

FDP 2014-PR-021/FDP 2014-PR-021-02/RZ 2014-PR-021/PCA 92-P-001-12 – BIT  
INVESTMENTS FIFTY-TWO, LLC

Decision Only During Commission Matters  
(Public Hearing held on June 16, 2016)

Commissioner Hart: Thank you, Mr. Chairman. I'm pinch-hitting again for Commissioner Lawrence. I want to thank staff, particularly Cathy Lewis and Suzanne Wright, for their assistance. This is the BIT case we're – we're going to be doing. And let me just say, I think tonight is Ms. Wright's swan song. This is her last appearance on her last case and she's moving onto bigger and better interpretation things, as I understand. And she's been a terrific help on this case and did excellent work on this and many others. I think the Commission appreciates that. I want to thank, also, the citizens that sent in so many comments and letters – and have given us some interesting issues to consider on this case. This is a solid application with a substantial proffer package. It has staff's support and I agree with their endorsement and rationale. One issue was unresolved at the time of the public hearing – how the public facilities contribution would be calculated – whether – bless you – to calculate that based upon the conceivable maximum allowable square-footage on the site or what they actually decide to build with the different options with the buildings. And I have concluded that it would be fairer and more appropriate do it the applicant's way – to base the contribution on what they actually build. I would note, however, that it is indexed to inflation so that if the contribution is delayed – and it is going to be going up over time – I think it's appropriate and fair to ask an applicant to contribute based on what they're actually building. The citizens also raised some issues at the public hearing and, subsequently, in a petition, which are somewhat more difficult to resolve. Unfortunately, the four principle issues have little or no specific nexus to this particular application. The Tysons grid of streets is expected to occur as development progresses and not necessarily be constructed in advance of development. There may be some gaps in the grid of streets for a while as Tysons continues to redevelop. The County also is unlikely to do condemnations of streets in advance of the development to facilitate earlier phases of development. In this particular instance, I think the citizens have correctly pointed out that Old Meadow Road is a single-ended access road at this time with a lot of people heading in one direction. That particular problem, I think, was precipitated by the closure of the private road through the apartments at the southern end, rather than something in particular this applicant is doing. In my judgment, it's not appropriate to burden this applicant with the resolution of the four issues in the petition, as opposed to some other methodology of resolving those. I think that approach also is consistent with how we have evaluated these types of issues, either elsewhere in Tysons or elsewhere throughout the County. Never-the-less, I believe some additional flexibility could be incorporated with respect to the expenditure of the public facilities contribution to allow the Board of Supervisors flexibility to potentially direct money to potential transportation issues – for example, design funds for missing grid segments – if that's deemed timely and appropriate – if and when this development goes forward. We have to go forward tonight with our recommendation to the Board because this case has a Board date and this is our last opportunity – other than tomorrow night – to deal with this to keep their Board date. And so I'm – I'm planning on making the motion, but I'm going to ask the applicant a couple questions. If Mr. Pritchard was – oh, he was down here, I was going to say. If you could come back to the podium and just introduce yourself.

June 29, 2016

FDP 2014-PR-021/FDP 2014-PR-021-02/RZ 2014-PR-021/PCA 92-P-001-12

G. Evan Pritchard, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. Evan Pritchard here, on behalf of the applicant.

Commissioner Hart: Mr. Pritchard, let me ask first – can the applicant commit to continuing – to discuss, before this goes to the Board – and after tonight, but before it goes to the Board – the issue of flexibility with respect to the proffer for the public facilities contribution, such that the Board of Supervisors might direct those funds applied to some transportation improvement or other appropriate thing at the time?

Mr. Pritchard: Absolutely. We've had a lot of discussion. We expect that to continue in the next couple of days to figure out ways to do that.

Commissioner Hart: Thank you and let me – let me also ask, while you're down here, the – does the applicant understand and agree with the development conditions associated with the Final Development Plans in this application?

Mr. Pritchard: Yes.

Commissioner Hart: Thank you.

Mr. Pritchard: Thank you.

Commissioner Hart: The – Mr. Chairman, I'm going to have several motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE PCA 92-P-001-012.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion?

Commissioner Hedetniemi: Abstain. I wasn't here.

Commissioner Strandlie: Abstain.

Vice Chairman de la Fe: Okay. Well, when we vote-

Commissioner Hart: We're not voting yet.

Vice Chairman de la Fe: We're not voting yet. Okay. Any discussion? None. Call for the vote – all those in favor, please signify by saying, aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed?

Commissioner Strandlie: Abstain.

June 29, 2016

FDP 2014-PR-021/FDP 2014-PR-021-02/RZ 2014-PR-021/PCA 92-P-001-12

Vice Chairman de la Fe: Abstain. Okay, there are – the vote is approved with two abstentions. You were not present for the public hearing, Commissioner-

Commissioner Strandlie: I left earlier that evening at 11:30.

Vice Chairman de la Fe: Okay. Well, you were excused and Commissioner Hedetniemi was not here so neither one was here for the public hearing so – okay, motion carries. Seconded by Mr. Ulfelder, so the motion passes.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE RZ 2014-PR-021, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED JUNE 8, 2016 AND SUBJECT TO THE COMMITMENT MR. PRITCHARD MADE TONIGHT TO KEEP TALKING ABOUT THE FLEXIBILITY ISSUE.

Commissioner Ulfelder: Seconded.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries with the same abstentions.

Commissioner Hart: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-PR-021, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 15, 2016.

Commissioner Ulfelder: Seconded.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries with the same abstentions.

Commissioner Hart: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-PR-021-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 15, 2016.

Commissioner Ulfelder: Seconded.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

June 29, 2016

FDP 2014-PR-021/FDP 2014-PR-021-02/RZ 2014-PR-021/PCA 92-P-001-12

Vice Chairman de la Fe: Opposed? The motion carries with the same abstentions.

Commissioner Hart: Mr. Chairman, I FURTHER MOVE that the Board of Supervisors – THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE THE WAIVERS AND MODIFICATIONS, AS LISTED IN THE STAFF REPORT ADDENDUM DATED JUNE 10, 2016.

Commissioner Ulfelder: Seconded.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Commissioner Hart: Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE FAIRFAX COUNTY PARK AUTHORITY TO ISSUE ANY EASEMENTS OR RIGHT-OF-WAY AS NECESSARY FOR THE CONSTRUCTION OF GRANT STREET AND ASSOCIATED PARK IMPROVEMENTS.

Commissioner Ulfelder: Seconded.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries with the same abstentions. Is that it?

Commissioner Hart: Yes.

//

(Each motion carried by a vote of 6-0-2. Commissioners Hedetniemi and Strandlie abstained. Commissioners Hurley, Keys-Gamarra, Murphy, and Lawrence were absent from the meeting.)

JLC