



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 17, 2008

DATE: May 5, 2008

SUBJECT: Approval of a Resolution Approving the Grant of a Density Credit to the Property of Rowe Family Partners RLLLP, Known as 2633 Shirlington Road, RPC No. 31034002 (“Rowe Parcel”), in exchange for a 592-Square-Foot Portion of said Rowe Parcel to be Dedicated in Fee Simple to the County Board of Arlington County, Virginia, for Public Street and Utilities Purposes.

C. M. RECOMMENDATION:

Approve the resolution attached hereto as Exhibit A, to grant a density credit to the Rowe Parcel in exchange for the fee simple dedication to the County Board of Arlington County, Virginia, of a 592-square-foot portion of said Rowe Parcel for public street and utilities purposes.

ISSUE: The reservation of development density rights in exchange for a fee simple voluntary dedication for public street and utilities purposes, necessary to widen a public road to accommodate improved public access. County staff has worked with the Applicant to improve the proposed project, resulting in a better overall by-right project from the environmental and planning perspectives.

SUMMARY: This is a request for approval of a density credit in exchange for the voluntary dedication in fee simple, which is permitted by Section 36L of the County’s Zoning Ordinance. The density credit will permit the owners of the Rowe Parcel to retain the density resulting from the 592-square-foot fee simple dedication to the County Board of Arlington County, Virginia, of a portion of the said property for public street and utilities purposes. The dedication is needed to accommodate the widening of an existing County roadway for improved public access to a proposed BMW automobile and service center in Shirlington.

BACKGROUND: Rowe Family Partners RLLLP (“Rowe”) has agreed to dedicate to the County, in fee simple, a 592-square-foot portion of the Rowe Parcel for public street and utilities purposes (the “Dedication Area”) needed for the widening of a County roadway that runs from Shirlington Road, across the frontage of the Rowe Parcel, to adjacent property owned by CARS-DB1, LLC, RPC # 31034001, located at 2631 Shirlington Road (the “CARS-DB1 Parcel”). The

County Manager: _____

County Attorney: _____

Staff: Michael R. Halewski, DES, Real Estate Bureau

Report Date: 5/9/2008

Rowe Property and the CARS-DB1 Parcel are more particularly shown on “Attachment 1” at the end of this report.

BMW of Arlington (“BMW”) has submitted plans to the Department of Environmental Services (DES) for the by-right redevelopment of the CARS-DB1 Parcel as an automobile dealership and service center. As a condition of approval by DES of the said plans, BMW has agreed to widen the County roadway from Shirlington Road to, and across the frontage of the Rowe Parcel and along the frontage of the proposed automobile dealership and service center, to improve public vehicular and pedestrian access to the redeveloped site. The proposed widening of the roadway will include a 20-foot-wide vehicular travel way, a six (6)-foot wide sidewalk, and the extension of a storm sewer culvert and bridge over an existing stream to accommodate the proposed widening.

DISCUSSION: The Rowe Parcel is an irregular, triangularly-shaped piece of land, where the widest portion of the site is along its frontage with the above-mentioned County road way. Rowe currently has no plans to redevelop the Rowe Parcel. However, the proposed redevelopment of the BMW site next door has generated the need to widen and improve the County road way from Shirlington Road, across the Rowe Parcel, and along the frontage of the adjacent BMW site. Rowe has agreed to voluntarily dedicate the Dedication Area, for public street and utilities purposes, to allow for the continuous widening of the County road way mentioned above at this time. In return for dedicating a 592-square-foot portion of its property in fee simple to the County, Rowe has requested a density credit in the same amount that will be applied on a one-time basis to any future redevelopment of the Rowe site.

Staff supports and recommends the requested density credit be granted, because the widening and additional improvements to the County roadway are needed at this time. The density credit would be applied/given to the remaining Rowe Parcel, as shown on the plat attached hereto as Exhibit A. The recommended density credit is permitted by Section 36L [Density Credit] of the Arlington County Zoning Ordinance, upon the following findings by the County Board of Arlington County, Virginia, all of which are applicable to the recommended dedication, and are recited in the attached resolution (Exhibit B):

- The portion of the Rowe Parcel to be dedicated for public street and utilities purposes is needed by the County for a public use/purpose (i.e., public street and utility purposes), specifically, for the widening of the adjacent roadway;
- The portion of the Rowe Parcel to be dedicated for said public purposes is suitable in location, size, shape, condition and topography for such public use/purpose;
- There are no encumbrances, title restrictions, or survey exceptions to such portion of the Rowe Parcel that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Rowe Parcel for such public purpose or any other;
- The portion of the Rowe Parcel to be dedicated for such public purposes is in accordance with the County’s Comprehensive Plan and the dedication of such portion of the Rowe Parcel will contribute to the implementation of County Board approved transportation plans; and

- The portion of the Rowe Parcel for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except the granting of the density credit.

The dedication for public street and utilities purposes will be accomplished by including the said dedication on a resubdivision and consolidation plat of the Rowe Parcel that must be submitted for review and approval by DES. The density credit will be reflected on the said plat and deed of resubdivision and consolidation.

The County's Department of Environmental Services' ("DES") staff and Department of Community Planning and Housing Development's ("DCPHD") staff have coordinated extensively with the developer of the adjacent site (BMW of Arlington) regarding this by-right development. The result of this coordination is a better by-right project from both an environmental and a planning perspective, which are further explained in a separate report.

The dedicated areas will provide for the widening of the existing access roadway from 25 to 30 feet to accommodate the adjacent proposed development. The area will also provide sufficient space for the construction and installation of a two (2)-foot-wide curb and gutter, a four (4)-foot-wide green strip, and a six (6)-foot-wide sidewalk. All of the new improvements will be constructed and installed at BMW of Arlington's sole cost and expense. BMW of Arlington has also agreed to the construction of a vehicular turnaround at the end of the access road leading from Shirlington Road. This turnaround will ease vehicular ingress to and egress from an otherwise dead-end street. The turnaround will also be located in an area that will assist with future street connectivity as proposed in the Nauck Village Center Action Plan. BMW of Arlington also had a traffic impact analysis performed, and provided DES staff with a copy of the results of this analysis. This traffic study will assist staff with analyzing the traffic impacts of this development and future developments in the immediate area.

FISCAL IMPACT: None. The dedication by Rowe and the preparation of all associated documents will be done at the sole expense of BMW.

EXHIBIT B

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in conjunction with the proposed subdivision and consolidation of a parcel of real property known as Property of Rowe Family Partners RLLLP, RPC # 31014002 (the "Rowe Parcel") and in exchange for the dedication of a portion of the Rowe Parcel for public use, the County Board of Arlington County, Virginia, approve the grant of a density credit pursuant to Section 36.L of the Arlington County Zoning Ordinance in the amount of 592 square feet (the area of the Rowe Parcel being dedicated for public street and utilities purposes) to the remaining subdivided and consolidated Rowe Parcel as shown on Exhibit A attached to the report of the County Manager dated May 5, 2008; and

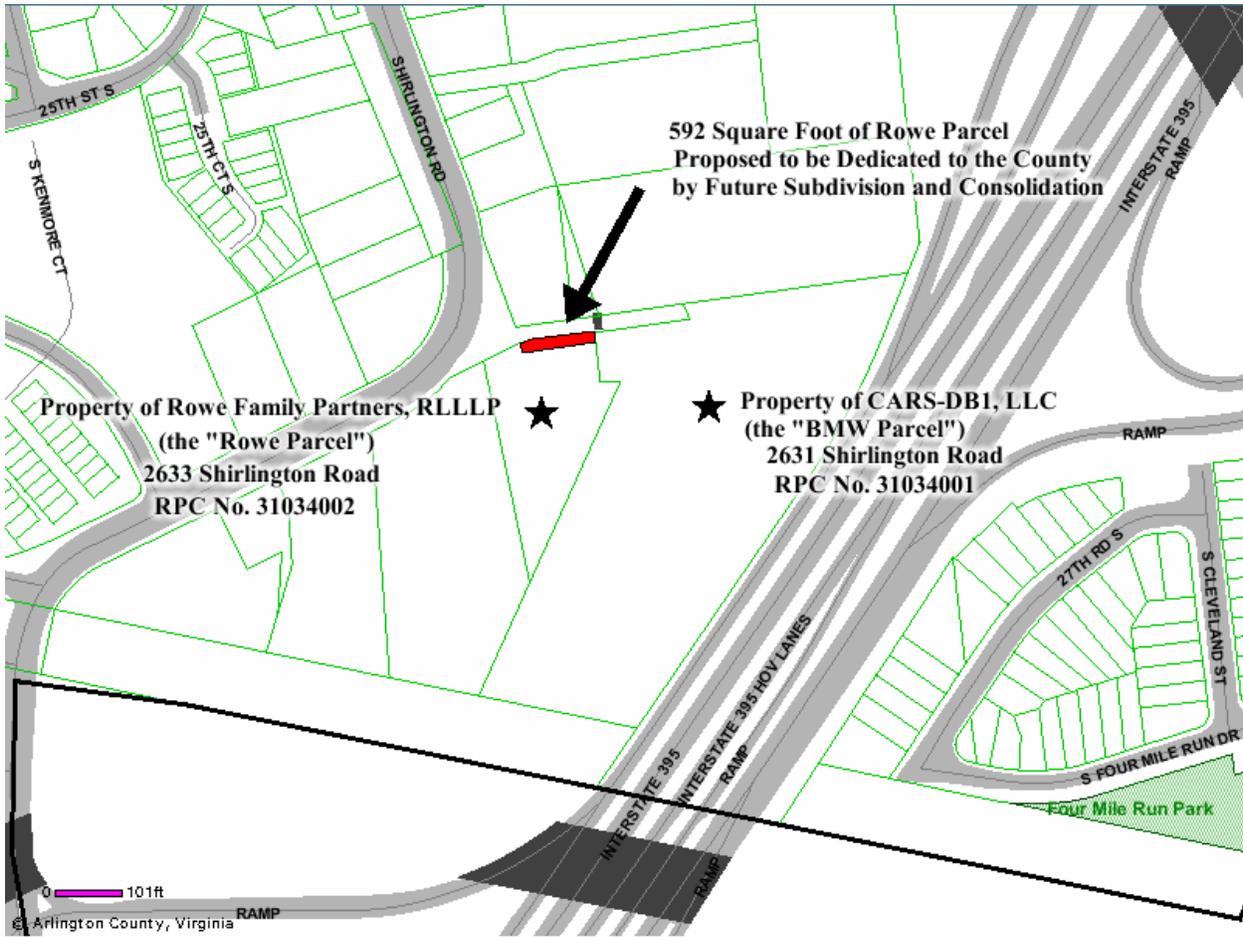
WHEREAS, upon consideration of the report of the County Manager dated May 5, 2008, and other information presented at the time of consideration of this matter, the County Board finds that:

- The portion of the Rowe Parcel to be dedicated for public street and utilities purposes is needed by the County for a public use/purpose (i.e., public street and utility purposes), specifically, for the widening of the adjacent roadway;
- The portion of the Rowe Parcel to be dedicated for said public purposes is suitable in location, size, shape, condition and topography for such public use/purpose;
- There are no encumbrances, title restrictions, or survey exceptions to such portion of the Rowe Parcel that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Rowe Parcel for such public purpose or any other;
- The portion of the Rowe Parcel to be dedicated for such public purposes is in accordance with the County's Comprehensive Plan and the dedication of such portion of the Rowe Parcel will contribute to the implementation of County Board approved transportation plans; and
- The portion of the Rowe Parcel for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except the granting of the density credit.

NOW, THEREFORE, BE IT RESOLVED, that in conjunction with the proposed subdivision and consolidation of a parcel of real property known as Property of Rowe Family Partners RLLLP, RPC # 31014002 (the "Rowe Parcel") and in exchange for the dedication of a portion of the Rowe Parcel for public use, the County Board of Arlington County, Virginia, pursuant to Section 36.L of the Arlington County Zoning Ordinance, hereby approves the grant of a density credit in the amount of 592 square feet (the area of the Rowe Parcel being dedicated for public street and utilities purposes) to the remaining subdivided and consolidated Rowe Parcel as shown on Exhibit A attached to the report of the County Manager dated May 5, 2008.

ATTACHMENT 1

Vicinity Map



**Property of Rowe Family Partners RLLLP (the "Rowe Parcel")
2633 Shirlington Road
Arlington, Virginia
RPC No. 31034002**