



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 8, 2012

DATE: November 30, 2012

SUBJECT: SP #240 SITE PLAN AMENDMENT to convert approximately 1,894 square feet of retail space to a dental office use; located at 901 N. Stuart St. (RPC #14-049-014).

Applicant:

Abby Mashalian

By:

Jonathan D. Puvak

Walsh Colucci Lubeley Emrich & Walsh, P.C.

2200 Clarendon Boulevard, Suite 1300

Arlington, Virginia 22201

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment for the temporary conversion of approximately 1,894 square feet of retail space to be used as a dental office for fifteen years (until December, 2027) with an administrative review in thirteen (13) years (December 2025), subject to all previously approved conditions, a modified condition 16, and one (1) new condition.

ISSUES: This is a site plan amendment to allow a dentist to occupy space designated as retail and located at the intersection of a street designated for Entertainment and Main Street Retailing (North Stuart Street) and a street designated for personal and business services by the Rosslyn-Ballston Retail Action Plan. Staff finds that the use will be compatible with the goals of the Rosslyn-Ballston Retail Action Plan for 9th Street North due to the unique location and configuration of the space. However, staff is recommending a temporary conversion in order to maintain the underlying retail and to ensure that any future non-retail tenant receives County Board review.

County Manager:

BMD/GA

County Attorney:

CCW

Staff: Sophia S. Fisher, DCPHD, Planning Division
Jill Griffin, AED

1.

PLA-6324

SUMMARY: The applicant is requesting a site plan amendment to convert approximately 1,894 square feet of designated retail space on the ground level of the Ballston Metro Center office building at the corner of North Stuart Street and 9th Street North from retail to a dental office use. The applicant is proposing office hours of 8 a.m. to 6 p.m. Monday-Friday and 8 a.m. – 3 p.m. Saturday with the option of later hours and hours on Sundays if demand warrants. According to the applicant’s submission, there will be between 40-60 patients seen every day, with appointments reserved for walk-ins and emergencies.

The [2001 Rosslyn-Ballston Corridor Retail Action Plan](#) calls for the North Stuart Street frontage as an Entertainment and Main Street Retailing and the 9th Street North frontage as a shopping street providing personal and business services which includes dental offices. The applicant has made a significant effort to maintain transparency to provide for views into the subject space as well as visual interest from the street – and will offer dental-related products for sale. The applicant has also agreed to make the conversion temporary for the duration of their 15 year lease and a condition has been included that states that the use is to expire in the event that the dental office closes.

The retail space is challenged by its unique location and configuration. Furthermore, the building design is not conducive to traditional retail in the subject space with limited sidewalk level transparency due to the small size and location of the existing windows and entrance door and the overall blank masonry form of the building. Until recently, the space had been continuously operated as a hair salon – a personal and business service. Therefore, because the proposed use will generate ample pedestrian traffic, provide needed services to the community, and takes advantage of a challenging configuration of the space, staff recommends that the County Board approve the temporary conversion of approximately 1,894 square feet of retail space to be used as a dental office for fifteen years (until December, 2027) with an administrative review in thirteen (13) years (December 2025), subject to all previously approved conditions, a modified Condition #16, and one (1) new condition.

BACKGROUND: The Ballston Metro Center site plan was approved in 1986 with a combination of office, hotel, and retail space. The site plan approval also contained the sky bridge to the Ballston Common Mall. Originally the space that the applicant is proposing to convert from retail to a dentist office was approximately 500 square feet that was accessed only from the atrium of the office building. In 1995 a site plan amendment was approved that added an additional 1,400 square feet to the retail bay and provided the newly approved retail space new access from North Stuart Street and a window on 9th Street North.

The following provides additional information about the site and location:

Site: The site consists of a mixed-use residential, office, and hotel complex.

- To the north: Across Fairfax Drive, low-rise strip commercial buildings and the Central Methodist Church, zoned “C-2”.
- To the south: Across 9th Street North, the multi-story Stafford Place complex, zoned “C-O-A”.
- To the east: Across North Stafford Street, the one-story International House of Pancakes, zoned “C-O-A”.
- To the west: Across North Stuart Street, the multi-story Stuart Park office building, zoned “C-O-A”.

Zoning: The site is zoned “**C-O-A**” Commercial, Office and Apartment Districts.

Land Use: The subject site is designated on the [General Land Use Plan](#) (GLUP) as “Coordinated Mixed-Use Development District”. It is also subject to GLUP Note #6 which states: “This area was designated a Coordinated Mixed-Use Development District on 12/2/78”.

Neighborhood: The site is located in the Ballston-Virginia Square Civic Association and the Ballston BID. The Civic Association and the BID have both been contacted, but to date no comments have been received.



Source: Bing Maps

DISCUSSION: The applicant is proposing to locate a dental office in a space formerly occupied by a hair salon. The hair salon was originally only accessible from the building’s atrium; it expanded to fill the additional retail space approved with the site plan amendment in 1995 that gave the space frontage on and access to North Stuart Street. Until June 2012 the hair salon, which falls into the consumer and business services retail category as defined by the Rosslyn-Ballston Retail Action Plan, was the only prior occupant of the subject space. The approximately 1,894 square foot space is a modified “L” shape, with the narrow portion accessing the atrium of the office building. There are public entrances from both the atrium and North Stuart Street. The retail space is challenged by its unique location and configuration. Furthermore, the building design is not conducive to traditional retail in the subject space. There is a significant brick column at the corner of North Stuart Street and 9th Street North, and the space was not originally intended for retail—prior to 1995, one of the main entrances to the atrium was from the corner of North Stuart Street and 9th Street North. That entrance was moved towards the interior of the block and the space at the corner became the subject retail space.



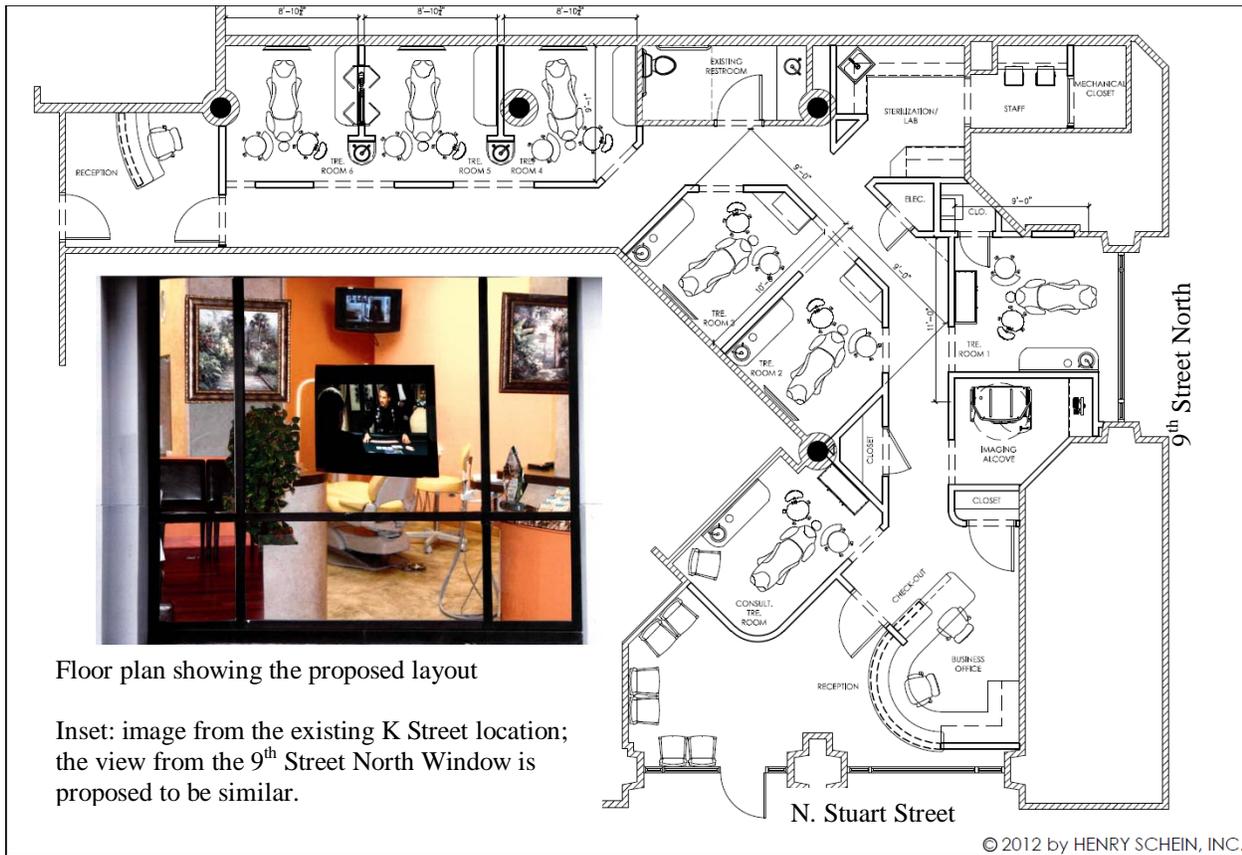
Image showing the exterior of the subject space looking northeast from the corner of North Stuart Street and 9th Street North. Source: Google Street View.

Retail Policies: The Retail Action Plan identifies North Stuart Street as planned for Entertainment and Main Street retail, and calls for enhanced pedestrian environments with upgraded streetscapes and includes such business types as drugstore, coffee shop, and optical store (operating as a commercial enterprise with incidental eye exam). 9th Street North is identified as a street principally providing personal and business services, and includes such uses as a beauty salon, medical and dental offices, and health clubs. The Retail Action Plan is currently under review and recommendations for its update will be presented to the County Board in early 2013. However, many of its guiding principles remain appropriate today: downtowns should be lively pedestrian environments...that encourage human interaction and

pedestrian activity; retail uses alone do not draw consistent pedestrian traffic...; and the downtowns should provide a full range of services and amenities to support the resident and daytime populations... (Retail Action Plan Guiding Principles).

Proposed Use: The applicant is proposing a business that offers a broad range of dental services, including general dentistry, orthodontics, periodontist, and oral surgery. There will be a total of six (6) treatment rooms, as well as a consultation/treatment room and a reception area. The applicant anticipates 40-60 patients per day, with same day and emergency appointments available. The applicant is currently proposing to be open a minimum of 8 a.m. – 6 p.m. Monday-Friday and 8 a.m. – 3 p.m. Saturday, with the potential to stay open later on weekdays and Saturdays and also to be open on Sundays if the demand exists.

The applicant is also proposing a retail component to the use, which will sell dental-related products such as electric toothbrushes, specialty toothpastes, and tooth whitening strips. There are display areas proposed on both North Stuart Street and 9th Street North, and the existing windows will provide views to the interior space and activities therein. The applicant will also be providing spa like services to patrons, including head and neck massages either before or after dental treatment. The applicant is also proposing to have the treatment room adjacent to 9th Street North visible from the street. The two images below show the proposed floor plan and an image from the applicant’s current location on K Street NW in Washington, DC. The applicant is proposing a similar window on the 9th Street North frontage.



Analysis: Staff finds that the proposed dental office is appropriate for the subject space due to the unique configuration and location of the retail space. The proposed use falls into the consumer and business service category, which is anticipated for 9th Street North, and has been designed to provide the transparency on both North Stuart Street and 9th Street North and provide a small amount of retail sales – both of which the Retail Action Plan anticipates. The subject space was not designed for retail, and does not have the transparency that is anticipated for a retail space due to the office building design. The viability of the retail space could be improved by façade improvements; however no changes to the façade are anticipated at this time.

The proposed use would bring up to 60 patients per day, and would be open longer than a traditional dentist office, including evening and weekend hours. Furthermore, the applicant is proposing to maintain transparency on both the North Stuart Street and the 9th Street North frontages, which will help to contribute to an active pedestrian environment on both streets. This will be accomplished by installing display cases in the windows and by offering a view into one of the treatment rooms from 9th Street north, similar to the image from the K Street location shown above. The proposed use will also offer a retail component in that they will sell various dental products such as electric toothbrushes and whitening strips. This retail component will serve both patients and passersby.

Ballston Metro Center has several ground floor retail spaces including Presidential Bank, Primo Fresh Deli, Starbucks and Tivoli Gourmet and Pastry. My Eye Doctor, an optometry center, is located on the mezzanine level of the building. There are currently two vacant retail spaces within Ballston Metro Center: the subject space fronting on North Stuart Street; and an approximately 5,500 square foot space formerly occupied by Ruby Tuesday at the corner of North Stuart Street and North Fairfax Drive which has been vacant since March 2009.

Overall, the retail vacancy rate in Ballston is approximately 7.4%, slightly higher than the Rosslyn-Ballston corridor vacancy rate of approximately 6.13%. Street level retail in Ballston competes with the Ballston Common Mall, which accounts for almost 50 percent of the vacancies within Ballston (approximately 14 of the 23 vacant retail spaces). Repositioning some of the retail spaces in Ballston that are currently in marginal locations, lack street presence or have challenging design elements to permit interim uses such as consumer and business services, educational uses, government or cultural uses is a key tenant in the update to the Retail Action Plan. The intention is to encourage pedestrian activity and provide a variety of activities and uses in and around such spaces until buildings are repositioned or market trends change that merit retail uses.

Staff is recommending that the dental office be approved as a temporary use for fifteen years (the duration of the applicant's lease). Staff supports a temporary conversion in order to maintain the underlying retail designation. In addition, staff is recommending an administrative review in 2025, two years prior to the expiration of the dental office use. This administrative review is intended to monitor the use and the retail and physical environment and to provide guidance to the applicant on whether an extension of the dental office use beyond the 15 year term would be appropriate. Staff also recommends that Condition #16, which specifies that retail areas shown on the plan shall not be converted to office space be modified to specifically permit the conversion of the subject retail space.

CONCLUSION: The proposed dental spa generally meets the objectives of the Rosslyn-Ballston Retail Action Plan and is substantially similar to the optical retail use that falls into the Entertainment and Main Street Retail category as described in the Plan. The applicant has agreed that the dental office use will be approved as a temporary use for fifteen years, which will expire upon the termination of the lease or the expiration of the use. Therefore, staff recommends that the County Board approve the temporary conversion of approximately 1,894 square feet of retail space to be used as a dental office for fifteen years (until December, 2027) with an administrative review in thirteen (13) years (December 2025), subject to all previously approved conditions, a modified Condition #16, and one (1) new condition.

Amended Condition #16

16. The developer agrees that retail areas designated on the plan in the project shall not be converted to office use, except as specifically approved by the County Board on December 8, 2012 and which approval is reflected in Condition #43.

New Condition #43

43. The applicant agrees that the dental office permitted at the Ballston Metro Center at 901 N. Stuart Street is a temporary use only that has been approved for fifteen (15) years, with an administrative review in thirteen (13) years. During the operation of the dental office, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of fifteen (15) years, on December 31, 2027, without further action by the County Board, unless otherwise approved prior to that date. The applicant acknowledges and agrees that after December 31, 2027 it shall have no right to use the space for a dental office unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the dental office shall be subject to the following additional conditions:

1. Hours of Operation: The applicant agrees that the hours of operation shall be a minimum of 8:00 a.m. – 6:00 p.m., Monday – Friday and 8:00 a.m. – 3:00 p.m. Saturday, with the option to extend said hours of operation both later in the day and to Sundays to accommodate customer demand.
2. Transparency: The applicant agrees that they shall not install blinds, drapes, or other similar blocking materials in order to preserve the view into the subject space from either the N. Stuart Street or the 9th Street North frontages.
3. Expiration: The applicant agrees that approval is for the subject use only, and shall expire upon a change of tenancy or at the date of lease expiration, whichever comes first in time. The applicant further agrees that extension of the dental office use past fifteen years will require site plan amendment approval by the County Board, and that an administrative review will be conducted in thirteen years from the date of approval.

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated October 1, 2012 for Site Plan #240, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Reports prepared for the December 8, 2012 County Board 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 December 8, 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
- 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 originally requested by an application dated January 4, 1986 for Site Plan #240, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 43 below (which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment to permit a dental office with spa and retail

components to occupy retail space, for the parcel of real property known as RPC #14-049-014 (901 N. Stuart Street) approval is granted and the parcel so described shall be used according to the Site plan as originally approved on January 4, 1986 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previously approved conditions, and the following modified Condition #16 and new Condition #43:

Amended Condition #16

16. The developer agrees that retail areas designated on the plan in the project shall not be converted to office use, except as specifically approved by the County Board on December 8, 2012 and which approval is reflected in Condition #43.

New Condition #43

43. The applicant agrees that the dental office permitted at the Ballston Metro Center at 901 N. Stuart Street is a temporary use only that has been approved fifteen (15) years, with an administrative review in thirteen (13) years. During the operation of the dental office, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of fifteen (15) years, on December 31, 2027, without further action by the County Board, unless otherwise approved prior to that date. The applicant acknowledges and agrees that after December 31, 2027 it shall have no right to use the space for a dental office unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the dental office shall be subject to the following additional conditions:

1. Hours of Operation: The applicant agrees that the hours of operation shall be a minimum of 8:00 a.m. – 6:00 p.m., Monday – Friday and 8:00 a.m. – 3:00 p.m. Saturday, with the option to extend said hours of operation both later in the day and to Sundays to accommodate customer demand.
2. Transparency: The applicant agrees that they shall not install blinds, drapes, or other similar blocking materials in order to preserve the view into the subject space from either the N. Stuart Street or the 9th Street North frontages.
3. Expiration: The applicant agrees that approval is for the subject use only, and shall expire upon a change of tenancy or at the date of lease expiration, whichever comes first in time. The applicant further agrees that extension of the dental office use past fifteen years will require site plan amendment approval by the County Board, and that an administrative review will be conducted in thirteen years from the date of approval.

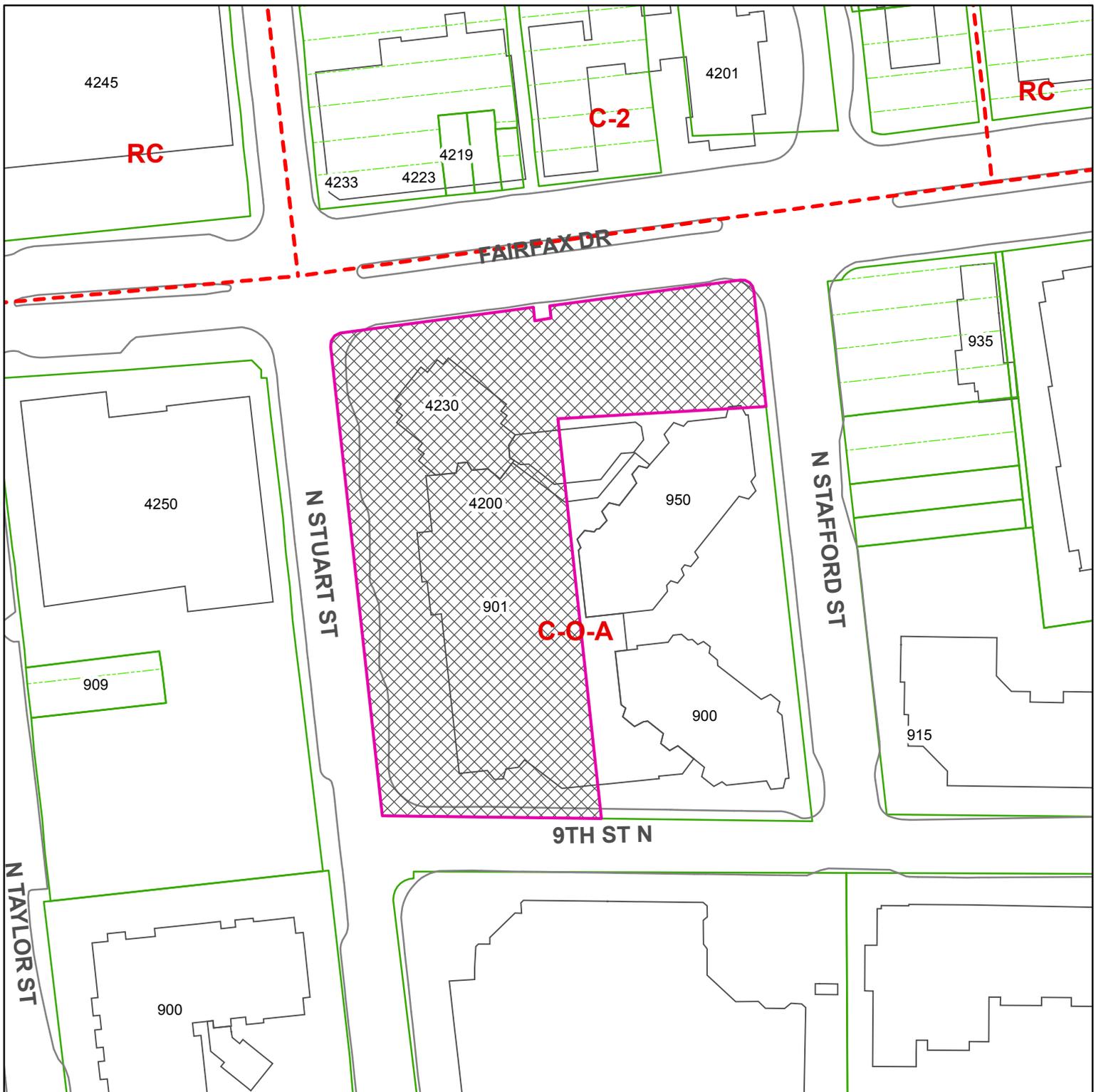
PREVIOUS COUNTY BOARD ACTIONS:

- May 31, 1980 Rezoned (Z-2181-80-6) the parcels of real property bounded by Fairfax Drive, North Quincy Street, Wilson Boulevard, and the west property line of the Glebe Court Apartments, from "C-2," and "C-O," to "C-O-A".
- January 4, 1986 Approved a site plan (Z-2181-80-6 [SP-3]) for a mixed-use office, hotel, residential and retail development with a total gross floor area (GFA) of 740,793 square feet (revised to 731,983 square feet) excluding the atrium and enclosed public mall area of approximately 6,300 square feet (revised to 7,360 square feet) on a site containing 118,532 square feet to include a 13-story office building with a GFA of 205,207 square feet (revised to 208,490 square feet), a height of 170 feet to the penthouse roof at elevation 436.79 feet above sea level (a.s.l.) taken from the average elevation of 266.79 feet a.s.l. at the perimeter of the site; a 27-story combination hotel and apartment building with 142,155 square feet (revised to 135,289 square feet) of hotel GFA (210 rooms) and 355,585 square feet (revised to 352,785 square feet) of apartment GFA (285 units) a height of 246 feet to the penthouse roof at elevation 512.79 feet a.s.l.; 37,846 square feet (revised to 35,419 square feet) GFA of commercial retail on the 1st and 2nd floors; and four levels of underground parking with 812 spaces for the parcels of real property known as 4200 North Fairfax Drive and bounded by Fairfax Drive, North Stuart Street, 9th Street North, and North Stafford Street, except the Floor Area Ratio is reduced to 6.0, subject to conditions.
- April 8, 1989 Approved a site plan amendment to substitute an exterior insulated finish system ("dryvit") for the approved facade materials, subject to all previous conditions and a modified condition #10.
- April 7, 1990 Approved a site plan amendment for two roof-top signs reading "Ramada Renaissance" on the 26th floor of the hotel and residential building, one on the east elevation, approximately 121 square feet, and one on the west elevation, approximately 189 square feet, subject to all previous conditions.

September 18, 1991	Approved a site plan amendment for installation of two building identification signs only; one on the northwest building elevation at North Stuart Street and North Fairfax Drive and one on the southwest building elevation at North Stuart Street and North 9th Street.
January 18, 1992	Denied a site plan amendment for installation of two canopies with signs reading "Ristorante Landini Pizzeria".
April 4, 1992	Approved a site plan amendment for a restaurant with live entertainment (A Cut Above), subject to conditions, with a review in one year (April 1993).
April 3, 1993	Renewed a site plan amendment for a restaurant with live entertainment (A Cut Above), subject to all previous conditions, with a County Board review in three years (April 1996).
November 21, 1995	Approved a site plan amendment to add approximately 1,400 square feet of retail gross floor area in the pedestrian mall, modify the approved comprehensive sign plan, and relocate one of the building entrances, subject to new conditions #39, 40 and 41.
April 13, 1996	Renewed a site plan amendment for a restaurant with live entertainment (A Cut Above) subject to all previous conditions and no further review.
January 11, 1997	Approved a site plan amendment to modify signs, planters and design details (add canopies with signs and a synthetic stucco bank over the existing archways; planters in the internal court; lighting and signs in the drop-off area planters; planter with a site sign in the private sidewalk; and replace existing signs), subject to new condition #42.
August 8, 1998	Approved a site plan amendment for the addition of retail/restaurant space, subject to a revised condition #40.
August 14, 1999	Approved a site plan amendment to convert second floor health club and restaurant space to office conference use and upgrade the facade of the retail along the exterior of the building, subject to a revised condition #40.
April 21, 2001	Approved a site plan amendment for an outdoor café and handicapped access ramp, subject to conditions.

May 14, 2011

Approved a site plan amendment for the erection and operation of a kiosk for a period of ten (10) years (ending May 30, 2021), with a modification of Zoning Ordinance sign regulations, subject to all previously approved conditions, and to new Conditions #42 and 43.



SP# 240

901 N. Stuart St.

RPC 14-049-014



 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.