

Planning Commission Meeting
April 3, 2013
Verbatim Excerpt

RZ 2011-PR-010 – CITYLINE PARTNERS LLC
FDP 2011-PR-011-02 – CITYLINE PARTNERS LLC
PCA 92-P-001-09 – CITYLINE PARTNERS LLC
PCA 92-P-001-10 – CITYLINE PARTNERS LLC
RZ 2011-PR-011 – CITYLINE PARTNERS LLC
FDP 2011-PR-011 – GARFIELD 1575 ANDERSON ROAD, LLC

Decision Only During Commission Matters
(Public Hearing held on March 21, 2013)

Commissioner Lawrence: Now, Mr. Chairman, I will put on my Tysons hat and I, again, need a few minutes to do some appropriate duties before we get into the motions. I do intend to move Cityline this evening. First, we need to have entered into the record a memorandum from the Fairfax County Department of Transportation that I think was sent to the Planning Commission today. That memorandum responds to something that was – that may be it right there. That memorandum responds to something that was raised just prior to the public hearing by a neighbor of the Cityline application site. Second, we have received today a set of proffers and those proffers are the last that we're going to see since we're moving on the thing tonight. But they have in them only very, very minor revisions. I think there are a total of three. I think I was advised there were a total of three such revisions. Are the applicant's representatives here?

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. Mr. Chairman and members of the Planning Commission, my name is Lynne Strobel. I represent the applicant in this case.

Commissioner Lawrence: And could you verify, please, that those were the revisions that I am referring to? Those were minor editorial revisions?

Ms. Strobel: Very minor editorial revisions, that is correct.

Commissioner Lawrence: And they wrap up the proffers?

Ms. Strobel: Yes, sir.

Commissioner Lawrence: All right. Please don't go away. I'm going to need you again in a minute. Also, Mr. Chairman, I have a statement for the record which needs to be made. Since we are moving this application before it is altogether complete – there are a couple of, essentially, legal agreements that are still in process, but there is great confidence that this will get done by the time the Board date is reached. So let me do my statement for the record. Mr. Chairman, as a preliminary matter, the only remaining unresolved issue with these applications relates to one or more indemnification agreements that must be finalized and signed by the applicant, the property owners, and the Board of Supervisors. Indeed, as the applicant has been advised, the proffer will not be signed by the County, and the public hearing before the Board will not proceed until the

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remaining issue is resolved. Towards that end, I understand that the applicant will reaffirm its agreement on the record this evening to devote its full attention to finalizing the terms of these indemnification provisions in a timely manner in advance of the public hearing before the Board. Do you so affirm, Ms. Strobel?

Ms. Strobel: Yes sir, I do.

Commissioner Lawrence: Thank you very much indeed. Thank you, I think we're done with you. Based on that commitment, I am advised that we may proceed to make our recommendation on these applications this evening. Therefore, Mr. Chairman –

Chairman Murphy: Here we go.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 92-P-001-09.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 92-P-001-09, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Litzenberger: Mr. Chairman?

Chairman Murphy: Motion carries.

Commissioner Litzenberger: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Litzenberger: I have to abstain. I was not present for the public hearing.

Chairman Murphy: On all these motions?

Commissioner Litzenberger: Yes.

Chairman Murphy: Let the record reflect that Mr. Litzenberger is going to abstain on all the motions.

Commissioner Flanagan: Mr. Chairman?

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Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes, I would like to abstain from all of the motions as well.

Chairman Murphy: Okay. Mr. Flanagan abstains on all of the motions. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 92-P-001-10, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 25, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-PR-010 (sic), say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-PR-010 AND RZ 2011-PR-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 28, 2013 (sic).

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-PR-

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning:
Commissioner Lawrence, I believe that date should be April 3, I'm sorry.

Commissioner Lawrence: Can the record show, please, that the proffer dates in these motions are APRIL 3, 2013?

Chairman Murphy: Okay – 011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 14, 2013, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve FDP 2011-PR-011, subject to the Board's approval of the Rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 2, 2013, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve FDP 2011-PR-011-02, say aye.

Commissioners: Aye.

Chairman Murphy: -2, I should say – say aye. Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I have a final motion. I want to check with Commissioners before I make it. I'm going to try to move the waivers and modifications on bloc. Is there anyone who is opposed to any of the waivers and modifications? I hope not.

Chairman Murphy: Is there one more PCA?

Commissioner Lawrence: There is a – no, this is my final motion.

Ms. Lewis: It's all – it's all for the – it's related to the rezonings.

Chairman Murphy: Okay.

Commissioner Lawrence: No objection?

Chairman Murphy: No.

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Commissioner Lawrence: Thank you very much. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS AS LISTED IN THE HANDOUT PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: Unless there is another motion going somewhere, I'm – I could certainly move whatever anybody shows me.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I would just like to state, as I have on a – at least one or two of the other Tysons cases have come before us. They were waived on bloc. However, there were 18 waivers and modifications on various parts of the Ordinance. I really think that the Ordinances need to be studied and amended so that – you know, things that Tysons, and in other urban areas, don't have to be exempted or modified. I mean, these are things that are normal in an urban area.

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(Each motion carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.)

JLC