TYSONS CORNER URBAN DISTRICT, TO A DATE CERTAIN OF MAY 12, 2010, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Donahue not present for the vote; Commissioner Hall absent from the meeting.

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The meeting was adjourned at 12:00 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Meeting attended by: Kara A. Dearrastia

Minutes by: Linda B. Rodeffer

Approved on: June 23, 2011

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Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission