COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

PLANNING COMMISSION
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PLANNING COMMISSION
Peter F. Murphy, Jr., Chairman
John R. Byers., Vice Chairman
Suzanne F. Harsel, Secretary
Alvin L. Thomas, Parliamentarian

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Judith W. Downer
Janet R. Hall
John W. Hunter
John B. Kelso
Ronald W. Koch
John M. Palatiello

February 28, 1997

Antonio J. Calabrese, Esquire
Watt, Tieder & Hoffar, LLP
7929 Westpark Drive
Suite 400
McLean, Virginia 22102

RE: CP-86-C-121-8 & CP-86-C-121-9
Westerra Reston L.L.C. and
Oracle Corporation

Dear Tony:

This will serve as your record of the Planning Commission's action on CP-86-C-121-8 and CP-86-C-121-9, applications by Westerra Reston L.L.C. and Oracle Corporation in the Hunter Mill District.

On Wednesday, February 26, 1997, the Planning Commission voted 7-0-2 (Commissioners Alcorn and Byers abstaining; Commissioners Coan, Hunter, and Murphy absent from the meeting) to approve CP-86-C-121-8 to permit construction of four office buildings with structured parking, and CP-86-C-121-9 to permit construction of two office building with structured parking.

For your information, a copy of the verbatim excerpts from the Planning Commission's actions on these applications is also attached. Should you need any aditional information on these cases, please do not hesitate to contact me at 324-2865.

Sincerely,

Barbara J. Lippa

Barbara J. Lippa
Deputy Director

Attachment (a/s)
cc: Robert Dix, Supervisor, Hunter Mill District
John Palatiello, Commissioner, Hunter Mill District
Leslie Johnson, Staff Coordinator, ZED, OCP
February 26, 1997 Date File
Y-2 File

RESTON TOWN CENTER CONCEPT PLAN
BDM - SECTION 939
February 14, 1997

GENERAL

1. The area subject to this Town Center Concept Plan is known as Section 939, Reston. The Tax Map references for the parcels are 17-3-((1)), parcels 4, part of 5, 5D, 5G, 5J and 14.

2. The properties which are the subject of this application shall be developed in accordance with this Town Center Concept Plan, dated November 1, 1996 and revised through February 3, 1997, prepared by Davis-Carter-Scott; subject, however, to these notes and provided that minor modifications may be permitted when necessitated by sound engineering and/or which may become necessary as part of final site engineering, as determined by the Department of Environmental Management ("DEM").

3. The application property consists of approximately 14.816 acres. Westerra Reston, L.L.C. ("Westerra") is the owner of the property and shall hereinafter be referred to as the "Applicant."

4. The proposed office buildings shall consist of a maximum of 457,000 gross square feet, as approved by the Town Center rezonings (RZ 86-C-121 and subsequent PCAs).

5. The external and internal pedestrian circulation system (including trails and sidewalks) shall be provided as generally shown on this Town Center Concept Plan.

6. Upon build out, a minimum of 20% open space shall be provided.

7. Upon build out, a minimum of 10% tree cover shall be provided.

PHASING

8. As depicted, the Applicant is proposing up to two (2) office buildings. The Applicant will construct this project, its office buildings and the associated parking in phases. The Applicant currently anticipates a phasing schedule as follows:

Phase	**Square Feet**	**Opening**
Building I	326,000	January, 1999
Building II	131,000	January, 2000
	457,000	

9. The Applicant reserves the right to modify the order and timing of the opening of each building. Applicant anticipates exclusively surface parking during Phase I and constructing structured parking during Phase II. Applicant reserves the right to vary the timing and implementation of structured parking, as needed, including the construction of a portion of the structured parking with Phase I. Applicant reserves the right to place surface parking in the areas designated on this plan for structured parking or buildings, unless and until structured parking is required or buildings are constructed.

LANDSCAPING

10. The Applicant shall implement a landscaping plan generally consistent with the landscaping reflected on this Town Center Concept Plan. Said landscaping plan shall be coordinated with and subject to final review and approval by DEM. The Applicant has attached a more detailed Landscape Plan (prepared by Lewis, Scully, Gionet) which is representative of the quality and quantity of Applicant's final landscaping plan and is subject to final review, modification and approval by the Reston Town Center Design Review Board.

11. All supplemental landscaping located within or contiguous to Virginia Department of Transportation ("VDOT") rights-of-way shall be provided, subject to VDOT approval. If VDOT does not permit the noted plantings within or contiguous to its rights-of-way, the Applicant shall relocate the trees within the application property, subject to review and approval by DEM.

12. All tree save areas and supplemental landscaping located within or adjacent to easements shall be provided, subject to appropriate approval(s). If not permitted, the Applicant shall relocate said plantings to other portions of the site, subject to review and approval by DEM.

13. Certain tree save areas are shown within the VDOT Dulles Toll Road right-of-way. Should said trees be cleared, the Applicant shall, subject to VDOT approval, provide reasonable, supplemental landscaping in the affected area(s) (both within the VDOT right-of-way and/or, if feasible, on the Applicant's site).

14. The Applicant will adhere to the limits of clearing and grading as shown. During site plan review, if it is determined necessary by DEM to remove any trees previously designated to be preserved in order to locate additional necessary utility lines or trails, then an area of additional tree save of equivalent value as determined by DEM shall be substituted at an alternate location on the Property. If a suitable alternate location cannot be identified on site, the Applicant shall plant supplemental trees according to the directions of DEM, pursuant to the PFM.

TRANSPORTATION

The Applicant shall improve Sunset Hills Road as depicted on the Town Center Concept Plan, and in accordance with VDOT standards, as follows:

15. If warranted by VDOT, the Applicant (as provided for in the Town Center proffers) shall install traffic signals at either or both entrances to the site on Sunset Hills Road. Subject to timely approval by VDOT, the Applicant shall complete installation of said traffic signal(s) prior to the issuance of a non-RUP for the first office building.

16. The Applicant shall dedicate right-of-way along the Sunset Hills Road frontage, as shown on the Plan. This area shall be dedicated and conveyed to the County in fee simple, at no cost to the County, at site plan approval for the first phase of the project, or upon earlier written demand from the County or VDOT.

17. The Applicant shall construct a third thru lane across the frontage of its site from its western most entrance to Reston Parkway.

18. The Applicant shall construct right turn lanes into both of its entrances, as well as a right turn lane from east bound Sunset Hills Road to south bound Reston Parkway.

19. The Applicant shall construct dual left turn lanes on east bound Sunset Hills Road to north bound Reston Parkway.

20. The Applicant shall work with the County and VDOT to extend the stacking distance of its left turn lane into the western entrance, and shorten the stacking distance of its left turn lane into the eastern entrance.

21. The Applicant shall not be responsible for constructing a third thru lane west of its western entrance; however, the Applicant shall convey such right-of-way as may be necessary for said improvement by others, consistent with Note #16.

22. The Applicant shall have the noted Sunset Hills Road improvements substantially completed (such that the improved and widened road is available for use by the traveling public) by the issuance of the first non-Residential Use Permit for occupancy of the first office building.

23. The Applicant shall dedicate the westernmost portion of the Property (consisting of 0.88 acres), at its intersection with Town Center Parkway, for use as a potential transit drop-off point. This area shall be dedicated and conveyed to the County in fee simple, at no cost to the County, at site plan approval for the first phase of the project. Applicant shall not be responsible for constructing any improvements to said area.

24. The Applicant shall have completed the Sunset Hills Road/Reston Parkway intersection improvements (as shown on the Town Center Concept Plan) (such that the improved and widened intersection is available for use by the traveling public) by August 1, 1999.

TRANSPORTATION MANAGEMENT PROGRAM

25. The Applicant will appoint a Transportation System Management ("TSM") program coordinator for its development. Said TSM manager will be responsible for coordinating with LINK and the Reston Town Center TSM programs. Said TSM's will be designed to reduce single occupancy vehicle trips and encourage ride-sharing, the use of mass transit and reduced reliance on single occupancy vehicle travel, all pursuant to the Town Center Proffers.

26. As part of said TSM program, the TSM coordinator will provide for parking management programs that encourage and provide preferential parking for ride shares.

27. As part of said TSM program, the TSM coordinator will also promote mass transit services via transit information centers, coordination of services and employee information initiatives.

28. The TSM coordinator will promote staggered work hour programs, flex time and ensure the provision of bicycle storage capabilities for their employees.

29. The TSM coordinator will work with LINK, the Office of Transportation and the Virginia Department of Transportation to accommodate public bus services for their employees.

LAND USES

30. Office uses shall be the predominate use on the site. The Applicant reserves the right to include within the office buildings any and all accessory uses and accessory service uses as defined in Article 10 of the Zoning Ordinance.

SITE DESIGN

31. Landscaping, site design, pedestrian access, lighting, signage and architectural details are subject to final review and approval by the Reston Town Center Design Review Board ("DRB").

32. The two buildings' architecture generally will be consistent in design and materials used and will complement one another, subject to Reston Town Center Design Review Board review and approval.

33. The design of the plaza area and its amenities will be determined at the Phase 2 site plan review stage. This area will serve as the focal point of the site and will be landscaped and designed accordingly.

34. The parking structure will incorporate architectural treatments to visually break up the horizontal expanses and will include materials compatible with the buildings.

35. The top parking level will incorporate planting(s) to visually soften the structure's appearance and to break- up the top level of parking.

36. The maximum height of the parking structure will be four (4) levels. The parking structure shall be constructed both above and below grade, as generally depicted on this Town Center Concept Plan (Sheets 4 and 5).

37. The loading areas for each building will be screened from street-level view of any public right-of-way, using techniques such as landscaping, berming and fencing or walls.

38. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance.

39. Applicant shall provide BMP/storm water management on and off site, as depicted, subject to DEM review and approval.

40. Should future mass transit/rail stations become available in the Dulles Toll Road, the Applicant shall provide for at-grade pedestrian walkway connection(s) on its site to said mass transit facilities.

TOWN CENTER CONCEPT PLAN AMENDMENTS

41. By securing approval of this Town Center Concept Plan, the Applicant is not limiting or waiving any of its rights pursuant to the approved Town Center rezoning and approved Development Plan. The Applicant reserves the right to subsequently pursue Town Center Concept Plan Amendment(s), Special Exception(s) and\or Special Permit(s) (on the whole or any portion of the site) as permitted by the Town Center rezonings and the Fairfax County Zoning Ordinance.

42. Any portion of the site may be the subject of a Town Center Concept Plan Amendment, Special Exception or Special Permit without joinder and/or consent of the owners of the other land areas, provided that such application does not affect the other land areas. Previously approved proffered conditions or development conditions applicable to a particular portion of the site which are not the subject of such an application shall otherwise remain in full force and effect.

Planning Commission Meeting
February 26, 1997
Verbatim Excerpts

CP-86-C-121-8 - WESTERRA RESTON, L.L.C. & ORACLE CORPORATION
CP-86-C-121-9 - WESTERRA RESTON, L.L.C. & ORACLE CORPORATION

After Close of the Public Hearing

Vice Chairman Byers: Close the public hearing; turn to Mr. Palatiello.

Commissioner Palatiello: Thank you, Mr. Chairman. Let me, first of all thank all of the citizens who came out this evening to share their views with us. I think this was a very constructive hearing. I think Reston has done itself proud once again in terms of the quality of the debate and discussion and consideration we had this evening. Let me enter into the record several letters. We had written statements that accompanied presentations made this evening. I do have a letter from Alma Schulman, who is the Executive Vice President of Intertech Corporation and developer of Plaza America in support of the application. I received a letter today from Carl Ingebritsen, who is the Director of the Link TSM Program in Reston, in support of the application. One (1) from Mr. Terrence P. Ford, Vice President of Oracle, obviously in support of the application; a statement from Bonnie Whyte in Reston expressing some reservations about the application; a letter from Phil Odeen, the President of BDM, in support of the application. The recommendation of the Reston Citizens Association Planning and Zoning Committee -- the Co-Chairs, Mr. Tom Wiltshire and Mr. Bill Keefe, in support of the application and reflecting the vote of their committee. And a letter from Mr. William Hoppe in opposition to the application. I would ask that those all be made part of the record. I listened to all of the comments that were made this evening and a couple of things really stuck in my mind. First of all, the comment was made about a comparison between Montgomery County and Fairfax County. And Montgomery County just chased away a major development project -- a multi, multi-million dollar investment in downtown Silver Spring that the developer took a walk on. Montgomery County competed long and hard for Oracle. I think Governor Glendenning offered Camden Yard, Chesapeake Bay and a player to be named later and they still didn't go to Maryland, to Montgomery County; they came to Reston. I was impressed, particularly by Mr. Thillmannand Mr. Todd who were key players in this project in Reston Town Center, that this, indeed, was what was envisioned at the time. We've heard from a number of folks that this is in accordance with the Zoning and with the Proffers. As Mrs. Harsel pointed out, those are the standards upon which this is to be evaluated. I would remind folks, and the applicant has said this on a number of occasions in the several meetings that we've had in the community on this, that when you travel north on Reston Parkway from the Toll Road today, what is the first thing you see on Reston Parkway -- a parking garage at the Hyatt Hotel. So there is nothing perverse about putting a parking garage on frontage on Reston Parkway. Coming home to grab a bite of dinner this evening from my office, which is in South Reston on Sunrise Valley Drive, I noticed something today. As you travel south on Reston Parkway and the Dulles Toll Road, what do you see -- you see the back of the International Center, you see the back of the Sheraton Hotel, you see the back of the Roy Rogers, you see the back of a gas station and a car wash and you see a parking lot -- surface parking. On the right hand side you see the back of UNISYS. You know design, as Mr. Kelso says, it's always helpful to have a design professional on the Commission because he often puts things right into perspective. Design is in the eye of the beholder. And I said in my opening comments, what I like and what I

don't like is not the issue today. We've heard a lot about what people like and what people don't like. I'm persuaded that this, indeed, is consistent with the Plan and with the Proffers. If we were to defer this application, and I have though long and hard about this, I've thought about this extensively since Monday evening when I watched on Television the Reston Citizens' Association consideration of this and I've discussed it with the applicant and the question in my mind was what would we gain by deferring? This applicant is not going to redesign the site; the applicant believes that topography, market -- one (1) of the things that has not been brought up this evening that I think that if the folks from BDM and Oracle themselves were here would say to us is one (1) of the things that they're buying with these sites is frontage on the Dulles Toll Road that millions of consumers and business people coming down that Toll Road from Dulles Airport every year -- these folks want to have their building frontage and their corporate logo signs up on those buildings and that exposure. And some of us would like it to have an exposure to the Reston Parkway and some would like to have it exposed to the Toll Road and some would like to have it exposed on Sunset Hills Road. I don't think you can satisfy everyone. Much of what has been asked for this evening are long term solutions. They really are not inherent to this particular application. I happen to have with the me the notes that I took on the afternoon that Mr. Stowers and Mr. Simon came by my office and we met behind the closed door; it was just the three (3) of us. So when we talk about closed door meetings, there were some closed door meetings with citizens in this community -- happens all the time in this process. They wanted to orient this project and make pedestrian connections to the urban core. It's done. It's on the periphery of the project, it's not down the spine of the project, but it is accomplished. Number 2, maximize the FAR to meet future needs, particularly for rail. That's something that we cannot do here in this application; that is something that requires a change in the Comprehensive Plan, it requires a change in the Zoning and it requires a change in the proffers. If that's what you want, you're against the BDM and Oracle because that will not meet their schedule -- they will take a walk. Third is the orientation of buildings on Reston Parkway, and I think I've addressed that. I've worked long and hard on this project to try to take into account all of the concerns that I've heard from everyone who has taken the opportunity to come to meetings, to call me or to write me. As I said before, every request of the Planning and Zoning Committee has been accepted by the applicant and is in this application. For over twenty (20) years, the Planning and Zoning Committee has been the vehicle for soliciting community input in Reston, they have done a wonderful job. They did a wonderful job under Mr. Stowers tutelage and they have done a wonderful job under each of his successors. As was stated before, -- you know, I saw something in the paper the other day when Ken Starr reversed himself and said he was going to stay on as the special council and he quoted Mayor LaGuardia in New York who says: "When I make a mistake, boy, I make it a doozie." And I guess maybe when I made the mistake of asking for this hearing, my mistake was a doozie and I'm not admitting I made a mistake, I think I did the right thing by having this hearing and having a staff report on this. You know I wanted the -- I don't think I've ever told this story before, but you know when I was a College student --

Vice Chairman Byers: You're on verbatim.

Commissioner Palatiello: I realize we are. This ends here too, and it doesn't go to the Board. When I was a College student and I studied Urban Politics and related courses, I remember one (1) course I had in particular -- we studied new towns. And we had to go and visit either

Columbia or Reston. And I went from American University out to Reston and at that time there were just a few thousand people living in Reston; there was Lake Anne and there was the International Center and there wasn't a whole lot else. But I was captivated by Reston and one (1) of the great joys of my life has been to have some small part in seeing the maturation of something that I studied as a student. And part of that has been the true joy of working with people like Bob Simon, the founder of Reston. There have been applications where Bob and I have agreed and there have been applications where Bob and I have disagreed. And I think what this comes down to is that there are thing in this that Bob happens not to like, but the fact of the matter is that this plan is consistent with what was approved in the zoning. And I'm not sure what we would gain by a deferral. I think that there are just fundamental differences of opinion and in my conversations with the applicant, the fundamental changes are such that they're not changes that they could make. With that in mind, Mr. Chairman, I would MOVE THAT THE PLANNING COMMISSION APPROVE CONCEPTUAL PLAN 86-C-121-8 AND CP-86-C-121-9.

Commissioner Thomas: Second.

Vice Chairman Byers: Seconded by Mr. Thomas.

Commissioner Alcorn: Mr. Chairman?

Vice Chairman Byers: Mr. Alcorn.

Commissioner Alcorn: I would like to make a substitute motion THAT WE DEFER DECISION ON THIS APPLICATION FOR ONE (1) WEEK.

Commissioner Palatiello: MOVE TO TABLE.

Vice Chairman Byers: Is there a second to the substitute motion? The second motion fails and we'll go with the original motion.

Commissioner Kelso: Excuse me. Point of information, didn't Mr. Palatiello move to table?

Commissioner Alcorn: No. Moved to table his motion.

Commissioner Kelso: I'll move to table his motion.

Commissioner Koch: Second.

Vice Chairman Byers: I don't table it. All in favor of the motion to approve CP-86-C-121-8 and CP-86-C-121-9, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Alcorn: Abstain.

Vice Chairman Byers: Mr. Alcorn and the Chair abstain. Motion carries. Mr. Palatiello, anything further?

Commissioner Palatiello: I think that's it, Mr. Chairman. Thank you.

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(The motion carried by a vote of 7-0-2 with Commissioners Alcorn and Byers abstaining; Commissioners Coan, Hunter and Murphy absent from the meeting.)

DEB

4104622

ZAPS USER GENERATED REPORTS

ZONING APPLICATION SUMMARY REPORT

APPLICATION NUMBER: CP 86-C -121-09

DECISION DATE: 2-26-1997

HEARING BODY: PC

CRD: NO

MAGISTERIAL DISTRICT: HUNTER MILL

APPLICANT NAME WESTERRA RESTON LLC

STAFF COORDINATOR: JTHO10

ACTION: APPROVE

DECISION SUMMARY:

ON FEBRUARY 26, 1997, THE PLANNING COMMISSION UNANIMOUS
LY APPROVED CONCEPTUAL PLAN 86-C-121-09 CONCURRENTLY WI
TH CP 86-C-121-08, ON A MOTION BY COMMISSIONER PALATIEL
LO SUBJECT TO CP/CP NOTES DATED FEBRUARY 14, 1997.

TAX MAP NUMBERS

017-3- /01/ /0004-
017-3- /01/ /0005-
017-3- /01/ /0005-D
017-3- /01/ /0005-G
017-3- /01/ /0005-J
017-3- /01/ /0014-

APPROVED ZONING DISTRICT DATA

ZONING DISTRICT: PRC

	APROVED RESIDENTIAL DEVELOPMENT				APROVED NON-RESIDENTIAL DEVELOPMENT				
LAND USE	DWELLING UNITS	LAND AREA	UNIT OF MEASURE	NO. OF ADU'S	FLOOR AREA	UNIT OF MEASURE	LAND AREA	UNIT OF MEASURE	FAR
OFFC/GENRL					457,000.00	SQ FEET	14.82	ACRES	0.71
TOTAL					457,000.00	SQ FEET	14.82	ACRES	0.71

WAIVERS/MODIFICATIONS

APPROVED WAIVERS/MODIFICATIONS

SUPPLEMENTAL MOTIONS

SUPPLEMENTAL MOTIONS APPROVED

DEVELOPMENT CONDITION INFORMATION

DEVELOPMENT CONDITION STATEMENT DATE: 12-13-2007

ITEM	DUE DATE	TRIGGER NO.	TRIGGER EVENT	CONTRIB AMT	EXPIRATION DATE
ARCHITECTURE BUILDING MATERIALS /	01-01-0001	0	DATE-TBD	$	01-01-0001
ARCHITECTURE REVIEW (ARB)	01-01-0001	0	DATE-TBD	$	01-01-0001
COORDINATE STORMWATER MANAGEM	01-01-0001	0	DATE-TBD	$	01-01-0001
FLOOR AREA RATIO (FAR) / GROSS FLO(	01-01-0001	0	DATE-TBD	$	01-01-0001

DEVELOPMENT CONDITION INFORMATION

DEVELOPMENT CONDITION STATEMENT DATE: 12-13-2007

ITEM	DUE DATE	TRIGGER NO.	TRIGGER EVENT	CONTRIB AMT	EXPIRATION DATE
HEIGHT - BUILDING / STRUCTURE	01-01-0001	0	DATE-TBD	$	01-01-0001
INTERIOR AMENITIES	01-01-0001	0	DATE-TBD	$	01-01-0001
LANDSCAPE PLAN REQUIRED	01-01-0001	0	DATE-TBD	$	01-01-0001
LANDSCAPING - OFF-SITE	01-01-0001	0	DATE-TBD	$	01-01-0001
LIMITS OF CLEARING AND GRADING	01-01-0001	0	DATE-TBD	$	01-01-0001
OFF-SITE IMPROVEMENTS - TRANSPORT	01-01-0001	0	DATE-TBD	$	01-01-0001
OPEN SPACE	01-01-0001	0	DATE-TBD	$	01-01-0001
OTHER - LAND USE	01-01-0001	0	DATE-TBD	$	01-01-0001
PARKING LOT LANDSCAPING	01-01-0001	0	DATE-TBD	$	01-01-0001
PEDESTRIAN IMPROVEMENTS (CROSSW	01-01-0001	0	DATE-TBD	$	01-01-0001
PHASING - LAND USE	01-01-0001	0	DATE-TBD	$	01-01-0001
SIDEWALK / TRAIL	01-01-0001	0	DATE-TBD	$	01-01-0001
SIGNAGE	01-01-0001	0	DATE-TBD	$	01-01-0001
TRANSPORTATION DEMAND MANAGEME	01-01-0001	0	DATE-TBD	$	01-01-0001
TREE PRESERVATION / SURVEY	01-01-0001	0	DATE-TBD	$	01-01-0001
ACCESSORY USES	01-01-0001	0	DATE-TBD	$	01-01-0001