



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 7, 2007**

DATE: June 28, 2007

SUBJECT: U-2167-78-1 USE PERMIT REVIEW for review of comprehensive sign plan, automobile service station located at 2835 Washington Blvd. (Shell). (RPC # 18-031-005)

Applicant:

Motiva Enterprises LLC

By:

Nan Walsh, Attorney
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Renew, subject to all previous conditions, with annual administrative reviews, and a review by the County Board in three (3) years (July 2010).

ISSUES: None.

SUMMARY: This is a review of a comprehensive sign plan and automobile service station. Historically, landscaping has been an issue at this site and the use has been reviewed annually for the past ten (10) years. An inspection for this review found the site in compliance, except that a small number of plants needed to be replaced. The applicant has committed to replacing the plants. Therefore, staff recommends renewing the use permit, subject to all previous conditions, with annual administrative reviews, and a review by the County Board in three (3) years (July 2010).

BACKGROUND: This use permit for a Shell gas station in the Lyon Park area was approved originally in 1976 for Texaco. Since approval in 1976, the use has been reviewed by the County Board thirty (30) times.

The business has been operating in compliance with all use permit conditions and County codes, but in the past had issues with landscaping maintenance. Staff worked with the applicant's counsel to ensure that the plantings are provided in accordance with the use permit conditions.

County Manager: _____

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4719

Recently, staff recommended that the use permit be renewed with administrative reviews during each of the planting seasons (September 2005, December 2005, April 2006, and June 2006) to ensure that the landscaping complied with Condition #5. In July 2006, the use permit was renewed with an administrative review in three (3) months, October 2006, and a review by the County Board in one (1) year (July 2007).

DISCUSSION: During the review period, staff conducted a number of administrative reviews. One administrative review found two dying shrubs, which the applicant replaced. Since then, a review by County staff found three dying shrubs and a number of dying annuals along Washington Boulevard. The applicant has replaced the plants. The use has been in compliance with the remaining use permit conditions.

Since the Last County Board Review (July 8, 2006):

Use Permit Conditions: The subject use has continued to operate in compliance with all use permit conditions.

Community Code Enforcement: The Code Enforcement staff reports no issues with the subject use.

Fire Marshal's Office: The Fire Marshal's Office reports no issues with the subject use.

Police Department: The Police Department reports no issues with the subject use.

Civic Associations: The Clarendon-Courthouse and Lyon Park Civic Associations have been contacted regarding this use permit review. The Clarendon-Courthouse Civic Association responded that they have no comments and report no objections to renewing the use permit.

CONCLUSION: The use has generally operated in compliance with the use permit conditions and the applicant has been responsive to past complaints and notices to correct landscaping issues. Therefore, staff recommends renewing the use permit, subject to all previous conditions, annual administrative reviews, and a review by the County Board in three (3) years (July 2010).

PREVIOUS COUNTY BOARD ACTIONS:

July 29, 1978	Approved a use permit (U-2167-78-1) for the operation of a self-service gasoline station at 2835 North Washington Boulevard.
July 7, 1979	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, with a review in two (2) years.
April 28, 1981	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, with a review in one (1) year.
April 3, 1982	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, with a review in three (3) years.
April 13, 1985	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, with a review in one (1) year.
April 15, 1986	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, with a review in one (1) year.
April 4, 1987	Continued a use permit (U-2167-78-1) for the operation of a gasoline station with a review in six (6) months.
October 17, 1987	Continued a use permit (U-2167-78-1) for the operation of a gasoline station with a review in three (3) months.
December 12, 1987	Approved a use permit (U-2167-78-1) amendment for price display on a freestanding identification sign.
February 6, 1988	Continued a use permit (U-2167-78-1) for the operation of a gasoline station with a review in six (6) months.
August 13, 1988	Continued a use permit (U-2157-78-1) for the operation of a gasoline station with a review in six (6) months.
February 11, 1989	Continued a use permit (U-2167-78-1) for the operation of a gasoline station subject to six additional conditions, all previous conditions and a review at the May 13, 1989 County Board meeting.
May 13, 1989	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions and with a review in six (6) months.

January 9, 1990	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions and with a review in three (3) months.
May 22, 1990	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, new Conditions (#7) and (#8), and with a review in six (6) months.
November 17, 1990	Continued a use permit (U-2167-78-1) for the operation of a gasoline station subject to all previous conditions, and with a review in six (6) months.
May 14, 1991	Deferred a use permit (U-2167-78-1) for the operation of a gasoline station subject to all previous conditions, and with review at the July 13, 1991 County Board meeting.
July 30, 1991	Continued a use permit (U-2167-78-1) for the operation of a gasoline station subject to all previous conditions, with a review in one (1) year. In addition, approved an amendment to a use permit (U-2167-78-1) for the relocation of the approved free-standing sign, the installation of a second free-standing sign, and denied the installation of a three-sided sign, subject to all previous conditions and with a review in one (1) year.
July 11, 1992	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to the deletion of condition #3 originally approved on February 11, 1989, all previous conditions, and with a review in one (1) year.
July 27, 1993	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review in one (1) year.
July 9, 1994	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review in two (2) years.
April 15, 1996	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review in one (1) year.

July 19, 1997	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review in six (6) months.
January 17, 1998	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review in two (2) years.
January 29, 2000	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review at the March 11, 2000 County Board meeting.
March 11, 2000	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, and with a review in six (6) months.
October 7, 2000	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, with a staff administrative review in six (6) months and a County Board review in one (1) year.
October 13, 2001	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, with a County Board review in one (1) year.
October 19, 2002	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, with a County Board review in two (2) months.
December 7, 2002	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, with a County Board review in six (6) months.
June 14, 2003	Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, with an administrative review in three (3) months (September 2003) and a County Board review in six (6) months (December 2003).
October 18, 2003	Approved a use permit (U-2167-78-1) amendment to change the color of the canopy, subject to all previous conditions and amended Conditions #4 and #11, with an administrative review in six (6) months (April 2004) and a

review by the County Board in one (1) year (October 2004).

October 2, 2004

Continued a use permit (U-2167-78-1) for the operation of a gasoline station, subject to all previous conditions, with administrative review in six (6) months (April 2005) and a County Board review in nine (9) months (July 2005).

July 9, 2005

Renewed use permit (U-2167-78-1) for the operation of a automobile service station and a comprehensive sign plan, subject to all previous conditions, with administrative reviews in September 2005, December 2005, April 2006, June 2006, and a review by the County Board in one (1) year (July 2006).

July 8, 2006

Renewed use permit (U-2167-78-1) for the operation of a automobile service station and a comprehensive sign plan, subject to all previous conditions, with an administrative review in three (3) months October 2006, and a review by the County Board in one (1) year (July 2007).

Approved Conditions:

1. Final engineering plans shall be approved by the Department of Public Works prior to issuance of the building permit.
2. Access to the site shall be provided by two curb cuts not to exceed 30 feet in width – a curb cut each on Washington Boulevard and 10th Street, North.
3. Brick shall be used to construct the kiosk, sign base, and screening walls to the rear and south side of the site and surrounding the trash receptacle area to a height of six (6) feet (except where set back regulations permit the wall to be no taller than four feet).
4. The canopy over the pump station shall have recessed lighting and no message content or signs shall be installed on any portion of the canopy. No more than three (3) colors shall be permitted to be painted on the canopy. There shall be no exterior and internal lighting of the canopy. Changes to the canopy shall comply with the County’s Sign Guidelines and are subject to administrative approval.
5. The applicant agrees to install and maintain the landscaping as shown on the landscape plan dated November 18, 2002, with the removal and replacement of two (2) densiformis yews from either side of the serpentine hedge around the monument signs with annuals and the placement of one (1) yew on the 10th Street North frontage west of the landscape boulder. The applicant agrees to follow the County standards for “Landscape Maintenance Management Program,” “Planting Notes,” “Planting Specifications,” and “Planting Details for Shrubs.” The applicant further agrees that the annuals shall have color all four seasons, resulting in replacement three to four times per year.
6. The proposed identification sign shall be limited in area to a maximum of 49 square feet and shall be mounted on a brick base with a maximum height of three (3) feet. The total height of the sign shall not exceed 10 feet. The price portion of the sign shall not exceed 59 percent of the total sign area and there shall be no other messages on the sign. Signs may be illuminated only during business hours. The final sign design shall be approved by the County Manager or his designee prior to the issuance of any permits.
7. The existing temporary price signage shall be removed prior to the issuance of a building permit or sign permit for the new sign.
8. The applicant shall maintain a product recovery unit that recovers and purifies contaminated groundwater. The unit shall be effectively screened. Copies of test

- results required by the State Water Control Board shall be filed with the Zoning Administrator.
9. The applicant shall provide the State Water Control Board with monthly monitoring reports of its product recovery system and provide copies of these reports to the Zoning Administrator.
 10. Warning signs and other appropriate measures, including the possible installation of convex mirrors, shall be posted at the 10th Street North exit as a safety precaution to pedestrians and drivers.
 11. The applicant shall identify a responsive on-site liaison who shall be available during the hours of the station's operation to receive and respond to community concerns. The name and telephone number of the liaison shall be sent to the Clarendon Alliance, Clarendon-Courthouse and Lyon Park Civic Association presidents and the Zoning Administrator.
 12. The applicant shall develop and adhere to a fuel delivery plan and schedule which minimizes the disturbance of area residents. In developing the plan and schedule, the applicant shall consider including the following four provisions:
 - a. Tanker delivery hours shall conform to the County anti-noise ordinance, i.e., not after 9 p.m. nor before 7 a.m.
 - b. "Stage I Vapor Recovery System" must be used for each tanker delivery.
 - c. Air horn usage in the neighborhood shall be confined to emergencies only.
 - d. Tankers shall avoid using North Egdewood Street.
 13. The applicant shall comply with all State and local environmental regulations. If any incidents should occur which require any type of remedial action by Texaco pursuant to State and local environmental laws, Texaco shall inform the County of the same as well as keep the County informed of all the procedures necessary to rectify the situation. Future continuance of the use permit is contingent upon Texaco's good faith efforts to achieve full compliance with State Water Control Board regulations.
 14. The height of the brick wall along the rear property line shall be lowered to four (4) feet at the 10th Street North exit once the product recovery unit is removed.
 15. The hours of station operation shall be limited to between 6 a.m. and 12 midnight, effective June 30, 1990.