

Planning Commission Meeting  
October 27, 2011  
Verbatim Excerpt

RZ 2011-LE-008 – LOISDALE 24, LLC

Decision Only During Commission Matters  
(Public Hearing held on October 20, 2011)

Commissioner Migliaccio: If I can have the applicant's attorney please come down.

Chairman Murphy: Do you want to go on verbatim right now? Or do you want to wait until you make –

Commissioner Migliaccio: We can go on verbatim.

Chairman Murphy: Okay, we'll go on verbatim.

Commissioner Migliaccio: Mr. Looney, just two quick questions related –

Chairman Murphy: Let me just ask Mr. Looney to identify himself for the record, please. We don't have any sound on the podium, guys.

Commissioner Hart: That's what we had yesterday.

Commissioner Harsel: Well, he's got a strong voice.

Chairman Murphy: Well...

Mark Looney, Esquire, Cooley, LLP: Try again? Is that better?

Chairman Murphy: There you go. Okay. Thank you.

Mr. Looney: There we go.

Chairman Murphy: Thank you.

Mr. Looney: Mr. Chairman, Mark Looney with Cooley on behalf of the applicant.

Chairman Murphy: Thank you.

Commissioner Migliaccio: Mr. Looney, two quick questions relating to the new proffers that we received this evening, specifically to II.B., the cellar space. First question is: Will any of the cellar space be leased to third parties?

Mr. Looney: Commissioner Migliaccio, the intent with this proffer is that the uses that would be non-office uses in the building would be for uses that are supportive of the principal office use. I can't say with 100 percent certainty that the applicant would not ask a third party operator to come

in and provide those services to the office building. For example, just as the Herrity Building across the street has a third-party operator operating the deli, and that facility is leased to that third-party operator, nonetheless its intent is to provide supportive services to the building itself. And that's the intent with this proffer.

Commissioner Migliaccio: Okay, thank you. And the second question is: Will the cellar space be a generator of traffic above and beyond the 200,000 square feet of office space traffic that would be coming?

Mr. Looney: Certainly, that is not our intent. I can't - - as I said earlier, I can't say with 100 percent certainty that there won't be incidental trips that are associated with those uses, but the expectation that we have, as I noted earlier, is that those uses and facilities would be supportive to the principal use as opposed to independent of that principal use.

Commissioner Migliaccio: Okay, thank you.

Commissioner Flanagan: Mr. - - Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. Mr. Looney, at the public hearing I expressed concern about the fact there was some ambiguity on the amount of office space that might be available. And I've read over the revised proffers and, as far as I'm concerned, it appears to me that that question has been adequately addressed in the revised proffers. That it's now pretty clear, you know, that the office space will be 200,000 square feet - period. Is that your understanding?

Mr. Looney: That is our understanding.

Commissioner Flanagan: Thank you.

Mr. Looney: Thank you for your compliment on our drafting.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Last week we held a public hearing to rezone 24 acres of land from the R-1 District to the C-3 District on Loisdale Road in order to allow a development with no more than 200,000 square feet of office space. Based on the testimony from the public and questions from the Planning Commission, a few points were raised that the applicant agreed to look into in addressing their proffers. Chief among them were, transportation improvements in the TDM proffer. I believe that the new set of proffers that you have before you tonight adequately addresses these concerns. The applicant took another look at their TDM proffer and added language to address the concerns raised by Commissioner Lawrence and others. The starting number remains at 20 percent, but now allows for the County and the applicant to reassess the program and readjust the numbers as necessary. Of greatest concern to me, to the residents who

live along Loisdale Road, and to the businesses located directly on Loisdale Road, are the proposed traffic improvements. The applicant rightfully recognizes that the most pressing need is to keep traffic flowing on Loisdale Road and address the intersection with the Fairfax County Parkway. By reallocating limited resources, the applicant now has met staff's recommendation of their fair share for improving Loisdale Road and the intersection with the Parkway. Improving this intersection in the right way will impact the most residents and help alleviate potential spillover traffic into nearby neighborhoods. With all of these newly-worded proffers, I am happy to support this application. This application also enjoys the support of County staff, the Lee District Land Use Committee, and the nearby Mount Vernon businesses. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-LE-008 AND THE ASSOCIATED GENERAL DEVELOPMENT PLAN, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 27<sup>TH</sup>, 2011.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion on that motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. I'm going to be supporting the motion, but I do have a question. There was a question raised at the public hearing and staff didn't really give the answers to my question, I don't think, until maybe today. So I'd like to ask Mr. Kessler: On the application, on Appendix 5, they indicated that the left turn, the existing sole left-turn lane would – the stacking lane – the queue – would increase from 939 feet to 1,072 feet, after this application is implemented. And in the meantime, after the public hearing we did consult with VDOT, and they have agreed to convert the middle lane from a single – from right-turn-only to a right-turn or left-turn - - left turn. Can you give me some idea of how that will remedy and relieve the back-up on the left-turn lane?

Alan Kessler, Fairfax County Department of Transportation: Sure. Alan Kessler with the Fairfax County DOT. Basically, VDOT is re-striping one of their right-turn lanes – one of the two right-turn lanes – to a left-turn lane – to help with the left-turn lane queue. But in addition to that, I mean, there's a caveat which, the right lane – the two right-turn lanes have a heavy queue with that. So when it's re-striping to a single right-turn lane, you're going to have queuing with the right-turn lane. But with that, I mean, VDOT seems to have an adjustment to the traffic signal where they can use some right-turn overlap to help with some of the excess volume of the right-turn lane volume. Hopefully, it's - - it's a quick-fix. It's not a cure-all for the intersection. It will help temporarily, for a little while.

Commissioner Flanagan: Well, I find it acceptable myself, so I'm glad we were able to make that adjustment. And I'd like to thank you for your help in bringing that about. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion? Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I seconded this motion and I do indeed plan to support it. I'm glad to see the change of language on TDM. It gives a chance to recognize the opportunity that's presented by this kind of tenant population and the reality that's presented to that part of the County by the impacts that are about to hit it and are beginning now. Thank you, Mr. Chairman.

Chairman Murphy: I'd just like to add a word too that as a member of the Fairfax County APR BRAC Task Force, when we looked at areas around Fort Belvoir where we needed to change our Comprehensive Plan and hopefully get meaningful rezonings that would address the needs of the expansion at Fort Belvoir. And number one, this application admirably addresses the need in this area for this kind of building to support what's going on at Fort Belvoir. Secondly, and as important, or even maybe more importantly, this sort of kicks off with some of the applications down there to give some economic stimulation to the southeast part of Fairfax County, which has been neglected with this kind of development in the past. And in order for the County to move as an entity that prospers with good commercial development, we need this kind of development in the southeast portion of Fairfax County just as well as we need it in Tysons Corner. Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-LE-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I abstain. I was not present for the public hearing.

Chairman Murphy: Mr. Sargeant abstains. Not present –

Commissioner Donahue: I as – I as well abstain.

Chairman Murphy: And Mr. Donahue abstains. Not present for the public hearing. Mr. Migliaccio.

Commissioner Migliaccio: Thank you Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE CONSTRUCTION OF ROAD IMPROVEMENTS ASSOCIATED WITH THE NEWINGTON ROAD PROPERTY FRONTAGE.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

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(The motions carried by votes of 8-0-2, with Commissioners Sargeant and Donahue abstaining; Commissioners Alcorn and Hall absent from the meeting.)

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