



County of Fairfax, Virginia

January 19, 2016

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Department of Planning & Zoning

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Zoning Evaluation Division

**2016 Planning
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John W. Cooper
Clerk to the Commission

John L. McBride, Agent
Odin, Feldman & Pittleman, P.C.
1775 Wiehle Avenue, Ste. 400
Reston, VA 20190

Re: PRC 86-C-121-05/SE 2015-HM-024/2232-H15-10 – MWAA AND THE DEPARTMENT OF RAIL AND TRANSPORTATION ON BEHALF OF MWAA AND THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY Hunter Mill District

Dear Mr. McBride:

At its January 13, 2016 meeting, the Planning Commission voted 9-0-1 (Commissioner Keys-Gamarra abstained; Commissioner Hurley was not present for the vote; Commissioner Migliaccio was absent from the meeting) to **RECOMMEND APPROVAL** of SE 2015-HM-024 and PRC 86-C-121-05, subject to development conditions dated December 30, 2015, as 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 9-0-1 (Commissioner Keys-Gamarra abstained; Commissioner Hurley was not present for the vote; Commissioner Migliaccio was absent from the meeting) to **CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) LOCATED OUTSIDE OF THE DULLES INTERNATIONAL AIRPORT ACCESS HIGHWAY/DULLES TOLL ROAD (DIAAH/DTR) FEDERALLY-OWNED RIGHT-OF-WAY, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN VIRGINIA CODE SECTION 15.2-2232; AND THEREFORE, MOVED TO FIND THE SUBJECT APPLICATION 2232-H15-10 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.** A copy of the verbatim transcript is attached.

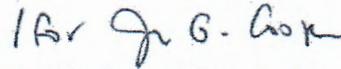
This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

 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



Sincerely,



John W. Cooper, Clerk to the
Fairfax County Planning Commission

Attachments (a/s)

cc: Catherine M. Hudgins, Supervisor, Hunter Mill District
Frank A. de la Fe, Planning Commissioner, Hunter Mill District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
Diane Johnson-Quinn, Chief, Zoning Permit Branch, ZAD, DPA
January 13, 2016 date file

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Planning Commission Meeting
January 13, 2016
Verbatim Excerpt

PRC 86-C-121-05/SE 2015-HM-025/2232-H15-10 – VIRGINIA DEPARTMENT OF RAIL
AND PUBLIC TRANSPORTATION (VDRPT) O/B/O THE METROPOLITAN
WASHINGTON AIRPORTS AUTHORITY (MWAA) & THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This - these multiple applications are primarily to clear the way legally for the Reston Towne Center north entrance up to the Silver Line, which is under construction already, and we need take these actions in order to, you know, for that to proceed. Could - Mr. Chairman, could I have the applicant's representative please step forward?

Chairman Murphy: Mr. McBride?

Commissioner de la Fe: Mr. McBride, do you - could you confirm for the record agreement to the proposed SE and PRC development conditions that are both dated December 30th, 2015?

John McBride, Applicant's Agent, Odin, Feldman & Pittleman P.C.: Yes, we do agree.

Commissioner de la Fe: Thank you very much. Thank you very much. Mr. Chairman, I CONCUR WITH THE STAFF'S CONCLUSION THAT THE PROPOSED ELECTRICALLY POWERED REGIONAL RAIL TRANSIT FACILITY SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15-2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND THAT IT IS IN SUBSTANTIAL ACCORD WITH THE COMPREHENSIVE PLAN, AND I MOVE THE PLANNING COMMISSION APPROVE THIS 2232.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to approve 2232-H15-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I move that the planning Commission - oh right there - I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-HM-024 AND PRC 86-C-121-05, SUBJECT THE PROPOSED SE AND PRC DEVELOPMENT CONDITIONS, DATED DECEMBER 30TH, 2015.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to approve SE 2015-HM-024 and PRC 86-C-121-05, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Gamarra, did you want to abstain on them?

Commissioner Keys-Gamarra: Yes.

Chairman Murphy: All right, please note that Ms. Gamarra's abstaining on all these motions, okay? All those in favor, say aye. Opposed? Motion carries.

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(The motion carried by a vote of 9-0-1. Commissioner Keys-Gamarra abstained. Commissioner Hurley was not present for the vote. Commissioner Migliaccio was absent from the meeting.)

TMW

PROPOSED DEVELOPMENT CONDITIONS**SE 2015-HM-024****December 30, 2015**

If it is the intent of the Board of Supervisors to approve SE 2015-HM-024 located at proposed Tax Map 17-3 ((1)) 35C, formerly part of 17-3 ((1)) 35B, for electrically-powered regional rail transit facilities pursuant to Sects. 6-304 and 9-405 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition its approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved PRC Plan/SE Plat/Public Facilities Plan entitled "Reston Town Center Station – North" as prepared by Dewberry Consultants LLC and consisting of nine sheets dated April 2015, and revised through December 3, 2015. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the development conditions approved by the Board of Supervisors shall be included in all relevant plans, as determined by the Department of General Services (DGS) and/or the Metropolitan Washington Airports Authority (MWAA).
5. Certification from DGS and/or MWAA shall be provided to the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
6. Stormwater management plans shall be reviewed and approved by the Department of Environmental Quality (DEQ), which assumed responsibility from the Virginia Department of Conservation and Resources for the Virginia Stormwater Management Act, Virginia Erosion and Sediment Control Act, and Chesapeake Bay Preservation Act and shall also be based on the Cooperative Agreement dated July 19, 2007 between the County and the Metropolitan Washington Airports Authority. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.

7. Erosion and Sediment control plans shall be implemented as determined by DEQ. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.
8. Subject to the standards and approval of the Virginia Department of Transportation (VDOT) and the Washington Metropolitan Area Transit Authority, a pedestrian bridge may be provided by the applicant or by others from the subject property to connect to adjacent land to the north without the need for an amendment to the special exception.
9. Subject to VDOT approval, improvements to Sunset Hills Road shall be provided in accordance with that shown on the SE Plat/PRC Plan/Public Facilities Plan. In addition and subject to VDOT and Fairfax County Department of Transportation's approval, the applicant shall remove the eastern bump-out on the proposed bus pull-out on Sunset Hills Road to allow buses to proceed from the bus stop without merging into through traffic. The western bump-out may be removed, subject to VDOT approval.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED PRC DEVELOPMENT CONDITIONS

PRC 86-C-121-05

December 30, 2015

If it is the intent of the Board of Supervisors to approve PRC 86-C-121-05 for proposed Tax Map 17-3 ((1)) 35C, formerly part of 17-3 ((1)) 35B, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the PRC Plan/SE Plat/Public Facilities Plan entitled "Reston Town Center Station – North" as prepared by Dewberry Consultants LLC and consisting of nine sheets dated April 2015, and revised through December 3, 2015. Minor modifications may be permitted pursuant to Par. 8 of Sect. 16-203 of the Zoning Ordinance.
2. Subject to the standards and approval by the Virginia Department of Transportation (VDOT) and the Washington Metropolitan Area Transit Authority, a pedestrian bridge may be provided by the applicant or by others from the subject property to connect to adjacent land to the north without the need for an amendment to the PRC Plan.
3. Subject to VDOT approval, improvements to Sunset Hills Road shall be provided in accordance with that shown on the SE Plat/PRC Plan/Public Facilities Plan. In addition and subject to VDOT and Fairfax County Department of Transportation's approval, the applicant shall remove the eastern bump-out on the proposed bus pull-out on Sunset Hills Road to allow buses to proceed from the bus stop without merging into through traffic. The western bump-out may be removed, subject to VDOT approval.