



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 23, 2010**

DATE: January 14, 2010

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:

Approve the use permit amendment subject to the conditions of the staff report.

ISSUES: This is a request for an amendment to the use permit for the Marymount-26th Street Project to modify a Condition #68 pertaining to the installation of a mural underneath the Old Dominion Drive/Yorktown Boulevard Bridge, and no issues have been identified.

SUMMARY: This is a request for a use permit amendment to modify Condition #68 of approval for the Marymount-26th Street project. The condition as currently approved requires Marymount to resurface the Yorktown Boulevard abutments of the Old Dominion Drive Bridge in order to install a mural. The bridge is owned by the Virginia Department of Transportation (VDOT) and any work on the abutments would require a permit issued by VDOT. Because VDOT has indicated they would not issue a permit for the installation of a mural on the bridge abutments, Marymount convened a series of meetings with County staff and representatives of the four (4) surrounding civic associations to come to an agreement on a community benefit to replace the original improvements required by Condition #68. The applicant, in concert with the surrounding community, is requesting a modification of the condition to allow them to contribute toward the installation, by the County, of temporary landscape enhancements to be installed along the perimeter of the County-owned property at the intersection of Old Dominion Drive and 26th Street North. The modification is an appropriate replacement for the improvements

County Manager: BMD/GA

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

6.

PLA-5432

approved with Condition #68. Therefore, staff recommends that the use permit amendment for modification of Condition #68 be approved subject to the conditions of the staff report.

BACKGROUND: Marymount University is proposing a modification of Condition #68 for approval. The following provides additional information about the site and location:

Site: The 63,315 square foot site is located on a triangular piece of property bounded by Old Dominion Drive, Yorktown Boulevard, and 26th Street North.

Zoning: The site is zoned “S-3A” Special Districts.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Public” (parks (*local, regional, and federal*) schools (*public*) parkways, major unpaved rights-of-way, libraries, and cultural facilities).

Neighborhood: The site is not located within a specific civic association. Four (4) civic associations surround the property: Old Dominion, Donaldson Run, Yorktown, and Rock Spring. Representatives from these civic associations have been involved in a series of meetings to decide on an appropriate community benefit in lieu of the bridge improvements as required by Condition #68. The Donaldson Run Civic Association has written a letter of support to staff (see attached).

A use permit to allow a new educational complex on the subject site was approved by the County Board on July 7, 2007. The project was approved with a condition (#68) that required the developer to make certain improvements to the Yorktown Boulevard/Old Dominion Drive Bridge adjacent to the project site. Improvements consisted of resurfacing the concrete supporting structure under the bridge to prepare for a mural to be commissioned and installed by the developer. Improvements were not to exceed the cost of \$45,000. These improvements were intended as a community benefit to beautify the pedestrian environment under the bridge. When the developer approached the Virginia Department of Transportation (VDOT), the owner of the bridge, they were told that a permit would not be issued for the improvements required by Condition #68. Staff pursued the issue with VDOT but was told that VDOT does not issue permits for art.

When Marymount determined they would not be able to comply with the original condition, they updated the County on the situation regarding VDOT not issuing a permit for the required work and the installation of the mural. Staff followed up with VDOT verifying that they would not issue the required permits, thus making it not possible for Marymount to fulfill the requirements of Condition #68. Staff recommended that Marymount initiate a community process to identify other possible projects that could be done that would meet similar needs to the required mural. Marymount agreed and worked with their Neighborhood Relations Committee to identify the broad goals that the mural project represented. The group resolved that the following criteria should be used to determine the appropriateness of an alternative project:

The project should beautify the site, improving the pedestrian environment and visual feel of the area. The project should also, to the extent possible, be located adjacent to the new Marymount project, or with in close proximity.

Based on this set of criteria the Neighborhood Relations Committee and staff worked to identify projects that could meet the goal. The committee indicated the issue that they would most like to see resolved was the condition of the landscaping on the perimeter of the recently acquired County properties at the corner of 26th Street North and Old Dominion Drive. The community identified that there are too many invasive plants and dead trees on the site making it look unmaintained and unappealing. It was also brought up that this corner represented an entry point to many of the surrounding neighborhoods and that the corner would look even worse when compared to the improvements proposed at Marymount's site and the improvements the County is constructing along Old Dominion Drive. Marymount and the Neighborhood Relations Committee requested that staff research and analyze the feasibility of the County executing a new project to improve the landscaping at this corner to be funded by a \$45,000 contribution from Marymount.

Using a one-month deferral approved by the County Board in December, Staff assembled a multi disciplinary team to analyze the request. Staff concluded that installing new temporary, cost conscious, low maintenance, landscaping enhancements around the perimeter of these properties could support both community and County interests. The temporary landscaping enhancements could improve the pedestrian environment along the frontages of 4753 Old Dominion Drive, 4722 26th Street North and 4714 26th Street North, while also unifying the landscaping proposed around Marymount and the new streetscape being installed along Old Dominion Drive. The project could also help with the County's on going maintenance of the site by allowing for the removal of invasive plants and dead trees, thereby creating enough clear space on-site to easily maintain new plantings around the perimeter.

At the January 11, 2010 Marymount Neighborhood Relations Committee meeting, staff met with Marymount and the community to discuss the project that could be achieved at the site using Marymount funds in lieu of installing the mural. At the meeting the community expressed their support for the project. The project would result in the installation of visually appealing, low maintenance landscaping enhancements, along the perimeter of the County owned properties at 4753 Old Dominion Drive, 4722 26th Street North and 4714 26th Street North, improving the streetscape along both 26th Street and Old Dominion Drive.

DISCUSSION: County Board approval of the revised condition would allow Marymount to contribute \$45,000 to the County, for staff to begin a project to complete the proposed site work and landscaping installation along the perimeter of the County owned properties at 26th Street North and Old Dominion Drive. Existing County contracts and resources would be utilized to source the required site work, including the clearing of invasive plants and dead trees on the perimeter of the sites. The County's Urban Forester would identify any trees that should remain after the completion of the site preparation. Then based on the guidance from PRCR maintenance and landscaping staff, the final planting plan for the temporary landscaping enhancements would be field-designed with plant selections being determined based on cost,

availability, and maintenance requirements. This would provide optimum flexibility, thereby allowing the project to be completed relatively quickly while controlling the project budget.

The \$45,000 Marymount contribution would be pooled with approximately \$15,000 in funds remaining from the removal of the single-family homes on the two County owned properties (4722 26th Street North and 4714 26th Street North). The funds remaining from the removal of the houses on the sites would be used to contract for the removal of invasive plants and dead trees at the street edge of the sites as well as other site work to prepare for the installation of the landscaping enhancements. Marymount's contribution could then be used to cover any additional site work; the purchasing and installation of planting materials and any remains funds would be reserved to offset future County maintenance costs associated with the project.

CONCLUSION: Following Marymount's discovery that VDOT would not issue the necessary permits to fulfill the requirements Condition #68, they worked with the community and staff to identify a possible alternative project. The community and Marymount felt that having Marymount contribute \$45,000 towards a new County project that would beautify the County owned properties northeast corner of 26th Street North and Old Dominion Drive, improving the pedestrian environment and visual feel of the area, would be a comparable community benefit to installing a mural underneath the Old Dominion Drive/Yorktown Boulevard Bridge. By pooling funds remaining in the budget for the removal of the homes on County owned properties, along with Marymount's contribution, staff determined it would be possible to execute a project to install new temporary, cost conscious, low maintenance, landscaping enhancements at the back of the sidewalk around the perimeter of 4753 Old Dominion Drive, 4722 26th Street North and 4714 26th Street North, thereby supporting both community goals and County interests. Therefore, staff recommends approval of the use permit amendment subject to the following modified condition.

Modified Condition:

Improvements under Old Dominion Drive Bridge

68. ~~Prior to the 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 the developer. The developer agrees to consult with the Marymount University Neighborhood Committee on and obtain approval from the County Manager of the mural. The cost of these improvements shall not exceed \$45,000. Within 45 days of Arlington County Board approval of this revised condition the developer agrees to contribute to Arlington County \$45,000 toward the cost of design, installation and maintenance of a new landscape treatment to be located on the perimeter of the County owned properties along Old Dominion Drive and 26th Street North.~~

PREVIOUS COUNTY BOARD ACTIONS:

care and learning center for 60 children, three to five years old, 7:00 a.m. to 6:00 p.m., Monday through Friday.

April 3, 1982

Approved a use permit for an off- site parking area incidental to a use permitted in an "R" District for the parcel of real property known as 4761 Old Dominion Drive (U-2332-82-2), subject to conditions, and with review in one (1) year:

April 8, 1983

Renewed a use permit for an off- site parking area incidental to a use permitted in an "R" District for the parcel of real property known as 4761 Old Dominion Drive (U-2332-82-2), subject to all previous conditions and with no further review.

August 16, 1986

Approved a use permit amendment (U-1974-74-4) to expand the enrollment in a day care center from 60 to 120 children, ages two to six years, from 7:00 a.m. to 6:00 p.m. on weekdays, subject to a condition and review in three years.

July 9, 1988

Approved a use permit amendment (U-1671-65-2) to address the change in program from a junior college with an enrollment of 1,000 students to a university with an enrollment which may exceed 1,000 students and to permit the construction of a three story addition containing 32,804 square feet of gross floor area to provide additional library space and related services, subject to conditions and review in 18 months.

January 9, 1990

Requested Marymount University to work with the County staff to address parking issues and to designate a liaison to speak with affected civic associations.

Renewed a use permit (U-1671-65-2) for a program change from a junior college with an enrollment of 1,000 students to a university with an enrollment which may exceed 1,000 students, and for construction of a three story addition for additional library space and related services, subject to all previous conditions and review in six months.

July 30, 1991

Renewed a use permit (U-1671-65-2) for a university with an enrollment which may exceed 1,000 students, and associated library and related services, subject to all previous conditions, one new condition, and review in one year.

Established a Mission Statement for the Working Group as agreed to by representatives of Marymount University.

August 10, 1991

Approved and ratified the Purchase Agreement attached to the County Manager's August 8, 1991 replacement report between the County and Marymount University for the sale to the University of a parcel of land bounded by Old Dominion Drive, Yorktown Boulevard, and North 26th Street for \$1,087,500, and authorized the Chairman to execute the deed conveying the property, with the contract and deed subject to changes which either clarify or improve the County's position and do not adversely affect the County's interest, as determined by the County Manager and approved by the County Attorney.

September 18, 1991

Renewed a use permit (U-2332-82-2) for an off-site parking area incidental to a use permitted in zoning district "R-6," One-Family Dwelling District, for the parcel known as 4761 Old Dominion Drive, subject to all previous conditions and one new condition.

May 16, 1992

Carried over to the May 26, 1992 recessed session, a rezoning (Z-2404-92-1); use permit amendment and review (U-1671-65-2); and abandonment and conveyance to Marymount University of a portion of right-of-way for Yorktown Boulevard at North 26th Street.

May 26, 1992

Approved a rezoning (Z-2404-92-1) of approximately 42,357 square feet of land at the intersection of Yorktown Boulevard and North 26th Street from "S-3A," Special District, "R-10," One-Family Dwelling District; and
Approved a use permit amendment (U-1671-65-2) to incorporate into the university site approximately 42,357 square feet of land on which a parking

facility containing 289 spaces will be constructed for the parcels of real property known as 2807 North Glebe Road and the property at the intersection of Yorktown Boulevard and North 26th Street, approval is granted and the parcels so described shall be used according to the use permit approval requested by the application, subject to all previous conditions, new conditions, and review of the operation of the garage in one year following the issuance of a certificate of occupancy; and

Abandoned and conveyed to Marymount University the portion of the right-of-way for Yorktown Boulevard at North 26th Street, as shown on a plat attached to the County Manager's May 5, 1992 report, subject to conditions.

July 16, 1998

Approved a use permit amendment (U-1671-65-2) for construction of an addition to provide gymnasium, locker rooms, and ancillary space to Butler Hall at Marymount University (approximately 27,000 square feet of gross floor area) for the parcel of real property known as 2807 North Glebe Road, subject to all previous conditions; amended conditions, and new conditions; and review in one year following issuance of a Certificate of Occupancy.

December 12, 2006

Deferred consideration of a use permit amendment (U-1671-65-2) for the construction of additional classrooms, faculty offices, academic space, laboratories, dorm rooms, accessory uses, parking; 2807 N. Glebe Rd., 4655 N. 26th St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26th St. (Marymount University) (RPC #03-065-001, 03-047-001, -217) to the March 17, 2007 meeting.

March 17, 2007

Deferred consideration of a use permit amendment (U-1671-65-2) for the construction of additional classrooms, faculty offices, academic space, laboratories, dorm rooms, accessory uses, parking; 2807 N. Glebe Rd., 4655 N. 26th St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26th St. (Marymount University) (RPC

#03-065-001, 03-047-001, -217) to the June 9, 2007 meeting.

June 9, 2007

Deferred consideration of a use permit amendment (U-1671-65-2) for the construction of additional classrooms, faculty offices, academic space, laboratories, dorm rooms, accessory uses, parking; 2807 N. Glebe Rd., 4655 N. 26th St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26th St. (Marymount University) (RPC #03-065-001, 03-047-001, -217) to the July 7, 2007 meeting.

July 7, 2007

Approved use permit amendment (U-1671-65-2) for the construction of additional classrooms, faculty offices, academic space, laboratories, dorm rooms, accessory uses, parking; 2807 N. Glebe Rd., 4655 N. 26th St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26th St. (Marymount University) (RPC #03-065-001, 03-047-001, -217).

The Honorable Jay Fiset
Arlington County Board
2100 Clarendon Blvd., Suite 300
Arlington, VA 22201

Re: Use permit condition for Marymount Project on 26th Street
(U-1671-65-3 scheduled for January 23, 2010 Board meeting)

Dear Mr. Fiset,

I am writing to express Donaldson Run Civic Association's support of Marymount University's use permit amendment request relating to condition #68. This condition requires Marymount to install a mural, costing no more than \$45,000, on the underpass at Yorktown Blvd. As you know, the underpass is owned by VDOT, and due to the condition of the structure, painting a mural there is not advisable. Marymount has worked with the 4 neighboring civic associations to develop an alternative plan to enhance the area near the 26th Street project. After discussing several options, the associations agreed that using the \$45,000 to improve the northeast corner of the 26th Street-Old Dominion intersection with a landscaped area would be a great addition to the area and would benefit the neighborhood/university community. Donaldson Run Civic Association is happy to support Marymount in its request to modify the existing permit condition to allow for some modest clean up and landscaping of this area. DRCA urges you and other members of the County Board to support this proposal that has received unanimous support from the surrounding neighborhoods and from Marymount University.

Sincerely,

Ned Rhodes
President, DRCA