

Planning Commission Meeting
November 5, 2009
Verbatim Excerpt

RZ 2009-PR-002 – SQUARE 1400, LC
FDP 2009-PR-002 – SQUARE 1400, LC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Commissioner Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, tonight is one of the rare occasions when I must differ with staff, for whom I have great respect. For reasons having to do both with the overall intent of the Merrifield Suburban Center Comprehensive Plan text and with the unique characteristics of this particular site, I cannot support this rezoning application. Merrifield is an economic redevelopment area. When it was replanned, the task force that studied this area had as several of its main goals attracting new jobs to the area, and centering redevelopment in close proximity to the existing Metro station at Dunn-Loring/Merrifield, while at the same time preserving much of the acreage now zoned and built out as light industrial. Several key projects featuring both office and residential are now approved -- for example, the one at the station itself, and some were already built -- for instance, the office buildings at 2675 and 2677 Prosperity Avenue quite near the station. The application property, as you know, fronts on Prosperity Avenue, which is one of the main approaches to the existing Metro station. The site is presently developed with an industrial office park, which is a reasonable use at this location. From I-66, which runs near and parallel to Prosperity at this point, one can easily see an office building on the application site. In fact, you may recall seeing its large American flag. The application property is thus a highly visible site. The Comprehensive Plan provisions for this land unit generally recommend office, industrial, and residential uses, and provide two options for higher density redevelopment. Option 1 is for office, while Option 2 allows for residential development. The residential option given for this land bay allows for a certain increased density over the office option. This was done to allow for the difference in peak hour trips between office and residential uses. But within this land bay, this particular site offers the unique advantage of its frontage on Prosperity, proximate to and convenient to the Metro station, which for this site counterweighs the trip generation difference. Although residential development is a theoretical option throughout this land unit, when the advantages and the constraints of this particular site are taken into account, one can easily see that an office use is more readily accommodated. Consider, for example, what the proposed residential development faces in the way of existing site constraints. There is the required 200-foot setback from I-66, and the noise of I-66, Prosperity, and the Metro itself. As a way of mitigating the noise and observing the setback requirements, the proposed design depicts a detached above-grade, four-story garage along the property's frontage on Prosperity, with the proposed residential units behind the garage. The garage would be the only such structure along that side of Prosperity from Hilltop to the Metro station, and it is inconsistent with the Comprehensive Plan's recommendations for making the walk to transit pleasant and interesting, with structures that fit together in an urban pedestrian experience. The relevant Comprehensive Plan text provides that all applicable area-wide guidelines, including those for alternative uses, be followed in the event the residential option is chosen. In one such area-wide guideline, the Plan provides that new

buildings should be located close to roadways to create an urban context. The Plan further states that locating buildings closer to the roadway means that most off-street parking will be located in structures behind or beneath buildings. I do not believe that the proposed development before us this evening complies with this Plan guideline. The area-wide recommendations for alternative uses also clarify that Option 2 is intended to promote mixed-use developments that assist in creating a synergy and sense of place. In my opinion, this recommendation also is not met with this planned development because the applicant has declined to provide any retail or office uses along Prosperity, as recommended by various County staff members. On the other hand, an office use on this site would avoid running afoul of these recommendations of the Comprehensive Plan. A new office building may be built close to Prosperity, maintaining the urban pedestrian experience at this key location, as recommended by the Comprehensive Plan. Because it would not be subject to the 200-foot setback, an office building could accommodate a parking structure that is either behind or beneath the structure, thereby fully complying with the recommendations of the Comprehensive Plan. As a result of these concerns, I find that the proposed residential development at this location does not conform to many of the applicable P-District standards. First, a planned development must, pursuant to Zoning Ordinance Section 16-101, substantially conform to the Comprehensive Plan with respect to the type and character of the use. For the reasons just stated, I find that the proposed residential development fails to meet that requirement. Second, Zoning Ordinance Sections 16-101 and 6-401, in particular, call for excellence in the layout, design, and construction of a planned development, as well as efficiency in land use. The design of this residential proposal does what it must do in the presence of the existing site constraints; specifically, it uses the parking structure as a noise buffer from I-66 and Prosperity, and places the residential units behind the parking structure to meet the required setback from I-66. This, however, is not the design excellence called for by the Zoning Ordinance provisions that govern planned developments. It is instead a forced design response to the existing site constraints. Moreover, I do not believe that this design promotes a truly efficient use of this land, a point that is illustrated by the attempt to disguise the proposed garage as something else. I have taken some photos of the existing building on the site and of its neighbors on Prosperity. And Mr. O'Donnell, if you please put up the first photo. In the first photo, we see the offices at 2675 and 2677 Prosperity, nearest to the Metro. I took this from the Metro parking lot across the street, on a weekend day. A very nice and recently built structure set on Prosperity, with parking behind, in conformance with the area-wide Plan recommendations. Next is number 2701, and that's a tidy office building fronting on Prosperity as recommended -- I'm sorry. Next -- this here is the present building and there is the American flag. Sorry. Sorry. Okay. Now the next photograph, please. Now, here is the next neighbor along Prosperity at number 2701, a tidy office building fronting on Prosperity, as recommended by the Plan. I found evidence that there were improvements being done this year on it. Incidentally, there is no residential Plan option for this parcel. It's readily apparent that if residential were to be located between these two office buildings, it would be isolated for some indeterminate time to come. This, I find, does not satisfy Zoning Ordinance Section 6-401, which states that PRM District developments must achieve integration with adjacent developments. Further, it's inconsistent with Zoning Ordinance Section 6-406, which states that all uses in a PRM District must be designed to be harmonious with neighboring properties.

Finally, I note that the applicant does not intend to preserve a single tree on this site. Therefore, I believe that the proposed design also fails to conform to Zoning Ordinance Section 16-101, which requires planned developments to provide for the protection and preservation of existing natural features, such as trees. Mr. Chairman, for these and other reasons, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY RZ/FDP 2009-PR-002.

Chairman Murphy: Is there a second to the motion?

Commissioner Donahue: Second, Mr. Chairman. And can I make a quick comment along with the second?

Chairman Murphy: Discussion?

Commissioner Donahue: I am also very respectful of Commissioner Lawrence's position and his opinions from when I first met him to this evening. And I guess it's probably fitting to say that I find myself much more in support of his comments, feelings, and recommendations this evening, than I am opposed to what he said. More in support than opposed. So, I am also glad that we're going to have a period to talk about this a little bit and do a deferral, and I hope some progress can be made during that time period. Thank you, Mr. Chairman.

Commissioner Alcorn: Mr. Chairman?

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

Commissioner Alcorn: Mr. Chairman, I would move a substitute motion. I would MOVE THAT THE PLANNING COMMISSION DEFER DECISION ON RZ/FDP 2009-PR-002 INDEFINITELY to allow --

Commissioners Harsel, Litzenberger, and Lusk: Second.

Commissioner Alcorn: -- TO ALLOW ADDITIONAL TIME TO ADDRESS ISSUES REGARDING THE AFFORDABLE HOUSING PROFFERS AND SITE DESIGN ISSUES.

Commissioners Harsel, Litzenberger, and Lusk: Second.

Chairman Murphy: Seconded by Ms. Harsel and Mr. Litzenberger and Mr. Lusk.

Commissioner de la Fe: Mr. Chairman.

Chairman Murphy: Is there a discussion of that motion? Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, since I didn't speak when we were not on verbatim, I will just say that it is not my custom of going against a District representative on any case. But we discussed this issue at length before we went on verbatim, and in case anyone wants to know why it is that I am going to support the substitute motion, they can read the minutes of this meeting. I won't repeat everything that was said, but I will support the substitute motion.

Chairman Murphy: All those in favor of the motion to defer indefinitely RZ/FDP 2009-PR-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Lawrence: Abstain.

Chairman Murphy: Motion carries. Mr. Lawrence abstains. The substitute motion prevails. And that ends an evening of land use in Fairfax County on this day.

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(The substitute motion carried by a vote of 9-0-1 with Commissioner Lawrence abstaining; Commissioners Hall and Hart absent from the meeting.)

KAD