

Planning Commission Meeting
February 7, 2013
Verbatim Excerpt

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

Decision Only During Commission Matters
(Public Hearing held on January 30, 2013)

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, tonight we have the decision on RZ/FDP 2010-PR-014-D and RZ 2010-PR-014-E – the Georgelas applications. We had the public hearing last week. As some cleanup was needed, the decision was deferred to tonight. I want to thank those who provided testimony at the hearing and through correspondence. I note that resolutions expressing support were sent today by the McLean Citizens Association. They will be part of the record for this case. Commissioners will recall that staff recommends approval of these applications and that I concur with that view. Revised proffers were distributed today and a summary is provided as a frontispiece to those proffers. I'd like to touch on just a few points from what is a large and complex set of materials. First of all, the land in these applications is divided into segments, identified with letters of the alphabet. This was done, you'll remember, in the original Georgelas applications that constituted the Tysons demonstration project. Those parts labeled A and B have been acted on. Tonight, we vote on applications addressing Parts D and E. However, in the time between the first case and the present, the owners of the land designated as Part C have elected to withdraw from participation in the project. Those owners provided testimony at the public hearing last week. In consultation with staff, I have verified that redevelopment applications for the Part C land can be submitted without impediment. Such applications would, of course, be expected to be in conformance with the adopted Plan for Tysons and would be reviewed accordingly. Next, I want to note a couple of key proffer refinements made by the applicant. In the area of arts and entertainment, there is now a specific set of commitments to pursue arrangements for making this Tysons District a place that accommodates the graphic, plastic, and performance arts. Even though we cannot know at this point what will unfold here at what future times, we will have updates on the situation as structures go in on this land. Third, I want to point out again that the applicant, despite the loss of the land in Area C, continues to proffer for important public facilities, including a firehouse and land for athletic fields. The applicant is willing to assume the proffer burden even though there is now less base for its allocation. These and the rest of the proffer commitments provide for a balance, even against shortcomings in, for example, park contributions. Each case we see is unique in how it arrives at this critical balance in Plan satisfaction. Taken as a whole, Mr. Chairman, the applications continue to demonstrate the achievement of the Tysons vision. Therefore, I move as follows: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-014-D, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED FEBRUARY 7, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion?

Commissioner Flanagan: Yes, Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. As I alerted Commissioner Lawrence earlier, I will not be able to support this motion as long as text in Paragraph 2 of Proffer 48 allows the applicant, and I quote, "To consolidate the Workforce Dwelling Units into one of the buildings with the build-out of the subject; and thereby," end of quote. I do not support the segregation of Workforce Dwelling Units into one building or in any manner that can identify Workforce Dwelling Unit occupants, as they previously have been identified in my Mount Vernon District. I do not favor government approving the segregation of anyone anywhere. Without the elimination or modification of the above text in the second paragraph of Proffer 48, I will abstain rather than vote to approve such text.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-PR-014-D, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Flanagan and Hall: Abstain.

Chairman Murphy: Mr. Flanagan votes no [sic].

Commissioner Hall: I abstain.

Chairman Murphy: Ms. Hall abstains. Ms. Hedetniemi?

Commissioner Hedetniemi: I – yes.

Chairman Murphy: Abstains. Not present –

Commissioner de la Fe: No, she was here to vote.

Chairman Murphy: Oh, you vote yes.

Commissioner de la Fe: She was here.

Commissioner Hedetniemi: I was here.

Chairman Murphy: You were here for that. Okay, I'm sorry. All right.

Commissioner Lawrence: I think Commissioner Flanagan abstained. I don't think –

Commissioner Flanagan: Abstain.

Chairman Murphy: Oh, you abstained? I thought you said – oh, I'm sorry. Okay, abstain. All right.

Commissioner Lawrence: I move that the Planning Commission approve –

Chairman Murphy: Did you get – excuse me, did you get all that, Jake?

Jacob Caporaletti, Associate Clerk to the Planning Commission: Yes, I got it.

Chairman Murphy: All right.

Commissioner Lawrence: I move that the –

Commissioner Hall: That's what you should tell us now. Thank you.

Chairman Murphy: Go ahead.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-014-D, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 7, 2013, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Sargeant [sic]. Is there a discussion of the motion?

Commissioner de la Fe: He isn't – Tim is not here.

Chairman Murphy: Oh, I'm sorry, Mr. Hart. Yes, that's right. Okay, I'll get it straight. All those in favor of the motion to approve FDP 2010-PR-014-D, subject to the Board's approval of the Rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same –

Commissioner Flanagan: Aye.

Chairman Murphy: You voted aye on that and Ms. Hall still abstains. Okay, she was not here for the public hearing. Mr. Lawrence.

Commissioner Lawrence: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-014-E, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED FEBRUARY 7, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: All right, Mr. Flanagan.

Commissioner Flanagan: Once again, Mr. Chairman, as I alerted Commissioner Lawrence earlier, I will not be able to support his motion as long as text in Paragraph 2 of Proffer 46 allows the applicant, and I quote, "To consolidate the Workforce Dwelling Units into one of the buildings with the build-out of the subject; and thereby," end of quote. I do not support the segregation of Workforce Dwelling Units into one building, as I said previously, or in any manner that can identify Workforce Dwelling Unit occupants, as they previously regrettably been identified in my Mount Vernon District. I do not favor government approving the segregation of anyone anywhere. Without the elimination or modification of the above text in the second paragraph of Proffer 46, I will abstain rather than vote to approve such text.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to Board of Supervisors that it approve RZ 2010-PR-014-E, say aye.

Commissioners: Aye.

Commissioners Hall and Flanagan: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Hall and Mr. Flanagan abstain. Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I now ask that you poll the Commission to see if anybody wants any of the waivers called out separately.

Chairman Murphy: Does anybody want a waiver called out? Anybody dare want a waiver called out? All right.

Commissioner de la Fe: Why do we still need a waiver on the service road of Route 7 when we – there are no service drives?

Chairman Murphy: We waive the waivers.

Commissioner Lawrence: Thank you, Mr. Chairman. Thank you very much, indeed. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS FOR RZ 2010-PR-014-D AND RZ 2010-PR-014-E, AS LISTED ON THE COVER OF ADDENDUM II OF THE STAFF REPORT DATED FEBRUARY 7, 2013, A COPY OF WHICH WAS HANDED OUT TO THE COMMISSION THIS EVENING AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? Did you second?

Commissioner Hedetniemi: Yes.

Chairman Murphy: Ms. Hedetniemi also seconds that motion. Is there a discussion of that motion? All those in favor of the motion, say aye?

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hall abstains.

Commissioner Hall: Yes.

Chairman Murphy: You got carried away there. You wanted to go with the crowd.

Commissioner Hall: I know. I really did.

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(The first motion carried by a vote of 9-0-2 with Commissioners Flanagan and Hall abstaining; Commissioner Sargeant having recused himself.)

(The second motion carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Sargeant having recused himself.)

(The third motion carried by a vote of 9-0-2 with Commissioners Flanagan and Hall abstaining; Commissioner Sargeant having recused himself.)

(The fourth motion carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Sargeant having recused himself.)

JLC