County of Fairfax, Virginia

October 27, 2014

2014 Planning Commission

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Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

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Timothy J. Sargeant
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Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Elizabeth Baker, Land Use Coordinator
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

Re: FDP 2013-PR-009 – TYSONS WESTPARK, LC
Providence District

Dear Ms. Baker:

At its October 23, 2014 meeting, the Planning Commission voted 11-0-1 (Commissioner de la Fe abstained from the vote) to **APPROVE** the above referenced application to the Board of Supervisors. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Catherine A. Chianese, Assistant County Executive, County Executive Office
Bob Katai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
October 23, 2014 date file

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Planning Commission Meeting
October 23, 2014
Verbatim Excerpt

RZ/FDP 2013-PR-009 – TYSONS WESTPARK, LC

Decision Only During Commission Matters
(Public Hearing held on October 22, 2014)

Commissioner Lawrence: And lastly tonight, we had a case that we had a public hearing on last night. And because we got the staff report late, I deferred the decision until tonight to give everybody a chance to have a look. And the applicant is present. Are there any further – oh, we did get a revised version of Proffer 15A today by email, which addresses the question about the inclusion of vaults. And we also got a list of waivers and modifications, which I am going to move on block. Does anyone have any further questions of the applicant?

Chairman Murphy: Apparently not.

Commissioner Lawrence: Seeing and hearing none. Mr. Chairman, before we go on verbatim, I would like to make a very brief comment. This case shows a number of things. One, this is a very small site in comparison to the size of sites we are looking for in Tysons for the PTC. However, the applicants in this case and those adjacent have done very closely-coordinated planning to the point where I think we can say it amounted to concurrent planning for it. And that allowed us to develop a coherent urban environment to cover that much land at least. I think that was very important. Secondly, this case illustrates the flexibility that we have in the plan. Specifically, some adjustment was made to the height limitations on some of the buildings that the applicant proposes. No one should think that that flexibility extends across Tysons. That is peculiar to this site and the balance that was reached for staff approval and my concurrence on this site. Thirdly, we have flexibility of proffers. The applicant has done their best to look into the future and future-proof what we're going to have to have in the way of proffers. We know for sure that we don't know what's going to take place, but we are confident that it's going to be a long time to go through the redevelopment of Tysons. I think this case illustrates that very nicely. Finally, it was due to the cooperation of the applicant and the work with staff that we ended with a very nice piece of work. Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2013-PR-009, SUBJECT TO THE PROFFERS DATED OCTOBER 23RD, 2014.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Hart and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-PR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner de la Fe: Abstain.

Chairman Murphy: Motion carries. Mr. de la Fe abstains.

Commissioner de la Fe: Not present.

Chairman Murphy: Not present for the public hearing.

Commissioner Lawrence: Next, Mr. Chairman, I need the applicant. Ms. Baker, would you please come down? Ms. Baker, will you confirm for the record that the applicant agrees to the proposed development conditions now dated October 8th, 2014?

Elizabeth Baker, Agents Applicant, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: I do confirm it.

Commissioner Lawrence: Thank you very much.

Chairman Murphy: Would you just identify yourself for the record, please?

Ms. Baker: Elizabeth Baker, Walsh Colucci.

Chairman Murphy: Thank you. Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2013-PR-009, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 8, 2014 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2013-PR-009.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Same seconds. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2013-PR-009, subject to the approval by the Board of Supervisors of the Rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED IN THE HANDOUT DATED OCTOBER 23RD, 2013, that was provided today –

Commissioner Hart: Second.

Commissioner Lawrence: -and which shall be made a part of the record of this case.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Same seconds. We just saved an hour and a half, by the way. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: Mr. Chairman, thank you very much indeed. Thank you, Bobby. Thank you, Elizabeth and the applicant's team.

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(Each motion carried by a vote of 11-0-1. Commissioner de la Fe abstained.)

JLC

County of Fairfax, Virginia

October 23, 2014

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2200 Clarendon Boulevard, Suite 1300
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Re: RZ/FDP 2013-PR-009 – TYSONS WESTPARK, LC
Providence District

Dear Ms. Baker:

At its October 22, 2014 meeting, the Planning Commission voted 11-0 (Commissioner de la Fe was absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of October 23, 2014. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,

Jill G. Cooper, AICP
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Planning Commission Meeting
October 22, 2014
Verbatim Excerpt

RZ/FDP 2013-PR-009 – TYSONS WESTPARK, LC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2013-PR-009 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN TO A DATE CERTAIN OF OCTOBER 23RD, 2014.

Commissioners Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan.

Commissioner Lawrence: WITH THE RECORD TO REMAIN OPEN.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to defer decision only RZ/FDP 2013-PR-009 to a date certain of October 23rd with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 11-0. Commissioner de la Fe was absent from the meeting.)

JN