



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of December 12, 2009**

DATE: November 24, 2009

SUBJECT: U-1671-65-3 USE PERMIT AMENDMENT for modification of Condition #68 of approval regarding improvements under Old Dominion Drive Bridge; located at 4763 Old Dominion Drive, 2807 N. Glebe Rd., and 4655 26th St. N. (RPC# 03-065-001).

Applicant:
Marymount University

By:
Walsh, Colucci, Lubeley, Emrich, and Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Defer the use permit amendment to the January 23, 2010 County Board meeting.

ISSUES: This is a request for an amendment to the use permit for the Marymount-26th Street Project to modify a condition pertaining to improvements to a mural underneath the Old Dominion Drive/Yorktown Boulevard Bridge. The applicant has agreed to a deferral to allow additional time to work on condition language.

DISCUSSION: In October, 2009, the applicant, Marymount University, submitted a use permit amendment to modify Condition #68 of approval for their 26th Street Project (U-1671-65-3) regarding improvements to a mural underneath the Old Dominion Drive/Yorktown Boulevard Bridge. The condition required Marymount to dedicate \$45,000 towards resurfacing the concrete face underneath the bridge, and then to commission a new mural to be painted in that location. The Virginia Department of Transportation (VDOT), the owner of the bridge, has indicated that they will not issue a permit for the subject improvements. As a result, the applicant and staff held two (2) meetings with representatives of the surrounding communities to decide on an appropriate community benefit in lieu of the improvements to the bridge. The use permit amendment was deferred from the October, 2009 County Board meeting to allow the community process time to formulate a solution.

County Manager: BMD/GA

Staff: Matthew Pfeiffer, DCPHD, Planning Division
Robert Gibson, DES, Transportation Planning

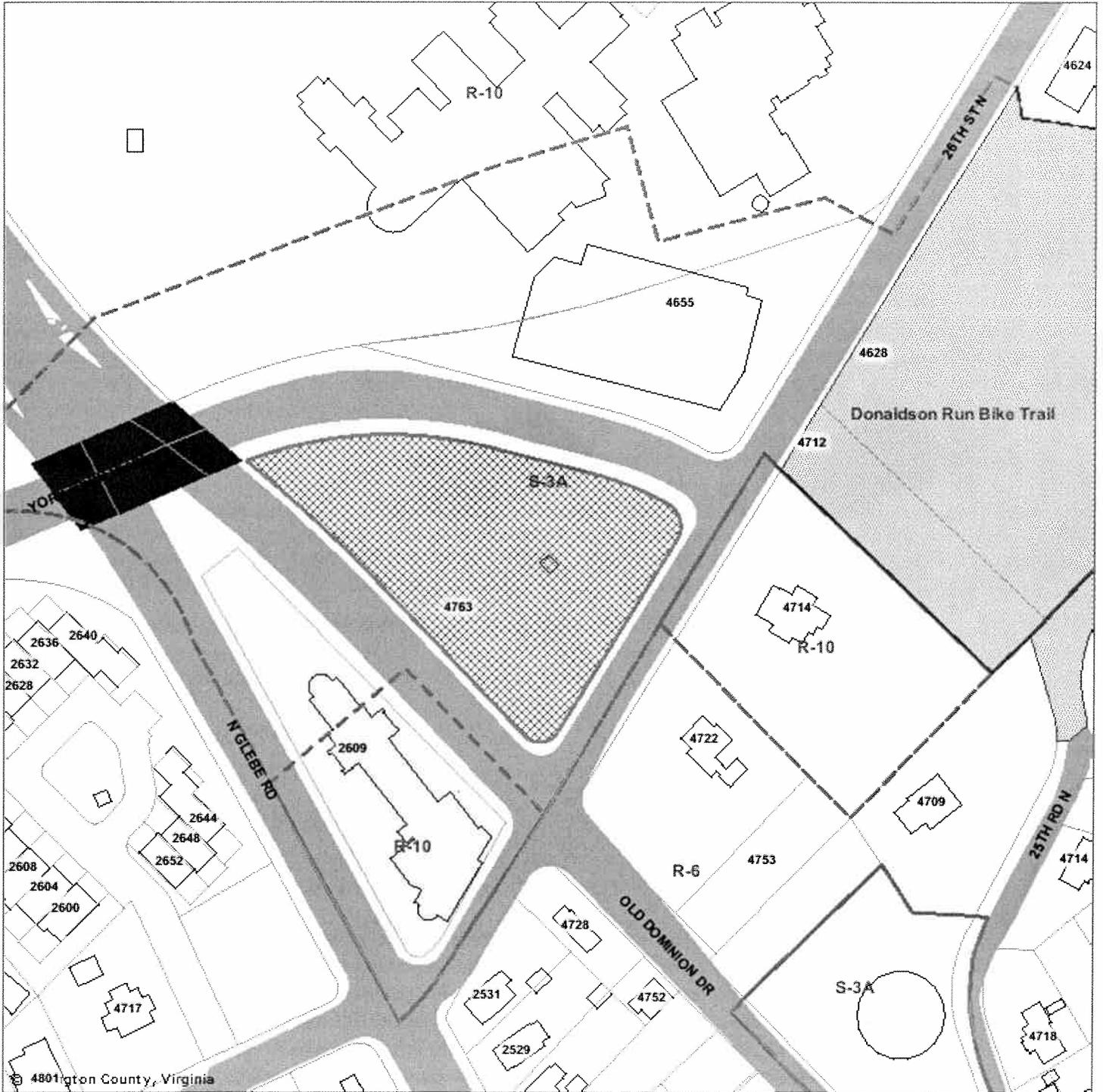
7.

PLA-5410

On November 19, 2009, the applicant submitted new language to staff proposing improvements to a County-owned parcel adjacent to the Marymount University campus (4722 26th Street North). This language is consistent with community consensus regarding the modification of Condition #68. See proposed language below:

68. Prior to this issuance of the Master Certificate of Occupancy (the timing of which is set forth by Condition #51), the developer agrees to resurface the face of the supporting structure under the bridge adjacent to the proposed project in order to prepare the surface for the installation of a mural to be designed and implemented by the developer. ~~The developer agrees to consult with the Marymount University Neighborhood Relations Committee on and obtain approval from the County Manager of the mural.~~ to contribute \$45,000 toward the cost of a gateway treatment near the intersection of 26th St. North and Old Dominion Drive, subject to approval of the County Manager and in consultation with the Marymount University Neighborhood Relations Committee. The costs of these improvements contribution shall not exceed \$45,000. In the event the County Manager, in his discretion, determines that the county would prefer a \$45,000 contribution for an alternative use, the Applicant will make said contribution prior to the issuance of the Master Certificate of Occupancy.

The applicant has agreed to a deferral of the use permit amendment to allow staff adequate time to review the proposal and work with the applicant regarding the language for proposed improvements to County-owned property. Staff recommends a deferral of the use permit amendment to modify Condition #68 to the January 23, 2010 County Board meeting.



U-1671-65-3
26th Street, Yorktown Boulevard, and Old Dominion Drive
RPC #03-065-001

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.



Not To Scale

