Planning Commission Meeting
February 12, 2009
Verbatim Excerpt

RZ 2007-LE-007 - FRANCONIA TWO, LP (VORNADO REALTY TRUST)
FDP 2007-LE-007 - FRANCONIA TWO, LP (VORNADO REALTY TRUST)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Lusk, again tonight.

Commissioner Lusk: Thank you, Mr. Chairman.

Chairman Murphy: Will it ever stop?

Commissioner Lusk: I will say this is my last case for the evening and I will be done after this, I hope. I'm sure my wife is watching as well. So with that, Mr. Chairman, thank you. This rezoning application has been before this body before, relative to the planning language, which we approved last - - last fall, and that language permits the Springfield Mall to develop into a marquee town center. As we also note, today Springfield Mall is an aging, underperforming, regional shopping center. It does have some significant square footage, roughly 1.8 million square feet. It does rank as the third largest shopping center in Fairfax County. It is eclipsed by only Tysons Corner and Fair Oaks Mall. It is important to note, both Fair Oaks and Tysons Corner have had a number of renovations over the past five years and unfortunately, Springfield Mall has not. With the approval of the rezoning applications under consideration this evening, the Springfield Mall of tomorrow will be developed with a maximum of 5.7 million square feet of uses. The mixed-use town center development will include again residential, retail, hotel, and office uses. And pursuant to the Plan language which we approved, this center will be pedestrian, bike, and transit-friendly. We saw a number of those amenities earlier this evening, relative to streetscape, plazas, parks, open space, and I believe that all those amenities will draw residents into the center. I hope that the points that were made by Commissioner Sargeant, relative to getting people back to the mall, once the improvements are made, I believe that people will come back to their mall. This is the folks in Springfield, this is their mall. And I believe the amenities will encourage the new residents of this much-anticipated town center to both live, work, and shop, hopefully in their own backyards, and that will aid in reducing traffic congestion and also help in reducing some of the environmental pollution. Again on the transportation, we heard from Mr. Looney, there are a number of significant improvements that are being made, relative to this site. We have some significant assets adjacent to Springfield Mall. They include the Metro. They also include the Springfield Interchange. And unfortunately, the mall today does not provide its patrons with the necessary pedestrian, bicycle, and shuttle-related amenities and/or connectivity. So to help remedy these shortcomings, the applicant is proffering to make access improvements for this property - - excuse me, from its property to the Metro station. And these improvements will include, but not be limited to, again adding turning lanes, adding pedestrian-activated countdown heads, adding a five-foot bike lane, repainting crosswalks, adding signage and lighting, particularly under the Parkway to assist the pedestrians accessing the Metro station property. To the applicant's credit, they've also proffered to contribute $210,000 per year for a fund that will help address some of the needs relative to a shuttle and

TAGS-related service from the Springfield Metro to the Springfield Mall property. I believe this contribution goes a long way in providing for the employees of the mall, the proposed employees of the hotel and the office and residential uses, a dedicated way to get to and from the Metro. And this commitment, as we've heard, is the first step in creating a circulator that will ultimately connect uses in Central Springfield, Kingstowne, and I believe, some of the BRAC-related sites, even on Backlick Road. Again, I want to commend the applicant for being the seed that will ultimately permit this district-wide circulator to bloom. Continuing with transportation, the applicant also has a very robust TDM program and clearly, has two significant goals: reducing trip reductions relative to the residential and office uses and I think to the credit of the Commissioner here to my left, having the penalties imposed when the goals aren't met, ensuring that that is done. And then I want to commend the applicant as well for expending $20,000 per year for the provision of transit incentives and these will be utilized for the retail, the hotel, and the office employees who are working at this site, they can use that to get Smart Trip cards, they can use it to get access to Metro bus and Connector service within the area. So this is really a helpful way to encourage that use. Regarding the environment, the site today has no provision; it's pretty scary to say, for stormwater management. And if you look at it, it really has pretty significant impervious surfaces and there's no control relative to the water quantity or the quality of the water. So, the applicant's made a number of proffers and commitments relative to increasing the amount of green space, using Low Impact Development measures, and providing onsite stormwater management facilities. So, that's going to be a big benefit, I think to the environment. The applicant has also proffered LEED certification on their buildings and again, this is done by a case-by-case basis for each of the uses, office, retail, and residential, for the project. We've talked a bit about the provision of onsite and offsite recreational uses. I just would make this very brief. I want to commend the applicant for the provision of those onsite amenities and again, ensuring that we're able to make those available to the public for those that would be open to the public. The offsite improvements, we've talked about the two proffer commitments and again, the one million dollars for the Edison - - excuse me, for the Lee High School synthetic field and then the second contribution, which would go to the what I call, the "Tree House Project at Lee District Park," is going to be a great benefit to the larger community in Lee District. So again, I thank you for doing that. On workforce housing, we talked about that earlier, I commend you on that and use for - - use of the staff in making a determination on the Universal Design numbers, I think that would be helpful and I certainly would like to see some sort of commitment as you're going forward to the Board. So with this background, I'll say the citizens of Lee District, the District Supervisor, and this Planning Commissioner are very excited about the future of this mall. We recognize that the proposed redevelopment of Springfield Mall would be a catalyst that ultimately results in creating a new and improved Springfield and this development would also encourage the revitalization of some of the older commercial and residential properties within the area. Again, the new mall will morph into one that is mixed use and that contains a number of features that is now commonplace in other updated malls in this County and in this region. The mix of uses that will exist in this town center will be a draw to local residents as well as those who will be residing in the town center. The public spaces, which are planned to be both passive and active, will be accessed via foot, car, bicycle, and bus. So in conclusion, this proposed development will result in the overall improvement of a regional mall and we've talked about this earlier, that has unfortunately lost

some of its luster, some of its sheen, but the improvements that are being proposed here will help bring back that shine. These planned improvements will also help diversify the commercial tax base and I've said this before, we're going to venture this guess again, once all the improvements are made and completed, Springfield Mall will become the second largest regional mall here in Fairfax County. So with that, Mr. Chairman, I will enthusiastically make my series of motions and there area number of motions on this item. And then I'll make one comment at the very end. Okay, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2007-LE-009 [sic], subject to the proffers consistent - -

St. Clair Williams: Excuse me, it's 007.

Commissioner Lusk: Did I say? I did say nine, didn't I? Pardon. - - 007, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11, 2009, AND THE CDP DEVELOPMENT CONDITIONS DATED FEBRUARY 12, 2009.

Commissioners Sargeant and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Sargeant, Mr. Lawrence, and the Chair. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I'm not going to be supporting the motion. I recognize that a great deal of review has gone into this case over a period of approximately a year and a half, and I think there are a lot of good things in the application and I really don't want to take out anything on this particular applicant. But it seems to me, we're being asked to approve an enormous application and I for one don't feel that we've had enough time to digest what we've been given. For example, we were given an addendum tonight with 75 pages of single-spaced proffers a few minutes before the hearing. I've skimmed through the addendum. I've tried to flip through these conditions, but it seems to me it diminishes not only the work of staff but the role of this Commission to review and advise the Board of Supervisors, even if it's enthusiastically supported by Lee District, even if someone else has read it, I don't see my function or the function of this Commission necessarily as a rubber stamp. If we're being given 75 pages of proffers the night of the vote, I don't - - I don't feel comfortable with that, and for that reason, I won't be able to support the motion. Thank you.

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 2007-LE-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hart: Abstain.

Chairman Murphy: Motion carries. Mr. Hart abstains. Mr. Lusk.

Commissioner Lusk: Thank you, Mr. Chairman. I MOVE THE PLANNING COMMISSION APPROVE FDP 2007-LE-007, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2007-LE-007.

Commissioners Lawrence and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Lawrence, Mr. Sargeant, and the Chair. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2007-LE-007, subject to the Board's approval of the rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lusk.

Commissioner Hart: Abstain.

Commissioner Lusk: Thank you, Mr. Chairman.

Chairman Murphy: Same division.

Commissioner Lusk: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE REQUIRED NUMBER OF LOADING SPACES, AS REQUIRED BY THE ZONING ORDINANCE.

Commissioners Lawrence and Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE MINIMUM EIGHT-FOOT PLANTING WIDTH REQUIREMENTS FOR TREES, AS REQUIRED PER THE PFM.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENTS BETWEEN USES ON THE SITE.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT, TO THAT SHOWN ON THE CDP/FDP.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT FOR ALL EXISTING PARKING STRUCTURES.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRAIL REQUIREMENT PER THE COMPREHENSIVE PLAN FOR THE PERIMETER OF THE SITE.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: And finally, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE 50 PERCENT LIMITATION ON RESIDENTIAL AS A SECONDARY USE IN THE CDP - - excuse, PDC DISTRICT.

Commissioners Sargeant and Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same division.

Commissioner Lusk: And Mr. Chairman, I know there was discussion on development conditions, and I'm looking at the development conditions. I don't know if I want to necessarily strike them all, but what I have an interest in, having the Commission consider, is the removal of the development condition that references building height, in light of the discussion that we heard from Mr. Looney, understanding that the buildings - - residential buildings will have structured parking in them. They will require, I think additional costs for their construction, and I think that we've typically seen those structure parking spaces, you know, in underground ones in particular, at about 30,000 per space. So clearly, the need to make these buildings taller is going to be derived by that component alone. And then the issue on the minimum square

footage, I sort of agree with the assessment that was raised by Mr. Looney, with regard to the chart that was originally put in the text associated with this Plan language and we - - I think when we looked at it, it appears to be a range, meaning a minimum and a maximum. But if - - if the intent, and I think the intent was, that they were looking at the high end for their development and specifying that range at the high end. It's just a question of interpretation, and I would argue that their - - their intent would be to build out as much of the uses as they can. They want to maximize, I think their return on their investment. They've certainly put a great deal of money into this project, and I would imagine as a fiduciary responsibility to those who are invested in this, that that's going to be the bottom line in the end. So with that, Mr. Chairman, I would ask that the Board - - Planning Commission strike those two development conditions.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Could I ask just one point of clarification?

Commissioner Lusk: Sure.

Commissioner Lawrence: For staff, this is a proffered plan, is it not? So, the footprints of these buildings are determined by the plan?

Mr. Williams: The footprints, yes.

Commissioner Lawrence: We have structured parking underground and the footprint determined by the plan. I think I agree with Mr. Lusk. I don't think you need to specify a minimum building height, if that's the case.

Mr. Williams: I don't know if the structured parking is necessarily something that is a commitment, based on the plan.

Commissioner Lusk: How else - - well, maybe I should ask the applicant to clarify that point because my understanding is that would be a component. If that's okay, Mr. Chairman?

Mark Looney, Esquire: Mr. Lawrence and Mr. Lusk. The - - the structured parking facilities are shown, or better yet, the plan shows what would be at the surface and there is minimal to no surface parking associated with the residential buildings that are in the south portion of the property once they're fully implemented. Certainly as they've come in phases, you will keep some of the existing parking to serve the mall until you redevelop those areas with residential uses, but the parking doesn't show up on the CDP/FDP as surface parking, it shows up as no parking and that means that the parking is beneath the buildings themselves.

Commissioner Sargeant: Mr. Chairman, one - - one question of clarification on that along those lines?

Chairman Murphy: Sure. Go ahead.

Commissioner Sargeant: I noted in the original staff report and I believe it's page 20, describing the east area, Building P4, which I believe is parking. Up to five levels of parking and I'm kind of quoting from - - from the document here, "up to five levels of parking, with the majority…underground." I guess that leads to the confusion as to what we're talking about in terms of height limits or structure heights, things like that.

Mr. Looney: I'm sorry, Mr. Sargeant. I missed the last bit of that.

Commissioner Sargeant: That's okay. Page 20 in the staff report discretion, the east area building or Structure P4, and the staff language said, "up to five levels of parking, with the majority…underground." That's kind of vague and I think that gets to some of the issues here of how we define height, structure, things like that.

Mr. Looney: Yes, they're - - they're - - most of those places where you see parking, I guess that would be - - have some above ground. I'll tell you where the above grade portions are, let's put it that way. There is an expansion to the existing JC Penney's deck that would be all above grade structured parking to serve the retail uses associated with the mall as well as Office Building OF1. Building OF1, which sits next to the central plaza area, has some parking beneath the building, both below grade as well as above grade, underneath the building footprint itself. The office buildings at the northwest corner at the intersection of Franconia and Loisdale, those buildings site atop a parking podium that would be above grade with wrapped retail along the Village Drive/North Street side of the development. The M4 buildings, which are in the northeast portion, would be above grade structured parking, again wrapped with ground floor retail and the either health club and grocery or an office building at that location. The new Target parking is actually two levels of deck parking above the existing surface lot. That existing surface lot, if you've been out there along Frontier Drive, sits about 20 feet below Frontier Drive presently. So, we would add two levels of deck parking on that surface lot, bringing the top deck almost flush with Frontier Drive at that location. P7, which is I believe the parking structure between the Target - - new Target parking and the existing Macy's garage, that would go again, down into a hole and come back, and I believe that - -

Chairman Murphy: I don't mean to cut this short. We're on verbatim and we have a Board date here, so rather than rehash the entire application.

Commissioner Sargeant: No, that's fine. I just wanted the clarification on the language. That's fine. Thank you.

Chairman Murphy: Okay. Mr. Lusk.

Commissioner Lusk: Thank you, Mr. Chairman. I'd like to restate my motion and clarify it now. Thank you for your assistance. I WOULD REQUEST THAT THE BOARD OF

SUPERVISORS REVIEW AND CONSIDER ALTERATIONS TO THE DEVELOPMENT CONDITIONS, RELATIVE TO BOTH HEIGHT AND SQUARE FOOTAGE.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to request the Board examine these development conditions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Mr. Hart abstains. Okay, we're on verbatim, now you can talk all you want. Not really.

Commissioner Lusk: That would conclude my motions, Mr. Chairman.

Chairman Murphy: Okay. Anything else?

Commissioner Lusk: That concludes my motions.

Chairman Murphy: Okay.

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(The motions carried by votes of 8-0-1 with Commissioner Hart abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.)

KAD