

Board Agenda Item
January 26, 2004

3:30 p.m.

Public Hearing on Proffered Condition Amendment/Final Development Plan Amendment Application PCA 86-P-089-6/ FDPA 86-P-089-3 (The Peterson Companies L.C.) to Amend the Proffers and Final Development Plan for RZ 86-P-089 Previously Approved for Mixed Use Development (Office and Retail) to Permit Mixed Use Development (Residential and Retail) with an Overall Floor Area Ratio of 0.48 Including Bonus Density for the Provision of Affordable Dwelling Units, Located on Approximately 3.29 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on Proffered Condition Amendment/ Final Development Plan Amendment Application PCA 86-W-001-10/ FDPA 86-W-001-5-2-2 (The Peterson Companies L.C.) to Amend the Proffers and Final Development Plan for RZ 86-W-001 Previously Approved for Mixed Use (Retail and Office) to Permit Mixed Use Development (Retail and Residential) with an Overall Floor Area Ratio of 0.48, Including Bonus Density for the Provision of Affordable Dwelling Units, Located on Approximately 30.79 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on Proffered Condition Amendment/Final Development Plan Amendment PCA 82-P-069-13/ FDPA 82-P-069-14-3 (The Peterson Companies L.C.) to Amend the Proffers and Final Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Mixed Use Development With No Attributable Floor Area Ratio on the Subject Portion, Located on Approximately 1.45 Acres Zoned PDC and WS, Springfield District

PCA 86-P-089-6/FDPA 86-P-089-3 and PCA 86-W-001-10/FDPA 86-W-001-5-2-2 are located in the southwest quadrant of the intersection of Fair Lakes Parkway and West Ox Road, north of Interstate 66, Tax Map 55-2 ((1)) 15 pt.

PCA 82-P-069-13/FDPA 82-P-069-14-3 is located north of Interstate 66, approximately 2,000 feet west of West Ox Road, east of Fair Lakes Circle and south of Fair Lakes Parkway, Tax Map 55-2 ((1)) 14B1 pt.

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On Thursday, January 22, 2004, the Planning Commission voted unanimously (unless otherwise indicated), with Commissioner Hart not present for the votes and Commissioners Alcorn and Hall absent from the meeting, to recommend the following actions to the Board of Supervisors:

- Approval of PCA-86-W-001-10 and PCA-86-P-089-6, subject to execution of proffers consistent with those contained in Appendix 1 of the staff report and dated January 14, 2004, with proffer #10 revised to include retail popsicle signs;
- Approval of PCA-82-P-069-13, subject to execution of proffers consistent with those contained in Appendix 2 of the staff report and dated December 15, 2003;
- Approval of FDPA-86-W-001-05-02 and FDPA-86-P-089-03, subject to the final development plan amendment conditions dated January 14, 2004 and contained in Appendix 3 of the staff report as revised by deleting conditions 6 and 12 and correcting condition 13 to read "Fair Lakes Parkway" in lieu of "Fairfax County Parkway";
- Modification of the PDC District standards for the percentage of residential uses to permit 42% of the entire Government Center development as residential uses;
- Modification of the transitional screening and waiver of the barrier requirements along the southern boundary in accordance with the landscaping depicted on the CDPA/FDPA;
- Waiver of the 200-foot setback for residential buildings from Interstate 66 to permit the residential units a minimum of 62 feet from the right-of-way as depicted on the CDPA/FDPA (*Commissioner Harsel opposed*);
- Waiver of the 75-foot setback for commercial buildings from Interstate 66 to permit the commercial buildings a minimum of 28 feet from the right-of-way as depicted on the CDPA/FDPA (*Commissioner Harsel opposed and Commissioner Byers abstaining*);
- Approval of a variance of the maximum fence height to permit a noise wall with a maximum height of 48 feet along Interstate 66 and West Ox Road; and
- Modification of the loading space requirements for the multi-family dwelling units on the western portion of the site to permit a total of two spaces and waiver of the loading space requirement for the stacked multi-family units on the eastern portion of the site.

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The Planning Commission then voted unanimously (Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting) to approve FDPA-82-P-069-14-03, subject to the Final Development Plan Amendment conditions dated January 14, 2004 and contained in Appendix 4 of the staff report and subject also to Board approval of PCA-82-P-069-13.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Verbatim Excerpt

PCA 86-P-089-6/FDPA 86-P-089-3 - THE PETERSON COMPANIES L.C.
PCA 86-W-001-10/FDPA 86-W-001-5-2-2 - THE PETERSON COMPANIES L.C.
PCA 82-P-069-13/FDPA 82-P-069-14-3 - THE PETERSON COMPANIES L.C.

Decision Only During Commission Matters
(Public Hearing was held on January 15, 2004)

Commissioner Murphy: Thank you, Mr. Chairman. I appreciate the Commission's patience because this is such a large application and because we wanted to make sure we got it right. The staff report was received the night of the public hearing and I informed the Commission at that time that I would defer decision after the public hearing until this evening so everybody had an opportunity to review the staff report. I just want to say -- Mr. Hart, I believe you recused yourself on this.

Commissioner Hart: That's right.

Commissioner Murphy: Then I think you -- just wanted to make sure we are all right here. As we mentioned last week, the history of this Land Bay A, which is owned, in fact, by the citizens of Fairfax County -- the Board of Supervisors -- has been looked at over the past several years about six or seven times. It has been amended and re-amended. It was in the Providence District for many years. It is now in the Springfield District and I am going to stick my neck way out on this and say that I think we finally got it right and this is the last time that this application, or this series of applications, will be before the Planning Commission. It is going to be a very dramatic urbanized mixed-use development with townhouses, high-rise apartments, and support commercial and retail, to include some sort of a grocery store. The applicant has worked very hard with staff and I want to thank a lot of people on the staff, but particularly Bill Mayland who over a short period of time, when we all reached a consensus on this application, pulled the whole thing together. And he's a great catalyst who not only does a good job evaluating the applications but also does a tremendous job in keeping myself and other members of the Commission informed as to what the status of their applications are. I really appreciate it, Bill. Thank you very much. And also Jim Zook and Barbara Byron participated in the process. I also want to thank the applicant, Mr. McDermott, Mr. Saxe, and the Peterson Companies for their cooperation. I am going to make a motion. There are development conditions that are part of the FDPA and I am going to move that we delete two of the development conditions. One deals with the noise wall design. I would prefer, rather than having a noise wall design, to have the noise wall earthen tones so it sort of blends in. I don't know what a noise wall with designs looks like. And I am not going to experiment on this particular site with something that I don't know anything about.

Commissioner Harsel: It's scary.

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PCA 82-P-069-13/FDPA 82-P-069-14-3

Commissioner Murphy: The second is to allow the builder to have greater liberty in designing some of the stacked units. And I am going to delete Development Condition 12 which deals with painting and the phrase "the same color family." I don't know exactly what that means, but I think the builder can feel free to do something that is going to be good. We always get good developments in Fairfax and Fair Lakes -- Fairfax Corner, Fair Lakes. Also on the proffers, I am going to amend the proffer on the residential -- Number 10 on page five, at the request of Commissioner Wilson. This is going to be included. Although I think it was intended to be that way, we are going to make it specific because there is a mixed use here with retail and with commercial. And this deals -- retail and residential -- and this proffer includes language that would preclude popsicle stick signs on the median strips on Fair Lakes Parkway, both from the residential entity and the commercial entity. I am just going to say that I am going to amend this. The language is here. Mr. Mayland will incorporate it into the proffers that go to the Board. I am not going to read the entire development condition, but just let me say for your information, it will contain the words "retail activities" in that popsicle proffer.

Bill Mayland: Mr. Chairman? I assume on the proffer you're asking the applicant to amend that.

Commissioner Murphy: Yes, the applicant is going to amend that.

Mr. Mayland: Okay.

Commissioner Murphy: And let the record reflect that Mr. McDermott is nodding enthusiastically.

Commissioner Harsel: And he's even smiling now.

Commissioner Murphy: Because of the nature of the beast and because the Board of Supervisors and the citizens of Fairfax County own this property, which will be sold and the money will go into the tax base, most of this stuff -- I guess all of it except one motion, is to go to the Board. So I am correct in sending the Final Development Plans to the Board in case you have any questions on that. So, therefore, Mr. Chairman, I --

Mr. Mayland: Mr. Chairman? Also on the Final Development Plan, did you also want to amend Number 13?

Commissioner Murphy: Yes, in Number 13 we had that the side elevations issue would be on the Fairfax County Parkway. I'm going to amend that to say Fair Lakes Parkway because it is not on the Fairfax County Parkway. So we thought that would be a pretty judicious move. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA 86-W-001-10 AND PCA 86-P-089-6, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN

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PCA 86-P-089-6/FDPA 86-P-089-3

PCA 86-W-001-10/FDPA 86-W-001-5-2-2

PCA 82-P-069-13/FDPA 82-P-069-14-3

APPENDIX 1 OF THE STAFF REPORT DATED JANUARY 14, 2004, AS AMENDED. AND THAT WOULD SUBSTITUTE UNDER RESIDENTIAL, NUMBER 10, ON PAGE 5, THE LANGUAGE TO INCLUDE RETAIL POPSICLE SIGNS.

Commissioners de la Fe and Koch: Second.

Vice Chairman: Seconded by Mr. Koch and Mr. de la Fe. Any discussion? All in favor of the motion to recommend the Board approve PCA 86-W-001-10 and PCA 86-P-089-6, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA 82-P-069-13, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 2 OF THE STAFF REPORT DATED DECEMBER 15, 2003.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of the motion to recommend the Board approve PCA 82-P-069-13, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE FDPA 86-W-001-5-2-2 AND FDPA 86-P-089-3, SUBJECT TO THE FINAL DEVELOPMENT PLAN CONDITIONS CONTAINED IN APPENDIX 3 OF THE STAFF REPORT DATED JANUARY 14, 2004, AS AMENDED. AND THOSE AMENDMENTS WOULD BE TO DELETE DEVELOPMENT CONDITION NUMBER 6, TO DELETE DEVELOPMENT CONDITION NO. 12, AND TO AMEND DEVELOPMENT CONDITION 13 TO READ "FAIR LAKES PARKWAY" IN LIEU OF "FAIRFAX COUNTY PARKWAY."

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? Are we sending this to the Board for approval?

Commissioner Murphy: It has to go.

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Vice Chairman Byers. All right. All in favor of the motion to recommend the Board approve FDPA 86-W-001-5-2-2 and FDPA 86-P-089-3, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE FDPA 82-P-069-14-3, SUBJECT TO THE FINAL DEVELOPMENT PLAN CONDITIONS CONTAINED IN APPENDIX 4 OF THE STAFF REPORT DATED JANUARY 14, 2004, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA 82-P-069-13.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of the motion to approve FDPA 82-P-069-14-3, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carries. Thank you very much.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PDC DISTRICT STANDARDS FOR THE PERCENTAGE OF RESIDENTIAL USES TO PERMIT 42 PERCENT OF THE ENTIRE GOVERNMENT CENTER DEVELOPMENT AS RESIDENTIAL USES.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN BOUNDARY IN ACCORDANCE WITH THE LANDSCAPING DEPICTED ON THE CDPA AND FDPA.

PCA 86-P-089-6/FDPA 86-P-089-3
PCA 86-W-001-10/FDPA 86-W-001-5-2-2
PCA 82-P-069-13/FDPA 82-P-069-14-3

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Motion carried.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE 200-FOOT SETBACK FOR RESIDENTIAL BUILDINGS FROM INTERSTATE 66 TO PERMIT THE RESIDENTIAL UNITS A MINIMUM OF 62 FEET FROM THE RIGHT-OF-WAY AS DEPICTED ON THE CDPA/FDPA.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussions? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Harsel: No.

Vice Chairman Byers: Ms. Harsel votes no. Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 75-FOOT SETBACK FOR COMMERCIAL BUILDINGS FROM INTERSTATE 66 TO PERMIT THE COMMERCIAL BUILDINGS A MINIMUM OF 28 FEET FROM THE RIGHT-OF-WAY AS DEPICTED ON THE CDPA/FDPA.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

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Commissioner Harsel: No.

Vice Chairman Byers: Ms. Harsel votes no. The Chair abstains.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE VARIANCE OF THE MAXIMUM FENCE HEIGHT TO PERMIT A NOISE WALL WITH A MAXIMUM HEIGHT OF 48 FEET ALONG INTERSTATE 66 AND WEST OX ROAD.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENTS FOR THE MULTI-FAMILY DWELLING UNITS ON THE WESTERN PORTION OF THE SITE TO PERMIT A TOTAL OF TWO SPACES AND A WAIVER OF THE LOADING SPACE REQUIREMENT FOR THE STACKED MULTI-FAMILY UNITS ON THE EASTERN PORTION OF THE SITE.

Commissioner Koch: Second.

Vice Chairman Byers: Seconded by Mr. Koch. Any discussion? All in favor of that motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carried.

Commissioner Murphy: Thank you very much. I also want to thank former Commissioner Rosemarie Annunziata, former Commissioner Pat Hanlon, former Commissioner Linda Smyth, all from the Providence District. I don't think Mr. Coan, maybe he did, Mr. Carl Coan, all those from the Providence District who made similar motions on Land Bay A over the past 15 years, or 20 years; I think we finally have it right. But without them setting a great precedent, we never

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would have the nice development we have here tonight. I thank the Commission for their support.

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(All motions with the exception of numbers 7 and 8 carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

(Motion 7 carried by a vote of 8-1 with Commissioner Harsel opposed; Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

(Motion 8 carried by a vote of 7-1-1 with Commissioner Harsel opposed; Commissioner Byers abstaining; Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

LBR