



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 13, 2008**

DATE: September 9, 2008

SUBJECT: U-3064-03-1 USE PERMIT REVIEW for auto window tinting and sale of auto accessories at 4615 Columbia Pike (Sonic Tint) (RPC #23-037-004)

Applicant:

Kevin Juarez
Sonic Sound L.L.C.
4160 South Four Mile Run Drive, Suite 200
Arlington, Virginia 22206

C. M. RECOMMENDATION:

Renew, subject to all previous conditions, with one (1) amended condition, and one (1) deleted condition, with a County Board review in five (5) years (September 2013).

ISSUES: This is a review of a use permit for an automobile window tinting and sale of auto accessories business, and no issues have been identified.

SUMMARY: This is a use permit review for an automobile tinting store located within the Columbia Pike Special Revitalization District. The use permit is being brought before the County Board to remove Condition #4 pertaining to landscaping, as the County is paving the landscaped area for a sidewalk as part of the Columbia Pike streetscape project. In addition, the applicant is requesting an amendment to Condition #2 to expand the hours of operation an additional half hour in the morning and an additional hour in the evening, 10 a.m. to 7 p.m. Since the 2004 review, the applicant has had issues with maintaining landscaping, but has been in compliance with other use permit conditions. Therefore, staff recommends renewal, subject to all previous conditions, with one (1) amended condition, and one (1) deleted condition, with a County Board review in five (5) years (September 2013).

BACKGROUND: The use permit for the auto window tinting business was approved in September 2003. When the use permit was renewed in September 2004, staff determined that the use was not in compliance with some conditions, including landscaping maintenance, trash and debris, and additional hours of operation. The applicant worked with staff to bring the site into compliance. Since 2004, the applicant has operated in compliance with all use permit conditions, except Condition #4 related to landscaping. Landscaping was found to be in need of

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning
William Roberts, DES, Transportation

PLA-5055

maintenance during the November 2005 and November 2006 reviews, and both times was brought into compliance. During November 2007, the applicant filed for an administrative change to amend the approved landscape plan and install twenty (20) Liriope for ground cover instead of fifty (50) originally required on the approved landscape plan. The site was kept in compliance with the approved use permit conditions and was renewed with an administrative review in six (6) months (May 2008) and a County Board review in one (1) year (November 2008). The current review of the subject use permit takes the place of the review scheduled for November 2008. The site is currently in compliance with all use permit conditions.

DISCUSSION: Staff and the applicant support eliminating Condition #4, as the streetscape project aimed at improving pedestrian safety and mobility will expand the sidewalk and provide streetscape improvements in this area. The landscaped area has also been historically difficult for the applicant to maintain. The location of the existing landscaped area and the proposed streetscape improvements are shown in Attachment 1 and Attachment 2.

This Columbia Pike streetscape project will provide wider sidewalks, improved crosswalks (including the W&OD bike trail crossing of Columbia Pike), street trees, pedestrian-style ornamental streetlights, traffic-signal improvements, a realignment of the currently “off-set” intersection of South Four Mile Run and South Buchanan Street to improve safety, and the undergrounding of the overhead utilities along Columbia Pike. Arlington County staff has been working with VDOT on the design of the streetscape improvements and VDOT has approved of the overall layout. Detailed engineering is now underway. The County will not need to obtain right-of-way for the project, as the sidewalk and improvements are proposed to be in the existing right-of-way. Utility undergrounding construction is currently scheduled to begin in spring 2009 and construction of the streetscape improvements is scheduled to begin in fall 2009. This schedule is subject to obtaining VDOT approvals and the acquisition of necessary right of way for the improvements.

With this review, the applicant is requesting to extend the hours of operation from 10 a.m. to 7 p.m. Although it was determined in 2004 that the shop was operating beyond hours approved in the conditions, the applicant addressed the issue and has since that time been in compliance with the approved hours of operation.

Since the Last County Board Review (November, 2007):

Use Permit Conditions: The use is in compliance with all use permit conditions.

Community Code Enforcement: Community Code Enforcement has inspected the site and reports no issues or violations with the use permit.

Fire Marshal’s Office: The Fire Marshal’s Office reports no issues with the site.

Police Department: The Police Department did not report any concerns with the use permit.

Civic Associations: The site is located within the Barcroft School and Civic League. Barcroft was notified of the use permit review, including the applicant's proposal to extend the hours of operation. The Civic Association has responded that they do not anticipate any concerns.

CONCLUSION: Both the applicant and staff support the removal of Condition #4 regarding landscaping to improve pedestrian circulation and enhance the streetscape. Additional street trees and landscaping will be installed along the sidewalk as part of the Columbia Pike streetscape improvements. In addition, the extended hours of operation are not anticipated to adversely impact the community. Therefore, staff recommends that the use permit be renewed, subject to all previous conditions, with the following amended condition, and one deleted condition, with a County Board review in five (5) years (September 2013).

2. The applicant agrees to limit the hours of operation to ~~10:30~~ 10:00 a.m. to 6:00 7:00 p.m., Monday to Sunday, seven days a week.

4. ~~The applicant agrees to install and maintain the landscaping as shown in the landscaping plan dated August 20, 2003 and approved by the County Board on September 13, 2003. The applicant agrees to amend and to obtain approval of the amended landscape plan by the County by December 31, 2005, to substitute a more suitable species for the Hakonechola and to provide a higher barrier around the landscaped area. The installation of the landscaping and barrier shall occur by April 30, 2006. The applicant agrees to follow the County standards for "Landscape Maintenance Management Program," "Planting Notes," "Planting Specifications," and "Planting Details for Shrubs."~~

PREVIOUS COUNTY BOARD ACTIONS:

- September 13, 2003 Approved use permit (U-3064-03-1) for an automobile window tinting and sale of auto accessories store located at 4615 Columbia Pike, subject to the conditions in the staff report, with an administrative review in six (6) months (March 2004) and a County Board review in one (1) year (September 2004).
- September 18, 2004 Deferred use permit (U-3064-03-1) for an automobile window tinting and sale of auto accessories store located at 4615 Columbia Pike, to bring operation into compliance with conditions on maintenance and hours of operation.
- November 16, 2004 Renewed use permit (U-3064-03-1) for an automobile window tinting and sale of auto accessories store located at 4615 Columbia Pike, subject to the conditions in the staff report, with a County Board review in one (1) year (November 2005).
- November 15, 2005 Renewed use permit (U-3064-03-1) for an automobile window tinting and sale of auto accessories store, subject to all previous use permit conditions and amended Condition #4, with an administrative review in six (6) months (May 2006) and a review by the County Board in one (1) year (November 2006).
- November 14, 2006 Renewed use permit (U-3064-03-1) for an automobile window tinting and sale of auto accessories store, subject to all previous use permit conditions, with an administrative review in six (6) months (May 2007) and a review by the County Board in one (1) year (November 2007).
- November 13, 2007 Renewed use permit (U-3064-03-1) for an automobile window tinting and sale of auto accessories store, subject to all previous use permit conditions, with an administrative review in six (6) months (May 2008) and a review by the County Board in one (1) year (November 2008).

Approved Conditions:

1. The applicant agrees to conduct the window tinting and car accessory sales entirely within the building.
2. The applicant agrees to limit the hours of operation to 10:30 a.m. to 6:00 p.m., Monday to Sunday, seven days a week.
3. The applicant agrees that all requirements of County and State ordinances, the Environmental Health Bureau, the Fire Marshal and the Police Department shall be met.
4. The applicant agrees to install and maintain the landscaping as shown in the landscaping plan dated August 20, 2003 and approved by the County Board on September 13, 2003. The applicant agrees to amend and to obtain approval of the amended landscape plan by the County by December 31, 2005, to substitute a more suitable species for the Hakonechola and to provide a higher barrier around the landscaped area. The installation of the landscaping and barrier shall occur by April 30, 2006. The applicant agrees to follow the County standards for "Landscape Maintenance Management Program," "Planting Notes," "Planting Specifications," and "Planting Details for Shrubs."
5. The applicant agrees to clean out the weeds in the front parking lot and the backyard and maintain the area in the future.
6. The applicant agrees to obtain the appropriate Arlington County sign permits before putting up any signs on site.