



County of Fairfax, Virginia

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Department of Planning & Zoning

OCT 14 2016

Zoning Evaluation Division

October 13, 2016

Greg Riegler, Esquire
McGuireWoods LLP
1750 Tysons Boulevard, Ste. 1800
Tysons Corner, Virginia 22102-4215

**Re: RZ/FDP 2015-HM-011/SEA 94-H-049 – CESC COMMERCE EXECUTIVE
PARK, L.L.C.
Hunter Mill District**

Dear Mr. Riegler:

At its October 6, 2016 meeting, the Planning Commission voted 8-0-1 (Commissioner Hart abstained; Commissioners Hedetniemi, Lawrence and Murphy were absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced rezoning application, subject to the proffers dated October 3, 2016, and of the special exception amendment 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 8-0-1 (Commissioner Hart abstained; Commissioners Hedetniemi, Lawrence and Murphy were absent from the meeting) to **APPROVE** the above referenced Final Development Plan application, subject to the development conditions dated October 6, 2016. A copy of the Proposed Final Plan Development Conditions 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: Catherine Hudgins, Supervisor, Hunter Mill District
Frank de la Fe, Planning Commissioner, Hunter Mill District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Laura Arseneau, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Robert Harrison, ZED, DPZ
October 6, 2016 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.

2016 Planning
Commission

Peter F. Murphy
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Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
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John W. Cooper
Clerk to the Commission



Planning Commission Meeting
October 6, 2016
Verbatim Excerpt

RZ/FDP 2015-HM-011/SEA 94-H-049 – CESC COMMERCE EXECUTIVE PARK, L.L.C.

Decision Only During Commission Matters
(Public Hearing held on September 28, 2016)

Commissioner de la Fe: I also have a decision only and it is RZ/FDP 2015-HM-011 and SEA 94-H-049, Commerce Executive Park, L.L.C. We had the public hearing on this last week and I deferred decision to fine-tune some things that were still not quite settled and, although, they are still like the Reston Road Fund, we changed the proffer. You – you have received the – a memo that contains the – the changes that have been made to the proffers in response to the questions that have been – that were raised and there are, according to staff, there are two outstanding issues. One relating to the entire bike lane on Wiehle Avenue to be constructed at Phase One. And staff – and the applicant continued to work on that and, hopefully, that will be resolved before this goes to the Board. And then the other one is public vehicular access to the metro station, wanted at Phase – by staff – at Phase Two, not Phase Three. We're only dealing with Phase One at that point, so when we get to Phase Two and Three, by that time maybe we will have that – that settled. However, the one of the things about – this is public access for vehicular traffic, not – not for pedestrians. And one of the things that by the time we got to Phase Two and Three, the bus base and so forth, that lend to Kiss and Ride possibilities at this site, will disappear because those bus base will disappear and there will only be the entrance to the metro station right there which will be primarily, I mean, which will be for pedestrians. So I think we have adequately addressed the issues. There was one other issue that was brought up during the public hearing by a – adjoining property owner. It's the same – we raised the same issues with the other – on the other side of his property relating to public access and public use of a road that is owned and common by all the property owners of this area and that is the private matter that, hopefully, as was stated at previous case that we approved last week and – and tonight that the applicant – and that owner will be able to settle the issues. So if I could ask the applicant's representative at this point whether he agrees to what is now only one development condition? There were three and two of them have been converted into proffers. So if you agree with that one development condition?

Greg Riegler, Esquire, Applicant's Agent, McGuireWoods LLP: Yes, Mr. Chairman. For the record, I'm Greg Riegler on behalf of the applicant. And we do agree to that now single FDP condition. Thank you, sir.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, I believe that we are ready to move in this case. Pardon me?

Secretary Hart: Am I the Chair?

Commissioner de la Fe: Oh, that's... Well I...

Secretary Hart: I guess so.

Commissioner de la Fe: Oh, that's all right. I mean, it's a decision only. So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 94-H-049, TO PERMIT THE DELETION OF 11.58 ACRES FROM SE 94-H-049.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Mr. – seconded by Commissioner Flanagan. Is there any discussion? Seeing none, we'll move to a vote. All those in favor of the motion as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries. The Chair abstains.

Commissioner de la Fe: Mr. Chairman, I – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2015-HM-011, AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 3RD, 2016.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Commissioner Flanagan. Any discussion? All those in favor of the motion, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries. The Chair abstains.

Commissioner de la Fe: Approval – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED OCTOBER 6, 2016, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Commissioner Flanagan. Is there any discussion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries. The Chair abstains.

Commissioner de la Fe: I further MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2015-HM-011, SUBJECT TO THE PROPOSED DEVELOPMENT FINAL PLAN

CONDITION DATED OCTOBER 6, 2016 AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2015-HM-013 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Commissioner Flanagan. Is there any discussion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries. The Chair abstains.

Commissioner de la Fe: Thank you. And, finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL – THE BOARD OF SUPERVISORS APPROVE THE PARKING REDUCTION REQUEST 24534-BKS-001-1, FOR AN OVERALL SIXTEEN PERCENT REDUCTION FOR 194 FEWER SPACES OF THE REQUIRED PARKING, PURSUANT TO PARAGRAPH 5A OF SECTION 11-102 OF THE ZONING ORDINANCE BASED ON THE PROXIMITY TO A MASS TRANSIT STATION.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Commissioner Flanagan. Is there any discussion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Chairman Hart: Those opposed? That motion carries. The Chair abstains.

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(Each motion carried by a vote of 8-0-1. Commissioner Hart abstained. Commissioners Hedetniemi, Lawrence and Murphy were absent from the meeting.)

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Proposed Final Development Plan Conditions

FDP 2015-HM-011

CESC Commerce Executive Park, L.L.C,

October 6, 2016

If it is the intent of the Planning Commission to approve FDP 2015-HM-011 located at Tax Map Parcels 17-4 ((12)) 11 D4, 11D5, 11D7, staff recommends conditioning the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP Plan entitled "Commerce Metro Center, Conceptual Development Plan, Final Development Plan, and Special Exception Amendment," as submitted by Vika Virginia, LLC consisting of 90 sheets, dated June 5, 2015 as revised through August 12, 2016.

The above proposed development condition is a staff recommendation and does not reflect the position of the Planning Commission unless and until adopted by the Planning Commission.



County of Fairfax, Virginia

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Department of Planning & Zoning

SEP 30 2016

Zoning Evaluation Division

September 29, 2016

**2016 Planning
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Springfield District

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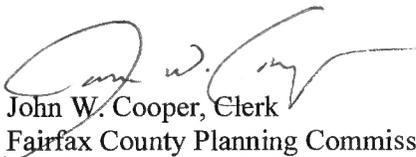
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**Re: RZ/FDP 2015-HM-011/SEA 94-H-049 – CESC COMMERCE EXECUTIVE
PARK, L.L.C.
Hunter Mill District**

Dear Mr. Riegler:

At its September 28, 2016 meeting, the Planning Commission voted 8-0 (Commissioners Flanagan, Hart, Hedetniemi and Lawrence were absent from the meeting.) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of October 6, 2016. A copy of the verbatim transcript is attached.

Sincerely,


John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District
Frank de la Fe, Planning Commissioner, Hunter Mill District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
✓ Laura Arseneau, Staff Coordinator, ZED, DPZ
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September 28, 2016 date file

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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



Planning Commission Meeting
September 28, 2016
Verbatim Excerpt

RZ/FDP 2015-HM-011/SEA 94-H-049 – CESC COMMERCE EXECUTIVE PARK, L.L.C.

After close of the public hearing.

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

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, as we – during the presentation and the questions there are a few issues, like the workforce housing, road fund and the public access and so forth, that I think need to be sharpened up before we can make a recommendation on this. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN, FOR SEA 94-H-049 AND RZ/FDP 2015-HM-011 TO A DATE CERTAIN OF OCTOBER 6TH.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of the motion? All those in favor of the motion to defer these decisions for decision only on October 6th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 8-0. Commissioners Flanagan, Hart, Hedetniemi, and Lawrence were absent from the meeting.)

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