



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of October 15, 2005**

DATE: October 3, 2005

SUBJECT: SP #307 SITE PLAN AMENDMENT: MR Boundary Channel, LLC, amend Condition #1 to extend site plan; add standard subdivision conditions; premises known as 333, 355 Old Jefferson Davis Hwy. (RPC #34-023-001 and RPC #34-023-002)

Applicant:

MR Boundary Channel, L.L.C. (Owner)
1155 Connecticut Avenue, N.W.
Washington, D.C. 22036
Monument Realty: Kirk Salpini

By:

Martin Walsh
Walsh, Colucci, Lubeley, Emrich & Terpak
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201-3359

C.M. RECOMMENDATION:

Extend the term of the site plan approval for three (3) years, from February 28, 2006 to February 28, 2009, subject to previous conditions and amended Condition #1.

SUMMARY: This request to extend the term of the approved site plan from the current expiration date of February 2006 to February 2009 on the former "Twin Bridges" site is related to a prospective agreement between the County and Monument Realty to incorporate the subject property into plans for the North Tract subject to the County Board's consideration and approval of a site plan on a County-owned 4.84 acre site located just north of Crystal City. This new site would be acquired from the County in a land exchange, pursuant to a final exchange agreement that will be brought to the County Board for consideration and approval once its terms have been finalized. Within 120 days of the effective date of the agreement, Monument Realty intends to file a General Land Use Plan amendment, rezoning, and site plan approval request for a residential development on the 4.84 acre site. This site plan (SP #307), for a mix of office and hotel, would become null and void if either: the approved plan is not under construction by

County Manager: _____

County Attorney: _____

Staff: Thomas H. Miller, DCPHD
PLA-4127

February 28, 2009; or the Applicant acquires properties located between South Clark Street, 6th Street, South, South Ball Street and 10th Street, South (RPC#'s 34-025-001, 34-025-003, 35-025-004, and 35-025-005); or the County acquires 333 and 355 Old Jefferson Davis Highway (RPC#'s 34-023-001 and 34-023-002). More time is needed to complete the land exchange agreement and proceed with a site plan proposal. Therefore, staff recommends that the term of the approved site plan be extended from February 2006 to February 2009, subject to all previously agreed conditions, and to amended Condition #1, which contains the termination contingency.

BACKGROUND: In September 1991, the County Board denied both a site plan application and a General Land Use Plan Amendment request for the former Twin Bridges Marriott hotel site located at Boundary Drive and I-395 in the northern tip of Crystal City. The owners of the site, Equitable Life Assurance Society of the United States, filed suit in late 1991 challenging the denial of the General Land Use Plan amendment and the site plan requests. The General Land Use Plan amendment and site plan (SP #307) were approved in 1994 as part of a litigation settlement.

The approved site plan includes two 7-story office buildings containing a total of 345,432 square feet of commercial/office gross floor area and a 10-story hotel containing 198 rooms. A total of 830 parking spaces, including tandem spaces, would be provided in 2½ levels of below-grade parking. The site has been vacant since the Marriott Twin Bridges hotel was demolished in 1990. The site plan approval was extended to October 2, 2002 in August 1999. The County Board approved another extension of the site plan in February 2003 to February 2006 subject to revised site plan conditions, which included, among others, providing shared parking for the uses of the North Tract and landscaping/streetscape requirements.

Since the County Board originally approved this site plan, there have not been any serious efforts to construct the site plan. During that same period, the County Board approved the Phased Development Site Plan (PDSP) for the Potomac Yard site and subsequent final site plans within that PDSP. A “*Master Plan for the North Tract Park and Recreational Facilities and Surrounding Area*”, the *North Tract Area Plan*, and new Note 20 on the General Land Use Plan, proposing that any future development in the North Tract area be generally consistent with the vision and goals listed in the Master and Area plans, was recently approved by the County Board. In addition, there have been major urban design changes in the Crystal City area as well as approved changes to the vehicular circulation system on Crystal Drive.

The County Board denied a General Land Use Plan and Site Plan amendment request in June 2004 for a high security, all office site plan on the Twin Bridges site. The new owners of the site, Monument, filed suit over the County's denial of the site plan (*MR Boundary Channel LLC v. County Board of Arlington County, Virginia (in Chancery No. 04-426 Circuit Court of Arlington County)*). In July 2005, the County and Monument Realty negotiated an exchange agreement for the subject site and 4.84 acres of land owned by Arlington County (RPC #'s 34-025-001, 34-025-003, 35-025-004, and 35-025-005) and a portion of former Clark Street and an

adjacent median to be vacated by the County. This agreement would allow the County to acquire the 7.1 acre Twin Bridges site and to receive \$25 million from Monument Realty to facilitate development of the North Tract recreational facility. The acquisition enables the County to move the indoor aquatics, sports and fitness center to the Twin Bridges site, thus showcasing a signature building and architectural landmark at the prominent site. An attached map shows the location of the subject property and the County-owned property.

DISCUSSION:

Extending the term of the site plan helps to facilitate the redevelopment of the North Tract as a world-class recreational facility. Upon either the approval of a site plan on the 4.8 acre County owned property located between 6th Street, South and South Ball Street or the acquisition of the subject property by the County, the site plan on the Twin Bridges site would expire. Therefore, it is recommended that the subject site plan amendment to extend the term of the site plan for three (3) years to 2009 be approved, subject to all previously approved conditions, and to amended Condition #1.

1. The developer (as used in these conditions, the term developer includes the owner, the applicant, and their successors and assigns) agrees to comply with the standard conditions set forth in Administrative Regulation 4.1 and the plans dated June 8, 1994, the Illustrative Landscape Plan and Phase I Landscape Plan dated August 2, 1994, the Proposed Road Improvements Plan dated August 15, 1994, the Ground Floor Plan, Building Sections, Typical Floor Plan and Building Elevations plans dated June 8, 1994, as revised September 20, 1994, and reviewed and approved by the County Board and made a part of the public record on October 1, 1994, together with any modifications proposed by the developer and accepted by the County Board or vice versa. The developer agrees to coordinate with County staff and obtain approval from the County Manager or his designee on reasonable revisions to the Illustrative Landscape Plan and Phase I Landscape Plan dated August 24, 1994, and the Proposed Road Improvements Plan dated August 15, 1994, that may be necessary to accomplish the County's goals for development of the North Tract, so long as said revisions do not delay the developer's ability to pursue construction of the site plan beyond the typical review time for revisions of this nature, as approved on February 8, 2003. The developer agrees to prepare and submit such revised plans within 90 days after request for such revisions by the County Manager. The developer further agrees to obtain the County Manager's approval of all revisions before proceeding with development. In the event the developer is ready to proceed with development before a request for revisions is received from the County Manager, the developer agrees to incorporate revisions necessary to accomplish the County goals for development of the North Tract (as such goals are determined by the County Manager) into all plans submitted for approval in the process of development. This site plan approval expires automatically and without the need for any further action by the County Board if either: the approved plan is not under construction by February 28, 2006; or the Applicant acquires real properties located between South Clark Street, 6th Street, South, South Ball Street, and 10th Street, South (RPC#'s 34-025-001, 34-025-003, 35-025-004, and 35-025-005); or the County acquires 333 and 355 Old Jefferson

Davis Highway (RPC#'s 34-023-001 and 34-023-002). Acquisition shall be deemed to have occurred upon execution of a deed conveying fee ownership to the referenced parties. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this site plan and its conditions for compliance with then current County policies for land use, zoning, and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the developer and accepted by the County Board or vice versa.

PREVIOUS COUNTY BOARD ACTIONS:

May 18, 1955	Approved rezoning Z-1189-55-1 from “CM” to “C-3”.
August 12, 1961	Subject area designated “General Business” with an “M” overlay on the General Land Use Plan.
February 9, 1974	Approved General Land use Plan Amendment from “General Commercial” to “High Medium” Residential.
October 3, 1978	Approved rezoning from “C-3” to “RA4.8”.
May 5, 1982	Approved rezoning from “RA-4.8” to “C-O-1.5”.
September 10, 1983	Approved site plan for the renovation of the existing Exxon service station subject to a review in one year.
September 8, 1984	Continued site plan for Exxon service station with a review in three years.
September 9, 1988	Continued site plan for the Exxon service station subject to all previous conditions and with no further review.
March 10, 1990	Deferred site plan (SP #282) and General Land Use Plan Amendment request (G-215-90-1) from “High Medium” Residential to “Low” Office Apartment Hotel to the May 19, 1990 County Board meeting.
May 19, 1990	Defer site plan and General Land Use Plan Amendment requests to the July 7, 1990 County Board meeting.
July 10, 1990	Defer site plan and General Land Use Plan Amendment requests to the September 8, 1990 County Board meeting.
September 8, 1990	Defer site plan and General Land Use Plan Amendment requests to the November 17, 1990 County Board meeting.
November 17, 1990	Defer site plan and General Land Use Plan Amendment requests to the April 6, 1991 County Board meeting.
April 6, 1991	Defer site plan and General Land Use Plan Amendment requests to the May 11, 1991 County Board meeting.

May 11, 1991	Defer site plan and General Land Use Plan Amendment requests to the July 14, 1991 County Board meeting.
July 14, 1991	Defer site plan and General Land Use Plan Amendment requests to the September 14, 1991 County Board meeting.
September 14, 1991	Denied site plan and General Land Use Plan Amendment requests.
September 10, 1994	Defer site plan and General Land Use Plan Amendment requests to the October 1, 1994 County Board meeting.
October 1, 1994	Approved General Land Use Plan Amendment and Site Plan approval requests subject to conditions.
August 14, 1999	Extended the term of site plan approval for three additional years from October 1, 1999 to October 2, 2002.
September 14, 2002	Extended the term of site plan approval from October 2, 2002 to October 21, 2002.
October 19, 2002	Extended the term of site plan approval from October 21, 2002 to January 31, 2003.
January 17, 2003	Extended the term of site plan approval from January 31, 2003 to February 28, 2003.
February 8, 2003	Extended the term of the site plan approval to February 28, 2006, subject to the previous conditions; amended Conditions #1, 7, 8b(1), 8h, 11, 22, 52, 53 and 56; and new Conditions #58, 59 and 60.
June 12, 2004	Denied a General Land Use Plan Amendment from "Low" Office-Apartment-Hotel and Low-Medium Residential to "Low" Office-Apartment-Hotel and Site Plan amendment request for an approximately 463,000 square foot office building.