

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Monday, July 21, 2008 at 6:30 p.m.

PRESENT: J. WALTER TEJADA, Chairman
BARBARA A. FAVOLA, Vice Chairman
JAY FISETTE, Member
MARY HUGHES HYNES, Member
CHRISTOPHER ZIMMERMAN, Member

ALSO PRESENT: RON CARLEE, County Manager
STEPHEN A. MacISAAC, County Attorney
AUBRYN BEDNAR, Acting Clerk

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COUNTY BOARD RECESSED MEETING

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The Chairman announced that item 54. Claim of Great American Insurance Company would be heard first on the agenda.

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51. KIOSKS & VENDING

- A. A zoning ordinance to amend, reenact and recodify Sections 1., 3., 18A., 19., 22., and 31. to define the term kiosk as one-story, 150 square foot structure, and allow for operation of such kiosks within public and private plaza areas greater than 5,000 square feet, with special exception use permit, in certain commercial zoning districts and the "S-3A" Special District within Arlington. .

On motion by JAY FISETTE, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the ordinance as set forth in the document entitled "Addendum 7-21-08-A – Kiosks" attached for the public record to these minutes, to amend, reenact, and recodify the provisions in Sections 1., 3., 18A., 19., 22., 31., and 32. of the Arlington County Zoning Ordinance to define the term kiosk as a one-story, 150 square foot structure, and allow for the operation of such kiosks within public and private plaza areas greater than 5,000 square feet, with a special exception use permit, in certain commercial zoning districts and the "S-3A" Special Districts within Arlington.

Addendum 7-21-08-A – Kiosks

- B. An ordinance to amend, reenact and recodify Chapter 30. Peddlers, Vendors and Canvassers to define the term kiosk and allow for operation of such kiosks in certain commercial zoning districts and the "S-3A" Special District within Arlington; to extend permitted time for on-street vending from five (5) minutes to sixty (60) minutes; to limit vending operations, unless specifically from a kiosk, within 200 feet from a metro station entrance which has an average weekday ridership greater than 24,000; and to allow County Manager greater flexibility in establishing on-street vending zones.

On motion by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the ordinance as set forth in the document entitled "Addendum 7-21-08-B – Chapter 30" attached for the public record to these minutes, to amend, reenact, and recodify the provision in Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code to define the kiosks in certain commercial zoning districts and the "S-3A" Special District within Arlington; to extend the permitted time for on-street vending

from five (5) minutes to sixty (60) minutes; and to allow the County Manager greater flexibility in establishing on-street vending zones.

[Addendum 7-21-08-B – Chapter 30](#)

[Board Report #51 A., B.](#)

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52. [PENROSE SQUARE PARK MASTER PLAN.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board approved the general location and approximate size of the public square elements as shown on the Penrose Square Master Plan (attached to the County Manager's June 27, 2008 report) and associated Phase 1 Interim Plan.

[Board Report #52](#)

[Board Report #52-Attachment 1](#)

[Board Report #52-Attachment 2](#)

[Board Report #52-Attachment 3](#)

[Board Report #52-Attachment 4](#)

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53. [PENTAGON CENTRE](#)

- A. GP-317-08-1 General Land Use Plan Amendment: from "Service Industry" (wholesale, storage, and light manufacturing uses, including those relating to building construction activity) to "Medium Office Apartment Hotel" (up to 2.5 F.A.R. Office Density, up to 115 units/acre Apartment Density, up to 180 units/acre Hotel Density); 1201 S. Hayes St., 1200 S. Fern St. (RPC #35-004-001).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the resolution as set forth in the document entitled "Addendum 7-21-08-C – GP-317-08-1" attached for the public record to these minutes, to approve the General Land Use Plan amendments to change the designation of the Property from "Service Industry" (Wholesale, storage, and light manufacturing uses, including those relating to building construction activity) to "Medium" Office-Apartment-Hotel (up to 2.5 F.A.R. Office Density, up to 115 units/acre Apartment Density, up to 180 units/acre Hotel Density) for a property known as 1201 South Hayes Street and 1200 South Fern Street (RPC #35-004-001), generally located in the area bounded by 12th Street South, South Fern Street, 15th Street South, and South Hayes Street.

[Addendum 7-21-08-C – GP-317-08-1](#)

[Board Report #53 A., B., C.-Supplemental 3](#)

- B. Z- 2536-07-1 Rezoning: PL Pentagon LLC c/o Kimco Realty Corporation from "M-1" Light Industrial Districts to "C-O-2.5" Commercial Office Building, Hotel and Apartment District; 1201 S. Hayes St. , 1200 S. Fern St. (RPC #35-004-001).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by

a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the resolution as set forth in the document entitled “Addendum 7-21-08-D – Z-2536-07-1” attached for the public record to these minutes, to approve the rezoning request from “M-1” (Light Industrial Districts) to “C-O-2.5” (Commercial Office Building, Hotel and Apartment Districts); 1201 South Hayes Street and 1200 South Fern Street (RPC #35-004-001).

[Addendum 7-21-08-D – Z-2536-07-1](#)

- C. SP #297 Phased Development Site Plan: PL Pentagon LLC c/o Kimco Realty Corporation, construct approximately 776,982 square feet office, approximately 327,070 square feet retail, approximately 600 dwelling units, approximately 250 hotel rooms; 1201 S. Hayes St., 1200 S. Fern St. (RPC #35-004-001).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, a which the public spoke, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #297 on file in the Office of the Zoning Administrator for a special exception for a phased development site plan to construct approx. 776,982 sq ft office, approx. 327,070 sq ft retail, approx. 600 dwelling units, approx. 250 hotel rooms for the parcel of real property known as 1201 S. Hayes Street, 1200 S. Fern Street (RPC #35-004-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions as set forth in the document entitled “Addendum 7-21-08-E – SP #297 Phased Development Conditions” attached for the public record to these minutes.

[Addendum 7-21-08-E – SP #297 Phased Development Conditions](#)

[Board Report #53 A., B., C.](#)

[Board Report #53 A., B., C.-Supplemental](#)

- D. SP#297 Site Plan: PL Pentagon LLC, construct approximately 489,911 square feet office, approximately 33,495 square feet retail, retain approximately 358,795 square feet, retail, modification of use regulations regarding height and parking; 1201 S. Hayes St. (RPC #35-004-001).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #297 on file in the Office of the Zoning Administrator for a special exception for a site plan to construct approximately 489,911 square feet office, approximately 33,495 square feet retail, retain approximately 358,795 square feet, retail, modification of use regulations regarding height and parking for the parcel of real property known as 1201 S. Hayes Street (RPC #35-004-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions as set forth in the document entitled “Addendum 7-21-08-F – SP # 297” attached for the public record to these minutes.

[Addendum 7-21-08-F – SP # 297](#)

[Board Report #53 D](#)

[Board Report #53 D.-Supplemental](#)

- E. An ordinance to vacate on part of Parcel B-2A, Western Electric Company, Incorporated: 1) Portion of 10' utility easement for water main on the southwest portion of the parcel; and, 2) 15' Storm Sewer easement on southwest portion of the parcel, known as 1201 S. Hayes St. and 1200 S. Fern St., Arlington County, Virginia (RPC # 35-004-001), with conditions.

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance and took the following action:

1. Enacted the Ordinance as set forth in the document entitled "Addendum 7-21-08-G – Vacation on Part of Parcel B-2A" attached for the public record to these minutes to Vacate on Part of Parcel B-2A, Western Electric Company, Incorporated: 1) a Portion of a 10' Utility Easement for Water Main on the Southwest Portion of the Parcel; and, 2) a 15' Storm Sewer Easement on the Southwest Portion of the Parcel, known as 1201 S. Hayes Street and 1200 S. Fern Street, Arlington County, Virginia (RPC No. 35004001), with Conditions.
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed(s) of Vacation, subject to approval as to form by the County Attorney.

[Addendum 7-21-08-G – Vacation on Part of Parcel B-2A](#)

[Board Report #53 E](#)

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54. CLAIM OF GREAT AMERICAN INSURANCE COMPANY (NO REPORT FOR THIS ITEM)

The Board heard testimony from Michael Lewis, representative for Great American Insurance Company. The Chairman announced that the Board would make a decision on this matter at a later date.

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ADJOURNMENT

Without objection, at 11:26 p.m., the Board recessed until the July 22, 2008 Recessed Meeting.

J. WALTER TEJADA, Chairman

ATTEST:

AUBRYN BEDNAR, Acting Clerk
 Approved: September 13, 2008