



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 6, 2009

SUBJECT: SP #328 SITE PLAN AMENDMENT, New Tower Trust Company Multi Employer Trust, temporary conversion of approx. 2,430 sq ft from retail to a commercial use limited to: institution of an educational nature; 1515 N. Courthouse Rd. (RPC# 17-012-021)

Applicant:

New Tower Trust Company Multi Employer Trust

By:

Nan E. Walsh
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

C. M. RECOMMENDATION:

Approve the site plan amendment for temporary conversion of approximately 2,430 sq ft from retail to a commercial use limited to: institution of an educational nature for a period of five (5) years (April 2014), subject to all previous conditions and two new conditions (#54 and #55).

ISSUES: This is a request for a temporary conversion of retail space to educational use. No issues have been identified.

SUMMARY: This is a Site Plan Amendment request for a temporary conversion of retail space to educational use for Troy University. The proposed conversion is for a period of five years for 2,430 square feet of space located along Clarendon Boulevard. Due to the shallow depth of the space and its location east of the main Courthouse retail area, the property owner has had difficulty leasing it to retail tenants in the past. In 2005, the County Board approved a conversion of the space to a temporary sales and leasing office for a period of four (4) years. The approved retail in the 2000 Wilson Boulevard project is anticipated to bring increased foot traffic to the block, but construction on that project has not commenced. The proposed temporary conversion of retail space to educational use ensures that active uses remain along this

County Manager: _____

County Attorney: _____

Staff: Colin Dentel-Post, DCPHD, Planning Division

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section of Clarendon Boulevard in the interim. The applicant has agreed to a storefront transparency condition to maintain visual interest for pedestrians. Therefore, staff recommends approval of the Site Plan Amendment for a period of five (5) years (April 2014), subject to all previous conditions and two new conditions.

BACKGROUND: In 1998, the County Board approved SP #328 for a 12-story office building with ground floor retail. After the building was completed in 2000, the owner was able to lease two of the retail spaces, but was unable to lease the third retail space, located along Clarendon Boulevard. In May 2005, after the space remained vacant for several years, the County Board approved an application by Monument Realty, LLC to convert the space to a temporary sales and leasing office for a period of four (4) years, ending in May 2009. Monument Realty has recently vacated the space.

The following provides additional information about the subject site and location:

Site: The subject space is located at the northeast corner of the office building at 1515 N. Courthouse Rd. along the building's Clarendon Boulevard frontage. The building is located east of the Court House Metro station on the western end of the block bounded by 15th Street North, North Courthouse Road, Clarendon Boulevard, and North Scott Street.

- To the north: Across Clarendon Boulevard from the subject space are Wendy's restaurant, Wachovia bank, and the vacant site of the approved 2000 Wilson Boulevard site plan. (Zoned "C-3", "C-2", and "C-O-2.5").
- To the west: Office Depot occupies the retail space adjacent to the subject space. Across North Courthouse Road from the site are Jerry's restaurant and Summer's restaurant (Zoned "C-3").
- To the east: A small pocket park and two low-rise office buildings (Zoned "C-2")
- To the south: The Arlington County Justice Center (Zoned "P-S") and a high-rise office building (Zoned "C-O")

Zoning: The subject site is zoned "C-O Commercial Office Building, Hotel and Multiple-Family Dwelling Districts".

Land Use: The General Land Use Plan designation of the site is "High Office-Apartment-Hotel" (3.8 F.A.R. allow. office or hotel density, up to 4.8 F.A.R. allow. apartment density).

Neighborhood: The site is within the Radnor-Fort Myer Heights Civic Association and directly across Courthouse Road from the Clarendon-Courthouse Civic Association. In addition, the site is near the boundary with Colonial Village, located to the north of Wilson Boulevard. Staff contacted Civic and Condominium Associations of all three neighborhoods and the Clarendon Alliance regarding the proposed Site Plan Amendment. Representatives of the Radnor-Fort Myer Heights Civic Association, the Clarendon-Courthouse Civic Association, and Colonial Village II did not express concern with the proposal. To date, staff

has not received responses from other Colonial Village associations or the Clarendon Alliance.

DISCUSSION: The subject space is located east of the primary Courthouse retail area, with less foot traffic than areas to the west. In addition, the subject space is wide but very shallow, at only 17.4 feet deep. These two factors have contributed to difficulty leasing the space to retail tenants in the past, with a period of extended vacancy from 2000 to 2005. When the County Board approved a temporary conversion of the space to a leasing and sales office in 2005, it was anticipated that a proposed project at 2000 Wilson Boulevard would soon bring a substantial concentration of retail and increased foot traffic along this section of Clarendon Boulevard. The 2000 Wilson Boulevard site plan (SP #389) was approved in 2007 with over 34,600 square feet of retail along Wilson and Clarendon Boulevards, including directly across from the subject space. However, construction on the project has not commenced, and there are no building permit applications pending on the site. The applicant is concerned that, given the continuing lack of substantial foot traffic on the block, current economic conditions, and the availability of more desirable retail spaces in the area, retail tenants are unlikely to lease the subject space in the near future.

The proposed temporary educational use provides an alternative means to activate the street frontage along Clarendon Boulevard. The facility includes a classroom with seating for 15 students, several offices, a conference room, and a small reception area for class registration and retail sales of books and merchandise. Classes at Troy University are offered primarily in the evenings and on weekends, producing pedestrian traffic particularly during those times. The applicant has agreed to a condition requiring that the storefront of the space remain 80 percent transparent, to ensure activity is visible from the street. Parking for the proposed use will be accommodated within the existing office building garage, which is open to the public during evening and weekend hours.

The proposed Troy University facility meets the objectives of the *Rosslyn-Ballston Corridor Retail Action Plan*. The Plan designates this portion of the site's frontage along Clarendon Boulevard as a "shopping street principally providing personal and business services." Included in the uses that fall under that designation is a "Business college operated as a commercial enterprise."

CONCLUSION: The location and configuration of the subject space put it at a disadvantage compared with other available retail spaces. The proposed temporary conversion of retail space to educational use provides a reasonable means to ensure active uses remain along this section of Clarendon Boulevard until further retail development increases foot traffic in the immediate vicinity. The proposed educational use complies with the Retail Action Plan vision for personal and business services along this street frontage. The applicant has agreed to maintain a transparent storefront, providing a visually active streetscape for pedestrians. Therefore, staff recommends approval of the site plan amendment for temporary conversion of approximately 2,430 sq ft from retail to a commercial use limited to: institution of an educational nature for a period of five (5) years (April 2014), subject to all previous conditions and the following two new conditions (#54 and #55):

54. The developer agrees that the temporary conversion of approximately 2,430 square feet of retail space (as shown on the floor plan dated February 13, 2009) to use by an institution of an educational nature shall not continue beyond five (5) years from the April 25, 2009 County Board meeting, and that on or before April 25, 2014 the 2,430 square feet of space shall revert to retail use, without further action by the County Board.
55. The applicant agrees that the portion of the retail storefront of the space (2,430 square feet) that is located between three and eight feet from existing grade, shall be at least 80 percent transparent, with a final window design plan to be approved by the County Manager or his designee as consistent with this condition, prior to the issuance of a building permit. The purpose of this condition is to allow pedestrians to view the activity within the space and to allow persons within the space to view activity on the sidewalk and street. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the space where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, or the like.

