



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 22, 2010**

DATE: May 4, 2010

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, with an administrative review in four (4) months (September 2010), and a County Board review in one (1) year (May 2011).

ISSUE: This is a review of an existing use permit for a tire shop. Issues identified have been resolved.

SUMMARY: This is a review of an existing use permit for a tire shop located on Lee Highway. At the latest County Board review, in November 2009, the applicant agreed to install a planted landscape strip in place of planters that had been causing issues. The applicant has installed the landscape strip and planted it according to a revised landscape plan approved by staff. The Cherrydale Civic Association has commented that they are pleased with the installation of the landscape strip. Therefore, staff recommends that the County Board renew the use permit subject to all previous conditions, with an administrative review in four (4) months (September 2010), and a County Board review in one (1) year (May 2011).

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. 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

County Manager: BMD/GA

Staff: Matthew Pfeiffer, Planning Division, DCPHD

PLA-5585

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at the time of the complaint. The use permit was renewed for a year with an administrative review in six (6) months in order to ensure that the problems did not continue. At the six (6) month review, staff reported that there were again issues with the health of the plant life in the subject planters. Also, several minor property maintenance issues were reported. The applicant was informed of the issues and corrected them at the time. During the County Board review in March 2009, concerns were raised by the Cherrydale Civic Association regarding dead plant life in the landscaped planters. After an administrative review in October 2009, in which issues related to the planters were again found, the use permit was placed on the County Board's November Agenda for formal review. During the review, the applicant agreed to a condition requiring the installation of a planted landscape strip in the same general footprint that the planters occupied. The use permit was renewed for six (6) months subject to conditions requiring the submission of a revised landscape plan in one (1) month, and the work to be finished within six (6) months (April 2010).

DISCUSSION: Since the latest County Board review (November 2009):

Use Permit Conditions: Condition #12, which was approved by the County Board in November 2009, required the applicant to submit a revised landscape plan showing the planted landscape strip by December 14, 2009. The condition also required the installation of the landscape strip by April 14, 2010. Neither deadline was met; the Zoning Office issued a notice of violation for noncompliance with Condition #12. However, after working with staff and the community, the applicant submitted a revised landscape plan and installed the landscape strip.

Community Code Enforcement: Code Enforcement has not received any complaints regarding this use permit.

Civic Association: The President of the Cherrydale Civic Association was contacted by the applicant after receiving notice from staff that they were in violation of Condition #12. The president expressed that the community would rather see the landscaping installed than the use permit discontinued. Since the installation of the landscape strip, the community has expressed satisfaction with the outcome.

CONCLUSION: The applicant was required by Condition #12 to install a planted landscape strip in the same rough footprint that landscaped planters had occupied. Despite the applicant missing the deadlines required by Condition #12, the landscape strip has been installed. The Cherrydale Civic Association has expressed satisfaction with the new planted landscape strip. Therefore, staff recommends renewal of the use permit subject to all previous conditions, with an administrative review in four (4) months (September 2010), and a County Board review in one (1) year (May 2011).

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).
November 2009	Renewed the use permit subject to all previously approved conditions and one (1) new condition, with a County Board review in May 2010. .

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:
 - 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.
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-feet wide and will be installed in the general area that the planters previously occupied and will include a minimum of six (6) 3-3 ½ 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



Arlington County, Virginia

U-3145-05-1
4060 Lee Hwy
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

Case Location(s)