

EXHIBIT NO. 1

15
6-14-03

Docket Item #23
SPECIAL USE PERMIT #2003-0051

Planning Commission Meeting
June 3, 2003

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

APPLICANT: AutoWorld
by Rodolfo and Nelly Herbel

LOCATION: 4948-B Eisenhower Avenue

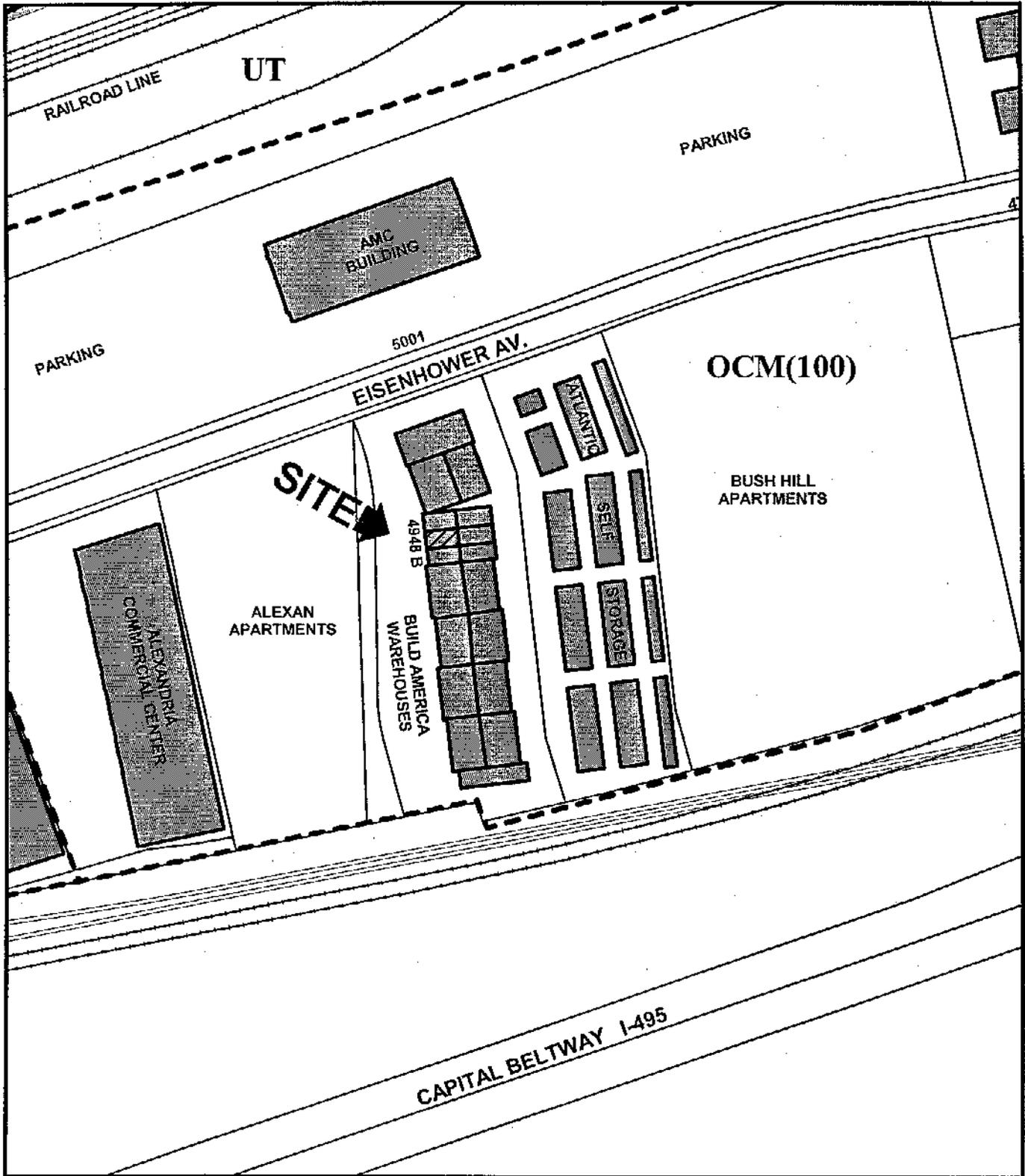
ZONE: OCM/Office Commercial Medium

PLANNING COMMISSION ACTION, JUNE 3, 2003: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

There were no speakers on this case.



SUP #2003-0051

06/03/03



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. **CONDITION AMENDED BY STAFF:** Repair work done on the premises shall be limited to light automobile repair. Light automobile repair is defined as: Minor service work to automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and replacement of small items but not to include general auto repair services. (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. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z) (SUP #98-003)
15. 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 #2002-0009)
16. 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 #2002-0009)
17. The applicant shall post the hours of operation at the entrance to the automobile garage. (P&Z) (SUP #2000-0129) (SUP #2002-0009)
18. **CONDITION MAINTAINED 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) (SUP #2002-0009)
19. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

20. **CONDITION ADDED BY STAFF:** The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)

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 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 #2000-0129).
4. At the one year review of the SUP, staff inspected the premises and found violations, including that the applicant was conducting general auto repair, when only light is permitted. City Council approved the review on March 16, 2002 (SUP#2002-0009), with continued prohibition on general auto repair.

When it inspected the premises as required by the one year review condition on April 16, 2003, staff observed evidence of general auto repair occurring on the premises, including clutch and engine parts located around the shop, and a vehicle whose drive shaft was being changed. Staff issued a ticket and docketed the case for review by City Council. Staff also observed that the trees required in Condition #18 had not yet been installed. Staff found no other violations of the permit and is not aware of any complaints about the business.

5. The applicant told staff that he thought he was permitted to conduct general auto repair. Staff explained the difference between light and general repair, that general auto repair was not permitted in the OCM zone, and that the SUP specified that only light auto repair was permitted. The applicants confirmed with staff that they understand that they are only allowed to conduct light auto repair and that they will no longer offer general auto repair services.

In regard to the tree planting fee, the applicant claimed that he paid the fee, however, staff has no record of payment and the applicant has provided no evidence showing that it was paid.

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. General auto repair is not permitted in the zone.
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 does not object to the continued operation of the light automobile repair garage located at 4948 #B Eisenhower Avenue. The light automobile repair business is compatible with the other light auto repair uses in the building. However, staff is concerned that for the past two years, it has observed general auto repair occurring on the site when it is only approved for light auto repair. General auto repair is not a permitted use in the OCM zone, which is an office zone found throughout the City. Staff discussed with the applicants what they are permitted to do, and they confirmed that they will cease to offer general auto repair services. Staff has amended the condition regarding light repair clarifying what specifically is permitted with light auto repair. Staff maintains the condition that the applicant contribute \$500 to plant two trees on Eisenhower Avenue, which the applicant has agreed to do. Staff recommends maintaining the one year review condition to ensure that general auto repair does not continue on the premises.

With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valeric Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground.
- R-2 The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-519-3400 ext. 166.
- R-3 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-4 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound or music shall be audible at the property line.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

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Police Department:

R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and robbery awareness program for the business. To date this has not been completed.

APPLICATION for SPECIAL USE PERMIT # 2003-0051

[must use black ink or type]

PROPERTY LOCATION: 4948 Eisenhower Ave B

TAX MAP REFERENCE DAB.00-0A-013 ZONE: DCM(C100)

APPLICANT Name: Rodolfo & Nelly Herbel

Address: 7416 Flora St Springfield Va

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: Review

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: _____

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ACTION - PLANNING COMMISSION: RECOMMEND APPROVAL 7 TO 0

ACTION - CITY COUNCIL: 6/14/03PH--CC approved the Planning Commission recommendation.