

12
4-13-02

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

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MARY CATHERINE H. GIBBS
HERBERT L. KARP

April 12, 2002

The Honorable Kerry J. Donley, Mayor
and Members of City Council
c/o City Clerk
City Hall, Room 2300
Alexandria, VA 22314

Re: Docket Item No. 12, 2412-2514 Jefferson Davis Highway, SUP #2002-0002
Jack Taylor and Alexandria Toyota's Request for Change of Ownership

Dear Mr. Mayor and Members of Council:

The Applicant for the above referenced docket item on your April 13, 2002 Public Hearing Docket requests that you make the following changes to the conditions of Special Use Permit No. 2002-0002:

Condition No. 20: The Applicant shall maintain existing landscaping in good condition, and provide and maintain in good condition landscaping, ~~lower the sign~~ and repaint the light posts in a manner generally consistent with Staff's attached plan (dated March 2002) to the Satisfaction of the Director of Planning and Zoning.

amend
Condition No. 43: The exterior lighting shall be shielded or directed so as to confine the area of diffusion to the property which it is intended to illuminate, and the amount of the illumination shall not exceed ~~34~~ ³² foot candles. *reductions*

I have discussed the sign issue with Staff. The lighting condition was imposed by the Planning Commission. Mr. Taylor met with Ms. Amy Slack from the Del Ray Citizens' Association and she kindly pointed out the problem with the direction of some of the lighting, which the Applicant is more than willing to redirect in compliance with the City Code and the new condition. Thank you in advance for your attention to this matter.

Very truly yours,

Mary Catherine Gibbs
Mary Catherine Gibbs

cc: Eileen Fogarty, Director, Department of Planning & Zoning
Jack Taylor



EXHIBIT NO. 2

12
4-13-02

Docket Item #11
SPECIAL USE PERMIT #2002-0002

Planning Commission Meeting
April 2, 2002

ISSUE: Consideration of a request for a special use permit to change the ownership and expand an automobile sales business.

APPLICANT: Alexandria Toyota and John E. Taylor, Jr.
by Harry P. Hart, attorney

LOCATION: 2412-2514 Jefferson Davis Highway

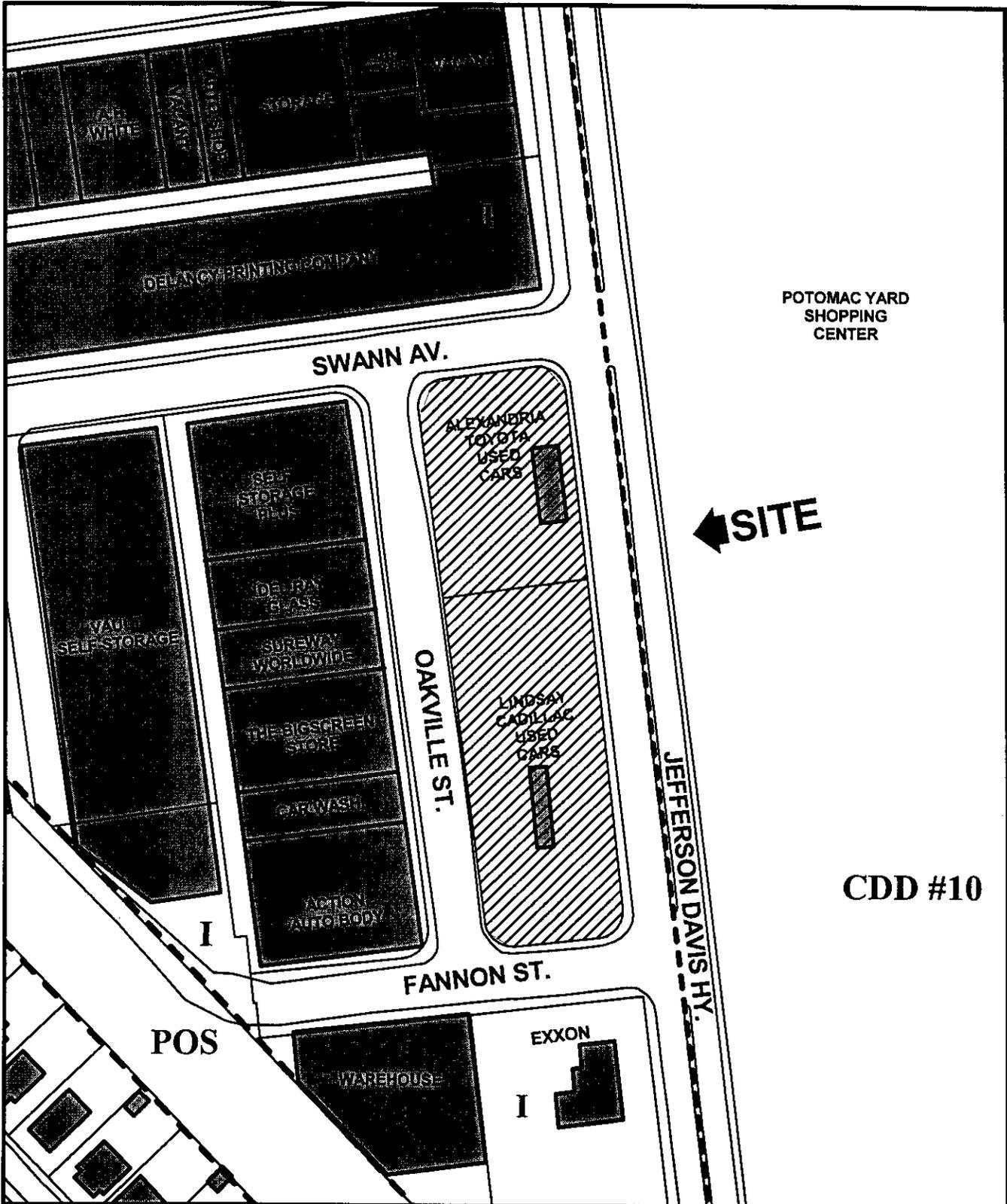
ZONE: I/Industrial

PLANNING COMMISSION ACTION, APRIL 2, 2002: On a motion by Mr. Robinson, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to add Condition #43. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis, but was concerned about the applicant's plan to increase the lighting and added a condition to limit lighting on the property to its current intensity.

Speakers:

Ms. Mary Catherine Gibbs, applicant's representative, objected to staff's decision to view the application as an expansion of the special use permit for 2514 Jefferson Davis Highway as well as a change of ownership for 2412 Jefferson Davis Highway. Ms. Gibbs also objected to the lowering of the existing 25 foot high sign to 15 feet in height, that is required in Condition #20, and spoke in support of an increase in lighting on the site from 32 foot candles to 60 foot candles.



SUP #2002-0002

04/02/02



STAFF RECOMMENDATION:

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

[Staff has combined the conditions from SUP #97-0116 and SUP #2582-C, eliminating outdated material and redundancies, and updating where appropriate, indicating below each change it has made.]

1. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. ~~Nothing in this condition shall prevent the applicant from subleasing the center portion of the block to Alexandria Toyota, provided that the applicant remains responsible for compliance with all conditions of this permit. (P&Z) (SUP #97-0116)~~
2. All vehicles stored on the lot fronting Jefferson Davis Highway shall be parked in a neat and orderly fashion at all times. (P&Z) (SUP #1232-D) (SUP #2582-A)
3. No vehicle repair work shall be done outside the building at any time. (P&Z) (T&ES) (SUP #1232-D) (SUP #2582-A)
4. **CONDITION AMENDED BY STAFF:** No vehicles shall be displayed, parked, loaded or unloaded, or stored on the public right-of-way, except that vehicles shall be loaded and unloaded on Oakville Street only for 2514 Jefferson Davis Highway. Tractor trailers shall use only major streets and avoid local neighborhood side streets when delivering vehicles to the site. (P&Z) (T&ES) ~~(SUP #1232-D)~~
5. No debris shall be discarded on the public right-of-way. (P&Z) (T&ES) (SUP #1232-D) (SUP #2582-A)
6. **CONDITION AMENDED BY STAFF:** No streamers or banners shall be displayed at any time, ~~and low green bushes shall be planted along Jefferson Davis Highway.~~ ~~(CC) (SUP #1232-D)~~
7. **CONDITION DELETED BY STAFF:** ~~All access to the Lindsay Cadillac business shall be from Fannon Street. (T&ES) (SUP #97-0116)~~

8. No junked, stripped, unlicensed or abandoned vehicles shall be kept on the property at any time. (P&Z) (SUP #1232-D) (SUP #2582-A)
9. **CONDITION AMENDED BY STAFF:** The vehicle sales business shall be open from 8:00 A.M. to 9:00 P.M., Monday through Friday; from 9:00 A.M. to 6:00 P.M. on Saturday; and from 11:00 A.M. to 6:00 P.M. on Sunday, as requested by the applicant. (P&CD) (~~SUP #1232-D~~)
10. **CONDITION AMENDED BY STAFF:** All vehicles shall be parked in accordance with the applicant's submitted site plan (SUP #2002-0002), dated January 2002, for 2412 Jefferson Davis Highway, and in accordance with the approved site plan (Site Plan 92-009), dated March 24, 1992, for 2514 Jefferson Davis Highway. (P&Z) (~~SUP #1232-D~~) The applicant shall submit a single plan drawing which incorporates each of the above referenced partial site plans. (P&Z)
11. **CONDITION DELETED BY STAFF:** ~~The applicant shall install low shrubbery along the Jefferson Davis Highway frontage to the satisfaction of the Department of Planning and Community Development.~~ (P&Z) (~~SUP #1232-D~~)
12. **CONDITION DELETED BY STAFF:** ~~No more than 18 vehicles shall be offered for rental at any time.~~ (P&Z) (~~SUP #1232-D~~)
13. Condition deleted. (SUP 1232E)
14. The office trailer measuring 13 feet by 66 feet shall comply with all mechanical, electrical and plumbing codes. Such compliance will be verified by way of inspections and confirmed by the City Building Official. (Code) (SUP.#1232-D)
15. **CONDITION AMENDED BY STAFF:** No more than ~~73~~ 123 vehicles shall be offered for sale at any one time ~~on the main Lindsay Cadillac Company lot~~ at 2412 Jefferson Davis Highway. No more than 18 vehicles shall be offered for rental at any one time at 2412 Jefferson Davis Highway. No more than 85 vehicles shall be parked on the lot at 2514 Jefferson Davis Highway at any one time. ~~An additional 50 vehicles may be offered for sale in the central area of the block, which may be subleased to Alexandria Toyota.~~ (P&Z) (SUP #97-0116)

16. **CONDITION DELETED BY STAFF:** ~~The final site plan shall include the following:
 - a) narrative description of use;
 - b) total parking calculations; and
 - c) all required improvements. (T&ES) (SUP #1232E) (SUP #2582-C)~~
17. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide four foot concrete sidewalk on Fannon Street side of the property. (T&ES)(SUP#1232E)~~
18. **CONDITION DELETED BY STAFF:** ~~The applicant shall construct standard curb and gutter along Fannon Street and Oakville Street sides of the property and shall repair and replace existing curb where necessary, to the extent required pursuant to the applicant's agreement with T&ES. (T&ES) (SUP #97-0116)~~
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall install handicapped ramps on street corners adjacent to the site to the extent required pursuant to the applicant's agreement with T&ES. (T&ES) (SUP #97-0116)~~
20. **CONDITION AMENDED BY STAFF:** ~~The applicant shall maintain existing landscaping in good condition, and provide and maintain in good condition landscaping, lower the sign and repaint the light posts in a manner generally consistent with staff's attached plan (dated March 2002) an amended landscape plan, including additional landscaping, to the satisfaction of the Director of Planning and Zoning, within three months of approval of the special use permit. (P&Z) (SUP #97-0116)~~
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall relocate the existing dumpster to a more suitable and less visually obtrusive location, to include screening and a concrete pad, to the satisfaction of the Director of Planning and Zoning. The damaged pavement area associated with the existing dumpster shall be repaired. (P&Z) (SUP #97-0116)~~

22. **CONDITION DELETED BY STAFF:** ~~Comply with conditions of a site improvement plan approved on 1/21/97 by Transportation and Environmental Services. Applicant is responsible for costs relating to bringing the site up to current standards for lighting, paving and drainage. Any changes to the site improvements previously approved shall be approved by the Director of T&ES as a plot plan or amendment to the approved site plan, as required by T&ES. Any changes to the landscaping previously approved must be approved by the Director of P&Z. (P&Z) (T&ES) (SUP #97-0116)~~
23. **SUP #2582-C, #1, CONDITION INCORPORATED INTO CONDITION #1:** ~~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 #2582-A)~~
24. **SUP #2582-C, #2, CONDITION INCORPORATED INTO CONDITION #2:** ~~All cars stored on the lot fronting Jefferson Davis Highway shall be parked in a neat and orderly fashion at all times. (P&Z) (SUP #2582-A)~~
25. **SUP #2582-C, #3, CONDITION INCORPORATED INTO CONDITION #3:** ~~No vehicle repair work shall be done outside the building at any time. (P&Z) (T&ES) (SUP #2582-A)~~
26. **SUP #2582-C, # 4, CONDITION INCORPORATED INTO CONDITION #4:** ~~No vehicles shall be displayed, parked, or stored on the public right-of-way. (P&Z) (T&ES) (SUP #2582-A)~~
27. **SUP #2582-C, # 5, CONDITION INCORPORATED INTO CONDITION #5:** ~~No debris shall be discarded on the public right-of-way. (P&Z) (T&ES) (SUP #2582-A)~~
28. **SUP #2582-C, #6, CONDITION INCORPORATED INTO CONDITION #6:** ~~No streamers or banners shall be displayed at any time. (P&Z) (SUP #2582-C)~~
29. **SUP #2582-C, #7, CONDITION INCORPORATED INTO CONDITION #4:** ~~Vehicles shall be loaded and unloaded on Oakville Street only. (CC) (SUP #2582-A)~~
30. **SUP #2582-C, #8, CONDITION INCORPORATED INTO CONDITION #8:** ~~No junked, stripped, unlicensed or abandoned cars shall be kept on the property at any time. (P&Z) (SUP #2582-A)~~

31. SUP #2582-C, #9, CONDITION INCORPORATED INTO CONDITION #9:
The hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday; 9:00 a.m. to 6:00 p.m. on Saturday; and 12:00 noon to 5:00 p.m. on Sunday. (P&Z) (SUP #2582-A)
32. SUP #2582-C, #10, CONDITION DELETED BY STAFF: The applicant shall install low shrubbery along the Jefferson Davis Highway frontage to the satisfaction of the Department of Planning and Zoning. (P&Z) (SUP #2582-A)
33. SUP #2582-C, #11, CONDITION INCORPORATED INTO CONDITION #4:
Tractor trailers shall use only major streets and avoid local neighborhood side streets when delivering vehicles to the site. (P&Z) (SUP #2582-A)
34. SUP #2582-C, # 12, CONDITION ADDED BY STAFF: No amplified sound shall be audible outside. (P&Z) (SUP #2582-A)
35. SUP #2582-C, # 13, CONDITION ADDED AND AMENDED BY STAFF: The applicant shall paint and maintain an outline around the area for the two emergency vehicle easements and shall paint the words "no parking" within each of those areas. (P&Z) (SUP #2582-A)
36. SUP #2582-C, #14, CONDITION INCORPORATED INTO CONDITION #4:
No more than 85 vehicles shall be parked on the lot at any one time. (P&Z) (SUP #2582-A)
37. SUP #2582-C, #15, CONDITION ADDED BY STAFF: No vehicles shall be displayed, parked or stored in the emergency vehicle easements. (P&Z) (SUP #2582-A)
38. SUP #2582-C, # 16, CONDITION DELETED BY STAFF: The final site plan shall include the following:
 - a) narrative description of use;
 - b) total parking calculations; and
 - c) all required improvements. (T&ES) (SUP #2582-C)
39. SUP #2582-C, #17, CONDITION DELETED BY STAFF: The applicant shall construct standard curb and gutter along Oakville Street sides of the property and shall repair and replace existing curb where necessary. (T&ES)

40. **SUP #2582-C, #18, CONDITION DELETED BY STAFF:** ~~The applicant shall install handicapped ramps on street corners adjacent to the site. (T&ES)~~
41. **SUP #2582-C, #19, CONDITION INCORPORATED INTO CONDITION #20:** ~~The applicant shall provide additional landscaping, to the satisfaction of the City Arborist and the Director of Planning and Zoning, to include a continuation of the landscaped areas along Jefferson Davis Highway and Oakville Street and a new landscaped area, including trees, in the center of the block, between the two used car businesses. (Arborist)~~
42. **CONDITION ADDED 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)
43. **CONDITION ADDED BY PLANNING COMMISSION:** The exterior lighting shall be shielded or directed so as to confine the area of diffusion to the property which it is intended to illuminate, and the amount of illumination shall not exceed 32 foot candles. (PC)

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, Alexandria Toyota and John E. Taylor, Jr., represented by Harry P. Hart, attorney, requests a change of ownership of the special use permit for the existing automobile sales facility located at 2412 Jefferson Davis Highway.
2. The subject property is one lot of record with approximately 290 feet of frontage on Jefferson Davis Highway, 290 feet of frontage along Oakville Street, 70 feet of frontage on Fannon Street, and an area of approximately 20,000 square feet. Industrial uses surround the site on the south, west and north, with Jack Taylor's used car sales lot to the north. To the east is Jefferson Davis Highway and Potomac Yard.

The Jack Taylor used car sales site (2514 Jefferson Davis Highway) lies adjacent to and north of 2412 Jefferson Davis Highway, and is one lot of record with approximately 164 feet of frontage on Jefferson Davis Highway, 163 feet of frontage along Oakville Street, and 79 feet of frontage on Swann Avenue.

3. The change of ownership application also represents a proposed expansion of the adjacent automotive sales and rental business since the entire block will be devoted to the same type of business under the same owner. Consequently, the application is for both a change of ownership from Lindsay Cadillac to Alexandria Toyota and for an expansion of the existing automotive sales and rental business currently permitted for Alexandria Toyota at 2514 Jefferson Davis Highway.
4. The Lindsay Cadillac business is permitted under SUP #97-0116, and the Jack Taylor business is permitted under SUP #2582-C (approved in 1994). This special use permit will combine the previously separate uses and will supercede both prior special use permits.
5. The subject block, consisting of both the Lindsay and Taylor businesses only, has been used for automobile sales since the 1960s. No changes in operation are proposed by the applicant. The application does not specify, and the applicant has told staff that its plans for the lot, as to the specific make or type of used cars that will be sold, are uncertain at this time.

6. There have been violations at the 2514 Jefferson Davis Highway (Jack Taylor site). In December, staff found several violations of the special use permit, including that the applicant was conducting repair work outside, had parked cars in the public right-of-way and the emergency vehicle easement, and had more than the 85 vehicles permitted parked on the lot. Staff inspected again on March 14, 2002 and found that these violations had been corrected. Staff also inspected 2412 Jefferson Davis Highway (Lindsay Cadillac site) on March 14, 2002 and did not find any violations.
7. Zoning: The property is zoned I/Industrial. Section 4-1203 permits vehicle sales and rentals with a special use permit in the I/Industrial zone.
8. Master Plan: The use is consistent with the Potomac West Small Area Plan which designates the property for industrial land use.

STAFF ANALYSIS:

Staff has no objection to the proposed change of ownership for the existing automobile sales facility located at 2412 Jefferson Davis Highway, or to the expansion of the existing automotive business (owned by the applicant) at 2514 Jefferson Davis Highway to include the existing automotive business next door.

Staff has some concerns about the appropriateness of large car lots along Jefferson Davis Highway in the future, especially with the potential development of Potomac Yard directly across the road and current redevelopment efforts along the west side of the corridor. For this reason, staff has been opposed to the creation of new automotive uses or the expansion of existing ones on Jefferson Davis Highway in the recent past. Planning and Zoning staff intends to undertake a full planning effort to address both use and design issues within the Jefferson Davis Highway corridor next year, and the long range plans which result from that work will be helpful as individual cases, such as this one, come before the city for decision. In this case, and at this time, however, given that the use of this land for car sales has existed for decades, and the fact that there is no proposed change from the prior use for used car sales, staff has no reason not to support the application.

The applicant does not propose any changes to the operation of the automobile sales facilities at either 2412 or 2514 Jefferson Davis Highway, other than to restripe the parking lot at 2412 Jefferson Davis Highway based on the plan submitted with the subject application. Staff should also note that this plan does not accurately reflect the existing landscaping since most of the shrubbery shown on the plan as bordering Oakville Street does not exist.

The applicant is willing to make certain site improvements that staff has suggested and discussed with him, although he is not willing to make all of them. The suggested improvements are consistent with others recommended by staff for various uses throughout the city during the special use permit review process, and are described below. Of those items specifically recommended as conditions for this permit, the applicant agrees with all of them except the lowering of the Jack Taylor used car sign. (See attached letter.)

Landscaping: This site has in the past been the subject of site plan requirements including landscaping improvements. However, portions of the prior landscaping have been removed, have died, or have not been maintained and need to be restored. For example, several trees were cut down at the corner of Jefferson Davis Highway and Fannon Street. Approximately six trees should be replanted in this area. Additional needs include the replacement of broken or dead trees along Jefferson Davis Highway and within the parking lot at 2514 Jefferson Davis Highway, the replacement of dead shrubbery along Jefferson Davis Highway and Swann Avenue and the installation of shrubbery along Fannon Street. The applicant has agreed to do this work.

Finally, the southern portion of the parking lot at 2412 Jefferson Davis Highway could benefit from the installation of five interior trees similar in design to those present in the northern end of the same parking lot (the middle of the whole block). The applicant has objected to this suggested because it necessitates the removal of four-five parking spaces. Staff has not recommended the additional trees as a requirement, given the other landscaping on the site, and other requirements staff is recommending as conditions.

Light Poles: The light poles at 2514 Jefferson Davis Highway are very rusted and should be painted, and the applicant has agreed to have that work performed.

Signs: There are currently three freestanding signs in the front landscape bed along Jefferson Davis Highway. (Actually, there were four, but staff asked and the applicant has removed one that was illegal and unconnected to his business.) One announces the entrance of the Oakville Industrial Park at Fannon Street and is not part of the Jack Taylor lot or application. The second one advertises Lindsay car sales; that one is about 15 feet tall. The third sign advertises Jack Taylor used cars and is 25 feet tall. The Jack Taylor sign is taller than the others along Jefferson Davis Highway and taller than the standards imposed throughout the city during the special use permit review process for businesses operating along major corridors. Over the last several years, the city has required that tall poles signs be lowered, typically to a maximum of 15 feet, or replaced by a monument sign. At Marino's, a recent case north of the subject site on Jefferson Davis Highway, the SUP was approved with a requirement for a monument sign as a replacement for a pole sign.

In this case, staff would ideally prefer to see one pole sign no taller than 15 feet. Especially with the potential for the business to be a single car lot, there may be no need for two signs. In addition, the site has excellent visibility along Route 1, and the existing Lindsay sign, refaced, appears to be adequate for marketing purposes. However, the applicant is unsure as to the future use of the site, and it may be that there are two users needing two signs. Therefore, staff's recommendation is to allow two signs, but to require that they each be a maximum of 15 feet tall. The condition requires that the existing 25 foot Jack Taylor sign be lowered to 15 feet. This will make the sign a height consistent with that supported elsewhere in the City and with the other two existing business signs standing along the subject block. The applicant objects to this requirement. (See attached letter.)

Staff recommends approval of the change of ownership application for 2412 Jefferson Davis Highway and the expansion of the existing automotive sales and rental business at 2514 Jefferson Davis Highway subject to conditions regarding the site improvements discussed above, a condition requiring a review one year from approval of this application, and the remaining conditions suggested by staff.

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 This project was originally approved by City Council on December 14, 1996 under SUP#96-0161, and released for construction permits in February 1999. The dealership facility is approximately 95% complete with respect to the original plan and amendments.
- F-2 T&ES has no objections to the change of ownership application.
- R-1 Comply with a T&ES departmental conditions per DSUP #2001-0010 as approved by City Council on June 16, 2001.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the new business location. This is to be completed prior to the new location opening for business.
- R-2 Robbery awareness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2002-0002
CHANGE OF OWNERSHIP

PROPERTY LOCATION: 2412 Jefferson Davis Highway

TAX MAP REFERENCE: 25.03-02-20 ZONE: I-1 (Industrial)

APPLICANT Name: Alexandria Toyota, and John E. Taylor, Jr.

Address: 3750 Jefferson Davis Hwy., Alexandria, VA 22305

PROPERTY OWNER Name: Cabot Ind; Prop. Holding Inc.

Address: c/o Cabot Ind. Prop., 2 Center Plaza, Ste. 200, Boston, MA 02108-1906

PROPOSED USE: Request for Change of Ownership to Alexandria Toyota and John E. Taylor, Jr.

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 notices 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.

Harry P. Hart
Print Name of Applicant or Agent

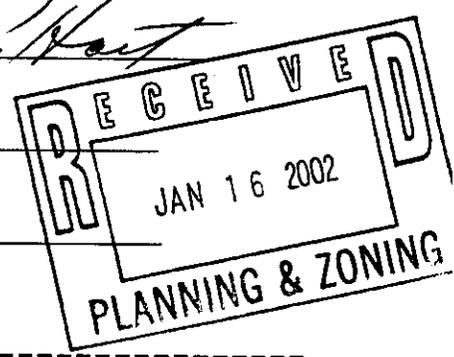
Harry P. Hart
Signature

HART, CALLEY, GIBBS & KARP, P.C.

(703) 836-5757
Telephone Number

307 N. Washington St., Alex. VA 22314
Mailing Address

January 3, 2002
Date



DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Filing: _____ \$ _____
date received fee paid date paid

Legal Advertisement: _____ Property Placard: _____

Planning Commission Action: _____

City Council Action: _____

SPECIAL USE PERMIT # 2002-0002

CHANGE IN OWNERSHIP or MINOR AMENDMENT

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances. The Department must also determine whether the application can be handled administratively or whether a public hearing is required.

1. DESCRIBE IN DETAIL THE OPERATION OF THE PROPOSED USE:

The applicant shall describe below the nature of the request in detail so that the Department of Planning and Zoning can understand the nature of the change in operation. Please describe any proposed change to the business from what was represented to the Planning Commission during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted from the use, etc. (Attach additional sheets if necessary.)

The lot is currently used for used automotive sales pursuant to SUP# 1232 issued to Lindsay Cadillac Co. as amended. Lindsay Cadillac is now subleasing to Alexandria Toyota and John E. Taylor, Jr. for used car sales. The language of SUP # 1232 states that it was issued to the applicant, Lindsay Cadillac Co. The applicant wishes to continue the used car sales use on the property under the name of Alexandria Toyota and John E. Taylor, Jr.

The same use will be made of the property by Alexandria Toyota and John E. Taylor, Jr. The lot will be used by employees of Alexandria Toyota as their sales office and storage lot for up to 59 used vehicles. See attached plat. There are no proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons or any noise emitted from the use.

2. Is the use currently open for business? yes ___ no
If the use is closed, provide date closed: ___ / ___ / ___
month / date / year

3. Is the applicant the property owner? ___ yes no
Is the applicant the owner of the business? yes ___ no

Describe the applicant's interest in the business:

John E. Taylor, Jr. owns 100% of Alexandria Toyota

4. Is the applicant requesting changes to the conditions of the special use permit? ___ yes no
If yes, describe the proposed changes below:

5. Are the hours of operation proposed to change? ___ yes no
If yes, list the current and proposed hours:

| Current hours: | Proposed Hours: |
|------------------------------------|-----------------|
| <u>M-F 9:00am - 9:00 p.m.</u> | _____ |
| <u>Sat. 9:00 a.m. - 6:00 p.m.</u> | _____ |
| <u>Sun. 11:00 a.m. - 6:00 p.m.</u> | _____ |

6. Will the number of employees remain the same? yes ___ no
If no, list the current and proposed number of employees:

| Current Number of Employees: | Proposed Number of Employees: |
|------------------------------|-------------------------------|
| <u>6</u> | _____ |
| _____ | _____ |

11. Is off-street parking provided for your employees? X yes ___no
If yes, how many spaces are provided and where are they located?

Same as existing on site.

12. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address. For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Alexandria Toyota is owned by John E. Taylor, Jr. (100%)

SUP 2002-0002

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

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FAX (703) 548-5443OF COUNSEL
CYRIL D. CALLEY
ROBERT L. MURPHY

March 21, 2002

VIA FACSIMILE to 703-838-6393

Ms. Barbara Ross, Deputy Director
Department of Planning & Zoning
City Hall, Room 2100
Alexandria, VA 22314Re: 2412 Jefferson Davis Highway
Docket Item No. 11
Jack Taylor and Alexandria Toyota's Request for Change of Ownership

Dear Ms. Ross:

Thank you for meeting with us yesterday afternoon. We have reviewed your requests regarding additional landscaping on the entire lot, both the old Lindsay piece (2412 Jefferson Davis Hwy.) for which we filed the request for a Change in Ownership of the S.U.P. and the Jack Taylor and Alexandria Toyota piece (2514 Jefferson Davis Hwy.), for which we have not filed any request. This letter presents the Applicant's responses to your requests regarding landscaping, signage and a light on the sites:

1. Trees:
 - a. A number of trees have been damaged or removed from unknown circumstances. The Applicant is more than willing to replace the trees along the Jefferson Davis Hwy. frontage, along the south end of the Lindsay piece, and the two trees in the interior of the Jack Taylor and Alexandria Toyota piece. The trees along the south end of 2412 Jefferson Davis Hwy. lot have been down for at least 2 to 2 ½ years according to a landscape expert who visited the site this morning. The Applicant has already contacted the landscaper in charge of the site for the owner of the property and has requested that all of these improvements be completed.
 - b. You also requested that the Applicant install five trees along Oakville Street and in the interior of the 2412 Jefferson Davis Hwy. lot. In order to do so, the Applicant would lose eight to nine parking spaces on the lot. As a result, the Applicant strongly objects to being required to lose parking in order to install those trees.

Ms. Barbara Ross
March 21, 2002
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2. **Bushes:**
 - a. You requested that the Applicant fill-in the gaps in the hedges that have been destroyed or removed along the perimeter of the sites.
 - b. As stated previously, the Applicant has already contacted the landscaper in charge of the site for the owner of the property and has requested that these improvements be completed immediately.
3. **Signs:**
 - a. There is an unauthorized car wash sign on the Lindsay lot for a car wash within the Oakville Center. It is not an automobile sale sign, and that sign will be removed.
 - b. You asked the Applicant to remove the 25 foot sign on the 2514 Jefferson Davis Hwy. lot and you asked that the lower Lindsay sign be relocated. The Applicant is unwilling at this time to remove his main sign on the 2514 Jefferson Davis Hwy. lot. That sign has been in place for the entire time Mr. Taylor has leased the northern portion of the site. It is the main advertising sign for the site. Such a sign is in keeping with the zoning ordinance and should not have to be removed. The other lower sign should not be removed either. The applicant is not sure what type of sign he wishes to put there, but he would like to retain the ability to replace the sign with a new name or potentially have one in Spanish for a large portion of his patrons are of Hispanic or Latino origin.
4. **Lights:**
 - a. You asked that the light pole at the 2514 Jefferson Davis Hwy. lot be repainted or repaired as it seems to be rusting. The Applicant has already arranged to have that pole repainted as soon as possible.
5. **Elevated Cars:**
 - a. Although you did not request this, as a gesture of good faith, the Applicant is removing the elevated car displays from the lots.

In addition, we feel that there is ample reason for the Director to approve this application, with the agreed to revisions above, administratively. The applicant applied to change the ownership of the existing automotive sales Special Use Permit for 2412 Jefferson Davis Highway. According to your Staff's research, the owner of that Use Permit has not been cited for any violations. The reason for placing this matter on the April docket is based upon violations issued to Jack Taylor's Used Car lot on 2514 Jefferson Davis Highway, not 2412 Jefferson Davis Highway. The Applicant has not requested any changes to his Special Use Permit for 2514 Jefferson Davis Highway. As the Applicant is receptive to most of your requests to modifications of the landscaping requirements of the 2412 Jefferson Davis Highway lot, I hope this letter illuminates the potential to resolve the matter administratively as well as being responsive to all of your requests.

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Please contact me with any questions so that we can resolve this matter. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Harry P. Hart". The signature is written in black ink and is positioned above the printed name.

Harry P. Hart

cc: Jack Taylor

SUP 2002-0002

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443

OF COUNSEL
CYRIL D. CALLEY
ROBERT L. MURPHY

HARRY P. HART
MARY CATHERINE LL. GIBBS
HERBERT L. KARP

March 21, 2002

VIA FACSIMILE to 703-838-6393

Ms. Barbara Ross, Deputy Director
Department of Planning & Zoning
City Hall, Room 2100
Alexandria, VA 22314

Re: 2412 and 2514 Jefferson Davis Highway

Dear Ms. Ross:

Pursuant to our conversation of yesterday, would you please assist Jack Taylor and Alexandria Toyota's desire to install additional lighting to the existing poles located on the above-referenced lots? They seek to increase the lighting up to an average of 60 foot candles for the safety of their patrons, employees and vehicles.

This would be an increase from 32 foot candles to up to an average of 60 foot candles. Since the lots are not adjacent to any residential properties, it is our reading of Section 13-1-3 of the City Code that this can be done with an electrical permit. (Copy attached.) The lighting will be shielded or directed so as to confine the area of diffusion to the property which it is intended to illuminate.

If you could please assist in whatever way you can so that the new lights can be put up at the same time some of the poles are repainted.

Thank you in advance for your assistance in this matter.

Very truly yours,


Harry P. Hart

cc: Jack Taylor

Miscellaneous Offenses

13-1-3

TITLE 13

Miscellaneous Offenses

Chapter 1
Chapter 2
Chapter 3

General Offenses
Weapons
Offenses Against the Administration of
City Government

CHAPTER 1

General Offenses

- § 13-1-1 Abusive language.
- § 13-1-2 Assault; assault and battery.
- § 13-1-3 Commercial properties and residential properties—night illumination.
- § 13-1-4 Cursing and swearing over telephone.
- § 13-1-5 Public intoxication.
- § 13-1-5.1 Possession of open or opened receptacles containing an alcoholic beverage.
- § 13-1-6 False fire alarms.
- § 13-1-7 Gambling generally.
- § 13-1-8 Same—exceptions: certain sporting events.
- § 13-1-9 Same—private residences.
- § 13-1-10 Same—keeping gaming bank, gaming tables, etc.
- § 13-1-11 Same—occupant of premises permitting gaming banks, gaming tables, etc.
- § 13-1-12 Same—lottery, etc.
- § 13-1-13 reserved.
- § 13-1-14 Same—forfeiture of money, etc. drawn and property used in lottery; innocent owners or licensees.
- § 13-1-15 Playing of "instant bingo" prohibited.
- § 13-1-16 Iceboxes, refrigerators, etc.—leaving abandoned, unattended or discarded.
- § 13-1-17 Indecent exposure.
- § 13-1-18 Indecent prints, pictures, figures or descriptions.
- § 13-1-19 Removing property—generally.
- § 13-1-19.1 Vandalism and graffiti.
- § 13-1-20 Same—gardens and orchards.
- § 13-1-21 Throwing, leaving, etc., garbage, mixed refuse, dead animals, etc., on private premises.
- § 13-1-22 Throwing, leaving, etc., garbage, mixed refuse, dead animals, etc., on streets, etc.; permit for deposit of building material.
- § 13-1-23 Lewd and lascivious cohabitation.
- § 13-1-24 Loitering or prowling.
- § 13-1-24.1 Loitering in a public place with intent to engage in an unlawful drug transaction.
- § 13-1-25 Minors prohibited in public poolrooms.
- § 13-1-26 Noise—mechanical loudspeakers.
- § 13-1-27 Nuisances.
- § 13-1-28 Placards, posters, etc.
- § 13-1-29 Obstructing justice by threats or force.
- § 13-1-30 Disorderly conduct.
- § 13-1-31 School attendance—adoption of state law.
- § 13-1-32 Slot machines, punchboards, etc.—generally.
- § 13-1-33 Trespass after having been forbidden to do so.

- § 13-1-34 Wrestling, boxing or sparring exhibitions permit required.
- § 13-1-35 Massage parlors.
- § 13-1-36 Mooring, tying up, etc., vessels to city property without city council's permission; anchoring between pierhead line and city land without city council's permission; penalties for violations.
- § 13-1-37 Public transit passenger vehicles, school buses, rail transit cars and rail transit stations—prohibited conduct.
- § 13-1-38 Soliciting for immoral purposes prohibited.
- § 13-1-39 Hours of operation for amusements and entertainments.
- § 13-1-40 Metal detecting and digging on city property.
- § 13-1-41 Panhandling.

Sec. 13-1-1 Abusive language.

If any person shall, within the city, in the presence or hearing of another, curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a class 3 misdemeanor. (Code 1963, Sec. 23-1; Ord. No. 2826, 6/28/83, Sec. 1)

State Law Reference: Similar provisions, Code of Va., Sec. 18.2-416.

Sec. 13-1-2 Assault; assault and battery.

Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-2; Ord. No. 2826, 6/28/83, Sec. 2)

Sec. 13-1-3 Commercial properties and residential properties—night illumination.

(a) It shall be unlawful for the owner or operator of any commercial property or the owner or occupant of any residential property when located adjacent to property used for residential purposes, to use for the outdoor lighting of the commercial property or residential property lights which are so arranged that the illumination and glare therefrom is thrown upon the side yard or rear yard of the adjacent property occupied for residential purposes in an amount of illumination which measures more than point twenty-five hundredths footcandles measured at any point seven feet beyond the property line of the adjacent property used for residential purposes.

(b) All lights used by an owner or operator of a commercial property or an owner or occupant of residential property shall be shielded or directed

SUP 2002-0002

13-1-3

Alexandria City Code

so as to confine the area of diffusion to the property which it is intended to illuminate. (Code 1963, Sec. 23-6)

Sec. 13-1-4 Cursing and swearing—over telephone.

If any person shall curse or abuse anyone or use obscene, vulgar, profane, lewd, lascivious or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate or harass any person, over any telephone in the city, he shall be guilty of a class 1 misdemeanor. (Code 1963, Sec. 23-8; Ord. No. 2826, 6/28/83, Sec. 3)

State Law Reference: Similar provisions, Code of Va., Sec. 28.2-427.

Cross Reference: Abusive language, Sec. 13 1 1.

Sec. 13-1-5 Public intoxication.

If any person is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be deemed guilty of a class 4 misdemeanor. If there is a court-approved detoxification center in the city or a neighboring jurisdiction, a law enforcement officer may authorize the transportation, by police or otherwise, of a person who is in violation of this section to such detoxification center in lieu of arrest; provided, however, that no person shall be involuntarily detained in such center. (Code 1963, Sec. 23-11; Ord. No. 2826, 6/28/83, Sec. 4; Ord. No. 3599, 10/17/92, Sec. 1)

Charter Reference: Authority, Sec. 2.04(a).

State Law Reference: For similar state law, see Code of Va., Sec. 18.2-388.

Sec. 13-1-5.1 Possession of open or opened receptacles containing an alcoholic beverage.

(a) It shall be unlawful for any person, while in the city, to possess an open or opened receptacle containing an alcoholic beverage (i) in or on any publicly or privately owned park, playground, street, alley, sidewalk or other pedestrian walkway or parking lot to which the public has, or is permitted to have, access, or (ii) in a motor vehicle located on any such street, alley or parking lot, whether or not such vehicle is moving. Any person violating this section shall be guilty of a class 4 misdemeanor.

(b) Nothing in subsection (a) shall prevent a person from possessing an open or opened receptacle containing an alcoholic beverage (i) in a place licensed by the Virginia Alcoholic Beverage Control Board ("Board") to sell alcoholic beverages at retail for on-premises consumption, (ii) in an area approved by the board and during an event for which the board has granted a banquet license or mixed beverage special events license, or (iii) in a public street which has been tempo-

To: Honorable Members of City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Amy Slack
2307 East Randolph Avenue

Date: April 12, 2002

Subject: SUP#2002-0002, Alexandria Toyota and Jack E. Taylor, JR. at 2412 Jefferson Davis Highway. Request to change ownership and expand an automobile business.

I am writing in response to a request by Alexandria Toyota to install additional lighting at 2412 and 2514 Jeff Davis Highway in conjunction with the subject SUP request. In effect, this request would raise the current illumination levels from approximately 32 foot candles, as determined by T&ES in a study involving a business at 2340 Jefferson Davis Highway, to 60 foot candles.

The Lindsay Cadillac site is illuminated by pole mounted fixtures installed in the green planting strip along Jefferson Davis Highway and the center of the site. Most of the 35' tall poles have two sets of twin fixtures, one placed at the apex of and another about 20' high on the pole. Other fixtures are mounted at the apex of a 20' high pole. No dedicated illumination exists on the Oakville Avenue side of the site.

I met Mr. Jeff Salton, construction manager for Alexandria Toyota, and Mr. Jack Taylor at the site to discuss the current and proposed lighting. We agree on the following:

- Several fixture heads along Jefferson Davis Highway are in need of adjustment
- That the lamps may need to be of a different style which cast an appropriate light pattern.
- Light fixtures above the Sales Trailer are mounted on short poles, the heads are aimed at a low angle to compensate.
- Any new light fixtures would be set on a timer and would shut off automatically after business hours thereby restoring the site to its current level of 32 foot candles.
- Providing illumination along Oakville Avenue would allow the fixtures in the center of the lot to be redirected more appropriately or even eliminated.
- It is in the best interest of Mr. Taylor's business to provide quality lighting for the lot and to avoid poorly aimed or improperly shielded fixtures.

I would like to express my appreciation for the time and consideration Jack has shown me in this matter. As the Land Use committee co-chair of the Del Ray Citizens Association, I advocate protecting residential neighborhoods from glare and light encroachment by commercial uses.

In closing, I support the change of ownership request and have no objection to an ~~increase~~ illumination of the site with the following conditions:

1. The overall illumination for the site will not exceed 60 foot candles when in use.
2. Fixtures will be aimed or shielded to reduce light trespassing from the site.
3. New poles and fixtures may be installed along Oakville Avenue to eliminate or reduce the need for fixtures currently located in the center of the lot as determined by the Director of Planning.
4. The overall illumination will be restored to no more than 32 foot candles one hour after the end of business.

I seek your support in this matter.

Sincerely,
Amy Slack



REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Planning Commission (continued)**

12. SPECIAL USE PERMIT #2002-0002
2412 JEFFERSON DAVIS HY
ALEXANDRIA TOYOTA

Public Hearing and Consideration of a request for a special use permit to change the ownership and expand an automobile sales business; zoned I/Industrial. Applicant: Alexandria Toyota and John E. Taylor, Jr., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

Staff will look into the concern expressed by Councilwoman Pepper that the Texaco station next door to this site has more than the approved lighting.

City Council approved the Planning Commission recommendation as amended with the following changes: Condition #20 will now read: **"20. The Applicant shall maintain existing landscaping in good condition, and provide and maintain in good condition landscaping, and repaint the light posts in a manner generally consistent with staff's plan (dated March 2002) to the satisfaction of the Director of Planning and Zoning."**; and Condition #43 will now read: **"43. The exterior lighting shall be shielded or directed so as to confine the area of diffusion to the property which it is intended to illuminate, and the amount of the illumination shall not exceed 50 foot candles, reduction to 32 foot candles one hour after the end of business. Relocation of any light standards shall be to the satisfaction of the Director of Planning and Zoning."**

Council Action: _____

13. SPECIAL USE PERMIT #2002-0007
1501 MT VERNON AV

Public Hearing and Consideration of a request for a special use permit for a restaurant with off-street parking reduction; zoned CL/Commercial Low. Applicant: Marylisa Damiani.

COMMISSION ACTION: Recommend Approval 7-0

Councilman Speck noted for the record, on page 10 under Parking Requirement Reduction, "The applicant should be aware that substantial parking problems in the neighborhood related to the restaurant are likely to necessitate changes in the special use permit." He also noted Condition #18, that employees who drive to work are required to use off-street parking.

Councilwoman Pepper asked that parking on the site be closely monitored by staff in case a reduction in the number of seats is necessary.

City Council approved the recommendation of the Planning Commission with the amendment to condition #24 to read: **"... Directional signage attached to the building [such as 'No Parking' or 'Loading Area'] is allowed. The existing sign on the Nelson Avenue side (southern side) of the subject building shall be removed. A replacement sign of smaller size [without internal illumination] may be erected on the building to the satisfaction of the Director of Planning and Zoning, after consultation with the applicant and the citizens association."**

Council Action: _____

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 12

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Mary Catherine Gibbs
2. ADDRESS: 307 N. Washington St.
TELEPHONE NO. 703 836 5757 E-MAIL ADDRESS: mchgibbs@crols.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? The Applicant
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL? YES X NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.