ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of September 25, 2010

DATE: September 15, 2010

SUBJECT: U-2670-90-5 USE PERMIT REVIEW for a vehicle service establishment located at 6720, 6730 Lee Hwy. (Exxon) (RCP #11-005-001, -042)

Applicant:
Capitol Petroleum Group

By:
Kerry Anne McClannahan, Manager of Legal Services
Capitol Petroleum Group
6820-B Commercial Drive
Springfield, Virginia 22151

C.M. RECOMMENDATION:

Renew the use permit for one (1) month, subject to all previous conditions, with a review at the October 23, 2010 County Board meeting.

ISSUES: This is a review of an existing use permit for a vehicle service establishment. There are no known issues.

SUMMARY: The vehicle service establishment, Exxon, is located on the south side of Lee Highway east of its intersection with Washington Boulevard/Interstate 66. The County Board last reviewed this use permit in June 2010. The Exxon car wash facility and service station were found to be in compliance with the noise ordinance and the conditions of the use permit. The County Board renewed the use permit for three months, until September 2010, to give the community liaison for Exxon and the affected civic associations an opportunity to meet in order to address citizen questions and concerns about the vehicle service establishment. This meeting has not been held but will likely be scheduled later in September. This meeting will provide staff with the necessary information to complete a comprehensive report to the County Board. Therefore, staff recommends that the use permit be renewed for one (1) month, subject to all previous conditions, with a review at the October 23, 2010 County Board meeting.

BACKGROUND: The subject use permit was approved in 1990 for renovation of an existing automobile service station facility, including the enlargement of the kiosk and canopy subject to conditions. There has been a long history with this particular site as it is close to residential

County Manager: MB GA

Staff: Marco Antonio Rivero, DCPHD, Planning Division

PLA-5685

13.

uses. Therefore, 34 conditions have been placed on the service station/public garage use. Although this use has had ongoing reviews and renewals by the County Board, there had been concerns and issues identified by the nearest residents during these reviews which resulted in one year reviews and the establishment of a working group in 2002. When the County Board renewed the use permit in June 2008 the applicant agreed to several new and revised conditions. In February 2010, ExxonMobil sold its real estate interests at a number of Exxon-branded service stations located in Northern Virginia, including the subject station located at 6720, 6730 Lee Highway to Capitol Petroleum Group of Springfield, Virginia.

DISCUSSION: The County Manager's revised recommendation in the June 10, 2010 report was to renew the use permit for three (3) months in order to provide the community liaison for Capitol Petroleum Group and members of the Laurel Mews Homeowners Association, the Arlington East Falls Church Civic Association, and the Fenwick Court Homeowners Association time to meet in order to address citizen questions and concerns about the vehicle service establishment. Due to scheduling constraints, that meeting did not take place. The community liaison is currently working with the civic associations to schedule a meeting later in September. Therefore, staff recommends that the use permit be renewed for one (1) month in order to accommodate such a meeting and to provide time for staff to complete a comprehensive report for the October 23, 2010 County Board meeting.

Since the Last Review (June 12, 2010)

Use Permit Conditions: The applicant is compliant with the use permit conditions.

Community Code Enforcement: Community Code Enforcement has checked the site and no violations have been reported.

Fire Marshal's Office: The Fire Marshall's Office reports no issues with this use permit.

Police Department: The Police Department reports no issues with this use permit.

Civic Associations: The Arlington-East Falls Church Civic Association and the Laurel Mews Homeowners Association have been contacted several times regarding this use permit review. The Arlington-East Falls Church Civic Association, the Laurel Mews Homeowners Association, and the Fenwick Court Homeowners Association are working with the vehicle service establishment's community liaison in order to schedule a joint meeting addressing their concerns.

CONCLUSION: Presently, the vehicle service establishment is in compliance with the use permit conditions. The community liaison for the vehicle service establishment has been responsive to County staff and citizens. The community liaison and members of the affected civic associations will schedule a joint meeting later in September in order to address the community's questions and concerns. Therefore, staff recommends that the use permit be renewed for one (1) month, subject to all previous conditions, with a review at the October 23, 2010 County Board meeting.

Approved Conditions:

1. A final site development and landscaping plan shall be approved by the County Manager or his designee prior to the issuance of a building permit. This plan shall include the location, dimensions and materials for signs, on-site lighting and trash receptacles; the location, quantity, size, and species of plant material; and the location, size, and maneuverability of 33 parking spaces and aisles.

2. The height of the fascia for the pump island canopy shall not exceed 42 inches. The pump island canopy shall have recessed lighting and no signs shall be permitted on the fascia. The canopy fascia shall be white in color on three (3) sides (one [1] located on the fascia facing the new convenience store at the corner closest to Lee Highway, one [1] located on the fascia facing Washington Boulevard at the corner closest to Lee Highway, and one [1] located on the fascia facing the repair bays on the corner closest to Washington Boulevard). The fourth fascia, facing Washington Boulevard and Interstate 66 to the west, may be red in color. There shall be no message content on any portion of the canopy fascia panels, the lighting associated with the canopy shall remain completely recessed, shall be directed downward toward the pump islands and the light globes shall not be visible from the public right-of-way. Any change to the existing canopy shall require a use permit amendment. The existing free-standing "Car Wash" sign adjacent to Lee Highway shall be removed and replaced by a brick monument free-standing sign. This sign shall be limited in area to a maximum of 42.5 square feet and mounted on a brick base with a maximum height of three (3) feet. The total height of the sign shall not exceed 10 feet. Gas prices shall be deleted from the sign message.

3. The existing free-standing sign located at the intersection of Lee Highway and Washington Boulevard shall be allowed to remain for its useful life, but not to exceed a maximum of five (5) years; however, at such time as it is replaced, relocated or expanded, the sign shall be replaced by a brick monument sign. This sign shall be limited in area to a maximum of 42.5 square feet and 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.

4. Any trash storage facilities shall be enclosed so as to be screened from public view. The enclosure shall be of durable materials as specified on the final site development and landscaping plan.

5. When the service station is operating, free compressed air and free water service shall be available to the public. Access to air and water service shall not be blocked by parked vehicles.

6. The final engineering plans shall be approved by the Department of Public Works prior to issuance of any building permits.

7. A surety agreement with the Department of Public Works for the construction of all facilities within public right-of-ways or easements shall be executed prior to the issuance of any building permits.

8. All repair services shall occur within the service bay area. No vehicle parts or repair tools shall be stored or displayed outside of the building.

9. Vehicles being repaired shall not be stored, parked or tested on adjacent residential streets or alleys.

10. All vehicles being repaired or awaiting repair shall be stored on-site in a manner consistent with the parking plan submitted with this application and parking spaces shall be clearly delineated.

11. Signs may be illuminated only during business hours.

12. Sign permits shall be obtained for all approved signage on the site.

13. The applicant agrees to identify an on-site community liaison who will serve as a contact and liaison with the community. The applicant shall furnish the Zoning Administrator, Arlington-East Falls Church Association, Laurel Mews Homeowners Association, and Fenwick Court Homeowners Association with the name and telephone number of the community liaison.

14. The applicant shall relocate the one (1) vacuum proposed to be located along Lee Highway to a location against the west side of the convenience store. The applicant shall not relocate vacuums closer to the Laurel Mews Townhouses than presently exist and only two (2) vacuums shall be located on the Laurel Mews side of the convenience store (east side). The applicant shall place signs on the vacuums requesting that customers turn off their car radios when using the vacuums.

15. The applicant shall take measures to reduce noise levels by installing quiet kits on all vacuums.

16. The hours of operation of the car wash and vacuums shall be from 7:00 a.m. to 9:00 p.m., except for the vacuum located closest to the corner of Washington Boulevard and Lee Highway which may remain in operation at all times. The applicant shall also make best efforts to pursue giving customers coupons for car washes which are good for seven (7) days in order to minimize lines during peak car wash times. The applicant shall not have video games available or lottery tickets sold in the convenience store.

17. The applicant agrees that the lighting associated with the car wash and the Midas shop shall not be illuminated during the hours when these uses are not operating. The applicant shall relocate the telephones to a location along the Washington Boulevard frontage near the repair bays.

18. Along Lee Highway in the landscape area across from the Fenwick Townhouses, the applicant shall install three 12 foot Southern Magnolias and an euonymus hedge in addition to the two (2) existing street trees. Along Lee Highway in the landscape area adjacent to the pumps, the applicant shall install two 12 foot Southern Magnolias and an euonymus hedge behind the three (3) existing street trees. The applicant shall review the final landscape plan with the Fenwick Court, Laurel Mews, Fenwick House and Arlington-East Falls Church Civic Association representatives prior to approval by the County Manager or his designee.

19. The applicant shall remove the two (2) parking spaces and vacuum on the western side of the proposed convenience store and install one (1) Southern Magnolia in lieu of the spaces and vacuum. The two (2) parking spaces and vacuum shall be relocated to the corner of Lee Highway and Washington Boulevard. The applicant shall install a low hedge near the spaces.

20. Along the shared property line on the east side of the site, the applicant shall install three (3) Virginia Junipers. In addition, on the car wash site, the applicant shall eliminate the two (2) parking spaces closest to Laurel Mews, install two (2) American Hollies in their place and add two (2) additional standing spaces in front of the bays. The applicant shall install four 8 foot Leyland cypresses between the car wash queuing lane and the wall/fence. The applicant shall install three (3) Leyland cypresses on the north side of the repair bays adjacent to the tire enclosure.

21. The applicant shall install a sign at the drive aisle entrance connecting the car wash and the pump islands which would prohibit vehicles from turning right to access the pump islands after entering the car wash entrance curb cut from Lee Highway. The applicant may also install one (1) sign identifying the entrance to the car wash and one (1) sign identifying the exit to the car wash. The applicant shall also install a sign at the entrance to the car wash instructing users to turn off radios and no use of horns.

22. The applicant shall request, as a part of the renovation and the sign plan, approval for a sign to be located near the Fenwick Court and Fenwick House entrances along Lee Highway which would read "Do Not Block Driveways". The applicant shall review the directional signs for the car wash drive aisle and Fenwick driveway entrances with Fenwick Court, Laurel Mews and Fenwick House representatives prior to issuance of sign permits.

23. The applicant shall relocate the waste storage area to a location adjoining the north wall which is the left side of the repair bay building and shall fully enclose and roof the waste storage area. The applicant shall relocate the dumpsters to a location adjacent to the east side (right side) of the proposed convenience store.

24. The exterior of the convenience store shall have a predominantly red-brown brick and glass facade with dentil molding generally consistent with the elevation presented at the County Board hearing. The applicant shall modify the laminated panels on the convenience store facing Lee Highway so that it matches the laminated panels facing Laurel Mews.

25. If the Laurel Mews brick walls/fences along the eastern (behind repair bays) or northern (behind carwash) property lines are damaged due to the construction proposed by the applicant, the applicant shall restore the brick walls/fences to good condition.

26. Trash pick-up shall occur between the hours of 10:00 a.m. to 5:00 p.m.

27. Canopy extension over the walkway to the convenience store shall be approximately the same height as the convenience store.

28. The applicant shall grant an easement to the County to accommodate a switching station at a mutually agreeable location at such time as the County is proceeding with the utility undergrounding project along the Lee Highway frontage of the site.

29. The applicant shall raise the height of the parapet wall on the convenience store to equal the top of the canopy to sufficiently shield mechanical equipment from street level.

30. The applicant shall place signs next to the gas pumps to discourage patrons from making unnecessary noise.

31. The applicant shall examine the amount and shading of lighting on-site to determine the extent to which actions may be taken to reduce the impact of lighting on nearby residents without affecting issues of security and other appropriate concerns. The tall lamppost located in the eastern corner at the rear of the property (behind the car wash facility adjacent to the Laurel Mews Townhouses) is to remain off until an alternative lighting source and/or placement is determined.

32. The two (2) tall lampost lights on Lee Highway shall be modified to a lower light type. The applicant agrees to remove the two (2) lighting fixtures measuring four (4) feet in height and located on the Lee Highway frontage of the site. Two (2) additional signs shall be added over the pumps (similar to the existing signs) requesting patrons to turn off radios and to keep the noise down in consideration of neighbors.

33. The illuminated yellow panels located on west side (facing Lee Highway) and on the south side (facing Washington Boulevard) of the convenience store shall be turned off (not illuminated) after dark.

34. The applicant agrees to ensure the establishment of a Neighborhood Advisory Group to address neighborhood issues and concerns pertaining to the Exxon Service Station which shall include representatives of the Exxon Service Station, representatives from the Arlington-East Falls Church Civic Association and Laurel Mews Homeowners Association (including the nearest neighbors). The group shall meet quarterly.

PREVIOUS COUNTY BOARD ACTIONS:

November 10, 1953	On County Board's own motion rezoned 6750 Lee Highway, currently 6720, 6730 Lee Hwy (Z-1132-53-1) from "R-6" to "C-2".
May 4, 1963	Denied a use permit (U-1543-63-2) to operate a drive-in restaurant at 6720 Lee Highway.
September 11, 1971	Deferred a use permit request (U-1870-71-2) to operate an automobile service station and public garage (10-car care center).
October 9, 1971	Deferred a use permit request (U-1870-71-2) to operate an automobile service station and public garage (10-car care center).
October 9, 1971	Deferred a use permit request (U-1874-71-3) to operate a car wash.
October 20, 1971	Approved a use permit (U-1871-71-2) to operate an automobile service station and public garage (10-car care center), subject to conditions.
October 20, 1971	Approved a use permit (U-1874-71-3) to operate a car wash, subject to conditions.
September 12, 1987	Deferred a use permit request (U-2559-87-4) to construct and operate an automobile service station and public garage at 6730 Lee Highway.
October 17, 1987	Approved a use permit request (U-2559-87-4) to construct and operate an automobile service station and public garage at 6730 Lee Highway.
September 10, 1988	Approved a use permit amendment (U-2559-87-4) to enlarge the canopy and expand the kiosk to include a small convenience store, subject to two new conditions and amended Condition #6, and a three-month carry-over.
December 3, 1988	Continued a use permit (U-2559-87-4), including retention of the public garage, subject to all previous conditions, and with a review in nine (9) months.

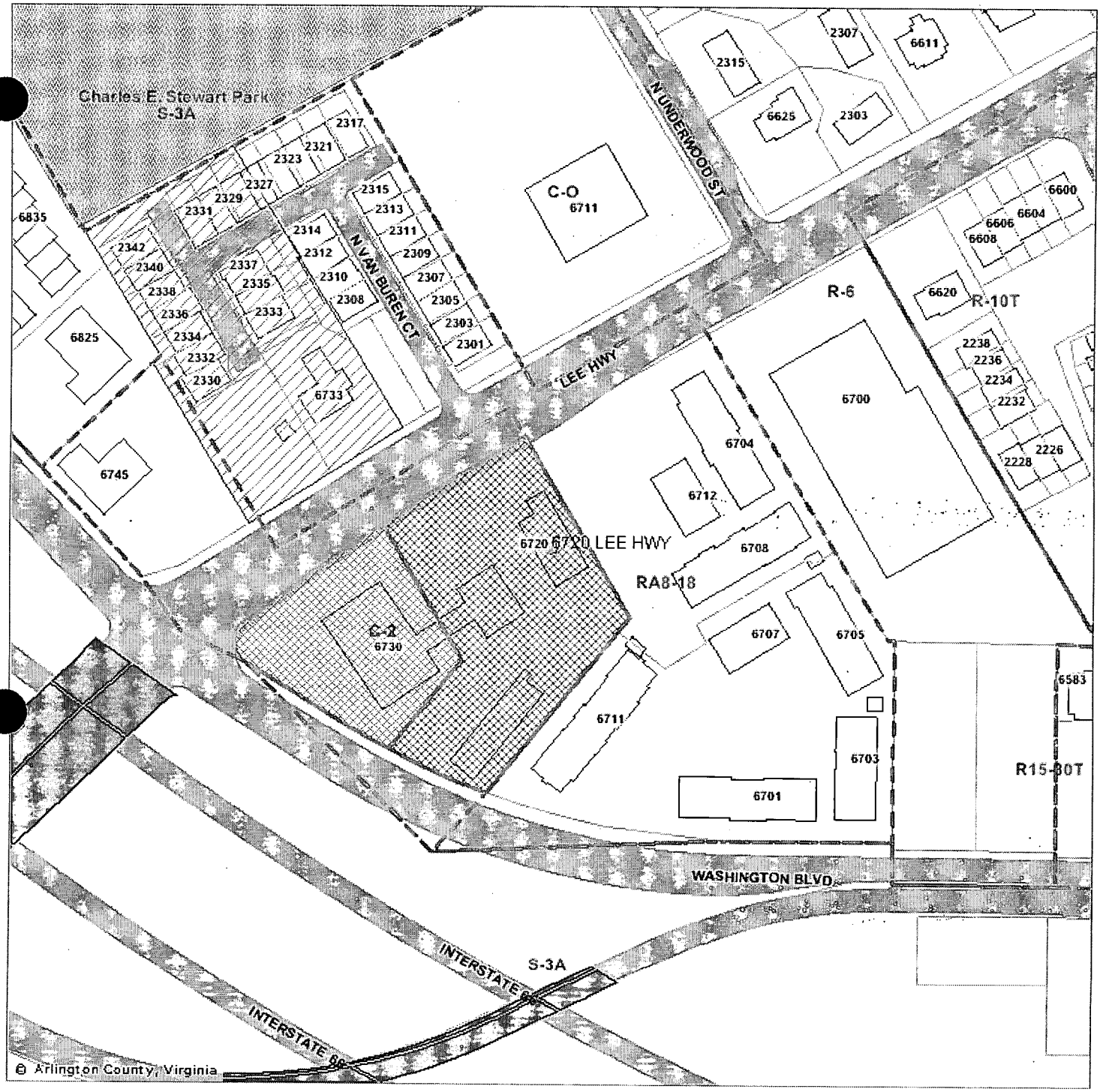
September 12, 1989	Continued a use permit (U-2559-87-4), subject to previous conditions, and with a review in one (1) year.
May 22, 1990	Approved a use permit (U-2760-90-5) for renovation of the existing automobile service station including enlarging the kiosk and canopy, subject to Conditions 1-13, and with a review in one (1) year.
September 8, 1990	Discontinued a use permit (U-2559-87-4) for operation of an automobile service station, car wash, and public garage.
May 14, 1991	Continued a use permit (U-2670-90-5) for renovation of the existing automobile service station, subject to previous conditions and with a review in one (1) year.
May 16, 1992	Continued a use permit (U-2670-90-5) for renovation of an existing automobile service station, subject to previous conditions and with a review in one (1) year.
May 20, 1993	Continued a use permit (U-2670-90-5) for renovation of an existing automobile service station, subject to previous conditions and with a review in one (1) year.
May 7, 1994	Continued a use permit (U-2670-90-5) for renovation of an existing automobile service station, subject to previous conditions and with a review in three (3) years.
June 4, 1996	Deferred to June 29, 1996, a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, to add pump islands, and to modify parking, the canopy and signs.
June 29, 1996	Deferred to July 20, 1996, a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, to add pump islands, and to modify parking, the canopy and signs.
July 20, 1996	Approved a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add

	pump islands, and modify parking, canopy and signs subject to all previous conditions as amended and new conditions numbers 14 - 32 and with a review in six (6) months.
January 11, 1997	Continued a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add pump islands, and modify parking, canopy and signs subject to all previous conditions, as amended, and with a review in nine (9) months.
October 4, 1997	Continued a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add pump islands, and modify parking, canopy and signs subject to all previous conditions, as amended, and with a review in six (6) months (April 1998).
April 4, 1998	Continued a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add pump islands, and modify parking, canopy and signs subject to all previous conditions, as amended, and with a review in six (6) months (October 1998).
October 17, 1998	Continued a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add pump islands, and modify parking, canopy and signs subject to all previous conditions, as amended, and with a review in one (1) year (October 1999).
October 1999	Continued a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add pump islands, and modify parking, canopy and signs subject to all previous conditions, as amended and with a review in six (6) months.
April 8, 2000	Continued a use permit amendment (U-2670-90-5) to relocate and expand the convenience store, add pump islands, and modify parking, canopy signs, subject to all previous conditions, and with a review in six (6) months.
October 7, 2000	Continued an amended use permit (U-2670-90-5) to relocate and expand the convenience store, add

	pump islands, and modify parking, canopy signs, subject to all previous conditions, and with a review in six (6) months.
March 17, 2001	Continued an amended use permit (U-2670-90-5) for an automobile service station and public garage, subject to all previous conditions, and with a review in six months (September 2001).
September 8, 2001	Deferred an amended use permit (U-2670-90-5) for an automobile service station and public garage, to the October 13, 2001 County Board meeting.
October 13, 2001	Continued a use permit (U-2670-90-5) for an automobile service station and public garage with an administrative review six (6) months (April 2002) and a review by the County Board in one (1) year. (October 2002)
November 17, 2001	Deferred a use permit amendment request (U-2670-90-5) to amend Condition #2 to change the color of the canopy fascia to predominantly red with white trim along the lower lip with no panels to a January 2002 County Board meeting.
January 26, 2002	Deferred a use permit amendment request (U-2670-90-5) to amend Condition #2 to change the color of the canopy fascia to predominantly red with white trim along the lower lip with no panels to the March 23, 2002 County Board meeting.
March 23, 2002	Deferred a use permit amendment request (U-2670-90-5) to amend Condition #2 to change the color of the canopy fascia to predominantly red with white trim along the lower lip with no panels to the April 20, 2002 County Board meeting.
April 20, 2002	Deferred a use permit amendment request (U-2670-90-5) to amend Condition #2 to change the color of the canopy fascia to predominantly red with white trim along the lower lip with no panels to the and including the annual review of the subject use permit to the May 18, 2002 County Board meeting.

May 18, 2002	Approved a use permit amendment request (U-2670-90-5) to amend Condition #2 to change the color of the canopy fascia to predominantly red with white trim along the lower lip with no panels to the and including the annual review of the subject use permit with a review in six (6) months (November 2002).
October 19, 2002	Deferred a review of use permit (U-2670-90-5) to the November 16, 2002 County Board meeting.
November 16, 2002	Renewed use permit (U-2670-90-5) an automobile service station and public garage with a review an administrative review in six months (May 2003) and a review by the County Board in one (1) year (November 2003).
November 15, 2003	Renewed use permit (U-2670-90-5) an automobile service station and public garage with a review an administrative review in one year (November 2004) and a review by the County Board in two (2) years (November 2005).
November 15, 2005	Renewed use permit (U-2670-90-5) an automobile service station and public garage with a review an administrative review in one year (November 2006) and a review by the County Board in two (2) years (November 2007).
November 13, 2007 Thru May 17, 2008	Deferred a review of use permit (U-2670-90-5)
June 17, 2008	Renewed a use permit (U-2670-90-5), subject to all previous conditions, revised conditions #17, #21, #31 and #34, deletion of condition #30, and an administrative review in six (6) months (November 2008) and a County Board review in one (1) year (June 2009).
June 13, 2009	Renewed a use permit (U-2670-90-5), subject to all previous use permit conditions, with a County Board review in one (1) year (June 2010).

June 12, 2010	Renewed a use permit (U-2670-90-5) for three (3) months, subject to all previous conditions, with a review at the September 25, 2010 County Board meeting.



U-2670-90-5
6720, 6730 Lee Hwy
(RCP #11-005-001, -042)

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

Department of Community Planning, and Housing Development

Planning Division