



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 14, 2009**

DATE: March 2, 2009

SUBJECT: U-3145-05-1 USE PERMIT REVIEW for Kline Imports Arlington, Inc. to operate a tire shop located at 4060 Lee Hwy. (RPC#06-018-002)

Applicant:

Kline Imports Arlington, Inc.

By:

Jeff Fones, Purchasing Director
Jim Koons Management Company
1019 West Street
Annapolis, Maryland 21401

C.M. RECOMMENDATION:

Renew, subject to all previous conditions, and one (1) new condition, with an administrative review in three (3) months (June 2009) and a County Board review in one (1) year (March 2010).

ISSUE: This is a review of an existing use permit. During the last review trees planted in planters had died and alternative planting measures were investigated. Staff is recommending new condition language requiring the applicant provide a regular maintenance schedule of the landscaping.

SUMMARY: This is a review of an existing use permit for a tire shop located on Lee Highway. There have been ongoing issues with the landscaping in the planters adjacent to the entrance of the site. The applicant had originally suggested that the planters could be replaced within a planted landscape strip, but, due to financial considerations, this idea was abandoned. Staff recommends a condition whereby the applicant would keep a weekly journal of the maintenance of the planters in order to mitigate ongoing issues regarding their health. Therefore, staff recommends that the County Board renew the use permit, subject to one (1) new condition and to all previous conditions, an administrative review in three (3) months, (June 2009), and a County Board review in one (1) year (March 2010).

County Manager: _____

Staff: Matthew Pfeiffer, Planning Division, DCPHD

PLA-5212

DISCUSSION: The tire shop is located in an existing garage structure on the south side of Lee Highway between North Randolph and North Quebec Streets. The applicant operates the tire shop from 7 a.m. to 7 p.m., Monday through Friday and from 8 a.m. to 5 p.m. on Saturdays. All of the work is performed inside the existing building. The property has a parking lot in the front for nine (9) or fewer vehicles. As agreed to in the original approval, only service vehicles park in the spaces. During the hours of operation, vehicles are stacked in front of the service bays. No cars for this use are parked on the street.

Between the parking lot and the street is a concrete sidewalk. There was no room for additional street trees or a substantial amount of landscaping without removing the asphalt. Because the applicant leases this property and did not have permission to make modifications, the applicant installed landscaped planters within the site. The landscaped planters provide a buffer between the sidewalk and the parking area to ensure vehicles do not overhang the sidewalk area, and also work to screen the parking lot.

During the last County Board review, in January 2008, staff found that there were concerns from citizens regarding the health of the plant life in the landscaped planters. The applicant responded at the time of the complaint. The use permit was renewed for a year with an administrative review in six months in order to ensure that the problems did not continue. At the six month review, staff reported that there were again issues with the health of the plant life in the subject planters. Also, there were several minor property maintenance issues that were reported. The applicant was informed of the issues and corrected them at the time.

Since the last review (Administrative, June, 2008):

Use Permit Conditions: The applicant is in compliance with the use permit conditions. Currently, the landscaping is alive and in compliance with the landscape plan.

Community Code Enforcement: Code Enforcement has not received any complaints.

Fire Marshal's Office: The Fire Marshal's Office did not report any concerns.

Police Department: The Police Department did not report any concerns.

Civic Association: The Cherrydale Civic Association president mentioned in the fall of 2008 that there were concerns regarding the trees in the planters. Since then, the applicant has worked with staff and the president of the association to resolve the issue, as further explained below.

In the fall of 2008, the president of the Cherrydale Civic Association started a dialogue with staff and the applicant regarding the health of plant life in the planters. At that time, the applicant indicated a willingness to install a planted landscape strip in the location that the planters are currently. Staff agreed, but recommended that this matter wait until the case was up for review so that the language that specifically referenced "landscaped planters"—Condition

#2—could be modified to allow a planted landscape strip.

When the case came up for review in January, 2009, the applicant indicated to staff that they would need to obtain permission from the property owners before taking any action on installing a landscape strip to replace the planters. The case was deferred until the March, 2009 County Board meeting so that the applicant could obtain the necessary permission. Shortly thereafter, the applicant indicated to staff that due to financial constraints, the tire shop would not be able to install the planted landscape strip.

As a result, staff recommends the addition of condition language to ensure that better attention and maintenance is paid to the health of the plant life in the subject planters. The new language would require staff at the tire shop to keep a weekly log of the status of the maintenance of the planters. This log would be available for request at any time from the County. In addition, any dead plants would be required to be removed and replaced with landscaping consistent with the adopted landscape plan. Finally, staff recommends an administrative review be conducted in three (3) months to ensure that new planting, if required, can be accomplished before the end of the planting season. The applicant and the president of the Cherrydale Civic association are in agreement with the new language.

CONCLUSION: The applicant is in compliance with the use permit conditions and they have agreed to one new condition to mitigate ongoing issues regarding the planters on the site. Therefore, staff recommends that the County Board renew the use permit, subject to one (1) new condition and to all previous conditions, an administrative review in three (3) months (June 2009), and a County Board review in one (1) year (March 2010).

New Condition:

11. The applicant agrees to keep a weekly log regarding the maintenance of the plant life in the planters located at the front of the site. This log shall include the watering schedule for the 26 planters, and a written record of any issues related to the health of the plants. This log shall be available to the County upon request, through the on-site liaison. In addition, any dead landscaping is to be removed and replaced with landscaping consistent with the adopted landscape plan:
 - a. Kousa Dogwoods for the 11 four (4)-foot diameter pots at the front of the lot.
 - b. Eastern Red Cedars for the three (3) three (3)-foot diameter pots in front of the dumpster at the back of the lot.
 - c. Seasonal varieties for the 12 three (3)-foot diameter pots at the front of the lot.

PREVIOUS COUNTY BOARD ACTIONS:

December, 2005	Approved a use permit (U-3145-05-1), subject to conditions for Kline Imports Arlington, Inc. to operate a tire shop located at 4060 Lee Hwy, with a County Board review in one (1) year (December 2007).
December, 2006	Renewed the use permit (U-3145-0-01) subject to all previous conditions, and with a County Board review in one (1) year (December 2007).
December, 2007	Deferred the use permit review (U-3145-0-01) to the January 26, 2008, County Board meeting.
January, 2008	Renewed the use permit review (U-3145-0-01) subject to all previously approved conditions, with and administrative review in six (6) months, and with a County Board review in one (1) year (January, 2009)
January, 2009	Deferred the use permit review (U-3145-0-01) to the March 14, 2009 County Board meeting

Approved Conditions:

1. The applicant agrees that the hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m., Saturday only.
2. The applicant agrees to submit a site development and landscaping plan with regard to parking, signage, landscaping, trash receptacles, and trash enclosures. This plan shall be reviewed and approved by the County Manager or his designee. The plan shall be approved prior to the issuance of a certificate of occupancy. The plan shall be implemented within five (5) months of the date of approval (May 2006). The plan shall be drawn to scale and shall show the parking lot layout plan showing the nine (or fewer) parking spaces, the building, the landscaped planters providing a buffer between the parking area and the sidewalk and the trash receptacles and screening.
 - a. The site development and landscaping plan shall be accompanied by a contract with a landscaping company and a written plan that identifies maintenance schedules and procedures for the landscaping in the planters. This plan shall be implemented according to its schedule.
 - b. If there is lighting on the site, the plan shall ensure that the lighting fixtures are designed to adequately light the site while shielding light from neighboring residents. No exterior site lighting is permitted from the building roof, parapet, or walls. Further, the existing sign shall not have any lighting.
 - c. The site development plan shall include the location and screening of any mechanical equipment such as air conditioning convectors, transformers, or satellite antenna. Equipment shall be located as far from adjoining residences as practicable, provided, however, that the applicant shall not be required to move any existing equipment and these provisions shall apply only to new or replacement equipment, and such equipment shall be screened to minimize their impact.
3. The applicant agrees that parking and storage of all vehicles on the site shall be consistent with the approved parking plan and shall include designated spaces for all customer vehicles. In addition, the applicant agrees that there shall be no parking for the display of vehicles for sale or for lease.
4. The applicant agrees that all tire services and incidental repair services shall occur wholly within the building and no tires, vehicle parts, or repair tools shall be stored or displayed outside of the building. The service bay doors shall remain closed except to pull a vehicle into or out of a service bay.
5. The applicant agrees that junked vehicles consistent with the definition for "inoperative vehicles" in Zoning Ordinance Section 1 shall not be stored on the site. Only vehicles fully equipped for safe operation including tires, wheels, and engine, shall be permitted to be stored on site. There shall be no open storage of automobile tires and/or other automobile parts.

6. The applicant agrees that no public address system shall be used on the subject site.
7. The applicant agrees to identify an on-site liaison that shall be available during the hours of the tire store's operation to respond to community concerns. The name and telephone number of the liaison shall be provided to the president of the Cherrydale Citizens Association and to the County's Zoning Administrator.
8. The applicant agrees that all trash receptacles located outside of the building shall be screened from public view and as shown on the site development and landscaping plan.
9. The applicant agrees that the use shall comply with Chapter 15, Noise Control Ordinance. In addition, the applicant agrees to inform employees that car alarms should not be used to find the vehicles scheduled for work.
10. The applicant agrees to meet all state and local codes, including those of the Arlington County Fire Marshal's Office and those of Community Code Enforcement.