

## **Planning and Zoning (P&Z) Committee**

The P&Z Committee meets monthly on the last Tuesday of the month at 7:30 p.m. at the McLean Community Center, unless otherwise announced. Committee Chair: Mark Zetts [zetts@attglobal.net](mailto:zetts@attglobal.net); Vice Chair: John Schaefer [johnr.schaeffer@att.net](mailto:johnr.schaeffer@att.net)

From April 2014 through October 2014, the P&Z Committee reviewed 10 land use cases and the MCA Board adopted resolutions on the 5 cases that were ready for public hearing. All committee resolutions can be found on our webpage: <http://mcleancitizens.org/pz.asp>

### **Sunrise Senior Living – Special Exception for an Assisted Living Facility**

Sunrise Senior Living is proposing to construct a 40,000 square foot, 82-bed assisted living facility at 1988 Kirby Road. The property, situated at the intersection of Kirby Road and Westmoreland Street, is currently developed with a church. The proposed use would include both assisted living and care for the memory impaired. The applicant came to P&Z in April for a courtesy briefing and have met at least 2 or 3 times with the neighboring communities who have expressed opposition to such a development in a residential neighborhood. A Special Exception permit application was filed with Fairfax County in October and formally accepted in November. The applicant will be giving a presentation to the P&Z committee on Monday November 24.

### **Extension of Wireless Antenna at McLean High School – 2232 Review**

Verizon came to P&Z on May 27 for a courtesy presentation on their planned request to extend the existing cell tower at McLean High by 10 feet to accommodate the installation of its wireless antennas. The height of the existing pole is 112' and it is occupied by two carriers, AT&T and T-Mobile. The extension would increase the pole height to 122'. The applicant showed the committee some photos simulations. This cell tower was once owned by Milestone, but it is now owned by Crown. As of May 27, Verizon had not filed an application with Fairfax County to increase the pole height and, since then, the committee has not received any additional information from Verizon.

### **Tipmunity Powers – Special Permit for Accessory Dwelling Unit SP 2014-DR-021**

Tipmunity Powers owns a home at 1295 Scotts Run Road located in the R-1 residential district. He filed for a Special Permit to add an accessory dwelling unit in the basement for his mother. The county allows accessory dwelling units for the elderly or disabled, however the permits must be renewed every 5 years and there are several standards that must be met in order to obtain an ADU permit. The applicant met them all and no opposition was expressed by the neighborhood. On June 9, the MCA Board adopted a resolution in favor of the Special Permit. The Special Permit was approved by the Board of Zoning Appeals on June 11, 2014.

### **JBG – 6862 Elm Street (McLean CBC) RZ/FDP 2012-DR-019**

On July 1, 2014, the Fairfax County Board of Supervisors approved JBG's rezoning and development plan for their 4.4-acre property at 6862 Elm Street. In what may be a record number of visits to P&Z, JBG had made presentations to the committee in June, September and October of

2013 and January, February, March, April and May of 2014 as the applicants continued to refine their proposed development.



**Fleetwood Avenue View (East) (McLean House in left background)**

Source: JBG presentation 4/29/2014

To recap, the features of their development include:

- a) A 240-unit apartment building.
- b) Four or more levels of underground parking beneath the apartment building incorporating 616 spaces for the apartment building, existing office building and retail.
- c) Some 55 surface parking spaces around the apartment building.
- d) Approximately 8,730 square feet of retail space would be added to the ground floor of the existing office building.
- e) Apartment building height: 75 feet. (The office building is 90 feet.)
- f) The development would have 35% open space versus a county requirement of 20%.

A key concern of the residents of the abutting McLean House was the potential for increased illegal parking on their private property as the available on-street parking on Fleetwood Road becomes scarcer. JBG worked with McLean House and McLean Office Square representatives on this issue and reached an agreement on proffered conditions to ameliorate it.

The value of the proffer conditions are estimated to be \$2.8 million spread out over many targeted contributions, including, but not limited to:

- Improving 3000' of sidewalks in the immediate area
- Undergrounding utilities in downtown McLean
- Parking mitigation for McLean House and McLean Office Square
- Improving athletic facilities at Franklin Sherman Elementary
- Improving the existing local trail
- Pedestrian improvements in the CBC
- Bus shelters on Fleetwood Road and Elm Street
- Public art
- FC Park Authority and Public Schools

On June 17, MCA adopted a resolution in support of the rezoning and associated development plan. JBG received Board of Supervisors approval on July 1.

### **Update on Residential Studio Units (RSU) Zoning Ordinance Amendment (ZOA)**

In April 2013, Fairfax County proposed a change to the Zoning Ordinance that would create a new type of housing stock called Residential Studios. Residential Studios were defined as a rental efficiency apartments of less than 500 square feet, with a bathroom and kitchen, but no bedroom. These units would be targeted to households making less than 60% of the Area Median Income (AMI) which is currently \$45,000. A key objective of this amendment was to eliminate homelessness, but these units would also provide homes for the low-income elderly, the disabled and households making under \$45K.

In July 2013, the Planning Commission established an ad hoc committee to evaluate the RSU ZOA and recommend modifications. Between August 1, 2013 and July 24, 2014, the Planning Commission and the RSU committee held 2 public workshops and 7 public meetings and 15 meetings with stakeholders. On June 9, the committee voted to conclude its deliberations because it was unable to reach consensus on formulating a recommendation for moving the RSU Zoning Ordinance Amendment forward for consideration by the Planning Commission and the Board of Supervisors. Simply put, there were difficult problems with the proposed ZOA, vocal opposition from communities and less-than-enthusiastic support from the developers. On July 24, the committee meet for the last time to review and approve the staff report and the committee's recommendation to adjourn the review of the proposed ZOA.

### **Tysons Westpark L.C. – Tysons Rezoning RZ/CDP/FDP 2013-PR-009**

Tysons Westpark L.C. owns a 5.37-acre property at 8401 Westpark Drive at the corner of Rt. 7 and Westpark Drive. It is currently developed with the 9-story, 301-unit Westpark hotel that as of September 2014 is no longer operating. This property, situated ¼-mile from the Greensboro Metro station, is zoned C-7 Regional Retail and the applicant has filed an application to rezone it to the Planned Tysons Corner district.

The applicant is proposing a residential/mixed-use development of three high-rise buildings: two multi-family residential building and one hotel, with a maximum gross floor space of 1,489,000 square feet of gross floor space and a floor/area ratio (FAR) of 6.37.

The timeline for this development would extend over many years. The applicant is only seeking approval to construct one of the residential buildings and before this building is constructed the applicant may provide parking for Metro riders on an interim basis. When this project is ready to go forward, the applicant would demolish the existing hotel and construct a residential high-rise in the south corner of the property. The remainder of the site would be converted to parkland with a 14-space parking lot for park patrons. It is expected the site would remain this way for years until there is increased market demand for residential units and a hotel, at which time the other two buildings would be constructed. When built out, 2.36 acres or 44% of the site would be parkland.

The two residential buildings would provide 1,300 residential units and the hotel 300 rooms. The roof tops of the residential buildings would be articulated with three levels that step down from 330' to 290' to 240'. The height of these buildings were allowed to exceed county guidelines to 1) accommodate 20% more units for workforce housing and, 2) allow increased parkland in the property's interior. The height of the proposed hotel is 180' or 14 stories. Up to 2,267 parking spaces would be provided in 5 levels of underground parking.

The development of this property would entail the construction of two new roads: Park Avenue and Madison Street which would run parallel to Rt. 7 and Westpark Drive respectively. Park Avenue will eventually run all the way to Pinnacle Drive as more of this area redevelops. If VDOT determines a traffic signal is warranted at the intersection of Westpark Drive and Park Avenue, it would be installed as the applicant's cost.

To meet a requirement for a contribution for public facilities in Tysons, the applicant would:

- a) Contribute \$2,234,000 to a future community library to be constructed on an adjacent property, and
- b) Assist with the funding of an athletic field in Tysons on a property on Science Applications Court off Gallows Road.

The proffered conditions also include a contribution of \$2,040 for each residential unit for the improvement of roads in Tyson and \$10,488 for each of the projected 143 students the development would add to the school system. On October 1, 2014, the MCA Board approved a resolution in support of the Tysons Westpark rezoning and development plan. The Board of Supervisors public hearing for RZ/FDP 2013-PR-009 will be held on November 18.

### **Amherst Property LLC – Tysons Rezoning RZ/FDP 2014-PR-004**

Amherst Property LLC owns a 5-acre parcel at 7915 Jones Branch Road in Tysons, situated directly across the street from the Hilton Hotel and located ½-mile from both the McLean and Tysons Metro stations. The property is currently developed with a 6-story office building built in 1977, and Amherst is requesting approval to rezone from the C-3 Office district to the Planned Tysons Corner district. This rezoning includes a narrow strip of land from the adjacent parcel at 7921 Jones Branch Road, also owned by Amherst, for a total of 5.75 acres.

The applicant is proposing to develop one residential building with up to 400 units and a maximum height of 90 feet or 7 stories. The 400,000 square foot building would have floor area ratio (FAR) of 1.8. While the building would be primarily residential, there would be up to 12,000 square feet of retail and services at the ground floor level. Up to 602 parking spaces would be provided in above-ground parking inside the building that would not be visible from the street.

The applicant would provide 3 parks totaling 1.5 acres of parkland that would be publicly accessible. As part of this development, the applicant would build three new public roads to the north, east and west of the building which would constitute the initial roads forming the planned grid-of-streets in this area of Tysons north of Westpark Drive. One of the roads would parallel Westpark Drive and run from Jones Branch Road to Westbranch Drive. This connection is made possible as part of this redevelopment because the applicant owns the abutting properties.

For contributions towards public facilities, the applicant would proffer:

- a) A monetary contribution towards the development of an athletic field equal to \$1.81 per square foot by June 30, 2015, or \$2.38 per square foot when the occupancy permits are issued.
- b) To provide 4,000 square feet of office space, rent free for 10 years, in an adjacent building for the Fairfax County Fire Marshall Office.

In addition, the applicant would proffer the standard contribution of \$2,040 per residential unit for Tysons road improvements and \$10,825 to the public schools for each of the projected 43 students the development is expected to generate.

On October 1, 2014, the MCA Board approved a resolution in support of the subject rezoning and development plan. The Board of Supervisors public hearing for RZ/FDP 2014-PR-004 will be held on November 18.

### **Lewinsville Senior Center – Special Exception Amendment SEA 94-D-002**

The Lewinsville Senior Center, located at 1609 Great Falls Street, is a county-owned facility that operates under a Special Exception approved in 1994. The current uses at the facility are:

- Day care for 80 adults
- Day care for 210 children
- A 22-unit independent living facility for the elderly
- An athletic field supporting both soccer and softball

In 2004, the Fairfax County Board of Supervisors approved a Special Exception to develop a 40,000 square foot assisted living facility on the property that would provide 60 units for the elderly. The planned location of the facility is parking lot that fronts on Great Falls Street.

However by 2014, it became apparent to county officials that an assisted living facility would not be developed due to financial difficulties, so the county is seeking to modify the language of the Special Exception to permit the development of an independent living facility (ILF) for the elderly. The ILF would incorporate the existing 22 independent units while adding 60 new units for a total of 82 units. The size of the ILF would be 77,000 square feet, an increase over the 59,000 square feet for the approved, but never-built, assisted living facility. The height of the ILF

structure would be two stories. Over multiple phases of construction, the existing structure would be demolished and 4 new buildings constructed. During certain phases of construction, the existing day care and IFL uses would be temporarily relocated.

The SEA proposes to maintain the existing day care for 80 adult and 210 children and the athletic field, although the amount of play area would be considerably reduced and would only support a U13 child soccer field. The area with the softball diamond would be converted to a stormwater detention pond. One major concern of the community and the committee is the provision of adequate parking spaces for these four uses, especially the athletic field use. At our October 28 meeting, the county did not present a landscaping plan or a transportation improvement plan for the frontage along Great Falls Street. We will invite the county back to P&Z to keep us updated.



Source: Fairfax County Lewinsville Center Redevelopment Informational Meeting 9/16/2014

### **Mark and Lynne McFadden – Special Exception for Office Use, SE 2014-DR-043**

In 2009, Mark and Lynne McFadden obtained a Special Exception permit to operate a real estate office out of a single-family detached dwelling at 1470 Ingleside Avenue. This property is situated at the corner of Meadowbrook and Ingleside, adjacent to the Giant grocery store. The permit was approved for a 5-year term and the McFaddens are seeking renewal, however they are requesting a 10-year term with the ability to renew the permit administratively every 5 years thereafter. The applicants are not proposing any change to the number of employees or hours of operations, and has no plans to modify the house or property. MCA supported the 2009 Special Exception and, subsequent to county approval, the McFaddens made significant improvements to the property. Given the cost of refiling, the committee was amenable to supporting the 10-year term length and the administrative renewals. The McLean Comprehensive Plan contemplates that

these types of Special Exceptions in the McLean CBC should be granted on an interim basis so as to not impede future redevelopment, and the committee felt the 10- and 5-year terms conform to this guidance. On November 5, the MCA Board approved a resolution in support of SE 2014-DR-043. The McFaddens will have a Planning Commission public hearing on December 3.

### **Dr. Shoreh Armani – Special Exception for Office Use**

Dr. Shoreh Armani obtained a Special Exception permit in 2004 to operate a medical office out of a single-family detached dwelling at 1580 Chain Bridge Road. This property is located at the corner of Pathfinder Lane and Chain Bridge Road and it abuts the parcel with the electrical substation. The permit was granted for a 7-year term and Armani has since renewed the permit administratively twice for 2-year terms. The applicant is now seeking to renew the permit for a longer term and the committee feels a 10-year permit with 5-year renewals, similar to McFadden, would be appropriate. The applicant is also seeking approval to rent out a dwelling unit in the basement. The committee had concerns with this arrangement since the primary use of the property is a medical office use and this would be adding a secondary use. It also wasn't clear whether the house had separate ingress/egress to the basement area. The public hearing has not yet been scheduled and the committee will invite the applicant to return, most likely in January 2015, for an update on the proposed Special Exception and staff's comments.

### **Bryant – Special Exception for Cluster Development, SE 2014-DR-057**

Mr. Stephen Bryant owns a 5.6-acre property located at 1318 Rockland Terrace, generally situated in an area between Potomac School Road and Ranleigh Road, south of the Clearview Manor and Dolley Madison Estates communities. This property, zoned R-1 and currently developed with a 2-story single-family residence, has been in the Bryant family for many years. The applicant is seeking a Special Exception permit for cluster development that would allow the construction of 3 new single-family detached dwellings. These homes could be built by-right, however the applicant is requesting cluster subdivision layout in order to preserve more of the property's open space and environmentally sensitive features. The applicant is further proposing to construct a trail from the entrance of the subdivision down to Pimmit Run. The case is scheduled for public hearing on February 11, 2015 and we will invite the applicant back to P&Z in January for a final update.