



ARLINGTON COUNTY, VIRGINIA

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

DATE: November 5, 2009

SUBJECT: U-3145-05-1 USE PERMIT RENEWAL for Kline Imports Arlington, Inc. to operate a tire shop, located at 4060 Lee Highway (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 a County Board review in six (6) months (May 2010).

ISSUE: This is a review of an existing use permit. During an administrative review in October, 2009, staff found that trees planted in planters had died. Alternative planting measures have been investigated. The applicant has agreed to new condition language requiring the installation of a planted landscape strip.

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. Since the latest administrative review, issues were found regarding the health of the plant life in these planters. The applicant has agreed to install a planted landscape strip in the same general area as the planters. The Cherrydale Civic Association has expressed their desire for the installation of planted landscaping. Therefore, staff recommends that the County Board renew the use permit, subject to all previous conditions, one (1) new condition, and with a County Board review in six (6) months (May 2010).

BACKGROUND: 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

County Manager: BMD/GA

Staff: Matthew Pfeiffer, Planning Division, DCPHD

PLA-5397

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 area and the street is a concrete sidewalk. There is 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 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.

DISCUSSION: During the last County Board review, in March 2009, concerns were raised by the Cherrydale Civic Association regarding dead plant life in the landscaped planters. Staff investigated the feasibility of the applicant installing planted landscaping, but the applicant did not agree due to financial concerns. Staff recommended renewal of the use permit subject to a condition whereby the applicant would be required to replace all dead landscaping and keep a log documenting plant life maintenance.

Since the last review (Administrative, June 2009):

Use Permit Conditions: The Zoning Inspector has reported that the plant life in the landscaped planters is dead, in violation of use permit condition #11. The Zoning Inspector also reported that the applicant had not been keeping the weekly log of landscaping maintenance, as required by Condition #11.

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 summer of 2009 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 addition, staff received complaints from a community member regarding possible violations regarding the parking of vehicles on site not related to the tire shop. The Zoning Inspector investigated this issue, but did not find any violations of use permit

conditions. Staff recommends a short review period to monitor this situation.

The applicant has indicated that they have needed to replace the trees in the planters on site approximately yearly since they were installed. Because of this, the applicant has agreed to install a planted landscape strip in the general location of the current planters at the ingress/egress to the site. The applicant has agreed to submit a new landscape plan and to have the planted landscaping installed within five (5) months of the date of County Board action on this use permit (April 14, 2010). In order to ensure that the new plant life is maintained, the applicant has agreed to submit a maintenance agreement to the Zoning Administrator. As this agreement would require the applicant to keep the landscaping in good condition, Condition #11, which required the applicant to keep a log of maintenance, is not necessary for the improvements proposed. Staff recommends removal of Condition #11. Staff also recommends a County Board review be conducted in six (6) months (May, 2010) to ensure the installation of new planting before the end of the planting season, and to monitor the operation with regards to parking on site. The president of the Cherrydale Civic Association supports the installation of planted landscape strips on site.

CONCLUSION: The applicant was found to be in violation of use permit conditions with respect to the health of the plant life in the landscaped planters on site. As a result, the applicant has agreed to remove the subject planters and install planted landscaping. The Cherrydale Civic Association President has expressed to staff that they are in agreement with the applicant's proposal to install planted landscaping. Therefore, staff recommends that the County Board renew the use permit, subject to one (1) new condition and to all previous conditions, with a County Board review in six (6) months (May, 2010).

Removed 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.~~

New Condition:

12. The applicant agrees to remove the landscaped planters on site and install planted landscaping in the general footprint the planters previously occupied. The applicant agrees to submit to the Zoning Administrator and obtain approval from the County Manager or his designee a revised site development and landscaping plan. The plan shall be submitted within one (1) month of the date of approval (December 14, 2010). The plan shall be drawn to scale and shall show the parking lot layout plan showing the nine

(or fewer) parking spaces, the building, sidewalk, the trash receptacles and screening, and planted landscaping. The planted landscaping shall be installed and planted within five (5) months of the date of approval (April 14, 2010). Further, the applicant agrees to submit a maintenance agreement which shall ensure that all landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.

Upon approval of the revised landscape plan and prior to the installation of the landscape materials, the applicant agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract for construction and installation of all landscape materials.

The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:

- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches.
 - (2) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
 - (3) Shrubs—a minimum spread of 18 to 24 inches.
 - (4) Groundcover—in 2 inch pots.
- b. All new lawn areas shall be sodded. All sod and seed shall be state certified.
- c. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
- d. Soil depth shall be a minimum of five (5) feet for all trees.

The three landscaped areas located on the site will be a minimum on 10-foot wide and will be installed in the general area that the planters previously occupied and will include a minimum of six (6) 3-3 1/2 inch caliper Maple, Redbud, or Dogwood trees, or as approved by the County Manager, and either sod or such ground cover as Liriope muscarri, as approved by the County Manager.

The applicant, or any subsequent owner, also agrees to maintain and replace the trees and

for the life of the site

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
March 2009	Renewed the use permit subject to all previously approved 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, 2009).

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.
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:
 - d. Kousa Dogwoods for the 11 four (4)-foot diameter pots at the front of the lot.
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 - f. Seasonal varieties for the 12 three (3)-foot diameter pots at the front of the lot.



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U-3145-05-1 USE PERMIT REVIEW
4060 Lee Hwy. (Kline Imports Arlington)
(RPC#06-018-002)

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.



Not To Scale

