

EXHIBIT NO. 1

6
1-13-01

Docket Item #10
SPECIAL USE PERMIT #2000-0160

Planning Commission Meeting
January 2, 2001

ISSUE: Consideration of a special use permit review for an automobile service station.

APPLICANT: Essam Danfora

LOCATION: 2838 Duke Street
Duke Street Mobil

ZONE: CG/Commercial General

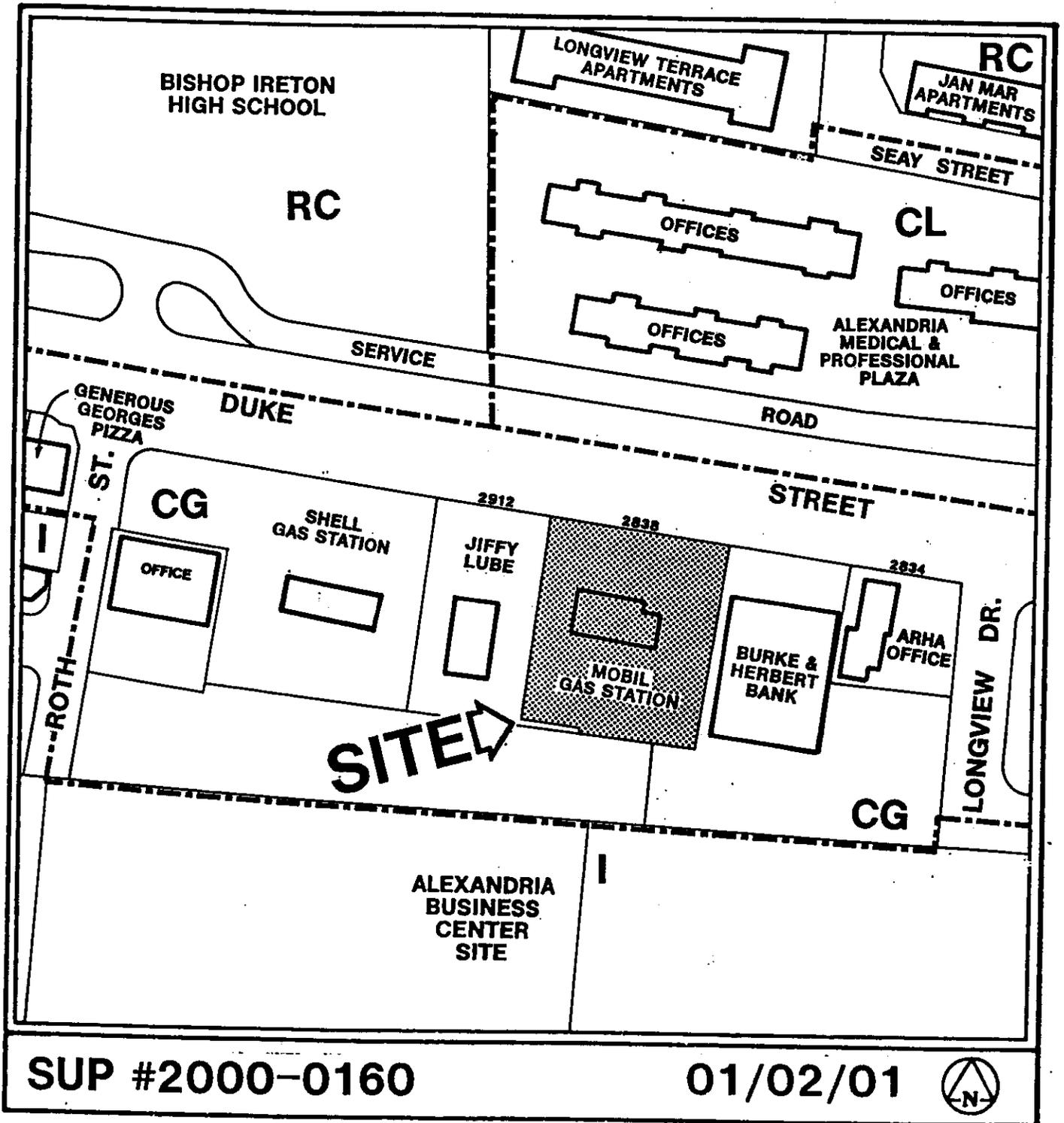
PLANNING COMMISSION ACTION, JANUARY 2, 2001: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Duncan Blair, attorney representing the applicant, spoke.

The subject property and surrounding land uses are shown on the sketch below



(Not to Scale)

STAFF RECOMMENDATION:

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. Driveway easements over joint driveway shall be recorded. (Public Works) (Planning and Regional Affairs) (SUP #737)
2. All sloped areas shall be seeded and sodded as part of site plan approval (Planning and Regional Affairs) (SUP #737)
3. No abandoned, stripped, or junked vehicles shall be kept on the premises. (Planning and Regional Affairs) (SUP #737)
4. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)(SUP 95-0118)
5. Repair work done on the premises shall be limited to light automobile repair. (P&Z)(SUP 95-0118)
6. No repair work shall be done outside. (P&Z)(SUP 95-0118)
7. The applicant shall provide a parking plan for the lot to the satisfaction of the Director of Planning and Zoning and shall stripe the parking spaces according to the approved plan prior to the issuance of a building permit for the canopy. (P&Z)(SUP 95-0118)
8. A minimum of a 22 foot wide drive aisle shall be provided around the building, for access to the service bays. (P&Z)(SUP 95-0118)
9. Vehicles shall be parked in designated striped parking spaces only. (P&Z)(SUP 95-0118)
10. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z)(SUP 95-0118)
11. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z)(SUP 95-0118)

12. The hours of operation shall be limited to between 6:00 A.M. and 10:00 P.M., daily (P&Z)(SUP 95-0118)
13. All waste products, including but not limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into the sanitary or storm sewers. (T&ES) (Health)(SUP 95-0118)
14. The applicant shall provide a soils report from a professional geotechnical company to determine stability of filled area prior to issuance of any building permits. (T&ES)(SUP 95-0118)
15. The applicant shall provide a drainage study plan satisfactory to the Director of Transportation and Environmental Services by May 15, 1997 and shall implement its findings by June 15, 1997. (P&Z) (SUP 97-0178)
16. The applicant shall contact the Crime Prevention Unit of the Alexandria City Police Department for a robbery awareness program for all employees and a security survey. (Police)(SUP 95-0118)
17. No building permit shall be issued for the canopy until the applicant has satisfactorily completed the payments required by the Promissory Note dated October 25, 1995 and signed by the applicant related to outstanding taxes due the City. (P&Z)(SUP 95-0118)
18. The applicant shall prepare a landscape plan with landscape calculations to the satisfaction of the Director of Planning and Zoning and the City Landscape Architect within 60 days of City Council approval. Plantings complying with the plan shall be planted within six months of City Council approval. (P&Z)(SUP 95-0118)
19. The applicant shall maintain plantings in good condition. (P&Z)(SUP 95-0118)
20. No amplified sound shall be heard at the property line. (P&Z)(SUP 95-0118)
21. Condition deleted. (CC) (SUP 97-0178)

22. **CONDITION RETAINED BY STAFF**: The Director of Planning and Zoning shall review the special use permit one year from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(City Council)~~ (SUP #99-0065) (P&Z)
23. **CONDITION RETAINED BY STAFF**: The applicant shall replace the two dead trees on the western side of the property with several shrubs pursuant to a plan approved by the Director of Planning and Zoning. The plan shall be submitted for approval by March 1, ~~2000~~ 2001 , and the planting completed by May 1, ~~2000~~ 2001. ~~(P&Z)~~ (SUP #99-0065) (P&Z)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Essam Danfora, is before the Planning Commission for a review of the special use permit for an automobile service station, known as the Duke Street Mobil, located at 2838 Duke Street.
2. The subject property is one lot of record with an area of 27,093 square feet, approximately 150 feet of frontage along Duke Street, and a depth of 180 feet. A one story gas station with two pump islands and three service bays occupy the lot.
3. An automobile service station has been operating on site since 1968 (SUP #737). The special use permit has been reviewed by Council on four occasions since 1997. The most recent approval was granted by Council on December 18, 1999 (SUP #99-0065); a one year review was part of the approval.
4. On December 6, 2000, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff observed the following violations of the permit conditions and issued a ticket:

Condition #5

Repair work done on the premises shall be limited to light automobile repair.

Observation: Staff observed an engine on the ground outside of the garage and was advised by the operator that an employee was working on his vehicle's engine. Staff advised the operator that the rebuilding and replacement of engines is considered general automobile repair which is not permitted.

Condition #6

No repair work shall be done outside.

Observation: Staff observed an employee fixing a flat tire outside the building.

Condition #9

Vehicles shall be parked in designated striped parking spaces only.

Observation: Staff observed a vehicle parked in a non-designated striped space.

Condition #11 No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.

Observation: Staff observed tires, batteries, and an engine outside the applicant's dumpster.

Condition #23 The applicant shall replace the two dead trees on the western side of the property with several shrubs pursuant to a plan approved by the Director of Planning and Zoning. The plan shall be submitted for approval by March 1, 2000, and the planting completed by May 1, 2000.

Observation: The applicant did not submit a plan nor has he planted the required shrubs.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the automobile service station at 2838 Duke Street. However, staff remains concerned about the violations at the property. In the last few years, staff has had many discussions with the applicant about the conditions, and the applicant's response has been that he will comply with them. After these discussions, staff has reinspected the property, found the applicant in compliance, and reinspected six months or a year later and found violations of the permit conditions. As to the landscaping, staff had no objection to the replacement of the dead trees with several shrubs as proposed by the applicant during last year's review and believes that the applicant should install the shrubs as soon as conditions permit. Staff has retained the condition requiring the shrubs, allowing them to be installed by May 1, 2001. Staff has also retained the condition requiring a review of the business one year from this approval in order continue to monitor the site. With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

No comments were received from this department.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No comments.

Police Department:

F-1 No objections.

APPLICATION for SPECIAL USE PERMIT # 2000-0160

[must use black ink or type]

PROPERTY LOCATION: 2838 DUKE ST

TAX MAP REFERENCE: 62.03-04-02 ZONE: CG

APPLICANT Name: Essam Danfora

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: Review of automobile service station

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____

Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

12/16/00 Wednesday 9:30
Date ticket served Day of Week Time AM/PM

Location of Violation: 2838 Duke St

Ord. Section: 11-505

Description of Violation: Condition # 5 Repair
work limited to light repair, condition
6 no repair work done outside,
condition # 9 Veh. Parked in striped
spaces only (VW), condition #
11 Veh. D.A.T.s accumulated outside
dumper. \$100.00

Penalty \$: \$100.00

1st 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
12/16/00 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

[Signature] 103
Inspector's Signature ID Number

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

SUP 99-0065

Z-01

TICKET NO. 2037

NOTICE SERVED ON:
Daufer, Rick

NAME: LAST FIRST MIDDLE
Daufer Rick

PROPERTY OWNER
 COMPANY Dulse Street Mobil
NAME

OTHER
2838 Duke St
ADDRESS Alexandria Va

CITY/TOWN STATE ZIP

[Signature] DATE

I hereby acknowledge receipt of this Notice of
Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

Mailed/posted a true copy of this notice to the last
known home or business address of the respondent
or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee
of the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

Signature _____
Print Name _____
Date Phone # _____

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A
HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE
ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL
PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE
WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

Signature _____ Date _____

SUP 2000-0160

APPLICATION for SPECIAL USE PERMIT # 2000-0160

[must use black ink or type]

PROPERTY LOCATION: 2838 DUKE ST

TAX MAP REFERENCE: 62.03-04-02 ZONE: CG

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Address: _____

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Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 01/2/01 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: 01/13/01PH -- CC approved the Planning Commission recommendation.