



County of Fairfax, Virginia

October 15, 2015

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Department of Planning & Zoning
OCT 16 2015
Zoning Evaluation Division

**2015 Planning
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Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Elizabeth Baker, Senior Land Use Planner
Walsh, Colucci, Lubeley & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

**Re: RZ/FDP 2010-PR-022 – TMG SOLUTIONS PLAZA LAND, L.P.
Providence District**

Dear Ms. Baker:

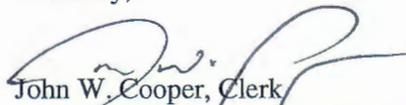
At its October 7, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to **RECOMMEND APPROVAL** on the above referenced rezoning application to the Board of Supervisors. A copy of the verbatim transcript is attached.

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.

Concurrently, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to **APPROVE** the above referenced Final Development Plan application. As noted above, a copy of the verbatim transcript is attached.

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,


John W. Cooper, Clerk
Fairfax County Planning Commission

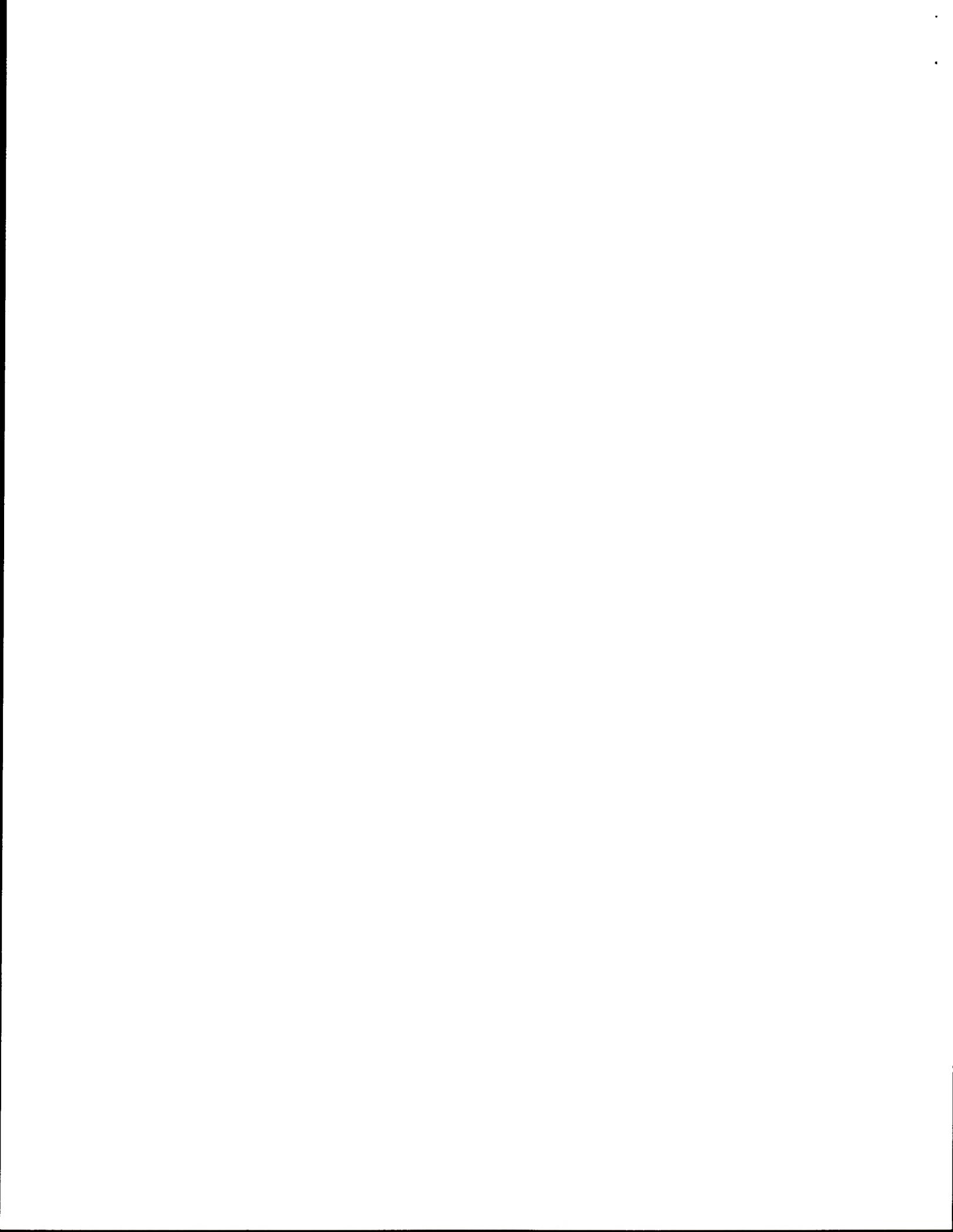
Attachments (a/s)

cc: Linda Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
James Hart, Planning Commissioner, At Large
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Bob Katai, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Robert Harrison, ZED, DPZ
October 7, 2015 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.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning





RZ/FDP 2010-PR-022 – TMG SOLUTIONS PLAZA LAND LP

Decision Only During Commission Matters

Commissioner Hart: Thank you, Mr. Chairman. On September 24, the Planning Commission held a public hearing on a combined rezoning and final development plan application by TMG Solutions Plaza Land LP, on approximately 18 acres of land at the Greensboro Metro station on the Silver Line in the Providence District. We deferred decision until tonight to work on proffer wording, principally regarding the library, and also to consider citizen objections. We are basically ready, subject to two minor issues staff has mentioned, which will be fine tuned before this gets to the Board on the 20th; but to still maintain a 2015 Board date, we need to move forward tonight. The application had been pending for five years and represents the culmination of many discussions between the applicant, county staff, Supervisor Smyth's office, and the community. Once again, I am pinch hitting for Commissioner Lawrence; I only got involved earlier this year. I want to thank staff, particularly Bobby Katai, Cathy Lewis, and Tracy Strunk, as well as Mike Wing in Supervisor Smyth's office, for their assistance. I also want to thank Commissioner Lawrence for his analysis and thoughts and, finally, the applicant and Elizabeth Baker for their willingness to work with us. This application represents the type of dynamic mixed-use development Fairfax County wants to promote around Metro stations, including both residential and office together, a retail district including a full size grocery store for which Whole Foods will be the tenant and a cinema complex, as well as a public library, public park spaces, an offsite athletic field, and other significant commitments. The application has received a thorough vetting and has staff's support. The McLean Citizens Association, however, opposes the application on the basis that the heights proposed for the – for three buildings are not in conformance with the adopted Comprehensive Plan. That issue was the most difficult aspect of this case. I have carefully considered both staff's position and that of the MCA. I have concluded that the application deserves our favorable recommendation for the reasons stated in the staff report. I would add the following observations: I do not view the height recommendations in the Comprehensive Plan as a rigid template, and every application is viewed individually. Working around existing structures and infrastructure may require some flexibility. This site has varied topography to begin with, including some of the highest ground in Tysons. Significantly, the Board of Supervisors already approved the Dittmar application on the adjacent property to the immediate west, somewhat further from the station, which building also exceeded the height recommendation in the Plan. Significantly also, this applicant is proposing to retain three existing office buildings at a much lower height, which are still in good condition but which occupy the portion of the site closest to the station. The three buildings to which the MCA objects are located further away from the station than the lower existing buildings but closer than the Dittmar site. To retain the existing office but achieve the contemplated intensity desirable at a Metro station requires some relocation of the intensity to the west of the ring on the Plan and in the direction of the Dittmar site. Stated another way, retaining the existing buildings requires that the new buildings be slightly further away from the station than if the site were vacant. The applicant's proposed configuration represents, in my view, a logical shift or displacement of the intensity contemplated at a rail station, rather than disregarding the Comprehensive Plan guidance. The Comprehensive Plan is a guide. The Board of Supervisors retains the flexibility to evaluate each application on its merits and on some sites we may conclude that the ring-shaped

height recommendations in the Plan do not require a strict wedding cake tiered ring. To the contrary, we want to encourage variety and an interesting skyline in Tysons. Here also, the orientation and massing of the buildings has been carefully handled. The building designs, in relation to the integrity of the project, further support staff's conclusion. The lower stories form a podium, but the taller towers are stepped back and not immediately apparent at sidewalk level. The taller buildings are both visually separated and oriented to different axes so that windows are not facing directly into other windows. The stepping back of the buildings from the street also avoids the effect of a barrier wall or canyon and helps integrate the project into its context. The design also incorporates a proposed street grid and a well planned pedestrian system. At Commissioner Lawrence's request, I am noting also that if this proposal is approved, the plan intensity close to the Metro station will be met and, if in the future the existing buildings are to be redeveloped, their designs will need to take into account what we have done on this approval. The applicant is not getting more intensity through this approval, they are getting slightly reconfigured intensity. The Comprehensive Plan recognizes that projects are not going to be identical and that building design and height will not be uniform. Harmony also does not require the entire orchestra to be playing the same note. Here on this site, given the existing buildings, the prior approval of the taller building to the west, and the site constraints, I agree with staff's conclusion about the height issue and am satisfied that the proposal is in harmony with the adopted Comprehensive Plan. Following the public hearing, the applicant has revised the library proffer, with detailed changes distributed yesterday, found on pages 58 through 67 of the latest proffers. The applicant also has committed to construct a pedestrian bridge to the Metro station, significantly improving access to the library, and the recreational amenities in Energy Park. The applicant also has a revised proffer regarding flexibility for office space above the street level retail uses, but within the overall cap for office space, which may allow what is known as office loft spaces in this interesting mix. Staff is supportive of all these changes to the proffers. With the resolution of the proffer wording issues, pending two minor details still being fine tuned, and the foregoing analysis of the height issue, I believe, as does staff, that the applications are ready to move forward. At this time, I request the applicant to confirm for the record its agreement to the proposed development conditions, dated September 9, 2015.

Elizabeth Baker, Senior Land Use Coordinator, Walsh, Colucci, Lubeley & Walsh PC: Good evening. I'm Elizabeth Baker with Walsh, Colucci and I do agree that the applicant is accepting of those development conditions.

Commissioner Hart: And Ms. baker, if you also could please confirm that the applicant will continue to work with staff on the two library proffer details the Mr. Katai discussed before this gets to the Board.

Ms. Baker: Absolutely, we will continue to, and I don't imagine there will be any problem resolving those.

Commissioner Hart: Thank you. Therefore, Mr. Chairman, I will have three motions: First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-022, SUBJECT TO THE PROFFERS NOW DATED OCTOBER 5, 2015.

Commissioners Sargeant and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Ulfelder. 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 2010-PR-022, say aye.

Commissioners: Aye.

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

Commissioner Hart: Second, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 9, 2015, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2010-PR-022.

Commissioners Sargeant and Ulfelder: Second.

Chairman Murphy: Same seconds. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2010-PR-022, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

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

Commissioner Hart: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED ON THE HANDOUT DATED SEPTEMBER 9, 2015, THAT WAS PROVIDED TO YOU PREVIOUSLY AND MADE A PART OF THE RECORD OF THIS CASE.

Commissioners Sargeant and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Ulfelder. Discussion? All those in favor of that, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Lawrence and Litzenberger were absent from the meeting.)

JN



County of Fairfax, Virginia

September 25, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
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John Ulfelder
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Earl L. Flanagan
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Sully District

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**Re: RZ/FDP 2010-PR-022 – TMG SOLUTIONS PLAZA LAND, L.P.
Providence District**

Dear Ms. Baker:

At its September 24, 2015 meeting, the Planning Commission voted 9-0 (Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting) to **DEFER THE DECISION ONLY** of the above referenced rezoning application to a date certain of October 7, 2015. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper
Clerk to the Planning Commission

Attachments (a/s)

cc: Linda Smyth, Supervisor, Providence District
James Hart, Planning Commissioner, At Large
Kenneth Lawrence, Planning Commissioner, Providence District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Bob Katai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
September 24, 2015 date file

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Planning Commission Meeting
September 24, 2015
Verbatim Excerpt

RZ/FDP 2010-PR-022 – TMG SOLUTIONS PLAZA LAND, L.P.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Hart.

Commissioner Hart: Thank you. Oh sorry – Mr. Chairman, thank you. We need a little more time on this, I think. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2010-PR-022 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AND THE DECISION ONLY FOR FDP 2010-PR-022 TO A DATE CERTAIN OF OCTOBER 7, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ/FDP 2010-PR-022 to a date certain of October 7th, with the record remaining open for written comment, say aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting.)

JLC