

Docket Item #5  
SPECIAL USE PERMIT # 2003-0031

Planning Commission Meeting  
June 3, 2003

**ISSUE:** Consideration of a request for a special use permit to change of the hours operation for an automobile sales and service business

**APPLICANT:** Rosenthal/Landmark Honda

**LOCATION:** 5125 Duke Street

**ZONE:** CG/Commercial Zone

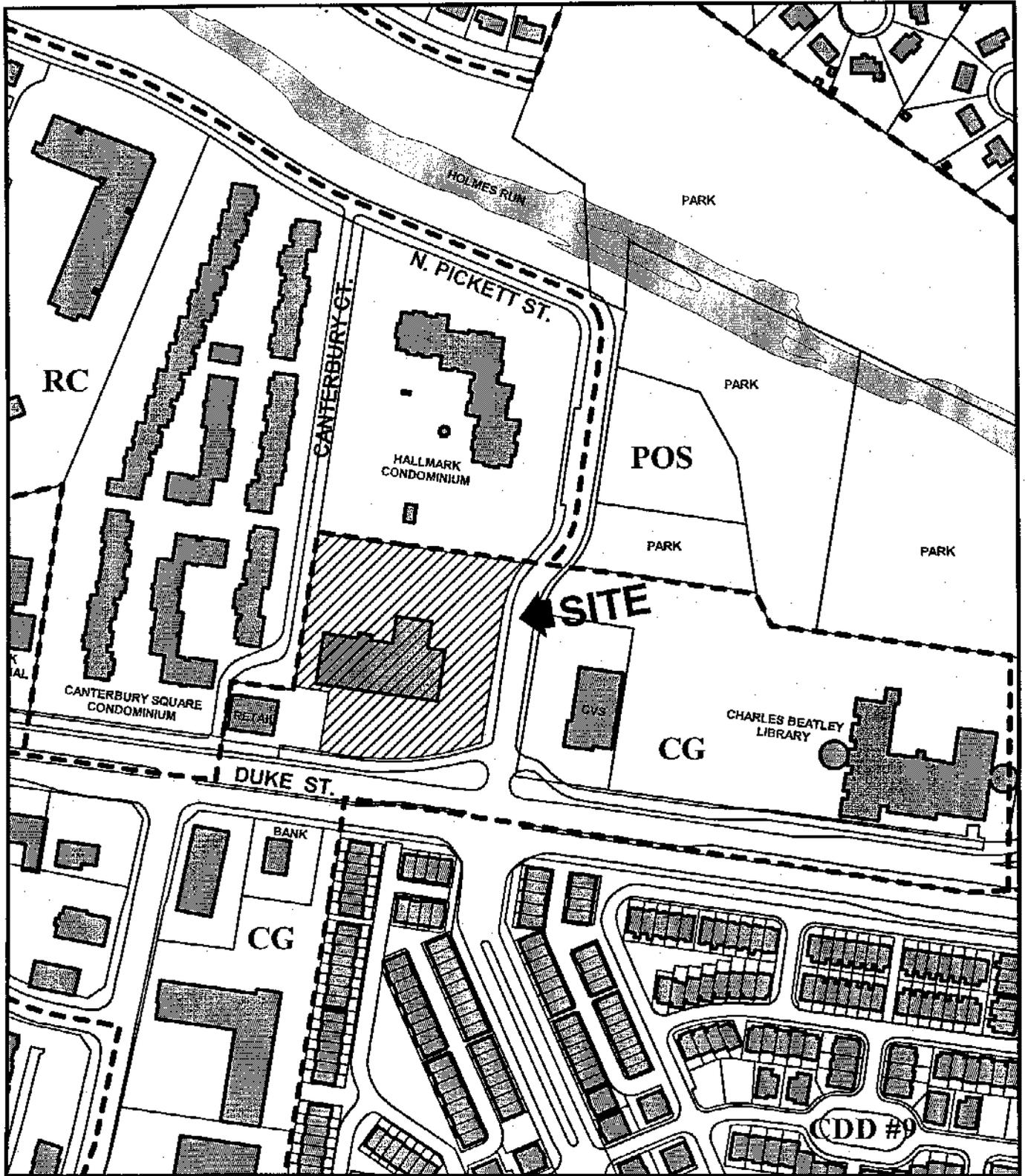
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**PLANNING COMMISSION ACTION, JUNE 3, 2003:** On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0 to 1. Mr. Leibach abstained from the vote.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Scott Brookover, resident of 200 North Pickett Street, spoke in opposition because there had not been adequate or timely notice of the application. He also had questions and concerns about how the decal program, proposed in Condition #14 of the special use permit, would operate. Mr. Brookover had also previously submitted a letter outlining his objections to the application (attached).



**SUP #2003-0031**

**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 issued to the applicant only or to any corporation in which any one or more of the present principals has a controlling interest in said corporation. (P&Z) (SUP #1351)
2. The site layout shall be as shown on Site Plan #80-038, as heard by the Planning Commission on January 6, 1981. (P&Z) (SUP #1351)
3. Solid evergreen screening shall be provided between the proposed site and adjacent residential apartments. Landscape plan shall be approved by the Department of Transportation and Environmental Services and the Department of Planning and Community Development. (P&Z) (T&ES) (SUP #1351)
4. All lights on the property shall be directed away from the residential uses to the north and west. All lights shall be under dome type shades not more than 16 feet above ground. (P&Z) (CC) (SUP #1351)
5. **CONDITION AMENDED BY STAFF:** No amplified sound shall be audible at the property line. All loudspeakers shall be prohibited from the exterior of the building. (~~Changed Condition~~) (SUP #1351) (T&ES)
6. All vehicles parked on the site shall be parked in a neat and orderly fashion at all times. (P&Z) (SUP #1351)
7. No junked, abandoned or stripped vehicles or parts thereof shall be located outside the building at any time. (P&Z) (SUP #1351)
8. No repair, replacement or mechanical work shall be done outside the building at any time. (CC) (SUP #1351)
9. **CONDITION AMENDED BY STAFF:** A security fence, having a minimum height of six feet (6 ft.) shall be constructed and maintained along the north and west side of the property. (~~CC~~) (SUP #1351) (P&Z)

10. **CONDITION AMENDED BY STAFF:** No banners, streamers, balloons, flags, or other unfixed signs or moving objects used for advertising purposes shall be displayed on the premises outside of the main building, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the zoning ordinance of the City of Alexandria, Virginia. (CC) (SUP #1351) (P&Z)
11. All lights not required for illumination by City ordinances and those lights not required for security purposes shall be turned off from 9:30 P.M. to dawn. (CC) (SUP #1351)
12. The repair facility shall be subject to Health Department approval prior to operation. (CC) (SUP #1351)
13. **CONDITION AMENDED BY STAFF:** ~~The applicant shall conduct no loading or unloading of vehicles on the public right-of-way at any time.~~ The loading and unloading of vehicles on site or on the public right-of-way surrounding the site is strictly prohibited at all times. (CC) (SUP #1351) (P&Z)
14. **CONDITION AMENDED BY STAFF:** The applicant shall indicate on the final site plan the areas devoted to employee parking, customer parking and new and used car display. In the event that the applicant does not provide parking for all of its employees on the site, the applicant will provide all of its employees with off-site parking at another site. The applicant shall specifically notify all of its employees that parking at Beatley Library, Hallmark Condominium, CVS, and any other nearby business or residence, as well as on any nearby public street is strictly prohibited. To ensure that its employees comply with this requirement at all times, the applicant shall affix to the vehicles (i.e., cars, trucks, motorcycles, etc.) of all of its employees a decal or its equivalent, which clearly denotes that the owner and/or operator of that vehicle is an employee of Landmark Honda, so that such vehicles can be clearly identified should their owners and/or operators attempt to violate this condition. (CC) (SUP #1351) (P&Z)
15. **CONDITION AMENDED BY STAFF:** The premises shall be open for business no earlier than 8:00 A.M. and no later than 9:00 P.M. Monday through Saturday, and no earlier than 12:00 p.m. and no later than 6:00 p.m. Sunday. The only activities permitted on Sunday are sales and light automobile detailing, including only interior and exterior cleaning of cars. (CC) (SUP #1351)(P&Z)

16. CONDITION DELETED BY STAFF: All loading and unloading of vehicles from trucks shall take place no earlier than 7:30 A.M. and no later than 9:30 P.M. (CC) (SUP #1351) (P&Z)
17. The applicant shall not park or store automobiles on the site prior to the issuance of the Certificate of Occupancy. (CC) (SUP #1351)
18. Condition deleted. (CC) (SUP #1351-G)
19. CONDITION ADDED BY STAFF: 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)
20. CONDITION ADDED BY STAFF: 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. (T&ES)
21. CONDITION ADDED BY STAFF: 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. (T&ES)
22. 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)
23. CONDITION ADDED BY STAFF: The application of paints or coatings shall be prohibited at the site, unless a paint spray booth is designed and built to the satisfaction of the Director of Code Enforcement. If automotive refinishing is permitted, no materials shall be disposed of by venting to the atmosphere and no paints or coating shall be applied outside of the approved paint spray booth. (T&ES)

24. CONDITION ADDED BY STAFF: Car wash discharges resulting from commercial operations shall not be indiscriminately discharged into a storm sewer system. If applicant proposes on-site car washing, the applicant shall comply with one of the following four alternatives available to the applicant:
- A. Car washes be done at an off site commercial car wash facility.
  - B. Wash water may be discharged to sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
  - C. Applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washes into surface waters/storm sewer and comply with the conditions specified there in.
  - D. Commercial car wash installations shall be equipped with water recycling system approved by the building official.
25. CONDITION ADDED BY STAFF: The applicant shall meet the landscape requirements of Site Plan #80-038 to the satisfaction of the City Landscape Architect. (P&Z) (Rec and Parks)
26. CONDITION ADDED BY STAFF: The applicant shall screen the dumpster to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z)
27. CONDITION ADDED BY STAFF: The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)
28. CONDITION ADDED BY STAFF: The applicant shall provide a phone number to interested residents to call in case of problems, including noise problems caused by car alarms, at the automobile dealership. (P&Z)

29. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year and two years 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)

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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, Rosenthal-Hayman, t/a Landmark Honda and represented by Jerry Griffin, requests a special use permit amendment to increase the hours of operation for the existing automobile sales business at 5125 Duke Street.
2. The subject property is one lot of record with frontage on Duke and North Pickett Streets, a total lot area of 120,280 square feet. The site is developed with a commercial building and surface parking lot. Adjacent uses include residential to the north, west and south, and commercial to the east and west along Duke Street.
3. On January 27, 1981 the City Council approved Special Use Permit #1351 to Rosenthal Landmark Honda to construct a new and used automobile sales, display, and repair business at 5125 Duke Street. The Planning Commission and City Council has reviewed the special use permit six times since commencement of the operation in 1981, with the last review occurring in 1992. The current special use permit is SUP #1351-G.
4. On May 8, 2003, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found violations of Conditions #2, #3 and #6 of the special use permit. Conditions #2 and #3 require landscaping at perimeter of the site, and several required trees and shrubs were missing. Condition #6 requires cars to be parked in an orderly manner, and cars were parked in the emergency vehicle easement.

There are also several violations that have occurred since the last special use permit approval was granted in 1992. One ticket was issued for an intensification of special use permit due to off-site car washing on April 3, 2003. There have been two tickets issued for employees parking off-site at nearby businesses in June 2000 and April 2003. Four tickets were issued between 1998 and 2000 for unloading in the public right-of-way and beyond the permitted hours for such operation.

5. The applicant requests special use permit approval to enable the existing automobile sales business to operate on Sundays. The current hours of operation do not include Sunday hours and are 8:00 a.m. to 9:00 p.m. Monday through Saturday. The applicant requests approval to operate from 12:00 p.m. to 6:00 p.m. on Sundays for sales and car cleaning only. The applicant does not proposed any automobile repair service on Sunday.
6. The applicant expects approximately 40 customers and 20 employees for the Sunday operation.

7. There have been several changes to the building in the last few years, including alterations to the facade and adding a partial second floor. A current building permit application requests approval to make minor alterations to the rear write-up area located under the rear drive through canopy.
8. Zoning: The subject property is located in the CG zone. Section 4-400 of the zoning ordinance allows automobile sales in the CG zone only with a special use permit.
9. Master Plan: The proposed use is consistent with the Taylor Run/Duke Street chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff does not object to the proposed addition to the hours of operation for the automobile sales business located at 5125 Duke Street. Although there has been a long history of problems at the subject business site, the applicant appears willing to work with the neighbors and staff to address these and other issues.

The applicant's representative, Mr. Griffin, met with a group of concerned neighbors in May 2003. The group included representatives of the Cameron Station Civic Association, the Hallmark Condominium Association and the Beatley Library, and other interested residents. The group voiced several concerns about unloading operations that occur at early hours and that block the public right-of-way; about car alarms that continually sound; about employees that park throughout the neighborhood at nearby businesses, within the Hallmark parking lots, on North Pickett Street, and on Cameron Station Boulevard; and about the disrepair of the automobile dealership's rear fence. The group voiced no objection to the addition of Sunday hours for sales with the understanding that Mr. Griffin and Landmark Honda agreed to the following conditions. These conditions include:

- the removal of unloading operations at the subject site,
- the creation of a decal program to mark employee cars and of a program to better inform employees that they are not permitted to park on public streets or in the parking lots of adjacent businesses and residences,
- the establishment of a phone number for neighbors to call in case of noise problems, such as car alarms,
- the restriction of Sunday operations to sales and light automobile detailing (interior and exterior car cleaning) only, and
- the repair and maintenance of the rear fence on the subject property.

Mr. Griffin has agreed with these changes to the conditions of the special use permit. He also agrees to correct the landscaping problems on-site and to submit a striping plan that correctly reflects the existing and/or proposed striping conditions. Staff found that the landscaping was not in compliance with the requirements of the site plan and that the striping had changed since last approved during its May 2003 inspections. The applicant also agrees with staff's recommendations to screen the dumpster and to work with the City Landscape Architect's recommendations on installing the required missing landscaping with the mature landscaping that exists on-site.

Staff also recommends updates to the conditions of approval, including car washing requirements, and recommends the addition of an employee training condition. Finally, given the history of problems at the site, staff recommends both a one year and a two year review of the business to insure compliance. Staff recommends approval of the special use permit subject to the listed conditions.

STAFF: Eileen 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:

- 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 The application of paints or coatings shall be prohibited at the site, unless a paint spray booth is designed and built to the satisfaction of the Director of Code Enforcement. If automotive refinishing is permitted, no materials shall be disposed of by venting to the atmosphere and no paints or coating shall be applied outside of the approved paint spray booth.
- R-5 All repairs of motor vehicles shall be conducted inside the building.
- R-6 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-7 Auto transporters shall not be loaded or unloaded from the public street.

- R-8 It is not clear from the SUP application if applicant proposes to have car washing operations on site for the sales or services car. Car wash discharges resulting from a commercial operations shall not be indiscriminately discharged into a storm sewer system. If applicant proposes on-site car washing, the applicant shall comply with one of the following four alternatives available to the applicant:
- A. Car washes be done at an off site commercial car wash facility.
  - B. Wash water may be discharged to sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
  - C. Applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washes into surface waters/storm sewer and comply with the conditions specified there in.
  - D. Commercial car wash installations shall be equipped with water recycling system approved by the building official.
- 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.

Police Department:

F-1 No objections.

APPLICATION for SPECIAL USE PERMIT #

1351-G

SUP2003-0031

[must use black ink or type]

PROPERTY LOCATION: 5125 Duke Street

TAX MAP REFERENCE: MAP 48.00, Block 5, Lot 2 ZONE: CG

APPLICANT Name: Rosenthal Automotive, t/a Landmark Honda

Address: 1100 S. Glebe Rd., Arlington, VA 22204

PROPERTY OWNER Name: Mr. John F. Newlon

Address: Post Office Box 353, Colonial Beach, Virginia 22443

PROPOSED USE: Change of Special Use Permit - Hours of Operation

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.

J.H. Griffin, Applicant's Officer  
Print Name of Applicant or Agent



Signature

1100 S. Glebe Road  
Mailing/Street Address

703-553-4300 Telephone # 703-553-8435 Fax #

Arlington, VA 22204  
City and State Zip Code

MARCH 25, 2003  
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

2003-0031

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one)  the Owner  Contract Purchaser

Lessee or  Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Geneva Enterprises, Inc.	62.58%
Donald B. Bavely	18.70%
Nancy Rosenthal	6.24%
Jane Rosenthal	6.24%
Brooke Peterson	6.24%

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.

\*n/a J.H. Griffin, Atty, is Officer/Employee of Applicant - and is not in private practice of law.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-five copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.



## NARRATIVE DESCRIPTION

In January 1981, the City Council approved Special Use Permit #1351 for Rosenthal/Landmark Honda to construct a new and used automobile sales, display and repair business at 5125 Duke Street. Since this S.U.P. was granted, staff has reviewed the S.U.P. regularly and has found applicant to be generally compliant with the terms of the S.U.P., and cooperative in addressing and abating any matters which were non-compliant such as employee parking, and the delivery of vehicles by third party truck carriers outside of the required times of 7:30 a.m. - 9:30 p.m.

In the past year, the applicant has made substantial fascia renovations to its facility in order to comply with American Honda Motor Company's mandatory image program for Honda Dealers. In the process, the applicant ascertained that there was a great need for additional restroom facilities and customer waiting areas. To address this need, the applicant has recently expanded restroom and customer lounge areas on the first floor by relocating office areas from the first floor to a small second floor office area that has recently been constructed.

Applicant's current S.U.P. #1351-G, Item #15, permits applicant to conduct hours of operation from 8:00 a.m. to 9:00 p.m. Monday through Saturday. Applicant requests that Item #15 be amended to permit applicant to conduct new and used motor vehicle sales only, on Sundays from 12:00 p.m. to 6:00 p.m. Applicant will not conduct any mechanical repairs of vehicles on Sundays. Applicant believes that these limited but additional sales hours of operation on Sundays will benefit the car-purchasing public, as many consumers choose to shop on Sundays and many car dealerships, including other area Honda Dealerships, are open for business on Sundays. By permitting limited sales operations on Sundays, the City will be contributing to a climate of healthy competition among area Honda Dealers that can only be beneficial to Alexandria, as well as other area consumers. Applicant does not anticipate any more than approximately 40 sales customers in total visiting the dealership from 12:00 p.m. to 6:00 p.m. on Sundays. Applicant does not anticipate any more than 20 employees will be required to staff the dealership for Sunday sales operations. All parking will be provided on site, and applicant does not anticipate that any major or noxious noise issues will be generated by limited vehicle sales operations on Sundays.

**USE CHARACTERISTICS**

4. The proposed special use permit request is for: *(check one)*
- a new use requiring a special use permit,
  - a development special use permit,
  - an expansion or change to an existing use without a special use permit,
  - expansion or change to an existing use with a special use permit,
  - other. Please describe: \_\_\_\_\_
5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).  
30 - 40 patrons. Sundays from 12:00 p.m. - 6:00 p.m.
- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).  
20 employees  
Sundays from 12:00 p.m. - 6:00 p.m.
6. Please describe the proposed hours and days of operation of the proposed use:
- | Day:          | Hours:                         |
|---------------|--------------------------------|
| <u>Sunday</u> | <u>12:00 p.m. to 6:00 p.m.</u> |
| _____         | _____                          |
| _____         | _____                          |
- (Existing hours of operation are 8:00 a.m. to 9:00 p.m. Monday-Saturday)
7. Please describe any potential noise emanating from the proposed use:
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.  
No major noise expected. No mechanical services on vehicles will be performed. Only Sales of new and used vehicles which will generally be conducted inside.

B. How will the noise from patrons be controlled?

No major noise is expected as no mechanical service will be conducted on Sundays. Applicant will instruct its staff and patrons to refrain from any activities that create noise (i.e. horns, vehicle alarms).

8. Describe any potential odors emanating from the proposed use and plans to control them:

NONE

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

None anticipated. Any food or beverage containers will be policed, and these items will be consumed indoors.

B. How much trash and garbage will be generated by the use?

A nominal amount of food and beverage containers which will be handled indoors.

C. How often will trash be collected?

Trash is collected during existing hours of operation Monday through Saturday. Trash will not be collected on Sunday.

D. How will you prevent littering on the property, streets and nearby properties?

Applicant presently polices littering on a regular basis, and applicant will instruct its staff and patrons to refrain from any type of littering.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes.  No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes.  No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of residents, employees and patrons?

There are no substantial hazards on the premises. Applicant presently  
instructs its staff and patrons to operate all motor vehicles in a safe  
and courteous manner.

**ALCOHOL SALES**

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes.  No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

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PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

57

B. How many parking spaces of each type are provided for the proposed use:

77 Standard spaces

107 Compact spaces

2 Handicapped accessible spaces.

250 Other. (Approximately 250 spaces that are not required parking, but additional are provided for off-site inventory, employee parking at Landmark Mall and Shirlington).

C. Where is required parking located?  on-site  off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

\*Please see below.

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

B. How many loading spaces are available for the use?

C. Where are off-street loading facilities located?

\* No loading and unloading of vehicles will be conducted on Sunday. Loading and unloading will continue to be conducted in compliance with Items #13 and #16 of existing S.U. P.#1351-G.

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D. During what hours of the day do you expect loading/unloading operations to occur?  
No loading and unloading on Sundays.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

No loading and unloading on Sundays. Loading and unloading will continue to be conducted in accordance with existing terms, Items #13 and #16 of

S.U.P. #1351-G.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building?  Yes  No

Do you propose to construct an addition to the building?  Yes  No

How large will the addition be? n/a square feet.

18. What will the total area occupied by the proposed use be? \*Please see below.

5,000 sq. ft. (existing) + n/a sq. ft. (addition if any) = sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building  a house located in a residential zone  a warehouse

a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: \_\_\_\_\_

other, please describe: \_\_\_\_\_

\*Total Building Area is approximately 21,000 square feet. However, only the showroom area and customer lounge area will be occupied for Sunday Sales. approximately 5,000 square feet.

\*

**AUTOMOBILE ORIENTED USES SUPPLEMENTAL APPLICATION**

Supplemental information to be completed by applicants requesting special use permit approval of an automobile oriented use (e.g., automobile repair garage, car wash, auto or trailer sales).

1. What type of automobile oriented use do you propose?

- automobile or motor vehicle parking or storage lot.
- automobile or trailer rental or sales.
- automobile service station.
- automobile repair, including car wash.
- other: Automobile sales only on Sundays from 12:00 p.m. to 6:00 p.m.

2. What types of repairs do you propose to perform?

None on Sundays.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. How many of each of the following will be provided? N/A No Service will be done on Sundays.

\_\_\_\_\_ hydraulic lifts or racks  
\_\_\_\_\_ service pits  
\_\_\_\_\_ service bays

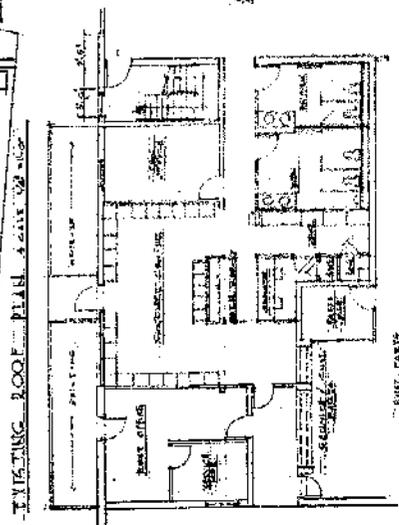
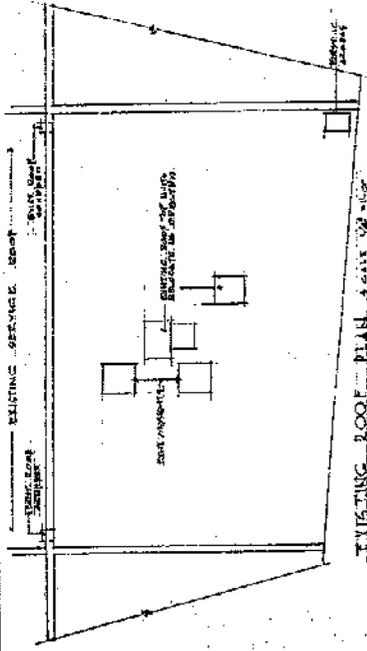
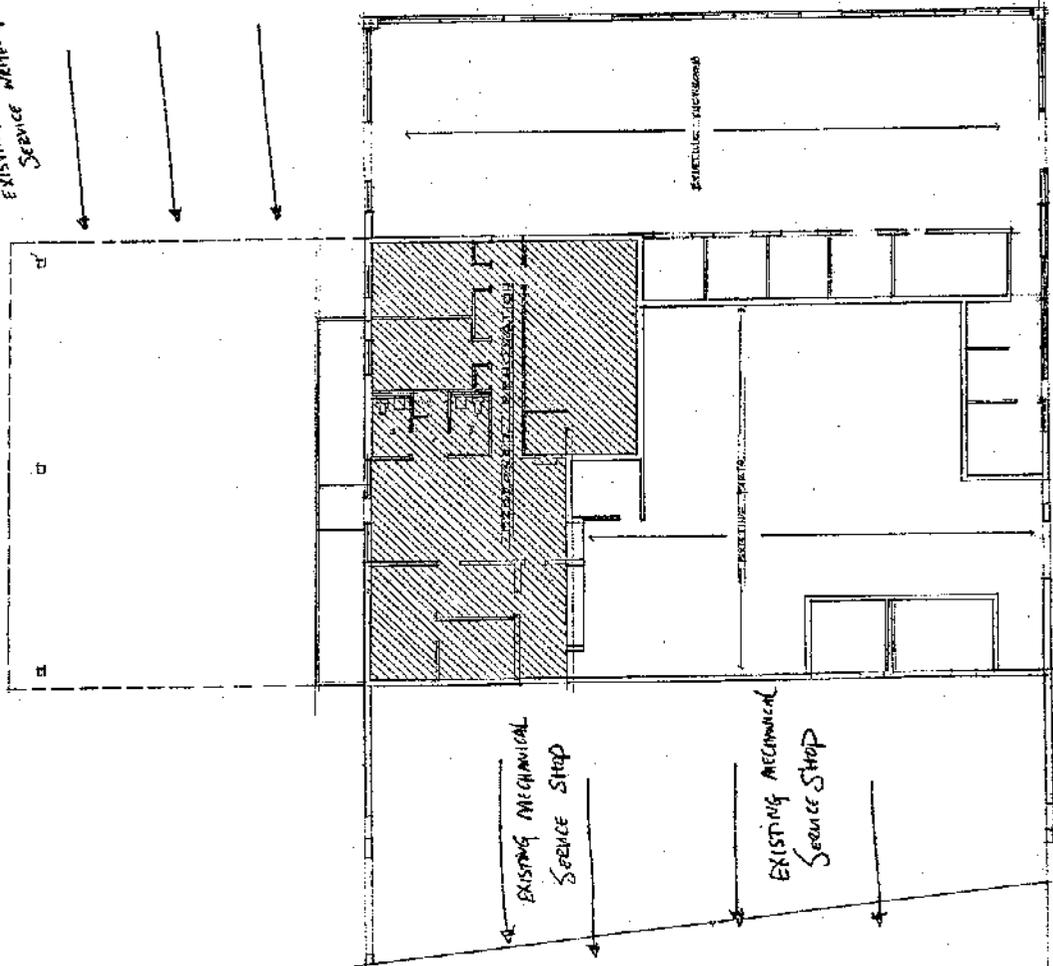
4. How many vehicles will be parked on-site at any one time. Please provide information on the type (i.e., for sale, customers, employees, or repairs)?

Inventory for Sales = 125  
Customers = 20  
Employees = 20  
Repairs = NONE on Sundays

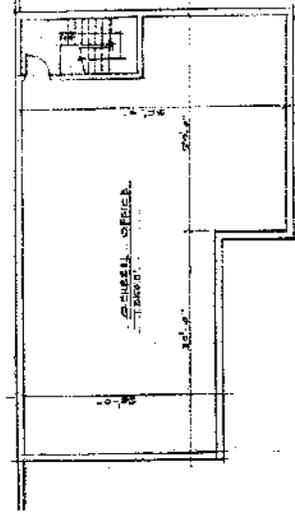
5. Will a loudspeaker or intercom system be used outside of the building?  Yes.  No.

*Please note all repair work must occur within an enclosed building.*

EXISTING CANOPIED AREA  
SERVICE WARE-HOUSE



REVISER - FIRST FLOOR PLAN



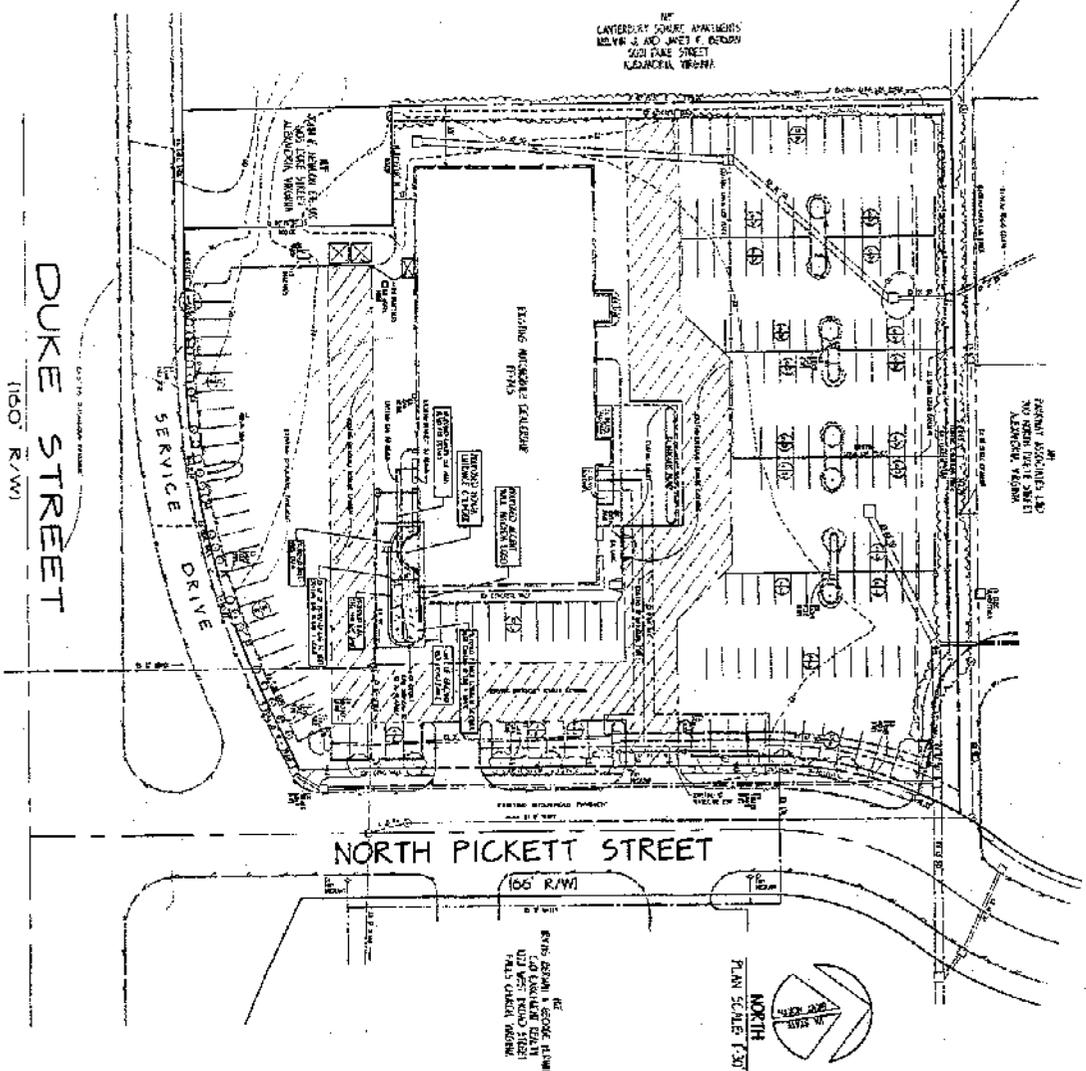
PROPOSED SECOND FLOOR PLAN

FINAL EXISTING PLAN SCALE 1/4" = 1'-0"

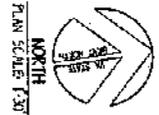
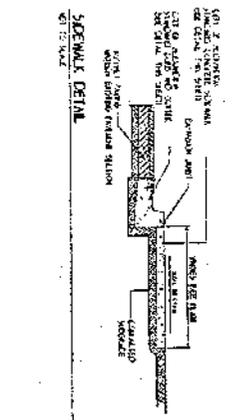
SUB 2663-0031

1300-2006-0015

FOR THE ARCHITECTS  
 LANDMARK HONDA  
 3000 EAST 10TH STREET  
 ANCHORAGE, ALASKA



**NOTICE TO CONTRACTOR**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.



PLAN SCALE 1/32'

NORTH PICKETT STREET  
 106' R/W

DUKE STREET  
 100' R/W

- GENERAL NOTES**
1. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
  2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 36" BELOW FINISH GRADE.
  3. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  4. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  5. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  6. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  7. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  8. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  9. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.
  10. ALL UTILITIES SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE.

**ADDITIONAL SITE PLAN GENERAL NOTES SP-100-001**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
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7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

**SITE DEVELOPMENT AND GRADING PLAN**  
 FOR NEW HONDA FACILITY  
 3000 EAST 10TH STREET  
 ANCHORAGE, ALASKA

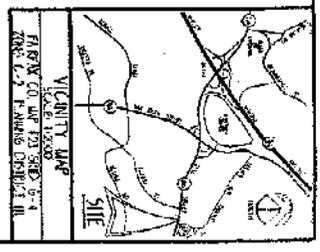


NO.	DATE	DESCRIPTION
1	10/15/00	ISSUED FOR PERMITTING
2	10/15/00	ISSUED FOR PERMITTING
3	10/15/00	ISSUED FOR PERMITTING
4	10/15/00	ISSUED FOR PERMITTING
5	10/15/00	ISSUED FOR PERMITTING
6	10/15/00	ISSUED FOR PERMITTING
7	10/15/00	ISSUED FOR PERMITTING
8	10/15/00	ISSUED FOR PERMITTING
9	10/15/00	ISSUED FOR PERMITTING
10	10/15/00	ISSUED FOR PERMITTING

SP-1

See attached for legible copy

25





SUPPLEMENTAL SITE PLAN GENERAL NOTES (SP #80-038)

1. Solid evergreen screening shall be maintained between the Subject property and the adjacent residential apartments.
2. All lights on the subject property shall be directed away from the residential uses to the north and west.
3. No public address system shall be utilized at any time.
4. All vehicles parked or stored on the subject property shall be parked in a neat and orderly fashion at all times.
5. There shall be no junked, abandoned or stripped vehicles or parts thereof located outside the building at any time.
6. No repair work shall be performed outside of the building at anytime.
7. A security fence having a minimum height of six (6) feet shall be constructed and maintained along the entire west and north sides of the property.
8. No banners, streamers, balloons or other unfixed signs or moving objects used for advertising purposes be displayed on the premises outside the building.
9. All lights required for illumination by the City ordinance and for security purposes shall be turned off from 9:30 p.m. to dawn.
10. The repair facility shall be subject to health department approval prior to operation.
11. There shall be no loading or unloading of vehicles on public rights of way at anytime.
12. The subject premises shall be open to the public for business no earlier than 8:00 a.m. or no later than 9:00 p.m. Monday through Saturday.
13. All loading and unloading of vehicles shall take place no earlier than 7:30 a.m. and no later than 9:30 p.m.

ROSENTHAL AUTOMOTIVE  
1100 S. Glebe Road  
Arlington, Virginia 22204

EXECUTIVE OFFICES



Telephone: (703) 553-4300  
Fax: (703) 553-8435

VIA FACSIMILE AND REGULAR MAIL

May 20, 2003

Ms. Mary V. Hashemi  
Alexandria Department of  
Planning and Zoning  
301 King Street, Room 2100  
Alexandria, Virginia 22314

*Rosenthal Automotive | Landmark  
Honda*  
*Docket Item # 5*

RE: Notice of Violation dated May 12, 2003

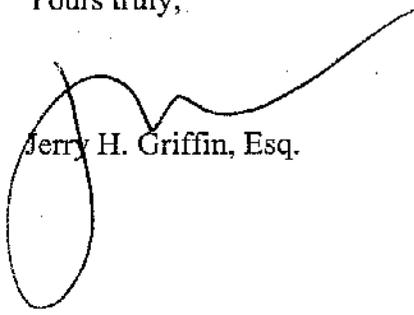
Dear Mary:

Thanks for your assistance with our S.U.P. amendment. Attached is a copy of the notice of violations of S.U.P. #1351-G relating to landscaping and cars parked in the emergency vehicle easements.

Please be advised that we have taken corrective action. We are scheduled to meet with you and the City Arborist to properly address any landscaping matters. We are going to repave and re-stripe the parking lot to improve parking in a neatly fashion, and we have addressed parking in the fire lanes with our employees.

Please feel free to contact me with any questions or concerns regarding Landmark Honda and the SUP amendment. I appreciate your support and assistance.

Yours truly,

  
Jerry H. Griffin, Esq.

JHG/mgs  
enclosure



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**

5-12-03 Monday 3:01  
Date ticket served Day of Week Time AM/PM

Location of Violation: 5125 Duke St.

Ord. Section: 11-500

Description of Violation: Violations of  
SUP #1351-G : Conditions  
#2 #3 (site plan/landscaping  
not in place), #6 (cars parked  
in emergency vehicle easements).  
Staff visited site on 5-8-03.

Penalty \$: Warning - No Fee

1st  2nd  
 3rd/MORE

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

Mary V. Hashemi  
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

NOTICE SERVED ON: Landmark Honda

Jerry Griffin  
NAME: LAST FIRST MIDDLE

PROPERTY OWNER  
 COMPANY Rosenthal Automotive  
NAME

OTHER \_\_\_\_\_  
POSITION

1100 S. Glebe Road  
ADDRESS  
Arlington VA 22204  
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

Jerry Griffin, Rosenthal Automotive  
Name of Person or Business Served  
1100 S. Glebe Road  
Address of Service  
Arlington VA 22204  
City/State # sent via fax also.

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 Mary V. Hashemi  
5-12-03 Print Name Mary Hashemi  
Date Phone # 703-838-3866 x305

**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**

TICKET NO. **2812**

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 \_\_\_\_\_

MARK C. WILLIAMS  
100 CAMERON STATION BOULEVARD  
ALEXANDRIA, VIRGINIA 22304  
202.778.6181

May 28, 2003

*Rosenthal Automotive / Landmark Honda  
SUP # 2003-0031  
Docket Item # 5*

Via Telecopier 703 838 6393  
City Planning Commission  
Attn: Ms. Kendra Jacobs  
Alexandria City Hall  
301 King Street  
Alexandria, Virginia 22314

Re: Rosenthal Automotive - Landmark Honda  
Amendment to Special Use Permit App. No. 2003-0031  
Map 48.00, Block 5, Lot 2, Zoning CG  
Hearing June 3, 2003

Ladies and Gentlemen:

I respectfully request that this application be summarily **denied** with prejudice.

Procedural Issues

It is likely that there would be substantial opposition to the Applicant's proposal, were more people aware of it.

Applicant Rosenthal Automotive d/b/a Landmark Honda ("Applicant") forwarded notice of its application and the scheduled public hearing via certified mail, subject to instructions that the notices could only be delivered in person, and not simply placed in peoples' mailboxes. It is likely that numerous affected property owners have not gone to the Landmark post office to personally retrieve their letters.

In addition, the letters were sent from "Rosenthal Automotive" and thereby concealed the more familiar trade name of the Applicant. Nowhere in the letter notice or on the envelope is "Landmark Honda" mentioned.

The Applicant's notice letter did not state with any specificity the nature of the SUP change Applicant is proposing. Citizens are left to guess as to the Applicant's intentions.

As a consequence of the Applicant's conduct, most of the residents of the community surrounding the Applicant's site probably have no idea that this proceeding is pending.

May 18, 2003

Page 2

At a minimum, the Applicant should have been required to personally serve notice upon all residences within one thousand yards of the Applicant's site. Having failed utterly to provide such effective notice, the Applicant's request should be deemed abandoned by the Commission.

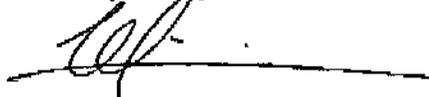
Substantive Issues

The Applicant's proposal is substantively harmful. The Applicant's proposal will involve increasing traffic street at certain times when traffic stress is already high. The area surrounding the intersection of Duke and North Pickett Streets is extremely crowded with constant vehicular traffic, and further vehicle traffic in the vicinity is not in the public interest. In addition, the Applicant's proposal violates representations the Applicant had previously made in connection with what were to be limited, low-impact activities.

Conclusion

Given the improper means of notice, the substantive inadequacy of notice, and the substantive harm which would result from the Applicant's proposal being granted, the Alexandria Planning Commission is required by Code to deny the Applicant's request, with prejudice.

Very truly yours,



Mark C. Williams

**MARK O. WILLIAMS**  
100 CAMERON STATION BOULEVARD  
ALEXANDRIA, VIRGINIA 22304  
202.778.6181

May 30, 2003

Via Telecopier 703 838 6393  
City Planning Commission  
Alexandria City Hall  
301 King Street  
Alexandria, Virginia 22314

*Rosenthal Automotive / Landmark  
Honda  
SUP 2003-0031  
Docket Item #5*

Re: Rosenthal Automotive – Landmark Honda  
Amendment to Special Use Permit App. No. 2003-0031  
Map 48.00, Block 5, Lot 2, Zoning CG  
Hearing June 3, 2003

Ladies and Gentlemen:

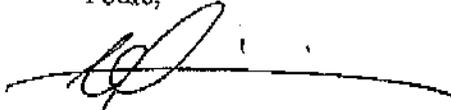
I respectfully renew my request that this application be summarily denied with prejudice.

This morning I received a telephone call from the staff employee who is assigned to review this matter, and who indicated that she favored the application and perceived nothing defective about the method the Applicant used to give "notice".

The Planning Commission is reminded that its function is to serve the public interest. The Planning Commission is a legislative body, which is expected to exercise its authority prudently. When the Planning Commission's staff member acting in her own capacity decides that notice not actually received is still adequate notice, the public interest is not being served. The Planning Commission should have higher aspirations than simple service-of-process.

I will not be able to attend the Tuesday hearing, and I asked that this letter and my letter of May 28<sup>th</sup> be included in the official record. That record will, in all likelihood, be brief – no one knows about the hearing, having not received reasonable and fair notice. And that, apparently, is just fine with you.

Yours,



Mark C. Williams

cc: Hon. Del Pepper

**ROSENTHAL AUTOMOTIVE**  
1100 S. Glebe Road  
Arlington, Virginia 22204

**EXECUTIVE OFFICES**

Telephone: (703) 553-4300  
Fax: (703) 553-8435

VIA FEDERAL EXPRESS

Docket Item #5  
SUP 2003-0031

May 30, 2003

Mr. Mark C. Williams  
100 Cameron Station Blvd.  
Alexandria, Virginia 22304

RE: Landmark Honda's amendment to S.U.P. 1351-G

Dear Mr. Williams:

I received a copy of your letter dated May 28, 2003 opposing our proposed amendment.

I am sorry that you have taken the position to oppose our application. I would appreciate an opportunity to change your mind on this. Permit me the opportunity to address the matters of your opposition:

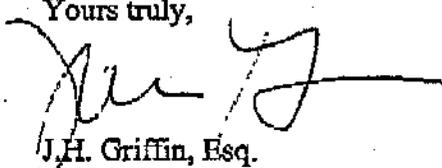
1. We went out of our way to be painstakingly accurate about notifying any parties that we were required to notify. We have worked closely with City Staff to make sure that we sent formal notices to all parties required. It is my understanding that we have fully complied with the City of Alexandria's requirements regarding notice of the upcoming hearings.
2. Also, I want to point out to you that I have met with Joe Bennett, Cameron Station Civic Association, and addressed any concerns about parking that Mr. Bennett raised. Additionally, I have met with various community leaders and in the spirit of cooperation, we were able to address some major concerns about Landmark Honda's operations that are going to be very beneficial to the community at large. For example, under Landmark Honda's current S.U.P., Landmark Honda is permitted to have vehicle truck carriers deliver vehicles to its location Monday through Saturday from 7:30 a.m. to 9:00 p.m. If our application is successful, Landmark Honda has agreed to no longer permit vehicle carriers to deliver at its Duke Street location. I understand that these vehicle carrier deliveries have served as a source of traffic congestion from time to time. Moreover, an issue was raised of Landmark Honda employee parking in the neighboring areas. Mr. Bennett raised this point. I would invite you to read the enclosed employee parking acknowledgement that we will be

- instituting as part of our application to amend our hours. I think that it is important for you to understand that we have worked with the local community to address various concerns, and we have reached a cooperative consensus to remedy these concerns and thereby allow Landmark Honda to expand its hours from Sunday 12:00 p.m. to 6:00 p.m. for sales only.
3. I realize that you have a substantive concern about traffic. Sunday hours of operation are going to be limited to sales only. Our service and parts departments will not be open. These departments usually generate a lot of traffic – employees and customers. Sunday sales are not as intense as the rest of the week. Typically, we will have 10-15 employees working, and from my research, it looks as if we could deliver anywhere from 5 to 10 vehicles on average. The closing ratio on Sunday deliveries is a little higher than the industry's standard of 20% since many of these customers have appointments and/or carry-overs from Saturday. What this means is that we will not have a great number of people generating traffic concerns. From 12:00 noon to 6:00 p.m., we may get approximately 30 vehicles driving on to our lot. On an hourly basis, you are talking about 5-7 cars driving onto Landmark Honda's lot. I do not believe that our Sunday hours will generate any substantial traffic problems. Again, I think you need to keep in mind that the service and parts departments will not be open.

Our Sunday hours in my mind are very limited and very low impact. I would be happy to discuss with you at any time your concerns. I hope you will revisit your views on this subject and conclude like other members of the adjacent communities have concluded that the additional measures that Landmark Honda is willing to take in support of the limited Sunday hours are going to result in minimizing traffic, congestion, and parking problems – as opposed to creating more problems.

I look forward to discussing this with you further.

Yours truly,



J.H. Griffin, Esq.

JHG/mgs  
enclosure

cc: Mary Hashemi  
Alexandria Department of Planning and Zoning



"Williams, Mark C."  
<mark.williams@bingham.com>

06/03/03 04:08 PM

To: "kendra.jacobs@ci.alexandria.va.us"  
<kendra.jacobs@ci.alexandria.va.us>  
cc: "eileen.fogarty@ci.alexandria.va.us"  
<eileen.fogarty@ci.alexandria.va.us>

Subject: Docket No. 2003-0031 - Landmark Honda

Docket Item #5  
Sup 2003-20031

I wish to advise the Planning Commission that Geneva Management, the management firm affiliated with Landmark Honda and the Rosenthal Automotive Group, has attempted to provide me with a reply to my letter concerning notice.

The method they sought to use was another restricted delivery, which I could not possibly have received in time to reply to before tonight's meeting. An agent of Geneva, Landmark and Rosenthal has since failed to fax the letter to me despite my explicit, direct request.

I also note that the largest community association in the applicants' vicinity was apparently not notified of the applicant's request.

A member of the P&Z staff subsequently telephoned to advise me that, facts notwithstanding, the P&Z staff supports both the application and the notice methods used by the applicant. P&Z staff claims that notice was adequate under existing regulations. Doing as little as the law allows is \*not\* a sign of good faith and reasonableness in an applicant.

I renew my objection to this application for both precedural and substantive reasons.

Mark C. Williams  
Bingham McCutchen LLP  
1120 20th Street NW  
Washington DC 20036  
202.778.6181  
Fax 778.6155  
www.bingham.com  
mark.williams@bingham.com

Docket Item #5  
SUP 2003-0031

SUP #2003-0031 Landmark Honda

5/2/2003

My name is Tom O'Brien and I reside at 200 North Pickett Street, on the south side of the building for the past 15 years. I am requesting denial if the amendment to Landmark Honda's SUP for the allowance of Sunday hour sales operations.

The last time I was here was for the same reason about 5 years ago with concerns that if the CVS drugstore was allowed broadened business hours that Honda would follow in suit.

At that time the director of planning Mr Sheldon Lynn stated that this would never be of concern and that Sunday would not be an option.

Sheldon is gone, and now you have a member of the commission pushing through an amendment to allow Sunday hours

The staff analysis speaks of a meeting that concerned neighbors attended in May of 2003 There are 117 residences in the Hallmark building that's half of the building -where the meeting took place that are directly impacted by dealership hours-that impact being both commotion and noise that were not notified and included in this said meeting except for 2. One of those is head of Alexandria's parking committee and was there for that reason.

Over the years Landmark Honda has consistently failed to live up to it's current special use permit, so why is it even a consideration to reward them with Sunday hours to generate more sales? This should not even be a consideration until they are able to comply with the current conditions imposed on them.

Some current problems of that permit are

- 1- Noise from car alarms, and from air tools when the garage doors are left open
- 2-off loading of cars during off hours and in undesignated areas
- 3-Supplying employee parking
- 4-As recently as Thursday the 27<sup>th</sup> work on cars was being performed on the lot not in the building This work consisted of dent removal on the North Pickett side of the building in the used car section

Is it too much to ask that in a residential community to have 1 day without commotion and to be able to sit on the balcony in peace, or be able to cross the street into the park without having to worry about ducking that test drive and other commuter traffic?

My final comment about this is that upon asking the commissioner in question the status of the application the response was and I quote "I BROKERED THIS DEAL AND IT WILL GO TO COUNCIL"

I know that every application moves on to council the question is if the planning commission sends it through as approved or not. I don't think this member had the community in mind when they set up a closed meeting, and I hope said member doesn't speak for the whole council, there are a lot of people counting on you to make the rite decision and deny the application for Sunday hours before sending it on to council.

Tom O'Brien



(703)751-1278



<BaLight4All@aol.com>

06/03/03 03:14 PM

To: <kendra.jacobs@ci.alexandria.va.us>

cc:

Subject: Permit

Docket Item #5  
SUP 2003-0031

Regarding the proposal to have Landmark Honda open on Sunday: I have been a resident of Hallmark Condominium for 25 years. I am concerned with the people who "try out" their future purchase racing down Pickett Street heading down Holmes Run Parkway. Noone goes the speed limit and especially those who are trying out the new cars. Sunday waas one day, a family day, that there was some respite. Also living on the side that faces Honda it was always good to have one day of relative peace and quiet. I understand that Honda employees will no longer park along Pickett Street; that a sticker will be on their car indicating that they are Honda employees. My question is who is going to "police" those cars that don't abide by the rule? Certainly Alexandria police willnot. And how do you prohibit people parking on city streets anyway.

What also concerns me is that I heard of this new proposal just last night from one other resident. It seems that it has been a "well kept secret". I talked by phone to several residents today and no one knews of this act of Ms. Fossum and the planning commission. Wouldn't you think that a condominium would put a notice in a public place for all 220 unit owners to read.

I have my doubts that this correspondence will do much good especially at this late date. However it is worth a try anyway. Perhaps there would be more response had more than a "select few" known about this.

It would be nice to have our community peaceful and quiet at least ONE day of the week.

Thank you for listening to me.

Richard Martin, unit 1402

*Theresa A. Rogers, Youth Minister*

*Church of the Nativity*

*703-455-2400 ext. 15*

*Website: <http://www.mgttechnologies.com/ncyo>*



"Brookover, Scott"  
<Scott\_Brookover@intui  
t.com>

To: "kendra.jacobs@ci.alexandria.va.us"  
<kendra.jacobs@ci.alexandria.va.us>

cc:  
Subject: Special use PERmit #2003-0031

06/03/03 03:31 PM

**SPECIAL USE PERMIT #2003-0031**

*Docket Item #5*

5125 DUKE STREET

ROSENTHAL/LANDMARK HONDA

Consideration of a request for a special use permit to change the hours of operation for an automobile dealership; zoned CG/Commercial General.

Applicant: Rosenthal/Landmark Honda, by J.H. Griffin, officer

I have read the request for the Special Use Permit #2003-0031 and I do not understand how item number 14 is going to be enforced by the City of Alexandria or Rosenthal/Landmark Honda. The "decals" are some type of identification issue by Landmark Honda and not by the City of Alexandria, such as the parking permits issued to residents and visitors in "Old Town Alexandria" areas. Those permits/tags/decals are issued by the City of Alexandria making them enforceable resulting in violators being issued a ticket and/or towed.

The 'decal' that is to be issued by Rosenthal/Landmark Honda to their employees' vehicles means nothing. This is just Landmark Honda's way to bluff the residents of the area into thinking that they are really doing something for the residents if their hours of operations can be changed. They only thing the residents in the area will receive is the same thing they have received from Landmark Honda in the past; double talk, congested residential streets from test drives, speeding, congested street parking from their employees, illegal parking in the Alexandria Library parking lot and curbside trash.

Scott Brookover  
200 North Pickett Street



Alexandria, VA 22304 Blank Bkgrd.gif

EMPLOYEE ACKNOWLEDGEMENT REGARDING  
PARKING

The management of Landmark Honda has reviewed with me in detail the rules and regulations for employee parking at Landmark Honda as set for the in Landmark Honda's Special Use Permit, condition no. 14. I acknowledge, understand and agree that I cannot and will not park at Beatley Public Library, the Hallmark Condos, the CVS and any other nearby business or residence as well as any nearby Public Street. To ensure and assist in my compliance with these requirements, I have been issued a Landmark Honda employee parking decal \_\_\_\_\_ and agree that I will affix it to my vehicle. I further understand that employees violating these parking rules and regulations will be subject to immediate Termination.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Car #1

Year/Make/Model \_\_\_\_\_

Color \_\_\_\_\_

License Plate Number (including state) \_\_\_\_\_

23  
6.14.03

June 4, 2003

Alexandria City Council  
Post Office Box 178  
Alexandria, Virginia 22304

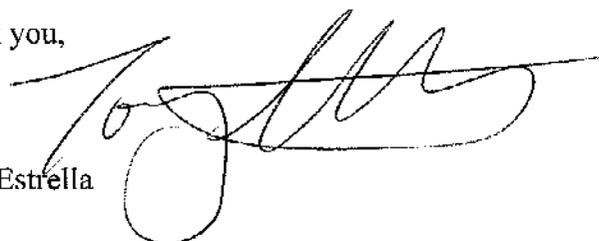
Dear City Council:

I understand Landmark Honda is asking that they be allowed to operate for sales on Sundays from 12:00 noon to 6:00 p.m. I am a local resident living at **220 Medlock Lane, Cameron Station**, and I wanted to write a few brief lines expressing my support for Landmark Honda's application.

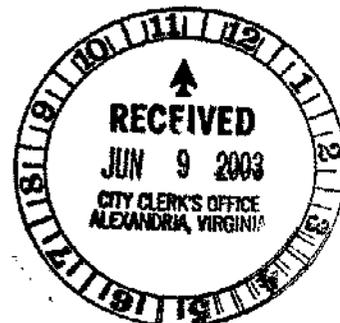
The dealership has done a lot of positive things over the last several years in terms of upgrading and improving the appearance of the building. Honda vehicles are great family cars. Many people do shopping on Sundays, and I feel that Landmark Honda being open will only contribute to keeping all other area dealers honest in terms of competition and greatly add to the convenience of Alexandria residents who want to shop for a Honda on Sundays.

Thank you,

Tony Estrella



Tony Estrella  
220 Medlock Lane  
Alexandria, VA.  
22304



sent to CC

23  
6-14-03

200 N. Pickett St. #1108  
Alexandria, VA 22304

June 11, 2003

Alexandria City Council  
Post Office Box 178  
Alexandria, VA 22304

Dear City Council:

I am writing in support of Landmark Honda's request to be open for sales on Sunday. I am writing, not as Library Director, but as a resident of the Hallmark, next door to the dealership. All of the issues we had concerns with such as noise from the servicing of vehicles, staff parking on North Pickett, and test drives on the Holmes Run Parkway have been successfully addressed.

The Library and all major retail businesses in the West End are open on Sundays. I see no reason for Landmark Honda to be prohibited from doing business. I urge your support for their application for Sunday sales. Thank you.

Sincerely,



Patrick M. O'Brien



Received by CC

ROSENTHAL AUTOMOTIVE  
1100 S. Glebe Road  
Arlington, Virginia 22204

#23 6/14/03

EXECUTIVE OFFICES

Telephone: (703) 553-4300  
Fax: (703) 553-8435

June 17, 2003

The Honorable Kerry J. Donley  
Mayor, City of Alexandria  
301 King Street  
Alexandria, Virginia 22314

Dear Mayor Donley:

I just wanted to send you a brief note thanking you for your support in the approval of Landmark Honda's application for Sunday hours that was heard on June 14, 2003.

I was saddened to hear that you are going to be stepping down as Mayor, but I can certainly appreciate the need to spend more time with your family after giving up so much of your time in public service. Thanks for your great service to the City.

If we can ever be of any assistance to you in future endeavors, please feel free to contact us.

Best regards,

Jerry H. Griffin, Esq.

JHG/mgs



APPLICATION for SPECIAL USE PERMIT # 1351-G  
SUP-2003-0031

[must use black ink or type]

PROPERTY LOCATION: 5125 Duke Street

TAX MAP REFERENCE: MAP 48.00, Block 5, Lot 2 ZONE: CG

APPLICANT Name: Rosenthal Automotive, t/a Landmark Honda

Address: 1100 S. Glebe Rd.,, Arlington, VA 22204

PROPERTY OWNER Name: Mr. John F. Newlon

Address: Post Office Box 353, Colonial Beach, Virginia 22443

PROPOSED USE: Change of Special Use Permit - Hours of Operation

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.

J.H. Griffin, Applicant's Officer  
Print Name of Applicant or Agent

  
Signature

1100 S. Glebe Road  
Mailing/Street Address

703-553-4300 Telephone #  
703-553-8435 Fax #

Arlington, VA 22204  
City and State Zip Code

MARCH 25, 2003  
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: RECOMMEND APPROVAL 6-1-0

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