



ARLINGTON COUNTY, VIRGINIA

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

DATE: June 20, 2007

SUBJECT: U-2969-99-1 USE PERMIT REVIEW for a self-storage facility at 1001 N. Fillmore St. (RPC# 18-024-018)

Applicant:
Gateway III, L.L.C

By:
P. David Tarter, Attorney
Lawson, Tarter, Charvet, P.C.
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

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: The applicant seeks renewal of a use permit for a self-storage facility at 1001 North Fillmore Street. The facility generally continues to be in compliance with use permit conditions. The County Board renewed the use in July 2006, with an administrative review in December 2006, to allow the applicant to address landscaping deficiencies. The applicant has worked with staff to correct many of the landscaping deficiencies. Therefore, staff is recommending annual administrative reviews and a review by the County Board in three (3) years (July 2010).

BACKGROUND: The self-storage facility was approved by the County Board on October 2, 1999 as part of a rezoning of this site from "C-3" General Commercial Districts to "C-TH" Commercial Townhouse Districts (Z-2456-99-1). A review period was not specified at the time of approval. However, the applicant later agreed to a standard County Board review schedule to begin one (1) year after the issuance date of the Certificate of Occupancy. The applicant received the certificate of occupancy on November 14, 2001, thus, the facility's first review was approved at the December 7, 2002 County Board meeting.

County Manager: _____

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4720

DISCUSSION: Since the last review in July 2006, the applicant has mulched the site and has replaced all of the dead landscaping. At that time, Leyland Cypress trees along the rear property wall showed significant evidence of distress. Staff informed the applicant that the health of the trees needed to be addressed as soon as possible to guard against further degradation and to maintain compliance with their approved landscape conditions and that these site trees must be closely monitored for continued maintenance. The applicant has addressed the tree issues and monitored them for maintenance.

Since the Last Review (July 2006):

Use Permit Conditions: Staff has continued to monitor the condition of the storage facility's landscaping. The self-storage facility is otherwise in compliance with the conditions of the use permit.

Community Code Enforcement: The Code Enforcement office states that it has no issues regarding the continuation of this use.

Fire Marshal's Office: Staff has not received any concerns regarding the continuation of this use from the Fire Marshal's office.

Police Department: The Police Department states that it has no issues regarding the continuation of this use.

Civic Associations: The self-storage facility is located within the Clarendon Courthouse Civic Association (CCHCA). The CCHCA communicated that it has no comments or concerns regarding this use.

An inspection for this review found the site in compliance, except that a number of plants needed to be replaced, primarily ornamental grasses. 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).

CONCLUSION: The applicant will continue to work with staff to monitor landscaping materials and maintain the plantings in full accordance with the approved landscape plan. The self-storage facility is in compliance with all use permit conditions. The applicant has committed to replacing the plants. Therefore, staff recommends that the use permit for the storage facility be renewed, subject to all previous conditions, with annual administrative reviews, and a review by the County Board in three (3) years (July 2010).

PREVIOUS COUNTY BOARD ACTIONS:

- April 16, 1988 Approved General Land Use Plan amendment from “General Commercial” to “Service Commercial”.
- July 7, 1990 Approved Clarendon Revitalization District.
- October 2, 1999 Approved rezoning request (Z-2456-99-1) for a change in land classification from “C-3” General Commercial Districts to “C-TH” Commercial Town House Districts at 1001 North Fillmore Street.
- Approved use permit (U-2969-99-1) for a self-service storage facility at 1001 North Fillmore Street.
- December 7, 2002 Renewed a use permit (U-2969-99-1) for a self-storage facility at 1001 N. Fillmore Street, with a review in three years (December 2005)
- December 10, 2005 Renewed a use permit (U-2969-99-1) for a self-storage facility at 1001 N. Fillmore Street, with an administrative review in six (6) months (June 2006) and a review by the County Board in five (5) years (December 2010).
- July 8, 2006 Renewed a use permit, subject to all previous conditions, and with an administrative review in five (5) months (December 2006) and a review by the County Board in one (1) year (July 2007).

Approved Conditions:

1. The applicant agrees to conduct the approved use in full accord with the County Board's October 2, 1999 approval. The applicant further agrees to comply with the requirements in the Zoning Ordinance and the following conditions and the site plans dated September 14, 1999 for the ground floor and site plan, for the plans for higher floors dated April 19, 1999, and for the attached photos, approved by the County Board and made part of the public record on October 2, 1999. The design of the façade treatment of the building and the materials to be used on the facades shall be as specified and shown on the submitted drawings and photos, and approved by the County Board and make part of the public record on October 2, 1999.
2. The applicant agrees to include clauses in rental contracts prohibiting the following uses by tenants of the storage facility:
 - a. Storage of motor vehicles and motorized boats, welding materials, or flammable, chemical, odorous, explosive, radioactive, highly combustible, or other inherently dangerous materials;
 - b. Storage of any items that are in violation of any order or requirement imposed by the Environmental Health Bureau, Community Inspections Office, Department of Environmental Services, Police Department, and Fire Department, or other appropriate governmental body;
 - c. Human or animal habitation;
 - d. Auction, commercial, wholesale, or retail sales of miscellaneous or garage sales; the servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment or furniture;
 - e. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; and
 - f. Any use that is obnoxious or offensive because of odors, dust, noise, fumes or vibrations.
3. The applicant agrees to identify a manager before, during, and after business hours to serve as a contact and liaison with the community. The manager shall be located either on-site, or at the self storage facility located at 3000 N. 10th Street. The applicant shall furnish the Zoning Administrator, the Lyon Park Citizens Association, and the Clarendon-Courthouse Civic Association with the name and telephone number of the manager.
4. The applicant agrees that no single storage tenant shall be allowed to rent more than 15,000 square feet.

5. The applicant agrees that the hours of operation for the storage facility shall be from 7:00 a.m. to 10:00 p.m. daily, office hours shall be from 9:00 a.m. to 6:00 p.m., Monday through Saturday, and 12:00 noon to 5:00 p.m. on Sunday. The applicant further agrees that the overhead doors of the loading docks shall be designed for automatic closing to the extent possible while such tenants are using the facilities other than during office hours.
6. The applicant agrees that a surety agreement acceptable to the Department of Public Works for the construction of all facilities within the public rights-of-way or easement shall be executed by the applicant prior to the issuance of any building permits.
7. The applicant agrees to comply with the Statewide Fire Prevention Code and all other federal, state, and county regulations prior to the issuance of a building permit.
8. The applicant agrees that a minimum of 60 percent of the gross floor area, excluding the parking garage, on the first floor of the building shall be limited to retail and service commercial uses. The balance of the gross floor area on the first floor can be all other uses as permitted in the "C-TH" District and use permit. Storage uses shall be permitted on the second floor and up.
9. The applicant agrees that all access to the self-service storage facility shall be controlled with a computerized electronic system which has a monitored alarm system. The facility will be equipped with exterior and interior security cameras and intercom to provide a full surveillance system of the storage operation. No public address system and/or burglar alarms for any tenant of the building shall be audible from the exterior of the building.
10. The applicant agrees that an easement encumbering the building use shall be recorded after the issuance of building permits but prior to the issuance of any certificates of occupancy. The easement shall restrict use of space on the second floor to the sixth floor of the building to storage and the space on the first floor to office, retail, and service uses, and prohibit future conversion of the use of the space above the second floor to a use other than storage. This building easement shall be null and void if the building is destroyed and/or removed.
11. The applicant agrees to remove or place underground all existing aerial utilities within and along the periphery of this site. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the applicant. The final undergrounding plan shall be approved by the Department of Public Works.
12. The applicant agrees that all required easements and rights-of-way, excluding the easement in condition number 10 above, shall be submitted to the Department of Public Works for approval and shall be recorded by the applicant before the issuance of a building permit.

13. The applicant agrees that sidewalks along all street frontages of the development shall be paved with brick or an interlocking concrete paver and shall be placed on a properly engineered base approved as such by the Department of Public Works. The streetscape for this project along 10th Street North shall transition to the existing streetscape to the east of the subject property. The final selection of materials and colors to be used shall be as specified in the Clarendon Sector Plan and the Clarendon Sector Plan Addendum. The sidewalk sections and street tree species shall be as follows:
 - a. North 10th Street - 16 feet - Willow Oak (Sidewalk width includes a 4 foot wide planting strip adjacent to the curb planted with Liriope Muscarii). Double globe Carlyle standard street lights shall be installed.
 - b. North Fillmore Street - 12 feet - Zelkova (Sidewalk width includes a 4 foot wide planting strip adjacent to the curb planted with Liriope Muscarii). Single globe Carlyle standard street lights shall be installed.
14. The applicant agrees that the final engineering plan shall be approved by the Department of Public Works and shall include the following:
 - a. The developer shall supply sanitary sewage service to the project from the sanitary sewer line located in 10th Street. If the developer elects to provide sanitary sewer service from the sanitary sewer line in Fillmore Street, then the developer shall construct and extend or fund an 8 inch sanitary sewer line along the Fillmore Street frontage of the site from North 10th Street to the Northern property line.
 - b. The existing storm sewer along the Fillmore Street frontage of the site shall be relocated to provide proper planting strips for the streetscape elements specified in condition number 13 above.
15. The applicant agrees to design an architectural treatment for the northern facade of the building that is acceptable to the County Manager or his designee.
16. The applicant shall submit a detailed final site development and landscape plan, including the design of the facade treatment of the entire building and the materials to be used on the facades, at a scale no larger than 1/16 inch = 1 foot before the issuance of the excavation/sheeting and shoring permit, and the plan shall be approved by the County Manager or his designee before the issuance of the final building permit. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet. The County may require more detailed plans appropriate to landscape installation at a larger scale (1/16 inch = 1 foot, 1/8 inch = 1 foot, or 1/4 inch = 1 foot). The County may permit minor changes in building, street, and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance and with the intent of the use permit approval. The landscape plan shall include a street tree plan and shall be accompanied by the site engineering plan and the two (2) plans shall be compared to ensure that there are no conflicts between street trees

and utilities. Neither plan shall be approved until the landscape plan and the site engineering plan agree. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first certificate of occupancy. The final site development and landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, or standpipes, storm water detention facilities, and the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed in the setback area between the building and the street.
- b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks as well as for address indicator signs.
- c. The location and types of light fixtures for streets, parking, walkway, and loading areas. Lighting in parking and loading areas shall be designed and installed so as not to project any direct and indirect light rays onto any part of adjoining residential properties.
- d. Topography at 2 foot intervals and the finished first floor elevation of all structures.
- e. Landscaping for buffer areas, planting areas on North Fillmore Street and North 10th Street, and surface parking areas, including a listing of plant materials and showing details of planting, irrigation, and drainage. Major evergreen trees which meet the requirements of condition number 16a. and b. below shall be planted in the buffer area on the east side of the site.
- f. The location and planting details for street trees in accordance with the County Standards and Specifications for planting in public rights-of-way and as shown on the approved final site engineering plan.
- g. Trash storage facilities shall be enclosed within the parking garage so as to be screened from public view and use. The screening wall shall be constructed of masonry and shall be a minimum of 6 feet in height, as specified on the final site development and landscaping plan.
- h. In conformance with the Clarendon Urban Design Concept Plan contained in Addendum A of the Clarendon Sector Plan, a landscaped buffer area shall be provided between commercial development and residential neighborhoods. The landscaped buffer shall contain the following features along the entire east property line of the site:

- (1) The existing brick wall along the east property line shall be retained and shall be increased to seven feet high where permitted by the zoning ordinance. A seven foot high brick wall of a comparable design to the existing brick wall shall be provided along the balance of the east property line.
- (2) A landscaped buffer strip at least 25 feet wide shall be provided immediately west of the wall.
- (3) All existing blacktop, fill materials, and so forth within the landscaped buffer shall be removed to the lesser depth of either the original topsoil level or 4 feet, and shall be replaced with a suitable growing medium before planting of landscaping materials.
- (4) Irrigation of the landscaped buffer shall be provided by an automatic underground sprinkler system. Drainage shall be as required by the County Manager or his designee.
- (5) The required landscape plan (condition number 16) shall include the following provisions for the landscaped buffer:
 - (i) Mature, tall-growing, pyramidal-type evergreens shall be planted at the location immediate west of the brick wall to buffer sight and to absorb noise. These evergreens shall be closely planted along the entire interior of the brick wall.
 - (ii) To maximize screening of sight and light and buffering noise, the remainder of the buffer strip shall be planted with a mix of deciduous and evergreen trees of species and sizes specified in condition number 17b.
 - (iii) All planting materials shall be planted with a spacing to be specified by the County Manager or his designee.
- (6) The applicant shall review the final landscape plan and the plan of detailed building façade design and materials, and any and all administrative changes to the use permit subsequent to County Board approval with the Lyon Park Citizens Association and the Clarendon-Courthouse Civic Association for timely review and comment.

17. Landscaping shall conform to the County Standards and Specifications and to the following requirements:

- a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for two (2) years, including the replacement and maintenance of all landscape materials following the issuance of the master certificate of occupancy;

- b. Planting materials and landscaping shall meet the American Standard for Nursery Stock Z50.1-73, 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.) - a height of 12 to 18 feet with a minimum caliper of 3 to 3½ inches.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a height of 10 to 14 feet with a minimum caliper of 1½ to 2 inches.
 - (4) Shrubs - a minimum spread of 18 to 24 inches.
 - (5) Groundcover - in 2 inch pots.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
- d. 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;
- e. Soil depth shall be a minimum of 4 feet for trees and tall shrubs and 3 feet for major shrubs. This requirement shall also apply to those trees and shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2½ foot maximum) above the finished grade adjacent to them;
- f. Finished grades shall not exceed a slope of three (3) to one (1) or the grade that existed before the site work began; and
- g. The applicant shall submit a maintenance agreement which shall ensure that all landscaped areas located on private property are kept in a clean, well-maintained condition after the expiration of the two (2) year guarantee required in condition number 16a. above. A landscape maintenance plan for the first two (2) years and schedule shall be submitted as part of the landscape plan. The developer 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 after the expiration of the two year guarantee and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator.

- h. The developer agrees to notify the Department of Parks, Recreation and Community Resources (DPRCR) Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the planting strip, and the technique of planting. Soil used in the planting strip must meet the specifications for street tree planting available from the DPRCR Urban Forester.
- 18. A stockade fence shall be placed on that portion of the east property line without the brick wall during construction.
- 19. The applicant shall abide by and include a provision in all rental contracts for the building stipulating that contracts for commercial trash collection shall conform to the requirements in the County's Noise Control Ordinance.
- 20. All facilities within the building, including the storage facility, shall carry North 10th Street addresses to the extent permitted by the County and/or Postal Service.
- 21. The on-site manager shall closely monitor facility use by tenants to prevent any back-up onto public streets by trucks or other commercial vehicles awaiting access to the facility. Facility access by all trucks over 28 feet and other commercial vehicles of tenants shall be by appointment only for established tenants and so indicated on their rental contracts. Appointments for these vehicles shall be scheduled to prevent any back-up of these vehicles onto public streets while they are awaiting access. Overnight parking by such vehicles, either on-site or off-site, shall be prohibited by the rental agreement.
- 22. During the demolition and construction phases of this project, the applicant shall both arrange for adequate off-street parking for employees and construction related equipment and take all reasonable steps to preclude the use of residential streets by construction vehicles.
- 23. The applicant shall promptly remove or cause to be removed all graffiti placed on the building, wall or property.