



ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY PLANNING COMMISSION

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CLERK

January 20, 2015

Arlington County Board
2100 Clarendon Boulevard
Suite 300
Arlington, Virginia 22201

SUBJECT: 1. **Z-2575-14-1, REZONING** from "CM" Limited Industrial District to "M-1" Light Industrial District for Arlington Transit, located at 2900 Jefferson Davis Highway (RPC# 37-026-007).

RECOMMENDATION: **Adopt the resolution to approve the rezoning request from "CM" Limited Industrial District to "M-1" Light Industrial District for 2900 Jefferson Davis Highway.**

Dear County Board Members:

The Planning Commission heard this item at its January 12, 2015 public hearing. Rami Al Assaf, Construction Management Specialist, DES-Engineering, gave a presentation detailing the construction and the Crime Prevention Through Environmental Design (CPTED) for Transit Facilities design aspect of the proposed fence, and community outreach for the project. Michael Cullen, Planner, CPHD-Planning, presented the General Land Use Plan (GLUP), Sector Plan, land use, and zoning aspects of the project. Also present were Bob Duffy, Director, CPHD, and Rob Gibson, DES.

Public Speakers

There were no public speakers for this item.

Planning Commission Committee Discussion

There was no committee report for this item. The Commission did review a letter from the PFRC dated March 18, 2013, describing their review and support for the project.

Planning Commission Discussion

Commissioner Ciotti asked why one parcel is being rezoned instead of both. Mr. Cullen responded that two separate parcels can have different zoning as long as what is proposed is allowed in both zoning districts by the respective bulk and area regulations. In this case, if the applicant proceeded with a solid wall around both parcels, it would be allowed as not specifically prohibiting that in either zoning district, but they would have to go to the Board of Zoning Appeals due to the fence or

P.C. #17.

wall height required for security. In this case, the adjacent parcel is already zoned M-1 so rezoning the parcel in question would make them the same.

Commissioner Cole asked why staff chose to rezone the parcel to M-1 instead of rezoning both to public use such as PS or S3A since this is a public use while M-1 is typically a private use zoning. He added he realized the GLUP would have to be changed to Public if the parcel were rezoned to PS or S3A.

Mr. Cullen responded that M-1 is the next least intensive industrial use after CM and brings the entire site into the same zoning category. Mr. Cullen said PS or S3A would accommodate the use if all four parcels were rezoned (the two adjacent plus those to the south across 31st St S). Mr. Al Assaf responded that the intent for the property is light maintenance such as parking busses which is allowed in M-1. If the intent was heavy equipment or maintenance, M-1 would not work and they would have to pursue the PS zoning.

Mr. Duffy added that staff evaluated the full range of the options but felt it was important to leave the GLUP as is, and determined that M-1 was the minimum rezoning necessary to accommodate these types of uses as well as be consistent with the GLUP.

Commissioner Forinash asked if the properties north of the subject parcel are zoned CM and if they are County Property. Mr. Cullen responded they are zoned CM but privately owned. Commissioner Forinash stated that rezoning from CM to M-1 means the parcel will have a 75 foot height limit, although with the same FAR. He asked if there was any concern that this rezoning would trigger adjacent CM property owners to request rezoning of their properties. Mr. Cullen responded it is a more intensive height but the lot is only 50 feet wide. Mr. Duffy added that the site is small and setback requirements are very restrictive on the narrow parcel. It is a site that the GLUP and Sector Plan specifically calls out for public uses. The proposed uses are very specific and will not influence adjoining properties.

Commissioner Gutshall asked if the existing zoning CM would be sufficient if not for the CPTED guidelines for a transparent fence, and if staff considered amending the CM district which could have the benefit of encouraging CPTED approaches on other properties. Mr. Duffy responded that staff did consider this option, but there are many other CM properties in other parts of the County, and the implications on those properties are unknown. This is an unusual case because it relates specifically to the CPTED guidelines and standards for transit security, and provides good screening and a better design for the surrounding community.

Commissioner Gutshall asked if it is not generally a policy that the County would prefer to have CPTED-compliant approaches to fencing throughout the County. Mr. Duffy responded that there may be locations where either providing operations within a closed building or through an opaque fence might be appropriate. This is a unique application to address the ART facility.

Commissioner Gutshall noted that in the staff report the Aurora Highlands, Arlington Ridge, and the Crystal City Civic Association (CCCA) had no issues as long as this did not represent an expansion of the existing permitted use, and a temporary ART storage lot on 31st street would cease once the maintenance facility and storage project work was complete. He asked about what assurances have

been made to the community and how a member of the community might look to enforce ceasing the use of the storage lot on 31st Street at conclusion of the project.

Mr. Al Assaf said the 31st Street lot project is on hold. The County had been planning to use the 31st Street lot to temporarily park the busses for up to two years while doing construction on the north and south lots. That is no longer the case.

Commissioner Gutshall asked if there was a use permit required, and Mr. Al Assaf responded staff has completed the ISD portion of the permit and it is in zoning. Commissioner Gutshall asked if the use permit would have a condition attached to it that once the work at 2900 Jefferson is complete, the temporary parking use would cease.

Mr. Al Assaf responded that staff would not be using the 31st Street property at all. Commissioner Gutshall asked what sort of written assurance have been made since sometimes plans change.

Commissioner Forinash asked for clarification that 31st Street is not in use now and will not be used. Mr. Al Assaf responded staff went to the community several times for input on use and design at 31st Street, however staff will not be using the site. If staff did proceed with any changes at 31st Street, they would revisit the community.

Mr. Gutshall asked how staff is currently using the 31st Street lot and Mr. Al Assaf clarified that it is not in use. Mr. Gutshall asked staff to update the staff report to clarify that there is no intention to use the 31st Street lot.

Commissioner Forinash asked if it is possible for ART to still use the 31st Street lot without coming back for another permit because the community had expressed concern about the possible unlimited use of that lot. Commissioner Gutshall wanted to make sure the assurances to the community are documented and validated by the Board.

Mr. Al Assaf responded that the decision not to use the 31st Street lot is a new decision and has not been taken back to the community although staff has been in open communication with the community. Mr. Duffy added that the transit bureau chief, in correspondence with the CCCA, clearly indicated that the 31st street lot was for temporary bus parking only and there was no intention to use it for bus parking afterward. The County is on record that the lot would not be used beyond temporary parking.

Mr. Al Assaf clarified that currently staff has no intention to use the lot permanently or temporarily. Mr. Cullen responded staff can clarify that point in the staff report. Commissioner Gutshall agreed it should be clear in the staff report regarding the intent of the applicant and what assurances have been made to the community so the Board is aware of what they're voting on. Commissioner Cole suggested sending a letter to the three civic associations to let them know how the status of 31st Street has changed.

Commissioner Cole stated staff has worked closely with the civic associations in an effort to develop a design for the fence that is acceptable to the neighborhood and asked for an approximate cost of

the fence. Mr. Al Assaf responded he did not have the exact cost but said it was approximately \$250,000 for the entire fence around the two lots.

Commissioner Cole asked if staff had any idea how much that might exceed something that would serve the same purpose but not decorative, for example a chain link fence as opposed to an architectural fence. He pointed out that how the County spends its money is a serious concern, and although he is sensitive to the neighborhood concerns, the approach should be as fiscally prudent.

Mr. Al Assaf responded that staff had proposed a chain link fence to the community, but after several meetings, it was clear the community wanted the same fence as surrounds the water pollution plant. Mr. Cole suggested noting in the staff report that this is the same fence as the water pollution treatment plant.

Planning Commission Motion

Commissioner Forinash moved that the Planning Commission recommend that the County Board adopt the resolution to approve the rezoning request from “CM” Limited Industrial District to “M-1” Light Industrial District for 2900 Jefferson Davis Highway. Commissioner Siegel seconded the motion.

The Planning Commission voted unanimously 8-0 to support the motion with Commissioners Siegel, Ciotti, Iacomini, Forinash, Cole, Sockwell, Gutshall, Brown in support.

Respectfully Submitted,
Arlington County Planning Commission

A handwritten signature in black ink, appearing to read "Christopher Forinash". The signature is fluid and cursive, with a large initial "C" and "F".

Christopher Forinash
Planning Commission Chair