APPLICATION FILED: March 13, 2007
PLANNING COMMISSION: July 11, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

June 27, 2007

STAFF REPORT

PCA 92-P-001-6

PROVIDENCE DISTRICT

APPLICANT:	West*Group Properties, LLC
ZONING:	C-3, HC
PARCEL(S):	29-4 ((6)) 95C, 96A, 97C, 99B, 101A, 102, 105, 106, 107
ACREAGE:	31.25 acres
PLAN MAP:	Office and Private Open Space
PROPOSAL:	Amend RZ 92-P-001 to permit the creation of a new land bays (Land Bays C-1, C-2, C-3)

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 92-P-001-6, subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

O:\clewi4\PCA CDP FDP\pca 92-p-001-6, west group\Cover.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

The subject 31.25 acre site is located to the south of Dolley Madison Boulevard (Route 123) and to the east of Interstate 495 (the Capital Beltway), along Old Meadow Road. The site is known as the Old Meadow Road Land Bay of the West*Gate Office Park and, with the exception of the Arthur and Coolidge sites located at the southern end of the site, it is developed with existing light industrial, office and research and development uses.

The applicant, West*Group Properties, LLC, seeks approval of a Proffered Condition Amendment (PCA) to create three new land bays (Land Bays C-1, C-2 and C-3) from the Old Meadow Road Land Bay (Land Bay C). This 31.25 acre land area is governed by the proffers associated with RZ 92-P-001. The subject site, known as Land Bay C, is located within the larger West*Gate Office Park. The applicant seeks to divide Land Bay C into three sub-units (Land Bay C-1, C-2 and C-3). No change to the gross floor area assigned to these land bays is proposed and no new construction is proposed under this application. The proposed PCA does not impact the gross floor area (GFA) allocated to Land Bays A or B and the overall density for the entire West*Gate office park would remain unchanged at 0.65 FAR. Furthermore, the uses and other proffered commitments for West*Gate will also remain unchanged.

LOCATION AND CHARACTER

The 126.66 acre West*Gate site, zoned C-3 (Office District) and Highway Corridor (HC) Overlay Districts, is generally bounded by Magarity Road, Interstate 495 (Capital Beltway) and the Dulles Airport Access Road (DAAR) in Tysons Corner. Route 123 (Dolley Madison Boulevard) bisects the property. West*Gate is developed with light industrial, office, and research and development uses. Scott's Run runs through the site from north to south.

The West*Gate Office Park is divided into three larger land bays. Land Bay A (Old Springhouse Road) is located on the north side of Route 123. Land Bay B (Colshire Drive) is located to the south of Route 123 and to the east of Scotts Run. Land Bay C (Old Meadow Road) is located to the south of Route 123 and to the west of Scotts Run. Both Land Bays A and B are divided up into smaller land bays. Land Bay C is not.

Surrounding uses of the West*Gate office park include the following:

PCA 92-P-001-6			
Direction	**Use**	**Zoning**	**Plan**
North	Multifamily residential (The Gates of McLean)	PDH-30	Office
South	Multifamily residential (Regency Club); Multifamily residential (The Commons Apartments); Public Park (Scotts Run Park; School (Westgate Elementary)	R-30; R-20; R-1; R-1	Residential 20+ du/ac; Residential, 16- 20 du/ac; Public Park; Public Facilities, Gov't & Institutional
East	Multifamily residential (The Commons Apartments); Retail (Commons Village); Dulles Access Airport Road (DAAR)	R-20; C-6; ROW	Residential, 16-20 du/ac; Retail; Right-of-way
West	Interstate 495 (Beltway)	ROW	Right-of-way

BACKGROUND

On June 22, 1992, the Board of Supervisors (BOS) approved **RZ 92-P-001** to rezone 128.63 acres, which comprised the West*Gate site, from I-3, I-4, C-2, C-7, R-1 and Highway Corridor (HC) Districts to the C-3 and HC Districts, subject to proffers dated June 19, 1992. This rezoned area consisted of most of the parcels within Sub-unit R-2 of the Tysons Corner Urban Center in the Comprehensive Plan. Certain parcels along Old Meadow Road, which are located within Sub-unit R-2 but not owned or controlled by the West*Group, were not included in the rezoning application.

Under the proffers for **RZ 92-P-001**, a maximum FAR of 0.6232 was established for the subject 128.63 acres. These proffers also created three land bays, known as the Old Springhouse Road, Colshire Drive, and Old Meadow Road Land Bays (Land Bays A, B, and C, respectively). The Old Springhouse Road Land Bay (Land Bay A) was proffered not to exceed a maximum FAR of 1.0, as was the Colshire Drive Land Bay (Land Bay B). The Old Meadow Road Land Bay (Land Bay C) was proffered not to exceed a maximum FAR of 0.70. However, within all of these land bays, individual building sites were permitted to exceed 1.0 FAR, within the overall cap of 0.6232.

The GDP for **RZ 92-P-001** was not proffered in its entirety; the applicant only proffered certain items within the GDP, including: (1) the overall maximum density for West*Gate and the maximum density for each of the three land bays; (2) maximum building heights; (3) conceptual limits of clearing and grading; (4) a Best Management Practices (BMP) stormwater management pond; (5) delineation of the Scott's Run Environmental Quality Corridor (EQC); (6) a typical parking lot landscaping plan; and, (7) sidewalks and trails. Building size, location and footprints, as depicted on the GDP, were not proffered.

On March 22, 1999, the Board of Supervisors (BOS) approved **PCA 92-P-001**. Under this application, the approved proffers were amended in order to:

(1) Decrease the overall allowable intensity for the subject site from 0.6232 to 0.60 FAR;

(2) Increase the height of the McKinley, Pierce and Taylor buildings (Colshire Land Bay) to a maximum of 105 feet and the Washington, Adams, Madison and Jefferson buildings (Old Springhouse Road Land Bay) to a maximum of 150 feet;

(3) Dedicate a 2.35 acre parcel within the Colshire Drive Land Bay for public use (it is expected that this use will be a bus transfer station);

(4) Reserve and dedicate land within the Old Springhouse Road Land Bay for the future Beltway widening and the future Metrorail extension;

(5) Create a new Transportation Demand Management (TDM) program within the Tysons Corner Urban Center;

(6) Provide the Fairfax County Park Authority (FCPA) with $250,000 for the acquisition, development or maintenance of park and recreation facilities in the Providence District in lieu of a previously-approved proffer to dedicate four parcels of land, totaling one (1) acre in size;

(7) Permit a proposed parking structure to encroach into the Scott's Run EQC; and,

(8) Provide stormwater management and best management practices (SWM/BMP) facilities which meet current Public Facility Manual (PFM) standards.

Concurrently, the Board approved **RZ 1998-PR-052** to rezone portions of right-of-way of Old Springhouse Road from I-4 to C-3 in order to permit future development within the abandoned portions of the road. The accepted proffers for that rezoning application were combined with the proffers for **PCA 92-P-001.**

On October 16, 2000, the Board of Supervisors (BOS) approved **PCA 92-P-001-2** and **PCA 1998-PR-052.** Under these concurrent applications, the approved proffers were amended in order to increase the overall maximum allowable density for West*Gate from 0.60 to 0.65 FAR (an increase of 300,521 square feet). Under the approved proffers, the additional 300,521 square feet was not assigned to a particular land bay; rather, it can be used anywhere within the subject site.

On May 7, 2001, the Board approved **PCA 92-P-001-3,** a partial Proffered Condition Amendment (PCA) to amend the proffers for RZ 92-P-001 to take 167,111 square feet (SF) of gross floor area (GFA) from the unassigned density bank for West*Gate and assign it to the Colshire Drive Land Bay (Land Bay B) in order to permit development of the Johnson III office building (which was the subject site of SE 01-P-011, a Category 6 Special Exception for an increase in building height from 90 to 105 feet).

On December 3, 2001, the Board approved **PCA 92-P-001-4**, a partial Proffered Condition Amendment (PCA) to amend proffers for portions of the property subject to RZ 92-P-001 in order to reallocate density between land bays within West*Gate. This PCA did not change the overall density, uses, or other proffered commitments for West*Gate.

On September 19, 2006, a partial Proffered Condition Amendment (PCA) **PCA 92-P-001-5** was filed. This application requests to delete Land Bay B-1 from the proffers which govern the subject site. This application also seeks to construct a new 157,439 SF office building on the site. Currently, this application is scheduled for a public hearing before the Planning Commission on January 17, 2008.

Copies of the previously approved proffers (including PCA 92-P-001-3, PCA 92-P-001-2, PCA 92-P-001 and RZ 92-P-001) are attached as exhibits to the draft proffers for PCA 92-P-001-4, which is contained in Appendix 2.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area: McLean Planning District, Area II

Planning Sector: Tysons Corner Urban Center

Plan Map: Office and private open space

On page 209 in the 1991 Area II Plan, as amended through June 26, 1995, in the LAND USE RECOMMENDATIONS section of the Tysons Corner Urban Center, the Comprehensive Plan states:

SUB-UNIT R-2

Sub-unit R-2 is planned for research and development use, light industrial use, and office use with support retail and service uses up to an average .65 FAR for the Sub-unit, with a maximum intensity of 1.0 FAR on individual and/or groupings of parcels. The variation in intensity within this sub-unit is to encourage the development of nodes. Development with intensities up to 1.0 FAR should be concentrated north of Route 123 to encourage the creation of a development node in the portion of the sub-unit that is furthest from single family detached residential neighborhoods and has substantial visibility from the Capital Beltway.

This flexibility is intended to encourage innovative design solutions for this area which offer significant opportunities to provide urban design amenities and better integrate development in this land unit....Also, the vacant land on the west side of Colshire Drive could provide a focal point through the grouping of buildings and site design. Integration with surrounding areas through pedestrian linkages and urban design amenities should be provided.

Height Limit: Up to 150 feet north of Route 123 and west of Scott's Run, with the area east of Scott's Run up to 105 feet; and the area west of Scott's Run along Old Meadow Road up to 105 feet for the northern portion and up to 90 feet for the southern portion. Building heights at or near the top of the limit can be achieved if the result is more usable open space and/or improved pedestrian circulation. In addition, a variety of building heights should be provided in the sub-unit.

Plan Map:

The Comprehensive Plan map shows that the property is planned for office and private open space use.

ANALYSIS

Description of PCA 92-P-001-6
[Copy of the Generalized Development Plan (GDP) at front of staff report]

Title of GDP:	Generalized Development Plan for the Properties of West*Group Properties, LLC, TDC Owner, LLC, TIAA Stafford-Harrison, LLC and the Board of Supervisors of Fairfax County
Prepared By:	Huntley, Nyce & Associates, Ltd.
Original and Revision Dates:	February 10, 1992, as revised through May 9, 2007

GDP for West*Gate (PCA 92-P-001-6)	
Sheet #	**Description of Sheet**
1 of 9	Cover Sheet (Location of Land Bays)
2 of 9	Generalized Development Plan, Colshire Drive Area
2A of 9	Generalized Development Plan, Colshire Drive Area (revised)
3 of 9	Generalized Development Plan, Old Meadow Road Area
4 of 9	Generalized Development Plan, Old Springhouse Road Area
4A of 9	Generalized Development Plan, Old Springhouse Road Area (alternate)
4Bof 9	Generalized Development Plan, Old Springhouse Road Area (alternate)
5 of 9	Proposed Route 123 improvements
6 of 9	Proposed Route 123 improvements
6A of 9	Proposed Route 123 improvements
7 of 9	Proposed Route 123 improvements
8 of 9	Tabulation and data sheet
9 of 9	Typical landscape layout sheet

A reduction of the applicant's GDP is attached to the front of this report. It should be noted that the only changes to the GDP are the creation of Land Bays C-1, C-2 and C-3 from Land Bay C (Old Meadow Road).

Consistent with previous applications for West*Gate, only certain elements of the GDP are proffered, not the entire plan. Specific elements of the GDP which were previously proffered and will remain proffered include: (1) the overall maximum density for West*Gate and the maximum density for each of the three land bays; (2) maximum building heights; (3) conceptual limits of clearing and grading; (4) a Best Management Practices (BMP) stormwater management pond; (5) delineation of the Scott's Run Environmental Quality Corridor (EQC); (6) a typical parking lot landscaping plan; and, (7) sidewalks and trails. Building size, location and footprints, as depicted on the GDP, were not proffered.

The only change to the proffered GDP is a change to the cover sheet (Sheet 1) to reflect the new land bays in the Old Meadow Road Land Bay (Land Bays C-1, C-2 and C-3) and the change to the tabulations (Sheet 8). All other previously approved sheets remain unchanged.

The applicant seeks approval of a partial PCA to amend the approved proffers for portion of the property subject to RZ 92-P-001 in order to divide Land Bay C (Old Meadow Road) into three smaller land bays (Land Bays C-1, C-2 and C-3).

The proposed creation of these land bays would not impact the overall density for the Old Meadow Road Land Bay (Land Bay C), which would remain at 0.41 FAR. Furthermore, it would not impact the densities of the Old Springhouse Road and Colshire Drive Land Bays (Land Bays A and B), which would remain at 0.68 FAR and 0.74 FAR, respectively. Finally, the overall density for West*Gate would remain unchanged at 0.65 FAR.

The applicant is carrying forward all previously approved proffers. As stated previously, under the proposed proffers, only certain elements of the GDP are proffered, not the entire plan, which is consistent with the approved proffers (see the Background section for a list of those elements).

Land Use Analysis

The proposed creation of the new land bays within West*Gate does not raise any land use issues. All previous land use issues associated with the original rezoning for West*Gate and subsequent PCAs are addressed by the executed proffers, dated November 14, 2001 (PCA 92-P-001-4). The proposed PCA raises no significant land use issues and carries forward all commitments.

Transportation Analysis

All previous transportation issues associated with the original rezoning for West*Gate and subsequent PCAs are addressed by the executed proffers, dated November 14, 2001 (PCA 92-P-001-4). The proposed PCA raises no significant transportation issues and carries forward all commitments.

Environmental Analysis

All previous environmental issues associated with the original rezoning for West*Gate and subsequent PCAs were addressed by the executed proffers, dated November 14, 2001 (PCA 92-P-001-4). The proposed PCA raises no significant environmental issues.

ZONING ORDINANCE PROVISIONS

The individual buildings within the area rezoned pursuant to RZ 92-P-001 will have to meet C-3 bulk standards at the time of site plan and building permit review and approval. As noted earlier in this report, no new construction is sought with this application and the proposed application continues to meet the provisions of the C-3 District.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

It is staff's opinion that the proposed application is in conformance with the Comprehensive Plan and with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends that the Board of Supervisors approve **PCA 92-P-001-6** subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft proffers for PCA 92-P-001-6
2. Previously approved proffers for PCA 92-P-001-4 (PCA 92-P-001-3, PCA 92-P-001-2, PCA 92-P-001 and RZ 92-P-001 are attached as exhibits)
3. Affidavit
4. Statement of Justification
5. Glossary of Terms

APPENDIX 1

WEST*GROUP PROPERTIES LLC
PCA 92-P-001-6
May 30, 2007

Pursuant to 15.2-2303A of the *Code of Virginia* 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the applicant, WEST*GROUP PROPERTIES LLC, its successors and assigns, reaffirm Proffers dated October 6, 2000, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended by Proffers dated April 5, 2001 (attached as Exhibit B) and Proffers dated November 14, 2001(attached as Exhibit C).

WEST*GROUP PROPERTIES LLC

_____

G. T. Halpin, President