

To: Fairfax County Board of Supervisors

From: Dan Storck, Supervisor
Mount Vernon District

Subject: **BOARD MATTERS for October 24, 2017**

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For your consideration, I submit the following Board Matters accompanied by a brief explanation. Your support will be appreciated.

- 1. Proposal to Authorize Staff to Advertise a Public Hearing to Sublease Property at 9520 Furnace Road as part of the Resident Curator Program**
- 2. Consent to Filing of Proffer Condition Amendment Application and Waiver of Associated Fees within the Laurel Hill Adaptive Reuse for RZ/FDP 2012-MV-008**

1. Proposal to Authorize Staff to Advertise a Public Hearing to Sublease Property at 9520 Furnace Road as part of the Resident Curator Program

Background

The Park Authority is ready to proceed with the first property in its Resident Curator Program, located at 9520 Furnace Road, also known as the Stempson House. This program will address some of the underutilized historic properties owned by the County and the Park Authority by entering into long-term leases with qualified tenants who pledge to maintain and rehabilitate the properties in exchange for rent-free accommodation. For those properties owned by the Park Authority, the state enabling legislation for the Resident Curator Program requires the Park Authority to lease its properties to the Board and for the Board to enter into a sublease with the approved Curators; however, the Park Authority will remain responsible for the monitoring and enforcement of the provisions of the lease and the Program.

The first property for approval under the Resident Curator Program is the Stempson House in Laurel Hill Park. This house was built in 1937 by inmates of the nearby Occoquan Workhouse and Reformatory, later known as Lorton Prison, for use by the prison security officers. During the lease term of 8 years and 8 months, the Curator will renovate the house for residential occupancy while ensuring that the construction complies with the terms of a Park Authority-approved workplan and the federal standards for the rehabilitation of historic properties.

Proposed Action

Therefore, Madam Chairman, to maintain the momentum in the implementation of the Resident Curator Program, I move that the Board authorize the advertisement of a public hearing on November 21, 2017 at 4:30 p.m. for the Board to sublease the Stempson House located at 9520 Furnace Road to the proposed Resident Curator, Steven J. McCullough.

2. Consent to Filing of Proffer Condition Amendment Application and Waiver of Associated Fees within the Laurel Hill Adaptive Reuse for RZ/FDP 2012-MV-008

Background

This is a request for the Board's consent to the filing of a Proffer Condition Amendment application on Board owned property within the Laurel Hill Adaptive Reuse project which was approved pursuant to RZ/FDP 2012-MV-008 and the waiver of County filing fees associated with the application. Specifically, the Board owned properties are Tax Map References 107-1((9))-A, B, C, E, F, G, H, and J. RZ/FDP 2012-MV-008 was approved by the Board on June 3, 2014 to permit redevelopment of the former Lorton Reformatory and Penitentiary into a vibrant mixed-use community, including the adaptive reuse of the former prison buildings.

Subsequent to approval of RZ/FDP 2012-MV-008, the County's development partners obtained approval of a site plan for Phase 1 of the project. The property was then subdivided, and a portion was conveyed to Laurel Hill Development I, Inc., whose name was subsequently changed to FPRP, Inc., the development entity affiliated with Elm Street Development. Approval was also obtained from the National Park Service, the Virginia Department of Historic Resources, and the Architectural Review Board for the proposed townhouse and single family detached architecture. Additionally, the Board authorized filing a FDPA and CSP for the Laurel Hill Adaptive Reuse project on April 5, 2016.

The Board has also voted to waive certain fees related to the project at various points. On December 6, 2011 the Board waived the application fee associated with the initial rezoning. The Board provided an additional and broader fee waiver on January 14, 2014 for application and escrow fees associated with the Laurel Hill Adaptive Reuse Plan. The third, and most recent, fee waiver was on April 5, 2016, when the Board waived the fee for the filing of an FDPA on the property.

The approved redevelopment was originally intended to occur in two phases. The first phase, currently under construction, is for the development of 267 residential units. The second phase was intended to include further residential construction and the entirety of the approved commercial construction. Proffers 12 and 17 in RZ 2012-MV-008 require certain actions by the applicant before proceeding with phase 2 of the development. At the time of the proffers' approval, it was intended that this phasing requirement would link proffers 12 and 17 with the construction of new commercial development within Land Bay 6, located on County owned Tax Map Reference 107-1((9)) H. However, the second phase of development was subsequently split into two sub-phases: phase 2A and phase 2B. Phase 2A seeks the construction of an additional 80 residential units, 61,000 sf of an interim mini-warehouse use, and a portion of Snowden-Ashford Road (a public street). It is the applicant's intention for the remaining approved commercial construction in Land Bay 6 to occur during phase 2B. The decision to split phase 2 into two sub-phases has created ambiguity regarding the timing of the applicant's obligations, and the applicant now wishes to amend the proffers to clarify the timing requirements in proffers 12 and 17 such that the obligations in those proffers will be tied to phase 2B.

Proposed Action

Therefore, Madam Chairman, I move that the Board, as owner in fee simple of Tax Map Reference 107-1((9)) H:

- Consent to the filing of a Proffer Condition Amendment application by FPRP, Inc., the development entity affiliated with Elm Street Development and Laurel Hill Investments, LC, the Elm Street Development entity that is party to the Master Development Agreement on Tax Map Reference 107-1-((9))H.
- Waive all County zoning filing fees associated with this proposed Proffer Condition Amendment application.