

City of Alexandria, Virginia

24
6-14-03

MEMORANDUM

DATE: JUNE 12, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP G. SUNDERLAND, CITY MANAGER

FROM: EILEEN FOGARTY, DIRECTOR, PLANNING AND ZONING 

SUBJECT: SUP#2003-0013
5312 EISENHOWER AVENUE
APPLICANT, BNK CORPORATION,
BY WILLIAM C. THOMAS ATTORNEY

ISSUE: Proposed Amendment to SUP # 2003-0013

RECOMMENDATION: That City Council amend condition #22 of the Special Use Permit as follows:

Car wash discharges resulting from commercial operations shall not be indiscriminately discharged into a storm sewer system. If the applicant proposes on-site service customer car washing, only those vehicles already being serviced at the facility may be washed and only in conjunction with the service activity at the facility and the applicant shall comply with one of the following three alternatives:

- a. Car washes are to be done at an off site commercial car wash facility.
- b. Wash water may be discharged into the sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
- c. The 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 washed into surface waters/storm sewer and comply with the conditions specified therein.

DISCUSSION: At the Planning Commission hearing on June 3, 2003, the applicant requested that condition #22 of the special use permit restricting car washing on the site be amended to allow minimal car washing of two to three cars per week as accessory to the repair use. Staff did not have enough information on the proposed car washing at the time of the hearing to recommend any change to the condition. Since the hearing, the applicant has been working with staff on a possible amendment, and staff recommends that condition #22 be amended as discussed above.

Under this condition, car washing is not permitted at the business unless the applicant complies with one of the three alternatives. Alternatives "b" and "c" require additional permit approvals before car washing may be conducted. Both staff and the applicant are agreeable to this amendment.

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"Car wash discharges resulting from commercial operations shall not be indiscriminately discharged into a storm sewer system. If the applicant proposes on-site service customer car washing, only those vehicles already being serviced at the facility may be washed and only in conjunction with the service activity at the facility and the applicant shall comply with one of the following three alternatives:

- a. Car washes are to be done at an off site commercial car wash facility.
- b. Wash water may be discharged into the sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
- c. The 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 washed into surface waters/storm sewer and comply with the conditions specified therein."

Under this condition, car washing is not permitted at the business unless the applicant complies with one of the three alternatives. Alternatives "b" and "c" require additional permit approvals before car washing may be conducted. Both staff and the applicant are agreeable to this amendment.

Docket Item #24
SPECIAL USE PERMIT #2003-0013

Planning Commission Meeting
June 3, 2003

ISSUE: Consideration of a review of an auto repair business and a request to conduct general auto repair.

APPLICANT: BNK Corporation
by William C. Thomas, Jr., attorney

LOCATION: 5312 Eisenhower Avenue
Porsha Pitstop

ZONE: OCH/Office Commercial High

PLANNING COMMISSION ACTION, JUNE 3, 2003: On a motion by Ms. Fossum, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #4. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff's analysis, and the proposed amendment to the hours of operation in condition #4 of the special use permit. In regard to the applicant's request to amend condition #22 to allow car washing, the Planning Commission suggested that the applicant work with staff prior to the City Council meeting on any changes.

Speakers:

Tom Thomas, the applicant's attorney, spoke in support of the application. Mr. Thomas requested an amendment to condition #4 of the SUP to change the hours of operation from 8:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 3:00 p.m. on Saturday, to 8:00 a.m. to 8:00 p.m. Monday through Saturday. Staff was agreeable to the amended condition. Mr. Thomas also commented about some of the Code violations at the property saying that the applicant is diligently working toward compliance. Finally, Mr. Thomas objected to condition #22 that prohibits car washing at the site saying that as an auto business, the applicant would like to conduct some accessory car washing. Mr. Thomas agreed to work with staff on traffic and environmental concerns that will need to be addressed prior to supporting the amendment.

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 #2000-009)
2. No automobile repair work shall be done outside. (P&Z) (SUP #2000-009) (T&ES)
3. **CONDITION AMENDED BY STAFF:** The applicant may conduct general auto repair ~~Automobile repair work done on the premises shall be restricted light automobile repairs.~~ (P&Z) (SUP #2000-009)
4. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation shall be limited to 8:00 A.M. to ~~6:00~~ 8:00 P.M. Monday through Friday and ~~8:00 A.M. to 3:00 P.M.~~ on Saturdays. (P&Z) (SUP #2000-009) (PC)
5. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z) (SUP #2000-009)
6. 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 #2000-009)
7. No vehicles shall be displayed, parked or stored on a public right-of-way. (P&Z) (SUP #2000-009)
8. **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. (~~Health~~) (SUP #2000-009) (T&ES)
9. 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 Article IX, Section 9-100 of the Zoning Ordinance of the City of Alexandria, Virginia. (P&Z) (SUP #2000-009)

10. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant, and antifreeze shall be separated and disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers nor be discharged onto the ground. (T&ES)
11. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey of the business and a robbery awareness program for employees. This is to be completed prior to opening for business.(Police) (SUP #2000-009)
12. The applicant shall store vehicle keys in a safe location. (Police) (SUP #2000-009)
13. All vehicles left overnight shall be secured inside the building. (Police) (SUP #2000-009)
14. Lighting in the parking lot shall be maintained at a minimum of 2.0 foot candles. (Police) (SUP #2000-009)
15. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent properties and public rights-of-way to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2000-009)
16. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. (T&ES) (SUP #2000-009)
17. **CONDITION MAINTAINED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
18. The applicant shall control odors 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)

19. No material shall be disposed of by venting into the atmosphere. (T&ES)
20. CONDITION ADDED BY STAFF: The applicant shall comply with all building and fire prevention code requirements by June 13, 2003. (P&Z)
21. 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)
22. CONDITION ADDED BY STAFF: Car washing shall not be conducted at this facility. Any car washes associated with the operations at this facility shall be done at an off site commercial car wash facility. (T&ES)

DISCUSSION:

1. This is a review of the special use permit and request to conduct general auto repair at the auto repair facility at 5312 Eisenhower Avenue.
2. The subject property is one lot of record with an estimated 200 feet of frontage along Eisenhower Avenue, a depth ranging from 500 to 600 feet and a lot area of approximately 104,720 square feet. One two-story industrial building with a total of 62,000 square feet has been divided into office space and seven warehouse units. The building includes loading facilities and the site has 103 parking spaces. The automobile repair garage occupies a unit of approximately 8,400 square feet in the warehouse.

The Waste-to-Energy plant, the City impound lot, and firing range are all located across Eisenhower Avenue to the north of the subject property. Warehouse and office uses are located to the east and west, and the Van Dorn Metro Station is located to the west. Metro and railroad tracks are located south of the property along the Fairfax County border.

3. On March 15, 1997, City Council granted Special Use Permit #96-0087 to Krucoff Realty Partnership for a variety of noncomplying and special uses in the warehouse building. In conjunction with that application, the applicant also requested a parking reduction, but that request was denied by Council.

On March 18, 2000, City Council granted Special Use Permit #2000-009 to Minh's Corporation, Porsha Pitstop to allow a light automobile repair garage. On September 15, 2001, City Council granted SUP #2001-0073 to expand the existing light automobile repair garage to provide one restoration booth for vehicle restoration and painting (limited general auto repair) within the existing space. The applicant formerly operated an automobile repair garage at 4536 Eisenhower Avenue.

4. On January 9, 2003, staff inspected the premises for compliance with SUP #2001-0073 as required by the one year review condition. The restoration booth was never installed. However, staff found that the business was conducting general auto repair in the shop including engine and transmission rebuilding and replacement, a violation of condition #3 of the SUP limiting the repair to light automobile repair.
5. Staff informed the applicant and his attorney that the business would have to cease conducting general auto repair on the premises to comply with the permit, or should immediately discuss with staff the possibility of applying to conduct general auto repair. Although staff spoke with the applicant's attorney on a consistent basis requesting information, the applicant did not submit any information to staff regarding its intention to

apply, and on March 27, 2003, staff reinspected the premises and found that general auto repair was still being conducted. Staff issued a second ticket, and soon after the applicant applied for permission to conduct general auto repair. The first application submittal did not contain sufficient information for staff to conduct an analysis, and the applicant later submitted a revised application.

The general auto repair facility would conduct transmission and engine work including rebuilding, and also do alignments, general tuning, and paint and body restorations within a restoration booth. The applicant states that the request for general auto repair will not increase the number of vehicles on the property or intensify the existing operation.

6. The umbrella SUP (#96-0087) for the site approved a group of uses, including both noncomplying uses and special uses in the OCH zone, with the intent that these uses could occupy the building without separate SUP approval. Some uses in these categories, including light and general auto repair, were specifically excluded so that they can be considered on a case by case basis with separate SUP approval.

At the time the umbrella permit was approved, a total of 24,000 square feet of space was occupied by noncomplying uses; the amount of space noncomplying uses can occupy under the umbrella permit is thus limited to 24,000 square feet. The subject auto repair business requests approval to conduct general auto repair, a noncomplying use, in 8,400 square feet of space. Essentially, it asks to "borrow" space from the original umbrella for the auto use. General auto repair is otherwise not permitted as a use in the OCH zone. Currently, Modern Diaper Service at 5318 Eisenhower is the only noncomplying use in the building and occupies 8,000 square feet of space, leaving 16,000 square feet that may be occupied by noncomplying uses. Therefore, staff has determined that as a zoning matter that the applicant may apply to occupy the space. A total of 7,600 square feet will remain in the building for future noncomplying uses to occupy.

7. An inspection by Code Enforcement revealed a number of Building Code violations including illegal construction of second floor office space, storage and hazardous materials obstructing rear exit, improper storage of flammable liquids, non-rated glass doors installed in place of fire rated doors between service bay and reception area, missing fire door in reception area, and a bed discovered on the illegal second floor where the owner's child would occasionally sleep during the day. The applicant has been working with Code Enforcement to rectify these issues, including filing for a permit for the illegal construction.
8. There are two general auto repair facilities in the building including East Coast Transmissions at 5316 and East Coast Auto Body at 5320. These businesses were approved prior to the umbrella permit and continue as separate noncomplying uses.

9. Zoning: The subject property is located in the OCH/Office Commercial High zone. Section 4-1103(Q) of the zoning ordinance allows only light automobile repair in the OCH zone with a special use permit. General auto repair may be permitted with a special use permit, only if the total square feet of space occupied by noncomplying uses in the building does not exceed 24,000 (SUP #96-0087).
10. 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 office and commercial uses.

STAFF ANALYSIS:

Staff does not object to the operation of a general auto repair business at 5312 Eisenhower Avenue. Although in general staff would like to see uses more compatible with the current zoning, the proposed use is compatible with the existing, more industrial type uses in the building, which include a number of light and general auto repair establishments. Although there have been problems in the past with excessive cars on the property from one of the repair establishments, staff did not observe a problem when inspecting the site, and there have not been any recent complaints. Additionally, the applicant states that conducting general auto repair instead of light will not increase the number of vehicles on the property or intensify the existing operation.

Although the use may be appropriate, staff is very concerned about the numerous building and fire prevention code violations, and the applicant's delay in responding to the zoning violation. Because of this concern, staff has included a condition that the applicant comply with all building and fire prevention codes by June 13, 2003. Staff also has maintained the one year review condition to ensure that the applicant maintains compliance with the SUP and building and fire codes.

With this condition staff recommends approval of the special use permit.

STAFF: Eilcen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie 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. 164
- 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 a building or structure that is approved by the Director of Planning and Zoning.
- 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 Car washing shall not be conducted at this facility. Any car washes associated with the operations at this facility shall be done at an off site commercial car wash facility.
- 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 The current business is in violation of fire and building code issues and have been sighted for such by the Code Enforcement Bureau. In particular, the current owner constructed a second story office, which includes new electrical and mechanical work without permits and inspections. The office did not conform to the construction type for this structure and no additional fire protection was provided for the office; creating a void in required fire protection. The owner has applied for a Code Modification which was approved. The Building Permit has been issued and the Fire Protection Permit is ready for issue but the contractor has not pulled the permit at this time. **Code Enforcement cannot support this SUP application until all life safety, building and fire code violations have been abated.**
- F-2 The required Fire Prevention Permit for this facility has expired and cannot be reissued until compliance with the building code issues in F-1.
- F-3 The submitted SUP material indicates a restoration booth is currently on the premises. No booth was noted on previous inspections by Code Enforcement Staff. No permits or inspections for such a booth have been received by Code Enforcement for the proposed booth.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 The current fire prevention code permit shall be amended for the proposed increase in operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application. An inventory and MSDS sheets for hazardous materials are required.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.

- C-5 The required mechanical ventilation rate for air is 1.5 cfm per square foot of the floor area. In areas where motor vehicles operate for a period of time exceeding 10 seconds, the ventilation return air must be exhausted. An exhaust system must be provided to connect directly to the motor vehicle exhaust.
- C-6 Electrical wiring methods and other electrical requirements must comply with Article 511 of the National Electrical Code, 1996 for commercial repair garages of automobiles.
- C-7 The proposed restoration booth will require construction permits and inspections. The booth shall comply with all applicable requirements of the USBC.

Health Department:

- F-1 No comments.

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 for the business. This is to be completed prior to opening for business.

Special Use Permit Application # 2003-0013

[must use black ink or type]

5312 Eisenhower Avenue (within 5300-5320)
Property Location

77.00-01-07 OCH
Tax Map Reference Zone

BNK Corporation Krucoff Realty Partnership
Applicant's Name Property Owner's Name

5312 Eisenhower Avenue 2870 Upton Street, N.W.

Alexandria, Virginia 22304 Washington, D.C. 20008
Address Address

General Auto Repair (with reference to SUP #96-0073)
Proposed Use

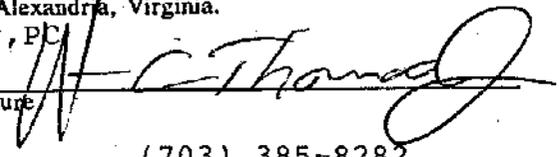
THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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.

Pagelson, Schonberger, Payne & Deichmeister, PC

By: William C. Thomas, Jr.
Print Name of Applicant or Agent

Signature 

11320 Random Hills Road, #325

(703) 385-8282
Telephone Number

Fairfax, Virginia 22030
Mailing Address

April 9, 2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

=====

Date Application Filed: _____ Fee Paid \$ _____ Date Paid: _____

Legal Advertisement: _____ Property Placard: _____

Planning Commission Action: _____

City Council Action: _____

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P. C.
ATTORNEYS AND COUNSELLORS AT LAW
11320 RANDOM HILLS ROAD, SUITE 690
FAIRFAX, VIRGINIA 22030

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HERBERT S. BILLOWITZ (1910-1987)
VICTOR S. TRAPASSO (1935-1989)

*SENIOR COUNSEL
+ALSO ADMITTED IN D.C.

9 April 2003

VIA FEDERAL EXPRESS

Eileen Fogarty, Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, Virginia 22314

Attention: Valerie Peterson

Re: 5312 Eisenhower Avenue

Dear Ms. Fogarty:

In follow-up to my phone conversations with Peter Leiberg and with Valerie Peterson, and in support of our special use permit application request for general auto repair on the subject property, please consider the following background material.

Under Special Use Permit 96-0087, a menu of noncomplying and complying uses was pre-approved as an "umbrella" which allowed those uses to go forward and occupy space within 5300 to 5320 Eisenhower Avenue without the necessity of separate special use permits. 5300-5320 Eisenhower Avenue is an existing industrial/warehouse building which by its design serves predominantly noncomplying uses. The Staff report for SUP 96-0087 referenced the spaces at 5312, 5314, and 5318 as the areas occupied by existing noncomplying uses. The uses at 5320, 5316, 5310, and 5308 were all and are still occupied by businesses (see attached tenant list) under separate special use permits.

The approved umbrella special use permit continues to recognize the noncomplying nature of the property and its appropriate uses. In the Staff analysis (second paragraph, page 7) Staff noted that several uses requested in the menu of permitted uses would not be appropriate to grant without specific evaluation of those particular requests. With respect to automobile repair garages, the report notes "as to automobile repair garages, the building currently has three. Recent problems with one of those tenants points out the difficulty with appropriately converting warehouse space for the use unless it is carefully reviewed by Staff." As the attorney that represented the applicant/property owner at the time of the non/complying use request, it was always represented to us by Staff that, and this analysis bears that out, all auto repair requests would need to be evaluated individually and so were, therefore, not appropriate to pre-approve in the umbrella permit. Nonetheless, the granting of the umbrella special use permit maintains the recognition of the noncomplying nature of the uses within the building.

Eileen Fogarty, Director
9 April 2003
Page 2

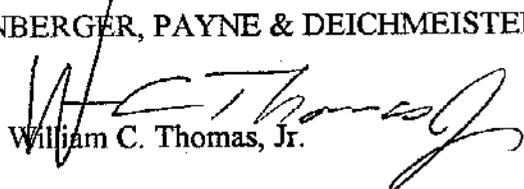
In Special Use Permit No. 2001-0073, Staff recommended the approval of the addition of a general auto repair function to the special use permit for the repair facility at 5312 Eisenhower Avenue (for the present tenant). In the Staff analysis on that application, Staff indicated that they had no objection to the expansion of an existing automobile repair garage to include the restoration booth which is a feature of general automobile repair. They further noted that the umbrella use permit approved in 1997 "approved a variety of permitted, special, and non-complying uses at the property," . . . and that they "would prefer to consider automobile repair uses on a case by case basis in order to assess the impact of the use and recommend appropriate conditions." The application that is presented for Staff to review today makes a request for a use permit for general auto repair, including, but not limited to, transmission work, engine rebuilding, clutch repair, and restorations (body, engine, paint). This request to utilize the 5312 facility as a general auto repair site does not represent an intensification in the number of vehicles on the property nor any other noticeable intensification other than the level of detail that goes into work on a single vehicle. In fact, a general auto repair facility typically will have significantly fewer vehicles on site than a light service facility over the course of a day or week.

In summary, 5312 is a tenant space within the 5300-5320 Eisenhower Avenue property which exists by Staff recognition as a continuing non/complying use and part of the original 24,000 square feet identified in SUP 96-0087. Though the umbrella permit that applies to these bays within the building does not pre-approve a special use permit for general auto repair, staff analysis acknowledges the availability of the requested special use permit for general auto repair. As this application needs very much to move forward as quickly as possible, I would appreciate your processing this request (new application attached to replace application filed on 28 March 2003) at your earliest convenience and I will make myself available for discussions and any further information you may need. It is further requested that this application be heard, if possible, with the review of SUP 2001-0073.

Thank you for your kind consideration of and attention to this matter.

Respectfully submitted,

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, PC


William C. Thomas, Jr.

Enclosures

cc: Neil Krucoff
Krucoff Realty Partnership
2870 Upton Street, N.W.
Washington, D.C. 20008

Minh Nguyen
Pitstop Performance Tuning
5312 Eisenhower Avenue
Alexandria, Virginia 22304

TENANT LIST 5300-5320 EISENHOWER AVENUE

5300-5320 under SUP 96-0087 recognizing noncomplying nature of building design and uses and for a pre-approved menu of uses not requiring individual Special Use Permit applications.

OFFICES

- 5300 - 3000 square feet - office (vacant)
- 5302 - 3000 square feet - office - G2LLC t/a The Flower Market

TWO-STORY BAYS

- 5308 - 8000 square feet +/- amusement enterprise
Sportrock (Rock Climbing facility)
SUP 95-0126
- 5310 - 8000 square feet +/- auto repair
Corvette Specialists
SUP 96-0041
- 5312 - 8400 square feet +/- (includes second floor office/storage area) - auto repair
Pitstop Performance Tuning
SUP 2001-0073 (amended SUP 2000-0009)
- 5314 - 8000 square feet +/- auto repair
Land Rover Alexandria
SUP 2000-0058
- 5316 - 8000 square feet +/- auto repair
East Coast Collision
SUP 98-0149 name change (original - SUP 2034)
- 5318 - 8000 square feet +/- industrial laundry
Modern Diaper Service
- 5320 - 8000 square feet +/- auto repair
East Coast Transmissions
SUP 2581A

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.

BNK Corp. 5312 Eisenhower Avenue
sole shareholder: Minh Nguyen

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.
2. Submit a map showing the location of the property in question as well as all property within 300 feet of the boundaries of the property for which this special use permit is sought, including as to all property identified, the following information:
- A. existing uses
 - B. existing zoning
 - C. land use designation contained in the master plan

Staff may waive this requirement if the information is easily obtainable.

3. 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-four 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.

Enclosed.

NARRATIVE DESCRIPTION

4. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

This is a Special Use Permit application by the present tenant at 5312 Eisenhower Avenue for a general auto repair facility permitted as a noncomplying use and referenced within SUP 96-0087.

The applicant BNK Corporation, t/a Pitstop Performance Tuning does engine rebuilds, transmissions, alignments, general tuning, and paint and body restorations (within approved restoration booth) of automobiles, primarily European vehicles. Much of the work is done on classic and older model sports cars.

USE CHARACTERISTICS

5. 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,
- an expansion or change to an existing use with a special use permit,
- other. Please describe: SUP for noncomplying use within 5300-5320
Eisenhower Avenue

6. 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).

Vehicle customers expected: 3 to 5 per day

B. How many employees, staff and other personnel do you expect? Specify time period (i.e. day, hour, or shift).

3 employees plus owner (per shift)

7. Please describe the proposed hours and days of operation of the proposed use:

Day:

Mon - Sat

Sun

Hours:

8 a.m. - 8 p.m.

Closed

8. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Compressor/air wrenches

B. How will the noise from patrons be controlled?

Enclosed work areas with no outside repairs.

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

Vehicle exhaust properly vented per code.

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

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

Paper packaging and auto parts.

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

2 x 6 dumpster load per week.

C. How often will trash be collected?

Twice weekly or as needed.

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

None expected; management will monitor.

11. 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:

Petroleum products; used oil - collected and recycled as
available and per local, state, and federal regulations.

12. 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:

Cleaners; and paint.

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

All products, machinery, and overall operation to be in
conformance with city, state, and federal standards.

ALCOHOL SALES

14. 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.

D. During what hours of the day do you expect loading/unloading operations to occur?
Small deliveries made as necessary during working hours.

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

17. 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

18. 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? _____ square feet.

19. What will the total area occupied by the proposed use be?
8400 sq. ft. (existing) + ----- sq. ft.(addition if any) = 8400 sq. ft. (total)

20. 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: warehouse/office combination

2003-2013

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: auto repair garage

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

General auto repair: tune ups, transmissions, alignments, engine work, and restorations (restoration booth on premises)

3. How many of each of the following will be provided?

- 7 hydraulic lifts or racks
- 0 service pits
- 1 service bays (1 bay access to all lifts/work areas)

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)?

Customers/repairs - 14 or fewer

Employees - 4 or fewer

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

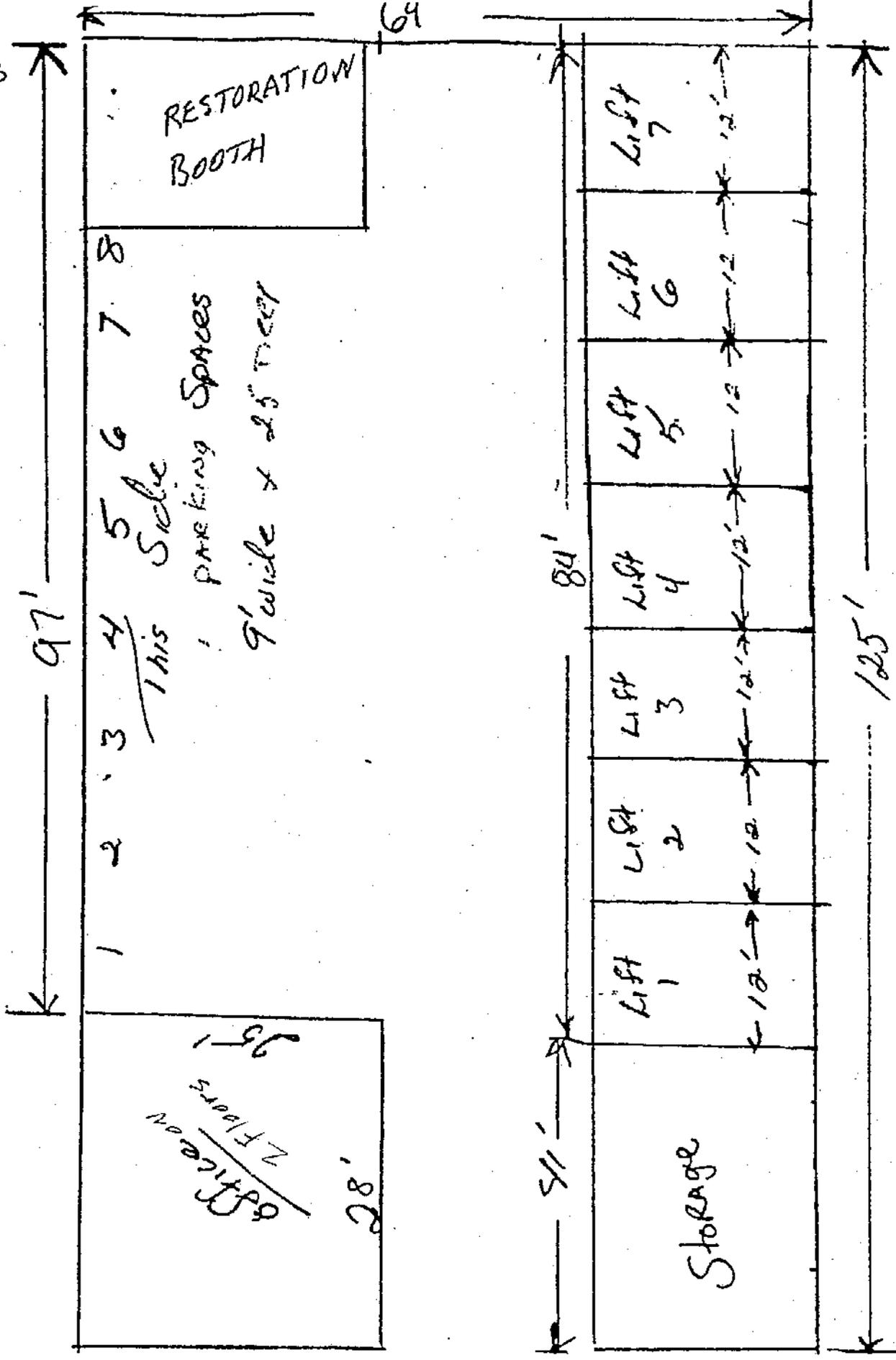
Please note all repair work must occur within an enclosed building.

x 23

11000 111111

5312 EISENHOWER AVE

SUP 2003-0013



SUP 2001-0073

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SPEAKER'S FORM

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

DOCKET ITEM NO. 24

Coach
1:00 Soccer
Any chance
of playing
this after
item 18

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: W C "Tom" Thomas

2. ADDRESS: 11320 Random Hills #325 Fx, 22030

TELEPHONE NO. 385 8282 E-MAIL ADDRESS: wthomas@fspd.com

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
Applicant

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
ATTORNEY

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES NO _____

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

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

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

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

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

Guidelines for the Public Discussion Period

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

Special Use Permit Application # 2003-0013

24

[must use black ink or type]

5312 Eisenhower Avenue (within 5300-5320)
Property Location

77.00-01-07
Tax Map Reference

OCH
Zone

BNK Corporation
Applicant's Name

Krucoff Realty Partnership
Property Owner's Name

5312 Eisenhower Avenue

2870 Upton Street, N.W.

Alexandria, Virginia 22304
Address

Washington, D.C. 20008
Address

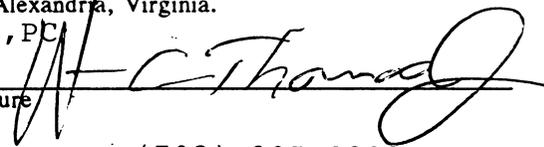
General Auto Repair (with reference to SUP #96-0073)
Proposed Use

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.
Fagelson, Schonberger, Payne & Deichmeister, PC

By: William C. Thomas, Jr.
Print Name of Applicant or Agent

Signature 

11320 Random Hills Road, #325

(703) 385-8282
Telephone Number

Fairfax, Virginia 22030
Mailing Address

April 9, 2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Date Application Filed: _____ Fee Paid \$ _____ Date Paid: _____

Legal Advertisement: _____ Property Placard: _____

Planning Commission Action: RECOMMEND APPROVAL 7 TO 0

City Council Action: 6/14/03PH--~~SEE ATTACHED~~

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

21. DEVELOPMENT SPECIAL USE PERMIT #2003-0003
101 SOUTH VAN DORN
BJ'S WHOLESALE CLUB
Public Hearing and Consideration of a request for a development special use permit to add five fueling stations and a freestanding retail building with a parking reduction; zoned CRMU/Commercial Residential Mixed Use-Medium. Applicant: BJ's Wholesale Club, by Erika Byrd, attorney

COMMISSION ACTION: Recommend Approval 7-0

City Council denied the request for rezoning and the special use permit.

Council Action: _____

22. SPECIAL USE PERMIT #2003-0026
2 EAST GLEBE ROAD
ALMOST HOME FAMILY CHILD DEVELOPMENT CENTER
Public Hearing and Consideration of a request for a special use permit to operate a child care center and a parking reduction; zoned CL/Commercial Low. Applicant: Zadie Hudson

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

23. SPECIAL USE PERMIT #2003-0031
5125 DUKE STREET
ROSENTHAL/LANDMARK HONDA
Public Hearing and 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

COMMISSION ACTION: Recommend Approval 6-1

City Council approved the Planning Commission recommendation.

Council Action: _____

24. SPECIAL USE PERMIT #2003-0013
5312 EISENHOWER AVE
Public Hearing and Consideration of a review of a special use permit and a request to conduct general automobile repair; zoned OCH/Office Commercial High. Applicant: BNK Corporation, by William C. Thomas, Jr., attorney

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation, with the following amendment to condition #22: "Car wash discharges resulting from commercial operations shall not be indiscriminately discharged into a storm sewer system. If the applicant proposes on-site service customer car washing, only

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

those vehicles already being serviced at the facility may be washed and only in conjunction with the service activity at the facility and the applicant shall comply with one of the following three alternatives:

- a. Car washes are to be done at an off site commercial car wash facility.
- b. Wash water may be discharged into the sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
- c. The 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 washed into surface waters/storm sewer and comply with the conditions specified therein."

Council Action: _____

25. SPECIAL USE PERMIT #2003-0052

1225 POWHATAN ST
RUFFINO'S RESTAURANT

Public Hearing and Consideration of a review of a special use permit for a restaurant; zoned RB/Residential.
Applicant: Romas and Robin Gomez

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

26. SPECIAL USE PERMIT #2003-0053

4111 DUKE ST
DANCING PEPPERS

Public Hearing and Consideration of the revocation of a special use permit for a restaurant; zoned CC/Commercial Community. Applicant: Grupo Dos Chiles

COMMISSION ACTION: Recommend Revocation 7-0

City Council deferred this item until September.

Council Action: _____

ORDINANCES AND RESOLUTIONS

27. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the issuance of general obligation bonds by the City of Alexandria in the amount of \$64,700,000. (#22 5/13/03) [ROLL-CALL VOTE]

City Council finally passed the Ordinance upon its Second Reading and Final Passage.

ORD. NO. 4303

Council Action: _____