4:00 P.M. Items- PCA-91-C-014-2 - RESTON HOSPITAL CENTER LLC
SE-00-H-023 - RESTON HOSPITAL CENTER LLC
Hunter Mill District

On Wednesday, January 10, 2001, the Planning Commission unanimously voted *(Commissioners Harsel and Kelso absent from the meeting)* to approve CP-89-C-025-3, subject to the conceptual plan notes dated January 10, 2001, and to recommend the following actions to the Board of Supervisors:

- Approval of PCA-91-C-014-2, subject to exeuction of proffers consistent with those dated January 10, 2001;

- Approval of SE-00-H-023, subject to the development conditions dated January 10, 2001, with the following revisions to condition #5:

  - Add new 5(b) to read: "If the applicant demonstrates to DPWES that it has tried and failed to obtain the necessary right-of-way (through dedication and/or easements) and/or the necessary consent of the affected utilities for the right-turn lane as noted in condition 5(a) for reasons beyond the applicant's control, the non-RUP for Phase 1 may be issued if the applicant has begun the eminent domain proceedings described in 5(c) below, and has issued the referenced letter of credit."

  - Reletter previous 5(b) as 5(c);

  - Add new 5(d) to read: "The improvements described in 5(a) above shall be in place prior to the issuance of a non-RUP for any part of any future phase as shown on the SE plat or as described in condition #4."

Planning Commission Meeting
January 10, 2001
Verbatim Excerpts

SE-00-H-023 - RESTON HOSPITAL CENTER
PCA-91-C-014-2 - RESTON HOSPITAL CENTER
CP-89-C-025-3 - RESTON HOSPITAL CENTER

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Palatiello.

Commissioner Palatiello: Thank you, Mr. Chairman. I want to thank Mr. Bellaschi and Mr. Adams and their entire team for their cooperation. As Mr. Bellaschi indicated, this has been a long road. It originally included just the birthing center. And when the applicant came to me with that change, they had indicated that there were larger improvements that the hospital was anticipating over time. And, at my request, the applicant created a master plan for the eventual build out of the hospital so that when they went before the Planning and Zoning Committee, that the Committee could look at this situation in the context of the overall build out. The issue of this turn lane arose and we had a meeting some months ago in the Supervisor's office. That was an existing requirement on this application. Although, as Mr. Bellaschi indicated, it is technically off site, it is to service the entrance to this hospital. Perhaps that dedication should have been secured some years ago when the Edgewater community came before us for a conceptual plan, but for whatever reason, that was never picked up by staff or myself or anyone involved. But it still remained a condition on this property and this applicant. It was my view and Supervisor Hudgins' view that that is a needed improvement. As a result, the applicant tried to work through it to make that improvement work into its overall plan and the applicant then revised this application and said "As long as we're coming through this process, we may as well go for the whole enchilada and put in for the entire master plan." That's what we have before us this evening, with phases. As was indicated in the public hearing, we've made some modifications to the requirement on the turn lane to provide some flexibility with regard to timing, but that in no way relieves the applicant of the obligation to put the turn lane in. We have also added some language so that -- and I will embellish that in my motion -- so that if, through no fault of the applicant, we do not believe it would be reasonable to hold up the hospital and if condemnation proceedings need to go forward, we will anticipate that in these conditions and provide a mechanism whereby the turn lane goes in. This is consistent with the Comprehensive Plan. It is consistent with the Reston Master Plan. It does have the approval of the Planning and Zoning Committee of the Reston Citizens Association. I know I am venturing where no one has yet ventured this year, but I MOVE THAT THE PLANNING COMMISSION hold the public hearing and APPROVE CP-89-C-025-3, SUBJECT TO THE CONCEPTUAL PLAN NOTES DATED JANUARY 10, 2001.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion of the motion?

Commissioner Wilson: Mr. Chairman?

Chairman Murphy: Ms. Wilson.

Commissioner Wilson: Mr. Palatiello, I just wanted to mention one issue. I asked the applicant about the Certificate of Public Need for a reason because, according to the Zoning Ordinance, our approval is supposed to be contingent upon the approval or recommendation of approval by the Health Care Advisory Board, which in turn is supposed to make their recommendation based on community and medical need, institutional need, financial accessibility, some of those things. My understanding is that part of what the Virginia Department of Health looks at is some of those same criteria in determining whether to issue a certificate. If we've got one of our state departments that's supposed to be reviewing that and make those determinations, and that certificate has not yet been issued, I'm a little troubled that the Health Care Advisory Board has made their recommendation in the absence of that certificate. Because that's where the real determination is made. I don't want to hold up the application, but I think it's something we need to consider. So I'm going to address a question to the County Attorney whether it's proper for the Health Care Advisory Board to make that recommendation to us for us to make our recommendation in turn if there's a little piece of the puzzle there that's not quite in play.

John Bellaschi, Esquire: Let me just clarify that. The Phase 1 has already -- we've already gotten the COPN for Phase 1. What remains outstanding is the COPN on the master plan, the future phases. Again, I'd simply point out we do have to get that approval. That's a separate approval which we will get, but I wanted to make you aware that we have the COPN for the first phase. That was done back when we first came forward with the application.

Commissioner Wilson: I think that is specified in the memo we have in front of us, but our approval is for the entire master plan.

Commissioner Palatiello: But this does present somewhat of a chicken or the egg situation because the Ordinance addresses the County's health care committee. The Ordinance does not address the state. The HCAB is an advisory body that makes a recommendation to the state and shares with us its recommendation. So the requirement in the Ordinance is not contingent upon the state's action, so they are in conformance with the requirements of the Ordinance. I would say, however, that -- so we have satisfied the requirements of the Ordinance -- the practical effect is, as Mr. Bellaschi indicated, there are two approvals that they need. One is a land use approval and one is licensing approval from the state. They cannot go forward with the entire master plan until they have both. So our approval of the overall master plan from a land use standpoint becomes moot if they do not get the COPN from the state.

Mr. Bellaschi: All that is true and, in my legal interpretation -- I think it's pretty clear -- what we are required to do is go to the Health Care Advisory Board. They make a recommendation to you all. They did that. They recommended approval. We still need to get, from Richmond, the approval.

Commissioner Palatiello: I would also point out, with regard to the criteria that you read, there is extraordinary community support for this in Reston. The Chamber of Commerce has been very engaged in assisting the hospital. And I believe our delegation in the General Assembly has supported this and is doing letters on behalf of the hospital. And there is a considerable demand that is building up and the hospital does enjoy that community support.

Commissioner Wilson: Let me just finish one point. That's why I brought up where I said I'm not going to hold it up tonight because of that. I just think it's something that we might want to inquire into a little bit further.

Chairman Murphy: I think what happens is this. If the Board of Supervisors approved this application tomorrow, and you didn't get approval from the state, you'd be dead in the water, right?

Mr. Bellaschi: Yes.

Chairman Murphy: The Board doesn't have to wait for that.

Mr. Bellaschi: That's correct.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: On a separate issue. I support the motion, but it's interesting -- the perspective here, from the applicant, from all of us, is from Town Center Parkway. I would just note that with the completion of the Fairfax County Parkway, our perspectives may change a bit. I don't think that has any impact on whether this application should be approved, but it is true that most people in the future will be seeing it actually from the Parkway, from the back side of this, and I would hope that has been taken into consideration in some of the details of the landscaping.

Mr. Bellaschi: The Reston Planning and Zoning Committee was looking out for you because that was one of their main issues and we ended up doing a large amount of landscaping along the Fairfax County Parkway and the border of the parking garage.

Commissioner Alcorn: Fantastic. Thanks.

Commissioner Palatiello: And there will be -- the point of access will be the existing one, right next to your house, and we have language in here with regard to the eventual disposition of another point of access off of New Dominion. There will not be direct access to the hospital site from the Parkway.

Mr. Bellaschi: Actually there's another point of access -- there are definitely two points of access. The other is off New Dominion as well. The one Commissioner Palatiello mentioned would be a second off of New Dominion which VDOT will decide at a later time, there's no question about it. Once Fairfax County Parkway starts dumping into the Town Center, a lot of the traffic -- and we had planned for that -- will come down New Dominion and enter the hospital from there.

Commissioner Alcorn: Right. I just want to thank the applicant for working so diligently with the community, I'm actually a former resident of that area. I now live really in Commissioner Palatiello's neighborhood, but thank you very much.

Chairman Murphy: Further discussion?

Commissioner Palatiello: I knew you were going to move. If I had known the move had taken place during the holidays, I would have come over with a cake.

Commissioner Byers: Gentlemen, we're on verbatim.

Chairman Murphy: We're on verbatim. Further discussion of the motion? All those in favor of the motion to approve CP-89-C-025-3, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-91-C-014-2, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 10, 2001.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA-91-C-014-2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Palatiello.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-H-023, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 10, 2001, WITH CONDITION 5 REVISED AS FOLLOWS:

> FIRST, ADD SECTION B TO READ: "IF THE APPLICANT DEMONSTRATES TO DPWES THAT IT HAS TRIED AND FAILED TO OBTAIN THE NECESSARY RIGHT-OF-WAY, THROUGH DEDICATION AND/OR EASEMENTS, AND/OR THE NECESSARY CONSENT OF THE AFFECTED UTILITIES FOR THE RIGHT TURN LANE AS NOTED IN CONDITION 5(A) FOR REASONS BEYOND THE APPLICANT'S CONTROL, THE NON-RUP FOR PHASE 1 MAY BE ISSUED IF THE APPLICANT HAS BEGUN THE EMINENT DOMAIN PROCEEDINGS DESCRIBED IN 5(C) BELOW, AND HAS ISSUED THE REFERENCED LETTER OF CREDIT"
>
> REDESIGNATE EXISTING SECTION (B) AS SECTION (C); AND
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> ADD SECTION (D) TO READ: "THE IMPROVEMENTS DESCRIBED IN 5(A) ABOVE SHALL BE IN PLACE PRIOR TO THE ISSUANCE OF A NON-RUP FOR ANY PART OF ANY FUTURE PHASE AS SHOWN ON THE SE PLAT OR AS DESCRIBED IN CONDITION 4."

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE-00-H-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motions carried unanimously with Commissioners Harsel and Kelso absent from the meeting.)

GLW