

PCA 2004-PR-044-02 & CDPA/FDPA 2004-PR-044 – TYSONS CORNER PROPERTY HOLDINGS, LLC & TYSONS CORNER HOLDINGS, LLC

Decision Only During Commission Matters  
(Public Hearing held on September 17, 2015)

Commissioner Hart: Thank you Mr. Chairman. On September 17<sup>th</sup>, the Planning Commission held a public hearing on a combined Proffered Condition Amendment, Conceptual Development Plan Amendment, and Final Development Plan Amendment for the Tysons Corner Center, one of the most important commercial projects in the county. Staff was recommending approval but we deferred decision until tonight to work on language for some of the proffers. Revised language has been distributed to the Commission earlier this week with one additional change today to Proffer 52. I want to first thank the citizens who submitted correspondence and the speaker at the public hearing for their input. I want also to thank the applicant for its willingness to make constructive changes as the discussion has progressed. I also want to thank staff, particularly Suzanne Wright and Cathy Lewis, for their fine work on this case, as well as Mike Wing in Supervisor Smyth's office; and Beth Teare and Pam Pelto in the County Attorney's Office for their assistance on a very complicated package. I'm still pinch hitting for Commissioner Lawrence, who cannot be with us tonight, but he's followed the progress of this case and also has been involved with suggestions about the proffers. I hope that I'm handling the case consistent with how he would, with the help of capable staff. These applications are generally consistent with the previous do-over of the Tysons Corner Center, but reflect some refinements consistent with market changes and corresponding changing needs of the community. This package retains the strengths of the previous approval, but also accommodates the applicant's wishes to stay ahead of the curve for future phases. The first phase of the development has been successful and I believe these future phases will meet that high standard. The McLean Citizens Association had submitted some thoughtful comments to which the applicant responded in detail by letter, dated September 15, which has been distributed to the Commission. I wanted to touch on the resolution of several points. In a nutshell, the grocery store proffer is no longer needed in 2015 because of changes in the neighborhood since 2007, including additional grocery options and the commitment to make certain staples available to residents. The applicant also has an excellent track record of providing successful retail options as the market dictates. At Commissioner Lawrence's suggestion, there is an additional commitment to facilitation of grocery delivery options to the residents. I'm also satisfied that, although a commitment to an earlier construction for the childcare would be desirable, there is not necessarily a suitable location for an outdoor play area, except where the applicant has requested it. I'm also satisfied that the demand in the market for childcare options will be met by the applicant as it is feasible. On the affordable housing issue, the applicant is not requesting any additional density over the 2007 approval, which was heavily negotiated. And I would remind the Commission that this case is not coming in under the newer PTC Zoning where expectations might be different, but instead the PDC category. If the applicant had applied for PTC, they might be requesting more density and the PTC expectations might be applicable. As to the commitment for police support, the applicant has already been providing significant resources, including space in the mall for eleven officers, parking spaces, and other support, as well as significant security presence in the area. Regarding the super-street concept, the applicant has already made significant contributions to transportation infrastructure in excess of ten-million dollars and, including Route

7 widening, land for the Metro station bus phase is currently improving the International Drive intersection and Route 123 and is committed to additional financial contributions of \$3 million and will be participating in the super-street discussions as they progress in the years ahead. I believe that – I believe I lost a page here, which had some positive observations regarding other issues that had been addressed including the pedestrian bridge and some other good things.

Commissioner Murphy: In all elegance.

Commissioner Hart: Yes, which – we're now – poor Jake – isn't going to have to stay as late tonight typing this. Therefore, I believe that with the most recent changes to the proffers – both mentioned and which I haven't covered – the applications are ready to send along to the Board. The applicant has agreed to a proffer today, satisfactory to the County Attorney's Office, resolving the Route 7 dedication, which was the principle outstanding issue. And the other proffers have been edited and clarified. The applications have staff's support, with which I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE PCA 2004-PR-044-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 24, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? Ms. Hurley.

Commissioner Hurley: Overall, an excellent package – an extreme amount of work has gone into it. I am still concerned, along with the McLean Civic Association, about the child care center – that there is no minimum size set. I understand there's a concern about the play space, but this is the new urban environment. There are places – ways to put children – child care centers in urban environments. It's supposed – a place to work, live, and play. We need to have the child care so I will abstain from the motion. Overall, it's a tremendous package, but because of that one little detail I don't think has been fully – thoroughly satisfied, I will abstain.

Chairman Murphy: Okay. For all those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2004-PR-044-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley abstains. Mr. Hart.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2004-PR-044, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA 2004-PR-044-02.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve FDPA 2004-PR-044, subject to the approval of the Proffered Condition Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Finally –

Chairman Murphy: Is there an abstention to that one? Or are you going with – oh, okay. All right. Mr. Hart.

Commissioner Hart: Finally, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS, AS LISTED IN THE OMNIBUS HANDOUT, DATED SEPTEMBER 10, 2015.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

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(The first motion carried by a vote of 8-0-1. Commissioner Hurley abstained. Commissioners Lawrence and Litzenberger were absent from the meeting.)

(The second and third motions carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting.)

JLC