



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 9, 2006

DATE: November 21, 2006

SUBJECT: U-3145-05-1 USE PERMIT REVIEW for the operation of a tire shop located at 4060 Lee Hwy. (RPC#06-018-002)

Applicant:

Kline Imports Arlington, Inc. ("Koons")

By:

Jeffrey Huber, Attorney
Walton & Adams, PC
1925 Isaac Newton Square
Suite 250
Reston, Virginia 20190

C.M. RECOMMENDATION:

Renew, subject to all previous conditions, and with a review in one (1) year. (December 2007)

ISSUES: None.

SUMMARY: This is a review of a tire shop which operates in affiliation with the Koons Arlington Toyota dealership. Numerous conditions, based on extensive work between the applicant and the community, govern the operations of the use to mitigate concerns that had been raised by the neighborhood. The applicant has continued to work with the neighborhood and has been generally compliant with the conditions of the use permit. There have been some concerns raised by the neighborhood about parked vehicles. While the applicant has attempted to address these concerns and the neighborhood is generally pleased with the actions of the applicant, staff conclude that a one year review is prudent to ensure continued compliance. Therefore, staff recommend that the County Board renew the use permit for the operation of a tire shop, subject to all previous conditions, and with a County Board review in one year (December 2007).

BACKGROUND: The applicant trades as Koons Arlington Toyota, a motor vehicle dealership located directly across Lee Highway from the subject site. The applicant leases the subject property and has moved the tire/wheel work which had been performed in the service bays at the dealership to permit additional repair work at the dealership. The use of the subject property is

County Manager: _____

Staff: Jill Griffin, Planning Division, DCPHD

PLA-4580

limited, through the conditions, to tire changing, tire removal, tire balancing, four-wheel alignment, chassis lubrication, and brake work. Other work such as oil and filter changes, fluid inspection and fill, windshield wiper replacement, exterior light replacement, and Virginia inspections may occur while a vehicle is having work done to its tires. This tire shop is not used for major repair work which would include engine repair, transmission repair, and/or body repair. The use permit was approved in December 2005 subject to numerous conditions to mitigate any impacts the tire store would have on the surrounding properties. These conditions included hours of operation, the number of parking spaces required, appropriate landscaping, and general upkeep and maintenance of the property.

DISCUSSION: The applicant has continued to work with the community to address and/or clarify issues that have been raised. The primary issue that had been raised was pertaining to the number of vehicles on site at any time. The original staff report had stated that the front parking lot would be striped for nine or fewer vehicles; however, during business hours, additional cars waiting to be serviced would be staged in front of the garage bays. There had been a question with the neighborhood about the staging of the vehicles which has since been resolved. There have been a couple of instances of cars being parked in non-marked areas and the applicant, when informed, has taken immediate action to remove the vehicles.

Since the Initial Approval (December 10, 2005):

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

Community Code Enforcement, Fire Marshal's Office and Police Department: The Code Enforcement staff, the Fire Marshal's Office and the Police Department have not reported any complaints or concerns on the subject site.

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 had questioned the amount of parking and staging on the site which have since been explained 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 or issues that may arise. There have been questions about vehicles being parked in non-marked spaces and the applicant continues to ensure that all their staff is aware of the conditions for this tire store and its associated parking lot. Therefore, it is recommended that the use permit be renewed, subject to all previous conditions with a review by the County Board in one (1) year (December 2007).

PREVIOUS COUNTY BOARD ACTIONS

December 10, 2005

Approved use permit (U-3145-05-1) to permit the operation of a tire shop subject to conditions and with a review in one year (December 2006).

Approved Conditions:

1. The applicant agrees that the hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m., Saturday only.
2. The applicant agrees to submit a site development and landscaping plan with regard to parking, signage, landscaping, trash receptacles and trash enclosures. This plan shall be reviewed and approved by the County Manager or his designee. The plan shall be approved prior to the issuance of a certificate of occupancy. The plan shall be implemented within five (5) months of the date of approval (May 2006). The plan shall be drawn to scale and shall show the parking lot layout plan showing the nine (or fewer) parking spaces, the building, the landscaped planters providing a buffer between the parking area and the sidewalk and the trash receptacles and screening.
 - a. The site development and landscaping plan shall be accompanied by a contract with a landscaping company and a written plan that identifies maintenance schedules and procedures for the landscaping in the planters. This plan shall be implemented according to its schedule.
 - b. If there is lighting on the site, the plan shall ensure that the lighting fixtures are designed to adequately light the site while shielding light from neighboring residents. No exterior site lighting is permitted from the building roof, parapet, or walls. Further, the existing sign shall not have any lighting.
 - c. The site development plan shall include the location and screening of any mechanical equipment such as air conditioning convectors, transformers, or satellite antenna. Equipment shall be located as far from adjoining residences as practicable, provided, however, that the applicant shall not be required to move any existing equipment and these provisions shall apply only to new or replacement equipment, and such equipment shall be screened to minimize their impact.
3. The applicant agrees that parking and storage of all vehicles on the site shall be consistent with the approved parking plan and shall include designated spaces for all customer vehicles. In addition, the applicant agrees that there shall be no parking for the display of vehicles for sale or for lease.
4. The applicant agrees that all tire services and incidental repair services shall occur wholly within the building and no tires, vehicle parts or repair tools shall be stored or displayed outside of the building. The service bay doors shall remain closed except to pull a vehicle into or out of a service bay.
5. The applicant agrees that junked vehicles consistent with the definition for "inoperative vehicles" in Zoning Ordinance Section 1 shall not be stored on the site. Only vehicles fully equipped for safe operation including tires, wheels, and engine, shall be permitted to be stored on site. There shall be no open storage of automobile tires and/or other automobile parts.
6. The applicant agrees that no public address system shall be used on the subject site.

7. The applicant agrees to identify an on-site liaison that shall be available during the hours of the tire store's operation to respond to community concerns. The name and telephone number of the liaison shall be provided to the president of the Cherrydale Citizens Association and to the County's Zoning Administrator.
8. The applicant agrees that all trash receptacles located outside of the building shall be screened from public view and as shown on the site development and landscaping plan.
9. The applicant agrees that the use shall comply with Chapter 15, Noise Control Ordinance. In addition, the applicant agrees to inform employees that car alarms should not be used to find the vehicles scheduled for work.
10. The applicant agrees to meet all state and local codes, including those of the Arlington County Fire Marshal's Office and those of Community Code Enforcement.