



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 26, 2009**

DATE: September 9, 2009

SUBJECT: SP #105 SITE PLAN AMENDMENT to modify conditions, including but not limited to, Comprehensive Sign Plan and Public Street, Sidewalk and Utilities Easement -12th Street South; premises known as 1201, 1211 S. Fern St. (RPC #35-003-009, and -010).

Applicant:

CLPF – Metropolitan Three Venture, L.P.

By:

Benjamin Danforth, Agent/Attorney
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

C.M. RECOMMENDATION:

Approve the site plan amendment request to modify Condition #79 (Public Street, Sidewalk and Utilities Easement – 12th Street South), and defer consideration of the site plan amendment request to modify Condition #50 (Comprehensive Sign Plan) for one (1) month, to the October 24, 2009 County Board meeting.

ISSUES: The applicant requests to amend Condition #79 (Public Street, Sidewalk and Utilities Easement - 12th Street South) to clarify the types and location of easements that will be dedicated in connection with the proposed 12th Street extension, and to defer consideration of the request to amend Condition #50 (Comprehensive Sign Plan) until next month's County Board hearing (October 24, 2009). No physical changes are proposed to the approved site plan, and there are no issues associated with the proposed site plan amendment.

SUMMARY: The applicant of Metropolitan Park Three requests an amendment to modify approved site plan Condition #79, which requires the developer to dedicate and convey to the County Board, or cause to be dedicated and conveyed, an easement along 12th Street South for public street, sidewalk and utilities. The applicant has provided an exhibit detailing the specific

County Manager: _____

County Attorney: _____

Staff: Jack Thompson, Planning Division, DCPHD
Robert Gibson, DES, Transportation Division

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easement areas along 12th Street South (between S. Fern and S. Eads Street), and has requested that the condition language be amended to reference the proposed exhibit, versus the less specific Phasing Diagram from the approved 4.1 plans. Staff supports the applicant's request to amend the approved Public Street, Sidewalk and Utilities Easement - 12th Street South condition, as the applicant's submitted exhibit more specifically details the exact location and type of Board-approved easements. The approval of the amended condition and exhibit will permit the applicant to record and dedicate the relevant 12th Street South easements.

The applicant has also requested that the County Board defer consideration of the request to amend Condition #50 (Comprehensive Sign Plan) until next month's public hearing. The applicant is requesting additional time to review, with staff, the requirements of the Sign Guidelines for Site Plan Buildings and Section 34 of the Zoning Ordinance, and whether or not there are conflicts and/or redundancies that need to be addressed in the standard development condition language. Staff recommends a deferral of the request to amend Condition #50 for one (1) month, to the October 24, 2009 County Board meeting.

BACKGROUND: The subject site, a 2.09 acre site, is part of Parcel C within the Pentagon City PDSP, and is located at the southeastern corner of South Fern Street and 12th Street South. It is currently developed with a warehouse structure built in the 1950s which houses two tenants, DHL Express and Danker Furniture. On February 21, 2009, the County Board approved the Final Site Plan (SP-9) for Metropolitan Park Phase Three. The approval included 411 dwelling units and 16,350 square feet of ground floor retail in Parcel 3. The Board also approved a PDSP Amendment (SP #105) to permit up to 100,000 square feet of ground floor retail density on Parcel 3, known as Metropolitan Park residential development.

- To the north: Open, largely vacant property known as Parcel 1D of the Pentagon City PDSP. The 17-story Marriot Residence Inn is located at the northwestern corner of Parcel 1D, at the intersection of South Fern Street and Army Navy Drive. Parcel 1D is designated three-fourths "High-Medium Residential" and one-fourth "Medium" Office-Apartment-Hotel on the GLUP and zoned "C-O-2.5."
- To the west: South Fern Street and the approved Pentagon Centre PDSP, currently developed with several retail stores and restaurants, including Costco. The block is designated "Medium Office-Apartment-Hotel" on the GLUP and zoned "C-O-2.5."
- To the east: South Eads Street and several high-rise apartment buildings (including Bennington Apartments, Warwick House I & II, and Hampton House) designated "High" Residential on the GLUP and zoned "RA-H-3.2."
- To the south: 13th Street South and the construction site of Two Metropolitan Park, a 300-unit, 18-story apartment building approved in 2006 and zoned "C-O-2.5."

Zoning: The entire parcel, which includes the 2.09-acre subject site, is zoned “C-O-2.5” Commercial Office Building, Hotel and Apartment District.

Land Use: The General Land Use Plan designates the site with a striped pattern of three-fourths “High-Medium Residential” (3.24 FAR residential) and one-fourth “Medium” Office-Apartment-Hotel (2.5 FAR office; up to 115 units per acre for apartments; and up to 180 units per acre for hotels). The Pentagon City area has a note (Note 4) stating, “This area was designated a “Coordinated Development District” on 2/9/74.”

Neighborhood: The site is located in the Aurora Highlands Civic Association.

DISCUSSION: The applicant has requested that development condition #79 (Public Street, Sidewalk and Utilities Easement - 12th Street South) be amended to clarify the types and location of easements that will be dedicated and recorded in connection with the proposed 12th Street South extension. Accompanying and binding to the condition amendment is an easement exhibit (entitled *12th Street South Easement Exhibit*), which supplants the originally approved and less specific Phasing Diagram from the approved 4.1 plans.

As detailed within the original County Manager Report for Metropolitan Park Phase 3, the construction of 12th Street South, from South Fern Street to South Eads Street, would be constructed in two Phases: Phase 1, “Interim Build Out” and Phase 2, “Ultimate Build Out”. Phase 1 would include a 36-foot wide street cross section providing two (2) eastbound lanes and on-street parking on both sides of the street. It represents approximately one-half of the total “Ultimate Build Out” of the street. Phase 2 would be constructed by either the future developer of Parcel 1D or by Arlington County with the construction of the Potomac Yard/Crystal City transit improvements. The final street cross section required for Phase 2 would be determined based on requirements for future transit operations along 12th Street South.

Staff supports the applicant’s proposed amendment to development condition #79, and the accompanying Easement Exhibit, as they more specifically detail the applicant’s proposed right-of-way dedication obligation. Staff also supports the applicant’s request to defer the amendment of Condition #50 for one (1) month, to the October 24, 2009 County Board meeting, to afford the applicant additional time to review, with staff, the requirements of the Sign Guidelines for Site Plan Buildings and Section 34 of the Zoning Ordinance, and whether or not there are conflicts and/or redundancies that need to be addressed in the standard development condition language.

CONCLUSION: Staff supports the applicant’s proposed site plan amendment request to amend the Public Street, Sidewalk and Utilities Easement condition to clarify the types and location of easements that will be dedicated in connection with the proposed 12th Street South extension. Therefore, staff recommends that the Site Plan Amendment, to include attached Exhibit “A” (*12th Street South Easement Exhibit*, dated September 3, 2009), be approved subject to all previous and revised conditions, as follows:

Public Street and Utilities Easement, Sidewalk and Utilities Easements, and Temporary Trail Easement (12th Street South)

79. The developer agrees to dedicate and convey to the County Board, or cause to be dedicated and conveyed to the County Board, ~~an easement(s) for public street, sidewalk, and utilities purposes (“Deed(s)”)~~. The area to be conveyed shall include: the following easements for the following purposes (collectively, “Easements(s)”):

- 1) An easement for public street and utilities purposes over, under, across and through the area depicted as Public Street and Utilities Easement on the exhibit dated July 2, 2009, and revised September 3, 2009, prepared by VIKA, and titled “Metropolitan Park III, 12th Street South Easement Exhibit”(“Exhibit”). ~~The southern portion of the North 10 Project Site to construct Phase 1 of the 12th Street South extension between South Fern Street and South Eads Street as set forth (and shaded) on sheet C-3B of the attached 4.1 plans, as such sheet is entitled “Metropolitan Park III 12th Street Interim Phasing Diagram”, last revised on January 21, 2009 (both sheet C-3B and the 4.1 plans jointly referred to as “Plans”); and~~
- 2) An easement for public sidewalk and utilities purposes over, under, across and through the area depicted as Public Sidewalk and Utilities Easement on the Exhibit; and ~~A portion of the southern side of 12th Street South, which portion is located adjacent to and runs the entire length of the northern property line of the Metropolitan Park 3 site and is shown on the Plans as (or for) sidewalk.~~
- 3) An easement for temporary trail purposes, over, across and through the area depicted as Temporary Trail Easement on the Exhibit.

The developer agrees that prior to the issuance of ~~the~~ a Footing to Grade permit for Metropolitan Park, Phase 3, the developer shall:

- 1) ~~Submit the~~ draft Deed(s) conveying the Easements (‘Deed(s)’) to the County, together with all required plat(s) to the appropriate County departments;
- 2) Obtain approval of the Deed(s) and required plat(s) as to substance by the County Manager;
- 3) Obtain approval of the Deed(s) as to form by the County Attorney;
- 4) Obtain acceptance of the Deed(s) on behalf of the County Board by the Chief of the Real Estate Bureau; and
- 5) Record the approved Deed(s) and required plat(s) among the land records of the Clerk of the Circuit Court of Arlington County.

PREVIOUS COUNTY BOARD ACTIONS:

February 25, 1976

Rezoned Pentagon City Tract - properties bounded on north by Army-Navy Drive; on west by South Joyce Street; on south by Arlington County property and 15th Street South; and on east by South Eads Street; excluding the Western Electric property - from "RA7-16," "RA6-15," "C-O," and "M-1" to "C-O-2.5."

Rezoned 1601 South Hayes Street (future fire station) from "RA7-16" to "S-3A." Rezoned 1500 block of South Hayes Street through to South Joyce Street including adjoining County owned property on South Joyce Street from "R2-7" to "S-3A." Rezoned 1500 and 1600 blocks to South Hayes through to South Fern Street from "RA7-16" to "RA4.8."

Rezoned 621 - 18th Street South from: S-3A" to "C-O-2.5."

Approved Pentagon City Phased Development Site Plan (PDSP).

January 8, 1977

Approved a PDSP Amendment to: 1) permit 20 additional low-rise family housing units in Parcel 5; 2) permit removal of 300 non-subsidized dwelling units for the elderly from Parcel 5 and relocate 280 such unit in Parcel 3; 3) permit submittal of landscape maintenance agreement prior to issuance of building permit instead of with final site plan submission; and 4) provide that park dedication be held in escrow until rezoning and site plan approval held valid by final court decision.

January 8, 1977

Approved Final Site Plan (SP-1) for Parcel 5 to include 300 subsidized housing units for the elderly, a 300-bed nursing home, and 200 low-rise family units.

October 15, 1977

Approved a PDSP Amendment to permit a temporary Metro-related parking lot until December 30, 1980 in area bounded by Army-Navy Drive, 15th Street South, South Joyce Street and South Hayes Street.

Approved Final Site Plan for a temporary Metro-related parking lot along the west side of South Hayes Street (between Army-Navy Drive and 15th Street South) and along north side of 15th Street South (between South Hayes and South Joyce Streets) until December 30, 1980.

June 3, 1978	Approved Final Site Plan Amendment for temporary Metro-related parking lot to eliminate the requirement for railroad ties or utility poles to separate parking aisles.
January 6, 1979	Approved Final Site Plan (SP-2) for a 12-story office building with approximately 253, 534 square feet of gross floor area located at 701 12 th Street South (northeast corner of 12 th Street South and South Hayes Street).
January 5, 1980	Approved Final Site Plan Amendment (SP-2) to extend approved plan for one year to January 6, 1981.
January 3, 1981	Approved PDSP Amendment to the PDSP and the Final Site Plan for temporary Metro-related parking lot to extend for one year to December 31, 1981.
April 1, 1981	Approved Final Site Plan (SP-3) for 12-story office building with approximately 309,574 square feet of gross floor area located at 601 12 th Street South.
November 14, 1981	Approved an Amendment to the PDSP and the Final Site Plan for temporary Metro-related parking lot to extend for two years to December 31, 1983. Approved Final Site Plan to enlarge temporary Metro-related parking lot in the 1000-1300 block of South Hayes Street.
May 20, 1982	Approved PDSP Amendment to transfer 200,000 and 290,000 square feet of gross office floor area from Parcels 2 and 3, respectively, to Parcel 1, and the transfer of 670 dwelling units from Parcel 1 to Parcel 3. (Conditioned on agreement being reached with MCI for use of the transferred space.) Reduced office and commercial parking requirement unless otherwise approved in final site plans.
September 11, 1982	Approved PDSP Amendment to permit temporary uses accessory to construction (eating facilities) on Pentagon City Tract.
January 8, 1983	Accepted withdrawal of Amendment to PDSP and Final Site Plan to enlarge temporary Metro-related parking lot.
April 9, 1983	Approved Amendment to Final Site Plan (SP-4) to extend the approval for two years to April 1, 1985 for residential condominium at 801 15 th Street South.
June 4, 1983	Deferred Amendment to Final Site Plans (SP-2 and SP-3) for signs at MCI office buildings.

June 18, 1983	Approved Amendment to Final Site Plans (SP-2 and SP-3) for signs at MCI office buildings.
August 13, 1983	Accepted withdrawal of Amendment to Final Site Plans (SP-2 and SP-3) for a freestanding sign/sculpture at MCI office buildings.
December 10, 1983	Approved Amendment to PDSP and Final Site Plan for a temporary Metro-related parking lot located in the 1000-1400 block of South Hayes Street to July 30, 1984.
July 11, 1984	<p>Approved a Phased Development Site Plan Amendment to redefine parcel boundaries, increase retail density, transfer 47,500 square feet of retail density from Parcel 3 to Parcel 1 and 2 and modify several conditions.</p> <p>Approved a Final Site Plan for a shopping mall (1,019,300 square feet), a hotel (450 units), an office building (172,000 square feet) and 4,173 parking spaces.</p> <p>Approved a Final Site Plan amendment to amend the boundaries of Parcel 2C.</p>
August 18, 1984	Approved a Phased Development Site Plan amendment to reduce the number of hotel units on Parcels 1B and 2B from 600 to 450 and on Parcel 1D from 1,100 units to 882 units.
September 8, 1984	Approved a PDSP Amendment to extend the approval of a temporary eating facility.
July 13, 1985	Approved Final Site Plan (SP-6) for two 12-story office buildings containing 514,892 square feet of gross floor area on Parcel 1C.
September 7, 1985	Approved Amendment to Final Site Plan to increase the site area of the shopping center by 18,853 square feet, to relocate and/or reconfigure the hotel, office tower, department stores, mall and parking structures with no change in gross floor area or height and to relocate the pedestrian access to Metro through the parking garage.
December 7, 1985	Approved Amendment to Final Site Plan to delete Condition #49, referring to the County Board's approval of a 25,000 square foot performing arts center.

October 1, 1988	Deferred a Site Plan Amendment request for a comprehensive sign plan to December 3, 1988 County Board meeting.
December 3, 1988	Deferred a Site Plan Amendment request for a comprehensive sign plan to January 7, 1989 County Board meeting.
February 11, 1989	Approved a Site Plan Amendment request for a comprehensive sign plan.
March 4, 1989	Approved Site Plan Amendment request for a daycare center at 600 Army-Navy Drive.
May 13, 1989	Approved Final Site Plan (SP-7) for a 300-unit, 16-story hotel with two levels of underground parking in Parcel 1D at 1001 South Fern Street (northwest corner of South Fern Street and Army Navy Drive).
October 7, 1989	Approved Site Plan Amendment (SP-5) to substitute planters and landscaping for louvers on parking garage at Pentagon City Mall.
September 8, 1990	Approved Site Plan Amendment (SP-4) to allow 320 square feet of temporary leasing banners at the Parc Vista apartments.
October 6, 1990	Approved Site Plan Amendment (SP-4) to convert 550 square feet of storage space in the Parc Vista apartments to medical office use.
August 10, 1991	Approved a Site Plan Amendment to permit the operation of a convenience store on the first floor.
November 16, 1991	Approved a Site Plan Amendment for a special exception permitting off-site stockpiling of material excavated from 4201 North Wilson Boulevard on premises known as 1001 South Fern Street.
May 16, 1992	Approved PDSP Amendment to permit the uses allowed on M-1 to continue until redevelopment occurs, for 10 years.
September 12, 1992	Approved PDSP Amendment to permit operation of temporary uses accessory to construction (i.e., eating facilities for construction workers, subject to original conditions and a review in three (3) years.

December 15, 1992	Approved the abandonment, conveyance, and relocation of South Joyce Street at 15 th Street South subject to conditions and authorize the Chairman to execute the deed conveying the abandoned right of way.
March 10, 1993	Approved Use Permit (U-2764-93-1) for a comprehensive sign plan for 17 signs at River House I, II, and III.
June 5, 1993	Approved PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and a one (1) year review.
January 8, 1994	Approved Site Plan Amendment (SP-7) to amend Condition #43 to allow a brick and EIFS treatment to hotel façade in Parcel 1D.
April 9, 1994	Approved PDSP Amendment to permit the uses allowed on M-1 to continue until redevelopment occurs, subject to no new floor space being created outside the existing building envelop for a period ending on July 31, 2004.
June 10, 1995	Continued PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and a one (1) year review.
September 9, 1995	Approved PDSP Amendment to permit operation of temporary uses accessory to construction (i.e., eating facilities for construction workers, subject to original conditions and administrative review in five years (September 2000).
June 4, 1996	Continued PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and no further review.
February 8, 1997	Approved Site Plan Amendment (SP-2 and SP-3) to permit extension of the building entrance lobbies by 900 square feet each.
September 6, 1997	Took no action on General Land Use Plan Amendment to

change the striping pattern in the Pentagon City PDSP.

- October 4, 1997 Deferred a PDSP Amendment (SP #105) to amend Condition #2 of the PDSP and Final Site Plan (SP-8) for mixed use residential and retail development and associated parking to recessed meeting of December 18, 1977.
- December 18, 1997 Approved PDSP Amendment (SP #105) to amend Condition #2 thereby adding 300,000 square feet of retail gross floor area to Parcel 1A/2A, reducing the number of residential units in Parcel 1A/2A from 2, 176 to 830 units, and reallocating 249 residential units from Parcel 1A/2A to Parcel 3. Deferred Final Site Plan (SP-8).
- February 7, 1998 Approved Final Site Plan (SP-8) for a mixed use development that includes up to 300,000 square feet of retail, 830 residential units, and associated parking.
- May 20, 2000 Accepted withdrawal of Site Plan Amendment (SP #105) to permit an urgent care center, hospital storage facility and print shop, including signage, at 1311 South Fern Street.
- October 19, 2002 Deferred PDSP Amendment to permit the continuation of “M-1” uses to November 16, 2002.
- November 16, 2002 Deferred PDSP Amendment to permit the continuation of “M-1” uses to December 7, 2002.
- December 7, 2002 Approved PDSP Amendment to permit the continuation of “M-1” uses to expiration dates from December 31, 2005 through December 31, 2015.
- February 10, 2004 Approved a Final Site Plan (SP-9) for 399 dwelling units and 11,300 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 1).
- March 14, 2006 Approved Final Site Plan (SP-9) for 300 dwelling units and 8,119 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 2).
- February 21, 2009 Approved Final Site Plan (SP-9) for 411 dwelling units and 16,350 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 3). Approved PDSP Amendment (SP #105) to permit up to 100,000 square feet of ground floor retail density on Parcel 3, known as Metropolitan Park residential development.

July 11, 2009

Approved Pentagon City PDSP Amendment to permit 930 residential units allocated for Parcel 1D to be used either on that parcel or on Parcel 3, and to permit 300 hotel units allocated for Parcel 3 to be used either on that parcel or on Parcel 1D.