

# ARLINGTON COUNTY, VIRGINIA



## County Board Agenda Item Meeting of December 15, 2007

**DATE:** December 5, 2007

**SUBJECT:** U-3077-04-2 USE PERMIT REVIEW for a transitional parking lot located at 2039 North Kenmore Street (RPC #06-034-026).

**Applicant:**

Kline Imports Arlington, Inc.

**By:**

Michael Holleran, Attorney  
Walton & Adams, P.C.  
1925 Isaac Newton Square, Suite 250  
Reston, Virginia 20190

**C.M. RECOMMENDATION:**

Renew, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (June 2008) and a review by the County Board in one (1) year (December 2008).

**ISSUES:** None

**SUMMARY:** This is a use permit review for a transitional parking lot located south of Lee Highway in the Cherrydale neighborhood. One of the maple trees required in the landscape plan needs to be replaced. Because of the season of the year, staff recommends that the applicant replace the tree in April 2008, and that the condition be reviewed in six (6) months to monitor the landscaping.

In response to a request by the Cherrydale Civic Association, in 2005, the applicant agreed to use compacted gravel for the parking lot instead of the asphalt required in Condition #5. Staff supports using compacted gravel for a pervious surface as long as the site is kept dust- and mud-free. Staff has revised the condition #5 to reflect this change. Therefore, it is recommended that the use permit be renewed, subject to all approved conditions and one (1) revised condition, with an administrative review in six (6) months (June 2008) and a review by the County Board in one (1) year (December 2008).

County Manager: \_\_\_\_\_

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4846

**BACKGROUND:** This is a use permit review for a transitional parking lot. In June 2004, the applicant, Kline Imports Arlington, an automobile dealership, was granted a use permit to use the parking lot for employee and customer parking from 7 a.m. to 10 p.m., seven days a week. After the initial approval, the applicant, staff and the community required additional time to review and modify the landscaping plan. In this review process, Condition #5 and Condition #20 were amended on October 15, 2005, to reflect the changes to the landscape plan.

In the October 15, 2005 County Board report it was noted that the applicant and the Cherrydale Civic Association (CCA) discussed Condition # 5 regarding the paving of the parking lot. CCA suggested and the applicant agreed to use compacted gravel currently on the site instead of asphalt for the parking lot's pavement. Staff supported using compacted gravel for a pervious surface as long as the site is kept dust-free and mud-free. However, the condition was not revised to reflect this. Therefore, staff recommends a revised Condition #5 to reflect this change. CCA has submitted a letter of support for this change (see Attachment).

In 2005, the applicant also agreed to plant up to five (5) street trees along the Lee Highway frontage. Staff has determined that one (1) of the trees needs to be replaced. Because there are only two (2) weeks remaining of the planting season, staff recommends that the applicant replace the tree in April 2008. Staff recommends that the use permit be administratively reviewed in six (6) months to monitor the landscaping

In 2006, staff and the Cherrydale Citizen's Association identified some landscaping maintenance issues. As the applicant required time to correct the landscaping issues and staff needed to inspect the work once completed, staff recommended the use permit review be deferred to the December 9, 2006, County Board meeting. After the deferral, the landscaping issues were resolved and staff has inspected the work to make sure the landscaping is in compliance with Condition #14.

**DISCUSSION:** The use is currently in compliance with all of the other use permit conditions.

#### **Since the Last Review (December 9, 2006)**

Use Permit Conditions: The applicant is now in compliance with all conditions of the use permit.

Community Code Enforcement: The Code Enforcement staff has not reported any complaints or concerns on the subject site.

Fire Marshal's Office: The Fire Marshal's Office reports no issues regarding the subject use.

Police Department: The Police Department reported no complaints or concerns on the subject use.

Civic Association: The Cherrydale Civic Association has been actively engaged in discussion with the applicant and County staff on improvements of the site. They have requested that the tree be replaced as soon as possible.

**CONCLUSION:** With the revision of Condition #5 to allow the applicant to maintain the existing gravel parking lot, the applicant will be in compliance with the conditions of the use permit. The applicant agrees to replace the Maple tree in April 2008, during a more compatible planting season. The applicant continues to work with the community to address any concerns. Therefore, it is recommended that the use permit be renewed, subject to all previous conditions and one (1) revised condition, with an administrative review in six (6) months (June 2008) and a review by the County Board in one (1) year (December 2008).

5. The applicant agrees to maintain the existing gravel ~~pave the transitional parking lot with a durable and hard material, such as bituminous hot mix or Portland cement concrete or some comparable material~~ and to obtain the approval of the zoning administrator of the ~~paving~~ gravel material as consistent with this condition ~~before paving is done~~. The ~~pavement~~ gravel material shall be indicated on the final landscaping plan. The transitional parking lot shall be kept clean, dust-free, and not muddy at all times. The parking spaces shall be delineated by striping in accordance with the Zoning Ordinance.

PREVIOUS COUNTY BOARD ACTIONS:

October 14, 1995	Deferred use permit (U-2855-95-1) request to permit operation of a transitional parking area on premises known as 2039 North Kenmore Street to the December 9, 1995 County Board meeting.
December 13, 1995	Approved use permit (U-2855-95-1) to permit operation of a transitional parking area including 12 spaces, subject to the conditions and with a review in one (1) year.
December 17, 1996	Renewed use permit (U-2855-95-1) to permit operation of a transitional parking area including 12 spaces, subject to all previous conditions and with a review in one (1) year.
March 8, 1997	Took no action on use permit amendment (U-2855-95-1) to permit operation of a transitional parking area including 12 spaces, and directed staff to conduct an administrative review and to report to the County Board in September 1997.
May 7, 1999	Staff found that the use permit (U-2855-95-1) was never vested and discontinued the use permit administratively.
May 15, 2004	Deferred the use permit (U-3077-04-02) request to permit operation of a transitional parking area located on 2039 North Kenmore Street to the June 12, 2004 County Board meeting.
June 12, 2004	Approved the use permit (U-3077-04-02) request to permit operation of a transitional parking area located on 2039 North Kenmore Street, subject to the conditions of the staff report, with an administrative review in six (6) months (December 2004) and a County Board review in one (1) year (June 2005).
June 18, 2005	Deferred the use permit (U-3077-04-02) request to permit operation of a transitional parking area located on 2039 North Kenmore Street to the October 15, 2005 County Board meeting.
October 15, 2005	Renewed the use permit (U-3077-04-02) subject to all previous conditions with an administrative review in six (6) months (April 2006) and a County Board review in one (1) year (October 2006).

October 14, 2006

Deferred the use permit (U-3077-04-02) to the December 9, 2006, County Board meeting.

December 9, 2006

Renewed the use permit (U-3077-04-02) subject to all previous conditions with an administrative review in six (6) months (June 2007) and a County Board review in one (1) year (December 2007).

Approved Conditions:

1. The applicant agrees to comply with the requirements of the Zoning Ordinance, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office prior to the issuance of the Certificate of Occupancy and to maintain such compliance throughout the life of the use permit.
2. The applicant agrees to limit the transitional parking lot's operation hours to 7:00 a.m. to 10:00 p.m., seven days a week. No automobiles shall be parked on the transitional site between 10:01 p.m. and 6:59 a.m. The entrance of the parking lot shall be blocked by a chain or similar closure after the operation hours.
3. The applicant agrees to install a small non-illuminated sign at the entrance to the transitional parking lot indicating no parking on the lot before 7:00 a.m. and after 10:00 p.m. The sign shall also indicate the parking lot is for customers/employees only and remind the parking lot users to keep the noise down while they use the parking lot. Directional sign (s) shall be installed to direct customers to the parking lot on the commercial site.
4. The applicant agrees that no automobile sales or automobile repairs shall occur on the transitional site nor shall non operational or junk cars or disassembled automobile parts be allowed on the lot. Automobiles driven as demonstrators (or "demos") by employees will be allowed to be parked on the lot.
5. The applicant agrees to pave the transitional parking lot with a durable and hard material, such as bituminous hot mix or Portland cement concrete or some comparable material and to obtain the approval of the zoning administrator of the paving material as consistent with this condition before paving is done. The pavement material shall be indicated on the final landscaping plan. The transitional parking lot shall be kept clean, dust-free and not muddy at all times. The parking spaces shall be delineated by striping in accordance with the Zoning Ordinance.
6. The applicant agrees that there shall be no lighting on, or illumination of, the transitional site.
7. The applicant agrees that a maximum of 15 parking spaces shall be provided on the transitional site and that at no time there shall be more than 15 automobiles parked in this area. No elevator/stack parking equipment shall be located on the transitional lot.
8. The applicant agrees that there shall be no vehicular or pedestrian access to the transitional site from North Kenmore Street. All vehicular access shall be from the adjacent commercially-zoned site as shown on the site plan attached to the County Manager's June 12, 2004 report.

9. The applicant agrees that there shall be no test driving of vehicles (for sale or for repair) from its automobile dealership on North Kenmore Street or on other residential streets.
10. The applicant agrees that vehicles being repaired or awaiting repair and vehicles for sale shall be stored only on the commercial site not on the transitional lot, and shall not be parked along North Kenmore Street or Lee Highway.
11. A final site development and landscaping plan for both the transitional parking lot and the commercial lot shall be reviewed by the Cherrydale Citizens Association and the applicant agrees to obtain approval from the County Manager or his designee of such plans as meeting all requirements of this approval and County standards, prior to the issuance of a building permit. This plan shall include the location, quantity, size and species of plant material; the location, dimensions, and materials of screening walls or fences; and the location, size, and maneuverability of parking spaces and aisles. This plan shall also identify all trees and shrubs to be saved on the transitional site. All plant materials and landscaping, unless otherwise specified, shall conform to County standards and specifications, and shall meet the American Standard for Nursery Stock Z50.1-73, and the following standards:
  - a) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Planes, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 3 to 3 1/2 inches.
  - b) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
  - c) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
  - d) Shrubs - a minimum spread of 18 to 24 inches.
  - e) Groundcover - in 2 inch pots.
12. The applicant agrees to provide and maintain landscaped buffer areas between the transitional lot and the adjacent residential properties (2035 North Kenmore Street and 3329 North 20<sup>th</sup> Road), specified as follows:
  - a) The applicant agrees to provide and maintain a landscaped buffer area, with a minimum width of 26 feet on the subject site along the entirety of the south transitional lot property line, adjacent to the residential property (2035 North Kenmore Street) throughout the life of the use permit.
  - b) The applicant agrees to provide and maintain a landscaped buffer area with a minimum of eight (8) feet at the south side of the parking lot's entrance, to a minimum of 25 feet at the southeast corner of the transitional lot, along the portion of the east transitional lot property line that is adjacent to 3329 North 20<sup>th</sup> Road, throughout the life of the use permit.
  - c) The applicant agrees to provide and maintain a landscaped buffer area with a minimum of ten (10) foot throughout the length of the fence line along the north property line of 3329 North 20<sup>th</sup> Road, throughout the life of the use permit.

- d) A landscaped strip with an average width of 20 feet, but no less than a minimum of 18 feet at any point, shall be provided along the front property line on North Kenmore Street throughout the life of the use permit.
13. The applicant agrees to maintain, on the transitional parking lot, the enhanced landscape treatment including evergreen and deciduous trees and shrubs so as to provide an appropriate transition to the residential properties located south and east of the site, and an adequate landscaped screening along North Kenmore Street in accordance to the County's Landscapes Standards.
  14. The applicant agrees that all landscaping, as well as all paved areas, shall be maintained by the applicant or by a professional landscaping maintenance company. A landscape maintenance plan and schedule shall be submitted and approved as part of the landscaping plan and shall be implemented throughout the life of the use permit.
  15. The applicant agrees to identify an on-site liaison to serve as a contact with the community. The applicant shall furnish the Zoning Administrator and the local civic association with the name and telephone number of the liaison and their hours of availability prior to the issuance of the Certificate of Occupancy. The applicant shall develop and implement a monthly site maintenance plan which shall include the daily upkeep of the site. This plan shall be furnished to the Zoning Administrator and to the Cherrydale Citizens Association.
  16. The applicant agrees to screen the existing parking area along Lee Highway through the construction of a low masonry wall and/or through the provision of a planting area at the back of the sidewalk (including replacing with landscaping a portion of the paved area in front of the commercial site's main building, currently used for parking), prior to the issuance of the Certificate of Occupancy. A conceptual design for this area shall be approved as part of the final site development and landscape plan.
  17. The applicant agrees to comply with Section 26.C. of the Zoning Ordinance with respect to the delivery of automobiles. The applicant further agrees not to clean the lots or engage in any other such noisy activities after 9:00 p.m. In addition, the applicant agrees to disengage all car alarms after 9:00 p.m.
  18. The applicant agrees to provide the President of the Cherrydale Citizens Association with copies of any requests for administrative approvals amending this use permit prior to submission of the requests for administrative approvals to Arlington County.
  19. The applicant agrees to remove the chain-link fence on all adjoining property lines of the adjacent two residential properties (2035 North Kenmore Street and 3329 North 20<sup>th</sup> Road), and replace it with a fence that shall be constructed of pressure treated lumber, doubled faced at a height of six (6) feet, prior to the issuance of the Certificate of Occupancy.

20. The applicant agrees to complete all construction before using the parking lot with the exception of the construction of landscaping plans. The landscaping plans shall be implemented by December 31, 2005.