



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of December 11, 2010**

DATE: November 29, 2010

SUBJECT: SP#389 & 411 SITE PLAN AMENDMENT to adjust site plan boundaries to reflect a land exchange and related amendments and/or additions to site plan conditions (SP #389, 2001 Clarendon Boulevard-Elm Street site plan and #411, 1900 Wilson Boulevard-ZOM site plan) located at 2001 Clarendon Blvd. (RPC#: 17-011-009, -013, -015 and -016) and 1860, 1900 and 1916 Wilson Blvd. (RPC#: 17-011-006, -007, -008, -017, -018 and a portion of -009 and -019).

Applicant:

Skylark Investments, LLC

By:

Nan E. Walsh, Agent/Attorney
Walsh Colucci Lubeley Emrich & Walsh PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve the subject site plan amendment, subject to all previously approved conditions, amended Condition #79 and new Condition #81 for SP #389.

ISSUES: This is a request to adjust site area in association with a future land exchange between two approved site plans Site Plan #389 and SP #411, and related amendments and additions to site plan conditions and no issues have been identified.

SUMMARY: A site plan amendment is requested to amend and to add conditions to SP #389 (2001 Clarendon Boulevard – Elm Street site plan) in order to facilitate a land exchange with SP #411 (1900 Wilson Boulevard- ZOM site plan). As the two properties are located immediately adjacent to one another, both projects were approved with the intent that a future extension of North Troy Street would be constructed immediately between them. However, each site contains

County Manager: *BMD/GA*

County Attorney: *[Signature]* *[Signature]*

Staff: Samia Byrd, CPHD, Planning

PLA-5754

5.

a parcel of land that is currently owned and governed by the site plan of the other property owner. The land exchange is necessary to facilitate construction of North Troy Street as envisioned. Parcel ownership would be clearly defined between the two properties such that SP #389 would be located completely west of the future North Troy Street and SP #411 would be located completely to the east of the future North Troy Street. The subject site plan amendment would facilitate this in the following ways:

1. Provide for the addition of a Condition (proposed Condition #81) to SP #389 that mirrors language of a condition approved for SP #411 (Condition #85) that clearly identifies the parcel areas and that authorizes the Zoning Administrator, through an Administrative Change, to approve the adjustment of the site boundaries upon closing on the land exchange and other actions on the part of the land developer.
2. Because the parcels to be exchanged between Elm Street (SP #389) and 1900 Wilson Boulevard (SP #411) would result in approximately 853 additional square feet of site area for SP #389, the subject site plan amendment would provide for approved condition #79 for SP #389 to be amended to provide for an increase in the amount of unused site area and density, should the land exchange occur.

As the subject site plan amendment is consistent with the spirit and intent of the approved projects and would facilitate construction of the North Troy Street extension through the sites between Wilson and Clarendon Boulevards as envisioned in the *Rosslyn to Courthouse Urban Design Study*, staff recommends that the subject site plan amendment be approved subject to all previously approved conditions, amended Condition #79, and new Condition #81 for SP #389 as provided in the staff report. No changes are proposed to the conditions of SP #411.

BACKGROUND: Site Plan #389 was approved (2001 Clarendon Boulevard – Elm Street Development) in 2008 and amended by the County Board in 2009 for the construction of a six (6) to seven (7)-story residential building comprised of approximately 154 dwelling units and 32,840 square feet of ground floor retail. In June 2010, the County Board approved SP #411 (1900 Wilson Boulevard – ZOM site plan) for the construction of a five (5)-story residential building with up to 198 dwelling units and up to 24,657 square feet of commercial/retail uses. The two (2) approved site plan projects are located immediately adjacent to each other in the area “in between” the Courthouse and Rosslyn Metro Station areas and between Wilson and Clarendon Boulevards.

The *Rosslyn to Courthouse Urban Design Study* envisioned that the location of these two (2) projects would be bisected by the extension of North Troy Street running north-south between Wilson and Clarendon Boulevards, and that SP #389 would ultimately be located immediately to the west and SP #411 would be located immediately to the east of the new street. In order to facilitate the construction of the future North Troy Street extension, a land exchange is necessary. This is primarily because each site plan currently contains property that is owned and governed by the adjacent site plan. A site plan amendment to SP #389 is requested in order to amend one (1), and add another, condition to provide for adjustment of site boundaries and site area for the site plans, and to indicate that unused area and density currently approved for SP #389 would increase should the land exchange occur.

The following provides additional information about the sites and their location:

Site: The site for the subject site plan amendment is located within the Courthouse Metro Station area in a block generally bounded by Wilson Boulevard to the north, N. Rhodes Street to the east, Clarendon Boulevard to the south, and N. Courthouse Road to the west. The area of the Elm Street development site (SP #389) is approximately 73,562 square feet (1.689 acres) and located west of the future North Troy Street extension. The 1900 Wilson Boulevard site (SP #411) is approximately 75,573 square feet (1.734 acres) and located east of the future North Troy Street extension. The Elm Street site is currently vacant, while the 1900 Wilson Boulevard site is currently developed with a 3-story office building and a single story retail building.

Adjacent and surrounding land uses include:

- To the north: Across Wilson Boulevard, the two-story Colonial Village Condominiums, colonial style brick buildings listed on the National Register of Historic Places and an Arlington Local Historic District; zoned “RA6-15” and designated “Low-Medium” Residential on the GLUP.
- To the west: Wachovia Bank , which is designated “General Commercial” on the GLUP and zoned “C-2”. Wendy’s Restaurant is located further west and has the same GLUP designation and zoning (also some “C-3” zoning).
- To the east: Immediately east of the sites is SP #382, the National Science Teachers Association (NSTA) office building at four (4) stories, a two (2)-story commercial building (Il Radicchio), and a one-story commercial building (Rhodeside Grill). The site is zoned “C-O-2.5” and designated as “Medium” Office-Apartment-Hotel on the GLUP.
- To the south: Across Clarendon Boulevard (south of the site) are Courthouse Tower and a small office building designated “High” Office-Apartment-Hotel on the GLUP and zoned “C-O”; the 15-story Odyssey Condominiums zoned “RA4.8” and designated “High-Medium” on the GLUP and the three-story Bromptons at Courthouse townhomes zoned “RA8-18” and designated “Medium” Residential on the GLUP.

Zoning: Both sites are zoned “C-O-2.5” Commercial Office Building, Hotel and Apartment Districts.

General Land Use Plan Designation: Both sites are designated as “Medium” Office-Apartment-Hotel (up to 2.5 F.A.R. Office Density, up to 115 units/acre Apartment Density, up to 180 units/acre Hotel Density).

Neighborhood: Radnor-Ft. Myer Heights Civic Association. The Colonial Village residential development is located across Wilson Boulevard from the sites. Staff has not received any comments from either organization as of the date of the staff report.

DISCUSSION: As shown on the attached drawing, approximately 3,922 square feet of area associated with SP #411 (ZOM Exchange Parcel) and approximately 3,069 square feet of area

associated with SP #389 (Elm Exchange Parcel) is contemplated for exchange between the two (2) property owners. The land exchange would facilitate the construction of the future North Troy Street, consistent with the vision of the *Rosslyn to Courthouse Urban Design Study* and the intent of the approved development for both site plan projects. In order to facilitate the land exchange, both an amendment and an addition to the conditions for SP #389 are required as further detailed below.

Addition of New Condition: When the County Board approved SP #411, a condition was also approved (Condition #85 below) acknowledging that the land area of both property owners is proposed to be exchanged at a future date. The condition further sets forth a series of events that must occur in order to facilitate this land exchange which includes approval of a site plan amendment by the County Board to SP #389 to add the ZOM Exchange Parcel (3,922 square feet) to SP #389 along with condition language mirroring the language of Condition #85 as approved in SP #411.

85. Site Area Modifications – Land Exchange

- a. Site Plan #411 includes approximately 3,069 sq. ft. of property (the "Elm Exchange Parcel") located on the east side of future Troy Street which is owned by the adjacent property owner to the west ("Elm") and which is governed by Site Plan #389 (the "Elm Site Plan").
- b. The developer and Elm desire to exchange the Elm Exchange Parcel for 3,922 sq. ft. of property (the "ZOM Exchange Parcel") located on the west side of future Troy Street currently owned by the developer and which is governed by this Site Plan # 411.
- c. In order to facilitate the exchange of properties, the following events are expected to occur: The County Board approves an amendment to the Elm Site Plan (the "Elm Exchange Site Plan Amendment") which adds the ZOM Exchange Parcel to the Elm Site Plan with condition language that mirrors this Condition #85; and closing on the exchange of parcels ("Exchange Closing"), as evidenced by the recording of deeds among the land records conveying the Elm Exchange Parcel to ZOM and the ZOM Exchange Parcel to Elm.
- d. If the County Board approves an amendment to Site Plan # 389 to permit such administrative change, the Zoning Administrator may approve an administrative change to adjust the site plan boundaries for Site Plan # 389 so that the Elm Exchange Parcel is no longer subject to Site Plan # 389. The Zoning Administrator may approve such administrative change upon finding that the Exchange Closing has occurred based on reasonable evidence presented by the developer of Site Plan #389. In addition, if the Zoning Administrator makes such finding, the Zoning Administrator may approve an administrative change to adjust the boundaries (if needed) of this Site Plan # 411 so that the ZOM Exchange Parcel is not included in Site Plan # 411.

- e. In the event that ZOM has not acquired the rights to construct on the Elm Exchange Parcel by Oct 1, 2010, in order to commence construction on this Site Plan #411, ZOM, or Elm on its behalf, may request a site plan amendment to remove the Elm Exchange Parcel from this Site Plan #411 and any improvements shown on the Elm Exchange Parcel.
- f. This Condition #85 shall have no bearing or effect on the right of the property owner(s) of the Elm Site Plan to proceed with construction of the Elm Site Plan.

The subject site plan amendment is consistent with and in direct response to the requirements of this Condition #85. Adding an identical condition to SP #389 would further facilitate the land exchange and make clear how the site plan boundaries for both projects would be adjusted upon final closing.

Amendment to Condition #79: The impending land exchange between SP #389 and SP #411 would result in approximately 853 square feet of additional site area and therefore unused density at “C-O-2.5” for SP #389. As approved, SP #389 would not utilize the total amount of land area and associated density for the construction of the project. This remaining unused site area and density is the subject of the approved Condition #79. Accordingly, 2,093 square feet of site area currently remains for future development at “C-O-2.5” zoning upon County Board approval of a site plan amendment. Should the land exchange occur, the amount of unused area and density at “C-O-2.5” would increase to 2,946 square feet which would yield approximately 7,365 square feet of commercial, or seven (7) residential units, or 12 hotel units. Thus, it is proposed that Condition #79 of SP #389 be amended to reflect this increase in site area and density contingent upon the closing of the land exchange. The proposed condition language provides that should the land exchange not occur, there would be no change to the total amount of unused site area and density.

Permitted Density “C-O-2.5”	Approved Unused Area/Density	Proposed Unused Area/Density
Site Area	2,093 sq ft	2,946 sq ft
Commercial (2.5 FAR)	5,232 sq ft	7,365 sq ft
Residential (115 Units/Ac)	5 Units	7 Units
Hotel (180 Units/Ac)	8 Units	12 Units

With respect to SP #411, should the land exchange occur, there would be no impact on the site area and density as the approved site area for site plan development is based on the presumption of the land exchange between the properties. Should the land exchange not occur, ZOM would need to acquire rights to construct on the Elm Exchange parcel and request a site plan amendment to remove the Elm Exchange Parcel from SP #389 and any improvements shown on the Parcel.

CONCLUSION: In order to facilitate the construction of North Troy Street between Clarendon and Wilson Boulevards, a land exchange between SP #389 and SP #411 is necessary. The subject site plan amendment to amend Condition #79 and add Condition #81 to SP #389 would facilitate the land exchange. The proposed amendment is consistent with the intent of the site plan as originally approved in 2008 and further amended in 2009 and does not adversely impact

the development approved for SP #411 in June 2010. Finally, the proposed site plan amendment is consistent with the spirit and intent of the approved development of both projects as the land exchange has been contemplated since the submission of the development proposals for the Elm Street site plan. The site plan amendment would finally be consistent with the goals of the area plan, the *Rosslyn to Courthouse Urban Design Study* and would provide for the vision of the extension of North Troy Street to be fulfilled. Therefore, staff recommends the County Board approve the subject site plan amendment, subject to all previously approved conditions, the following amended Condition #79, and new Condition #81 for SP #389.

Proposed Revised/Additional Conditions for SP#389:

79. **Availability of Unused Density**

- a. In the event that the land exchange does not occur, the developer agrees that there is 2,093 s.f. of site area available on the property included in the SP #389, after road dedications to be used for potential density. The 2,093 s.f. of site area at current "C-O-2.5" district limits could yield up to 5 residential units or 8 hotel units or 5,232 s.f. of commercial GFA. The developer further agrees that future use of this site area for density is subject to the approval of a future site plan amendment by the County.
- b. In the event that the Exchange Closing does occur, the developer agrees that there would be 2,946 s.f. of site area available on the property included in SP #389, after road dedications to be used as potential density. The 2,946 s.f. of site area at current "C-O-2.5" district limits could yield up to 7 residential units or 12 hotel units or 7,365 s.f. of commercial GFA. The developer further agrees that future use of this site area for density is subject to the approval of a future site plan amendment by the County Board.

81. **Site Area Modifications – Land Exchange**

- a. As amended by the County Board on December 11, 2010, Site Plan #389 includes approximately 3,922 s.f. of property (the "ZOM Exchange Parcel") located on the west side of future Troy Street which is owned by the adjacent property owner to the east ("ZOM") and which is governed by Site Plan #411 (The "ZOM" Site Plan).
- b. The developer and ZOM desire to exchange the ZOM Exchange Parcel for 3,069 s.f. of property (the "Elm Exchange Parcel") located on the east side of future Troy Street currently owned by the developer and which is governed by this Site Plan #389.
- c. In order to facilitate the exchange of properties, the following events are expected to occur: The County Board approves this amendment to the Site Plan #389 which adds the ZOM Exchange Parcel to this Site Plan #389 with condition language (this Condition #81) that mirrors Condition #85 of the ZOM Site Plan; and closing on the exchange of parcels ("Exchange Closing"), as evidenced by the

recording of deeds among the land records conveying the Elm Exchange Parcel to ZOM and the ZOM Exchange Parcel to Elm.

- d. The Zoning Administrator may approve an administrative change to adjust the site plan boundaries for this Site Plan #389 so that the Elm Exchange Parcel is no longer subject to the Site Plan #389. The Zoning Administrator may approve such administrative change upon finding that the Exchange Closing has occurred based on reasonable evidence presented by the developer of this Site Plan #389. In addition, if the Zoning Administrator makes such finding, the Zoning Administrator may approve an administrative change to adjust the boundaries of Site Plan #411 so that the ZOM Exchange Parcel is not included in Site Plan #411.
- e. Neither this Condition #81 of Site Plan #389 nor Condition #85 of the ZOM Site Plan #411 shall have any bearing or effect on the right of the property owner(s) or developer of this SP #389 to proceed with construction of this Site Plan #389.

PREVIOUS COUNTY BOARD ACTIONS

SP #389 (2001 Clarendon Boulevard – Elm Site Plan)

- September 17, 2005 Denied for 2000 Wilson Blvd. a General Land Use Plan amendment request from “General Commercial” to “Medium” Office-Apartment-Hotel; a Rezoning request (Z-2520-05-1) from “C-2” to “C-O-2.5”, and a site plan request (SP #389) for approximately 165 residential units, and 32,468 s.f. commercial/retail space in office building.
- January 30, 2007 Deferred a GLUP Amendment, Rezoning and site plan request to February 24, 2007.
- February 26, 2007 Approved for 2000 Wilson Blvd. a General Land Use Plan amendment request from “General Commercial” to “Medium” Office-Apartment-Hotel; a Rezoning request (Z-2520-05-1) from “C-2” to “C-O-2.5”, and a site plan request (SP #389) for approximately 141 residential units and 34,685 s.f. commercial/retail space in one building and a comprehensive sign plan.
- November 14, 2009 Deferred a site plan amendment to modify conditions, reduce retail by approx. 1,845 sq ft to 32,840 sq ft and increase the number of residential units to 154 units; modify building façade to December 12, 2009.
- December 15, 2009 Approved a site plan amendment to modify conditions, reduce retail by approx. 1,845 sq ft to 32,840 sq ft and increase the number of residential units to 154 units; modify building façade.

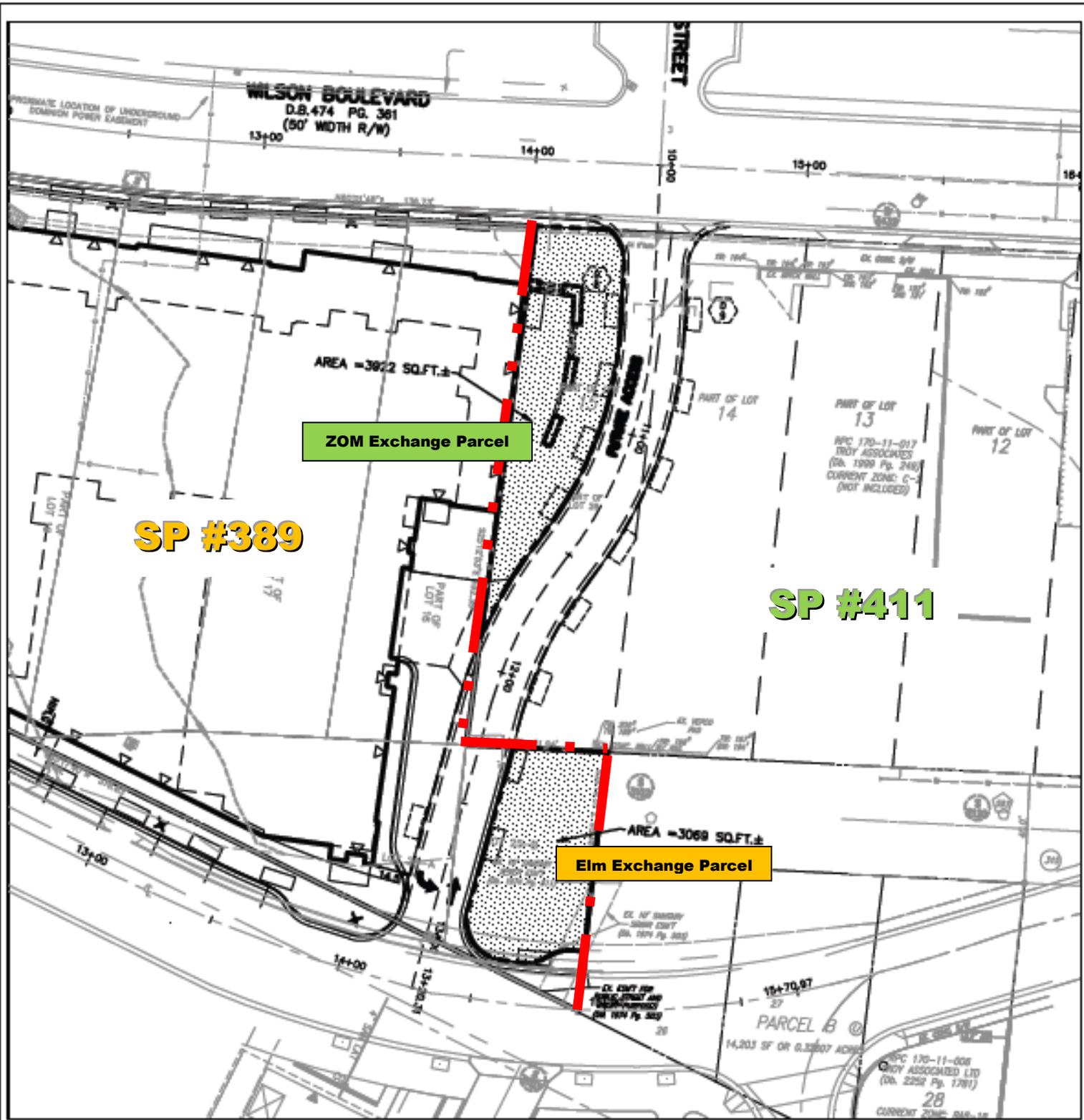
SP #411 (1900 Wilson Boulevard – ZOM Site Plan)

- May 22, 2010 Deferred a General Land Use Plan amendment (GP-319-10-1) from “Service Commercial” to “Medium” Office-Apartment-Hotel; a Rezoning (Z-2547-09-1) from “C-2” to “C-O-2.5”; and a site plan

request (SP #411) for up to up 201 dwelling units and up to 30,000 square feet commercial/retail to June 12, 2010.

June 15, 2010

Approved a General Land Use Plan amendment (GP-319-10-1) from “Service Commercial” to “Medium” Office-Apartment-Hotel; a Rezoning (Z-2547-09-1) from “C-2” to “C-O-2.5”; and a site plan request (SP #411) for up to up 198 dwelling units and up to 24,657 square feet commercial/retail.



SCALE: NOT TO SCALE
DATE: FINAL 11-30-2010
DR. EJI
CK. EJI

--- Property Boundary Line

2001 Clarendon Blvd. Elm Street / ZOM Property Exchange Exhibit

ARLINGTON COUNTY

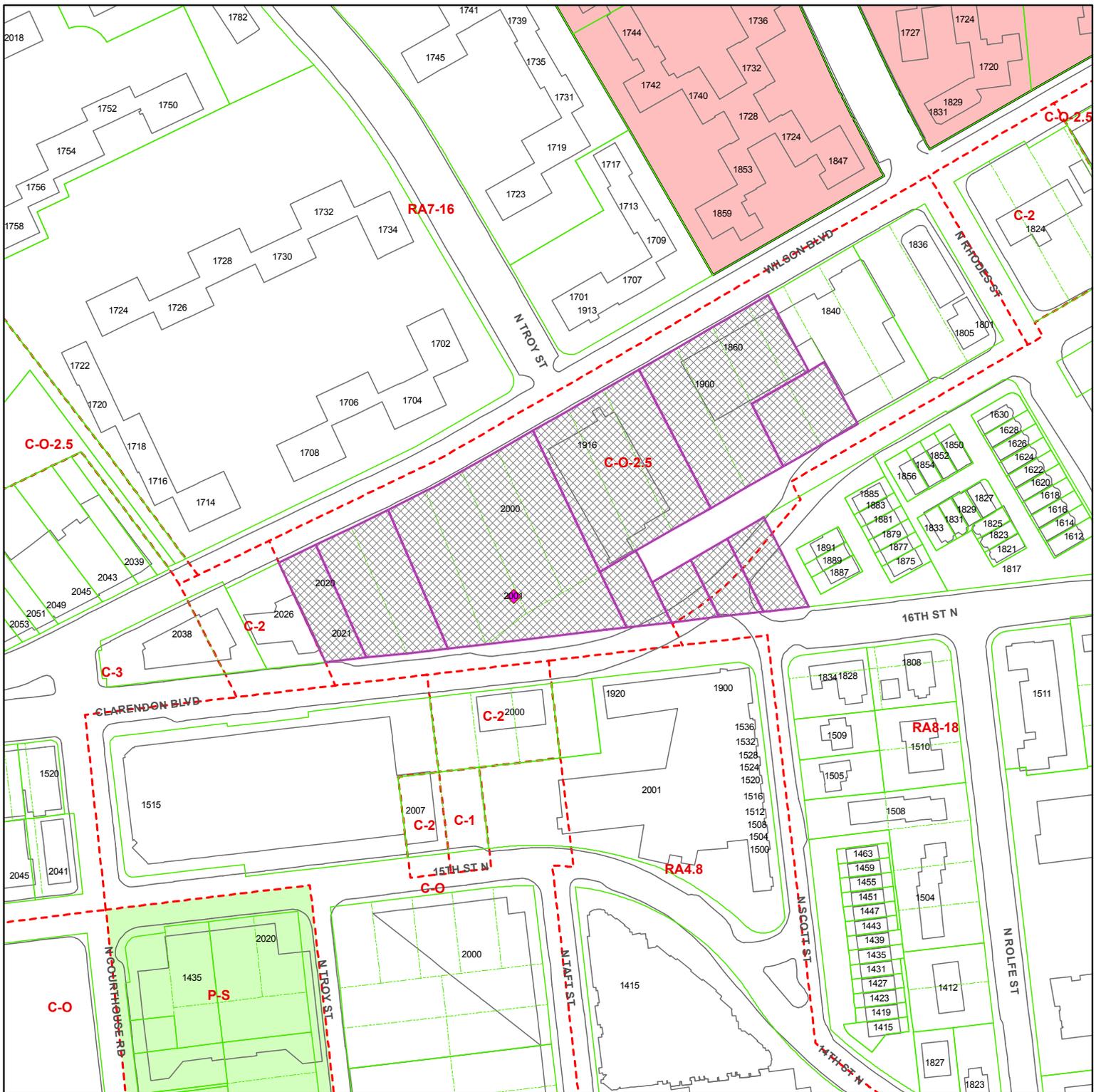
November 30, 2010 SHEET 1



VIA INCORPORATED
8180 GREENBROOK DRIVE
SUITE 200
MIDLAND, VIRGINIA 22102

703-442-7800

ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • GPS SERVICES
MIDLAND, VA GREENHARTON, MD



SP#389 & 411

2001 Clarendon Boulevard and 1860, 1900 and 1916 Wilson Boulevard

RPC: 17-011-009, -013, and -015; RPC: 17-011-006, -007, -008, -017, -018 and a portion of -009 and -019



 Case Location(s)
Scale: 1:2,000

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