

EXHIBIT NO. 1

13
9-15-01

Docket Item #20
SPECIAL USE PERMIT #2001-0064

Planning Commission Meeting
September 4, 2001

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

APPLICANT: Koons Collision Repair Center
by M. Catharine Puskar, attorney

LOCATION: 5800 Edsall Road

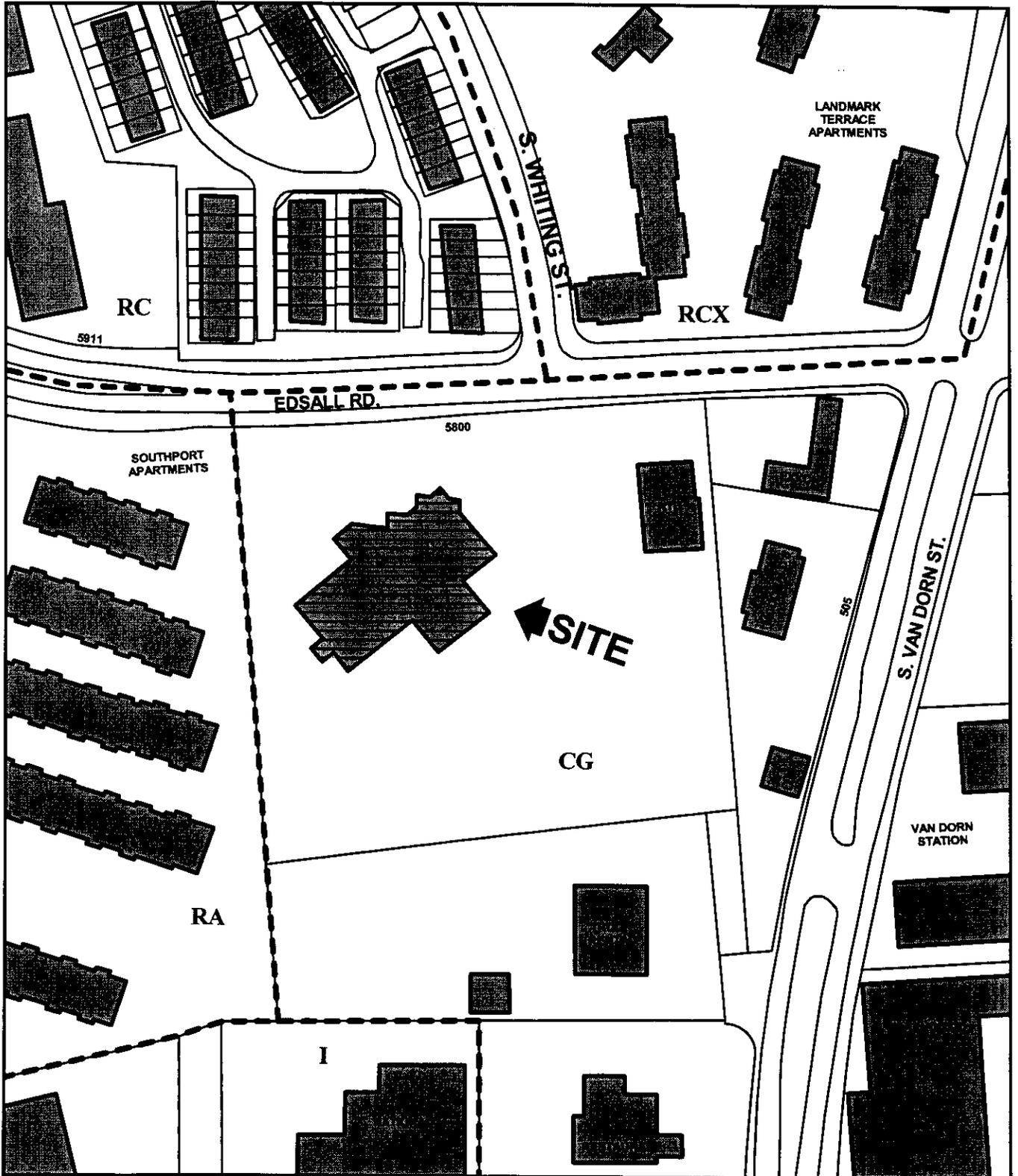
ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: On a motion by Mr. Komoroske, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations but retained Condition #14. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis and recognized that the applicant has improved the appearance of the landscaping.

Speakers:

M. Catharine Puskar, attorney representing the applicant, stated that the fine associated with the citation had been paid and the landscaping improvements were complete. She stated that the applicant has posted no trespassing signs to discourage illegal dumping that has been occurring on the property and that the sign required by Condition #14 had been reinstalled.



SUP #2001-0064

09/04/01



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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #98-0139)
2. No vehicle repair work shall be done outside. (P&Z) (SUP #98-0139)
3. No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with the Code of the City of Alexandria, Virginia. (P&Z) (SUP #98-0139)
4. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored long-term on the site. Wrecked vehicles awaiting disposition by the vehicle owner's insurance company may be stored on the site for no longer than 60 days in the location described in condition # 7. (P&Z) (SUP #98-0139)
5. No vehicle parts, tires, or other materials shall be stored or permitted to accumulate outside, except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #98-0139)
6. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP #98-0139)
7. Vehicles shall be parked in an orderly fashion within the spaces identified on and striped according to the parking plan approved for Enterprise under Special Use Permit #98-0020, except that a group of no more than 50 vehicles awaiting insurance carriers' determination for disposal may be kept within a single striped area at the rear of the lot designated for that purpose, as well as in the fenced area in the center of the lot. (P&Z) (SUP #98-0139)
8. No vehicle auctions shall be conducted on the premises. (P&Z) (SUP #98-0139)
9. No tractor carriers shall load or unload vehicles on the site. (P&Z) (SUP #98-0139)
10. No amplified sound shall be audible outside. (P&Z) (SUP #98-0139)

11. Lighting in the parking lot is to be maintained at a minimum of 2.0 foot candles. (Police) (SUP #98-0139)
12. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on residential uses to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #98-0139)
13. The hours of operation shall be limited to 7:30 A.M. to 7:00 P.M., Monday through Friday, from 8:00 A.M. to 4:00 P.M. on Saturdays, and from 11:00 A.M. to 4:00 P.M. on Sundays, as requested by the applicant. (PC)
14. **CONDITION RETAINED BY PLANNING COMMISSION: The applicant shall erect a sign warning tractor carriers to not unload or load vehicles on the site. (P&Z) (SUP #98-0139) (P&Z) (PC)**
15. No vehicles shall be loaded or unloaded on the public right-of-way. (P&Z) (SUP #98-0139)
16. All waste products including, but not limited to, organic compounds (solvents), motor oil, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into sanitary or storm sewers. (P&Z)(SUP #98-0139)
17. No odors shall be permitted to emanate from the property. (Health) (SUP #98-0139)
18. No materials shall be disposed of by venting into the atmosphere. (Health) (SUP #98-0139)
19. No paint or coatings shall be applied outside the paint spray booths. (Health) (SUP #98-0139)
20. No tractor-trailers shall be stored on the property. (P&Z) (SUP #98-0139)
21. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. (T&ES) (SUP #98-0139)
22. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the business and a robbery awareness program for all employees prior to opening for business. (Police) (SUP #98-0139)

23. CONDITION RETAINED BY STAFF: The Director of Planning and Zoning shall review the special use permit six months 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 #2000-0112) (P&Z)
24. CONDITION AMENDED BY STAFF: The applicant shall maintain the pavement, parking areas, and landscaping in good condition pursuant to the ~~approved plans~~ satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (SUP #2000-0112) (P&Z)
25. The new sign shall be limited to 15 feet above grade when measured to the top of the sign. (P&Z) (SUP #2000-0112)
26. The proposed sign shall not be placed on, or over, the city right-of-way, nor interfere visually with active or passive traffic control devices. (T&ES) (SUP #2000-0112)

Staff Note: Lighted signs may not be illuminated between 10:30 p.m. and 6:30 a.m. pursuant to Section 9-105(C) of the Zoning Ordinance.

DISCUSSION:

1. The applicant, Koons Collision Repair Center, is before the Planning Commission for a review of the special use permit for an automobile repair business located at 5800 Edsall Road.
2. The subject property is one lot of record with 551 feet of frontage on Edsall Road, 488 feet of depth and a total lot area of 6.4 acres. The site is developed with two buildings, the larger of which is occupied by Enterprise Rental Company and Koons Collision Repair Center. The smaller building is occupied by NTW, Inc., a light automobile repair facility approved under Special Use Permit # 95-0079.
3. On December 12, 1998, Council granted Special Use Permit #98-0139 to Kline Collision Repair Center allowing the continuation of an automobile repair business as a noncomplying use. On December 18, 1999, City Council granted Special Use Permit #99-0136 allowing the use to continue. Since that date, the land was sold and the stock in Kline Collision Repair Center has changed hands. Kline retains a controlling interest in the corporation that operates the repair center, even though the center is now known as Koons Collision Repair Center. On October 3, 2000, City Council granted Special Use Permit #2000-0112 allowing the installation of a free standing sign and an amendment to the hours of operation of the collision repair center.
4. As approved by Council, the collision repair center occupies approximately 40,376 square feet of the building and performs general automobile repairs. Pursuant to its separate special use permit, Enterprise occupies the main showroom space in the building and rents and sells used cars from the site (SUP #99-0063).
5. On June 15, 2001, in conjunction with the six month review required by Condition #23, staff visited the subject property to determine whether the applicant was in compliance with the special use permit conditions. Staff observed several violations and issued a citation for the violations (see attached). Specifically, staff observed debris adjacent to the rear parking lot, several bumpers and fenders in the fenced area of the lot, and a car battery under a tree in violation of Condition #5 which prohibits the accumulation of vehicle parts, tires and other materials outside of a dumpster or trash enclosure. Staff also observed that the sign required by Condition #14 that warns tractor carriers not to unload or load vehicles had been removed. Finally, staff observed some broken asphalt in the rear parking lot and several trees required by the landscaping plan were dead. Staff spoke with the applicant at length about the violations and permit conditions.

6. Zoning: The subject property is located in the CG/Commercial General zone. Section 12-302 (J) of the zoning ordinance allows a general automobile repair business to continue as a noncomplying use in a zone that does not otherwise permit general auto repair only with a special use permit.
7. Master Plan: The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial general use.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the existing automobile repair garage located at 5800 Edsall Road. As to the applicant's request to delete Condition #14 which requires the erection of a sign warning tractor carriers not to load or unload vehicles on the site, the applicant's attorney has advised that vehicles are not transported to the repair center or the Enterprise business via tractor carriers. Accordingly, staff does not object to the deletion of this condition.

With regard to the landscaping, the applicant is working to install and maintain new trees and has requested modifications to the approved landscaping plan. These modifications include the substitution of the required pine trees with red maple trees in the southeastern corner of the property. Staff has no objection to this request but has advised the applicant that the dead trees in this area must be replaced. The applicant also seeks to be relieved from the requirement that it plant and maintain trees on the other side of the existing fence at the rear of the lot. While this land is owned by Mr. Koons, the fence prohibits access to the trees and makes maintaining the trees difficult for the applicant. Staff agrees with the applicant and notes that there are several existing trees in this area which help screen the rear of the property. Therefore, staff does not object to the applicant's request for these modifications.

In order to continue to monitor the landscaping, staff has retained the condition requiring a six month review of the business. If there are no violations and the landscaping is healthy, no additional reviews will be necessary. With this condition, 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:

F-1 No comments.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No objections to continued use.

Police Department:

F-1 No further comments.

APPLICATION for SPECIAL USE PERMIT # 2001-0064

[must use black ink or type]

PROPERTY LOCATION: 5800 EDSALL RD

TAX MAP REFERENCE: 57.00-05-01 ZONE: CG

APPLICANT Name: KOONS COLLISION REPAIR CENTER

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW OF AUTO REPAIR BUSINESS.

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.

M. Catharine Puskar, atty.
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

06/15/01 *Tuesday 3:30*
Date ticket served Day of Week Time AM/PM
Location of Violation: 5800 Edsall Rd;
Koons Collision Repair Center

Ord. Section: 11-505
Description of Violation: Violation of
SUP # 5.14; and 24 regarding
no parts or tires or other
materials shall be stored outside;
A sign shall be installed warning
tractor carriers not to load or unload

Penalty \$: 50.00 landscaping and
pavement not
maintained
in good condition
 1st 2nd 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
10 days AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

[Signature]
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 2001-0112

Z-01 TICKET NO. **2165**

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY

NAME

POSITION

OTHER

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

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 2001-0064 F-PLN-0071 (7/00)

APPLICATION for SPECIAL USE PERMIT # 2001-0064

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

ACTION - PLANNING COMMISSION: 9/4/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 9/15/01PH--CC approved the Planning Commission recommendation.