



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 14, 2011**

DATE: May 11, 2011

SUBJECT: Enactment of an Ordinance to permit the encroachment of: 1) two canvass canopies, portion of an entrance canopy over the revolving door, a blade sign and a revolving door in a portion of an easement for public sidewalk along the eastern boundary of Parcel "A" 3101 Wilson L.L.C., abutting the eastern boundary of North Highland Street, RPC# 150-71-031; and 2) an entrance canopy in the right of way for North Highland Street, abutting the eastern boundary of parcel "A" 3101 Wilson L.L.C., RPC# 150-71-031, all with Conditions.

Owner: Hart Hartford Building, LLC
Applicant: Ballston Tap Room, LLC
Agent: Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
Nan E. Walsh, Attorney

C. M. RECOMMENDATION:

Enact the attached Ordinance to permit the encroachment of: 1) two canvass canopies, portion of an entrance canopy over the revolving door, a blade sign and a revolving door in a portion of an easement for public sidewalk along the eastern boundary of Parcel "A" 3101 Wilson L.L.C., abutting the eastern boundary of North Highland Street, RPC# 150-71-031; and 2) an entrance canopy in the right of way for North Highland Street, abutting the eastern boundary of Parcel "A" 3101 Wilson L.L.C., RPC# 150-71-031, with Conditions (Attachment 1).

ISSUE: The requested encroachments will permit the Applicant to meet Condition #64 in SP #298 site plan amendment for an outdoor café, approved by the County Board on January 25, 2011 for American Tap Room located in Clarendon. There are no issues identified with this request.

County Manager:

BMD/GA

County Attorney:

BAK *GA*

Staff: Linda Eichelbaum Collier, DES, Real Estate Bureau

12.

SUMMARY: The owner of the office building located at 3101 Wilson Boulevard (property) and the applicant, who is leasing space from the owner to locate a restaurant (American Tap Room), including an outdoor café, on the property, have requested that the County Board enact an ordinance to authorize encroachments into a portion of a Public Sidewalk Easement (easement) along North Highland Street and into a portion of the County right of way for North Highland Street (right of way), which abuts the eastern boundary of the property (Ordinance). The encroachments will permit the applicant to meet Condition #64 in SP #298 site plan amendment to obtain a building permit for an outdoor café (outdoor café), approved by the County Board on January 25, 2011.

The Ordinance, if enacted, would permit the applicant to erect two canvass canopies, a portion of an entrance canopy, a blade sign and a revolving door in a portion of the easement and would permit the applicant to erect an entrance canopy in a portion of the right of way. The ordinance would continue in effect until the earlier of: the office building on the property is destroyed, removed and/or not rebuilt consistent with, and as authorized by, site plan #298, as amended, or the County requests, at any time, in writing to the owner/applicant, that the encroachments permitted by the Ordinance be removed.

BACKGROUND: The property is located at the intersection of Wilson Boulevard and North Highland Street, 3101 Wilson Boulevard (see Exhibits B-1 and B-2, Vicinity Maps). On January 25, 2011, the County Board approved SP #298 Site Plan Amendment, which permits the applicant to locate the outdoor café on the property, subject to several conditions. One condition (#64) requires the applicant to obtain all necessary approvals for any encroachments into the County's property interests before a building permit for the proposed revolving door and entrance canopy will be issued.

The County acquired the right of way by Deed of Dedication, dated April 2, 1912, and recorded in Deed Book 132 at Page 279 in the Arlington County land records (Land Records). The County acquired the easement by Deed of Easements, dated April 22, 2004, and recorded in Deed Book 3702 at Page 1216 in the Land Records.

DISCUSSION: Upon enactment of the proposed Ordinance, the owner/applicant will be permitted to construct two canvass canopies, a portion of an entrance canopy, a blade sign and a revolving door in a portion of the easement and an entrance canopy in the right of way. The Ordinance would continue in effect until the earlier of: the office building on the property is destroyed, removed and/or not rebuilt consistent with, and as authorized by, site plan #298, as amended, or the County requires, at any time, in writing to the owner/applicant, that the encroachments permitted by the Ordinance be removed.

The Ordinance will limit the special location, size and dimensions of the requested encroachments. The locations and dimensions of the proposed encroachments are depicted on the plat entitled "Plat Showing Various Encroachment Areas on North Highland Street Deed Book 132 and Page 279 and Parcel A 3101 Wilson LLC Deed Book 3132 Page 1005 Arlington County, Virginia," dated February 23, 2011, prepared by VIKA Incorporated, and on a drawing labeled "American Tap Room, The Hartford Office Building 3101 Wilson Blvd Arlington, VA 22201, Encroachment Sections ASK -13," dated March 1, 2011, prepared by Chatelain

Architects, p.c. [sic] (collectively, "Plat"), attached hereto as Exhibit A. As depicted on the Plat, the canvass canopies and the sign are solely supported by attachments to the building and have no poles or other supporting structures on the ground. The entrance canopy is part of the structure for the revolving door.

Legal and Physical Description: The County acquired the right of way by Deed of Dedication, dated April 2, 1912, and recorded in Deed Book 132 at Page 279 in the Land Records. The County acquired the easement by Deed of Easements, dated April 22, 2004, and recorded in Deed Book 3702 at Page 1216 in the Land Records.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the April 19, 2011 and April 26, 2011 issues of the Washington Times for the May 14, 2011 County Board Meeting.

Compensation: County staff has determined that \$2,536.95 is reasonable compensation to the County for the encroachments. The required compensation is attributable to the encroachment for the revolving door, which is located at ground level, and for the portion of the entrance canopy, which is located in the right of way. The applicant has agreed to pay the compensation.

FISCAL IMPACT: None. The \$2,536.95 in compensation for the requested encroachments will be deposited in the County General Fund.

CONCLUSION: If the County Board desires to enact the Ordinance to permit the encroachment of: 1) two canvass canopies, a portion of an entrance canopy, a blade sign and a revolving door in a portion of an existing easement for public sidewalk along the eastern boundary of Parcel "A" 3101 Wilson L.L.C., abutting the eastern boundary of North Highland Street, RPC# 150-71-031; and 2) an entrance canopy in the right of way for North Highland Street, abutting the eastern boundary of Parcel "A" 3101 Wilson L.L.C., RPC# 150-71-031, with Conditions, then it is recommended that the County Board enact the attached Ordinance.

ATTACHMENT 1

AN ORDINANCE TO PERMIT THE ENCROACHMENT OF: 1) TWO CANVASS CANOPIES, A PORTION OF AN ENTRANCE CANOPY, A BLADE SIGN AND A REVOLVING DOOR IN A PORTION OF AN EXISTING EASEMENT FOR PUBLIC SIDEWALK ALONG THE EASTERN BOUNDARY OF PARCEL "A" 3101 WILSON L.L.C., ABUTTING THE EASTERN BOUNDARY OF NORTH HIGHLAND STREET, RPC #150-71-031; AND 2) AN ENTRANCE CANOPY IN THE RIGHT OF WAY FOR NORTH HIGHLAND STREET, ABUTTING THE EASTERN BOUNDARY OF PARCEL "A" 3101 WILSON L.L.C., RPC #150-71-031, ALL WITH CONDITIONS

BE IT ORDAINED by the County Board of Arlington County, Virginia ("County"), that Hart Hartford Building, LLC, its successors and assigns, as Owner of Parcel "A" 3101 Wilson L.L.C., RPC #150-71-031 ("Property"), as shown on the Plat and Ballston Tap Room, LLC, Applicant (jointly, "Owner/Applicant"), are permitted to construct and operate and are required to maintain: 1) two canvass canopies, a portion of an entrance canopy, a blade sign and a revolving door, which will encroach into a portion of a Public Sidewalk Easement along the eastern boundary of the Property (Deed Book 3702 at Page 1216) ; and 2) an entrance canopy, which will encroach into a portion of the County right-of-way for North Highland Street (Deed Book 132 at Page 279), abutting the eastern boundary of the Property (collectively, "Encroachments"). The dimensions (length and width) and spatial location of the permitted encroachments are depicted on, and shall be consistent with the dimensions and locations (collectively, "Encroachment Area(s)") designated on Exhibit A, attached to the County Manager's Report dated May 11, 2011, entitled "Plat Showing Various Encroachment Areas on North Highland Street Deed Book 132 and Page 279 and Parcel A 3101 Wilson LLC Deed Book 3132 Page 1005 Arlington County, Virginia," dated February 23, 2011, prepared by VIKA Incorporated, and the dimensions and locations (collectively, "Encroachment Area(s)") designated on the drawing entitled "American Tap Room, The Hartford Office Building 3101 Wilson Blvd Arlington, VA 22201, Encroachment Sections ASK -13," dated March 1, 2011, prepared by Chatelain Architects, p.c. [sic] (collectively, "Plat");

BE IT FURTHER ORDAINED, that these permissions shall be a license only, and shall continue until the earlier of: the office building permitted by Site Plan #298, as amended by the County Board on January 25, 2011 ("Site Plan"), is destroyed, removed and/or not rebuilt consistent with, and as authorized by the Site Plan, or until such time as the County requires, at any time, in writing to the Owner/Applicant, that the Encroachments permitted herein and depicted on the Plat be removed. Nothing herein shall be construed to either allow the installation of any structure other than the structures specifically permitted herein and depicted on the Plat; or to allow any greater encroachment beyond the area(s) shown on the Plat;

BE IT FURTHER ORDAINED, that if the Site Plan is no longer in effect or if at any time the County requests, in writing to the Owner/Applicant, that all or some of the Encroachments be removed, then the Owner/Applicant shall, at its sole cost and expense, remove the specified Encroachments, and remove all facilities and structures related thereto, and shall restore such area(s) to the condition in which it existed before this Encroachment Ordinance was enacted;

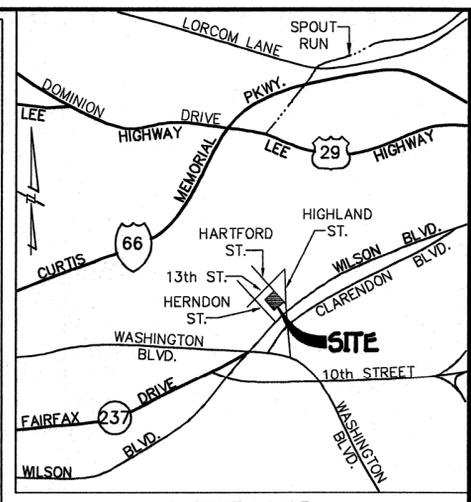
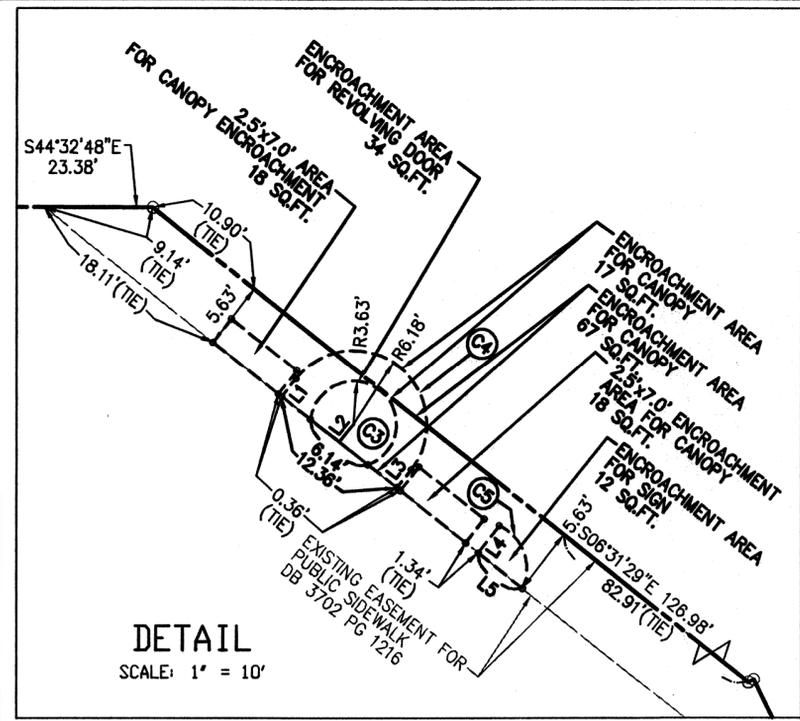
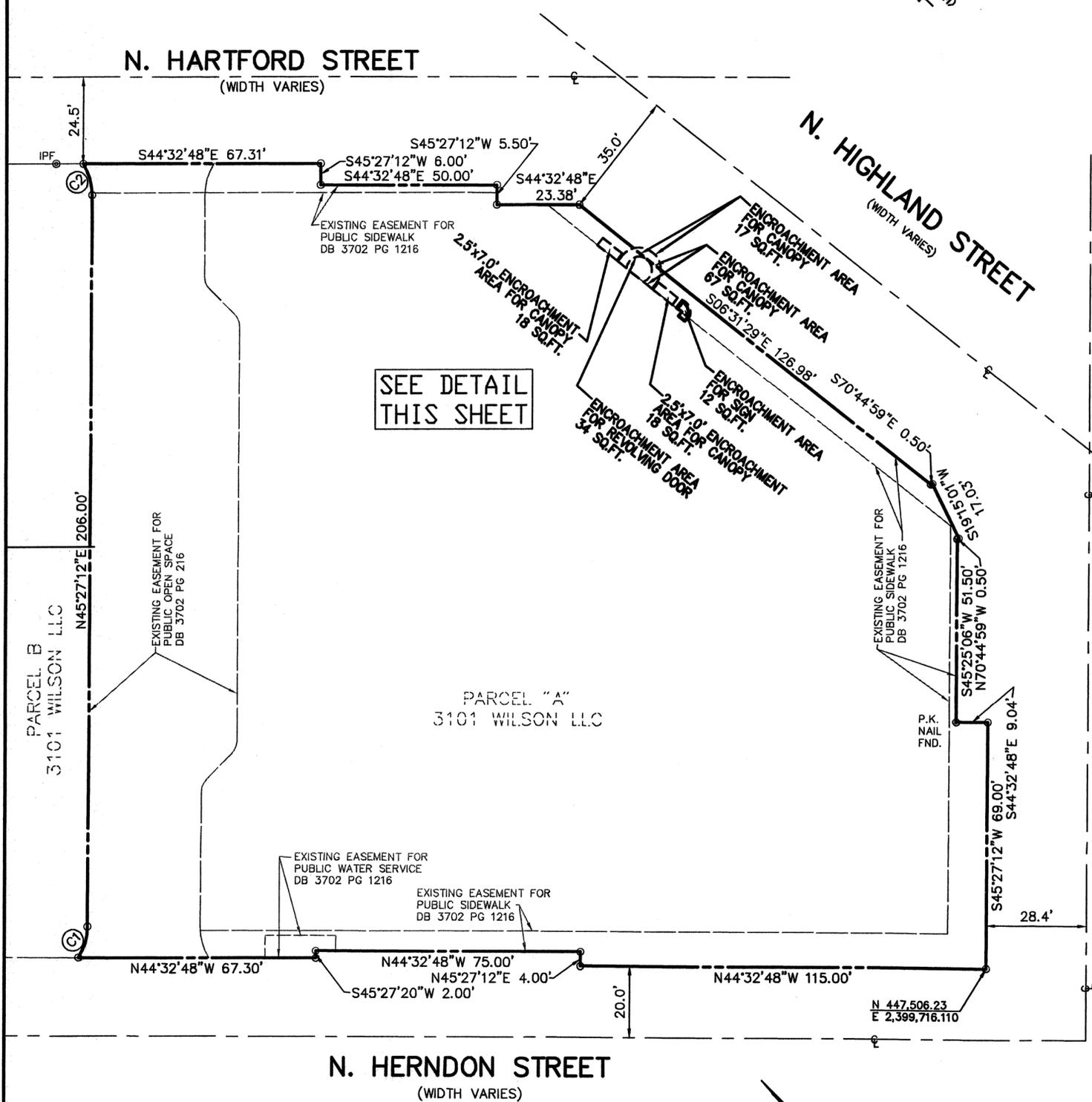
BE IT FURTHER ORDAINED, that the Owner/Applicant, at its sole cost and expense, shall continuously and, at all times, promptly maintain, including snow and ice removal, the areas of the Encroachments, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the Encroachment Area(s);

BE IT FURTHER ORDAINED, that this permission shall not release the Owner/Applicant of negligence on either of their parts on account of such Encroachments. The Owner/Applicant, by availing themselves of the permissions authorized by this Ordinance and by continuing to have the Encroachments encroach within the Property, Public Sidewalk Easement, and the County right of way for North Highland Street, thereby each agree for themselves, their successors in title and interest, and assigns, to the provisions of this Ordinance and agree to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the Encroachments to encroach within the Property.

BE IT FURTHER ORDAINED, that the County may record, or cause to be recorded, in the land records of the Arlington County Circuit Court, a certified copy of the Encroachment Ordinance and the Plat.

NOTES:

1. THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED BY REAL PROPERTY CODE RPC 15071031.
2. THE PROPERTY SHOWN HEREON WAS ACQUIRED BY HART HARTFORD BUILDING, LLC IN DEED BOOK 4425 AT PAGE 2234.
3. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515520 0010 B AND IS DATED MAY 3, 1982.
4. THE HORIZONTAL AND VERTICAL DATUM IS BASED ON WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY CONTROL MONUMENTS WHICH IS TIED TO VA. STATE GRID NORTH DATUM. THE CONTROL MONUMENTS USED ARE "VEN-7" AND "VEN-10".
5. ALL KNOWN PLOTTABLE EASEMENTS OF RECORD ARE SHOWN HEREON.

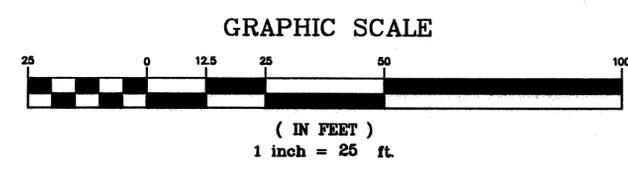
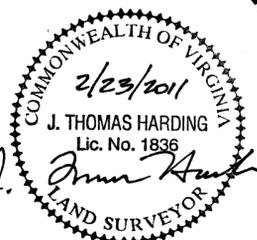


SEE DETAIL THIS SHEET

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHD BRG	CHORD
C1	9.21'	16.50'	31°59'55"	4.73'	N61°27'35"E	9.10'
C2	9.23'	16.50'	32°03'22"	4.74'	N29°25'06"E	9.11'
C3	15.46'	3.63'	244°18'11"	5.77'	S06°31'29"E	6.14'
C4	19.41'	6.18'	180°00'00"	X	S06°31'29"E	12.36'
C5	6.18'	3.83'	92°27'58"	4.00'	S24°36'54"W	5.54'

LINE TABLE		
LINE	LENGTH	BEARING
L1	1.93	N83°28'31"E
L2	1.93	N83°28'31"E
L3	1.93	S83°28'31"W
L4	2.86	N83°28'31"E
L5	4.74	N06°31'29"W

WILSON BOULEVARD
(WIDTH VARIES)



PLAT SHOWING
**VARIOUS ENCROACHMENT AREAS
 ON
 NORTH HIGHLAND STREET**
 DEED BOOK 132 PAGE 279
 AND
**PARCEL A
 3101 WILSON LLC**
 DEED BOOK 3132 PAGE 1005
 ARLINGTON COUNTY, VIRGINIA
 SCALE: 1" = 25' DATE: FEBRUARY 23, 2011

**ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
 DIVISION OF TRANSPORTATION**

RECOMMENDED FOR APPROVAL: _____ APPROVED: _____

PLAT EXAMINER _____ SUBDIVISION AND BONDS ADMINISTRATOR _____

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ G.P.S. SERVICES

VKA INCORPORATED
 8180 GREENSBORO DRIVE SUITE 200 ■ McLEAN, VIRGINIA 22102
 (703)442-7800 ■ FAX (703)761-2787
 McLEAN, VA GERMANTOWN, MD



CHATELAIN Architects, p.c.
 3516 Connecticut Avenue, NW
 Washington, DC 20008
 Tel 202 244 0243
 Fax 202 244 5393

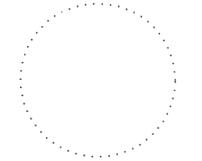
American Tap Room

The Hartford Office Building
 3101 Wilson Blvd
 Arlington, VA 22201

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MARK	DATE	DESCRIPTION
	11/05/10	SITE PLAN AMENDMENT
	1/18/11	PROGRESS PRINTING
	3/1/11	ENCROACHMENT PERMIT

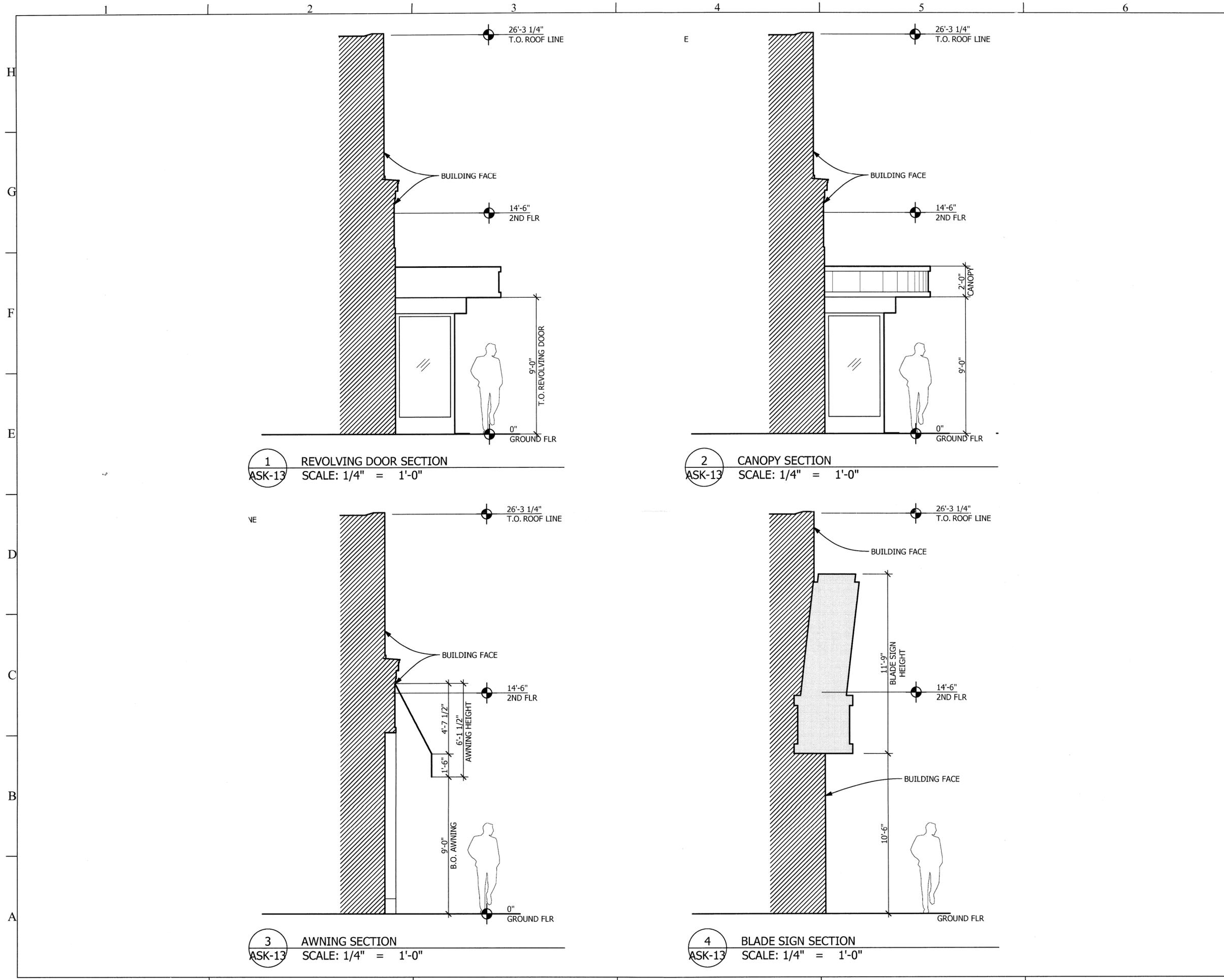
SCALE: AS SHOWN
 PROJECT NO: 2010.351



ENCROACHMENT SECTIONS

ASK-13

teamwork://GRAPHICS/ATR Clarendon Pricing Set



1 REVOLVING DOOR SECTION
 ASK-13 SCALE: 1/4" = 1'-0"

2 CANOPY SECTION
 ASK-13 SCALE: 1/4" = 1'-0"

3 AWNING SECTION
 ASK-13 SCALE: 1/4" = 1'-0"

4 BLADE SIGN SECTION
 ASK-13 SCALE: 1/4" = 1'-0"

Vicinity Map Ballston Tap Room 3101 Wilson Blvd RPC # 15071031



0 50 Feet

Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.
Aerial Photography flown February 2009
Easement Locations are Approximate.
Map prepared by Arlington County GIS Mapping Center
Produced and © April 2011

Vicinity Map 1900 Wilson Blvd RPC # 17011009



Encroachment Areas

15071031

0 200 Feet



Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. Aerial Photography flown February 2009. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © April 2011.

