



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 11, 2009**

DATE: June 30, 2009

SUBJECT: SP #402 SITE PLAN AMENDMENT to modify conditions pertaining to the plat of excavated area and wall check survey of the Penrose Square project, located at 2501 9th Rd. S. (RPC #25-016-012, -013, -014)

Applicant:

Carbon Thompson Development LLC

By:

M. Catherine Puskar, Agent/Attorney
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the subject site plan amendment request, subject to all previously approved conditions and revised Condition #36 (plat of excavated area), and Condition #45 (wall check survey).

ISSUES: The applicant requests a minor modification to site plan conditions to defer submission of materials until later in the permit process. No physical changes are proposed to the approved site plan, and no issues associated with the proposed site plan amendment have been identified.

SUMMARY: The developer of Penrose Square requests an amendment to modify approved site plan Condition #36 *Plat of Excavated Area*, which requires a plat of the entire site's excavated area to be approved before issuance of the Footing to Grade Structure Permit. The developer is requesting to submit a preliminary plat of a portion of the excavated area prior to the issuance of a Final Building Permit. A final plat of the entire excavated area would be required prior to commencing any above-grade construction. The developer is also requesting to modify site plan Condition #45 *Wall Check Survey*, which requires that a wall check survey be provided by the developer before the issuance of the Final Building Permit. Proposed condition language would require a wall check survey be provided by the developer within 30 days of completing construction of the building's perimeter foundation walls to their at-grade elevation.

County Manager: _____

Staff: Neil Thompson, Planning Division, DCPHD

PLA- 5316

Staff supports the applicant's request to delay submission of the required wall check survey and plat of the site's excavated area as it is deemed reasonable from a development timeline perspective, sufficient from a physical construction standpoint, and consistent with conversations between staff and the development community regarding proposed changes to standard site plan development conditions.

BACKGROUND: Penrose Square was approved in October 2006 as a mixed use retail and residential development. The property is within the Columbia Pike Special Revitalization District and within the "Town Center" focal node.

The following provides additional information about the site and location:

Site: The 167,897 square foot (3.85 acres) site is located accessed from 9th Road South, and is bounded by South Adams Street, future South Cleveland Street, and Columbia Pike. The site previously was developed as a strip shopping center, including a grocery store, assorted other retail, and associated parking.

- To the north: Single family homes and the Adams Court Town Houses. The zoning is "R-6" and "R-10T." The General Land Use Plan designates this area as "Low" Residential (1-10 units per acre).
- To the west: Fillmore Gardens Apartments and associated parking zoned "RA14-26" and designated "Low-Medium" Residential on the General Land Use Plan. Strip commercial and associated parking (along Columbia Pike) zoned "C-2" and designated "Service Commercial" on the General Land Use Plan.
- To the east: Vacant grocery store (Safeway) and associated parking and a nine-story office building. The zoning is mixed with "C-2," "C-1," and "C-O." The General Land Use Plan designates this area as "Service Commercial." An application is pending for a use permit to construct a new 188-unit rental apartment building with approximately 34,341 square feet of ground floor retail, and 14,650 square feet of office. This proposed project would include 408 parking spaces, 145 of which will be available on a non-reserved, shared basis at all times for visitors or shoppers in the area.
- To the south: Arlington Village and existing strip commercial. These properties are zoned "C-2" and designated "Service Commercial" on the General Land Use Plan.

Zoning: The site is zoned "'C-O-2.5" Commercial Office Building, Hotel and Apartment Districts.

Land Use: The site is designated on the General Land Use Plan (GLUP) as "Medium" Office-Apartment –Hotel (2.5 F.A.R. Office Density, Up to 115 units per acre Apartment Density, up to 180 units per acre Hotel Density) with special provisions within the Columbia Pike Special Revitalization District. This project is located within the Town Center node of the Columbia Pike Special Revitalization District.

Neighborhood: The site is located within the Penrose Civic Association. The Columbia Pike Revitalization Organization (CPRO) was involved in the review of the site plan.

DISCUSSION: The developer has requested that development Condition #36 *Plat of Excavated Area* be amended. The existing condition language, which requires the plat to be approved before issuance of the Footing to Grade Structure Permit, would be replaced with new language that permits the developer to submit a preliminary plat of a portion of the excavated area prior to the issuance of a Final Building Permit, and a final plat of the site's full excavated area prior to commencing any above-grade construction. The developer is requesting this amendment because the hole would need to be fully excavated before the plat of spot elevations could be prepared and then construction would have to be suspended until the prepared plat was approved and the Footing to Grade Permit issued. This requested revision matches the type of change to standard site plan condition language developed after discussions with the representatives of the Northern Virginia Building Industry Association (NVBIA) and the National Association of Industrial and Office Properties (NAIOP), which would allow the project to proceed with spot elevations on a portion of the site. The County's Building Official agreed that the revised condition provides the necessary elevation information while permitting the developer to proceed with their project in a more expedient/timely manner. The standard site plan condition language as revised will be used in all future site plans.

The applicant has also requested that development Condition #45 *Wall Check Survey* be amended to provide the wall check survey within 30 days of completing construction of the building's perimeter foundation walls to their at-grade elevation. This modification would allow the project to proceed with construction under a Final Building Permit, instead of obtaining a separate Footing-to-Grade Permit. Again, staff supports this proposed change and has also modified condition language to reflect this on all new site plan projects.

CONCLUSION: Staff believes that the applicant's request to defer the submission of the plat of excavated area and wall check survey, until later in the permit process, will neither negatively impact the project's completion, nor alter the site plan as approved by the County Board. Therefore, staff recommends that the Site Plan Amendment be approved subject to all previous and revised conditions, as follows:

Plat of Excavated Area

36. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a footing to grade permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

Wall Check Survey

45. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction. The developer further agrees that, within thirty (30) days after approval of the wall check survey, to submit to the Zoning Administrator a wall check survey showing the location of the walls and the elevation of the slab, at grade.

PREVIOUS COUNTY BOARD ACTIONS:

August 1961	Designated as “Undetermined Uses” on the General Land Use Plan.
May 16, 1964	Denied a request to rezone the north portion of RPC #25-016-006, -009, -011 from “C-1” to “C-2” on Approved a rezoning of RPC #25-016-006, -009, -011 from “C-1” and “C-2” to “C-S-C”, and approved a site plan (SP #38) as part of the rezoning.
December 1964	Designated “General Business” on the General Land Use Plan.
April 1975	Designated as “Service Commercial” (Personal and business services. Generally one to three stories, maximum 1.0 FAR) on the General Land Use Plan.
June 25, 1977	Approved a rezoning of RPCs #25-016-006, -009, -011 from “C-S-C” to “C-1” because “C-S-C” had been deleted from the Zoning Ordinance.
September 15, 1981	Approved a rezoning of RPCs #25-016-006, -009, -011 from “C-1” to “C-2”.
November 15, 1986	General Land Use Plan amended to include the Columbia Pike Special Revitalization District.
1987	In 1987, the description of “Service Commercial” was shown as “Personal and business services. Generally one to four stories. Maximum 1.5 FAR” on the General Land Use Plan.
December 17, 2002	Columbia Pike Special Revitalization District boundaries amended on the General Land Use Plan.
February 25, 2003	Columbia Pike Special Revitalization District Form Based Code (Section 20 of the Zoning Ordinance) adopted.
February 10, 2004	Columbia Pike Street Space Plan adopted and Columbia Pike Special Revitalization District Form Based Code amended to include new Required Building lines. The description of “Service

Commercial” was also shown as “Personal and business services. Generally one to four stories. Maximum 1.5 FAR with special provisions within the Columbia Pike Special Revitalization District” on this GLUP.

July 10, 2006

County Board accepted the withdrawal of a use permit request for approval under the Columbia Pike Form Based Code (RPCs #25-016-006, -009, -011).

County Board authorized advertisement of a General Land Use Plan amendment from “Service Commercial” to “Medium” Office-Apartment-Hotel; a rezoning from “C-2” to “C-O-2.5;” and a site plan.

September 16, 2006

County Board authorized advertisement of a General Land Use Plan amendment from “Service Commercial” to “Public” and of a rezoning from “C-2” to “S-3A” for the portion of the site to be included in the public square called for in the Columbia Pike Special Revitalization District Form Based Code.

October 24, 2006

Approved the Site Plan to construct approx. 299 dwelling units, approx. 61,500 sq ft grocery store, approx. 36,000 sq ft retail, modification of use regulations for density

Amended the General Land Use Plan for the subject parcels to “Medium” Office-Apartment –Hotel (2.5 F.A.R. Office Density, Up to 115 units per acre Apartment Density, up to 180 units per acre Hotel Density)

Rezoned the subject parcels from “C-2” Service Commercial – Community Business Districts TO “C-O-2.5” Commercial Office Building, Hotel and Apartment Districts