



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 10, 2012**

DATE: February 28, 2012

SUBJECT: SP# 19 SITE PLAN AMENDMENT to revise allowable retail uses and authorize the subdivision of retail space; located at 1881 N. Nash St. (RPC# 16-002-001).

Applicant:

1881 Rosslyn Associates, LLC

By:

Timothy Sampson
Walsh Colucci Lubeley Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment to expand the types of permitted retail uses and to permit retail space division for Site Plan #19, subject to all previously approved conditions and revised Condition #64.

ISSUES: The applicant is requesting additional flexibility to subdivide and lease the retail space at Turnberry Tower. The Unit Owners Association of Turnberry Tower Condominium, Rosslyn Renaissance, and the North Rosslyn Civic Association (NRCA) are all in favor of allowing the applicant to subdivide the subject retail space as proposed by the applicant, however NRCA is opposed to the applicant's request to broaden retail uses in the space to include Consumer and Business Services retail.

SUMMARY: The applicant requests a site plan amendment to modify a retail condition for Site Plan #19, otherwise known as Turnberry Tower. The site plan was approved by the County Board in June 2001 and was subsequently amended in 2004 and 2007. The plan was approved for 176 dwelling units and 4,400 square feet of retail space. The retail space has not been leased since the completion of the building in 2009 and the applicant is now seeking to provide a modification to the retail condition that specifies the use and subdivision of the retail space. Condition #64 requires that

County Manager: *BMD/GA*

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

Staff: Jason Beske, DCPHD, Planning Division

PLA-6090

1.

the entire 4,400 square feet be leased to a single tenant for an Entertainment and Main Street retail use. The applicant would like the ability to subdivide the tenant space for multiple users and the flexibility to lease a portion of the space to Consumer and Business Service users.

This item was deferred from the February meeting of the County Board to allow the applicant to work with surrounding stakeholders on a solution for the site. The applicant received replies from Rosslyn Renaissance, The Turnberry Tower Condominium Association, and the North Rosslyn Civic Association. The stakeholders and staff are generally supportive of the applicant's request to subdivide and expand the type of permitted uses for the subject retail; however, the Civic Association would like the applicant to maintain the uses specified in the Retail Action and Marketing Plan originally approved for the site.

Staff is supportive of the applicant's request to allow retail flexibility and the subdivision of the retail space. Building construction was completed in 2009 and the retail space has remained vacant in spite of ongoing marketing efforts by the applicant as specified in the Retail Action and Management Plan. The proposed use expansion by the applicant will add Consumer Business Services to the list of allowable uses (Entertainment and Main Street uses), which is in conformance with the recommendations of the *Rosslyn-Ballston Corridor: Retail Action Plan*.

BACKGROUND: 1881 North Nash Street (Turnberry Tower) was approved as a major site plan amendment in June 2001, accompanying a rezoning request for the former Best Western Hotel site from "C-O" to "C-O Rosslyn." By site plan, 567,000 square feet of gross floor area including retail at 4,400 square feet was approved for the site. The building was proposed to contain 176 large dwelling units, averaging in size from 1,700 to 5,700 square feet. The resulting density was approximately 136 dwelling units per acre.

The applicant states that, they have attempted to market and lease the 4,400 square-foot retail space with no success. The applicant cites that market constraints and a specific site plan condition make it difficult to lease the space to the potential and opportune tenants listed in the Retail Action and Marketing Plan; specifically, the inability to divide the space and the requirement of only allowing Entertainment and Main Street retail uses.

Therefore, the applicant requests a site plan amendment to modify the retail conditions for Site Plan #19, otherwise known as Turnberry Tower. The site plan was approved by the County Board in June 2001. The retail square footage has not been leased since the completion of the building and the applicant is now seeking to provide a modification to the retail condition that specifies the use and subdivision of the retail space. Condition #64 requires that the entire 4,400 square feet be leased to a single tenant for an Entertainment and Main Street retail use. The applicant would like the ability to subdivide the tenant space for multiple users and the flexibility to lease a portion of the space to Consumer and Business Service users.

The following provides additional information about the site and location (for new applications only):

Site: At 56,700 sq ft (1.3 acres) and located within the "*Rosslyn Coordinated Redevelopment District*," the property occupies the northwest corner of Ft. Myer Drive and Key Boulevard. The site fronts North Nash Street to the west and is bounded by the Holiday Inn to the north.

- To the north: Holiday Inn, Rosslyn Westport (SP #79), which is designated “High” Residential on the General Land Use Plan (GLUP), is located in the “Rosslyn Coordinated Redevelopment District”, and is zoned “C-O.”
- To the east: Fort Myer Drive and Virginia Electric Substation (SP #18), which is designated “High” Office-Apartment-Hotel on the GLUP, is located in the “Rosslyn Coordinated Redevelopment District” and zoned “C-O Rosslyn.”
- To the south: North Nash Street and Arlington Temple, United Methodist Church (SP #1), which is designated “High” Office-Apartment-Hotel on the GLUP, is located in the “Rosslyn Coordinated Redevelopment District” and zoned “C-O.”
- To the west: North Nash Street and Rosslyn Vista Apartments (SP #290) designated “Low-Medium” Residential on the GLUP and zoned “RA6-15”.

Zoning: “C-O Rosslyn”.

Land Use: “High Residential”; “Rosslyn Coordinated Redevelopment District”.

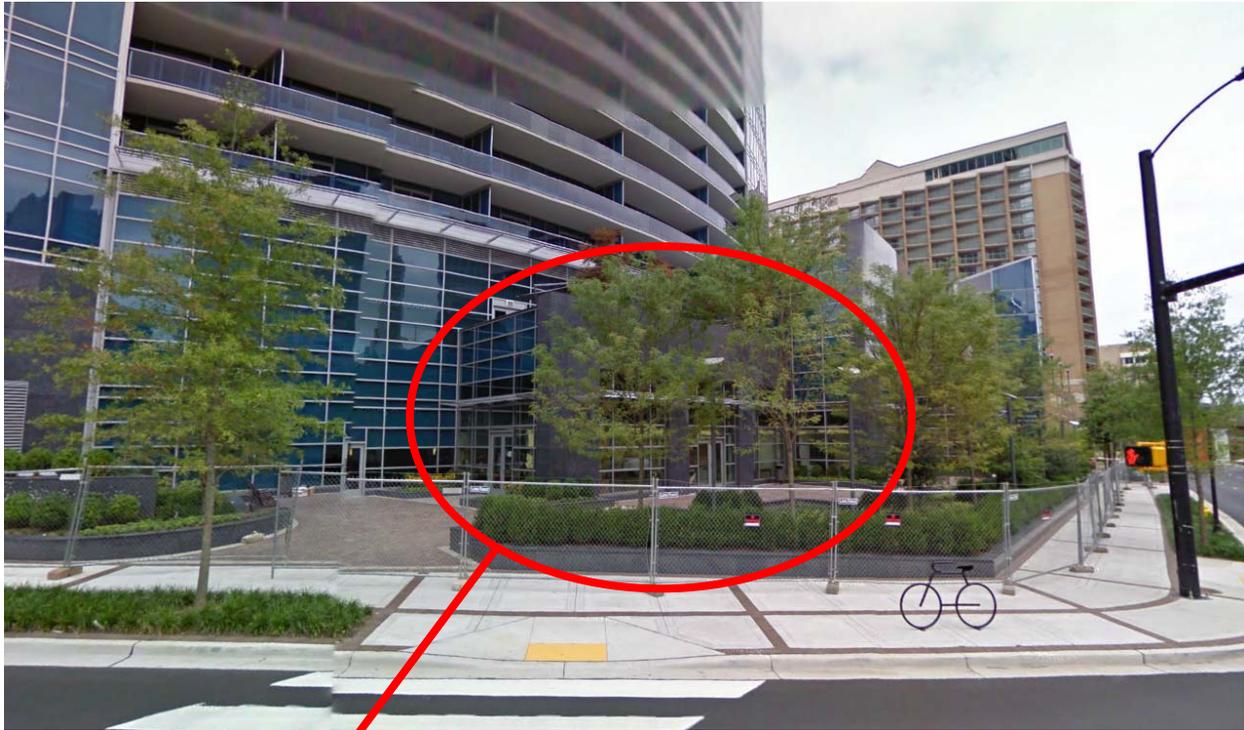
Neighborhood: North Rosslyn Civic Association.

DISCUSSION: A site plan amendment is requested for SP #19, located at 1881 N. Nash Street. The proposed amendment would modify Condition #64 related to retail requirements on the site. The condition requires that the 4,400 square-foot retail space be occupied by a single user and that the space not be subdivided. Further, any change to the use of the space designated as retail requires a site plan amendment. The applicant has researched alternatives to the retail condition for the space and they feel that approval of the proposed condition to allow subdivided retail space and the expansion of allowable retail uses will allow the space to be leased in a timely manner.

The subject project is located in the Rosslyn area. In this area, site plans are partially guided by the *Rosslyn-Ballston Corridor: Retail Action Plan* and the *Rosslyn Station Area Plan Addendum*. The *Retail Action Plan* identifies Ft. Myer and Key Boulevards, both of which are adjacent to the subject space, as Neighborhood streets where consumer services are encouraged but not required. The *Station Area Plan* identifies Ft. Myer Drive as a Secondary Commercial Street. These Secondary Commercial Streets should provide visual interest to the pedestrian, but do not necessarily have to maintain a retail frontage; however, consumer-oriented uses are strongly encouraged.

According to information provided by the applicant, they have made attempts to market and lease the 4,400 square-foot retail space with no success. This is partially attributed to the site plan retail condition’s requirement, which specifies that the space must be occupied by a single tenant with an Entertainment or Main Street retail use. Primary marketing efforts were aimed at securing a café/gourmet foods tenant that would operate Monday through Saturday from 11:00 a.m. to 9:00 p.m. and Sunday from Noon to 6:00 p.m. Although this use was preferred and assumed to serve the adjacent uses the best, the applicant has been unsuccessful at leasing the space.

In addition to constraints created by the site plan condition, the physical layout of the site plan and related architecture pose issues with the exposure and views of the retail space (see image below). The retail space is setback a relatively large distance from the adjacent streets, obstructed to a degree by adjacent landscaping and raised planters, and separated by grade for a portion of the site. These conditions add to the difficulty of exposure and leasing of the space.



Subject Retail Area – set back from adjacent streets

The applicant is proposing to modify two (2) primary points of the site plan retail condition (Condition #64). First, the applicant is asking that the requirement for a single user in the 4,400 square-foot space be removed and that subdivision of the space be allowed. Second, the applicant is asking that retail uses other than Entertainment and Main Street retail uses be permitted. The proposed condition revision would provide the additional allowance for Consumer Business Services, with a few exclusions as outlined in the proposed condition. The applicant has indicated that they are amenable to requiring that $\frac{1}{4}$ of the space, or 1,100 square feet, be used only by an Entertainment and Main Street retail use. In summary, the applicant would like the flexibility to subdivide the space and expand the allowable uses for no more than $\frac{3}{4}$ of the space, or 3,300 square feet, to Consumer Business Services.

Staff is generally supportive of the applicant's request to modify the retail condition of this site plan. There are constraints to the visibility of the space presented by the design of the retail space in relation to the street frontages. Also, the *Retail Action Plan* specifies that the subject location is suitable for Consumer and Business Services uses, which is the type of use that the applicant is asking for flexibility to introduce into the space. Although Entertainment and Main Street retail uses would be more in line with what was originally conditioned and anticipated for the retail space, leasing the space has been difficult according to the applicant and occupied retail space in Turnberry

Tower is more desirable than vacant space for creating a lively street frontage and ground-level pedestrian activity.

Staff has received feedback from the North Rosslyn Civic Association (NRCA), the Unit Owners Association of Turnberry Tower Condominium (Condo Association), and the Rosslyn Renaissance. The Condo Association and Rosslyn Renaissance have expressed support of the applicant's requested modifications in full, with a few specific use exceptions. A few uses were specifically eliminated from the use-mix allowance upon the request of the stakeholders and are outlined in the proposed revised condition. NRCA expressed that they are in favor of the applicant subdividing the space, but opposed to allowing the expansion of retail uses in the space. A letter from NRCA (attached to this report), states that the Civic Association, particularly the Colonial Terrace Neighborhood directly north of Turnberry Tower, should be afforded the community benefit of significant retail space to service the community due to the tower's shadow impact on the neighborhood. NRCA also feels that Rosslyn is replete with the Consumer and Business Services retail and would like to see more Entertainment and Main Street retail uses. The *Retail Action Plan*, supports the expansion of retail uses and encourages Consumer and Business Services for the subject location. Given the existing policy guidance for retail at the proposed location and the support by the Condo Association and the Rosslyn Renaissance, staff is recommending that the County Board approve the applicant's request as proposed, despite NRCA's objection for expanding the type of retail uses.

CONCLUSION: The applicant is requesting a site plan amendment and condition modification to allow additional flexibility in uses associated with the 4,400 square feet of on-site retail. Specifically, the applicant would like the allowance to lease up to $\frac{3}{4}$ of the space, or 3,300 square feet, of the space to Consumer and Business Services as specified in the *Retail Action Plan*. The applicant attributes the unleased space to the current economic climate and the inability to market the space to an Entertainment and Main Street retail use as specified in the retail site plan condition.

Staff is generally supportive of the applicant's proposal to provide retail flexibility at Turnberry Tower; however, staff believes that, if possible, an Entertainment and Main Street retail use should continue to be sought for occupation of the retail space since this use would provide more activity and a livelier street frontage than a Consumer and Business Service use. Therefore, staff recommends, based on the merits of the project, its consistency with the Retail Action Plan and, and good planning practices, that the County Board adopt the ordinance to allow flexibility for the retail uses and space division subject to all previously approved conditions and to revised Condition 64.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated November 14, 2011 for Site Plan # 19, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its March 10, 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 numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on March 10, 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 district as set forth in the Zoning Ordinance and modified as follows:
 - A modification of Condition #64 of Site Plan #19 to allow flexibility of retail uses and retail space.
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated November 14, 2011 for Site Plan # 19, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition #64 below (which drawings, etc. are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment for an expanded retail condition, for the real property known as RPC # 16-022-001 and 1881 N. Nash Street, approval is granted and the parcel so described shall be used according to the June 9, 2001 approval, as amended by the Revised Site Plan Application, subject to all previously approved conditions (#1 through 70) with condition #64 revised as follows:

64. **Retail Elements**

The developer agrees to develop a revised retail attraction and marketing plan for the 4,400 square foot retail space consistent with the terms of this condition within sixty (60) days following approval of a minor site plan amendment for the retail space on March 10, 2012. The developer agrees that a minimum of 1,100 square feet of the retail space will be marketed to and occupied by Entertainment and Main Street Retail use(s) set forth in the Rosslyn-Ballston Retail Action Plan, and that the balance of the retail space will be marketed to and occupied by other Entertainment and Main Street retail and /or Consumer Business Services uses; provided, however, that the following uses shall not be

permitted in the retail space: banks or other financial institutions; bird store, pet shop or taxidermist; meat or fish market; and animal hospital or veterinary clinic. The retail space will be preferentially marketed using best commercial efforts to retailers who are willing to operate during evening and weekend hours. this space will be occupied by a restaurant or similar use. The plan shall identify the types of retail desired for the space. The developer agrees that the space will not be subdivided and that only one tenant will occupy the 4,400 square foot space. The developer agrees to make reasonable efforts to keep the retail space open in the evenings and on weekends. Any change in use of the space designated as retail shall require a site plan amendment. The plan shall be subject to approval by the County Manager or his designee prior to the issuance of the final building permit.

PREVIOUS COUNTY BOARD ACTIONS:

October 2, 1962	Deferred site plan to the October 6, 1962 County Board meeting.
October 6, 1962	Approved a site plan for a 178-unit hotel.
March 7, 1965	Approved a site plan amendment to allow windows on the north elevation not shown on the site plan.
May 11, 1965	Denied a request to permit a freestanding trademark sign on the Fort Myer Drive frontage.
August 24, 1965	Deferred a request to relocate an approved rooftop sign to the restaurant level between the first and second floors.
October 16, 1965	Approved an additional sign at the restaurant levels.
May 14, 1966	Approved a site plan amendment to permit installation of a walk-in cooler on the third parking level of the garage.
January 25, 1969	Approved an amendment to the site plan to allow exterior detailing at the second level to remain the recently painted colors of yellow, green and white until December 1, 1969.
April 30, 1969	Approved the conversion of one off-street parking space to storage space.
November 26, 1969	Approved a site plan amendment permitting exterior detailing at the second floor level to be painted dark green.
April 12, 1980	Approved a site plan amendment to enclose 13 parking spaces on the third level for additional office and storage area and to construct a 2,255 square foot addition on the fourth level for additional storage, with conditions.
March 7, 1987	Denied site plan amendment request for a free standing sign.
April 21, 2001	Deferred rezoning and site plan amendment request to the June 9, 2001 County Board meeting.
June 9, 2001	Approved rezoning to "C-O Rosslyn" and site plan amendment subject to conditions.
May 18, 2002	Extended the term of the site plan approval to June 9, 2006.
April 24, 2004	Deferred site plan amendment request to the June 26, 2004 County Board meeting.

June 26, 2004

Approved site plan amendment request for minor building modifications resulting in a more suitable high-density residential project in Rosslyn, and to amend Conditions 1, 10, 13, 16, 26, 30, 37, 38, 39, 46, 58, 63, 66, 67, 68 from the 2001 approved site plan and add a new Condition 71, making the site plan consistent with 2004 site plan standards.

December 15, 2007

Approved site plan amendment request for the modification of Condition 63 regarding the public art fund.

TO: Jason Beske, Planner
Arlington Community Planning, Housing and Development

FROM: Lucia deCordre, Urban Design Director
Rosslyn Business Improvement Corporation

RE: Site Plan # 19, Turnberry Tower, 1881 N. Nash Street, Minor Site Plan
Amendment to Modify Condition #64

DATE: February 10, 2012

The Rosslyn Business Improvement Corporation Urban Design Committee (UDC) has reviewed The Facchina Group's request for a two-part modification of Turnberry Tower's retail space, Condition #64. The Applicant made a presentation at the December 10, 2011 Urban Design Committee. The Urban Design Committee subsequently requested input from the Turnberry Tower Condominium Owner Association and their position was stated in a letter received in January, 2012 (attached).

The UDC is in support of both portions of the request: to remove the single-user requirement, and to allow subdivision of the retail space. With regard to the request to expand the use to "Consumer and Business Service", the Urban Design Committee supports the expansion and agrees with the Condominium Owner Association recommendations that:

"The following uses shall not be permitted in the retail space: banks or other financial institutions; bird store, pet shop or taxidermist; meat or fish market; and animal hospital or veterinary clinic."

The RBIC Urban Design Committee advocates strongly for all opportunities that encourage and enhance retail. We look forward to working with and serving the retail establishments that occupy the Fort Myer Drive frontage in the Turnberry Tower.



Turnberry Tower

Ms. Mary Hughes Hynes
Chairman
Arlington County Board
2100 Clarendon Blvd., Suite 300
Arlington, VA 22201

**RE: Minor Site Plan Amendment – SP#19, Site Plan Condition #64
Premises: Turnberry Tower – Retail Unit**

Dear Ms. Hynes:

The Unit Owners Association of Turnberry Tower Condominium is writing to support the request submitted by 1881 Rosslyn Associates, LLC for modification of Site Plan Condition #64 pertaining to the Turnberry Tower retail space. The Unit Owners Association supports both the elimination of the requirement that the space be occupied by a single user and the ability to expand the scope of users for the space. We are strongly in favor of allowing greater flexibility in the marketing/leasing of the space to increase the opportunities to make the space a viable and useful retail space for the Rosslyn community.

As we reviewed the amendment request, there were a few uses that we felt would not be appropriate for the building. We expressed those concerns to the Applicant, who has incorporated them in the revised proposal (see attached). Of a similar nature, we also have concerns about potential food service uses in the building given the inherent issues associated with food service uses in a residential environment (food storage, trash, pest control, etc.). While we are not requesting the elimination of food service use, and are confident in the Applicant's ability to control the environment, we would ask that the County Board be considerate of our concerns in this regard by allowing for the expansion of the scope of users for the space.

In short, the Units Owners Association of Turnberry Tower Condominium supports the Applicants request and we are hopeful that the increased flexibility to the space will result in tenants that will enliven the space and benefit the residents and the community.

Sincerely,
For the Unit Owner's Association of Turnberry Tower Condominium



Gregg Donley
President

Turnberry Tower Minor Site Plan Amendment – SP#19

Revised Condition # 64

The developer agrees to develop a revised retail attraction and marketing plan for the 4,400 square foot retail space consistent with the terms of this condition within sixty (60) days following approval of a minor site plan amendment for the retail space on February 11, 2012. The developer agrees that a minimum of 1,100 square feet of the retail space will be marketed to and occupied by Entertainment and Main Street Retail use(s) as set forth in the Rosslyn-Ballston Corridor Retail Action Plan, and that the balance of the retail space will be marketed to and occupied by other Entertainment and Main Street Retail and/or Consumer Business Services uses; provided, however, that the following uses shall not be permitted in the retail space: banks or other financial institutions; bird store, pet shop or taxidermist; meat or fish market; and animal hospital or veterinary clinic. The retail space will be preferentially marketed using best commercial efforts to retailers who are willing to operate during evening and weekend hours. Any change in use of the space designated as retail shall require a site plan amendment. The plan shall be subject to approval by the County Manager or his designee prior to the issuance of an interior building permit for any portion of the retail space.

North Rosslyn Civic Association

1902 N Ode St
Arlington, VA 22209-1412

January 30, 2012

VIA EMAIL

Ms. Mary Hughes Hynes
Chairman
Arlington County Board
2100 Clarendon Blvd. Suite 300
Arlington, VA 22201
mhynes@arlingtonva.us

Re: Request for Minor Site Plan Amendment –
Turnberry Tower – Retail Unit
SP #19, Site Plan Condition #64

Dear Ms. Hynes:

The North Rosslyn Civic Association is writing to provide input for the Board's consideration in its review of the application of 1881 Rosslyn Associates LLC for modification of Site Plan Condition #64 on the Turnberry Tower site plan, requested for deferral until the March hearing.

Given the impact of this very tall building on the immediately adjacent Colonial Terrace neighborhood, including casting many of our homes and gardens into shadow, residents believe that the developers should be held to the spirit of their commitment to provide, as a community benefit, significant active retail space serving our community. Subject to that constraint, NRCA is agreeable to applicant's request to modify Site Plan Condition #64 and the Retail Attraction and Marketing Plan ("RAMP") to permit subdivision of the 4,400 sq. ft. retail space.

Furthermore, NRCA is agreeable to adding flexibility to the original plan whereby permissible uses of the space would be expanded beyond the current requirement for "restaurant or similar use," with the condition that all 4,400 square feet be occupied by businesses fitting within the category of "Entertainment and Main Street Retail Uses" as defined in the Rosslyn-Ballston Corridor Retail Action Plan, with certain exclusions as requested by the Unit Owners' Association of Turnberry Tower Condominium (bird store, pet shop or taxidermist; meat or fish market).

Ms. Mary Hughes Hynes
January 30, 2012
Page 2

NRCA strongly opposes the applicant's request to allow any portion of the space to be used for "Consumer and Business Services" as defined in the Rosslyn-Ballston Corridor Retail Action Plan. Rosslyn's retail spaces are already replete with businesses in the category of "Consumer and Business Services." Professional offices such as doctors or dentists and other types of business service providers such as pack and ship services, dry cleaners, or banks do little to enliven the streets or engage the passers-by and are typically not open during evening and weekend hours.

As we stated in our letter of November 22, the location of this retail space underlines the importance of securing one or more active retail uses. The retail space and its adjacent terrace face the center of Rosslyn and are immediately opposite a small plaza on the NE corner of 19th Street and Ft. Myer Drive (*see* RAMP at 2). In its redevelopment plans for Rosslyn Gateway, JBG is proposing that this plaza will feature the dining terrace for a proposed restaurant. The Turnberry site is next door to the Holiday Inn. An entrance to Metrorail is less than a block away. Thus, the Turnberry retail space is centrally located and will become increasingly vital in activating that corner as Rosslyn matures.

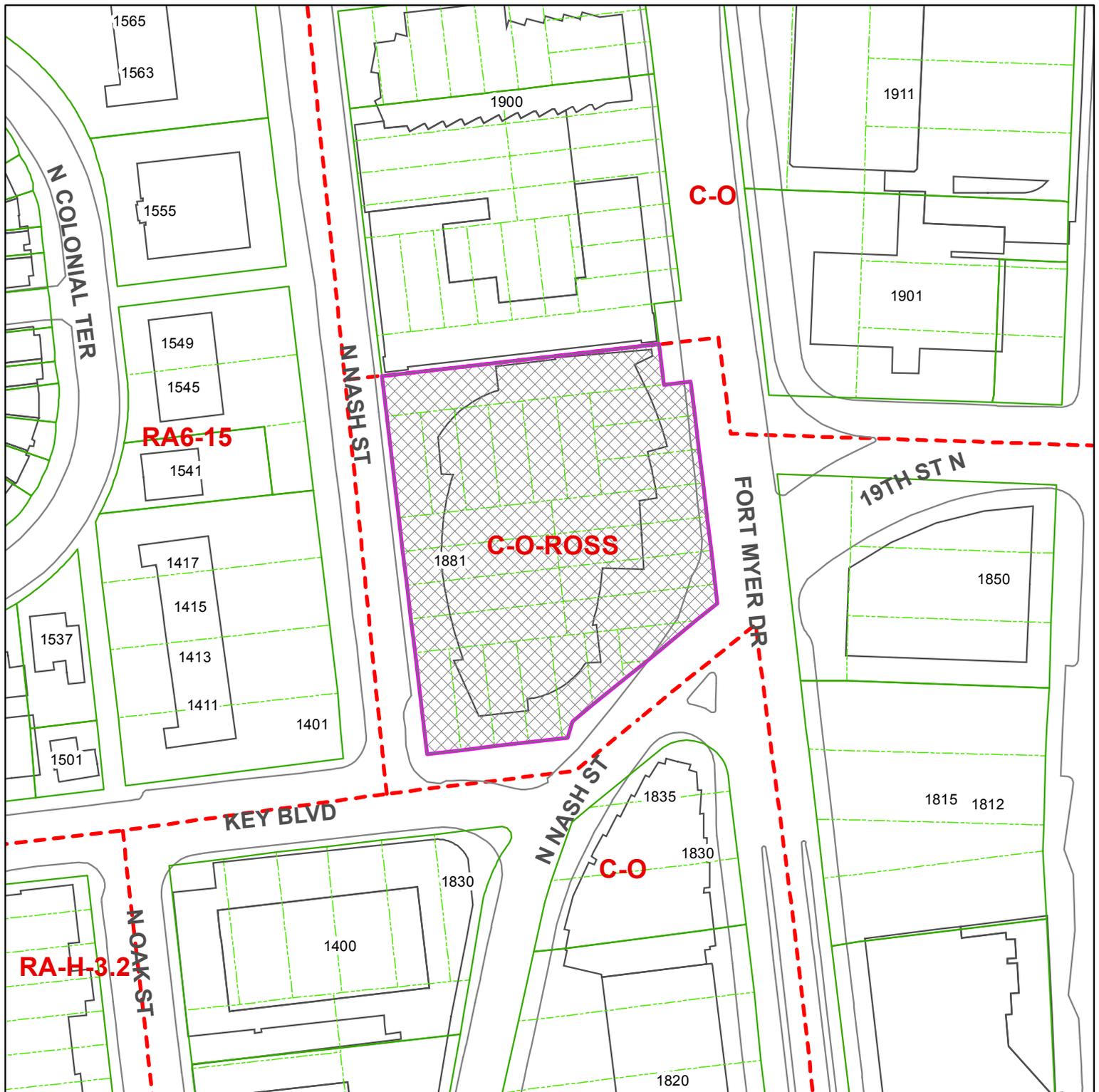
In sum, we ask that, in reviewing the applicant's request, you consider the views of the North Rosslyn community that Site Plan Condition #64 concerning the retail space for Turnberry Tower be modified only to the extent that subdivision be permitted and other uses within the "Entertainment and Main Street Retail Uses" category be allowed.

Very truly yours,



Jennifer J. Zeien
President
North Rosslyn Civic Association

cc: Arlington County Board
Tom Miller, Acting Planning Division Chief, Arlington County
Timothy Sampson, Walsh Colucci Lubeley Emrich & Walsh PC
Cecilia Cassidy, Executive Director, Rosslyn Renaissance
Stan Karson, President, Radnor, Ft. Myer Civic Association



SP#19

1881 N. Nash Street

RPC# 16-022-001



 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.