



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 9, 2006

DATE: November 20, 2006

SUBJECT: U-3077-04-2 USE PERMIT REVIEW (Carry-Over) 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 with an administrative review in six (6) months (June 2007) and a review by the County Board in one (1) year (December 2007).

ISSUES: None

SUMMARY: This is a use permit review for a transitional parking lot located south of Lee Highway in the Cherrydale neighborhood. After initial difficulties with the landscaping, the applicant has come into compliance with the conditions of the use permit. Therefore, it is recommended that the use permit be renewed, subject to all approved conditions with an administrative review in six (6) months (June 2007) and a review by the County Board in one (1) year (December 2007).

BACKGROUND: This is a use permit review for a transitional parking lot located south of Lee Highway in the Cherrydale neighborhood. 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 and for the applicant to implement the planting and construction of the parking lot, as well as the operation of the transitional parking lot. In this review process, two conditions were amended to reflect these changes on October 15, 2005.

County Manager: _____

Staff: Stephanie Marsnick, DCPHD, Planning Division

PLA-4566

DISCUSSION: The use permit was deferred by the County Board on October 14, 2006. Staff and the Cherrydale Citizen's Association had identified some landscaping maintenance issues which required time to correct and inspect. Staff and the neighborhood had identified dead and/or dying and missing plant material at the site, in violation of Condition #14, which required landscape maintenance. As the applicant required time to correct the landscaping issues and staff needed to inspect the work once complete, 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. The use is currently in compliance with all use permit conditions.

Since the Last Review (October 15, 2005)

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 has not reported any 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. The community has expressed concerns about the landscaping which have since been addressed by the applicant.

CONCLUSION: The use is in compliance with the conditions of the use permit and 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 with an administrative review in six (6) months (June 2007) and a review by the County Board in one (1) year (December 2007).

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.

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 20th 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 20th 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 20th 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 20th 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.