



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 26, 2008**

DATE: January 16, 2008

SUBJECT: SP #339 SITE PLAN AMENDMENT REQUEST to add approximately 240 square feet of gross floor area on the first floor, approximately 665 square feet of gross floor area on the second floor mezzanine, façade changes; on premises known as 2700 and 2732 Wilson Boulevard (RPC #18-009-001, 002, 003, 004, and 005) Whole Foods Market.

Applicant:

Whole Foods Market

By:

Abby Denham, Attorney
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the subject site plan amendment request, subject to three (3) new conditions.

ISSUE: The proposed site plan amendment provides an opportunity to achieve improvements to the Whole Foods Market's Wilson Boulevard elevation including making the façade more transparent, improving the loading dock, and snow removal. There are no issues.

SUMMARY: The proposal for minor interior and exterior modifications to the Whole Foods Market in Clarendon would expand the prepared foods area and relocate a seating area to an expanded second floor mezzanine. The exterior façade change include adding a walk-up coffee and gelato bar to the western façade facing the surface parking lot along with stairs and elevators to access the second floor mezzanine. The total amount of new gross floor area proposed is 905 square feet. Sufficient unapproved gross floor area remains on the block to support the minor changes. A new condition is proposed to ensure that the store is accessible during operating hours from Wilson Boulevard and that three (3) of the four (4) existing display windows along Wilson Boulevard be made transparent providing visual access into the store consistent with the 2006 *Clarendon Sector Plan*. Additional condition language has also been added to address the store's loading dock and dumpster, and snow removal. Therefore, it is recommended that the site plan amendment be approved, subject to three (3) new conditions.

County Manager: _____

Staff: Thomas H. Miller, Current Planning
Diana Handy, DES, Stormwater Specialist

PLA-4876

BACKGROUND: The Whole Foods Market in Clarendon, was originally approved in 1994 as a “C-2” by-right development. Associated set back variances and a lease agreement to narrow portions of North Edgewood and North Danville Streets were found to be consistent with the County’s adopted 1985 policy supporting the establishment of grocery stores. The County obtained public open space at the corner of 11th Street and North Danville Street as part of the lease agreement for North Edgewood and North Danville Streets. The 39,090 s.f. grocery store opened in 1996 under the name Bread & Circus. The site was rezoned to “C-O-1.5” and an as-built site plan was approved as part of the Market Common project (SP #339) in 1999, which was consistent with the *East Clarendon Special Coordinated Mixed Use District Plan*. Parking for the store is provided in an adjacent surface parking lot and in the underground garage across Clarendon Boulevard below the Pottery Barn store.

Site: Whole Foods Market in Clarendon. A part of the Market Common (SP #339) Site Plan.

Zoning: “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts

Land Use: “Low Office-Apartment-Hotel” designation. The area is part of the “Special Coordinated Mixed-Use District” (East Clarendon)

Neighborhood: Clarendon-Courthouse Civic Association. The Clarendon Alliance was also briefed on the proposed changes.

DISCUSSION: The applicant seeks a site plan amendment to make minor interior changes to the store by relocating the seating area to the second floor mezzanine area which currently contains offices. The mezzanine area would be increased to accommodate more seating, a wine cellar and wine tasting room. The mezzanine area would increase by 665 square feet.

The ground floor area that currently contains a seating area would be reconfigured to provide an expanded prepared foods sales and preparation areas including a new kitchen.

The Edgewood Street elevation of the store facing the surface parking lot would be slightly bumped out by 240 square feet to accommodate expanded access (elevators and stairs) to the second floor mezzanine and a walk-up coffee and gelato bar.

The proposed site plan amendment would add a total of 905 s.f. of gross floor area. There is a potential of up to 29,250 s.f. of density on the block under the zoning. A portion of the density from the Whole Foods Block (41,014 s.f.) was approved in 2002 for Phase II of the Market Common on the adjacent block containing the former Sears’ Department Store and retail gross floor area (Orvis, Baja Fresh, etc.,). With the proposed site plan amendment, the remaining potential density on the subject block would be up to 28,345 s.f. A site plan amendment would be required for this density to be used. The following table outlines the approved density for the subject block.

Site Area (Whole Foods Block)	72,903 s.f. (1.67 acres)
Density (Existing Approved “As Built” 1999)	39,090 s.f. (0.54 F.A.R.)
Maximum “C-O-1.5” Density	109,354 s.f. (1.5 F.A.R.)
Used on Phase II Market Common	41,014 s.f.
Remaining Density	29,250 s.f.
Proposed SPA Density	905 s.f.
Total Potential Density Remaining	28,345 s.f.

Both the Clarendon-Courthouse Civic Association and the Clarendon Alliance expressed support for the proposed site plan amendment and stressed the importance of activating the store’s Wilson Boulevard elevation.

Since the site plan was approved as-built, there are no site specific conditions for the Whole Foods Market block. One issue that has been constant since the store’s conception and completion is the store’s Wilson Boulevard appearance. The 2006 *Clarendon Sector Plan* noted that the store “*has several deficiencies in the building form and orientation.*” The *Clarendon Sector Plan* also requires Main Street Frontage locations to have 75% transparency for the portion of the storefronts between two feet and 10 feet above the sidewalk. Staff is recommending a condition that requires the existing door facing Wilson Boulevard to be fully operable (allowing ingress and egress) during the store’s operating hours. In addition, three (3) of the four (4) existing display windows facing Wilson Boulevard should be made transparent to provide visual access into the store from the sidewalk and Wilson Boulevard. The other display window, according to the applicant, can’t be opened into the store because of equipment placement in the store. An expanded cook line (grills, fryers, ovens, and exhaust fans) are proposed at the back of the display window to provide more prepared food and requires a wall for support. Therefore, staff recommends that this window be maintained, lighted, and contain seasonal information with displays changed, a minimum, of two (2) times per year.

Another issue that arose during the review of this site plan amendment request is the chronic leakage originating from the store’s dumpster that result in frequent discharge of dumpster leachate to the storm sewer system. Federal, state and local regulations prohibit the discharge of any substance other than stormwater into the storm sewer system or state waters. In accordance with Arlington county Code Section 26-5 “*...it shall be unlawful for any person to discharge directly or indirectly into the storm sewer system or state waters, any substance likely, in the opinion of the County Manager, to have an adverse effect on the storm sewer system or state waters.*” In addition, the County’s Municipal Separate Storm Sewer System (MS4) Permit, issued by the State of Virginia, prohibits the discharge of non-stormwater pollution such as dumpster leachate to the storm sewer system. The dumpster should be replaced as soon as possible to eliminate active leaks. Additional measures should also be taken to establish a sound pollution prevention program for the dumpster and entire loading dock area. Such a program may need to include covering the loading dock area and installing a drain to connect to the sanitary sewer to ensure that future leaks as well as cleaning and maintenance activities do not result in unauthorized discharges to the storm sewer system. This issue is stated in Condition #2.

Staff is also recommending that the standard site plan condition regarding snow removal be added to the Whole Foods block (Condition #3).

CONCLUSION: The proposed changes to the grocery store will add a small amount of gross floor area. Unused density for the SP #339 remains on the block and would be used to support the proposed site plan amendment. However, a site plan amendment is required for this density to be used. The store's overall building foot print will slightly increase with the addition of a walk-up coffee and gelato bar. Interior modifications to the mezzanine level will increase seating areas. Therefore, it is recommended that the site plan amendment request to add 905 square feet of gross floor area be approved, subject to three (3) new conditions.

1. The applicant agrees that the Wilson Boulevard door be fully operable, allowing ingress and egress, during the hours the store is open. In addition, three (3) existing display windows facing Wilson Boulevard should be transparent providing visual access into the store from the sidewalk and Wilson Boulevard consistent with the *Clarendon Sector Plan*. The applicant further agrees that the fourth display window be maintained, lighted and that displays be changed a minimum of two (2) times per year.
2. Within either sixty (60) days of the County Board approval of the site plan amendment (March 26, 2008) or prior to the issuance of any permits, the applicant agrees to replace the dumpster and to work with staff to establish a plan and schedule to address the pollution discharge issues for the dumpster and entire loading dock area consistent with the letter dated January 8, 2008 from Diana Handy, Stormwater Specialist, Department of Environmental Services, Utilities and Environmental Policy Division to Ken Meyer, President, Whole Foods Market, Mid-Atlantic Region.
3. The developer or owner agrees to remove snow from all interior streets and interior and exterior sidewalks, including accessibility ramps and gutter areas within crosswalks, within a reasonable time after snow has stopped falling but in no case later than snow removal provided for vehicular access to the site.

PREVIOUS COUNTY BOARD ACTIONS:

- December 27, 1952 U-1073-52-1 Use Permit approval for the purposes of operating a public parking lot for Sears & Roebuck Store on premises known as 1202 North Edgewood Street.
- June 26, 1954 U-1136-54-1 Use Permit approval for the purposes of operating a public parking lot as a transitional use on premises known as 1112, 1207 and 1211 North Edgewood Street (Lots 12-17).
- 1958 U-1306-58-1 Use Permit Approval for the purposes of operating a public parking area as a transitional use on premises known as 1216 North Edgewood Street.
- July 27, 1963 U-1555-63-1, U-1556-63-1 and U-1557-63-1 (Lots 15, 18 and 19) Use Permit approvals for the purpose of operating a public parking area as a transitional use on 1306 North Danville Street, 1201 North Edgewood Street and 2801 11th Street North.
- August 10, 1963 U-1558-63-1 Use Permit approval for the purpose of erecting and operating an automobile service station on premises known as 1203 North Fillmore Street with the condition that no pennants or streamers be used.
- January 11, 1977 The County Board approved a GLUP amendment from "Low" Residential to "General Commercial" for a portion of Block C (an area fronting on N. Danville Street and 11th Street North).
- July 13, 1982 Designated Sears site, three block area bound by Wilson Boulevard, North Fillmore Street, Danville Street and 11th Street, North as a "*Special Coordinated Mixed Use District*".
- July 9, 1994 Defer rezoning (Z-2412-94-1) to "C-0-1.0", Site Plan (SP #306) for a one-story Home Depot Store containing 102,735 s.f. of g.f.a., a 28,109 s.f. garden center, 11,724 s.f. of retail and 864 parking spaces and vacation request to the October 1, 1994 County Board meeting.
- September 20, 1994 Adopted the *East Clarendon: Special Coordinated Mixed-Use District Plan*. Amended the GLUP from "General Commercial" to "Low" Office-Apartment-Hotel on Blocks A and B, and to "Low" Office-Apartment-Hotel and "Low" Residential (11-15 u/a) on Block C.

- October 1, 1994 Defer rezoning, site plan and vacation requests to the December 10, 1994 County Board meeting.
- October 22, 1994 Approved lease agreement to use portions of North Edgewood Street and North Danville Street to accommodate (Bread&Circus) grocery store including parking on the automotive center block and land dedicated to the County for open space at the corner of 11th Street and North Danville Street.
- December 10, 1994 Reconsider rezoning, site plan and vacation applications and authorize advertising for a public hearing on February 25, 1995 Rezoning (Z-2412-94-1) as amended from "R-5", "C-2" and "C-3" to "C-0-1.5" and "R15-30T" and Site Plan (SP #306) as amended for a two story commercial building with approximately 150,000 s.f. of g.f.a., a 784 space parking structure and SP #312 site plan approval for 66 town house units and one-acre public park.
- February 25, 1995 Defer rezoning, site plan and vacation requests to the April 1, 1995 County Board meeting.
- March 4, 1995 Advertised Site Plan SP #306 for 150,000 s.f of retail g.f.a. and 20,000 s.f. of retail g.f.a. and parking sufficient to meeting requirements for an April 1, 1995 County Board hearing.
- April 1 and 8, 1995 Defer rezoning, site plan and vacation requests to the June 24th meeting to allow an issues-clarification process to take place.
- May 11, 1995 Accept withdrawal of site plan application for Home Depot store.
- June 10, 1995 Defer vacation request to the October 14, 1995 County Board meeting.
- June 24, 1995 Defer rezoning and town house site plan (SP #312) to the October 14, 1995 County Board meeting.
- October 14, 1995 Accept withdrawal of town house site plan (SP #312) and rezoning and vacation requests.
- November 13, 1999 Approved General Land Use Plan Amendment (GP-236-99-2) from "Low" Residential to "Low-Medium" Residential and to change the width of the area designated "Residential" along North Danville Street from 150 feet to 100 feet. Approved Rezoning (Z-2458-99-1) from "C-3", "C-2" and "R-5" to "R15-30T" and "C-O-1.5" on Block C and from "C-3" and "C-2" to "C-O-1.5" on Blocks A&B. Approve Site Plan (SP #339) for 87 townhouse

units, 300 apartment units, 212,571 s.f. of commercial/retail gross floor area with service corridors and 8,362 s.f. of restaurant gross floor area excluded from floor area ratio calculations and related parking.

- June 24, 2000 Approved Site Plan Amendment (SP #339 to add a second access point to parking structure, add 100 parking spaces and 22,000 s.f. of retail g.f.a. to basement level, modify conditions regarding Fillmore Street and 11th Streets streetscape subject to revised conditions.
- February 9, 2002 Approved Site Plan Amendment for Phase II Market Common to add 22,753 s.f. of retail, 3 levels of above-grade parking, approximately 157 spaces, subject to conditions.
- April 20, 2002 Approved Site Plan Amendment to permit up to seven outdoor retail kiosks on 2700-2800 Clarendon Boulevard subject to conditions.
- July 30, 2002 Approved Site Plan Amendment for modifications to conditions #4, utility fund contribution; #13 nubs/sidewalks/countdown signals; #14 sidewalk widths; #22 double globe lights; #26 facade #29 electrical transformers; #31 loading docks; #51 housing fund contribution; #53 parapet, and no modifications to Clarendon Ed Center Plaza.
- July 19, 2003 Approved vacation of sanitary sewer easement subject to conditions.
- October 10, 2003 Approved Site Plan Amendment for live entertainment at Harry's Taproom subject to conditions.