



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of May 7, 2005

REVISED REPORT

DATE: ~~April 22, 2005~~ May 3, 2005

SUBJECT: SP #231 SITE PLAN REVIEW of a flea market; premises known as 1400 North Courthouse Road. (RPC #18-002-001)

Applicant:

The Clarendon Alliance

By:

Roni Freeman, Acting Executive Director
3195 Wilson Boulevard
Arlington, Virginia 22201

REVISION EXPLANATION: Staff recommends that the review of this site plan amendment be renewed in response to ongoing discussions between the Clarendon Alliance and the Clarendon-Courthouse Civic Association with regard to the Georgetown Flea Market. Staff had recommended that the site plan amendment review be deferred to allow time for Clarendon Alliance and the Clarendon-Courthouse Civic Association to discuss the Association's concerns.

C.M. RECOMMENDATION:

~~Defer to the June 18, 2005 County Board meeting.~~

Renew subject to all previous conditions with an administrative review in one year (May 2006) and a review by the County Board in two years (May 2007).

ISSUES: None.

SUMMARY: At its April 2004 meeting the County Board approved the request of the Clarendon Alliance to operate the Georgetown Flea Market on Sundays between the hours of 9 a.m. and 6 p.m. Staff previously recommended that the site plan amendment be deferred to allow time for the Clarendon Alliance and the Clarendon-Courthouse Civic Association to meet to discuss the concerns of the Association. The Alliance staff report that discussions have began and will continue with regard to the Flea Market. The use is consistent with County ordinances, plans and policies. For the past year the applicant has successfully operated the use in accord

County Manager: _____

Staff: Marcia A. Smith, DCPHD, Planning Division

PLA - 3986

with the conditions of the approval and without complaints to County agencies. The Flea Market has been and will continue to operate with less than the approved number of vendors until its current location in Washington, D.C., is vacated. At that time additional vendors will occupy more of the subject site. It is recommended that the site plan amendment be renewed with an administrative review in one year (May 2006) and a review by the County Board in the two years (May 2007).

BACKGROUND: In 1985 the County Board approved the Courthouse Plaza site plan, a mixed-use development consisting of two office buildings, a 395-unit residential building, a hotel, and associated retail space. In 1997 a site plan amendment was approved to permit construction and operation of a temporary, metered public parking lot (175 spaces). In 2002 a site plan amendment was approved for an open-air market, the existing antiques and collectibles market, which also operates on Saturdays in the 15th Street North right-of-way. At its April 24, 2004, meeting the County Board approved the use of the public parking lot (1400 North Courthouse Road) for the operation of the Georgetown Flea Market.

DISCUSSION: The Georgetown Flea Market has not moved its entire operation to the Courthouse area. The Market continues to operate on its original site in the District of Columbia until that site is closed for redevelopment. The timing of construction on the Washington, D.C., site is currently scheduled for September 2005. Until then the operators of the Flea Market have been marketing the use to encourage participation by other vendors. There are currently 15 to 20 vendors regularly vending at the Market on Sundays. The participation has been slowly growing, and the operators are hopeful that by early summer there will be between 40 and 50 vendors on the site.

During the review period there was one concern raised regarding the potential joint use of the parking lot for parking by patrons of other establishments in the vicinity. However, the applicants, due to concerns for the safety of patrons of the market, concluded that it would put the foot traffic associated with the Market at risk. The parking resources in the Courthouse area include the Courthouse Plaza underground parking garage and on-street parking. This parking, along with the proximity of the Courthouse Metro Station, adequately supports the needs for this use.

The applicant has stated that additional work is needed to provide adequate signage for the site, particularly signs denoting that public parking is not permitted on Sundays. Staff has encouraged the Clarendon Alliance and the operators to work with Department of Environmental Services staff and the Clarendon-Courthouse Civic Association to address signage for the market.

Since the County Board Approval (April 24, 2004):

Site Plan Conditions: The use has operated in compliance with the conditions of County Board approval with no complaints.

Fire Marshal's Office: Staff reports no issues with this use.

Civic Associations: The Clarendon-Courthouse Civic Association was notified of this use and expressed some concerns. (see attached e-mail). This has led to ongoing discussions with the Clarendon Alliance to address those issues.

PREVIOUS COUNTY BOARD ACTIONS:

- May 18, 1985 Approved a site plan (SP #231) for a mixed-use office/residential/hotel/retail project.
- December 2, 1986 Approved a site plan amendment (SP #231) to increase retail gross floor area by 18,439 square feet, subject to the condition requiring providing 19 additional parking spaces are provided.
- May 2, 1987 Approved a site plan amendment (SP #231) to permit the subdivision of the property containing 242,260 square feet into four lots; Lot 1 having a site area of 72,615 square feet; Lot 2 having a site area of 19,447 square feet; Lot 3 having a site area of 45,322 square feet; and Parcel "A" having a site area of 104,876 square feet, subject to all previous conditions and two new conditions.
- November 18, 1989 Deferred a site plan amendment request (SP #231) for approval of a comprehensive sign plan.
- January 6, 1990 Deferred a site plan amendment request (SP #231) for approval of a comprehensive sign plan.
- March 10, 1990 Deferred a site plan amendment request (SP #231) for approval of a comprehensive sign plan.
- April 7, 1990 Approved a site plan amendment request (SP #231) for a comprehensive sign plan, subject to all previous conditions and five (5) new Conditions #51, #52, #53, #54, and #55.
- June 2, 1990 Deferred the remainder of the signs not approved at the April 7, 1990 County Board meeting until July 7, 1990.
- July 10, 1990 Approved a site plan amendment (SP #231) for a freestanding cinema sign on Clarendon Boulevard, subject to all previous conditions and new Condition #56.
- September 8, 1990 Approved a site plan amendment (SP #231) for the remainder of the comprehensive sign plan, subject to all previous conditions and the revised Condition #54 and new Condition #57.
- April 6, 1991 Deferred a site plan amendment request (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard.

- June 4, 1991 Deferred a site plan amendment request (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard to the July 13, 1991 County Board meeting.
- July 13, 1991 Deferred a site plan amendment (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard to the August 10, 1991 County Board meeting.
- August 10, 1991 Accepted withdrawal of a site plan amendment (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard.
- February 8, 1992 Approved a site plan amendment (SP #231) for a conversion of 2,625 square feet of area designated for community meeting space to retail use.
- July 11, 1992 Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, #43, and #44, to increase the ratio of compact car parking spaces to the August 8, 1992 County Board meeting.
- August 8, 1992 Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, #43, and #44, to increase the ratio of compact car parking spaces to the September 12, 1992 County Board meeting.
- September 12, 1992 Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, #43, and #44, to increase the ratio of compact car parking spaces to the November 14, 1992 County Board meeting.
- November 14, 1992 Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, #43, and #44, to increase the ratio of compact car parking spaces to the December 12, 1992 County Board meeting.
- December 12, 1992 Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, #43, and #44, to increase the ratio of compact car parking spaces to the February 6, 1993 County Board meeting.
- February 6, 1993 Approved a site plan amendment (SP #231) for a special exception to amend Conditions #42, #43, and #44, to increase the ratio of

compact car parking spaces, subject to all previous conditions, revised Conditions #9, #42, and #44, and a new Condition #58.

- August 14, 1993 Approved a site plan amendment (SP #231) for live entertainment from 7:00 p.m. to 11:00 p.m. on Thursdays, (Capitol Grille) 2300 Clarendon Boulevard, from 9:00 p.m. to 1:00 a.m. on Fridays and Saturdays, and from 10:00 a.m. to 2:00 p.m., and 7:00 p.m. to 10:00 p.m. on Sundays, subject to conditions and an administrative review in one (1) year.
- September 11, 1993 Approved a site plan amendment (SP #231) to permit a dentist office (2250 Courthouse Plaza) on the plaza level in designated retail space, subject to all previous conditions and an additional condition.
- February 4, 1995 Deferred a site plan amendment (SP #231) to March 4, 1995 to extend the term of decoration building banners and approve an alternative design depicting seasonal themes. (2100 - 2400 Clarendon Blvd.)
- March 4, 1995 Approved a site plan amendment (SP #231) to extend the term of decorative banners and approve an alternative design depicting seasonal themes (2100 - 2400 Clarendon Blvd.) for a period of five (5) years, subject to all previous conditions and conditions #51 and #53 amended.
- January 20, 1996 Approved site plan amendment (SP #231) to convert 4,290 square feet of retail space under 2250 Clarendon Boulevard to secondary retail and medical office and law office uses for the parcels of real property known as 2100 through 2400 Clarendon Boulevard, for a period of five (5) years until January 2001.
- April 12, 1997 Approved a site plan amendment (SP #231) to permit construction and operation of a temporary metered parking lot (175 spaces) subject to conditions.
- November 15, 2003 Deferred a site plan amendment (SP #231) for a flea market at 1400 North Court House Road to January 10, 2004
- January 10, 2004 Deferred site plan amendment (SP #231) for a flea market at 1400 North Courthouse Road to March 13, 2004.
- March 13, 2004 Deferred site plan amendment (SP #231) for a flea market at 1400 North Courthouse Road to April 24, 2004.

April 24, 2004 Approved site plan amendment request (SP #231) for a flea market at 1400 North Courthouse Road with an administrative review in six (6) months (September 2004) and a review by the County Board in one (1) year April 2005.

March 15, 2005 Renewed site plan amendment (SP #231) for conversion of retail space (dentist office) subject to all previous conditions with a review in three (3) years (March 2008).

March 15, 2005 Deferred Site Plan Amendment SP #231 for live entertainment and dancing to the April 16, 2005 County Board meeting

April 16, 2005 Approved Site Plan Amendment SP #231 for live entertainment and dancing with a review in County Board meeting

Approved Site Plan Amendment (SP #231) Conditions:

1. The applicant agrees that the hours of operation in the parking lot for the flea market will be limited to Sundays only, between the hours of 9:00 a.m. (vendors arrive at 7:30 a.m.) and 6:00 p.m. (Vendor clean up and departure shall be completed no later than 7:00 p.m.)
2. The applicant agrees to work with the surrounding neighborhoods and the County to provide adequate signs at appropriate locations identifying the location of the Georgetown Antiques and Collectibles Market and directing vendors and patrons into the Courthouse Plaza's underground parking garage. Such signage shall be approved by the County Manager or his designee as consistent with the sign ordinance and as sufficient to direct patrons to the underground garage prior to issuance of a Certificate of Occupancy.
3. The applicant agrees to submit a parking plan (to scale) delineating the parking layout and table layout for the vendor and to obtain the Zoning Administrator's approval of the plan prior to the issuance of a Certificate of Occupancy. The applicant agrees that the plan shall include information showing how patrons will be directed into the Courthouse Plaza garage.
4. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the flea market use. The liaison's name shall be submitted to the Zoning Administrator and to the Clarendon-Courthouse and the Radnor/Fort Myer Heights civic associations prior to the issuance of a Certificate of Occupancy.
5. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so.
6. The applicant agrees to ensure that the parking lot is maintained in a clean and orderly manner at all times of the flea market operation and that all trash and debris is removed from the site by 7:00 p.m. each Sunday. Space shall be provided for the collection and storage of trash and for the recycling of reusable materials as defined by the County. The applicant agrees to include the location of such space on the proposed parking plan (Condition #3).
7. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator for approval and then shall be provided to the Clarendon-Courthouse and Radnor/Fort Myer Heights civic/citizens associations prior to the issuance of a Certificate of Occupancy.

8. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and to encourage customer parking in adjacent parking facilities as designated in the parking plan required by Condition #3. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
9. The applicant agrees to comply with the requirements of the County's Noise Ordinance. The applicant agrees to ensure that no amplified sound that can be heard beyond the perimeter of the market site shall be allowed at any time. In any case, no amplified sound of any kind, including music or announcements shall be used prior to 10:00 a.m. on the day of operation of the flea market.
10. The applicant agrees to lay out the vendor spaces substantially in accordance with the Clarendon Alliance Inc., open-air Flea Market Vendor Space Layout Plan dated (Revised) 3/31/04 attached to the County Manager's April 12, 2004 report.
11. The applicant agrees to operate under the conditions of the staff report and under the previously agreed upon document entitled "Clarendon Antiques & Collectibles Market (CACM) Rules of Operation and Compliance" and the "Special Site Plan Amendment Conditions and Narrative for a Relocation of the Georgetown open-air Market (COAM)" dated January 2004 attached to the County Manager's April 12, 2004 report.
12. The applicant agrees to take full responsibility for securing the parking lot from public access while it is in use by the Georgetown Flea Market.
13. The applicant agrees that any future request for County services to secure the site will require a fee and that the fee, set by the County, will be paid prior to the provision of those services.
14. The applicant agrees that, unless and until the County Board grants a license to the applicant, or other specific permission to use the site, this approval shall be null and void and of no effect.

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B. APPROVAL OF LICENSE AGREEMENT BETWEEN THE COUNTY BOARD AND CLARENDON ALLIANCE, INC. FOR AN OPEN AIR FLEA MARKET ON THE COUNTY OWNED PROPERTY KNOWN AS 1400 NORTH COURTHOUSE ROAD (RPC #18002001), LOCATED BETWEEN NORTH UHLE STREET, 14TH STREET NORTH AND 15TH STREET NORTH.

1. Approved the License Agreement ("License") attached to the County Manager's undated report and authorized the County Manager or his designee, to execute, on

behalf of the County Board the License between the County Board and Clarendon Alliance, Inc. for permitting an open air flea market at 1400 North Courthouse Road (RPC #18002001), located between North Uhle Street, 14th Street North and 15th Street North, Arlington, Virginia (“the License Area”).

2. Authorized the County Manager, or his designee to execute, on behalf of the County Board, the License and all related documents subject to approval as to form by the County Attorney.