



## ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item  
Meeting of September 26, 2009

### SUPPLEMENTAL REPORT – REVISED RECOMMENDATION

**DATE:** September 23, 2009

**SUBJECT:** SP #402 SITE PLAN AMENDMENT to modify conditions pertaining to vacation and encroachments, Columbia Pike Site Frontage, sidewalk and design improvements, sanitary sewer main improvements and water main improvements of the Penrose Square project, located at 2501 9<sup>th</sup> Rd. S. (RPC #25-016-012, -013, -014)

#### **C.M. RECOMMENDATION:**

Approve the site plan amendment request ~~with the exception of the request to modify Condition #14 (Vacations and Encroachments)~~, subject to all previously approved conditions and revised Condition #14 (Vacations and Easements), Condition #19a (Columbia Pike Frontage), Condition #21 (Sidewalk Design and Improvements – Columbia Pike), Condition #26 (Water Main Improvements) and Condition #27 (Sanitary Sewer Main Improvements).

**DISCUSSION:** This supplemental report provides modifications to #14 Vacations and Easements. The applicant and county staff have developed condition language that allows construction to proceed and protects the County's interests. Staff recommends approval of the modified Condition #14 below, and adding it to the modified conditions previously shown in the County Manager's Report dated September 18, 2009.

#### **14. Vacations and Easements**

The developer agrees to submit a Vacation and Encroachment application(s) or waiver form(s) prior to the issuance by the County of any permits for the site plan. ~~Vacations and encroachments, should be recorded before the Final Building Permit is issued.~~ The developer further agrees to record, among the land records of the Clerk of the Circuit Court of Arlington County, all deeds of vacation for a sanitary sewer easement, a 10' wide storm sewer easement, a storm and sanitary sewer easement (collectively "Existing Storm Sewer Easement), and a portion of a sanitary sewer easement, and all encroachment ordinances before the Final Building Permit is issued. The period for recordation of the deed of vacation of the Existing Storm Sewer Easement may be extended by the Zoning Administrator to prior to the issuance of the First Certificate of Occupancy, upon a showing by the developer to the Zoning Administrator's satisfaction,

County Manager: \_\_\_\_\_

Staff: Neil Thompson, Planning Division, DCPHD  
Dolores Kinney, DES

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that the developer has diligently pursued, and has been unable to timely obtain, the issuance of any required permit or approval from the Virginia Department of Transportation (“VDOT”) necessary for the developer to complete the construction, relocation, and connection of that portion of the Existing Storm Sewer Easement to be located in the Columbia Pike right-of-way, but in no event later than September 26, 2011.