

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

The P&Z Committee meets monthly on the last Tuesday of the month at 7:30 pm at the McLean Community Center, unless otherwise announced. Committee Co-chair: Mark Zetts ([zetts@attglobal.net](mailto:zetts@attglobal.net)); there is an open co-chair slot.

### **Capital One Bank Rezoning RZ 2010-PR-021**

On September 25, 2012, the Board of Supervisors (BOS) approved Capital One (Cap One) Bank's rezoning application to redevelop their 26-acre parcel bounded by Rt. 123 (Dolley Madison Boulevard), I-495 and Scotts Run Crossing Road. This is Cap One's headquarters site; it currently has a 14-story office building, a conference center and a parking structure. The site also abuts the McLean Metro station, the first Silver Line Metrorail stop in Tysons.

Cap One's overall plan calls for 4.5 million square feet of new development comprising 12 high-rise buildings: 6 office, 5 residential and 1 hotel/conference center. Most of the buildings would have a retail component. The building heights will range from 150' to 395'. The residential buildings will provide 984 to 1,230 dwelling units, 20% of which will be designated as workforce housing. These buildings will be constructed over 5 phases of development spanning 25 years, as market conditions permit. The September 25 BOS decision will permit Cap One to begin construction of 2 of the buildings in late September 2012: a 21-story office building and a 67-unit residential building. The remaining 10 structures will require additional public hearings and Final Development Plan approval by the Board of Supervisors before they can be built.

The approved development plan for the entire 26-acre parcel is a mixed-use, transit-oriented development with 4 acres of publicly accessible parkland. Within the property, Capital One will construct a street network to increase connectivity for vehicles, pedestrians and bike traffic, and a trail connection to the McLean Metro station.

As part of the rezoning proffers, Capital One will build a 30,000 square foot Community Center and dedicate it to Fairfax County. The Community Center will have a gym, exercise room, meeting rooms, kitchen and other amenities. In addition to contributing money towards County schools and parks, Capital One will contribute approximately \$16 per square foot of development towards the construction of roads on their property and inside Tysons.

Capital One's redevelopment plan is in substantial compliance with the Tysons Comprehensive Plan approved in June 2010. MCA took issue with only one aspect of the proffer package: For the first 600,000 square feet of new development, the applicant received approval to limit its contribution to the Tysons Road Fund to \$4.07 per square foot instead of the \$6.44 recommended by the Planning Commission. MCA holds that contributing to the Tysons Road Fund is vital to the future success of Tysons and that all rezoning applicants should pay the full amount as set annually by the County. The BOS felt that other aspects of the proffer package, including the commitment to build a Community Center, dedicate parking spaces for the Center, and provide land for the Jones Branch connector road project warranted approval of the redevelopment plan and proffer package as presented by the Planning Commission.

On September 12, the MCA Board passed a resolution in support of the Capital One Bank rezoning conditioned on Capital One Bank contributing the full amount towards the Tysons Road Fund. <http://mcleancitizens.org/MCA-Resolution-CapitalOneBank-Rezoning.pdf>

## **McLean Glen Rezoning RZ 2012-DR-006**

The McLean Glen subdivision, formerly known as Odrick's subdivision, is an 8.11 acre property generally bounded by Lewinsville Road to the north, Charity Baptist church on the northeast side, Odrick's Lane on the south, a strip of land owned by Fairfax County on the southeast, and the Bellmeade subdivision.

In 2005, Winchester Homes was the contract purchaser of McLean Glen, then comprising 10 parcels with 8 single-family detached dwellings, and Winchester Homes received approval to rezone the property from R-1 (one home per acre) to PDH-3 (approximately 3 homes per acre). As a result of the rezoning, Winchester Homes had an approved development plan to subdivide the property into 19 lots and build a single-family detached dwelling on each lot.

It was about this time that the real estate market soured in Fairfax County and Winchester Homes abandoned the project. However, the property remained in the PDH-3 zoning district with the approved 19-lot development plan still in force. This created a hardship for the residents in McLean Glen because they could not add on to their houses or even sell their properties. In addition, their property taxes increased significantly.

At the behest of Supervisor Foust and County staff, the Board of Supervisors passed a motion to rezone the McLean Glen property back to R-1. In July 2012, the MCA Board of Directors approved a resolution in strong support of the rezoning. The rezoning went through the requisite public hearings and was approved by the Board of Supervisors on September 25, 2012. Link to P&Z resolution page: <http://mcleancitizens.org/pz.asp>

## **Zoning Ordinance Amendment for Low-Income Independent Living Facilities (ILF)**

Seeking to increase the housing stock for low-income elderly and disabled residents, the County proposed a change to the Zoning Ordinance (ZO) to ease restrictions on ILF uses in residential districts. Specifically, ZO amendment would relax the setback requirements in all residential districts if the ILF were built to resemble a single-family detached dwelling. Whereas the current ZO required ILFs to be setback 30 to 50 feet from the abutting properties, the proposed amendment would allow the ILF to comply with the setbacks of the given residential district provided the facility, appearing to be a single-family dwelling, would be compatible with the neighborhood.

MCA took issue with the ZO amendment because the proposed change left in place language that permitted a maximum IFL structure height of 50'. An IFL with a height of 50' would certainly be incompatible with any residential neighborhood, given the maximum height of all single-family dwelling structures in the County is 35'.

MCA passed a resolution opposing the ZO amendment unless the height of an ILF, built to resemble a single-family dwelling in order to qualify for the reduced setback, was limited to 35'.

Testifying at the Planning Commission (PC), MCA proposed the ZO amendment be marked up to reflect the change. The PC demurred because the advertising of the ZO amendment did not permit such latitude. Therefore, agreeing that the height language was problematic, the PC, with the concurrence of Department of Planning and Zoning staff, moved to introduce another ZO amendment later in the year to address this ILF maximum height issue.

Approximately 6 months later, the PC and Board of Supervisors approved a ZO amendment restricting the height of an IDL to 35' if the developer is seeking reduced setbacks. Both resolutions may be found at <http://mcleancitizens.org/pz.asp>.