



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of April 24, 2010

**DATE:** April 7, 2010

**SUBJECT:** U-1671-65-3 USE PERMIT AMENDMENT for modification of Condition #8.e of approval to allow off-hour construction activity; located at 4763 Old Dominion Drive, 2807 North Glebe Road, and 4655 26<sup>th</sup> Street North (RPC# 03-065-001).

**Applicant:**

Marymount University  
2807 North Glebe Road  
Arlington, Virginia 22207

**By:**

Bhavna Mistry Lee, Owner's Representative  
6622 7<sup>th</sup> Place, NW  
Washington, DC 20012

**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-26<sup>th</sup> Street Project to modify Condition #8.e pertaining to the hours of construction activity, and no issues have been identified.

**SUMMARY:** This is a request for a use permit amendment to modify Condition #8.e of approval for the Marymount-26<sup>th</sup> Street project. The applicant is requesting permission to allow construction during the nighttime hours for approximately a one (1)-week period in which a pedestrian bridge will be installed over Yorktown Boulevard. Staff is in support of this request as the potential for traffic disruption is minimized during the nighttime hours. In addition, construction noise at night will not be an issue due to the absence of residences immediately adjacent to the site. The applicant has also indicated that the proposed activity would result in normal construction noise; no noise intensive activity such as pile driving would occur at night. The applicant has worked with representatives of the Yorktown, Donaldson Run, Old Dominion, and Rock Springs Civic Associations through the regularly scheduled monthly Neighborhood Relations Meetings on the proposal, with all having agreed to support the condition modification (see civic association letters attached). Therefore, staff recommends that the use permit

County Manager: BMD/GA

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

6.

PLA-5540

amendment for modification of Condition #8.e be approved subject to the conditions of the staff report.

**BACKGROUND:** Marymount University is proposing a modification of Condition #8.e of the use permit for their 26<sup>th</sup> Street Project. 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 26<sup>th</sup> 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 informed of the applicant’s proposal through the monthly Neighborhood Relations Committee meetings held by the University, and all have endorsed the proposed use permit amendment (see letters attached).

**DISCUSSION:** As part of the approved plan for the site, Marymount will be installing a new pedestrian bridge over Yorktown Boulevard. The pedestrian bridge will provide a link between the main Marymount campus and new facilities at the 26<sup>th</sup> Street site. In order to erect the new pedestrian bridge, a section of Yorktown Boulevard (26<sup>th</sup> Street North to North Buchanan Street) must be closed during construction to ensure the safety of the public and workers on site. Marymount has estimated that it would need approximately one (1) week to construct the bridge. The applicant would only require the street to be closed during the hours of construction (eight (8) hours per day) leaving the road open to the public when construction activities on the bridge are not in progress. Marymount originally proposed two alternatives for the construction of the bridge to the Neighborhood Relations Committee for input and consideration.

1. Day time closure during normal construction hours (9 AM to 4 PM)
2. Night time closure with construction in the middle of the night (10 PM to 5 AM)

In order to quantify the traffic impact a closure of Yorktown Boulevard may cause, Staff was asked to provide a summary of the traffic by hour of day along the impacted section of Yorktown Boulevard. The table below summarizes a 2007 Department of Environmental Services (DES) traffic count taken near the site. The count shows that between 9 am and 4 pm, approximately 1,950 vehicles use Yorktown Boulevard. Between 10 pm and 5 am, only approximately 150 vehicles use the street.

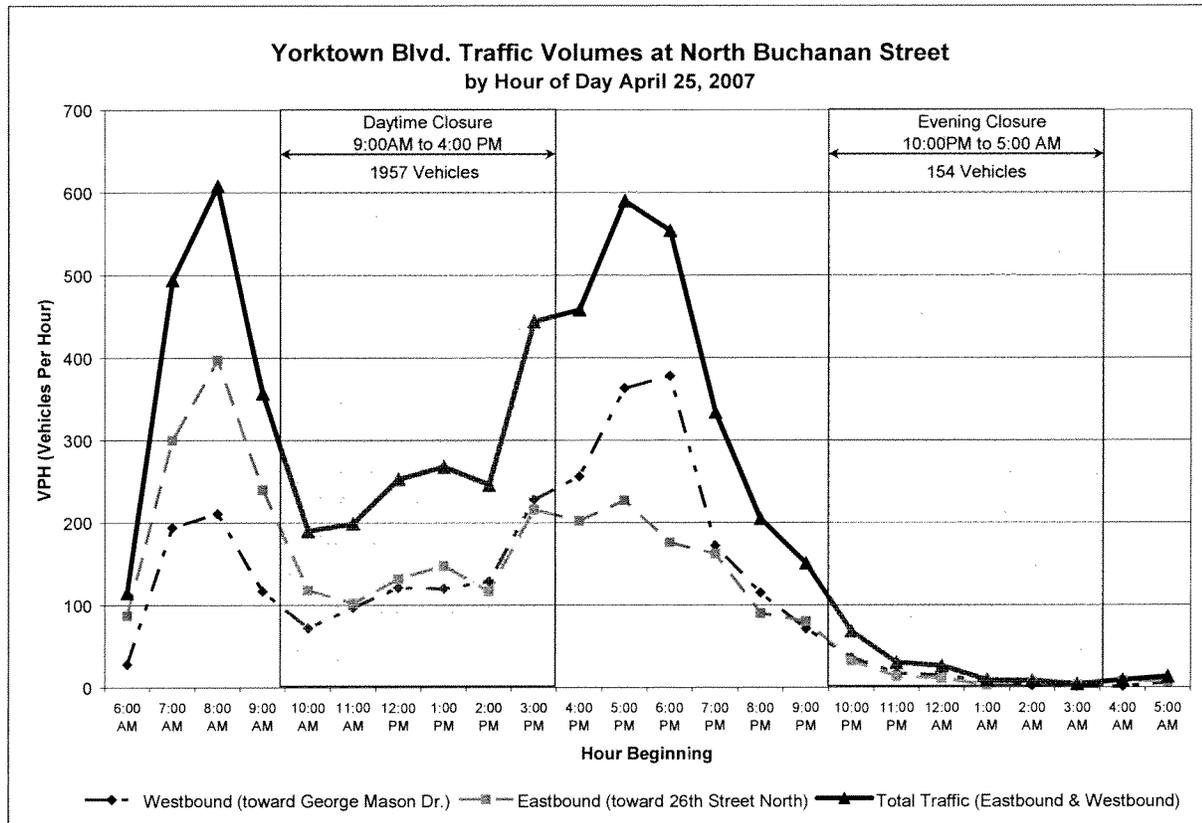


Figure 1. 2007 Yorktown Blvd. Traffic Count

The traffic count data shows that significantly fewer vehicles would be impacted by the closure of Yorktown Blvd during the evening. As a result, and after input from the community via the Neighborhood Relations Committee, Marymount is requesting an amendment to Condition #8.e of their use permit, which deals with permissible hours of construction, to allow construction activity during nighttime hours. Nighttime construction hours would be limited to the installation of the pedestrian bridge.

In addition to County Board approval of changes to Condition #8.e to allow evening construction activities, Marymount will be required to obtain a right-of-way permit from DES. In order to obtain a right-of-way permit to close Yorktown Boulevard, the applicant would need to develop and implement a Maintenance of Traffic (MOT) plan approved by DES. The plan would need to include information on road closure signage, advance warning signage, and a detour plan along with any police or traffic management personnel required to be on site during the hours of the closure. Marymount has submitted a MOT for review by staff. In addition, Marymount would need an exemption from the County Noise Control Ordinance to allow construction activity at night for one (1) week. The applicant is currently working with Code Enforcement Office staff on obtaining the required exemption.

**CONCLUSION:** Marymount University is requesting an amendment to Condition #8.e of the use permit for their 26<sup>th</sup> Street project to allow construction at night for one (1) week during which a pedestrian bridge will be installed across Yorktown Boulevard linking the new classroom and dormitory facility to the main campus. Construction of the pedestrian bridge will

require a closure of Yorktown Boulevard for the stretch over which the bridge will be installed. Staff supports the applicant's request as a closure of this stretch of Yorktown Boulevard during nighttime hours would have less of an impact to the surrounding street network than a closure during the day. Construction noise at night will not be an issue as activity would be limited to installation of the pedestrian bridge and no noise intensive activity will occur. In addition, there are no residences located immediately adjacent to the area of the site that will be impacted by construction noise. The applicant is working with relevant County staff in order to obtain administrative permits for the subject construction. The Donaldson Run, Old Dominion, Yorktown, and Rock Spring Civic Associations have been notified and support Marymount's proposal. Therefore, staff recommends that the use permit amendment to modify Condition #8.e be approved subject to the following modified condition:

Modified Condition:

- 8.e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Construction activity related to the installation of the pedestrian bridge over Yorktown Boulevard may be allowed between the hours of 10 pm and 5 am for the duration of said construction. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.



- June 3, 1978 Renewed Gerard Majella Child Care Center (U-1974-74-4) to operate a permanent year-round day 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. 26<sup>th</sup> St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26<sup>th</sup> 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. 26<sup>th</sup> St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26<sup>th</sup> 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. 26<sup>th</sup> St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26<sup>th</sup> 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. 26<sup>th</sup> St. and subject property bounded by Old Dominion Dr., Yorktown Blvd. and N. 26<sup>th</sup> St. (Marymount University) (RPC #03-065-001, 03-047-001, -217).

January 23, 2010

Approved use permit amendment for modification of Condition #68 pertaining to improvements under the Yorktown Boulevard/Old Dominion Drive Bridge.

# DONALDSON RUN CIVIC ASSOC.

**Bhavna Mistry Lee**

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**From:** Anne Wilson [anne@skarlatos.net]  
**Sent:** Friday, February 19, 2010 8:24 AM  
**To:** bhavna@fullcircle-development.com  
**Cc:** Ned W. Rhodes  
**Subject:** RE: Marymount - pedestrian bridge work at night. Support of Donaldson Run Civic Association

Bhavna,

Yes, DRCA does support having the bridge work done at night.

Anne

-----Original Message-----

**From:** Bhavna Mistry Lee [mailto:bhavna@fullcircle-development.com]  
**Sent:** Thursday, February 18, 2010 3:52 PM  
**To:** Anne Wilson; ned@dcra.org  
**Subject:** Marymount - pedestrian bridge work at night. Support of Donaldson Run Civic Association

Ned and Anne,

We are submitting an application for the use permit and would like to confirm your association's support of the pedestrian bridge work at night. Please reply to this email with a confirmation of your support. Thank you.

Best,  
Bhavna

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Bhavna Mistry Lee  
Full Circle Development  
410-294-6855

**Bhavna Mistry Lee**

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**From:** Ralph Kidder [Ralph.Kidder@marymount.edu]  
**Sent:** Monday, January 25, 2010 2:38 PM  
**To:** jstranix@washsports.com; bhavna@fullcircle-development.com; 'Kaniecki, Erik'; 'Robert Gibson'  
**Subject:** FW: Traffic analysis for Yorktown

FYI

Ralph D. Kidder, Ed. D.  
Vice President for Financial Affairs  
and Treasurer  
Marymount University  
2807 North Glebe Road  
Arlington, Virginia 22207  
T: 703-284-1480  
F: 703-284-1650  
[ralph.kidder@marymount.edu](mailto:ralph.kidder@marymount.edu)

**From:** chrisqrd@aol.com [mailto:chrisqrd@aol.com]  
**Sent:** Monday, January 25, 2010 2:13 PM  
**To:** mary.eldridge@marymount.edu; Ralph.Kidder@marymount.edu; mconyngham@teamster.org  
**Subject:** Re: Traffic analysis for Yorktown

Ralph --

I have heard nothing back from my Association, so I assume they are A-OK with it! I think the night-time work is the best approach, so you have a yes vote from Old Dominion Citizen's Association.

Thanks,  
Christine Smith

-----Original Message-----

From: mary.eldridge@marymount.edu  
To: Alice Harrington <aharrington4832@verizon.net>; Anne Wilson <anne@skarlatos.net>; Bhavna Mistry <bhavna@fullcircle-development.com>; Chris Domes <chris.domes@marymount.edu>; Christine Smith <chrisqrd@aol.com>; David Haring <dharig@yorktowncivic.com>; David Parker <dparker@lilesarker.com>; David Wahl <david.wahl@dhs.gov>; Erik Kaniecki <ekaniecki@davisconstruction.com>; Frank Rizzo <frank.rizzo@marymount.edu>; George Robinson <grobinson@davisconstruction.com>; Jane Shafran <Jane.Shafran@stmarysarlington.org>; Jim Davis <jdavis@davisconstruction.com>; John Stranix <jstranix@washsports.com>; Larry Brem <lbrem@bremonline.com>; Matt Pfeiffer <mpfeiffer@arlingtonva.us>; Maxine Nagel <jkolick@aol.com>; Mike Conyngham <mecibt@aol.com>; Ned Rhodes <ned@drca.org>; Pam Gillen <gillenarch@comcast.net>; Peter Fallon <pfallon591@aol.com>; Ralph Kidder <Ralph.Kidder@marymount.edu>; Robert Gibson <rgibson@arlingtonva.us>; Roy Rafter <r-rafter@davisconstruction.com>; Steve Anders <steveanders@gmail.com>  
Sent: Fri, Jan 22, 2010 9:54 am  
Subject: Fwd: Traffic analysis for Yorktown

Attached Message

From: Ralph Kidder <Ralph.Kidder@marymount.edu>  
To: mary.eldridge@marymount.edu  
Subject: Traffic analysis for Yorktown

## YORKTOWN CIVIC ASSOCIATION

The executives of the civic association have approved the work but the entire neighborhood will be meeting on the issue on Monday, February 27. We will provide the County with a letter/email of support from Yorktown next week.

Thank You!

# ROCK SPRING CA

**Matthew Pfeiffer**

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**From:** Wahl, David [david.wahl@dhs.gov]  
**Sent:** Friday, January 22, 2010 10:45 AM  
**To:** mary.eldridge@marymount.edu; Alice Harrington; Anne Wilson; Bhavna Mistry; Chris Domes; Christine Smith; David Haring; David Parker; David Wahl; Erik Kaniecki; Frank Rizzo; George Robinson; Jane Shafran; Jim Davis; John Stranix; Larry Brem; Matthew Pfeiffer; Maxine Nagel; Mike Conyngham; Ned Rhodes; Pam Gillen; Peter Fallon; Ralph Kidder; Robert Gibson; Roy Rafter; Steve Anders  
**Cc:** Carl Cunningham (RSCA)\_Verizon.net  
**Subject:** Traffic analysis for Yorktown YES 10 PM to5 AM - Great

Hi Ralph and Neighborhood Relations Committee for MU. You have our support from Rock Spring Civic Association.

It makes perfect sense to go ahead with 10 PM -5 AM for closure. The graphic representation is clear.

David J. Wahl, FAIC  
Analysis, Reports & Technology Solutions(ARTS) Disaster Assistance Support Center (DASC)  
FEMA Disaster Assistance Directorate  
(202) 646-4507 Office  
David.Wahl@dhs.gov

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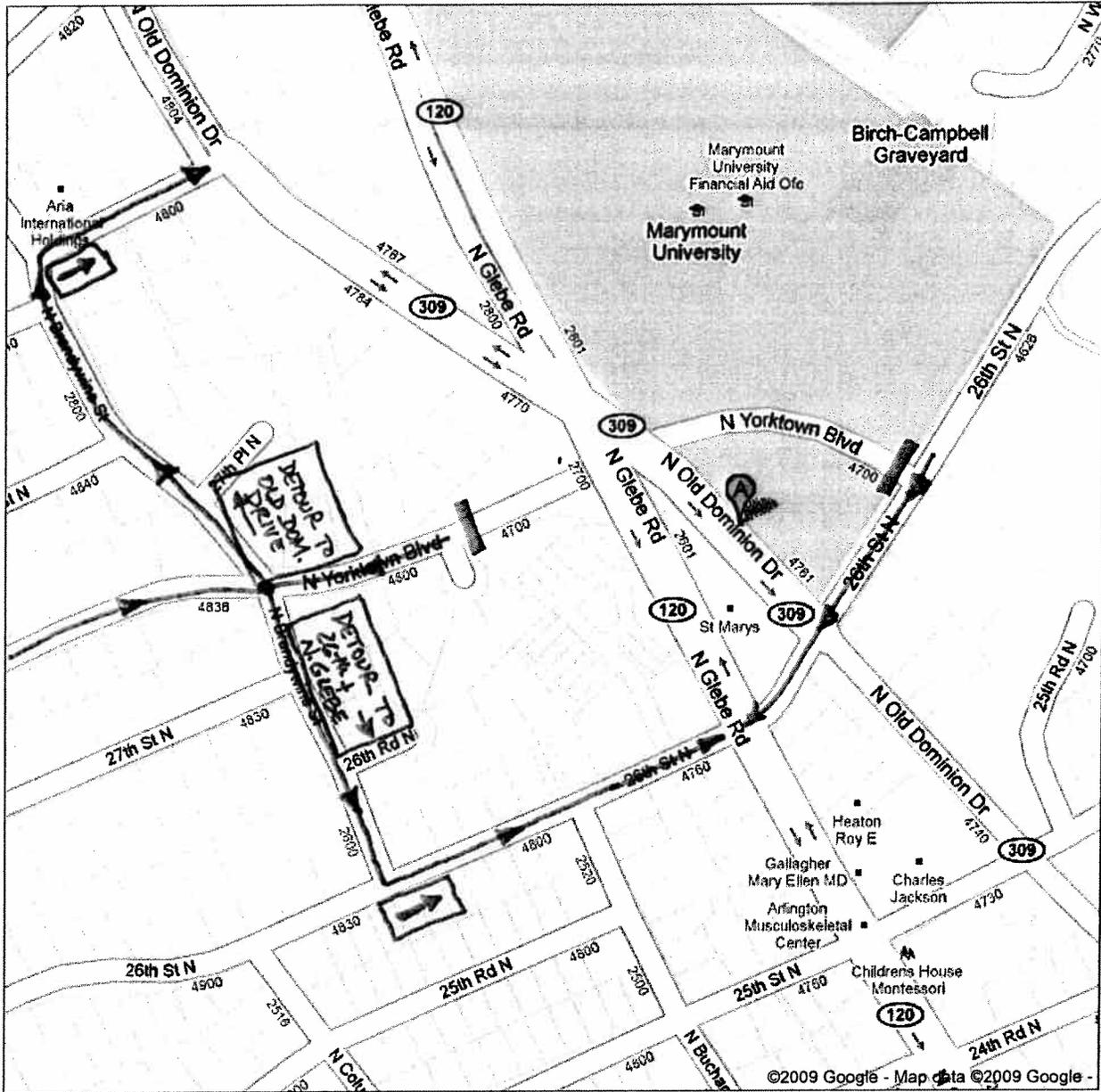
**From:** mary.eldridge@marymount.edu [mailto:mary.eldridge@marymount.edu]  
**Sent:** Friday, January 22, 2010 09:54  
**To:** Alice Harrington; Anne Wilson; Bhavna Mistry; Chris Domes; Christine Smith; David Haring; David Parker; David Wahl; Erik Kaniecki; Frank Rizzo; George Robinson; Jane Shafran; Jim Davis; John Stranix; Larry Brem; Matt Pfeiffer; Maxine Nagel; Mike Conyngham; Ned Rhodes; Pam Gillen; Peter Fallon; Ralph Kidder; Robert Gibson; Roy Rafter; Steve Anders  
**Subject:** Fwd: Traffic analysis for Yorktown

Google maps

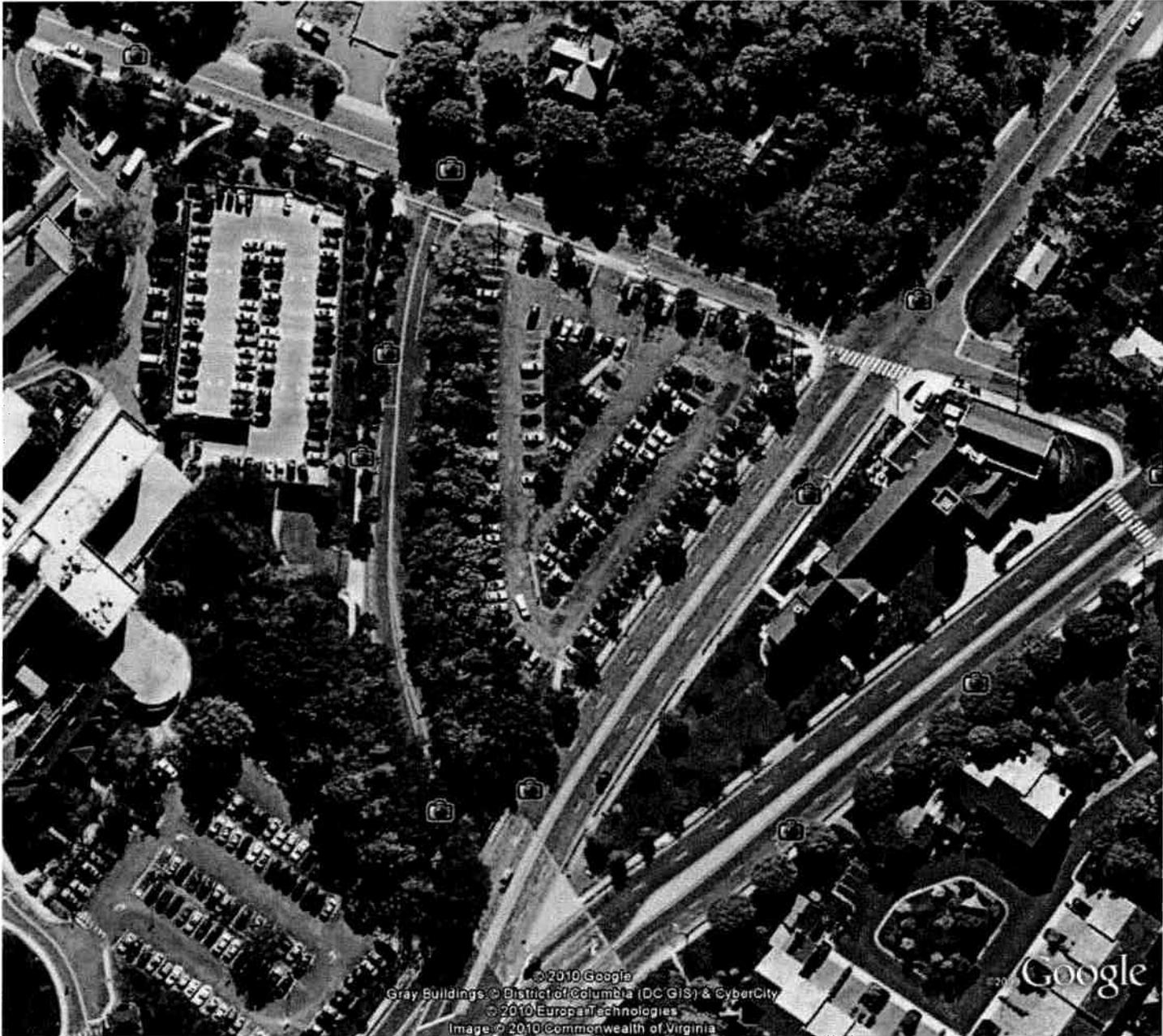
Address 4763 N Old Dominion Dr  
Arlington, VA 22207

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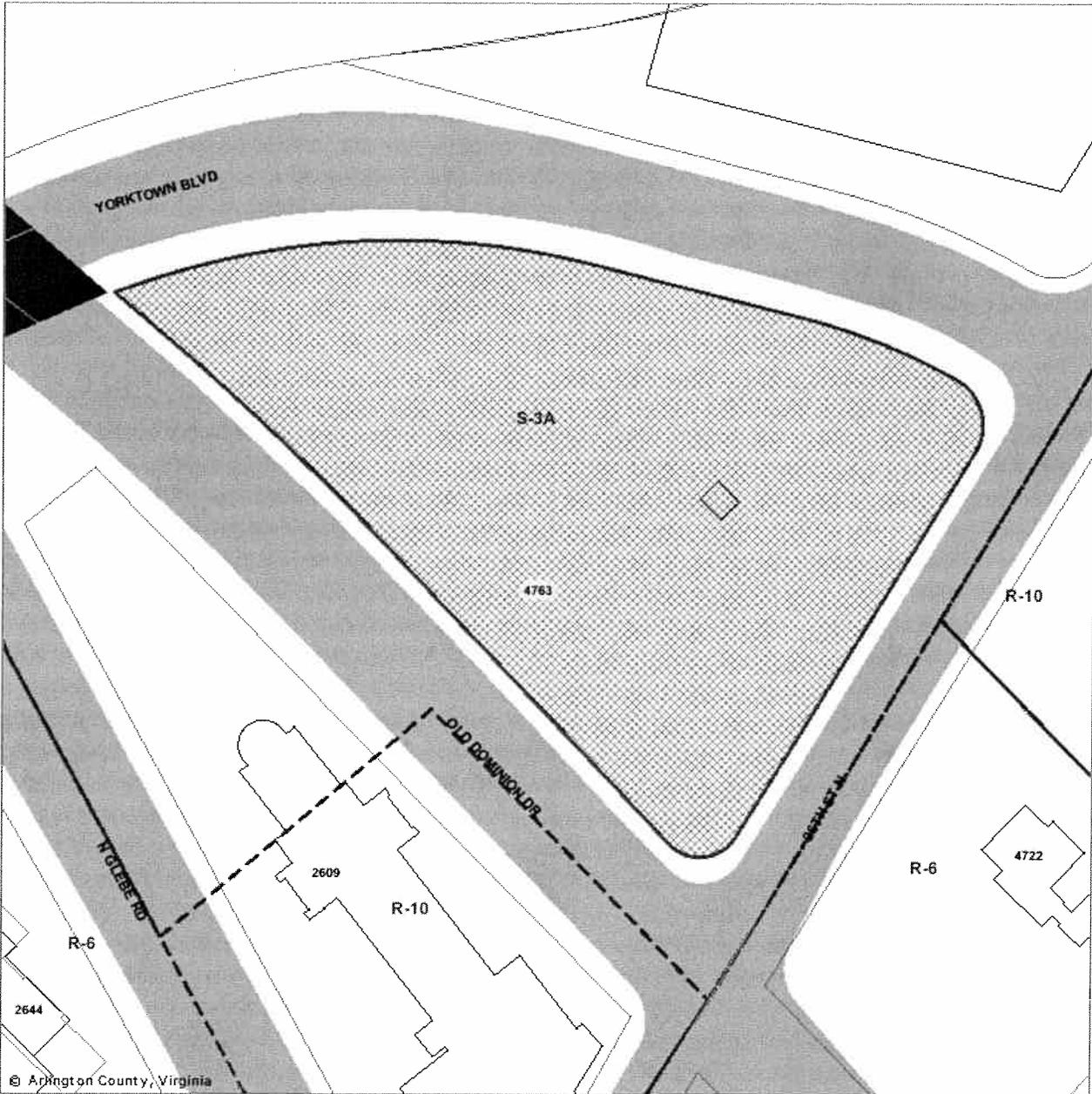


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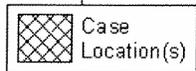
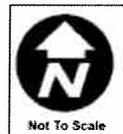
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Google



**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.



Department of Community Planning, Housing and Development

Planning Division