

Planning Commission Meeting
June 1, 2006
Verbatim Excerpt

CPA 86-C-121-8-3 - LERNER ENTERPRISES, LLC (Hunter Mill District)

Decision Only During Commission Matters
(Public Hearing held on April 19, 2006)

Commissioner de la Fe: Mr. Chairman, tonight I have two decisions and the first one is CPA 86-C-121-8-3. And if the Commission will remember, the public hearing on this was held on April 19th and we deferred decision and we kept deferring decision from week to week to week to week. It was almost like a Zoning Ordinance Amendment and this was supposed to be a zoning case, but the reason was because there are two parties that are applicant - - and involved in the application and since this is a CPA, it ends here. It doesn't go to the Board of Supervisors and I wanted to make sure that all, you know, everything had been agreed to. So, before I move to my statement, could I ask the applicant's representative to come up to the podium?

Mark Looney, Esquire: Thank you.

Commissioner de la Fe: Could you identify yourself?

Mr. Looney: Thank you, Mr. de la Fe. I'm Mark Looney, with Cooley Godward, on behalf of the applicant, Lerner Enterprises. I appreciate your patience over the last several weeks as the applicant and the owner of the underlying property, the Oracle Corporation, worked through the notes and the plans that had been provided to the Planning Commission. I will pass out to you, this evening, a reactivated amendment to the purchase agreement between the applicant and the underlying owner, page 5 of which indicates that by signing the amendment, the parties are agreeing to the Town Center Concept Plan and the Plan Notes as they sit before the Planning Commission this evening, dated May 16th. The notes were, I believe, distributed to the Commission last evening and the plans as well. And so, the amendment has been signed by both parties. Both parties do consent to the notes and to the plans and appreciate your patience and flexibility and apologize for the continuous delays over the last several weeks as we worked through those issues.

Commissioner de la Fe: So, the parties have signed?

Mr. Looney: The parties have signed.

Commissioner de la Fe: Could we have a copy of that?

Mr. Looney: We do and I will give it to you.

Commissioner de la Fe: Could you give it to the - - our clerk? Thank you very much. And it is not true that I kept deferring because I wanted a note that said that we would get free tickets to the Nationals games, but okay. Thank you, Mr. Chairman. The public hearing for this case was held on April 19, 2006. At that hearing, one speaker spoke in favor. There was only one

speaker. There were no speakers opposed. The Reston Planning and Zoning Committee has recommended approval, subject to a number of conditions, which generally tracked the issues that the staff report had identified as outstanding issues. The notes that we have been working on, low these many weeks, that accompany this CPA, have resolved those issues and improved the overall plan. However, the major objection that the staff report identified has not been resolved to staff's satisfaction, so its recommendation is still for denial. And this reason is that the staff does not believe that this is an appropriate place to put residential development. As stated in the report, "The proposed residential development would be segregated from the abutting office development and isolated from the surrounding community." I've discussed this objection exhaustively with staff. This is one case where the staff and this Planning Commissioner have agreed to disagree. These residents would be within walking distance of the retail available at Plaza America, including numerous restaurants, a pharmacy, grocery store, cleaners, etcetera. It is also within walking distance, though slightly farther because Plaza America is next door, of the Reston Town Center, which is across a 10-lane street, but it's still relatively close and within walking distance. In fact, this site lies within the Town Center District and as such, residential development is allowed anyway. There is a - - and the reason we are considering this Amendment is because the original concept plan for this site was only office. There is a residential tower within one block across the street, so I really don't think this is isolated from the community. In addition, these residences would be about a quarter mile to the future Reston Parkway Metro Station, which under the current plan should appear around 2015, and about an eighth of a mile from the Wiehle Metro station, which would appear about five years sooner than that. So, the site will be within relative walking distance, one short, one a little bit longer, of two Metro stations. The site is already served by both Reston's Internal Bus System and a variety of connector bus routes that tie the Reston Town Center to Tyson's Corner and the West Falls Church Metro station. I might add that this service is both inbound and outbound, so it's reverse and it's available during rush hour every 15 minutes and during non-rush hour every 30 minutes, both ways. Most importantly, to me and the Planning and Zoning Committee in Reston and the community as a whole, is the fact that this is one of the sites close to existing and future mass transit where residential development can occur in Reston because of the private covenants that bar residential development along the Dulles Corridor in Reston. I believe that with the Notes dated May 16th, this CPA merits our approval. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CPA 86-C-121-8-3, SUBJECT TO THE NOTES ON THE CONCEPTUAL PLAN DATED MAY 16, 2006.

Commissioner Hopkins: Second.

Vice Chairman Byers: Seconded by Ms. Hopkins. Any discussion? All in favor of the motion to approve CPA 86-C-121-8-3, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much, Mr. Chairman.

Vice Chairman Byers: Thank you very much.

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(The motion carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.)

KAD