

Planning Commission Meeting
April 29, 2010
Verbatim Excerpt

RZ 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LC
FDP 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LC (Decisions Only)
(Public Hearing held on March 18, 2010)

During Commission Matters

Commissioner de la Fe: Thank you very much, Mr. Chairman. Tonight, I have a decision only on RZ 2009-HM-019 and FDP 2009-HM-019, both in the name of Comstock Reston Station Holdings, LC. And I beg the – my fellow Commissioners' indulgence. But I have a relatively lengthy statement, at least lengthy for me. Mr. Chairman, the public hearing for this case was held on March 25th, 2010. At that hearing 14 speakers expressed a variety of opinions concerning this project and numerous other communications were received both before and after the public hearing. The staff report recommended denial. We deferred the decision to April 22nd, 2010 in order to consider the public comments received as well as to continue to work with the applicant to deal not only with the public comments, but also the staff issues that resulted in a denial recommendation. On April 21, 2010, a Staff Report Addendum was published. On April 22nd, 2010, we deferred the decision again until tonight in order to examine carefully the Addendum and its recommendation for approval. The original staff report's recommendation for denial was based on three major issues: Failure to address adequately the County's green building policies; the need to enhance the TDM commitments; and three, the need to strengthen and specify the vehicular restrictions to the plaza – the public plaza. In addition to the three major denial issues, there were certain other issues that needed to be addressed, among them the Parks contributions and the relationship with the Reston Association. The Addendum provides detailed descriptions of the changes made to the proffers. I will not repeat them. However, I would like to address some of the ones that are of most concern. While the green building policy and TDM commitments have been strengthened in the proffers, the issue of vehicular access to the public plaza remained problematical even after the proffer changes that were made. The key remaining concern, for me, was the possibility that the public plaza would become a de facto kiss and ride during the morning and evening peak hours unless further restrictions were made. Since agreement on how to address this concern through the proffers was not reached, a development condition has been added to prohibit vehicular access during the morning and afternoon peak hours. It may be possible in the – that in the future agreement can be achieved through specific provisions in the Plaza Management Plan developed under the provisions in Proffer 40C. If such an agreement is achieved the development conditions may be amended in the future. The applicant has proffered to negotiate with the Reston Association to have its residential units become members of the Reston Association as well as to work with the Association with respect to the establishment of an Urban Redevelopment Review Panel. The eventual agreements between the owners and the Reston Association in this case can serve as a template for the future as properties within the former Center for Industry and Government in Reston redevelopment. The majority of the comments received at the public hearing and through other communications supported the concept of Metrorail coming to Reston and transit-oriented development. There was also general support for the Metro related parking as provided in this case as opposed to the

default above-ground structured parking garage previously approved. There was also agreement that the recommendations of the Reston Metro Access Group, RMAG, be incorporated. In fact, what I would call the immediate RMAG recommendations are incorporated and are included in Exhibit A of the proffers. The longer term RMAG recommendations such as an additional crossing of the Dulles Toll Road immediately to the west of this site and extension of Reston Station Boulevard east across Wiehle Avenue are not precluded by what will be developed on this site. There is one RMAG recommendation that will need to be addressed before the Metro station opens: the provision of a robust feeder bus system from the surrounding neighborhoods to the station. During the period that this case has been under consideration the community was faced with the possibility that because of budget constraints the existing neighborhood and feeder bus system would be severely curtailed if not almost eliminated. The system was restored in the adopted budget. It is urgent that a robust public transportation system remain a fundamental pillar in the County's TOD and environmental vision. This need for a robust public bus system also impacts overall parking requirements. As proffered, this development is parked at the minimum currently required and there is a provision for parking reductions below the minimum. It may be possible that space dedicated to parking, even after possible reductions, in the current plan could be reprogrammed for other uses, subject to appropriate approvals in the future. A recurring theme in the consideration of this proposal has been the overall design parameters for the development on top of the public garage. Much of the effort during the deferral period has been to sharpen the design guidelines for the project and to assure that as the buildings are actually designed and constructed, the community will have input, and issues such as shadows, natural light, and wind tunnel effects can be adequately addressed. The proffers provide that the site plans and building plans at each phase will be submitted to the Hunter Mill Supervisor, the Planning Commissioner, and the Reston Planning and Zoning Committee for their review. Some of the comments received assumed that all of the buildings would be of identical heights. The redevelopment and the proffers – the development plan and the proffers specify maximums and minimums for each of the buildings; however, the overall square footage for the project is what controls total development. Building heights and bulk would differ for each building. The applicant now also has proffered to provide 27 cents per square foot of office space for Parks. I note that the applicant has proffered to provide a minimum of 12 percent workforce housing. I encourage the applicant to continue working to provide something substantially above the minimum by the time that the Board of Supervisors considers this rezoning. Mr. Chairman, I realize that I have taken a great deal of time already, but I would like to put this rezoning in chronological context. This proposal is the result of a process that began in earnest nearly 10 years ago when the then-dreamed-of Metro extension along the Dulles Corridor began to approach reality. After a community process the Comprehensive Plan was changed to permit the type of development that we are considering tonight. As plans for the Metrorail extension gelled, community charrettes, a Wiehle Station Steering Committee, and the Reston Metro Access Group were created to plan for the Metrorail extension. The County, mindful of the principles and recommendations of these efforts, entered into a joint development process that ultimately led to the proposal we have tonight. The Reston Association and its Reston Planning and Zoning Committee endorsed the joint development subject to a number of conditions, the majority of which, in my opinion, have been considered and incorporated. The

staff is now recommending approval. I know that not everyone is satisfied with the proposal as it stands; however, I believe that as proffered and conditioned the proposal merits approval. Slightly more than one year ago we recommended favorably as part of Phase I of the overall Dulles Rail Project a traditional parking structure for this site. In anticipation of the negotiations then underway for this project – for this joint venture, a number of us commented that we hoped that structure would not be built. The piers for the Wiehle Station are rising in the middle of the Dulles Corridor as we speak and this proposal will make development at that station a model for others along the Silver Line. Tonight we have an opportunity to assure that the initial development in conjunction with the Wiehle Avenue Metro Station is more than just a garage. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2009-HM-019, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 21ST, 2010.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2009-HM-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF CDP 2009-HM-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 21ST, 2010, AND TO THE BOARD'S APPROVAL OF THE ASSOCIATED REZONING APPLICATION.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve CDP 2009-HM-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2009-HM-019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to approve FDP 2009-HM-019, subject to the Board's approval of the rezoning and the conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 75-FOOT SETBACK REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING PRINCIPAL ARTERIAL HIGHWAYS AS REQUIRED BY SECTION 2-414.1.B OF THE FAIRFAX COUNTY ZONING ORDINANCE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING REQUIREMENT IN FAVOR OF THE LOADING SPACES DEPICTED ON THE CDP/FDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Abstain.

Chairman Murphy: Ms. Harsel abstains.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE – I always say – DPWES, TO WAIVE PFM SECTION 6-0303.8 TO LOCATE UNDERGROUND STORMWATER MANAGEMENT FACILITIES IN A RESIDENTIAL AREA, SUBJECT TO WAIVER NUMBER 2615-WPFM 002-1 CONDITIONS DATED FEBRUARY 12TH, 2010.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Nay.

Chairman Murphy: Ms. Harsel votes no.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF SECTION 17-201.4 OF THE ZONING ORDINANCE FOR THE WIDENING OF SUNSET HILLS ROAD IN FAVOR OF THAT SHOWN ON THE CDP/FDP AND IN THE PROFFERS.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Finally, Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF SECTION 16-102.1 OF THE ZONING ORDINANCE FOR YARD REGULATION SETBACKS, BOTH REGULATIONS AND BUILDING HEIGHTS, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Motions 1 through 4 and 7 through 9 carried unanimously with Commissioners Alcorn, Hall, and Litzenberger absent from the meeting.)

(Motion 5 carried by a vote of 8-0-1 with Commissioner Harsel abstaining; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting.)

(Motion 6 carried by a vote of 8-1 with Commissioner Harsel opposing; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting.)

JN