



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 9, 2011**

DATE: July 12, 2011

SUBJECT: Request to Advertise “On the County Board’s Own Motion” public hearings on proposed amendments to the Arlington County Zoning Ordinance to Section 19. “C-1” Local Commercial Districts and Section 26. “C-2” Service Commercial – Community Business Districts to provide that uses in buildings with a gross floor area of 50,000 square feet or more on any level, or that propose to provide 200 or more parking spaces are subject to approval by the County Board of a Special Exception Use Permit.

C.M. RECOMMENDATION:

Adopt the attached resolution to authorize advertisement of public hearings on the subject Zoning Ordinance Amendment by the Planning Commission and the County Board on September 6, 2011 and September 17, 2011, respectively, to consider amendments to Section 19. “C-1” Local Commercial Districts and Section 26. “C-2” Service Commercial – Community Business Districts to provide that commercial uses in buildings with a gross floor area of 50,000 square feet or more on any level, or that propose to provide 200 or more parking spaces are subject to approval by the County Board of a Special Exception Use Permit.

ISSUES: By-right development of large-scale uses, particularly retail operations (retail stores), with 50,000 square feet of floor area or more have greater impacts and often have a deleterious effect on adjacent parcels and the surrounding area as a result of such things as increased traffic, congestion at points of ingress and egress, large areas of impervious surface, inadequate tree canopy, and other environmental factors. Requiring large-scale or “big box” development of this type to obtain a Special Exception Use Permit would provide the opportunity to review the impacts of a proposed use and to determine whether, and how, adverse impacts can be ameliorated.

SUMMARY: Due to pressures in the real estate market caused by Arlington’s location within the Washington, DC metropolitan area, large sites with commercial or industrial zoning are very attractive locations for big box retail development. There are some underutilized commercial

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and industrial properties in Arlington that, based in their current size or through an assemblage of parcels, could potentially be redeveloped by-right with big-box retail development, which is typically characterized by auto-oriented, traffic intensive uses. Staff has determined that the traffic impacts of big box development that exceeds 50,000 square feet should be evaluated on a case-by-case basis to address the health, safety and welfare concerns of the community. If this type of development were to occur under by-right conditions, there would be no opportunity for review of the potential impacts. Infrastructure improvements that may be necessary to mitigate these potential impacts could not be imposed. Therefore, it is recommended that the County Board consider an amendment to the “C-1” and “C-2” zoning districts, to require that large-footprint development with significant amounts of parking occur only through Special Exception Use Permit. The proposed Zoning Ordinance amendment, if approved, would require large-scale development to be subject to approval by the County Board of a Special Exception Use Permit for sites zoned “C-1” and “C-2”, and by reference, other commercial, mixed-use and industrial sites zoned “MU-VS”, “C-O-A”, “C-3”, “C-R”, “C-M”, “M-1”, “M-2”, and “M-3”.

BACKGROUND: From time to time the Arlington County Board considers amendments to the Zoning Ordinance to ensure that land use and development regulations meet the needs and goals of the community. Due to pressures from the real estate market related to big box development, and because of the significant land use impact that large-footprint development with significant amounts of parking has on surrounding areas, Zoning Ordinance amendments are proposed to facilitate development consistent with the planning goals of the County.

DISCUSSION: There is interest, on the part of private developers, in establishing big box development in Arlington County due to the area's strong demographics, and vibrant economy. Developers typically seek underutilized sites, like industrial properties, where there is significant by-right potential. As demand for industrial uses declines within the County, staff is already seeing industrial properties convert from warehouse and auto repair-related uses to uses more suited to retail districts, such as health and fitness facilities and specialty retail. There are a number of commercially and industrially zoned properties throughout the County that are of a size and/or character to develop in this manner. As developers of big box retail buildings may continue to expand their market base by proposing this type of suburban-style development in Arlington, the County should permit these uses only when they are well-integrated into the existing urban fabric of the community. This matter has been addressed in Loudoun, Fairfax, and Prince William Counties, where similar Zoning Ordinance amendments have recently been adopted to require additional review of these types of large-scale developments.

Staff has examined the Zoning Ordinance and found that, by reference, permitted uses in many zoning districts are linked to the “C-1” and “C-2” zoning districts. Therefore, in order to address these concerns on a County-wide basis, the attached language is proposed, which would provide that uses in buildings with 50,000 or more square feet of gross floor area (“GFA”) on any level or that propose to provide 200 or more parking spaces shall be subject to approval by the County Board of a Special Exception Use Permit. The proposed language would apply to all permitted uses in the subject zoning districts. It is staff’s view, however, that any use that is located in a building with a footprint greater than 50,000 square feet or that generates the traffic resulting from the provision of 200 or more parking spaces should be reviewed through a Special Exception Use Permit process.

Community Review: Staff will work through the month of July to inform the Planning Commission and key stakeholders, such as the development community, about the proposed Zoning Ordinance amendment with the goal of incorporating their input in a staff report to be developed for the September County Board meeting. At that time the County Board would consider final action on the proposed Zoning Ordinance amendment.

CONCLUSION: Staff recommends that the County Board adopt the attached resolution authorizing the advertisement of public hearings on the subject Zoning Ordinance Amendment by the Planning Commission and the County Board on September 6, 2011 and September 17, 2011, respectively, to consider amendments to Section 19. “C-1” Local Commercial Districts and Section 26. “C-2” Service Commercial – Community Business Districts, to provide that uses in buildings with a gross floor area on any level of 50,000 square feet or more of GFA or that propose to provide 200 or more parking spaces are subject to approval by the County Board of a Special Exception Use Permit.

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS AND SECTION 26. "C-2" SERVICE COMMERCIAL – COMMUNITY BUSINESS DISTRICTS TO PROVIDE THAT USES IN BUILDINGS WITH A GROSS FLOOR AREA ON ANY LEVEL 50,000 SQUARE FEET OR GREATER OR THAT PROPOSE TO PROVIDE 200 OR MORE PARKING SPACES ARE SUBJECT TO APPROVAL BY THE COUNTY BOARD OF A SPECIAL EXCEPTION USE PERMIT; AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

The County Board of Arlington County hereby resolves that the following item shall be advertised for public hearings by the Planning Commission and County Board on September 6, 2011 and September 17, 2011, respectively, to consider amendments to Section 19. "C-1" Local Commercial Districts and Section 26. "C-2" Service Commercial – Community Business Districts. This amendment would amend, reenact and recodify zoning ordinance provisions in order to require use permit approval of uses in buildings with a gross floor area on any level 50,000 square feet or greater or that propose to provide 200 or more parking spaces; and to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS

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A. Uses Permitted

The following uses shall not exceed 49,999 gross square feet on any level, nor shall these uses have more than 199 parking spaces, unless a use permit is obtained pursuant to section 19.B.12 below.

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B. Special Exceptions.

The following uses may be established subject to obtaining a use permit under the procedures established in Section 36:

1. Amusement game arcade.
2. Food delivery services.
3. Health club.
4. Indoor and outdoor tennis, racquet or handball courts.

5. Public parking area whether with or without improvements deferred, as regulated in Section 33.B.1.b.
6. Restaurant providing live entertainment and/or dancing.
7. Schools (private, elementary and high), kindergartens, day nurseries and day care facilities.
8. Vehicle service establishment, provided that any portion of the use except the sale of gasoline shall be conducted wholly within a building.
9. Any use otherwise permitted in this district with a drive-through window.
10. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18.
11. Uses in projects that are within the Clarendon Revitalization District and are part of a Unified Commercial/Mixed Use Development as set forth in section 31.A.17.
12. Uses in buildings with a gross floor area on any level of 50,000 square feet or more or that propose to provide 200 or more parking spaces.

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SECTION 26. "C-2" SERVICE COMMERCIAL--COMMUNITY BUSINESS DISTRICTS

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A. Uses Permitted

The following uses shall not exceed 49,999 gross square feet on any level, nor shall these uses have more than 199 parking spaces, unless a use permit is obtained pursuant to section 26.B.21 below.

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B. Special Exceptions.

Any of the following uses may be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use:

1. Audio-visual production studio.
2. Bowling alley.
3. Car wash.
4. Carpet and rug cleaning establishments, excluding dyeing.
5. Food delivery service.
6. Any use otherwise permitted in this district with a drive-through window.
7. Indoor and outdoor skating rink.
8. Massage parlor and the like.
9. Miniature golf course.
10. Mortuary or funeral home, including a cremation unit within a mortuary or funeral home.
11. Reserved.
12. Nightclubs and restaurants providing live entertainments, including dance halls.
13. Outdoor swimming pool.

14. By site plan approval under Section 36.H. use regulations for areas designated as "Special Revitalization Districts" on the General Land Use Plan may be modified under the following conditions, and an additional F.A.R. of .5 may be allowed under the following conditions applicable to such increases in density:
 - a. Height limit: No building, nor the enlargement of any building, shall exceed the height standard in the revitalization area or six (6) stories not including mechanical penthouses.
 - b. Density: The ratio of the total gross floor area of all uses, excluding one- and two-family dwellings, to the total area of the site shall not exceed 1.5 to 1. A building which has solely residential use above the second floor level shall be permitted to have a residential F.A.R. of 1.5 and a first floor retail commercial use F.A.R. of up to .5. In no case shall the total F.A.R. of such a building exceed 2.0.
 - c. The first floor of any office building shall be designed and used for retail commercial uses. A plan specifying the proposed retail commercial uses shall be developed and shall be consistent with the adopted plan for the "Special Revitalization District."
 - d. Automobile parking space is to be provided as required in Section 33, except that parking may be reduced by site plan approval to no less than one (1) off-street parking space per one (1) dwelling unit and one (1) off-street parking space for each five hundred eighty (580) square feet of the total office and retail gross floor area.
 - e. Screening walls and/or landscaping consistent with the goals and standards of the adopted plan for the revitalization area shall be provided where a parking area abuts a street, sidewalk, alley, or other public right-of-way and where a parking area abuts "R" and "RA" districts.
 - f. Streetscape improvements consistent with the standards of the adopted "Special Revitalization District" plan for the area shall be implemented on the periphery of the site fronting on public right-of-way.
 - g. A coordinated sign plan shall be required. Standards for signs shall be those set forth in the adopted "Special Revitalization District" plan for the area.
 - h. All aerial utilities in the public right-of-way at the periphery of the site and within the site shall be placed underground.
15. Public parking area of more than fifty (50) spaces or of a lot area of more than twenty thousand (20,000) square feet.
16. Vehicle body shop, so long as such activities are conducted entirely within a building.
17. Vehicle dealership, sales or rental lots located on-sites of twenty thousand (20,000) square feet or less but more than ten thousand (10,000) square feet in area shall be permitted by use permit, provided that the use complies with the standards identified in subsection C.4.
18. Vehicle service establishment, provided that any vehicle repairs and storage of merchandise and supplies shall be conducted wholly within a building, and that any lubrication or washing not conducted wholly within a building shall be permitted only if a masonry wall, seven (7) feet in height, is erected and maintained between such uses and any adjoining "R" District.
19. Uses in projects that are not within the Columbia Pike Special Revitalization District or the Lee Highway-Cherrydale Special Revitalization District but are part of a Unified

- Commercial/Mixed Use Development as set forth in section 31.A.17.
20. In addition, if any use permitted under subsection 26.A. includes classes or instruction to children and, either twenty (20) percent or more of the total number of students enrolled in classes and/or instruction are children under eighteen (18) years of age or the total number of children under eighteen (18) years of age enrolled in classes scheduled to be held at any one time is ten (10) or more, the use may only be established subject to obtaining a use permit as provided in Section 36, "Use Permits," for each such use. (Ord No. 09-06, 7-11-09)
 21. Uses in buildings with a gross floor area on any level of 50,000 square feet or more or that propose to provide 200 or more parking spaces.

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