

Planning Commission Meeting
June 28, 2012
Verbatim Excerpt

PRC 77-C-076 – RTC PARTNERSHIP, LLC (Hunter Mill District)

Decision Only During Commission Matters
(Public Hearing Held on March 14, 2012)

Commissioner de la Fe: Mr. Chairman, the second one is a decision only that relates to another PRC plan, PRC 77-C-076 in the name of RTC Partnership, LLC. The public hearing on this application was held on March 14, 2012. At that time, two speakers testified – one in favor and one opposed. We also received a number of written and email comments before the hearing and during the comment period, most of which raised issues concerning the need for residential use at this site and the possible effect of this proposal on the ongoing discussions at the Reston Master Plan Study. The process for getting this case to us tonight, in reality, began more than 30 years ago when the rezoning and redevelopment plans for this property were approved. Those actions created what can truly be called a unique situation. The approvals included proffers. However, there were no height or intensity limitations. Subsequent to the original actions, changes have been made to other properties included in the original approvals, but none affected the subject property. The applicant has requested a PRC Plan for redevelopment of the property that satisfies the proffers and conditions of the original approval. When the PRC Ordinance was changed a few years ago to make approval of PRC Plans a legislative rather than an administrative process, the objective was to permit an extensive community dialogue in situations where original approvals made significantly earlier to determine if conditions had changed enough to require substantive changes to the original approvals. I look at this case as almost a classic case as to why the PRC approval process was changed. There is no question as to the legality of that approval process change. The basic question for us tonight is, “Have conditions changed enough to warrant substantive changes to the original approvals?” After its usual thorough analysis, staff found that the application was in compliance with the PRC Ordinance requirements with one exception – height and intensity of the proposed structure was found to be incompatible with the planned and existing developments in the vicinity of the site. The existing developments of the immediate vicinity of the site are indeed low-rise developments. The planned redevelopment of the surrounding property known as Spectrum will have significantly taller buildings, but – unlike the application site – are limited in height and intensity by proffers. The intensity issue was found to be incompatible with the guidance contained in the Comprehensive Plan for transit-oriented development. As we heard during the public hearing, the most intense development in TOD areas should be within one-quarter mile of a rail station. The subject site is approximately 0.8 miles from the planned Reston Center Metro Station. It should be pointed out that the most intense developments in the urban core of Reston Town Center are outside the quarter-mile distance. In fact, some fall outside half-mile radius. The intensity of these developments are similar to what is proposed by the applicant. Though we generally think only of the rail stations when considering transit-oriented development in the Town Center District, the existing transit station should be taken into consideration. The subject site is approximately half-a-mile from the existing transit station. During the discussions leading to the adoption of the TOD policies, it was made clear that flexibility was fundamental in order to take into account not only distance from the transit station, but also the ease of accessibility,

given topography and the overall experience of walking to the station. I believe that given the topography, fairly flat, and walking through the urban core of Reston Town Center would make access a positive overall experience. The community discussion on this application concentrated not on the height and intensity, but on the fact that no residential was included. Since the original approvals did not include residential and this is a PRC Plan, not a rezoning, residential uses are not included. Though I fully respect staff's view concerning height and intensity, I believe that given the original approval without height or intensity limits, this PRC Plan complies with that approval. The applicant has agreed to a number of development conditions concerning TDM, green building practices, and public art among others that reflect current policy expectation. There is an ongoing Reston Master Plan Study that will affect the entire Town Center District. This application meets the current Reston Master Plan and in my view does not preclude what is currently being discussed for the future of the Town Center District. To answer the original question concerning the original approval conditions and today, in my view there have not been sufficient significant changes to negate the original approval. The site is within the Town Center District, meets the use limitations of the original approval, and the applicant has agreed to development conditions to reflect a number of current policy expectations. I do not find it easy to disagree with the staff recommendation for denial on height and intensity grounds, but given that with that exception, the application meets the PRC Ordinance requirements – in my view conditions have not changed enough to merit denial. The Reston Planning and Zoning Committee recommended approval. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC 77-C-076, RTC PARTNERSHIP, LLC, SUBJECT TO DEVELOPMENT CONDITIONS NOW DATED JUNE 22, 2012.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. – oh, Mr. Litzenberger, sorry. Is there a discussion of the motion?

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Thank you, Mr. Chairman. Unfortunately, I'm not able to support the motion. I concur with staff on this one and I don't think this is the right place for a new focal point as the applicant articulated in their application. So I will not be supporting the motion. Thank you.

Chairman Murphy: Further discussion? Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I ally myself with Commissioner Alcorn.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I too agree with Commissioner Alcorn and staff and I'd like to elaborate a little bit. I don't often disagree with Commissioner de la Fe and I don't think I've – I don't recall ever disagreeing on a Hunter Mill case before, but I think there are some Countywide implications. It's difficult for me also because I think there are some attractive implications – attractive aspects of this application. I think there are some positive commitments. I think we want buildings like this in the right location. In my view there is a procedural problem at the threshold. I believe that the Ordinance requires us to do an evaluation of an application like this in the context of the Comprehensive Plan. Even if it's a PRC Plan, we have to be looking at the Comprehensive Plan. I think staff is correct that this is not in conformance with it. I think I understand the applicant's position about why they're exempt from that and I would disagree with that. We've spent a lot of time with the Comprehensive Plan anticipating that future growth in the County would be vertical and oriented in proximity to transit stations. I think at three-quarters of a mile – 0.8 or whatever it is – a building this large is really more automobile-oriented. There are very few people that are going to be walking eight-tenths of a mile and that this particular building is too big and too far from the station. If it were smaller, I think I could support it. If it were closer to the station, I think I could support it. The economic rationale that's been expressed for the size of the building being necessary, though, I think is a problem. At the public hearing, I think we asked why the building couldn't be smaller and the rationale that I heard at that time was that there are currently tenants in the building and the applicant can't afford to redevelop unless the project has a certain critical mass of this size to afford to be able to do it. That's not a reason to have a building this large. That's particularly not a reason in other places like Tysons where if we're going as far as three-quarters of a mile because applicants can't afford to redevelop unless certain constraints are relaxed. We have a real problem with that. If we approve buildings this large, this far away from the station, it's going to be very difficult to deny the same sort of application for similarly situated properties at 0.8 or even closer to the station. That has implications for the amount of development that we've contemplated. I think, particularly in Tysons Corner, there are many locations where if we're beyond the quarter-mile – if the economic justification is a rationale for going bigger and taller, we're going to have problems with that. I can also support a little more time to work on this and I hoped, actually, that following the public hearing there would be opportunities maybe to reconsider the critical mass here. Could this be smaller? Could it – did it really have to be this big? Since the decision is tonight, I won't be supporting it.

Chairman Murphy: Further discussion of the motion?

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner de la Fe: I usually don't comment on comments made during these things, but I just want to state that I don't think this sets a precedent for anywhere else. As I – as I said, this is a unique situation where the original approvals have no height or intensity limitations. And this is

a PRC Plan – and nothing in my rationale for recommending approval goes with economic conditions. That is not what we act on. We act on land-use issues. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC 77-C-076, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn and Lawrence: No.

Commissioner Hart: Nay.

Chairman Murphy: Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Mr. Hart, Mr. Lawrence, and Mr. Alcorn vote no. Ms. Hall abstains.

Commissioner Donahue: Abstain also, Mr. Chairman.

Chairman Murphy: And Mr. Donahue abstains.

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(The motion carried by a vote of 7-3-2 with Commissioners Alcorn, Hart, and Lawrence opposed; Commissioners Donahue and Hall abstaining.)

JLC