2:30 p.m. Item - PCA-84-P-129-1 - STEPHEN M. CUMBIE, TRUSTEE
Providence District

On Wednesday, May 4, 1988, the Planning Commission voted unanimously (Commissioner Thillmann not present for the vote; Commissioners Murphy and Sparks absent from the meeting) to recommend to the Board of Supervisors approval of PCA-84-P-129-1, subject to the proffers dated April 29, 1988, amended as follows:

-- Revise proffer #11 to add after the word "structure", the following: "No portion of the structure that exceeds 40 feet in height shall be visible from a .5 feet above grade at the building shown in the FDP as the northernmost building of Merrifield Village Apartments", and subject to the addition at the end of proffer #11 of a sentence to read: "No portion of this structure that exceeds 40 feet in height shall be visible from a .5 feet above grade at the buildings in Merrifield Village Apartments located on the eastern side of Pleasantdale Road."

The Commission further voted unanimously (Commissioner Thillmann not present for the vote; Commissioners Murphy and Sparks absent from the meeting) to approve FDPA-84-P-129-1, subject to approval by the Board of Supervisors of PCA-84-P-129-1.

Planning Commission Meeting
May 4, 1988
Verbatim Excerpts

PCA-84-P-129-1 - STEPHEN M. CUMBIE, TRUSTEE
FDPA-84-P-129-1 - STEPHEN M. CUMBIE, TRUSTEE

After Close of the Public Hearing

Chairman Lilly: The public hearing is closed. Turn to Mr. Hanlon.

Commissioner Hanlon: Mr. Chairman, I think this one, with one minor exception, is fairly straight forward and that has to do with what we've just been talking about. It's true that all along elderly housing on this site was seen as a possibility and I think that the amendment for the FDPA here is essentially a technical matter. What we are trying to do with all of this complicated gyration about the parking is just change the negative from the positive. Originally what we did was we said that if you got your parking reduction it would be the way you had it pictured. But if not, then certain things would follow from that. Now we have a drawing that assumes they are not going to get their parking waiver, but if they do, then it'll -- the buildings won't be quite as high. What we're trying to do here is to continue to protect the interest of the residents in Merrifield Village for not having a great big wall right next to those easternmost apartment buildings and we may have done it clumsily, but I think that we have achieved that objective with the amendments to the proffers that Mr. Martin said he agreed to. With that said, Mr. Chairman, I'm going to break this down into two motions because -- since we don't have proffers that have this new language in it, I want to keep the development condition that we already have and modify it the way we have done. So, I'm going to separate the PCA from the FDPA, and MOVE, first of all, THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PCA, SUBJECT TO THE PROFFERS DATED APRIL 29, 1988, PROVIDED THAT PROFFER #11 IS REVISED TO ADD A SENTENCE AFTER THE WORD "STRUCTURE" IN THE FIFTH LINE UP FROM THE BOTTOM OF THAT SAYING, "NO PORTION OF THE STRUCTURE THAT EXCEEDS 40 FEET IN HEIGHT SHALL BE VISIBLE FROM A .5 FEET ABOVE GRADE AT THE BUILDING SHOWN IN THE FDP AS THE NORTHERNMOST BUILDING OF MERRIFIELD VILLAGE APARTMENTS" AND SUBJECT TO THE ADDITION AT THE END OF PROFFER #11 OF THE SENTENCE, "NO PORTION OF THIS STRUCTURE THAT EXCEEDS 40 FEET IN HEIGHT SHALL BE VISIBLE FROM A .5 FEET ABOVE GRADE AT THE BUILDINGS IN MERRIFIELD VILLAGE APARTMENTS LOCATED ON THE EASTERN SIDE OF PLEASANTDALE ROAD".

Commissioner Byers: Second

Chairman Lilly: Seconded by Mr. Byers. Discussion of the motion? If not, all those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries. Mr. Hanlon?

Commissioner Hanlon: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE THE FDPA, SUBJECT TO THE APPROVAL BY THE BOARD OF SUPERVISORS OF THE PROFFER CONDITION AMENDMENT INDICATED IN THE PREVIOUS MOTION.

Commissioner Byers: Second.

Chairman Lilly: Seconded by Mr. Byers.

Commissioner Hanlon: Mr. Chairman, I meant -- I changed course in midstream there because it suddenly occurred to me that if the proffer is in fact changed in the way that we just indicated, that we would probably not need that development condition because it would be in the proffers, and it seemed cleaner to do it this way.

Chairman Lilly: Okay. All those in favor of the motion say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries. Anything else? Thank you.

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(The motions passed unanimously with Commissioner Thillmann not present for the vote; Commissioners Murphy and Sparks absent from the meeting.)

FAH

3:30 p.m. Item - RZ-84-P-129 - STEPHEN M. CUMBIE, TRUSTEE &
FAIRFAX-DUNN LORING LIMITED PARTNERSHIP
Providence District

On Thursday, July 9, 1987, the Planning Commission voted unanimously (Commissioners Koch, Thillmann, and Thomas not present for the vote; Commissioner Sparks) absent from the meeting) to recommend the following actions to the Board of Supervisors pertinent to RZ-84-P-129:

1) That the 9.94 acres designated on the CDP/FDP as "PDC" be rezoned from the R-3 District to the PDC District, subject to execution of proffers consistent with those distributed on July 9, 1987, amended as follows:

   In proffer #30, after the landscaping language, add language concerning provision of a six foot screen wall;

   Add a new proffer to read, "The applicant shall take necessary measures to assure security and prevent trespass during construction of the subject property."

2) That the 8.33 acres designated on the CDP/FDP as "PDH-40" be rezoned from the R-3 District to the PDH-40 District, subject to execution of proffers consistent with those distributed July 9, 1987, as amended above;

3) That the conceptual development plan, as presented, be approved;

4) That the Director of D.E.M. be directed to waive the barrier requirements to the north and east of the site, pursuant to Section 13-111 of the Zoning Ordinance.

The Planning Commission also voted unanimously (Commissioners Koch, Thillmann, and Thomas not present for the vote; Commissioner Sparks absent from the meeting) to approve FDP-84-P-129, as presented July 9, 1987, subject to the Board's approval of the rezoning and conceptual development plan.

Planning Commission Meeting
July 9, 1987
Verbatim Excerpts

RZ/FDP-84-P-129 - STEPHEN M. CUMBIE, TRUSTEE & FAIRFAX DUNN LORING LIMITED PARTNERSHIP

After Close of the Public Hearing

Chairman Lilly: The public hearing is closed. We turn to Mr. Hanlon.

Commissioner Hanlon: Mr. Chairman, I'll say at the outset that I appreciate Dr. Worley coming to share his concerns, as he's consistently done on this project, and these things elsewhere. And I always find his comments thoughtful and helpful. And I must say I also agree that it is a difficult thing on the citizens, as we discussed last night, to have the limited time that citizens do to read the staff report -- and in this case, while the staff report was as clear as it could be, under the circumstances, it was long. And if Mr. Worley spent as long a time reading as I did, he wasted a beautiful weekend -- well, he didn't waste it, but he spent it doing things that are less fun than some other things. And it is also true that these proffers changed to some considerable extent in the last few days, in part because concerns were raised by me and by neighboring people. And the effect of that is -- is -- I'm not sure that there is anybody who has actually read every single word of what the proposed proffers are. And I do hope that the applicant can arrange a meeting with the citizens, as Mr. Walsh suggested that they would, to iron this out and to explain these in more detail and maybe to address some of the issues which surfaced tonight. But I guess I have to disagree with Mr. Worley. I think that at this point I am prepared to move -- and hope that the further contribution of citizens can be done in the fortnight between now and the Board hearing. This is a question of land use. Many of the issues about the overall density on this site, we dealt with at about this time of the morning a couple of months ago. There are detailed provisions of the Comprehensive Plan that relate to the development at this site. They have provided guidance to the applicant and I think that the applicant has, on the whole, done a fine job of fitting his proposal into the guidance of the Comprehensive Plan -- that the Comprehensive Plan gave. I think there are some issues that came up that require a little bit of discussion. One is the maximum density issue. And I just want to reiterate on the record that, in my view, the language in the proffers that relate to providing added density either at this site, or at any of the sites of off-site road improvements, are hortatory, and any effort to provide increased density on this site, as Mr. Walsh indicated when I asked him this question, would require him to ask for an FDP amendment. We are not committed to providing that and I assume that we will be guided by the provisions of the Comprehensive Plan. And I note that under the Comprehensive Plan, with some exceptions, we are already at the maximum allowed density for this site. Mr. Walsh's client can ask, of course. And if he can make a persuasive showing that he is entitled, within the terms of the Plan and the Zoning Ordinance, to increase density, then that's a showing he is entitled to try to make. I don't view anything that we do tonight, or anything that the Board of Supervisors does, as giving any kind of advance commitment to Mr. Walsh's clients and to the applicant of any increased density on this site. I think

that the phasing of the off-site road improvements is addressed in these proffers. It's addressed in proffers -- I believe it's 22 and 23, which essentially gives the Office of Transportation authority to supervise the provision of these road improvements and to ensure that they're done in such a way that the roads are always keeping pace with the construction of the project. I gather that it is hoped, between now and the Board date, that the Office of Transportation can make that kind of commitment in advance. But at least as I read them, under the current proffers, the intention is to subject this to the judgement of the Office of Transportation. The Comprehensive Plan in this area asks in general for a well designed site that is consistent with the Metro Station, and I think that the applicant has done that and has made commitments that achieve the objectives of the Metro area. He has provided what is represented to be over three million dollars of commitments, including right-of-way acquisitions and, of course, he's hoping the County will help out with respect to some of those right-of-way acquisitions; but, in any event, a substantial amount of money, to provide off-site road improvements. He's going to tunnel, if not all the way to China, at least all the way to the other side of I-495, which is a fair distance. And I think that there's a considerable amount that he is doing in order to contribute to mitigating the impact of this site, in accordance with the Comprehensive Plan. I wanted to draw attention to the housing proffer, because I think that -- that -- there at least is -- both that the applicant deserves considerable credit for giving an affordable housing proffer of this kind. Just focusing on the rental units, for a moment, the applicant has provided for five percent of the rental units at sixty percent of the median income in the Washington area. That is, by ordinary standards, a relatively low number. It is not very often that an applicant is prepared to make a commitment to provide affordable housing -- affordable to people in that income group. And I think the applicant is to be commended for that. In addition to that, the applicant has offered to give another five percent at -- designed for people who are at ninety percent, which is sort of more of a middle income group; but, it also is a commitment that, I think, makes an important contribution to helping to resolve affordable housing problems in the County and particularly in an area next to a Metro Station where meeting goals for affordable housing is of particular importance and was a particularly important aspect of the Comprehensive Plan. So, although we haven't met the fifteen percent that's set forth in the Plan, I think that there are compensating advantages in terms of being able to go as low as the applicant has done. That means that I -- I think this fully meets the housing goals of the Plan and I'm very pleased that the applicant has been prepared to do that. The applicant has also built a kind of flexibility into these proffers by providing for some sort of trade-off with the upper level, the more affordable, rather than to the lower level -- some trade-off that would enable him to go larger apartments that would be more suitable for families. This was done, I gather, at the request of the Housing Department and it provides a needed flexibility. And finally, there is some flexibility, subject to the approval of the Housing Authority, to provide for some sort of interchange between the kinds of housing units that are proffered to in the main and housing units that would be available for the elderly. This too meets

an important need in this County. And while this flexibility is built in and is subject to the approval of the Housing Authority, I think the overall package that we see here is a commitment to being able to resolve that problem in an area where it is particularly important that it be resolved. And while I am not going to say that I think the housing goal is overriding, in this instance, I think that the commitment that the applicant has made, with respect to housing, is sufficiently unusual to deserve being pointed out and I believe it deserves commendation. So, without further ado, Mr. Chairman, I'm going to dig up the front page of the staff report -- which will tell me how to make a motion in this case -- I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE 9.94 ACRES DESIGNATED ON THE CDP/FDP AS "PDC" BE REZONED FROM THE R-3 DISTRICT TO THE PDC DISTRICT, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE THAT WERE DISTRIBUTED TO US TONIGHT, AS AMENDED BY MR. WALSH WHEN HE READ THEM TO US INITIALLY.

Commissioner Lockwood: Second.

Chairman Lilly: Seconded by Mr. Lockwood. Discussion of the motion? Does this contain that business about the reduction in parking? Are those in -- is that in the proffer?

Ms. Poupard: Yes.

Commissioner Hanlon: The proffer states that -- one of the proffers states that they will ask the Board for a reduction in parking. If that is granted, they will provide for what you see on the drawings. If it is not granted, they will fully meet the Ordinance requirements, and in that event, there would be certain alterations made on the final development plan, which are indicated in the fine print there.

Commissioner Lilly: I would like the record to show that Mr. Lilly does not agree with any reduction in parking in Fairfax County for any reason. Mr. Sell.

Commissioner Sell: I would like the record to show that on this issue of the pedestrian overpass, I haven't found one in my experience that has ever been used. And I'm not real sure they're worth the time and effort it takes them to build them. I would agree if they go from building to building across a road, they seem to be used inside. But the outside ones, a number of them have been taken down in Northern Virginia. And I just don't see any use to build something -- I'd rather put it into other things that are going to control the traffic where the people are going to go. People are -- they're going to cross the street. Unfortunately, we can't control that. I wish it weren't so. I'd rather put that time and effort into the traffic islands and the signals and everything else, which are going to control the pedestrian traffic at the path people are going to follow, than to put up an overpass that isn't going to be used.

Chairman Lilly: Further discussion? If not, the motion is to recommend to the Board of Supervisors approval of the application. All those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries.

Commissioner Hanlon: Mr. Chairman?

Chairman Lilly: Mr. Hanlon.

Commissioner Hanlon: I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE 8.33 ACRES DESIGNATED AS "PDH-40" BE REZONED FROM THE R-3 DISTRICT TO THE PDH-40 DISTRICT, SUBJECT TO THE EXEUCTION OF PROFFERS CONSISTENT WITH THOSE DISTRIBUTED TO US TONIGHT, AS AMENDED BY MR. WALSH IN HIS OPENING STATEMENT.

Commissioner Lockwood: Second.

Chairman Lilly: Seconded by Mr. Lockwood. Discussion? All those in favor of the motion say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries.

Commissioner Hanlon: Mr. Chairman?

Chairman Lilly: Mr. Hanlon.

Commissioner Hanlon: I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, AS PRESENTED TO US.

Commissioner Lockwood: Second.

Chairman Lilly: Seconded by Mr. Lockwood. Discussion?

Commissioner Harsel: Mr. Chairman?

Chairman Lilly: Mrs. Harsel.

Commissioner Harsel: That's for both pieces of property that we talked about tonight or are we going to do them each separately?

Commissioner Hanlon: No, I thought I could -- this was -- this is for both. There's one overall conceptual development plan.

Chairman Lilly: All right. All those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries. Mr. Hanlon.

Commissioner Hanlon: Mr. Chairman, I -- before making this last motion, I want to make a -- not last, but before making the next motion, want to make a brief comment. This will deal with approval of the final development plan. And I probed, as much as I could in questioning, about the aspect which troubles me somewhat here, in that we are being asked to approve a plan and the alternative, depending upon an action that the Board of Supervisors may or may not take in response to an application which is only represented will be made at some point in the future. But the main issue, as I see it, in the changes with whether or not the reduced parking is approved, is whether we have the five-story parking structures or whether we have four-story parking structures. And since it was stated by the people who are primarily affected, that they are satisifed that they are adequately protected, whichever way that goes, and that is also the version of staff, somewhat reluctantly, I'm prepared to move that we -- and now do so move that we recommend -- well, that WE APPROVE THE FINAL DEVELOPMENT PLAN, AS PRESENTED TO US TONIGHT, SUBJECT TO THE APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN BY THE BOARD OF SUPERVISORS.

Commissioner Lockwood: Second.

Chairman Lilly: Seconded by Mr. Lockwood. Discussion of that motion? If not, all those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries.

Commissioner Hanlon: I have one more. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE DIRECTOR OF D.E.M. BE DIRECTED TO WAIVE THE BARRIER REQUIREMENTS TO THE NORTH AND EAST OF THIS SITE, PURSUANT TO THE ZONING ORDINANCE SECTION 13-111, PARAGRAPHS 11 AND 12.

Commissioner Lockwood: Second.

Chairman Lilly: Seconded by Mr. Lockwood. Discussion? If not, all those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries. Anything else?

Ms. Poupard: No, sir.

Mr. Walsh: Thank you.

Chairman Lilly: Thank you.

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(All five motions passed unanimously with Commissioners Koch, Thillmann, and Thomas not present for the votes; Commissioner Sparks absent from the meeting.)

SRD