

EXHIBIT NO. 1

4
3-16-02

Docket Item # 4
SPECIAL USE PERMIT #2002-0009

Planning Commission Meeting
March 5, 2002

ISSUE: Consideration of a special use permit review for an automobile repair garage.

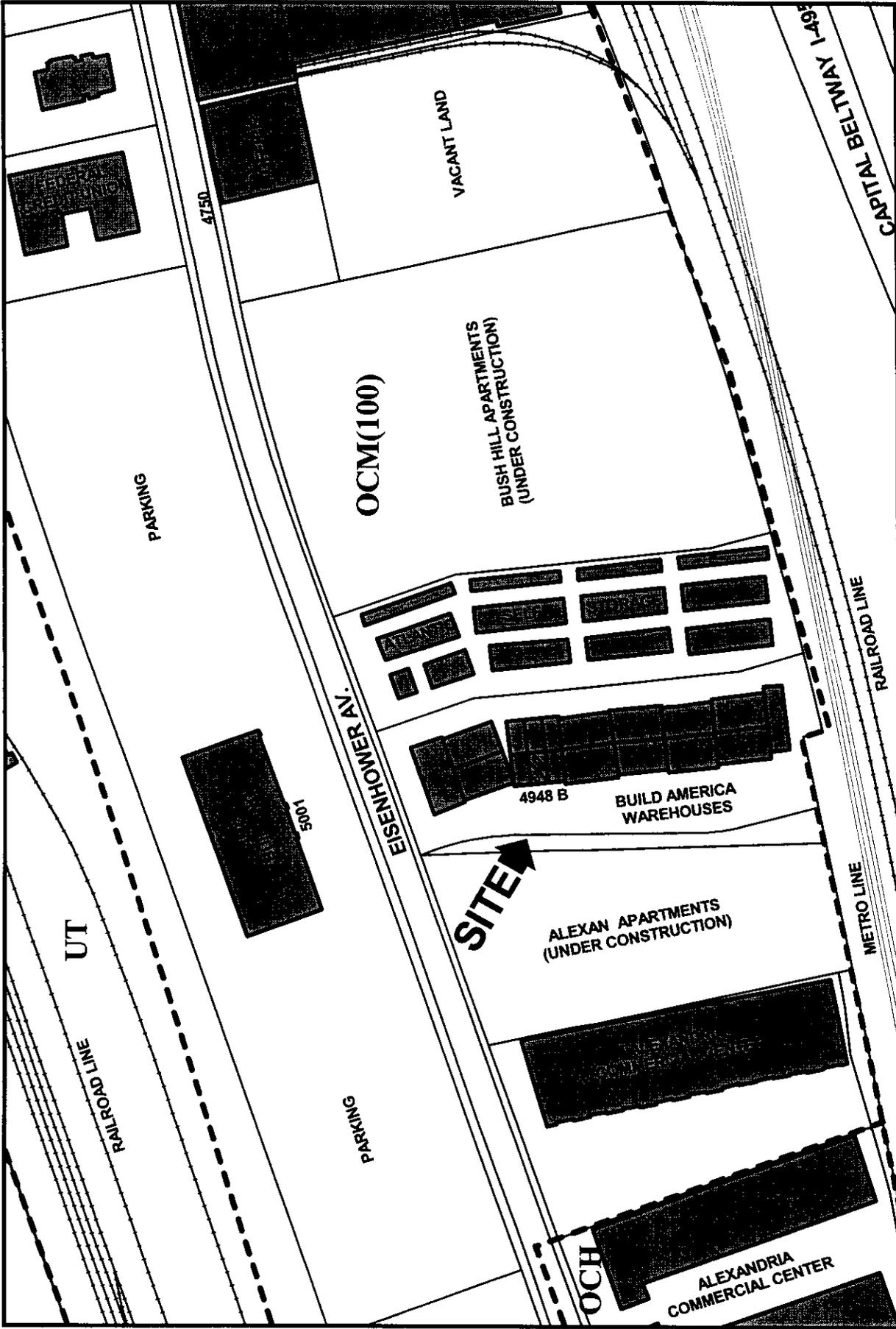
APPLICANT: Rodolfo A. Herbel and Nelly E. Herbel

LOCATION: 4948 Eisenhower Avenue, Unit B
Build America Six Warehouse

ZONE: OCM (100)/Office Commercial Medium

PLANNING COMMISSION ACTION, MARCH 5, 2002: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



03/05/02

SUP #2002-0009



STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #98-003)
2. The hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday. (P&Z) (SUP #98-003)
3. Repair work done on the premises shall be limited to light automobile repair. (P&Z) (SUP #98-003)
4. No repair work shall be done outside. (P&Z) (SUP #98-003)
5. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z) (SUP #98-003)
6. No vehicles shall be loaded or unloaded on the public right-of-way. (P&Z) (SUP #98-003)
7. No debris or vehicle parts shall be discarded on the public right-of-way. (P&Z) (SUP #98-003)
8. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP #98-003)
9. 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 #98-003)
10. The area around the building shall be kept free of debris and maintained in an orderly and clean condition. (P&Z) (SUP #98-003)
11. The applicant shall maintain five parking spaces at all times for customer and employee vehicles. (P&Z) (SUP #98-003)

12. 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 to the sanitary or storm sewers. (T&ES) (SUP #98-003)
13. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact the T&ES engineering division (703)383-4327 to obtain a copy of the manual. (T&ES) (SUP #98-003)
14. No amplified sound shall be audible at the property line. (P&Z) (SUP #98-003)
15. **CONDITION RENEWED BY STAFF:** The new applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for employees. (Police) (~~SUP #2000-0129~~)
16. **CONDITION RENEWED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after 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 as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP #2000-0129~~)
17. The applicant shall post the hours of operation at the entrance to the automobile garage. (P&Z) (SUP #2000-0129)
18. **CONDITION ADDED BY STAFF:** The applicant shall contribute \$500 to the City for the City's installation of two street trees in front of the subject building along Eisenhower Avenue to the satisfaction of the Director of the Department of Planning and Zoning and the City Arborist. (P&Z)

DISCUSSION:

1. The applicant Rudolfo A. Herbel and Nelly E. Herbel are before the Planning Commission for a review of the special use permit for a light automobile repair garage located at 4948-B Eisenhower Avenue within the Build America Six Warehouse.
2. The subject property is one lot of record with 221.7 feet of frontage on Eisenhower Avenue, approximately 800 feet of depth and a total lot area of 4.5 acres. The site is developed with a one story, linear warehouse-type building. The warehouse is subdivided into individual units which are occupied by a variety of office, service, and warehouse uses.

Directly across the street from the subject property is the United States Army Material Command building. To the east of the site is Atlantic Self Storage, and to the west of the site is a multi-family residential development that is currently under construction.

3. On March 14, 1998, City Council granted Special Use Permit #98-003 to Dimitrios Sarakinis for the operation of a light automobile repair garage. The current owners took over the business after City Council approved a change of ownership application in December 2000 (SUP #2000-00129).

The applicant is currently permitted to operate the light automobile repair business Monday through Saturday, from 8:00 a.m. until 7:00 p.m. All repair work must be done inside the building.

4. On October 26, 2001, the zoning staff made an inspection of the subject property to determine if the applicant was in compliance with the conditions of the special use permit. The inspection was triggered by the one year review required in the special use permit (SUP#2000-0129). Staff found violations of Conditions #3, #15 and #17. The applicant was found doing general automobile repair work when he is only permitted to do light automobile repair. The applicant has yet to complete the security survey and robbery awareness program required by the Police Department. The applicant had not posted the hours of operation at the entrance. Staff issued a citation for the violations and docketed the review case for public hearings.
5. Staff revisited the site on February 4, 2001 and found the hours of operation posted and did not observe any general automobile repair work.

6. Zoning: The subject property is located in the OCM (100)/Office commercial medium (100) zone. Section 4-1003(S) of the zoning ordinance allows light automobile repair in the OCM (100) zone only with a special use permit.
7. Master Plan: The use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for office and commercial uses.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the existing light automobile repair garage located at 4948-B Eisenhower Avenue within the Build America Six Warehouse. Staff does propose that the applicant improve the site by contributing money to the City for the City's installation of two street trees in front of the Build America Warehouse along Eisenhower Avenue. These trees will enlarge the existing landscaping and help beautify the site.

Given the past violations observed by staff, staff has also amended the review condition to require a review of the light automobile repair garage one year after this approval. 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;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 No comments.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No comments.

Police Department:

F-1 To date the applicant has not had the security survey and robbery awareness program completed.

APPLICATION for SPECIAL USE PERMIT # 2002-0009

[must use black ink or type]

PROPERTY LOCATION: 4948 EISENHOWER AV. # B

TAX MAP REFERENCE: 68.00 - 0A - 13 ZONE: OCM-100

APPLICANT Name: RODOLFO A. HERBEL & NELLY E. HERBEL

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of AUTOMOBILE REPAIR GARAGE

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**

10/26/01
Date ticket served Day of Week Time AM/PM

Location of Violation: 4948 Eisenhower Avenue #B

Ord. Section: 11-505

Description of Violation: condition #3 (repair work done on premises shall be limited to light automobile repair); condition #17 (applicant shall post hours of operation at the entrance)

Penalty \$: 50.00

1st 2nd
 3rd/MORE

**IF THE VIOLATION IS NOT CORRECTED BY
NOV. 05, 2001 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.**

[Signature] ID Number _____
Inspector's Signature

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

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

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY [Handwritten Name]
NAME

OTHER _____
POSITION

ADDRESS _____
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 [Handwritten 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 of 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 2002-0001

APPLICATION for SPECIAL USE PERMIT # 2002-0009

4

[must use black ink or type]

PROPERTY LOCATION: 4948 EISENHOWER AV. # B

TAX MAP REFERENCE: 68.00 - 0A - 13 ZONE: OCM-100

APPLICANT Name: RODOLFO A. HERBEL & NELLY E. HERBEL

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of AUTOMOBILE REPAIR GARAGE

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: 3/5/2002 Recommended Approval UC

ACTION - CITY COUNCIL: 3/16/02PH--CC approved the recommendation of the Planning Commission.