

Angela Brackett

FA

**From:** Cynthia Richmond  
**Sent:** Wednesday, September 28, 2011 4:41 PM  
**To:** CountyBoard; Barbara Donnellan; Aberth, Roger; Alexei J. Cowett ; Bryant Monroe; Carol Hayashida; Cynthia Richmond; Dana Theus; Edward Bilich; Erik Pages; Frank Poli; Gregory Raines; HK Park; Javins, Alesia; Jerry Norris; John McClain; Loretta Franklin; Margaret McKeough; Marty Almquist; Melissa Bondi ; Michael Foster; Pamela Gillen; Rich Doud; Robert Bushkoff; Sally Duran; Suzette Timme; Terry Holzheimer; Todd Yeatts; Victoria Schwartz  
**Cc:** Gabriela Acurio; Richard Tucker; Marc McCauley  
**Subject:** EDC Letter to County Board re Big Box Ordinance  
**Attachments:** EDC Letter to County Board re Big Box Ordinance.docx

Please find attached comments from the EDC regarding the Big Box Ordinance.

*Cynthia C. Richmond*

Deputy Director  
Arlington Economic Development  
1100 N. Glebe Rd, #1500  
Arlington, VA 22201  
703.228.0840

HR/ICB

377991



JERRY NORRIS  
CHAIRMAN

ARLINGTON COUNTY, VIRGINIA  
ECONOMIC DEVELOPMENT COMMISSION  
1100 NORTH GLEBE ROAD, #1500  
ARLINGTON, VIRGINIA 22201  
(703) 228-0808 • FAX (703) 228-0805



September 28, 2011

The Honorable Christopher Zimmerman  
Chairman, Arlington County Board  
2100 Clarendon Blvd., Suite 300  
Arlington, VA 22201

Dear Chairman Zimmerman:

The Economic Development Commission (EDC) has reviewed and discussed the "Big Box" or "Large Format Sales Establishment" zoning ordinance amendment and recommends some adjustments before going forward:

- If the County's intent is to create a regulatory mechanism that can limit the potential negative impacts associated with big box retail store development, than the zoning ordinance amendment should only reference the large format sales use. The number of parking spaces should not be a triggering mechanism for the use permit as it is adequately addressed by the size of the establishment. Staff has not made a compelling or sufficient case linking parking and big box retail stores and differentiating that use from groceries and other uses based on parking and trip generation data. Remove the parking threshold from the ordinance.
- Exclude grocery stores within the big box definition, adding them to the list of excluded uses in the last sentence. It is inconsistent with approved policy to require additional process for a use that we explicitly seek to incentivize. Existing grocery stores especially should be allowed to expand without being subject to a special use exemption as long as they meet the by-right provisions of the zoning ordinance.
- The definition needs to be further narrowed to remove the reference to "personal and business services" from the definition. Big box retail stores are positioned to sell goods directly to consumers and generally do not provide personal or business services. We are concerned that this review could unintentionally be applied to office uses.
- In the first line of the new definition the word "ownership" should be deleted and replaced by the word "occupancy".
- There should be a positive statement that once the use has been approved through the special use process, it shall not be subject to an annual review or renewal. This is important as these uses typically have longer term leases and an annual renewal would be in conflict with the leases.

Angela Brackett

FA

**From:** Hope Halleck on behalf of CountyBoard  
**Sent:** Tuesday, September 27, 2011 1:44 PM  
**To:** Angela Brackett  
**Subject:** FW: Issues related to Regulation of Large Format Sales Establishments

FA

---

**From:** Steve Cole [<mailto:cole.arl@gmail.com>]  
**Sent:** Monday, September 19, 2011 1:06 PM  
**To:** Mary Hynes; Christopher Zimmerman; Walter Tejada; Jay Fisette; Barbara Favola  
**Subject:** Issues related to Regulation of Large Format Sales Establishments

As you prepare to discuss deferring the "big box store" amendment at tomorrow evening's Board meeting, I want to make a few suggestions for improving the amendment that are in keeping with its intended purpose and that capture some circumstances that might otherwise occur with similar adverse community impacts but that would continue to be allowed by right. You might want to confer with counsel on whether these expand the scope of the proposed amendment. Even if they would, given recent advice from counsel and staff, a delay to advertise a modestly broader amendment would not significantly increase risk and could substantially improve the amendment.

I would suggest you consider five areas where the amendment could benefit from changes:

- **Size of the development.** 40,000 sf is a common size for large retail establishments that generate significant traffic.
- **Structure of the development.** A large multi-story development with a smaller footprint might be outside the scope of the amendment if it had fewer than 200 parking places. Changing from a floorplate-based approach to a total square foot approach is a simple change.
- **Uses affected by the proposed amendment.** The proposal would amend zoning districts C-1, C-2 and C-R. Other districts (e.g., M districts) would be affected only by reference. Therefore, the proposal does not address uses allowed only in these other districts. For example, M districts (industrial) permit distribution uses. UPS or Fedex, for example, could still establish package distribution centers in the Shirlington Crescent by right. The volume of semi-tractor trailer and delivery van traffic from these kinds of uses could have an even greater adverse impact than traffic related a large format sales establishment.
- **Effect of the amendment on existing developments.** Presumably, the proposal would not affect changes to existing developments that did not increase gross floor area on the ground floor level by 50,000 sf or parking by 200 spaces. The policy question is the extent to which an existing shopping plaza can expand before it too should be required to obtain a special exception use permit. In recent years, for example, a Harris Teeter store was built by-right at the Lee-Harrison Shopping Center. I do not believe it would have been covered by this amendment had it been in place. Yet, the County has incurred traffic management costs related to this development.
- **Definition of Large Format Sales Establishments.** The current draft defines affected establishments to include those that offer personal and business services. This definition seems broad enough to include both hospitals and medical offices. By including business services, it also seems to sweep in office uses, which I understand the staff intended to exclude.

HR/CR 377978

- There should also be a section that says that all existing uses are grandfathered and will not become non-conforming if the new ordinance is adopted.

These are the minimum changes needed to the ordinance language. The EDC is very concerned that this proposed amendment to the zoning ordinance has been rushed through without adequate consideration of potential unintended consequences. While it seeks to control certain forms of retail development, big box retailers should not be prohibited or considered undesirable as a class of development. There are many forms of large format retail uses, including new urban and mixed use designs that would be highly desirable in Arlington and neither the ordinance nor the comprehensive plan address where such uses may be appropriate. To target such uses specifically, under the guise of it being applied county wide, is for all intents and purposes an attempt to control zoning and development on a spot use basis.

The EDC is especially concerned that this has been introduced as emergency legislation and has not been given the time for scrutiny that any other similar modifications to the zoning ordinance would have been afforded. That such important matters have not been adequately presented, analyzed and addressed by the staff is of great concern to the EDC. We understand the desire on the part of several groups in the County to obtain more control over the development process as it relates to big box retail uses, and are very much desirous of participating in a full and complete analysis of the issue, as is done with all such matters in the County.

If a change to something considered important by residents was introduced in the summer and advertised for the September Board meeting during the time of year when most people are not expecting such government action, and put on a fast track, the Arlington Way would be considered to have been violated. Issues important to the business community should be given the same consideration. These are important issues to consider, ones that deserve and warrant the full review and participation process that is typical of Arlington County in such planning matters.

Thank you for considering our comments.

Sincerely,



Jerry Norris  
Chair, Economic Development Commission

cc: Members, Arlington County Board  
Barbara Donnellan, Arlington County Manager  
Members, Arlington Economic Development Commission

I hope this is helpful. Let me if you have any questions.

Respectfully,

Steve Cole



Mercedes-Benz

FA

+ invite

COUNTY BOARD OFFICE  
RECEIVED American Service Center

2011 SEP 19 AM 10:27

Morton J. Zetlin  
Chairman of the Board of Managers

Alvin J. Brooks  
Secretary of the Board of Managers

Ralph Mastantuono  
General Manager

Friday, September 16, 2011

The Honorable Christopher Zimmerman  
Chairman, Arlington County Board  
2100 Clarendon Boulevard, Suite 300  
Arlington, VA 22201

Dear Mr. Zimmerman:

As I write this letter, American Service Center is within weeks of completing our new showroom and the remainder of our construction. When we have our official grand opening, we shall recognize the fact that American Service Center has been in business and in Arlington continually since 1937 and in commemoration of this Seventy-fifth Anniversary and our new building, we are changing our D/B/A to Mercedes-Benz of Arlington. It says where we are and what we sell. When complete our first floor area will be approximately 54,000 square feet. This would have meant that we would have lost our by-right status for our buildings in the C-2 and C-M zones and any future changes would have required a use permit. This would be very costly and time consuming and would create a need for us to obtain a site plan/special exception. We understand the need for oversight for so called Big Box uses, but we appreciate that the Zoning Ordinance Committee has exempted auto dealerships from the proposed ordinance.

When I first came to work for American Service Center almost fifty-five years ago, there were multitudes of thriving auto dealers in Arlington. Sadly only a few remain and it is important to Arlington and to us that our remaining dealerships thrive. Accordingly, we ask you and your fellow Board Members to support the revised ordinance.

We are still working with Harris Teeter and the people from Roadside toward eventually moving our dealership into a multi-use building on the west side of Glebe Road. Even though we have invested over \$5.2 Million in this new facility, we are planning for the future and this current construction was mandated by Mercedes-Benz USA.

→ We invite you and your fellow Board Members to visit us for a personal guided tour, whenever it is convenient.

Very sincerely yours,

377931

#28

MB