



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 11, 2012**

DATE: January 23, 2012

SUBJECT: SP #416 SITE PLAN AMENDMENT to amend conditions #15 and 18 of the approved site plan for Virginia Square Towers, relative to the timing for the required engineering plan approval, located at 900-920 N. Kansas Street, 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd.; (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018 through -025).

Applicant:

Ashton Overlook, LC

By:

Nan E. Walsh, Esq.
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Blvd., Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment to amend Conditions #15 and 18, subject to all previously approved conditions and to amended Conditions #15 and 18.

ISSUES: This is a request to amend two conditions of the recently approved Virginia Square Towers site plan relative to the timing of the required approval of the final civil engineering and landscape plans, and there are no issues identified.

SUMMARY: This is a request to amend two conditions of the approved Virginia Square Towers site plan relative to the timing of the required approval of final civil engineering and landscape plans, from requiring approval by the excavation/sheeting and shoring permit to requiring approval by the issuance of the footing to grade permit. The proposed amendments to

County Manager:

BMD/GA

County Attorney:

CEWM *GA*

Staff: Peter Schulz, DCPHD Planning Division
Dolores Kinney, DES

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PLA-6110

the condition language reflect a slightly revised process that staff has recently developed for all projects to better coordinate developers' sequence of development with assurances that site plans will be built as approved and protect County infrastructure and that of adjacent private properties. Therefore, staff recommends the County Board adopt the attached ordinance to approve a site plan amendment to amend Conditions #15 and 18, subject to all previously approved conditions and to amended Conditions #15 and 18.

BACKGROUND: A site plan for up to 540 dwelling units and approximately 13,000 square feet of retail and service commercial space in the Virginia Square Metro station area was approved by the County Board on September 17, 2011. The applicant anticipates breaking ground in the coming months.

The following provides additional information about the site and location:

Site: The site is approximately 2.57 acres and is located within the block generally bound by Wilson Blvd. to the south, N. Kansas Street to the east, Fairfax Drive to the north, and N. Lincoln Street to the west. The site also includes area associated with an alley that is in the process of being vacated. The site currently consists of vacant lots on the southern half of the site, surface parking lots, and three (3) small one-to-two story office buildings on the north half of the site which are proposed to be demolished. Adjacent and surrounding land uses include:

- To the south: Immediately across Wilson Blvd., the Lincoln Court Townhomes, R.E. Michael Company and 7-Eleven convenience market zoned "C-2" and designated "Service Commercial" on the GLUP.
- To the east: Across N. Kansas Street the American Legion Hall and Japanese Auto Service zoned "C-2"; and the "aka" Hotel (SP # 377) zoned "MU-VS", and designated "Medium Density Mixed Use" on the GLUP.
- To the north: Across Fairfax Drive, the FDIC complex (SP# 248); zoned "C-O" and designated "High Office-Apartment-Hotel" on the GLUP.
- To the west: Across N. Lincoln Street, the Virginia Square Condominiums (SP #275) zoned "RA-H-3.2" and designated "High" Residential on the GLUP; and the Virginia Square Plaza Apartments (SP # 293) zoned "RC" and designated "High-Medium Residential Mixed-Use" on the GLUP.

Zoning: "MU-VS" Mixed Use-Virginia Square Districts.

General Land Use Plan Designation: "Medium Density Mixed Use" (3.0 FAR with special provision for up to an additional 1.0 FAR for residential), with Note #3 "Special Coordinated Mixed Use District ("For the East End district of Virginia Square, designated as "Medium Density Mixed-Use" and bordered by Fairfax Drive, Wilson Blvd., N. Lincoln Street, and the intersection of 10th Street/Wilson Blvd./Fairfax Drive, shall be developed consistent with the Virginia Square Sector Plan adopted by the County Board on 12/7/02 and any adopted amendments thereto.").

Neighborhood: The site is located within the Ballston–Virginia Square Civic Association area and is across Wilson Boulevard from the Ashton Heights Civic Association area. The associations have been notified, and, as of the date of this report, no comments have been received.

DISCUSSION: The applicant proposes to amend two (2) conditions of the existing site plan: #15 (“Coordination of final site development, landscape and site engineering”), and #18 (“Final site engineering plan approval by DES”), by amending the timing for the developer to obtain County approval of the civil engineering and landscape plans. The existing conditions require the developer to obtain such approval before the issuance of the Excavation/Sheeting and Shoring Permit. The developer requests to be able to get such approval later, before issuance of the Footing to Grade Permit. The applicant has already submitted to the County the required Final Site Engineering and Final Landscape Plans, the condition will merely change the time by which the Plans must be approved. Over the last several weeks staff has been working to revise the standard engineering plan condition to permit issuance of the Excavation/Sheeting and Shoring permit once staff has determined that excavation of the site would have no adverse impacts on County infrastructure, with full approval of the engineering plan required before issuance of the Footing to Grade permit. A similar version of the proposed language was incorporated into one (1) new site plan and one (1) major site plan amendment heard by the County Board in January 2012, and future site plans are expected to contain similar standard provisions.

CONCLUSION: The proposed amendments to the condition language reflect a slightly revised process that staff has recently developed to better coordinate developers' sequence of development with assurances that site plans will be built as approved and to protect County infrastructure and that of adjacent private properties. Therefore, staff recommends the County Board adopt the attached ordinance to approve a site plan amendment to amend Conditions #15 and 18 to permit the developer to obtain approval of the civil engineering and landscape plans before issuance of the footing-to-grade permit, instead of the sheeting and shoring permit, subject to all previous conditions and amended Conditions #15 and 18.

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated December 5, 2011, for Site Plan #416 was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its February 11, 2012 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 11, 2012, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the MU-VS district as set forth in the Zoning Ordinance;
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated December 5, 2011, for Site Plan #416, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Arlington County (AC) Zoning Administration (which drawings are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment to amend conditions #15 and #18 for the parcel of real property known as RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018 through -025 and -920 N. Kansas Street, 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd., approval is granted and the parcel so described shall be used according to Site Plan #416 as approved on September 17, 2011 and as amended by the Site Plan Amendment Application, subject to all previous conditions, and two (2) revised conditions as follows:

15. Coordination of these plans: final site development, landscape and site engineering

The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator ~~and obtain approval from the County Manager~~ a detailed final landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #18 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in

the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the final civil engineering plan shall verify that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the ~~Excavation/Sheeting and Shoring~~ Footing to Grade Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and 21 below; the Arlington County Streetscape Standards if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. All hardscape features shown on the approved landscape plan shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy for each respective (as determined by the Zoning Administrator) phase of the project. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for occupancy any space above grade for the respective phase of the construction project. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of plant materials or construction of hardscape features by the required timing.

Upon approval of the final landscape plan and prior to the issuance of the first Certificate of Occupancy for the respective phase of the project, the developer agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract for construction and installation of all landscape materials. In the event that the developer completes the construction and installation without a third party contractor, the developer agrees to submit to DCPHD documentation from the General Contractor that the improvements were installed pursuant to the approved final landscape plan. The final landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building

entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.

The developer agrees to relocate existing traffic signal poles, traffic signal cabinets, and any other existing traffic related items and equipment located on, or in the public right-of-way contiguous to, the development site as described below. The improvements shall conform to the DES Construction Standards and Specifications, and shall be shown on the final engineering plan. Installation of the improvements shall be completed prior to issuance of the first certificate of occupancy for the development.

- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit. All existing Metro ventilation grates that are to remain shall be improved to be at-grade, flush with the sidewalk, as shown on the plans dated September 1, 2011 and as approved by the County Board on September 17, 2011.
- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #52 below.
- e. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size,

style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.

- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan.
- h. The limits of demolition and construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved through an Administrative Change request.

18. ~~Final site~~ Civil engineering plan approval by DES

The developer agrees to submit a complete set, as determined by the Department of Environmental Services, of civil engineering plans based on a draft First Submission Plan Checklist dated January 20, 2012, final site civil engineering plans acceptable to the Department of Environmental Services prior to the issuance of the Demolition, Clearing and Grading Permit. ~~The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services and the CPHD Site Planner, as consistent with all site plan approval requirements and all County laws.~~

The developer agrees to meet the following requirements prior to issuance of the Excavation/Sheeting and Shoring Permit:

- Approval by the County Manager of a Maintenance of Traffic Plan for the Excavation/Sheeting and Shoring phase of work;
- Approval by the County Manager of a tieback plan, or alternatively, submission of a statement from the developer confirming that tiebacks will not be used in the right of way during construction of the project; and
- A minimum of one complete County staff review of the civil engineering plans that results in a finding by the County Manager that the Excavation/Sheeting and Shoring proposed on the plan will not damage, or pose a substantial risk of damage to, public infrastructure and adjacent public or private property.

The developer also agrees to obtain all necessary permits prior to commencing excavation, sheeting, and shoring.

The developer agrees to obtain approval of civil engineering plans that agree with the approved final landscape plan, and the sequence of construction, from the Department of Environmental Services as consistent with all site plan approval requirements and all County codes, standards, and policies, prior to issuance of the footing-to-grade permit.

Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built Mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.

PREVIOUS COUNTY BOARD ACTIONS:

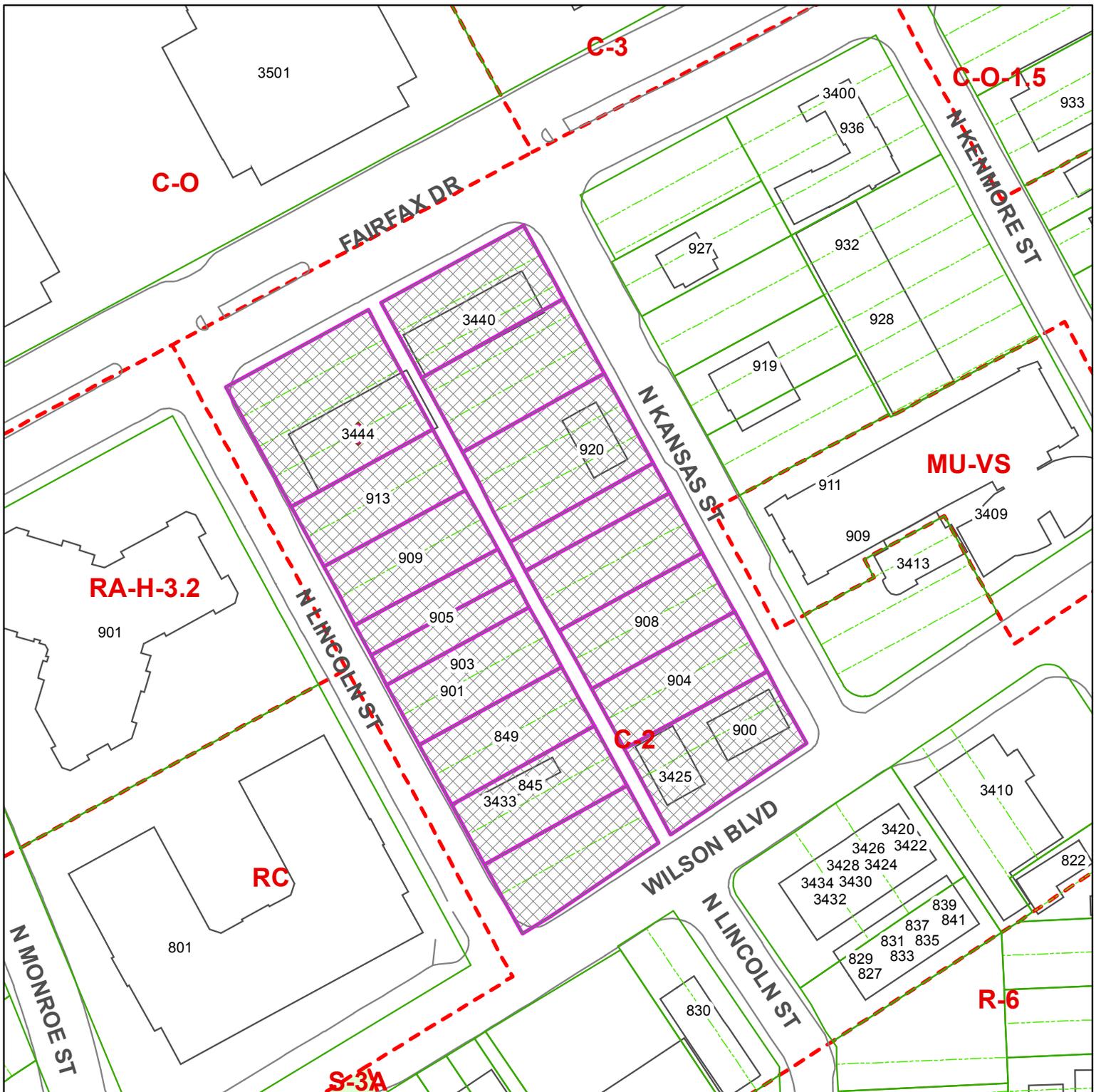
- August 1961 Entire block designated “High-Medium” Residential (Multi-family) (14-39 units per gross acre)
- April 1975 Designated “High-Medium” Residential (73-90 units per acre Apt., 72-135 units per acre Hotel).
- March 1979 Designated “High” Residential (91-135 units per acre Apt., 136-210 units per acre Hotel).
- July 13, 1983 Adopted the Virginia Square Sector Plan.
- December 1983 Northern half of block designated “High” Residential (91-135 units per acre Apt., 136-210 units per acre Hotel). Southern half of block designated “High Medium Mixed-Use” Residential (Maximum 3.24 F.A.R. Including Associated Office and Retail Activities).
- December 2002 Adopted the *Virginia Square Sector Plan 2002*.
- June 14, 2003 Adopted an amendment to the General Land Use Plan (GLUP) (GP-287-03-2) to change the land use designation from “High” Residential (allowable up to 4.8 FAR for Residential and 3.8 FAR for Hotel) and “High-Medium Residential Mixed-Use” (allowable up to 3.24 FAR including associated office and retail activities) to “Medium Density Mixed-Use” (3.0 FAR with special provision for up to an additional 1.0 FAR for residential) for the area generally bordered by North Lincoln Street, Wilson Blvd., North Kansas Street, and Fairfax Drive; and designated the four-block area generally bordered by North Lincoln Street, Fairfax Drive, Wilson Blvd., and the 10th Street/Wilson Blvd./Fairfax Drive intersection as a “Special Coordinated Mixed Use District” (Note 3) on the GLUP and to allow density at the amount specified in the 2002 Virginia Square Sector Plan.
- January 21, 2006 Adopted an amendment to the General Land Use Plan (GLUP) amending note #3 and revising the GLUP booklet description of the East End.

Amended the GLUP legend for “Medium Density Mixed-Use” to refer to the East End and note #3.

September 17, 2011

Approved a rezoning (Z-2552-11-1) from “C-2” to “MU-VS” of the entire block between Kansas and Lincoln Streets and Fairfax Dr. and Wilson Blvd.

Approved a site plan (SP #416) for up to 540 dwelling units and up to 12,815 square feet of retail and service commercial space for the entire block between Kansas and Lincoln Streets and Fairfax Dr. and Wilson Blvd.



SP# 416

900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd.,

RPC: RPC: 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, -024, -025.



 Case Location(s)
Scale: 1:1,200

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