

RZ/FDP 2015-HM-013/SEA 94-H-049-02 – WIEHLE STATION VENTURES, LLC

Decision Only During Commission Matters  
(Public Hearing held on September 21, 2016)

Commissioner de la Fe: Thank you, Mr. Chairman. We had a decision only tonight for RZ/FDP 2015-HM-013 and SEA 94-H-049-02. The public hearing was held on 9/21 and we deferred decision until tonight to address some issues that have been raised and I was wondering if the applicant's representative could come forward. We have – we have received the revised proffers that addressed all of, you know, the issues that have been raised and – which is in a memo that you found in your desk today. But there was one issue that was still outstanding from staff and that is the construction of the northern portion of a sidewalk along Association Drive and I know that that has not been resolved and I wanted to ask the applicant whether you would, you know, you would continue to work on that to make sure that that gets done, if at all possible.

Molly Novotny, Cooley LLP, Applicant's Agent: Sure. For the record, Molly Novotny with Cooley on behalf of the applicant. Yes, we'll continue to work with staff on extending the sidewalk along the property boundary of the application parcel.

Commissioner de la Fe: Okay. Thank you very much. And given the – thank you – but don't go away back up because I'm going to ask you something else. The, you know, the proffers address a number of the issues that have been addressed, including an additional contribution to the Park Authority if Park One is truncated because of easements that cannot be obtained. And we have also added language on the Reston Road Fund, which commits to what is now considered the upper limit of the per-residential unit that will be recommended to the Board of Supervisors. The Board of Supervisors will not make a decision on this until, you know, I don't know – December maybe – or maybe even January, so – but I don't think we should keep, you know, waiting on that – all these cases – waiting on that. So what applicants are being asked to do is to commit to – to the highest number that is currently under consideration. If it's less, they would pay less, but, you know, with more we will have to revise the proffers, but as of now I don't believe that the number would go higher than they – what is currently being, you know, the upper limit of what is \$2,288 per residential unit. So given that, I don't have anything else except to – I – Ms. Novotny, if you could confirm, for the record, agreement to the proposed FDP Development Conditions dated September 21<sup>st</sup>, 2016?

Ms. Novotny: Yes, we confirm acceptance.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, I move that the Planning...

Chairman Murphy: Hold on a minute.

Commissioner de la Fe: Yes.

Chairman Murphy: Ms. Hurley?

Commissioner Hurley: I'm sorry. I'm trying to read through all this, I'm still not clear. What's the resolution of the issue of the easement with the property owner to the east? When we – when last we met, we talked about the pizza delivery guy that was parking on the next door neighbor's lot to – I mean, there was one place. What was the final resolution about the use of the easement and access to this property?

Ms. Novotny: That we will continue to work with them as well and that there is – our proffer is written in such a way that requires us to get their permission to do that. And if we are unsuccessful in doing that, the – the project can still be built.

Commissioner Hurley: All right. Thank you.

Commissioner de la Fe: Okay.

Chairman Murphy: Mr. de la Fe, go ahead.

Commissioner de la Fe: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 94-H-049-02, TO DELETE 3.14 ACRES FROM SE 94-H-049; APPROVAL OF RZ 2015-HM-013 AND ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 28<sup>TH</sup>, 2016 AND APPROVAL OF THE WAIVERS OF MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED SEPTEMBER 29<sup>TH</sup>, 2016, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to support Mr. de la Fe's motion to approve these applications, as articulated, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman...

Commissioner Keys-Gamarra: Mr. Chair, abstain.

Chairman Murphy: Okay. Ms. Keys-Gamarra abstains.

Commissioner Keys-Gamarra: I was absent.

Chairman Murphy: Not present for the public hearing.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2015-HM-013, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT

PLAN CONDITIONS DATED SEPTEMBER 21<sup>ST</sup>, 2016, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2015-HM-013 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, just for the record – I missed the first time – I was not present for the public hearing.

Chairman Murphy: Mr. Sargeant and Ms. Hurley abstain and – oh, I'm sorry, Ms. Gamarra – Keys-Gamarra and Mr. Sargeant abstain.

Commissioner Hart: Nell voted.

Chairman Murphy: Nell voted. Yes, I'm sorry. She asked the question. Okay.

Commissioner de la Fe: Okay. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF 2615-PKS-005-1, A PARKING REDUCTION OF UP TO AN 18.8 PERCENT, 78 FEWER SPACES, FOR THE PROPOSED RESIDENTIAL USE, PURSUANT TO PARAGRAPH 5.A OF SECTION 11-102 OF THE ZONING ORDINANCE, SUBJECT TO THE CONDITIONS RECOMMENDED BY STAFF, AS OUTLINED IN THE MEMORANDUM FROM LAND DEVELOPMENT SERVICES DATED AUGUST 19<sup>TH</sup>, 2016 AND CONTAINED IN APPENDIX 17 OF THE STAFF REPORT.

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. Same abstentions.

Commissioner de la Fe: Okay. That's it, Mr. Chairman. Thank you very much.

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(Each motion carried by a vote of 8-0-2. Commissioners Keys-Gamarra and Sargeant abstained. Commissioners Hedetniemi and Lawrence were absent from the meeting.)